

Introduction to Government Benefits

Poverty Law I - Fall 2023

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RCA

SSI

EGA

SNAP

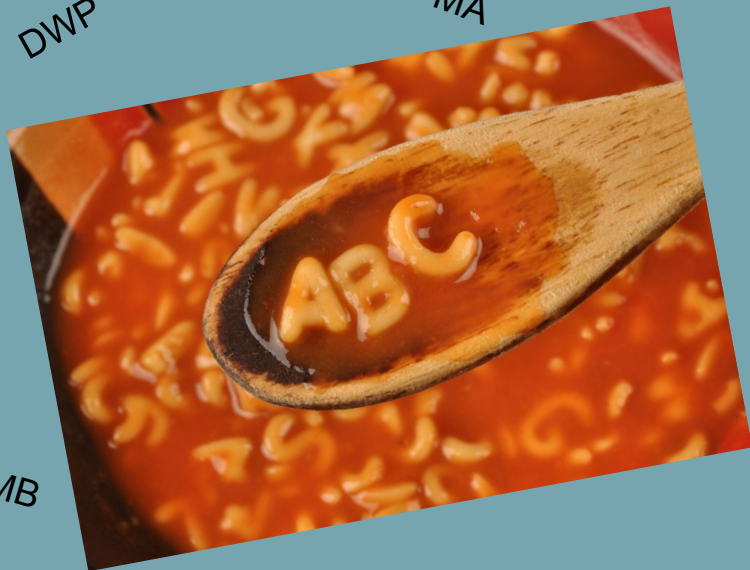
MFIP

DWP

MA

FSS

SLMB



HAG

UI

EA

QWB

GA

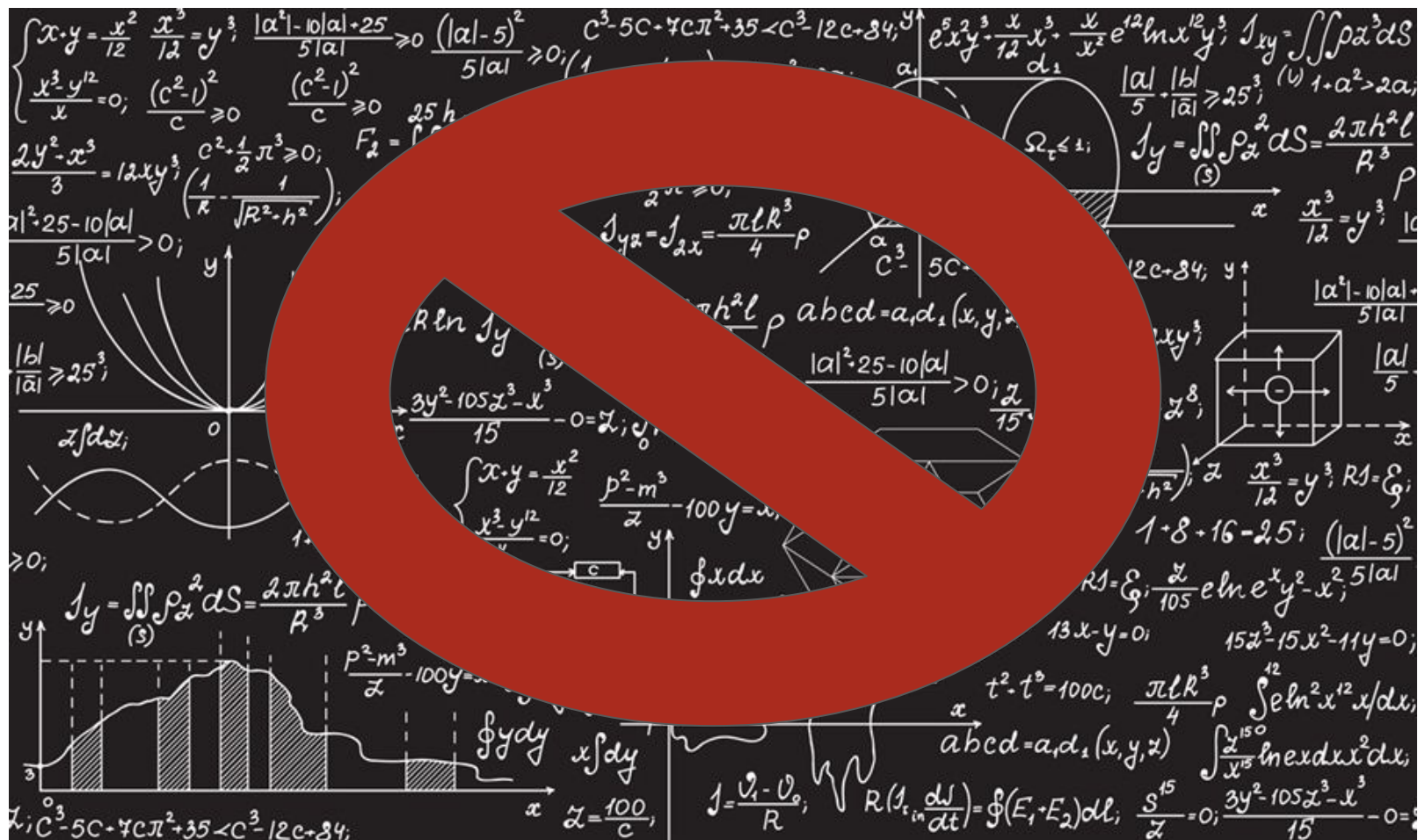
MA-EPD

SSDI



Goals

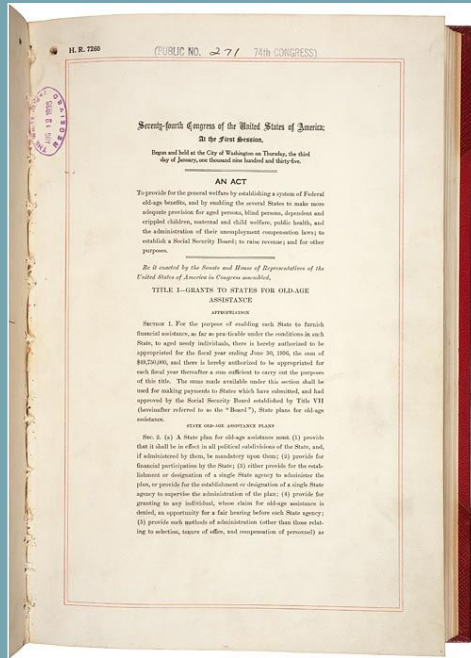
1. Identify an individual's or family's potential eligibility for gov't benefits
2. Recognize when and how a change in circumstance may impact an individual's or family's eligibility
3. Understand different strategies for advocating for a client experiencing poverty



The Law of Government Benefits

- Enabling Statute
 - Regulations
- Agency Policy Manuals

Social Security Benefits



Enabling Statute

Social Security Act - 42 U.S.C. §§ 301-1305

Regulations

20 C.F.R. §§ 400 – 428

Agency Policy Manuals

POMS – Field Offices

HALLEX – Hearing Offices

Temporary Assistance to Needy Families (TANF)

Minnesota Family Investment Program (MFIP)

Federal Statute

Social Security Act, Title IV

Fed. Regulations

45 CFR §§ 260 - 265

Minn. Statute

Minn. Stat. § 265J

Policy Manual

[MN DHS Combined Manual](#)

[DHS Bulletins](#)

Common Issues in Gov't Benefit Cases Lawyer's Perspective

Initial Eligibility

Access

Post-Eligibility

Due Process

Common Issues in Gov't Benefit Cases

A Client's Perspective

“I did not get my cash this month.”

“I talked to my worker and they told me_____.”

“I can't pay my rent.”

“I lost my job.”

“My worker will not return my calls.”

Common Issues in Gov't Benefit Cases

A Client's Perspective

"I applied for food stamps but never heard back."

"I got a letter saying my cash is going to be \$0. The next day I got another letter saying my cash would be \$365. But when I checked my card I only received \$156."

"I don't go to the doctor."

"Government workers are racists. I don't trust them. I am not applying "

"My kid keeps missing school, and now I need to go to court."

Eligibility

- Income and Assets Limits
- Household Composition and requirements
- Benefit Amount Calculations
- Work/School Requirements and Exceptions
- Time limits
- Entitlement (categorically eligible)
 - Age
 - Disability
 - Employment Status
 - Minor Child in Household

Eligibility

How is “household” defined?

What are the income limits?

What counts as income?

What are the asset (resource) limits?

What counts as an asset or resource?

Categorical eligibility or limitations?

Work requirements?

Representing the Whole Client

1. How poverty affects the daily lived experience and well being of the client?
2. How our own lived experiences and background influence our approach to our work and interaction with our client?
3. How do we effectively communicate with a client? What skills are necessary to work effectively with a client who may be experiencing a particular challenge such as learning disabilities, chemical dependence, or mental illness?
4. What other professionals and community resources are available to our client?

- Developed from *Representing the Whole Client*, Ellen Hemley,
<http://povertylaw.pbworks.com/w/page/17976122/Representing%20the%20Whole%20Client>

Representing the Whole Client

- Recognition that a client may have multiple legal issues and the need for other professional resources.
- Poverty issues are complex and clients need a multi-disciplinary approach to short term and long term goals and issues

Developed from *The Holistic Practice of Law*, Monica Bogucki, BSW, JD, 2020,

http://povertylaw.homestead.com/files/Reading/PovertyLawII-Monica/The_Holistic_Practice_of_Law_powerpoint_2020.pptx

Crisis Problem Solving

- Clients experiencing poverty are often in crisis. This required crisis oriented thinking and problem solving.
- It is important to problem solve the emergencies and short term problems, but crucial to also problem solve long term problems

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Issues Spotting

- Spotting legal issues
- Spotting social service issues
- Spotting basic living needs issues

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