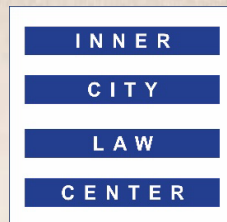
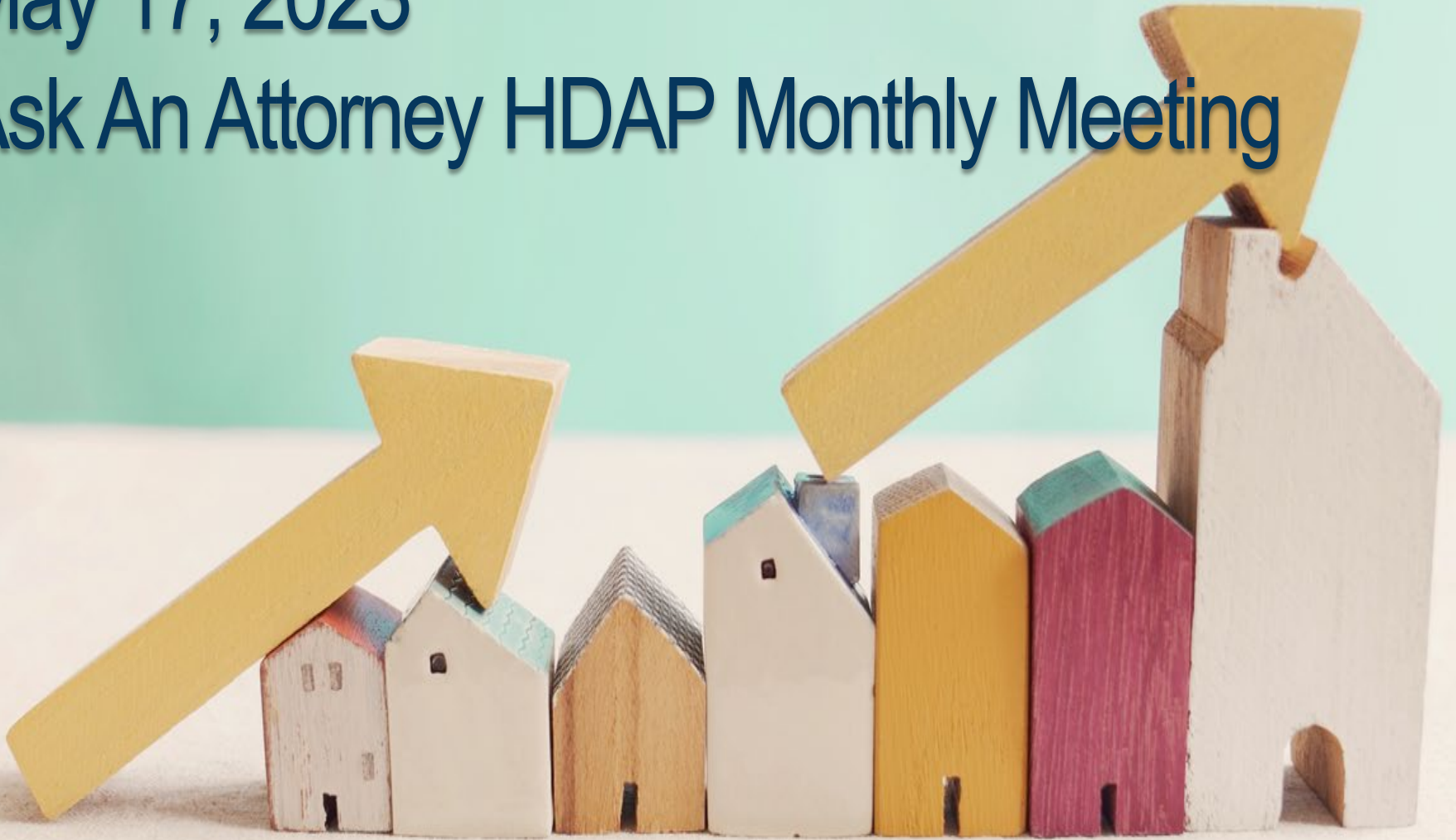


May 17, 2023

# Ask An Attorney HDAP Monthly Meeting



**CHANGEWELLPROJECT**

PARTNERING TO STRENGTHEN COMMUNITY SYSTEMS

# Agenda

A close-up photograph of a person's hand holding a blue and silver ballpoint pen over an open spiral-bound notebook. The notebook is on a wooden desk, and a laptop is visible in the background. The image is partially obscured by a dark grey horizontal bar at the bottom.

**Focus Topic of the Month:** Vital Records for Public Benefits

**Questions and Answers**

**Reminder:** Benefits Helpline

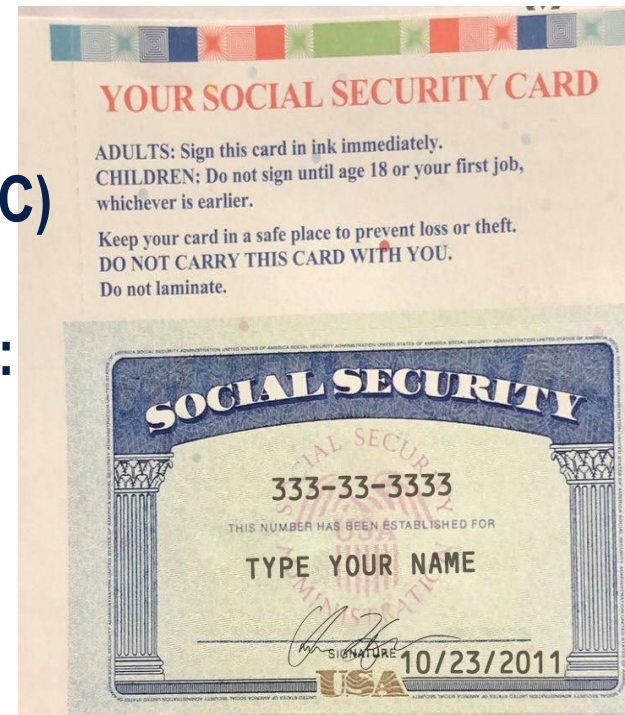
## What do we *mean* by Vital Records?

- Official documents, usually government issued, that contain information about a person's birth, marriage, divorce, or death.
- Vital records may be required to access many government benefits, such as Social Security, Medicaid, and CalFresh as well as to obtain identification, such as driver's licenses, state IDs, and US passports.
- Lack of acceptable government ID is one of the top barriers unhoused people face in accessing resources and services.



# When Do Social Security Claimants Need Vital Records?

- Two most common scenarios:
  - Getting a Social Security card
  - Proving Client is eligible for benefits (PERC)
  
- In both cases, SSA needs to establish Client's:
  - Age
  - Identity
  - Citizenship or immigration status





# Getting a Social Security Card (New or Replacement)

To get a new Social Security number or replace a lost Social Security card, SSA must verify:

- Age
- Identity
  - Including current, full legal name
  - Name at birth and/or on prior Social Security card (if different)
- Citizenship/ Immigration Status
- Full requirements at [POMS RM 10205.015](https://www.ssa.gov/poms/10205.015)

Apply using form [SSA-5](#)

Bring documents to FO to verify, do NOT mail originals to SSA – significant risk of lost documents

Form SS-5 (10-2021) UF  
Use (11-2019) UF Until Stock Is Exhausted  
SOCIAL SECURITY ADMINISTRATION  
Page 5 of 5  
OMB No. 0960-0086

**Application for a Social Security Card**

1	NAME TO BE SHOWN ON CARD		First	Full Middle Name	Last
	FULL NAME AT BIRTH IF OTHER THAN ABOVE		First	Full Middle Name	Last
	OTHER NAMES USED				
2	Social Security number previously assigned to the person listed in item 1				
3	PLACE OF BIRTH (Do Not Abbreviate)			Office Use Only	4 DATE OF BIRTH MM/DD/YYYY
	City	State or Foreign Country		FCI	
5	CITIZENSHIP (Check One)		<input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Legal Alien Allowed To Work <input type="checkbox"/> Legal Alien Not Allowed To Work <input type="checkbox"/> Other (See Instructions On Page 3)		
6	ETHNICITY (Your Response is Voluntary)		7 RACE (Your Response is Voluntary)		
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Native Hawaiian <input type="checkbox"/> American Indian <input type="checkbox"/> Other Pacific Islander <input type="checkbox"/> Alaska Native <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> White			
8	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female				
9	A. PARENT/ MOTHER'S NAME AT HER BIRTH		First	Full Middle Name	Last
	B. PARENT/ MOTHER'S SOCIAL SECURITY NUMBER (See instructions for 9B on Page 3)		<input type="checkbox"/> Unknown		
10	A. PARENT/ FATHER'S NAME		First	Full Middle Name	Last
	B. PARENT/ FATHER'S SOCIAL SECURITY NUMBER (See instructions for 10B on Page 3)		<input type="checkbox"/> Unknown		
11	Has the person listed in item 1 or anyone acting on his/her behalf ever filed for or received a Social Security number card before? <input type="checkbox"/> Yes (If "yes" answer questions 12-13) <input type="checkbox"/> No <input type="checkbox"/> Don't Know (If "don't know," skip to question 14.)				
12	Name shown on the most recent Social Security card issued for the person listed in item 1		First	Full Middle Name	Last
13	Enter any different date of birth if used on an earlier application for a card		MM/DD/YYYY		
14	TODAY'S DATE MM/DD/YYYY	15 DAYTIME PHONE NUMBER		Area Code	Number
16	MAILING ADDRESS (Do Not Abbreviate)				
	Street Address, Apt. No., PO Box, Rural Route No.			City	State/Foreign Country
I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best of my knowledge.					
17	YOUR SIGNATURE		18 YOUR RELATIONSHIP TO THE PERSON IN ITEM 1 IS:		
			<input type="checkbox"/> Self <input type="checkbox"/> Natural Or Adoptive Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other Specify		
DO NOT WRITE BELOW THIS LINE (FOR SSA USE ONLY)					
NPN		DOC	NTI	CAN	ITV
PBC		EVI	EVA	EVC	PRA
NWR		DNR		UNIT	
EVIDENCE SUBMITTED				SIGNATURE AND TITLE OF EMPLOYEE(S) REVIEWING EVIDENCE AND/OR CONDUCTING INTERVIEW	
				DATE	
				DATE	

## PERC Appointment (Pre-Effectuation Review Contact)

- “A PERC is the process of bringing up to date and/or fully documenting a claim after receipt of a notice of disability allowance.” – [POMS SI 00603.030](#)
- Approved Claimants **MUST** attend scheduled PERC or they will not begin receiving payments.
- At the PERC, Social Security must verify all eligibility factors ([POMS SI 00603.033](#)), including:
  - Identity
  - Citizenship/ Immigration Status
  - and Age (in cases where age is eligibility requirement, **ONLY**)

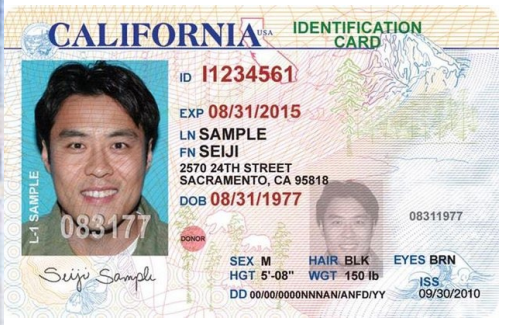
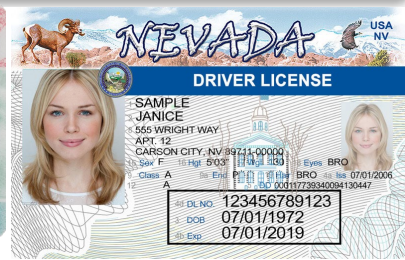
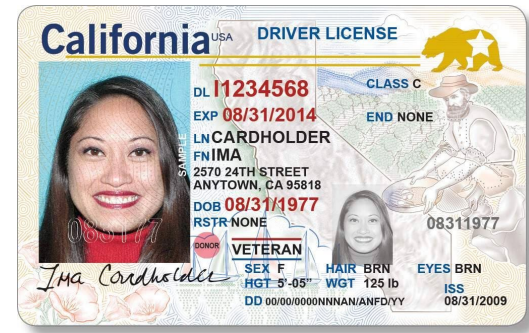
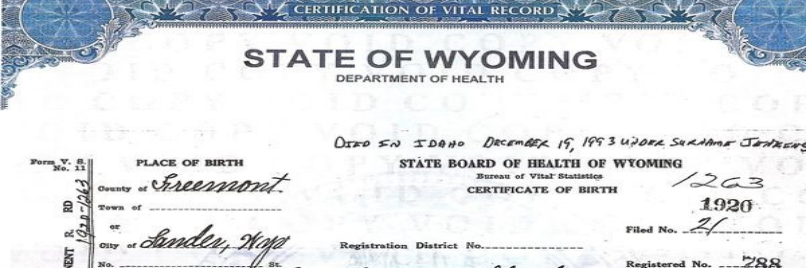
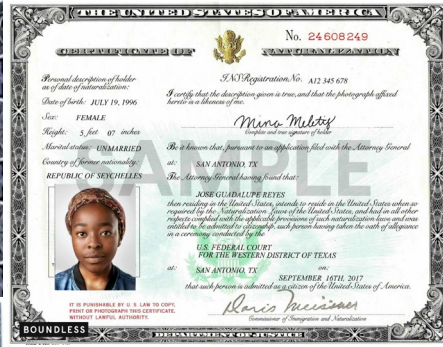


## For Our Purposes We Mostly Mean:

Birth Certificates

&

ID Cards



## When Does SSA need proof of age?

- ❑ When applying for New Social Security Number ([POMS RM 10205.015](#)); or
- ❑ Must submit proof of age immediately in every claim for benefits in which the claimant's age is an immediate factor of entitlement ([POMS GN 00302.001](#)):
  - Retirement insurance benefits (RIB)
  - Hospital insurance (HI)
  - Supplementary medical insurance (SMI)
  - Supplemental security income (SSI) for the aged and blind or disabled children
  - Aged spouse (including divorced spouse)
  - Widow(er)
  - Surviving divorced spouse
  - Parent
  - Child





## Acceptable proof of age

- ❑ Best proof of age:
  - “**U.S. public birth certificate** (BC) established before age five and issued by a State or local BVS [Bureau of Vital Statistics] for an individual born within its jurisdiction.” – [POMS RM 10210.265](#)
  
- ❑ SSA may accept other Vital Records or pieces of evidence when a US birth certificate is unavailable (complete list at RM 10210.265):
  - Religious record showing age or date of birth ([GN 00302.056](#))
  - FS-240, Report of Birth Abroad of a Citizen of the U.S. ([GN 00302.535](#) and [RM 10210.505](#))
  - Military record ([GN 00302.580](#))
  - Final adoption decree that shows the child's name and date of birth

## Acceptable Proof of Identity

[POMS RM 10210.420](#)

- Generally all ID documents must be:
  - Unexpired & issued w/in acceptable timeframe ([RM 10210.405](#))
  - Original documents
  - Properly certified by issuing agency
- Primary Evidence of Identity (preferred by SSA):
  - **Drivers license**
  - **State ID card**
  - **US Passport/ Passport Card**
- Secondary & Other Evidence (SSA may accept, non-exhaustive list):
  - U.S. Military ID card
  - US Government Employee photo ID badge
  - School ID Card (issued same year)
  - Certified Medical Records



## Proving Citizenship

### [POMS RM 10210.500](#)

- ❑ **Remember: Citizenship can be acquired by birth in the United States, derived from citizen parent(s) in certain situations, or acquired through a legal process called “naturalization.”**
- ❑ **When applying for a Social Security card:**
  - **New/ First-time Social Security number applicants must always show evidence of citizenship or immigration status**
  - **Not needed if *replacing* a Social Security card AND already a citizen in SSA’s records (*but* still need to prove age).**
- **When Citizenship or immigration status is at issue for benefits:**
  - **Born outside USA, not coded as US Citizen**
  - **Immigrant eligibility**
  - **CAPI benefits**



## Acceptable Proof of Citizenship & Status

[POMS RM 10210.505](#)

### Evidence of Citizenship:

- US Birth Certificate (state or US Territory)
- US Passport
- Certificate of Naturalization
- Consular Record of Birth Abroad

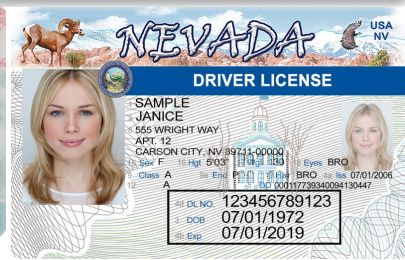
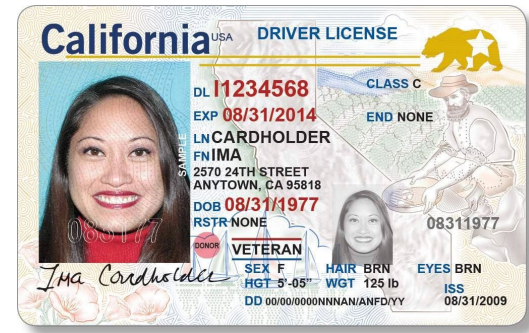
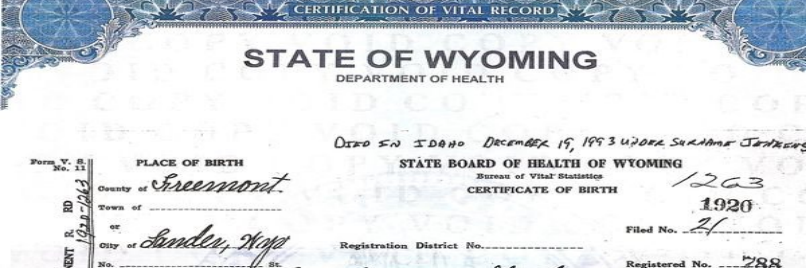
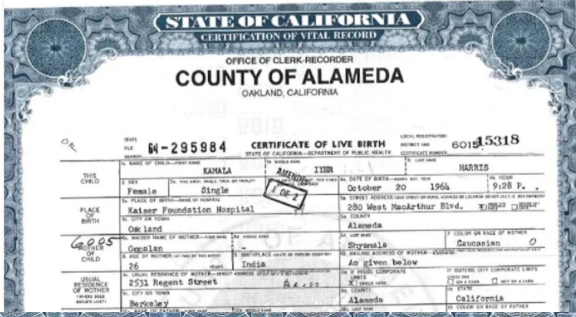
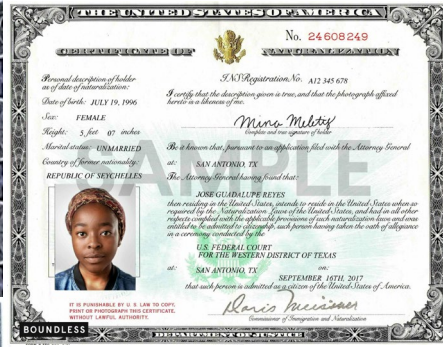


SSA may accept some documents other than the above to prove Citizenship, but very limited situations and often case by case.

Proof of Lawful Permanent Residency (LPR) or other immigration status is best proved with original document or card from USCIS.



## Birth Certificates & ID Cards



## Helping Client Get a California Birth Certificate

- Who can make the request (Health & Safety Code Sec. 103526(C)):**
  - The “registrant” (the person who was born)
  - A parent or legal guardian of the registrant
  - A child, grandparent, grandchild, sibling, or spouse of registrant
  - An attorney representing registrant or their estate
  
- Where to request a birth certificate:**
  - VitalCheck (online)
  - California Department of Public Health – Vital Records
  - County Clerk or Local Registrar

## Helping Client Get a California Birth Certificate Online

- ❑ **VitalCheck** is a third party private company that contracts with state and local governments (fees below subject to change).
  - \$41 is the total cost to obtain the document for California =
  - \$9.00 VitalCheck Fee +
  - \$32.00 State Fee
- ❑ The registrant does need to provide a valid government ID and does need to pass VitalCheck's internal identity screening.
  - They will usually form questions based on the client's credit history and living history.
  - An authorized person will need to provide identification if making this request through VitalCheck.

## Helping Client Get a CA Birth Certificate from the State

- To Request a birth certificate from the State of California by mail:
  - [Application for Certified Copy of Birth Record \(VS 111\)](#)
  - [Notarized Sworn Statement of Identity](#)
  - Fees - \$29 (no cash!) or [Fee Waiver](#)
    - People experiencing homelessness can request free BC
    - Fees can be waived by state or county
  - <https://www.cdph.ca.gov/Programs/CHSI/Pages/Birth-Mail.aspx>
- Certified copies take an average of 10 – 12 weeks
- Best option when Client is not sure which county they were born in
  - California Department of Public Health should have all records.



## Helping Client Get a CA ID

- California Department of Motor Vehicles
  - Can [apply online](#) or pick up paper application in person (DMV does not have a downloadable form at this time and is phasing out all paper applications)
  - Must complete application in person, have thumb print and picture taken
  - Must bring original proof of ID (can be birth certificate, passport, LPR card, Work Permit (EAD), or [other doc from this list](#))
- [Fee Waivers Available:](#)
  - People experiencing homelessness
  - Seniors 62+
  - Your agency may request form DL 937, reduced fees



# Asking for Help

We are here to help with your specific questions about SSI/SSDI and CAPI Benefits Advocacy.



## HDAP Benefits Support Request

Please submit your question to Inner City Law Center for support on a Social Security or CAPI benefits question. We welcome general eligibility questions, questions about Social Security or CAPI program rules or procedures, and questions about application forms. This form is for HDAP (Housing & Disability Advocacy Program) grantees: including County staff, HDAP staff from tribal communities, and contracted community organizations.

Please visit:

<http://www.changewellproject.com/benefits-helpline>

