

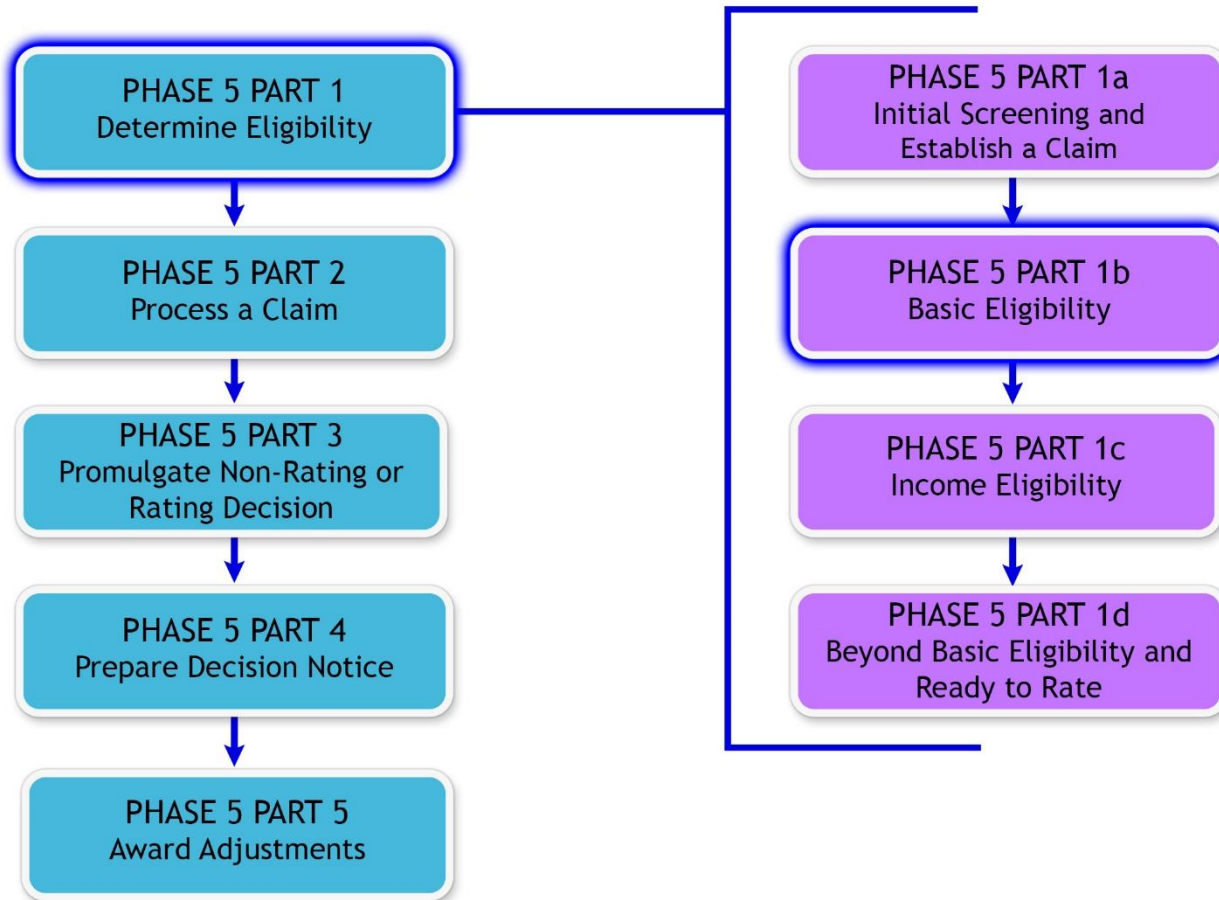


Lesson 14: Determine Dependency Eligibility: Helpless Child

**PMC VSR Advanced Core Course
Phase 5: Stages of a Claim
Part 1: Determine Eligibility**



You Are Here





Why It Matters!

- Overview of Administrative Decisions
- Establish Veteran Status
- Determine if Veteran Meets Presumptive Criteria for Permanent and Total Disability
- Determine Dependency Eligibility: Spouse
- Determine Dependency Eligibility: Child
- **Determine Dependency Eligibility: Helpless Child**
- Establish Parental Relationship for DIC



Ice Breaker Activity

- What is the age of the child/children?
- What is the relationship to the Veteran?
- Does the form indicate that the child is helpless?
- What other important information can you derive from this form?





Technical Competencies

- Program Benefits and Eligibility (PMC VSR)
- Processing Claims (PMC VSR)
- VBA Applications (PMC VSR)



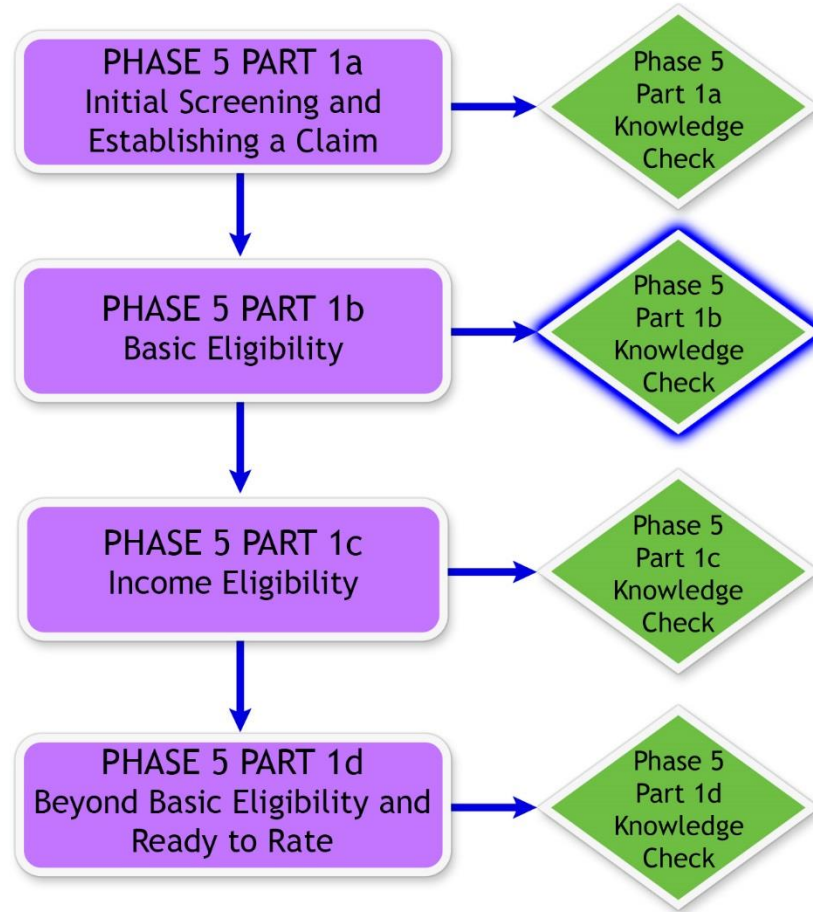
Lesson Objectives

Determine dependency eligibility for a helpless child of a Veteran.

- Define helpless child for VA purposes.
- Determine dependency eligibility requirements for a helpless child of a Veteran.
- Determine whether claim is ready to rate for helpless child.
- Determine what to develop for a helpless child of a Veteran.



Knowledge Check





Relationship and Dependency

Relationship: Can the individual be recognized as a Veteran's child? **Yes**

Dependency: Once VA establishes that an individual is the child of a Veteran, VA assumes the child is financially dependent on the Veteran.





What Is a Helpless Child for VA Purposes? (1 of 2)

A helpless child is a Veteran's child who is permanently incapable of self-support through his/her own efforts due to physical or mental disabilities.



What Is a Helpless Child for VA Purposes? (2 of 2)

- A helpless child has to be ***rated*** by the rating team and requires evidence to support the permanent incapacity for self-support.
- A helpless child must be shown to be permanently incapable of self-support by reason of mental or physical defect at the date of attaining the age of 18 years.



Age Requirement for a Helpless Child

What is the age requirement for a helpless child?



Age Requirement for a Helpless Child Answers

What is the age requirement for a helpless child?

- *The helpless child is only relevant for a child who is over the age of 18.*



Dependency Eligibility—Helpless Child

What are the dependency eligibility requirements for a child that also apply to a helpless child?



Dependency Eligibility—Helpless Child Answers

What are the dependency eligibility requirements for a child that also apply to a helpless child?

- *Cannot be married*
- *Relationship established: biological, adopted, or stepchild*



Dependency Eligibility—Helpless Child Example

Example: Cindy Chapps is 20 years old and her mother is applying for DIC benefits. Cindy submitted VA Form 21-534EZ to show she was the Veteran's stepchild at the time of the Veteran's death. On section IV of VA Form 21-534EZ, a check indicates that Cindy seriously disabled. Evidence of record shows Cindy was already established as a dependent on the Veteran's award at the time of his death.

- What dependency eligibility requirements for a child may apply to this helpless child example?
- Where on the VA Form 21-534EZ would indicate the child is married?



Dependency Eligibility—Helpless Child

Example Answers

- What dependency eligibility requirements for a child may apply to this helpless child example?
 - *The child is not married.*
 - *The child is over 18.*
 - *The relationship to the Veteran has been established—she is the Veteran’s stepchild.*
- What item on the VA Form 21-534EZ would indicate the child is married?
 - *Section IV, item 28H*



Dependency Eligibility—Helpless Child Demonstration

- VA Form 21-534EZ (Application for DIC, Death Pension, and/or Accrued Benefits) section IV, item 28H, Seriously Disabled
- VA Form 21-686c (Declaration of Status of Dependents) section III, item 14H, Seriously Disabled
- VA Form 21p-0519C-1 (Improved Pension Eligibility Verification Report) item 1E, block 3, Disabled Child





Dependency Check

- It is important to make sure that all the evidence regarding dependency information is included with the claim
- If evidence is missing then go to develop for dependency related claim information



Proof of Permanent Incapacity for Self-support

What are some documents that may provide proof of permanent incapacity for self-support?



Proof of Permanent Incapacity for Self-Support Answers

- What are some example documents that may provide proof of permanent incapacity for self-support?
 - *Medical or psychiatric examination reports showing:*
 - *Dates of onset*
 - *Extent of child's disability*
 - *Diagnosis*
 - *Prognosis to include a description of the present condition*
 - *Vocational or educational assessment reports*



Facts Based on Personal Observation (1 of 2)

- Statements from individuals who have:
 - Knowledge of the facts
 - Observed the child's condition as of 18
- Statements must conclude with:
 - Name and signature of person making the statement
 - Certification: "I hereby certify that the information I have given above is true and correct to the best of my knowledge and belief."



Facts Based on Personal Observation (2 of 2)

Describe witnesses who could have knowledge of facts and could have observed the helpless child's condition.

- *Teachers*
- *Specialists*
- *Social workers*
- *Physicians*
- *Institutions where the child may have been maintained*



Evidence Examples





Is Helpless Child Information Complete?

Example: VA received a pension application on VA Form 21-534EZ from a 40-year-old surviving child who claims he is incapable of self-support. The surviving child meets all the requirements to receive pension benefits. He submitted his birth certificate, which establishes him as the Veteran's child. The surviving child lists that he is living in an institution and submits medical evidence from his doctor, who indicates he has been incapable of self-support since he was under 18. The doctor also submits supporting medical evidence.

- Is the helpless child information complete for the type of claim requested?



Is Helpless Child Information Complete? Answers

Is the helpless child information complete for the type of claim requested?

- *Yes, the helpless child can be established as a dependent on his own right and the application would be submitted with the medical evidence to the RVSR to prepare a rating decision.*



Group Activity—Practice Exercise

- Instructions:
 - Divide into groups of three.
 - Review Claim 2, 3, and 4.
 - Use the **Dependency Eligibility Requirements** job aid to determine if the helpless child meets the dependency eligibility requirements.
 - Mark your answers based on the questions asked on the checklist.
 - Provide the rationale for your decision.
- Time allowed: 10–15 minutes



Group Activity—Practice Exercise Answers

Dependency Eligibility: Helpless Child Checklist	Yes	No
➤ <i>Is the child identified on the VA Form as disabled?</i>		
➤ <i>Is the child married?</i>		
➤ <i>Is the child the Veteran's biological, step, or adopted child?</i>		
If yes, list _____		
➤ <i>Has supporting evidence been provided?</i>		
➤ <i>Is the child information complete?</i>		



Ready to Rate for Helpless Child

- Is there evidence of prior designation of helpless child under Veteran or Survivors award?
- Is the medical evidence of record sufficient for the child to be rated?
- Is the claim for Veterans Pension, Survivors Pension, or DIC?



Sufficient Medical Evidence

- What are some examples of sufficient evidence? (Hint: discussed early in lesson)
- What are some examples of insufficient evidence?



Sufficient Medical Evidence Answers

- What are some examples of sufficient evidence? (Hint: discussed early in lesson)
 - *Medical or psychiatric examination reports*
 - *Vocational or educational assessment reports*
 - *Employment records*
 - *Statements for persons having knowledge of facts and who have observed the child's current condition*
- What are some examples of insufficient evidence?
 - *2680—no diagnosis code*
 - *Physician failed to sign the exam*
 - *No medical evidence*



Sufficient Medical Evidence Missing

If the medical evidence is missing then go to **develop** for missing or additional evidence.



Helpless Child Veterans Pension

A helpless child is a dependent for the purpose of determining monthly payments for the Veteran's Pension award.



Helpless Child Survivors Pension

Additional allowance is payable for a helpless if the surviving spouse is receiving Survivors Pension.



Helpless Child DIC

A helpless child will be on a separate award in his or her own right even if the surviving spouse has custody of the child and is receiving DIC benefits.



Is Claim Ready to Rate?

- Is the Veterans or Survivors Pension claim ready to rate?
- Is the DIC claim ready to rate?



Is Claim Ready to Rate? Answers

- Is the Veterans or Survivors Pension claim ready to rate?
 - *If there is evidence of prior designation of helpless child under Veteran or Surviving Pension award, then it does not need to get rated.*
 - If the medical evidence is sufficient then Veteran or Survivors Pension is ready to rate
- Is the DIC claim ready to rate?
 - *If the claim is DIC and there is evidence of prior designation then it must go to the RVSR to be rated.*
 - If the medical evidence is sufficient then Veteran or Survivors Pension is ready to rate.



Ready to Rate Demonstration





Questions?





Lesson Summary

- How is helpless child dependency determined?
- What are the eligibility requirements for a helpless child?
- How do you determine if the helpless child claim is ready to rate?



What's Next

Phase 5, Part 1, Lesson 15: Establish Parental Relationship for DIC