



Disabled and Leaving Prison: Starting or Restarting Social Security Disability Benefits

Can I get Social Security benefits?

If you have a disability you may be able to get monthly support payments from the Social Security Administration under one or both of these programs:

1. **Supplemental Security Income (SSI)** – this program gives payments to people 65 or older and to disabled people with low incomes and low assets.
2. **Social Security Disability Insurance (SSDI)** – this program gives payments to disabled people who worked and paid Social Security taxes.

Social Security defines a **disability** as a severe physical or mental impairment that:

- has lasted at least 12 months, or
- is expected to last at least 12 months, or
- is expected to result in death

The impairment must keep you from working beyond certain limits.

You **can't** get disability benefits:

- While you are in prison
- If your disability is exclusively an addiction to alcohol or drugs
- Just because you are an ex-prisoner. That doesn't qualify as a disability.



Apply for benefits online:

www.ssa.gov/applyfordisability

Loss of Benefits: What happens when I go to prison?

If you were getting disability benefits before you went to jail or prison, your benefits are suspended while you are incarcerated. What happens then depends on which type of disability benefits you were getting.

SSDI benefits - your payments are suspended if you are convicted and imprisoned for 30 days or more. If your spouse or children gets SSDI payments on your Social Security account, those checks do not stop. No matter how long you are in jail or prison, your SSDI benefits won't be terminated – they are just suspended.

SSI benefits - your payments are suspended if you are in jail or prison for one full calendar month. This means you won't get checks during the time you are in jail or prison. If you are in jail or prison for 12 full calendar months in a row, your SSI benefits are terminated. This means you have to file a new application to get your benefits turned back on. You have to reestablish (prove again) that you are disabled *and* that you meet the program's financial requirements.

Do I have to tell Social Security I am going to jail or prison?

The jail or prison should report to Social Security that you are there and when you are expected to be released. If Social Security does not know that you are in prison, they may keep sending your checks. Since you can't get benefits when you are in jail or prison, **you have to pay this money back**. This is called an 'overpayment'.

When your benefits start again, Social Security keeps part of each monthly payment until the overpayment is paid back.



Restarting Benefits: What should I do?

The process of restarting benefits can take a while, but you can start the process up to 3 months before you are expecting to be released. How you restart your benefits depends on which type of benefits you used to get.

SSDI:

To restart **SSDI** benefits, find out your release date. Once you are within 3 months of your release date, your caseworker can help you contact Social Security with information about your upcoming release.

You can also call Social Security yourself at 1-800-772-1213 to report your release date. The person you speak to can give you further instructions.

On the day you are released, or as soon as possible after you are released, go to a Social Security office with identification and a document from the prison stating you have been released. This lets Social Security know you can start getting payments again. You need to give Social Security the address where you will be living.

The soonest you get your first SSDI check is at the beginning of the first month after the month you are released.

SSI:

Remember, SSI benefits that have been suspended for more than 12 months are terminated. To restart **terminated SSI benefits**, you have to reapply and prove again that you are disabled and that you meet the SSI financial eligibility requirements. Unlike with SSDI benefits, you can't apply for SSI benefits until you are within 30 days of your release from prison. Ask your caseworker to help you file a new SSI application in the month before your release date.

If you have been in jail or prison for *less than 12 months*, and need to **restart suspended SSI benefits**, ask your caseworker to help you contact Social Security in the month before your release date with information about your release.

You can also call Social Security yourself at 1-800-772-1213.

Or your rep payee can go to the Social Security office for you if they have papers proving they are your payee. A friend or family member can also go but they need a valid SSA consent form.

Restarting Medicare and Medical Assistance

When your disability benefits stop or are suspended, the same might happen to your health care benefits.

People getting **SSDI** get health care benefits from Medicare after they have gotten SSDI for 24 months (2 years). When your SSDI payments stop because you are in prison, your Medicare benefits are also suspended. Your Medicare benefits restart when you are released.



People getting **SSI** generally can get health care benefits under MA (Medical Assistance is MN's version of Medicaid). MA can't provide health care benefits to people in prison – *except* if you need to go to the hospital. When your SSI payments stop, your MA benefits stop, too.

The jail or prison you are held in is supposed to help restart your MA coverage when you are about to be released. Ask your case manager to contact the county human services office in the county you will be living in to start the process of getting you MA again. Contact information for county human services offices can be found at the Minnesota Department of Human Services website, www.dhs.state.mn.us.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

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