

Social Security - What Prisoners Need To Know

(written by www.socialsecurity.gov)

Social Security and Supplemental Security Income (SSI) payments generally are not payable for months that you are confined to a jail, prison or certain other public institutions for commission of a crime. You are not automatically eligible for Social Security or SSI payments when you are released.

Who can get Social Security benefits?

Social Security disability benefits can be paid to people who have recently worked and paid Social Security taxes and are unable to work because of a serious medical condition that is expected to last at least a year or result in death. The fact that a person is a recent parolee or is unemployed does not qualify as a disability.

Social Security retirement benefits can be paid to people who are age 62 or older. Generally, you must have worked and paid Social Security taxes for 10 years to be eligible.

Who can get SSI payments?

SSI can be paid to people who are age 65 or older or who are blind or disabled and whose income and resources are below certain limits.

No benefits are payable for any month in which you reside in a jail, prison or certain other public institutions.

What happens to my benefits when I am in prison?

If you are receiving Social Security, your benefits will be suspended if you are admitted for more than 30 continuous days to a jail or prison because you were convicted of a criminal offense. Your benefits can be reinstated starting with the month following the month you are released.

Although you cannot receive monthly Social Security benefits while you are confined, benefits to your spouse or children will continue as long as they remain eligible.

If you are receiving SSI, your payments are suspended while you are in prison. Your payments can be reinstated in the month you are released. However, if your confinement lasts for 12 consecutive months or longer, your eligibility for SSI benefits will terminate and you must file a new application for benefits.

Can I get my benefits started when I'm ready to be released?

If your Social Security or SSI benefits were suspended because you were in prison, you can request that they be started. You will need to contact Social Security and provide a copy of your release documents before we can take action on your request.

Example: George was receiving Social Security disability benefits. He was convicted and confined to prison on May 15, 2007, and his benefits were suspended effective with May 2007. On October 10, 2009, George was released and his benefits were reinstated effective with November 2009. Since Social Security benefits are paid in the month following the month for which they are due, George will receive his November benefit in December.

Example: Sam was receiving SSI disability benefits and was confined to prison on June 7, 2009. He was released on September 7, 2009. His SSI can be reinstated as of September 7. Sam will be eligible for a partial payment for September and full benefits for October.

If you were not receiving either Social Security or SSI benefits before you went to prison or your SSI benefits were terminated,

you will need to file a new application for benefits if you think you may be eligible. You should contact Social Security for more information about filing a claim for benefits. You will need to provide proof of your release from prison, in addition to a new application and other documents.

NOTE: We cannot start your benefits until you are actually released. And we must have your official release documents from the jail or prison where you were confined. Please remember to bring your release forms when you visit your local Social Security office. This will help us get your benefits started more quickly.

What about my Medicare or Medicaid coverage?

Your eligibility for Medicare Part A (hospital insurance) continues uninterrupted while you are in prison. But Part B Medicare (medical insurance) will terminate if you do not pay your monthly premiums while you are in prison. To start Part B Medicare, you will need to file an application with us during a general enrollment period, which is January through March of each year. If you file during this enrollment period, your Part B eligibility will begin on July 1 of that year.

If your Medicaid eligibility was terminated while you were in prison, you will need to contact your local social services office to apply for Medicaid coverage. We can provide a referral form for you to take to the social services office.

How do I file an application if I am in prison?

After you know your release date, notify someone at your facility that you want to start your Social Security or SSI benefits. If your institution has a prerelease agreement with the local Social Security office, it will notify us if you are likely to meet the requirements for SSI or Social Security benefits. We will obtain an application from you several months before your anticipated release. That way, we can begin processing your application and

your benefits can start as soon as possible after your release.

If you are filing for benefits based on disability, we will gather medical evidence from your doctors to help us decide whether you are disabled under our rules.

Family members or a social worker can help you by contacting Social Security to let us know of your upcoming release. A family member also may be willing to serve as your representative payee if your medical condition prevents you from handling your own finances.

If there is no prerelease agreement, when you know your anticipated release date, contact Social Security to apply for benefits if you think you may be eligible. You can call us toll-free at 1-800-772-1213 and tell the representative that you are scheduled to be released from a correctional facility and want to ask about receiving benefits. Please have your Social Security number handy when you contact us. We will set up an appointment with your local Social Security office to take your application after you are released.

What happens if I have a financial emergency and cannot pay my bills?

If the prerelease procedure is used and you are qualified for benefits, we usually can get your benefits started soon after your release. If we are unable to do so and you are facing a financial emergency, we can issue a payment immediately if we determine that:

- You are eligible for either Social Security or SSI benefits;
- You are already due a payment; and
- Your situation qualifies as a financial emergency under our rules.

Contacting Social Security

For more information and to find copies of our publications, visit our website at www.socialsecurity.gov or call toll-free, 1-800-772-1213 (for the deaf or hard of hearing, call our TTY number, 1-800-325-0778). We treat all calls confidentially. We can answer specific

questions from 7 a.m. until 7 p.m., Monday through Friday. We can provide automated phone service 24 hours a day.

We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.

Supplemental Security Income

This document explains what Supplemental Security Income (SSI) is, who can get it and how to apply. It provides basic information and is not intended to answer all questions. For specific information about your situation, you should talk with a Social Security representative.

The SSI program makes payments to people with low income who are age 65 or older or are blind or have a disability.

The Social Security Administration manages the SSI program. Even though Social Security manages the program, SSI is not paid for by Social Security taxes. SSI is paid for by U.S. Treasury general funds, not the Social Security trust funds.

The basic SSI amount is the same nationwide. However, many states add money to the basic benefit. You can call us to find out the amounts for your state.

Rules for getting SSI

Your income and resources

Whether you can get SSI depends on your income and resources (the things you own).

Income

Income is money you receive such as wages, Social Security benefits and pensions. Income also includes such things as food and shelter. The amount of income you can receive each month and still get SSI depends partly on where you live. You can call us to find out the income limits in your state.

Social Security does not count all of your income when we decide whether you qualify for SSI. For example, we do not count:

- The first \$20 a month of most income you receive;
- The first \$65 a month you earn from working and half the amount over \$65;
- Supplemental Nutrition Assistance Program (SNAP) benefits, formerly known as food stamps;
- Shelter you get from private nonprofit organizations; and
- Most home energy assistance.

If you are married, we also include part of your spouse's income and resources when deciding whether you qualify for SSI. If you are younger than age 18, we include part of your parents' income and resources. And, if you are a sponsored noncitizen, we may include your sponsor's income and resources.

If you are a student, some of the wages or scholarships you receive may not count.

If you are disabled but work, Social Security does not count wages you use to pay for items or services that help you to work. For example, if you need a wheelchair, the wages you use to pay for the wheelchair do not count as income when we decide whether you qualify for SSI.

Also, Social Security does not count any wages a blind person uses for work expenses. For example, if a blind person uses wages to pay for transportation to and from work, the wages used to pay the transportation cost are not counted as income.

If you are disabled or blind, some of the income you use (or save) for training or to buy things you need to work may not count.

Resources (things you own)

Resources that we count in deciding whether you qualify for SSI include real estate, bank accounts, cash, stocks and bonds.

You may be able to get SSI if your resources are worth no more than \$2,000. A couple may be able to get SSI if they have resources worth no more than \$3,000. If you own property that you are trying to sell, you may be able to get SSI while trying to sell it.

Social Security does not count everything you own in deciding whether you have too many resources to qualify for SSI. For example, we do not count:

- The home you live in and the land it is on;
- Life insurance policies with a face value of \$1,500 or less;
- Your car (usually);
- Burial plots for you and members of your immediate family; and
- Up to \$1,500 in burial funds for you and up to \$1,500 in burial funds for your spouse.

Other rules you must meet

To get SSI, you must live in the United States or the Northern Mariana Islands and be a U.S. citizen or national. In some cases, noncitizen residents can qualify for SSI. For more information, ask for Supplemental Security Income (SSI) For Noncitizens (Publication No. 05-11051).

If you are eligible for Social Security or other benefits, you should apply for them. You can get SSI and other benefits if you are eligible for both.

If you live in certain types of institutions, you may get SSI.

If you live in a city or county rest home, halfway house or other public institution, you usually cannot get SSI. But there are some exceptions.

If you live in a publicly operated community residence that serves no more than 16 people, you may get SSI.

If you live in a public institution mainly to attend approved educational or job training to help you get a job, you may get SSI.

If you live in a public emergency shelter for the homeless, you may get SSI.

If you live in a public or private institution and Medicaid is paying more than half the cost of your care, you may get a small SSI benefit.

If you are applying for SSI, you can complete a large part of your application by visiting our website at www.socialsecurity.gov. You also can call us toll-free at 1-800-772-1213 to ask for an appointment with a Social Security representative.

Parents or guardians usually can apply for blind or disabled children under age 18. In some cases, other third parties can apply for children.

You should bring certain items when you apply. Even if you do not have all of the things listed below, apply anyway. The people in the Social Security office can help you get whatever is needed. Please bring:

- Your Social Security card or a record of your Social Security number;
- Your birth certificate or other proof of your age;
- Information about the home where you live, such as your mortgage or your lease and landlord's name;
- Payroll slips, bank books, insurance policies, burial fund records and other information about your income and the things you own;
- The names, addresses and telephone numbers of doctors, hospitals and clinics that you have been to, if you are applying for SSI because you are disabled or blind;
- Proof of U.S. citizenship or eligible noncitizen status; and
- Your checkbook or other papers that show your bank, credit union or savings and loan account number.

If you are approved for SSI, you must receive your payments electronically. Payments may be made via direct deposit, the Direct Express® card program or an Electronic Transfer Account. For more information, visit www.GoDirect.org.

A note for people who are blind or disabled

If you work, there are special rules to help you. You may be able to keep getting SSI payments while you work. As you earn more money, your SSI payments may be reduced or stopped, but you may be able to keep your Medicaid coverage.

You also may be able to set aside some money for a work goal or to go to school. In this case, the money you set aside will not reduce the amount of your SSI.

Blind or disabled people who apply for SSI may get free special services to help them work.

These services may include counseling, job training and help in finding work.

You can get more information in *Working While Disabled—How We Can Help* (Publication No. 05-10095).

Right to appeal

If you disagree with a decision made on your claim, you can appeal it. The steps you can take are explained in *Your Right To Question A Decision Made On Your Supplemental Security Income (SSI) Claim* (Publication No. 05-11008).

You may handle your own SSI case with free help from Social Security. You also have the right to have someone represent you. There are rules about who can represent you and what your representative can do. We will work with your representative as we would work with you. Ask us if you want to find out how you can appoint someone to act on your behalf. You also can find more information about representation in *Your Right To Representation*: Publication No. 05-10075) or on our website at

www.socialsecurity.gov/representation.

If you get SSI, you also may be able to get help from your state or county. For example, you may be able to get Medicaid, food or other social services. Call your local social services department or public welfare office for information about the services available in your community.

Supplemental Nutrition Assistance Program (food stamps)

If you get SSI, you might be able to get help through the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps. If everyone in your home is applying for or getting SSI, you can apply for SNAP at a Social Security office.

If you do not live in a home where everyone is applying for or getting SSI, visit www.fns.usda.gov/snap to find out how to apply. For more information, ask for Nutrition Assistance Programs (Publication No. 05-10100).

Medicaid

When you get SSI, you also may get Medicaid, which helps pay doctor and hospital bills. Your local welfare or medical assistance office can give you information about Medicaid.

Help paying for Medicare

If you get Medicare and have low income and few resources, your state may pay your Medicare premiums and, in some cases, other Medicare expenses such as deductibles and coinsurance.

Only your state can decide if you qualify. To find out if you do, contact your state or local welfare office or Medicaid agency. You can get more information about these programs from the Centers for Medicare & Medicaid Services (CMS) by calling the Medicare toll-free number, 1-800-MEDICARE (1-800-633-4227). If you are deaf or hard of hearing, you may call TTY 1-877-486-2048.

You also may be able to get extra help paying for the annual deductibles, monthly premiums and prescription co-payments related to the Medicare prescription drug program (Part D). You may qualify for extra help if you have limited income (tied to the federal poverty level) and limited resources. These income and resource limits change each year and are not the same as the SSI income and resource limits. You can contact Social Security for the current numbers.

If you have both Medicaid with prescription drug coverage and Medicare, Medicare and SSI, or if your state pays for your Medicare premiums, you automatically will get this extra help and you don't need to apply.

You may be able to get Social Security

If you have worked and paid into Social Security long enough, you also may be eligible for Social Security benefits while you are receiving SSI. Retirement benefits can be paid to people age 62 or older and their families. Disability benefits go to people with disabilities and their families. Survivors benefits are paid to the families of workers who have died. If you think you may qualify for Social Security benefits, call us to make an appointment to talk with a Social Security representative.