disABILITY LAW CENTER dLcV
OF VIRGINIA
Protection & Advocacy for Virginians with Disabilities

Social Security Benefits When in Jail or Prison

What happens to SSDI or SSI when entering jail or prison?

If you received **Social Security Disability Insurance (SSDI)** before jail or prison these benefits were <u>suspended</u> if you were incarcerated longer than 30 days. Benefits received by your dependents will <u>not</u> be suspended or terminated. Upon release your benefit can be re-started in the month following the month of your release.

If you were receiving **Supplemental Security Income (SSI)** before jail or prison your benefits were <u>suspended</u> when you were incarcerated. If you remain in jail longer than 12 consecutive months your eligibility for SSI <u>ends</u> and you must file a new application when released.

When benefits are suspended how do you re-start your SSDI or SSI?

You need to contact Social Security and provide a copy of your **release documents** from the jail or prison where you were held. If you know your release date you can call Social Security beforehand and schedule an appointment to occur after you are released.

Is there a way to speed up getting my benefits re-started?

Yes. Ask your prison facility about their **pre-release agreement** with the local Social Security office. If they don't have an agreement they can easily start one by contacting <u>your</u> local Social Security office. Using the **pre-release agreement** the facility will verify your upcoming release and work with Social Security to re-start your benefits.

> ➤ **TIP** - if it's been several years, your case may be ready for a review to determine if you still meet the disability rules.

Do you want to apply for SSDI or SSI before you are released?

If your SSI ended while in prison or you are applying for SSDI or SSI for the first time, notify someone at your facility within a few months of release that you want to file an application for benefits. Using their **pre-release agreement** your facility can notify <u>your</u> local Social Security office of your release date, state

whether you are likely to meet the eligibility rules, and provide them records of your disability. Social Security can begin processing your application so your benefits can start soon after your release.

What about your Medicare or Medicaid coverage?

Medicare - Part A (hospital insurance) will continue while you are in prison but Part B (medical insurance) will stop if your premiums are not paid. To re-start it you must apply during the enrollment period from January to March; it will then begin on July 1 of that year.

Medicaid – If your SSI is terminated while in prison, then your Medicaid also terminated. To re-apply contact your local Department of Social Services (DSS) office. Social Security can provide a referral form for you to take to DSS.

How to Contact Social Security or Make an Appointment

Call 800-772-1213 or TTY 1–800–325–0778 if you are deaf or hard of hearing. They are open from 7am to 7pm Monday through Friday.

Other Resources on this topic:

SSA: What Prisoners Need To Know
https://www.ssa.gov/pubs/EN-05-10133.pdf

SSA: Is There a Way to Apply for SSI Before My Anticipated Release from an Institution?
https://www.ssa.gov/ssi/spotlights/spot-prerelease.htm

SSA: Entering the Community after Incarceration-How Can We Help?
https://www.ssa.gov/pubs/EN-05-10504.pdf

SSA: Program Operations Manual on Prisoner Provisions
https://secure.ssa.gov/poms.nsf/lnx/0202607000

The Bazelon Center for Mental Health Law: Social Security and Health Care Benefits for the Incarcerated   http://www.bazelon.org/wp-content/uploads/2017/08/2017-06-29-New-SSA-and-Incarceration-Fact-Sheet-FINAL-VERSION.pdf

The disAbility Law Center of Virginia has many Social Security guides that explain the process of applying for or appealing benefits, how Social Security makes the decision, how to prepare for a benefit review, and how you can better document your case. You will find these guides at: www.dlcv.org/socialsecurity

dLCV publications are available in alternate format, upon request.