



Social Security Benefits For Children with Disabilities

Children with disabilities may qualify for Supplemental Security Income benefits (SSI). These benefits are provided through the Social Security Administration (SSA) to children based on the severity of their disability and their family income.

What is the Supplemental Security Income (SSI) program?

Under the SSI program, a child from birth to age 18 may receive monthly payments based on disability or blindness if:

- * the child has an impairment or combination of impairments that meets the definition of disability for children, and
- * the income and resources of the parents and the child are within the allowed limits.

The Social Security Administration (SSA) administers the SSI program. Local Social Security offices handle applications.

What types of disabilities are eligible for SSI?

It is important to note that disability for the purposes of SSI is not about health and diagnoses. The child must have a physical or mental condition, or a combination of conditions, that seriously limits his or her activities. The condition or conditions must have lasted, or be expected to last, at least 1 year or result in death.

For a child, the SSA will decide whether the physical or mental condition results in long-term functional limitations that significantly impact the child's growth and development. For an adult 18 years and older, these limitations become focused on the ability to work and earn an income.

How to Apply

To apply for SSI benefits, the child's parent or guardian should complete an application for disability benefits with the Social Security Administration (SSA). You can apply on line by going to www.socialsecurity.gov/applyfordisability/child.htm. You can also apply for SSI benefits by calling 1-800-722-1213 Monday through Friday between 7 a.m. and 7 p.m. or at your local Social Security Administration office. The SSA has an online Disability Starter Kit that can help you get ready for your disability interview or help you to complete the online application. In order to

905 W. APACHE STREET. • FARMINGTON, NEW MEXICO 87401
Phone 505-566-5880 • Toll Free 1-800-862-7271 • Fax 505-566-5889

The Protection & Advocacy System for Native Americans with Disabilities.

Funding provided by the Administration on Intellectual & Developmental Disabilities, the Rehabilitation Services Administration, the Center for Mental Health Services, the Social Security Administration, the Arizona Developmental Disabilities Planning Council, the New Mexico Civil Legal Services Commission, the New Mexico Administrative Office of the Courts, the New Mexico Access to Justice Commission

complete the Disability Report on line or to prepare for your interview with a Social Security Claims Representative, make sure you have the following information with you. Even if you do not have all of the listed information, if you have an interview scheduled, begin the process and provide the missing information later. The interview usually takes at least one hour.

Interview Checklist

Personal Information

- The child's full name, Social Security number, & date of birth
- The applicant's (usually the parent or guardian) name, address, telephone number & e-mail address if you have one.
- Proof of the child and family members' current income and resources.
- The name, address, and telephone number of someone else who knows about the child's illnesses, injuries, or conditions (referred to from here on as "condition" or "conditions").
- A description of the child's conditions, including when they began and how they limit the child's daily activities.

Education & Work History (if applicable)

- The names, addresses, and telephone numbers for all schools or educational facilities that the child has attended in the last 1 to 3 years, including any evaluations and names of counselors, therapists, especially if your child is receiving special education services.
- The type of behavioral or learning test(s) that the child had, and when the test(s) was done.
- A description of the child's last job, if he or she has worked.

Medical History

- The names, addresses and telephone numbers for all doctors, hospitals, and clinics that the child has seen for his or her conditions, the dates of and reasons for the visits.
- Name(s) of any medical test(s) that the child had, when and where the test(s) was done, and who ordered it.
- Name(s) of each prescription medicine(s) that the child takes and the doctor(s) who prescribed it.
- Name(s) of any non-prescription medicine(s) that the child takes.

Once you complete the application, the SSA creates a file for your child's claim and requests his or her education and medical records. They then review the file and either grant or deny your child's claim for benefits. Most claims are denied at this stage. If you receive a letter denying your child's claim, you should appeal that denial.

What if I am more comfortable speaking a language other than English?

The Social Security office is required to provide you with free interpreter services to assist you in all phases of the application process.

How to Appeal a Denial

There are three steps to the appeal process. They are (1) reconsideration, (2) hearing by an administrative law judge, and (3) review by the Appeals Council. It is best to appeal SSA's denial at each step of their process instead of reapplying for benefits. Your chances of being approved for benefits may improve as you go through more steps of the appeal process.

Step One – Request for Reconsideration

The first step in the appeal process is called a Request for Reconsideration. There are several ways that you can file your request. You can go to the local SSA office and tell a Social Security representative that you want to appeal the denial. Please specify that you want to **appeal or file a request for reconsideration**, not reapply for SSI benefits. The SSA representative should give you a Request for Reconsideration form to fill out. The form is also available on the SSA website. You can also call the main Social Security office at 1-800-772-1213 and tell them that you want to appeal the denial. For your records, write down the date and time when you called to appeal. Your appeal is not filed until you submit the Request for Reconsideration form to the SSA, either in person or by mail.

You have 60 days from the date of the SSA's denial letter to file your Request for Reconsideration. If you miss this deadline Social Security may not consider your claim, and you may have to start over and reapply for benefits. When you file the appeal, make sure the Social Security Administration has all the information that they need to rule in your child's favor. Gather and deliver all of your child's educational, medical, and vocational reports to the SSA and give them any other information you have about your child's health conditions, abilities and so forth. The more information you give them, the better the chance that Social Security may find your child disabled. Remember to always keep a copy of any documents you give Social Security.

Step Two – Request for Hearing

If the SSA denies your Request for Reconsideration, you must request a hearing before an administrative law judge. You request a hearing by completing a Request for Hearing form. You have 60 days from the date of the SSA's reconsideration denial letter to request a hearing. As with the earlier steps, you can go to the local SSA office and tell a Social Security representative that you want to request a hearing. **Make it clear that you want to request a hearing, not reapply for SSI benefits.** The SSA representative should give you a form to fill out. The form is also available on the SSA website. You can also call the main Social Security office at 1-800-772-1213 and tell them that you want to request a hearing, and they will mail you a form. For your records, write down the date and time when you called to appeal. Your appeal is not filed until you submit the Request for Hearing form to the SSA, either in person or by mail.

Step Three – Appeals Council

The Appeals Council review process generally begins after an application for benefits has been denied at the initial, reconsideration, and hearing levels. If you disagree with the decision of the Administrative Law Judge, you may file a request for review with the Appeals Council.

You must request review in writing within **60 days** of receiving the hearing decision. You should send your request to: Appeals Council, SSA/ODAR, 5017 Leesburg Pike, Falls Church, VA 22041-3255. You can also contact your local Social Security office, local hearing office, or call SSA toll-free at 800.772.1213 for assistance. If you do not request review in writing within 60 days, the Appeals Council may not consider your appeal.

How Decisions are Made

The Social Security Administration might find that your child qualifies for disability benefits if he or she has a specific condition or diagnosis. However, most cases are decided based on the impact of your child's disability on his or her growth and development. A statement from a doctor or other professional stating that your child is disabled will not automatically make him or her eligible for disability benefits. To decide if your child is eligible, the SSA will consider his or her age, condition, and its impact on his or her ability to learn, complete tasks, move, interact with others, care for himself or herself, and his or her general health and physical well-being.

The Social Security Administration considers claims using the following questions:

1. Is your child working?

If YES → benefits denied.

2. Is your child's impairment severe? A severe impairment causes more than minimal functional limitations. The impairment must also last for at least 12 months.

If NO → benefits denied.

3. Does your child's impairment meet, medically equal, or functionally equal a Listed Impairment? The SSA has a Listing of Impairments. It describes impairments that are considered severe enough to have a marked to extreme impact on your child's development. If your child's condition meets all of the elements in a specific listing, then the Social Security Administration will find you eligible for benefits. The listings are available on the SSA website.

If YES → benefits awarded.

To help Social Security to determine whether your child is disabled according to their rules, give them as much information as possible, specifically: copies of medical reports, progress notes, or doctor's letters, the dates of visits to doctors or hospitals, the patient account numbers for any doctors or hospitals, and any other information that will help SSA obtain your child's medical records.

4. Does the child or family have income or resources above the amount allowed?

If YES → benefits denied.

SSA will consider your child's income and resources, as well as the income and resources of family members living in the child's household. Excluding the family's home, car, personal items, and work tools, if the family's resources are over \$3,000, SSA will deny the child's application for SSI payments even if the child is disabled.

If my child is eligible, when will payments begin?

It can take several months for SSA to decide if a child is disabled and to begin payment. In unique circumstances, certain medical conditions are considered so limiting that it is assumed that any one of them will disable a child. These include: HIV infection, total blindness, total deafness, cerebral palsy, Down syndrome, muscular dystrophy, and birth weight below 2 pounds, 10 ounces. If your child has one of the limiting conditions that is expected to disable a child, he or she will get SSI payments right away. SSA may later decide that your child's disability is not severe enough for SSI. If that happens, you will **not** have to pay back the SSI payments that your child received.

Are there other Social Security benefits programs available for my child with a disability?

Your child **may** be eligible for Social Security Disability Insurance (SSDI). Under SSDI, the child's parent pays into the Social Security Disability Insurance program through his or her employment over time until he or she qualifies for benefits. The parent can qualify by reaching the age of 62 years old, by becoming disabled, or by dying. A disabled child may get benefits based on the qualification of the parent under this section of the social security program.

Are there health care benefits Related to Social Security eligibility?

SSI is not a medical assistance program. However, in most states, children who get SSI benefits can also get Medicaid. Medicaid is a health care program for people with low incomes and limited resources. Even if your child cannot get SSI, he or she may be able to get Medicaid. Contact your state Medicaid agency for more information.

SSI Disability Reviews

Once your child starts receiving SSI, every so often the SSA will review your child's medical condition to verify that he or she is still disabled. This review must be done:

- At least every three years for children younger than age 18 whose conditions are expected to improve; and
- By age 1 for babies who are getting SSI payments because of their low birth weight.

SSA has the option of performing a disability review even if your child's condition is not expected to improve. During the review, you must provide information that your child is and has been receiving treatment that is considered medically necessary for your child's medical condition.

What happens when my child turns age 18?

For disability purposes in the SSI program, a child becomes an adult at age 18. SSA uses different medical and non-medical rules when deciding if an adult can get SSI disability payments. SSA will review the child's medical condition when he or she turns age 18 and will use the adult disability rules to decide whether the child would be considered disabled.

If your child was not eligible for SSI before his or her 18th birthday because the family income or resources were over the limit, he or she may become eligible for SSI at age 18.

Help with the Process

If you have questions on the process to become eligible for disability benefits, you can get help from:

Native American Disability Law Center

Farmington: 800-862-7271

Flagstaff: 928-433-0963

San Juan Center for Independence

Farmington: 877-484-4500

Gallup: 505-726-2709

An attorney can also help you, but many attorneys do not take cases until a person is ready to file a Request for Hearing. To find an attorney who takes Social Security cases, either call the organizations listed above or look in your local yellow pages. Many attorneys who take Social Security cases will include it in their yellow pages listing.

You should know that being awarded Social Security benefits could take many months or even years, so it pays to be patient. In addition, if you are approved, your child's benefits will start on the date when you first applied for benefits.

