

## Social Security and Representative Payees

### What Is A Representative Payee?

A representative payee (rep payee) is a person appointed by the Social Security Administration (SSA) to manage your benefit payments if you are unable (or if SSA believes you are unable) to do so yourself. The rep payee should be someone who cares about what is best for you.

### Who Will Be My Rep Payee?

If you are under 18 years of age, the rep payee is generally a parent or guardian. In some cases, an agency acts as the rep payee. If you are over 18 years of age, the rep payee can be a person you trust, a family member, friend, or an agency representative. If the payee is from an agency, a fee for service can be charged. Your rep payee cannot be a person who furnishes you a service for payment, like a landlord.

### What Will My Rep Payee Have To Do?

Your rep payee will have to agree to spend your benefits on your food and shelter needs and to report to SSA any changes that may affect your benefits. Changes that need to be reported include work, address, who you live with, income and resources. Your rep payee must be a person who has never been shown to have misused anyone's Social Security benefits and must have never been found guilty of a crime committed against SSA.

### What If I Wish To Change My Rep Payee?

To change your rep payee, you must fill out an application at your local SSA office. The person you select must submit a letter saying he or she is willing to serve as your rep payee. He or she must be able to prove who they are.

### What If I Believe I No Longer Need A Rep Payee?

You have the right to receive your own Social Security check unless SSA has reason to believe you may spend your money in a way that might hurt you. In order to become your own payee, certain conditions must be met.

If you have a rep payee because of your disability, you must show SSA that you are now mentally and physically able to handle your benefits and your reporting obligations.

Proof you could provide:

- A doctor's statement that there has been a change in your condition and that the doctor believes you are now able to care for your own needs;
- An official copy of a court order saying that the court believes that you can take care of your money; or
- Other evidence that shows your ability to take care of your own funds and reporting to SSA.

If you are under 18 and want to be your own payee, you must show:

- That you are an emancipated minor and are responsible for daily decisions about your life; or
- You are a minor-parent with a child; or
- You are within 7 months of becoming 18 and this is your first application for Social Security benefits.

If your disability is mental be advised that if SSA believes your condition has improved to the point that you no longer need a payee, they may also reevaluate your medical eligibility for SSI.

### **What Are The Rights And Responsibilities Of My Rep Payee?**

Your rep payee must use your benefits to pay for your needs only. SSA expects the payee to pay for food and shelter costs before any other purchases are considered. Also, your rep payee must inform SSA of events that could change the amount of, or your right to receive benefits. If SSA asks, your rep payee must also give a written account of how your money is spent. They must also tell SSA if there are changes that might affect their ability to act as a rep payee.

A rep payee should keep your benefits separate from his or her own funds.

### **What Happens If My Rep Payee Misuses My Benefits?**

Request a new rep payee and make a written request to SSA to investigate the misuse of your benefits. Explain why you think your benefits are being misused. SSA must take steps to investigate and send you a written decision stating whether misuse has occurred. If SSA finds that misuse has occurred, SSA must then investigate whether SSA was negligent in appointing or monitoring your rep payee. SSA must inform you in writing whether SSA was negligent or not. If SSA was negligent, SSA must pay you whatever benefits you lost through the misuse of your rep payee. If SSA finds that SSA was not negligent, you may appeal their decision.