

## I Need Help: Social Security

Social Security benefit programs provide income to eligible individuals with disabilities. These programs are run by a federal agency called the Social Security Administration (SSA). In addition to cash support, if your child qualifies for any of the SSA's programs due to his or her disability, he or she will also receive healthcare coverage under either Medicaid or Medicare. Some people who receive SSA benefits qualify for both Medicaid and Medicare.

**NOTE: List all questions below here for quick answers**

### What kind of Social Security benefits could my child receive?

There are three types of Social Security benefits for which your child may qualify:

1. Your child may be eligible for **Supplemental Security Income (SSI)** if your child:
  - (a) Is under the age of 18 and meets Social Security's childhood definition of disability, or
  - (b) Is 18 years or older and meets Social Security's adult definition of disability.

No matter how old your child is, he or she must also meet Social Security's financial requirements.

If your child receives SSI, he or she will be eligible for Medicaid, a health insurance plan.

[Click here to learn more about SSI's program for children under age 18.](#)

2. Your child may be eligible for **Social Security Disability Insurance (SSDI) Benefits for Adult Children Disabled Since Childhood (CDB)** if your adult child is:

- (a) 18 years old or older and became disabled before age 22, and
- (b) Is the child of an insured worker and that worker is either disabled, retired, or deceased.

If your child receives CDB, he or she will be eligible for Medicare after a 24-month waiting period. [Click here to learn more about the CDB program.](#)

3. Your child may be eligible for **Social Security Disability Insurance (SSDI)** if he or she has worked and paid taxes to Social Security.

[Click here to learn more about the SSDI program.](#)

Your child may qualify for a combination of these three Social Security benefit programs.

### How will the SSA decide if my child under the age of 18 has a disability that would make him or her eligible for Social Security benefits?

There are two things the SSA looks at to decide if your child has a disability that would make him or her eligible for Social Security benefits:

- (1) Your child must have a physical or mental condition(s) that very seriously limits his or her activities; and
- (2) Your child's condition(s) must have lasted, or be expected to last, at least 1 year or result in death.

The SSA has a list of the physical and mental conditions that meet its definition of childhood disability, including a definition for "Autism Spectrum Disorders." This list is in an SSA manual called the ["Blue Book."](#)

**What is the SSA's definition of "Autism Spectrum Disorders" (ASD)?**

To be eligible for Social Security benefits because your child has an Autism Spectrum Disorder (ASD), the SSA will look at medical documentation to see if your child has very limited social and communication skills, and imaginative activity. In addition, the SSA will look at the severity of your child's impairments.

For children under age 3, the SSA will also look to see if the child has weaknesses in gross or fine motor development, cognitive/communicative function, or social function.

For children age 3-18, SSA will also look at personal functioning and the ability to maintain concentration.

Here's the SSA's complete ASD definition:

**112.10 Autistic Disorder and Other Pervasive Developmental Disorders:** *Characterized by qualitative deficits in the development of reciprocal social interaction, in the development of verbal and nonverbal communication skills, and in imaginative activity. Often, there is a markedly restricted repertoire of activities and interests, which frequently are stereotyped and repetitive.*

*The required level of severity for these disorders is met when the requirements in both A and B are satisfied.*

*A. Medically documented findings of the following:*

*1. For autistic disorder, all of the following:*

- a) Qualitative deficits in the development of reciprocal social interaction; and*
- b) Qualitative deficits in verbal and nonverbal communication and in imaginative activity; and*
- c) Markedly restricted repertoire of activities and interests;*

*2. For other pervasive developmental disorders, both of the following:*

- a) Qualitative deficits in the development of reciprocal social interaction; and*
- b) Qualitative deficits in verbal and nonverbal communication and in imaginative activity;*

*and*

*B. For older infants and toddlers (age 1 to attainment of age 3), resulting in at least one of the appropriate age-group criteria in paragraph B1 of 112.02; or, for children (age 3 to attainment of age 18), resulting in at least two of the appropriate age-group criteria in paragraphs B2 of 112.02.*

### **What financial requirements do children under age 18 have to meet to be eligible for SSI?**

SSI is a program for persons with low income and few resources.

If your child is under age 18, the SSA will count any income and resources that belong to your child when it is deciding whether your child meets the SSA's financial requirements. The SSA also will count your family's income and many of its resources as being your child's. That is, your income and resources are "deemed" to your child. The SSA will count family resources like real estate, savings accounts, or stocks. It will also count your wages and your spouse's wages.

Usually, a family may not have over \$2000 in resources. However, not all resources count. For example, the following things generally do not count toward the resource limit, no matter how much they are worth:

- the house you live in
- one vehicle (if it is used for transportation for you or a member of your household)
- life insurance you own with a face value of \$1500 or less per person
- burial plots or spaces for you and your immediate family
- a burial fund of up to \$1500 each for you and your spouse's burial expenses
- household goods and personal effects.

[Click here to learn more about financial eligibility for SSI.](#)

### **How do I apply for SSI for my child who is under 18?**

Determine if your child meets the SSA's financial eligibility requirements. The SSA can help you with this. If your child meets the financial eligibility test, review a copy of the SSA's [Child Disability Starter Pack](#). Finally, you will need to complete a [Child Disability Report](#) and application. You must contact the SSA at 1-800-772-1213 to make an appointment for SSA to assist you with the application.

### **How do I apply for SSI for my child who is over 18?**

As you apply for SSI for your adult child (18 and over), consider these two important things:

First, the SSA only considers your child's income and resources when your child is 18 when it determines whether your child meets the SSA's financial requirements. Your family's income and resources aren't

counted (deemed) to your child. Many children become eligible for SSI after they turn 18 because they are able to meet SSI's financial requirements for the first time.

Second, the SSA will use its adult definition of disability to determine whether your adult child qualifies as being "disabled" under the SSA's rules.

### **What is the SSA's disability definition for an adult?**

The main issue the SSA looks at when deciding whether your adult child is "disabled" is how your child's condition affects his or her ability to work.

The SSA looks to see if your child has a physical or mental impairment which results in him or her being unable to do any "substantial gainful activity" (SGA). Also, the physical or mental impairment has to be expected to result in death or be expected to last for at least 12 months.

Engaging in SGA means someone is working enough to earn a particular level of income. In 2015, the SGA is wages of more than \$1090 per month (after deducting impairment-related work expenses). The SGA is higher for individuals who meet the SSA's definition of blindness. The SGA amount changes regularly.

### **Does the SSA have a specific definition for autism spectrum disorders for adults?**

There is no listing in the Blue Book for autism spectrum disorders (ASD) in adults. To prove disability, your adult child must have a medical diagnosis documenting the severity of your child's ASD. In addition, the SSA will have to determine whether your adult child is unable to function well enough to meet SSA's threshold for gainful employment due to his or her ASD.

### **How does my adult child apply for SSI?**

Determine if your adult child meets the SSA's financial eligibility requirements. The SSA can help you with this. If your child meets the financial eligibility test, contact the SSA at 1-800-772-1213 to make an appointment for SSA to assist you with an SSI application.

### **What are some tips that will help me apply for SSI for my child?**

- (1) Gather and carefully review your child's school and medical records.
- (2) Make sure you are organized; keep all your paperwork, medical and financial records, correspondence from SSA, and all of your application documents together in one folder.
- (3) Read any correspondence from the SSA carefully.
- (4) Fill out forms completely and correctly.

- (5) Comply with all deadlines.
- (6) If your child is under 18, familiarize yourself with the SSA's medical definition of disability for children with ASD.
- (7) If your child's records do not contain the necessary documentation to show your child has an ASD, ask your child's doctor to provide additional documentation. If necessary, ask your child's doctor to evaluate your child further.
- (8) When completing the Child Disability Report, accurately state your child's functional abilities; don't over-estimate or under-estimate your child's functional abilities.
- (9) Help your child's physician and school staff understand how disability determinations are done; the SSA has helpful publications you can share with them.
- (10) Make sure your child's doctor documents your child's diagnosis, the severity of his or her disability, and how the disability very seriously limits your child's activities and that the condition will last over one year.

### **What happens if the SSA decides my child doesn't have a qualifying disability and denies my child eligibility for benefits?**

You can appeal the SSA's decision. It's very important that you promptly appeal the SSA's decision; you have 60 days from the date you receive the SSA's denial letter to file your appeal. The appeal must be in writing.

[Click here to learn more about how to file an appeal.](#) Your local [Social Security office](#) can help you with your appeal.

### **If my child receives SSI, will my child always receive it, including after he or she turns 18?**

Not necessarily.

Every three years, the SSA will determine if your child still meets SSA's disability definition. SSA will also review your income, resources, and living arrangements.

If your child is receiving SSI the month before he turns 18, SSA will conduct an "age 18 redetermination of benefits" to see if your child qualifies under the adult disability definition, described above. This will occur within 1 year of his or her 18<sup>th</sup> birthday. SSA will review various documents, including medical and school records. If your child is determined to be medically ineligible under the adult rules, Legal Services Alabama may be able to assist you in appealing a SSA medical denial of his or her age 18 redetermination of benefits. You can apply for their services by calling [1-866-456-4995](tel:1-866-456-4995) or applying online at

<http://www.legalservicesalabama.org/>

### **Can My Child Work and Continue to Receive SSA Benefits?**

Yes. The SSA has created a program of work incentives to encourage people with disabilities to work while at the same time allowing them to keep all or some of the important SSA benefits they need to live.

There are many reasons that your child may want to work. Working allows your child to make a meaningful contribution to society, increases social opportunities, and encourages your child to become more independent. The work incentives may also allow your child to increase his or her disposable income. Certified benefit planners can help your child determine how your child's benefits will be affected by his or her wages. Even if your child's successful employment causes your child to ultimately lose cash benefits, your child may be able to keep health insurance-- sometimes indefinitely.

### **Where can I learn more about using work incentives?**

Certified benefits planners can help your child determine how work will affect your child's SSA benefits as well as other benefits such as food stamps and housing assistance. The key to successfully using SSA's employment supports and work incentives is to work carefully with certified benefits planners.

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In central and north Alabama, contact [Alabama Work Incentives Network](#) (Ala-WIN) at 1-888-803-0118.

If you live in south Alabama or your child is a client of the Alabama Department of Rehabilitation Services (ADRS), contact the toll free ADRS Benefits Counseling Information & Referral Hotline at 877-816-4607.

The [Alabama Disabilities Advocacy Program](#) (ADAP) runs a program called "Protection and Advocacy for Beneficiaries of Social Security" (PABSS) which can provide general information and training about work incentives. PABSS also advocates on behalf of transition-age youth and adults seeking employment who are having legal issues that create a barrier to work.

The SSA's [Redbook](#) contains extensive information about work incentives.

### **What work incentives are available to my child?**

The work incentives available to your child depend on whether your child is receiving SSI or SSDI/CDB. Some work incentives apply to both SSI and SSDI/CDB beneficiaries.

## **My child receives SSI; what are some of the work incentives my child can use?**

The student earned income exclusion, the general income exclusion, and the earned income exclusion allow SSA to deduct all or part of your child's income before the SSI benefit amount is calculated.

### Student Earned Income Exclusion (SEIE)

The student earned income exclusion (SEIE) is perhaps the most powerful of all the SSA's work incentives.

If your child receives SSI, is under age 22, and regularly attends school, when the SSA goes to calculate your child's SSI payment, it would not count up to \$1780 (2015 rate) of earned income per month (2015 annual maximum - \$7180). This means that in 2015 your child could have earned up to \$7180 with no effect on your child's SSI check. The income amount protected under the SEIE changes yearly. You must inform the SSA that your child is in school and using the SEIE. See [SSA Spotlight on Student Earned Income Exclusion](#)

### General Income Exclusion

The general income exclusion allows the first \$20 of any income to be deducted.

### Earned Income Exclusion

The earned income exclusion allows \$65 of wages plus one-half of the remaining wages be deducted.

Every SSI beneficiary can work and deduct \$85 from their income first. After that, SSA only counts \$1 for every \$2 a person earns. An SSI beneficiary usually has more income by working as long as earnings are reported timely.

### **EXAMPLE (Note: the figures used in the example below reflect 2015 rates)**

Jill will earn \$451 each month in wages. Her monthly SSI benefit amount is \$733. Jill is not a student. Jill is able to use the general income exclusion of \$20 and the earned income exclusion of \$65. SSA would calculate her SSI benefit amount as follows:

\$451	Earned Income
<u>-20</u>	General income exclusion
\$431	
<u>-65</u>	Earned income exclusion
\$366	
<u>-183 ½</u>	remaining earnings
\$183	TOTAL COUNTABLE INCOME

\$733 2015 Total Federal Benefit Rate SSI

- 183 Total Countable Income

\$550 SSI Payment

AVAILABLE INCOME

\$451 Wages

+550 SSI Payment

\$1001 Total Monthly Income

Instead of only receiving \$733 in SSI each month, Jill's total monthly income will be \$1001. She will continue to receive Medicaid. Her total monthly income would increase even more if she had impairment related work expenses or used some of the other work incentives.

If Jill is a full time student using the student earned income exclusion none of her monthly wages will count. Her wages of \$431 per month are less than the 2015 maximum amount of \$1780 per month and the \$7180 annual limit. She would not need to use either the general income exclusion or the earned income exclusion. She would keep her monthly SSI payment of \$733 and her earnings of \$431 each month. (Need to clarify this.)

#### Continued Medicaid Coverage

Your working child who receives or received SSI can continue their Medicaid coverage even if their wages alone or in combination with other income becomes too high for a SSI cash payment. This applies as long as your child needs Medicaid coverage to continue working. His or her income cannot be more than \$26,420 (2014 amount) after all allowable deductions. This is known as "1619(b) Continuation of Medicaid eligibility." Medicaid can continue indefinitely.

#### Impairment Related Work Expenses (IRWEs)

Certain expenses that your child incurs to pay for things that he or she needs to work can be deducted as an impairment-related work expense. The things your child purchases must be related to his or her disability. Your child can't receive payment for these expenses from any other source. Examples of allowable IRWEs include cost of medications, transportation under certain conditions, special equipment that your child needs to work, attendant care in some cases, and durable or non-durable medical equipment or supplies.

After all eligible exclusions and deductions SSA will reduce the SSI check by \$1 for every \$2 earned.

#### Plan to Achieve Self-Support (PASS)

A [Plan to Achieve Self-Support \(PASS\)](#) allows a SSI recipient age 15 or older to set aside income from SSDI, wages, or other income for an approved work goal. SSA will not count this income when they figure your child's SSI payment. For example, your child may continue to receive the maximum SSI payment by setting aside wages to pay expenses for education, vocational training, or starting a business as long as the expenses are related to achieving his or her work goal. A PASS plan must be approved by the SSA. Your child must submit a written plan to a specially trained SSA employee, a PASS specialist. For further information contact a PASS specialist at 1-800-772-1213.

### Section 301 Continuation of Benefits

At age 18, the SSA will reconsider your child's eligibility for SSI using the SSA's adult standards for eligibility. Some children lose their eligibility under these standards. However, if your child is participating in an approved vocational rehabilitation program (and has IPE from VR) or education program (and has an IEP from your child's school), your child can continue to receive his or her SSI benefits. Either plan – the IPE or IEP – must be approved by the SSA and must be likely to lead to your child's employment. This is called a "Section 301 Continuation of Benefits."

### **My child receives SSDI/CDB; what work incentives can my child use?**

Both SSI and SSDI allow for the deduction of IRWEs, the Section 301 Continuation of Benefits Section 301, and Expedited Reinstatement of Benefits. However, SSDI calculations for work incentives are more complicated than for SSI. Usually Medicare can continue for 93 months if your child no longer qualifies for a SSDI payment because of work. Often your child depending on earnings will continue to receive their full SSDI/CDB benefit for a period of time. Sometimes indefinitely. Always contact a certified benefits planner to assist you in determining how your child's SSDI/CDB benefits will change.

### **What happens if my child attempts to work but then has to stop because of his or her condition?**

SSA will reinstate your child's benefits if your child is unable to keep working because of the same medical condition. Your child must file a request for reinstatement of benefits within 60 months from the month of termination of benefits due to work. The SSA will provisionally reinstate your child's benefits and health care coverage (Medicaid) for six months while it conducts a new disability determination.

### SSA benefits, work incentive planning, and transition planning

SSA benefits are an essential part of transition planning. Transition planning is required for children receiving special education services or other services related to a disability. As discussed, work incentives allow

students to participate in paid work experiences and maintain their SSI. No parent should fear the loss of benefits due to their child participating in paid work experiences through school or other agencies. Instead, the parent should proactively plan the effect on SSA and other benefits by contacting either ALAWIN or the ADRS Benefits planners. You may also contact the PABSS program for general information and a referral.

### **How can I help my child with SSA benefits and work incentives?**

- Inform your child's IEP Team that your child is a recipient of SSI or CDB. Make sure the Team considers work incentives during transition planning. SSA work incentives can help your child gain valuable work experiences while maintaining his or her SSA benefits. If necessary, invite a PABBS representative or a benefits planner from ALAWIN or ADRS to your child's IEP meeting to help the Team incorporate work incentives into your child's transition plan. Plan on using SSA work incentives so your child can gain valuable work experiences.
- Discuss your child's eligibility for SSI or CDB with the IEP Team as your child approaches age 18. Contact the SSA and apply for benefits if your child may become eligible at age 18. If your child may lose SSI benefits at age 18, consider how he or she can retain benefits by using the Section 301 continuation of benefits provision. If your child will need further vocational training through VR, make sure your child has an individualized plan of employment (IPE) before he or she leaves school.
- Discuss SSA benefits and work incentives with adult service providers as you prepare for your child's exiting school. Remember that SSI or CDB can provide a safety net for your child while your child tests his or her ability to work. Community integration for your child includes a job in the community. With proper supports your child will be more likely to reach his or her job goals. SSA benefits and work incentives are a necessary part of any transition planning process. SSA benefits and the work incentives can provide a safety net for your child as they work toward greater independence.