

The Effect of Incarceration on Social Security Disability Benefits and Supplemental Security Income

Why does SSA need to know if a recipient goes to jail?

When a person applies for Social Security benefits, either Supplemental Security Income (SSI) or for retirement, disability, or survivors (RSDI, also known as Title II) benefits, SSA informs them that there are certain reporting requirements. For SSI benefits, the law states that you cannot live in a public institution (for example, a jail, prison, penal facility, etc.) for a full calendar month or more, and continue to get your SSI benefits. For Title II benefits, the law states that if you commit a crime and a court convicts you, and you serve more than 30 continuous days in jail following the conviction, you cannot get your Title II benefits until you are released. It is important that recipients tell SSA of any of these changes as soon as possible to avoid getting money they are not due. A person can contact SSA at anytime at by calling 1-800-772-1213 to report any changes that may affect Social Security payments

If an inmate's check is stopped, how can they be restarted?

If possible, the inmate should contact Social Security before release. As soon as a scheduled release date is known, contact Social Security—this must be done by the inmate him or herself or possibly correctional staff if a prerelease agreement with Social Security is in effect. Call 1-800-772-1213 and give SSA your social security number and your expected release date. They can give you further instructions and make an appointment for you at the local Social Security office if necessary. After release, the claimant will need to furnish Social Security with proof of release and the date of release. Depending on the circumstances, Social Security may be able to have checks started effective with the month after the month of your release. Upon release, SSDI or Title II benefits will generally be restarted in the full, original amount no matter how long the period of incarceration. SSI benefits can only be reinstated if a person is incarcerated for no MORE than 12 months. SSI checks will be reduced for two months after release, and go up to the monthly maximum after that.

What if an inmate who receives SSI is incarcerated for over 12 months?

Upon release (and possibly in advance of release), an inmate can start a new SSI application. Inmates should be aware that SSA will have to make a brand new decision based on new and current medical evidence—getting SSI once doesn't mean you can get it again

What happens to Medicare Coverage when a person goes to jail?

If you were getting Medicare and cash benefits before you went to jail, your cash benefits will stop but your hospital insurance (Part A) coverage will continue. To keep your Supplemental Insurance (Part B) coverage or medical insurance that you are paying for, you must pay the premiums or your coverage will end. If your coverage ends while you are in jail because you did not pay your Medicare premiums, you will be able to enroll again during the next General Enrollment Period (January through March of each year). Your insurance coverage will start again the following year. If you reenroll, you will be responsible for any unpaid past-due premiums and your ongoing premium will be higher.

Important Numbers:

National SSA Toll-Free: 1-800-772-1213

Illinois Dept. of Disability Determination (for current applications pending a medical determination): 1-800-225-3607

Materials prepared by: SSI Outreach Project
Health and Disability Advocates (www.hdadvocates.org)

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