

Social Security, SSDI and SSI

How do I qualify for Supplemental Security Income (SSI)? SSI is a cash benefit for low income people and does not depend on your work history. You must be a person with a disability as defined by the Social Security Administration (SSA), and be eligible for Medicaid. There are no dependent benefits for SSI.

How do I qualify for Social Security Disability (SSDI)? SSDI is based on your work history. To qualify, you must be a child or adult with a severe physical or mental condition that lasts more than 12 months. The SSA will look at things like your ability to work, the severity of your disability, and whether you can do some other kind of work. If you qualify, your dependents may also qualify. For purposes of SSDI, a “dependent” is:

- A spouse age 62 or older;
- A child up to 18th birthday if a full-time elementary or secondary school student, or disabled;
- An adult child who became disabled before age 22;
- A divorced spouse age 62 or older who was married to you for at least 10 years prior to divorce;
- A person under age 62 and caring for child under age 16, and
- A person caring for an adult child who became disabled before reaching the age of 22.

How do I qualify for Spousal Benefits? If you are divorced and your marriage lasted 10 years or longer, you can receive benefits on your ex-spouse's record (even if he or she has remarried) if:

- You are unmarried and age 62 or older;
- Your ex-spouse is entitled to Social Security retirement or disability benefits *and*
- The benefit you are entitled to receive based on your own work is *less* than the benefit you would receive based on your ex-spouse's work.

Your benefit as a divorced spouse is equal to one-half of your ex-spouse's full retirement amount (or disability benefit) if you start receiving benefits at your full retirement age.

How do I qualify for Survivor's benefits? Benefits may be available for the surviving spouse and children if the worker had enough quarters of work history at time of death. The following may qualify:

- A surviving spouse age 60 or older, or age 50 or older who is disabled as determined by the SSA.
- A divorced spouse age 60 or older who was married to the deceased worker for at least 10 years;
- A surviving spouse under age 60 and caring for a child who is under age 16, or for an adult child who was disabled before age 22;
- A child up to 18th birthday if a full-time elementary or secondary school student, or disabled;
- An adult child who became disabled before age 22.

Can my benefits be withheld for child support? SSDI or Social Security retirement benefits *can* be withheld to pay child support and back child support (arrearages). Supplemental Security Income (SSI) is *not* subject to withholding for child support.

I've received a notice of overpayment from the SSA. What now?

- *Request for Waiver of Overpayment*- if you were not at fault for the overpayment *and* paying it back (recoupment) would cause you financial hardship; *or*
- *File an Appeal* – If you appeal within 30 days of the notice of overpayment, the SSA won't collect the money they say you owe until a there's final decision. If you appeal within 30-60 days of the notice, the SSA is allowed to start recouping the money owed while a decision is pending.

Amount of recoupment: For SSDI or Retirement, the SSA is entitled to withhold your *entire benefit*. For SSI, up to 10% of your monthly benefit can be withheld. You can negotiate a payment plan to lower the amount taken until the overpayment is recouped.

For more information, visit www.ssa.gov