



# Advocates for Children of New York

Protecting every child's right to learn

## Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a government program run by the Social Security Administration (SSA)\* that provides cash assistance to children (ages 0-18) and adults with disabilities. To get Social Security, you must (1) be financially eligible and (2) have a disability based on the Social Security law.

*\*SSA is commonly referred to as "Social Security," which is what we will call it in this information sheet.*

### HOW TO APPLY FOR SSI FOR YOUR CHILD

#### STEP 1: Check to see if you are financially eligible.

Before you fill out an application, you should check to see if you are financially eligible for SSI. Social Security has strict limits on how much money you can make and how much you can have in assets (money in the bank, property, etc.). You should call Social Security at (800) 772-1213 to see if you meet the basic requirements.

#### STEP 2: Fill out an application.

To fill out the application, you must call your local Social Security office for an appointment. While some parts of the application can be completed on the <https://www.ssa.gov/> website, we recommend that you fill out the whole application with an agent at your local Social Security office. If English is not the language that you are most comfortable with, it is very important that you tell the person scheduling your appointment that you would like to meet with someone who speaks your language.

When visiting the Social Security office, be sure to bring:

- Your child's medical records (including evaluations), including the name, phone number, and address of every doctor, therapist, hospital, and clinic that has seen your child in the last year.
- A list of all medications your child is taking.
- Name and address of schools, teachers, and service providers (Occupational, Physical or Speech-Language Therapy, Special Education Teacher Support Services or Counseling) from the last year.
- Your child's most recent Individualized Education Program (IEP), IFSP (if your child is under age 3), or 504 Plan.
- Your child's birth certificate.
- Proof of your child's citizenship if they were born outside of the US (see below for information about non-citizens).

**TIP:**  
Try to have everything ready before the meeting. Documents that you send later may get lost.

### **STEP 3: Attend an interview.**

Next, you will get a letter or a call about an interview. This interview is to check your income—not the same as asking if you meet the eligibility requirements in the beginning of the process. Social Security usually mails out this letter 4-6 months after you have submitted the application. Be sure to bring the following to your interview:

- The names, social security numbers, and proof of income of all people living in your household.
- Proof of “resources” for your child and any parents living in the household (bank statements).
- Anything else that is specifically listed in the letter from Social Security.
- Also, you can bring specific observations that you have made about how your child’s disabilities affect daily activities. These observations can be information that teachers, family members, or other people close to your child have shared with you about your child.

## **FREQUENTLY ASKED QUESTIONS**

### ***How does the Social Security office decide if my child has a disability?***

Social Security has its own definition of “disability.” This means that even though your doctor may have diagnosed your child with a disability, your child may not qualify for Social Security. Also, just because your child has an IEP does not mean that he or she will qualify for Social Security.

To decide whether your child has a “disability” that will allow him or her to get SSI, the Social Security office will look through all of the documents (medical forms, information from teachers and service providers) and compare your child’s disability to Social Security’s list of disabilities. To see Social Security’s list of disabilities, visit

<https://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>.

Social Security will look at your child’s overall health and physical well-being and ability to:

- Get and use information
- Complete tasks
- Move around and manipulate objects
- Care for him/herself
- Interact/relate with others

If they decide that they do not have enough medical information, they may ask you to get an evaluation for your child.

### ***How does Social Security determine if my child is income eligible?***

How much money you make and how much money you have (assets) will impact:

1. Whether you can get any SSI benefits; and
2. How much money (benefits) you will get from Social Security if you are eligible.

Social Security will consider your income (including any benefits and child support), assets (the money you have in the bank or in cash, land or property that you own, etc.), and the number of people in your house. The formula that the Social Security office uses can be very hard to understand. For that reason, it is very important that you call your local Social Security office at the beginning of this process to make sure that you are potentially financially eligible.

## ***How will I know when Social Security has made their decision?***

Once Social Security makes a decision, they will send a letter to your home. The process can take anywhere from 4 to 6 months after you finish your interview and give them all the required paperwork. The process can sometimes be faster or slower depending on how many other people are applying for SSI at the same time as you.

**NOTE:** If your phone number or address changes during this time, you must let the office know as soon as possible.

## ***What happens if my child gets approved for SSI?***

If you are approved for SSI, you will begin to get benefits immediately, including benefits back to the date you first sent in your application. You can get your benefits in one of three ways:

1. Deposits directly into a private bank account that is only for your child;
2. Debit card from Direct Express (a debit card provided by Social Security); or
3. A paper check.

Social Security has been moving away from sending paper checks to an all direct deposit system.

### **» BACK-BENEFITS «**

If your application is approved, you might be able to get something called “back benefits.” Back benefits are payments to make up for the time that you should have been receiving payments during the application process. If you get a back benefit, you must first spend the money on the following for your child: medical treatment, education, job training, equipment, and housing modifications. Note that the Social Security office may also ask to review how you spent the money.

## ***What if I get denied?***

If you get denied for SSI, you have the option of appealing (asking for a review of the decision). You must file your appeal within **65 days** of the date on the denial letter. You can file the appeal online at <https://www.ssa.gov/disabilityssi/appeal>.

The appeal process can take a very long time and a lot of work. We recommend that you get help from a lawyer. There are several organizations and law firms within NYC that are able to help you through the process; some are free and some charge a fee. To get help with an appeal, please see the list of advocacy offices on the last page of this fact sheet.

## ***What can I use SSI benefits for?***

The first thing that the benefits should be used for is your child’s day-to-day needs for food and shelter. SSI can also be used for medical and dental care that’s not covered by health insurance and to take care of your child’s personal needs, such as clothing and recreation. Any money that is left over should be placed in a savings.

If your child is under 18 years old, Social Security requires that the money is paid to someone called a “representative payee.” The representative payee is the person who gets the money for the child. This person is usually the parent or guardian. If you are the representative payee, you will need to keep documents on how you spend the SSI money. If Social Security sees that money is not being spent well or that you have been receiving too much, they will ask you to repay the money.

### » ELIGIBILITY REVIEW «

Your child’s approval for benefits is not permanent. Social Security can re-review your child’s medical condition anywhere from once per year to every five years, depending on the kind of disability your child has. Social Security does this to make sure that your child still meets the disability standards. Income can be reviewed yearly; if there are any changes in your income, you must let your local Social Security office know.

### ***What happens to my child’s SSI when they turn 18?***

The rules for receiving SSI are different for children and adults. For that reason, when your child turns 18, Social Security will re-evaluate your child’s case using the adult rules. This review usually begins within 12 months of your child’s 18th birthday.

If your child does not meet the adult disability rules, you will get a written notice that he or she will not get benefits anymore. If you disagree with the decision, you have 60 days to begin the appeal process. You can file the appeal in person or online.

When you begin the appeal process, you can ask that your child keep getting SSI benefits during the appeal. Your child will continue to get his or her benefits until an Administrative Law Judge makes a hearing decision. Please keep in mind that the appeal process can sometimes take a year or more.

### ***Does my child have to be a U.S. citizen to get benefits?***

Not necessarily. There are certain groups of non-citizens that may qualify for SSI benefits. Non-citizens who may be eligible for Social Security include:

- Non-citizen members of federally recognized Native American tribes
- Certain non-citizens admitted as Amerasian immigrants
- Cuban/Haitian entrants admitted under the Refugee Education Assistance Act
- Certain victims of severe forms of human trafficking
- Certain Iraqi or Afghan special immigrants admitted as lawful permanent residents

If your child is not a U.S. citizen and does not qualify as one of the listed citizenship exceptions, he or she is probably not eligible for SSI. If you have a question about your child’s eligibility, please contact one of the advocacy offices at the end of this document.

*This fact sheet does not constitute legal advice. This fact sheet attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.*

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# SOCIAL SECURITY ADVOCACY OFFICES

## LEGAL AID SOCIETY

206 East 106th Street  
New York, NY 10029  
(212) 426-3000  
Boroughs Served: Manhattan (Harlem)

111 Livingston Street, 7th Floor  
Brooklyn, NY  
(718) 722-3100  
Boroughs Served: Brooklyn

120-46 Queens Boulevard, 2nd Floor  
Kew Gardens, NY 11415  
(718) 286-2450  
Boroughs Served: Queens\*

260 East 161st Street, 8th Floor  
Bronx, NY 10451  
(646) 340-1917 (*Call on Thursdays at 9am*)  
Boroughs Served: Bronx

60 Bay Street  
Staten Island, NY 10301  
(718) 273-6677  
Boroughs Served: Staten Island

\* NOTE: Provides Mobile Justice Unit outreach to Far Rockaway, Fridays 11am—2pm at 2102 Mott Avenue, shopping center parking lot between Thriftway and Capital 1 Bank

## MANHATTAN LEGAL SERVICES

55 West 125th Street, 2nd Floor  
New York, NY 10003  
(646) 442-3166  
Boroughs Served: Manhattan (Harlem)

40 Worth Street, Suite 606  
New York, NY 10013  
(646) 442-3166  
Boroughs Served: Manhattan (Downtown)

## THE FAMILY CENTER (Legal Wellness Institute)

49 Nostrand Avenue, 3rd Floor  
Brooklyn NY 11216  
(718) 230-1379 ext. 150  
Boroughs Served: All

## NORTHERN MANHATTAN IMPROVEMENT CORP.

76 Wadsworth Ave.  
New York, NY 10033  
(212) 822-8300  
Boroughs Served: All (*Focus on Northern Manhattan and South & West Bronx*)

## MOBILIZATION FOR JUSTICE

299 Broadway, 4th Floor  
New York, NY 10007  
(212) 417-3732 (*Telephone intakes occur Mondays, 10am—12pm*)  
Boroughs Served: All

## URBAN JUSTICE CENTER

NOTE: Serves adults with psychiatric disabilities only  
40 Rector Street, 9th Floor  
New York, NY 10006  
(877) 647-5191 (*press 3 for SSI*)  
Boroughs Served: All

## NEW YORK LEGAL ASSISTANCE GROUP (NYLAG)

7 Hanover Square, 18th Floor  
New York, NY 10004  
(212) 613-5024  
Boroughs Served: All