

An Introduction to Supplemental Security Income (SSI)

A Parent's Perspective

Information is geared for Parents of children under 18 years of age or children just turning 18.

Introduction

We know from experience that the Supplemental Security Income (SSI) program is not easy to navigate or understand. It is our hope that this book answers some basic and important questions:

- What is SSI?
- Who is eligible?
- What is the application process?
- What is disability determination?
- What is approval & record keeping?
- Is there an appeal process?
- Who can help?

This book does NOT provide legal advice, “just the facts” about the rights of children with disabilities. We have included a resource section listing agencies, other print materials and websites that tell you more about SSI and the Social Security Administration (SSA). Read this book or talk to your caseworker, and then decide whether to apply.

If you have questions, please contact Parents Reaching Out at: 1-800-524-5176 or 505-247-0192.

Supplemental Security Income

Supplemental Security Income (SSI) is monthly income (benefit) provided by Social Security Administration (SSA). **Not everyone can get SSI.** You must meet SSA requirements.

SSI is different from state to state. When an individual receives SSI in New Mexico, they will also get Medicaid. Medicaid pays doctor and hospital bills. More information about Medicaid is available at the Income Support Division (ISD) of New Mexico.

SSA considers a child as someone who is under the age of 18, not married, and not the head of a household.

The child's parent or guardian* must file an application, not the child, even if he or she can read and write. **The child is the applicant.**

And finally, if your child qualifies and receives SSI, that information is confidential.

For children in foster care - CYFD or licensed foster agency will file the application.

Who is Eligible?

To qualify an individual must have:

1. Have a disability lasting longer than 12 months or end in death,
2. Have little or no income,
3. Have limited assets (meeting the limit set by SSA),
4. Be a U.S. citizen or qualified alien, and
5. Be 65 or older, blind, or disabled.

SSA will look at income and assets of individual. For children under the age of 18, the **parent's** income and assets are used to determine eligibility.

If denied or turned down because the parent makes too much money or has too many assets and resources, there is NO appeal process. The application is closed.

But if the income goes down for any reason or you no longer have assets or resources you can **reapply**.

1. **When your child turns 18**, SSA does not look at parents' income and assets to decide whether the applicant is financially eligible for benefits.
2. Only the income of the individual who is 18. If possible, **apply ONE MONTH BEFORE your child turns 18.**

Application

The application process is not simple and takes several months for Social Security Administration to process and complete. But the benefits may be just what your child and family need.

Two processes happen at the same time, **application and determination** (or decision). The application process has three parts:

1. Report,
2. Interview,
3. Review of Information (gathering of medical/diagnosis records, income, living arrangements).

Application - Report

Children –

1. Complete a ‘Disability Report – Child - Form - SSA – 3820 - BK’ in paper form or online in a fillable form at <https://www.ssa.gov/forms/ssa-3820.pdf>.
2. Enter the report online at <https://www.ssa.gov/benefits/disability/>.

For children under 18, you can only submit the report online. To complete the Interview and Review of Information you will need to call SSA.

Adults –

1. Enter the report online at <https://www.ssa.gov/benefits/disability/>.

Print or copy the confirmation page. Keep this page and the Disability Report for your records. If you send these forms to SSA, then **make a copy for your records!** Also, make note of what date the forms were mailed.

Application - Interview

After the report is entered:

1. You have **60 DAYS** to complete an interview with SSA. If not, you will have to start the process over.
2. Call 1-800-772-1213 to make an appointment for an interview. Call Mon-Fri, 9 am-4 pm, except Wed, office closes at noon. The appointment can be a phone or an in-person interview.
3. For hearing impairment or hard of hearing, please call your TTY number, 1-800-325-0778.
4. An in-person interview will follow, and you will need to go to the SSA office.
5. Prepare for the interview by gathering documents on:
 - Income
 - Living arrangements
 - Resources (bank acct, savings, land)
6. Make yourself available for the interview on given day and time.

Application - Review

1. After the interview, you will get an application packet in the mail. The application is called the “**Questionnaire for Children Claiming SSI Benefits.**” Plan to set aside an hour or two, giving yourself time to complete. You will also need to find and make copies of the following:
 - your child’s medical records
 - his or her prescriptions
 - his or her Individualized Education Plan

- Individualized Family Service Plan
- proof of family members' income
- proof of resources
- proof of living arrangements
- proof of guardianship or custody
- proof of age for the child (Original Birth Certificate or a certified copy).

You will need to provide medical records, school reports, medical and school evaluations. If you do not have these records, SSA can obtain them at no cost to you.

2. You will need to sign a Release of Information form (SSA – 827) for SSA to get the medical records, reports and evaluations from your doctors, teachers, and or therapists. This form gives them permission to share information about the condition and medical history. SSA will need and use this information to make a **Disability Determination (DD)**.
3. You will need to complete a Function Report on your child.
 - **SSA-3375** Child from Birth To First Birthday
 - **SSA-3376** Child Age 1 Up To Third Birthday
 - **SSA-3377** Child Age 3 Up To 6th Birthday
 - **SSA-3378** Child Age 6 Up To 12th Birthday
 - **SSA-3379** Child Age 12 Up To 18th Birthday

Child over 18 years of age:

- **SSA-3373** Adult
- **SSA-3380** Adult Third Party (parents/guardians)

SSA will send you the form. If SSA does not give this form to you, then search the SSA website <https://www.ssa.gov/forms/> to obtain the form. Be sure to complete the correct form.

SSA will always tell you where to send complete applications and forms.

After your application is reviewed as correct and complete, the local SSA office will send it to the **Disability Determination Service (DDS)**.

Disability Determination Service

All documents about your child's disability are sent to a state office called the **Disability Determination Service (DDS)**. A disability evaluation specialist will collect any additional records about medical care, services, tests, evaluations and treatment. Next, they will collaborate with a doctor to review the case and decide whether your child meets the Social Security Administration definition of disability.

- If DDS does not get all the information to decide disability, your child may need to be examined by doctors or specialists who is contracted to work with Social Security Admin. SSA will pay for this evaluation.
- DDS will notify you if your child needs to see this doctor/specialist.
- You need to go to this appointment. If you do not go to the appointment, **you will be denied!**
- Seeing this doctor will add more time (3-6 months) to the determination process.
- Once the determination (decision) has been made, you will receive a letter telling you if your child has been approved or denied.

- If your child is approved, SSA will let you know how much money your child will receive.

If your child is turned down, the letter will explain why. If the results of the examination or information provided is not clear, you will be denied. It will also tell you that you have the right to appeal the decision and what to do next.

Definition of Disability

Definition of disability according to how Congress defines whether someone qualifies for SSI-

“an individual under age 18 shall be considered disabled...if that individual has a medically determinable physical or mental impairment which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months...”

Determination

Determination process can take several months. SSA knows that some disabilities are severe enough that a child does not need to go through a determination. Here are some of those categories. If your child falls into one listed, the process will be shorter, but you will still need to prove that your child has the condition.

- HIV infection
- Total blindness
- Down syndrome
- Intellectual
- Total deafness (in some cases)
- Cerebral palsy (in some cases)
- Muscular dystrophy (in some cases)
- Diabetes (with amputation of

- | | |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <p>Disability (ID)</p> <ul style="list-style-type: none"> • Amputation of two limbs | <p>one foot)</p> <ul style="list-style-type: none"> • Amputation of the leg at the hip |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|

SSA has produced a lengthy list of impairments that describe major categories of childhood disabilities. It includes physical, medical, mental, and developmental impairments and limitations. The list is too long and detailed to include.

A newborn infant and very young children can also meet disability standards. Failure to thrive or other significant development delays can qualify your child as meeting the disability standards.

If a child’s impairment(s) does not meet, or is not medically equal to a listed impairment, the DDS team must decide if the limitation is functionally equal to a listed impairment. That means SSA is willing to use another way to figure out if a child can qualify for SSI.

To make this decision, the DDS team looks at how much the disability affects the child’s ability to get around and do the things he or she needs to every day- a functional assessment – Function Report (see page 5 for the specific form for child’s age).

Function Report

A child’s impairment is functionally equivalent if by itself, or in combination with impairments, causes either an extreme limitation in an area of functioning or a limitation in **two** areas of functioning. This means that if a child’s impairment will not let them do one thing at all or makes it hard to do in **two** areas of function, the impairment may fall within the definition.

Below is the list on areas of function SSA uses to figure out the

functional equivalence:

- acquiring and using information (learning)
- attending and completing tasks (doing stuff)
- interacting and relating with others (okay being with people)
- moving about and manipulating objects (getting around and using things like the TV)
- caring for self (washing, getting dressed)
- health and physical well-being

This functional assessment should include information from both medical and nonmedical sources—like parents, teachers, therapists, childcare providers or anyone else who has regular contact with the child.

Anyone who has direct contact with your child should complete a Function Report on the child's activities of daily living (ADL) such as feeding, dressing, toileting, mobility, and bathing.

This function report should tell what your child **can** do independently, indicating needs support and what type of support. It should also indicate what the child can **NOT** do at all or do independently. Anyone filling out a function report should be open, **honest**, and thorough.

Parents or caregivers often give too few details or try to make the child look good and include things that the child really cannot do or do well. It is okay to want to be positive about what your child can do, but now is **not** a good time to do that.

SSA wants to be careful and thorough, so they need all available records to make a disability determination. SSA is also interested in reading school records and reports.

Everyone doing a Function Report should be honest about what your child can and cannot do.

Approval

Every child under age 18 who receives SSI or Social Security benefits must have a representative payee appointed to receive benefits for them. This can be a parent, an adoptive parent, grandparent, or court appointed guardian.

SSA has rules for the representative payee, he or she must:

- Be sure that benefits are spent for the current and future use of the child.
- Complete an annual report explaining how benefits were used during the preceding year.
- Keep accurate records of how the benefit (money) was spent.

If you are an adult who receives SSI and you are not your own representative payee (rep payee), you can NOT be your child's rep payee.

If you are a minor with a child, you may be a rep payee, but you will have to complete extra questions and paperwork to qualify. SSA will give you the form or ask you the questions to be approved as rep payee.

Keeping Track

You must keep good records on how the benefit is spent. It is best to put the benefit into a dedicated account with a financial institution, a bank. No other funds may be put in this dedicated bank account with the SSI benefits.

If you do **not** have a dedicated bank account, SSA will issue you a card (like a MasterCard or Visa debit card). Monthly, SSA will load your benefit on this card. You will need to keep **all**

receipts of money spent using this card! You will **NOT** receive a statement of spending!

SSI benefits can be used for **only** certain expenses for the child:

- Medical treatment, education, or job skills training
- Personal needs assistance, special equipment
- Housing modification, and therapy or rehabilitation
- Any other item or service related to the child's disability that the SSA determines to be appropriate (says is okay).

If you use the benefit for anything other than what SSA has approved as an expense, they can stop your child's SSI benefit until that money is put back into the dedicated account. YES, they can check the dedicated account at any time.

The process to file SSI takes many months to complete. The SSA keeps track of the date filed and the eligibility month thru to determination date. If there is a long wait time from report submission to determination, then you could receive a lump sum payment. Lump sum payments can be up to three months of benefits paid at one time. SSI benefits three months lump sum **must** be paid into a dedicated account at a financial institution. These payments are paid twice a year- June and December.

Appeal Process

You have been turned down. Now what? You can appeal **if** the **determination letter** says that your child is not disabled or is no longer disabled. This is also called a denial letter. If you decide to appeal, you need to do it quickly. You have only **60 DAYS** from the time you receive the determination letter to start the appeal process.

- You have **60 days to appeal a decision, at whatever appeal level you may be in.**
- If you miss the deadline, you will have to begin the application process all over.
- You cannot appeal a denial because you make too much money or have too many resources or assets (See page 2). Unless you feel they made a mistake in the determination of income and assets.

Stage One - Reconsideration

- You need to call SSA at 1-800-772-1213 between 7 AM and 7 PM, Monday - Friday, or go online to obtain the "Request for Reconsideration" form. It will ask why you disagree with the decision.
- After you have completed and returned this form, you will get **ANOTHER** form to fill out. It is called the "Reconsideration Disability Report." It will ask for any information you have about the evaluation or changes in your child's condition.
- You need to complete these forms and return them to your SSA office.
- When you ask a provider to prepare a report, remind him or her that it is for a **disability determination**. It is important that the provider include the details about the

symptoms of the disability—not just notes about the diagnosis and treatment.

- A new team at DDS reviews the records and agrees or disagrees with the first determination (decision). This process will take an additional 3-6 months for a new determination.
- If you are denied again, you can go to Stage Two. Now is when you will want legal representation (a lawyer) for your child.
- Important... You will receive a determination letter whether you are approved or denied. If you decide to appeal, you need to do it quickly. **You have only 60 DAYS from the time you receive the determination letter to start the appeal process.**

Stage Two - Administrative Law Judge

- You will need to call SSA at 1-800-772-1213 between 7 AM and 7 PM, Monday-Friday, or go into your local SSA office and ask for a “Request for Hearing by an Administrative Law Judge” form.
- It will ask why you disagree with the ruling and whether you have any new information.
- Once again, you have only **60 DAYS** to file a request for a hearing. If you miss the deadline, you will have to start the application process over.
- After you complete and return the form to your SSA office, you will receive a “Claimant” statement.

- SSA will let you know your hearing date in about 6-8 months. The judge will review the records and hear added information about your child's condition.
- At the hearing, you can tell the judge about your child's disability and how it affects his or her life.
- The judge will not make a decision at the hearing. You will get a written decision in several months.
- If you are denied at the hearing level, it will be up to your lawyer to decide whether to continue with the appeal. **Again, you have only 60 DAYS from the time you receive the letter to start the appeal process.**

Stage Three - Appeals Council SSA HQ

- SSA Appeals Council reviews the file and decides if a mistake has been made.
- If the appeals council agrees that a mistake was made, the case is sent back to the hearing level.
- **A very small number of cases get a favorable decision at this level.**

Final Stage - Judicial Review / Federal Courts

- It is probably a good idea to have an experienced lawyer or advocate manage a long appeal.
- It can take several years.
- If the appeal decides that a child was disabled, benefits are given retroactively to the date of the original application.

- That means you can collect all the money that would have been sent for your child from the date of the first application.
- As time goes on during the appeal process, families are often able to collect medical evidence (proof) that their child meets the disability severity standards of SSI and build their case while waiting.

Continuing Disability Review

SSA will periodically review medical eligibility through a process called Continuing Disability Review (CDR). SSA will look at the case to make sure you still have a disability. If a person no longer has a disability, then SSA will move people off SSI who did not qualify any more. Or make sure those who have a disability continue to receive SSI benefit.

<https://www.ssa.gov/forms/ssa-454-bk.pdf>

How Often Does It (CDR) Happen?

A CDR is scheduled for a child every three years. Depending on the case, a review could be done more often. If there is little chance for change or for things to get better, a CDR may not need to be done as often.

Transition to Adulthood

A CDR **MUST** be done when a child turns 17 to 18 years old. That is when SSA decides whether he or she meets adult standards for a disability. Remember, this is also the time that a child can qualify on his or her own, SSA does not look at parents' income or resources.

The CDR process is like the application process. The DDS collects medical records, evaluations and other documents like

school records and activity of daily living reports (Function Reports). After looking everything over, the DDS makes a **disability determination**.

This time, DDS must show that improvement has taken place (things are better). SSA will apply adult disability standards to a 17-year-old's case and treat it as a new application.

Other SSA Benefits

Social Security Disability Insurance

Social Security Survivors Benefits

- SSA is also in charge of Social Security Disability Insurance (SSDI) program.
- SSDI benefits are based on a person's work history and earnings.
- Most individuals get Social Security benefits after they retire or become disabled.
- Children of eligible wage earners who retire, become disabled or die, can qualify for Social Security Survivors benefits.
- A child under 18 years of age can receive Social Security Survivor benefits, even if the child does not have a disability.
- Benefit amount is based on how long the parent worked and how much the parent earned. Social Security Survivor benefits last until a child is 18 or 19 if child is a full-time high school student.
- If a child has a severe disability that began before the age of 22, the child can get Social Security Survivor benefits for as long as the child has the disability, even into adulthood, unless the individual gets married.

Glossary

Administrative Law Judge (ALJ): This person is an official of the Social Security Administration's Office of Hearings and Appeals and is specially qualified by education and experience to hold hearings and make independent decisions about eligibility for SSA programs based on all evidence and testimony. ALJs hold impartial (fair) hearings and make decisions to claimants who have appealed earlier determinations (decisions) by SSA.

Assets: All property such as cash, stock, or land.

Determination: This is a decision made by a two-person team made up of a medical or psychological consultant (a physician or psychologist) and a disability examiner. If the team finds that new or more evidence is still needed, the consultant or examiner may re-contact a medical source(s) and ask for more information.

Determination letter: This is the official letter that you will receive from SSA after reviewing your child's application for SSI. It will state if you have been approved or denied. If you are denied, it will tell why and what your rights are for appeal. You will receive one after each CDR (Continuing Disability Review).

Disability Determination Service (DDS): These are state agencies, fully funded by the federal government, and responsible for developing medical evidence and making the initial determination on whether the claimant is disabled or blind under the law.

Disability Determination: This is the determination (decision) made by the team at the DDS whether a child meets the SSA disability criteria.

Entitlement: A federal program that guarantees a certain level of benefits to those who meet requirements set by law, such as Social Security, farm price supports or unemployment benefits. It leaves no discretion (freedom of action) to Congress on how much money to appropriate (set aside). Some programs have permanent appropriations.

Functional Assessment: This review looks closely at how the child or adult functions in each of the six domains of function.

Impairment: These are listed by major body systems in the SSA document we talked about on page 8. An impairment is a disability of some sort. SSA determines whether an impairment is severe enough to prevent an individual from doing any substantial gainful activity or, for a child to cause marked or severe functional limitations.

Qualified Alien: This is someone who falls under and has the income and resources of their immigration sponsors and sponsors' spouses available for their support for three years after the date of their lawful admission into the United States. The sponsor's income and resources are not considered if the alien becomes blind or disabled after the individual is admitted to the U.S. for permanent residence.

Resources

Social Security Administration (SSA). SSA has many publications about benefit programs. The information is free of charge. Call 1-800-772-1213 and ask for a copy. You can also go to their web site at www.ssa.gov . It has all their publications and the “blue book” that lists all impairments by body systems.

Parents Reaching Out (PRO): Our organization provides information on all the healthcare systems free of charge. We work to answer questions you have as you go through the SSI system.

Contact us at 1-800-524-5176 or 505-247-0192. You can also e-mail us at info@parentsreachingout.org or visit our web site at www.parentsreachingout.org .

References

A Guide to SSI and Social Security Benefits for Children and Youth in and out of Home Care. Developed for Casey Family Programs National Center for Resource Family Support, by Michael A. O'Connor, consultant.

Social Security. Benefits for Children with Disabilities SSA Publication No 05-10026

To a get a copy, call SSA office at 1-800-772-1213 or their website: www.ssa.gov .



This booklet is provided as a courtesy of:

As a statewide non-profit organization, we connect with parents, caregivers, educators, and other professionals to promote healthy, positive, and caring experiences for New Mexico families and children. We have served New Mexico families for over twenty-five years.

We support the use of People First Language to promote inclusive communities and successful outcomes for all families.

Children do not come with instructions on how to deal with the difficult circumstances that many families experience. Parents Reaching Out believes that families' needs go beyond the bounds of formal services.

What we offer to each other is uniquely ours.

Parents Reaching Out is the home of:

- Family Voices
- Family to Family Health Information Center (F2FHIC)
- Families as Faculty (FAF)
- Parent Training and Information (PTI)
- Early Childhood (Early Intervention)

Support and Guidance.

- We provide individual help for your unique situation. Call us if you have concerns about your child's special education program or if you need help navigating the health care system.

Information and Resources.

- We offer publications and workshops in English and Spanish on early intervention, special education, and health care topics.

Leadership Opportunities for Parents.

- We can help you develop your skills to become a parent leader in your community. You can offer direct assistance to other parents, promote PRO in your community, or get involved with legislative advocacy. Our parent leaders make a difference in communities throughout the state.

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