AX CA ESSENTIAL RECORDS

DIVISION: (Required Field)	Program and Policy
DOCUMENT TYPE: (Required Field)	Manual
MEDIA:	**Select Media**
TOPIC: (Required Field)	Manual Revision
DOCUMENT TITLE:	Manual G Chapter: 58
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06/06/2017

58.68 REMOVAL OF PROTECTIVE PAYEE AND REINSTATEMENT OF RELATIVE PAYEE

1. The protective payee may be removed upon his or her request, when a different payee is designated by the LO, or when the relative payee is able to resume the payee function.

2. Vendor payments are discontinued when another person is located to serve as protective payee or when the relative payee is ready to resume the payee function.

3. The worker notifies the principals of the revised plan and notifies financial section of change of circumstances via 2PA26.

58.72 PERIODIC REVIEW

The conditions relating to the protective or voucher payment shall be reviewed every three months or more often, if indicated. The review includes the following:

1. Whether or not conditions justify continuation of the plan or its modification.

2. Whether or not the relative payee can be expected to resume the payee function.

3. Whether or not the need is for a court appointed guardian or foster care because the relative payee cannot learn the payee function.

4. Whether or not such payment will continue or needs to continue beyond twenty-four consecutive months and a guardian or other legal representative for the child or children needs to be appointed.

58.76 CONFIDENTIALITY

Since the classification of a case for protective payments requires introduction of services, in many instances outside the agency, and the appointment of a protective payee to work in close relationship with the AFDC family, special effort must be made to safeguard information in these cases.

Release of information to the protective payee from the public assistance record must be confined to those facts about the family members and their situation that are pertinent to the fulfillment of the payee's responsibility in the home. The need to respect the family's right to confidentiality must be explained to a prospective protective payee.

d. Medical care services - physician's services, supplies and drugs needed in connection with family planning may be provided to eligible persons under medical care rules.

After family planning services have been offered, if accepted, the caseworker will schedule additional interviews sufficient to determine that the accepted plan or method is suitable and assist the client with any problems which may be present.

58.60 PROTECTIVE OR VENDOR PAYMENTS DUE TO MISMANAGEMENT

1. General provisions:

Protective payment is designed for the small number of AFDC cases where the caretaker relative has demonstrated severe difficulty in managing money, but has the capacity to learn, in a relatively short time, to manage his funds to assure the proper care of the children. These payments may take the form of vendor or money payments.

Evidence of mismanagement of funds must be specific and clearly establish the fact that the way in which the funds are used threatens the well-being of the child. Examples are:

a. Continued inability to plan and spread necessary expenditures over the usual payment period.

b. Continued evidence that the children are not properly fed and clothed.

c. Persistent and deliberate failure to meet obligations for rent, food, school supplies and other essentials.

d. Repeated evictions or incurrence of debts against current income.

Protective or vendor payment is not used when the basic problem is insufficient funds rather than management of money. It is not intended for recipients whose mental or physical limitations would prevent them from learning how to manage their own affairs. Protective payment is not used when a financial problem is due only to emergency situations, such as short-term illness, or an unexpected decrease in support payments, or other partial income.

The use of protective or vendor payment is a temporary measure to help improve management and use of money for the best interest of the family. The availability of social services is an essential plan. Chapters 38 and 58 contain examples of the types of services to the relative which will assist him or her to avoid the necessity of the protective payment plan or to discontinue its use expeditiously.

Part of the payment may be made to the family and part may be made to a protective payee or vendor.

2. Determination of need for protective or vendor payment:

   LO administrator or his designee makes the decision to establish a protective or vendor payment plan upon recommendation by the service worker. The case record must contain the evidence upon which the worker's recommendation is based.

3. Selection of another individual to be payee of the grant: (See procedures in Chapter 38)

58.64 APPROVAL FOR PROTECTIVE OR VENDOR PAYMENTS

1. The service worker requests approval of a protective or vendor payment plan by submitting a summary to the administrator giving details of:

   a. The adverse effects upon the children, and

   b. The service plan to be followed, and

   c. The plan for vendor payment, if no suitable protective payee is available, or

   d. The identity and qualifications of the protective payee. This person's signed statement indicating willingness to serve in this capacity shall be attached.

2. LO administrator or his designee reviews the plan and notes approval or denial on the summary.

3. The initial plan period will not exceed three months. After review of the situation, further periods of three months, up to a maximum of twenty-four consecutive months, may be authorized. See Periodic Review below.

4. If need for such payment will continue or is likely to continue beyond twenty-four months, judicial appointment or other legal representative for the child or children will be sought. Such payments will terminate when the appointment has been made.

When a protective or vendor payment plan is approved the service worker:

1. Notifies the relative payee in writing that a decision has been made to change the payee, the basis for determination, the name of the new payee, or the use of vendor payment, the effective date of change, and that he has the right to appeal this decision.

2. Notifies financial section via 2PA26.

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