



## **The Automatic Age-18 Redetermination of Child SSI and Using Section 301 to Continue SSI if SSA Decides you are Capable of Working**

At age 18, since the child eligibility rules no longer apply, a soon-to-be adult on Supplemental Security Income (SSI) will go through a review called the Age-18 Redetermination. The Social Security Administration (SSA) will automatically send you a form requesting information to decide if you meet the adult rules and to make sure you meet their guidelines on income and resources since the family's income and resources are no longer considered.

### **Adult definition of disability**

Social Security bases the new decision on their disability rules for adults. Some conditions are assumed to be disabling and are automatically approved, others are not. In general, in order to qualify for SSI as an adult, your disability must:

1. Significantly limit your ability to work
2. Be expected to or has lasted a year or more
3. Prevent Substantial Gainful Activity (SGA)\*

Note: If medical and vocational reports fully support this, then SSI should continue.

\*Substantial Gainful Activity is Social Security's limit on how much you can earn and still be considered disabled. This amount changes every year. For more information on earning limits, see [www.socialsecurity.gov/oact/cola/sga.html](http://www.socialsecurity.gov/oact/cola/sga.html)

### **What if my benefits are denied?**

If Social Security decides at the Age-18 Redetermination that you do not meet the adult definition of disability, your benefits will end after 2 months.

### **Actions you can take immediately to disagree with this decision**

After a denial, if you believe your disability limits your ability to work, you must act quickly if you want to try to keep your benefit.

- To disagree you must APPEAL within 60 days. Follow the instructions in the denial letter to appeal or call Social Security's toll free number 800-772-1213 to request appeal form; **and**
- You may also continue your SSI child benefits during the appeal period if you go to a Social Security office and request this WITHIN 10 CALENDAR DAYS of the date on the letter. Be aware, you can appeal several times but if all appeals are denied, your SSI will end and you will have to pay back the benefits paid to you during the appeal period. Fortunately, you can appeal this, too.
- Keep in mind: if all appeals are denied and your SSI stops you can re-apply later when you have better proof that you can't work or sustain gainful activity.

### **What can I do to avoid a denial at the age 18 re-determination?**

**Make sure evaluations of your disability are current:** Before you turn 18, be sure to get updated medical, educational and/or psychological evaluations that clearly tell how the disability affects you and how it will limit your ability to work. Be sure Social Security knows how to collect this information by adding the evaluators contact information to the form you receive from Social Security.

**Tell Social Security about your school or vocational assistance:** In the Remarks Section of the form that you receive from Social Security, state if you plan to remain in high school and/or if you are a client of DARS or any other work or training assistance program. If you continue your education or are getting help to work, Social Security may continue your SSI benefit while you complete these programs even if they decide you do not meet the adult definition of disability. This called a Section 301 rule.

**Explain any work efforts you have had so far:** In the Remarks Section of the form, list each work effort, even those that only lasted a few days, weeks, or months. List the title of the job, # of hours a week you worked, your hourly wage, difficulties you had on the job, and why the job ended. Include all assistance you needed to get and keep the job such as a special work program, a job coach, or even if it is a parent finding the job or setting up an interview.

### **Keeping Medicaid and Your Waiver Services if you Were Not on SSI as a Child**

Once you turn 18, keeping your waiver services under Medicaid depends on you receiving SSI. If you did not receive SSI benefits as a child you will have to apply when you turn 18 and undergo a Medicaid Disability Determination 90 days before turning 18. Your Medicaid eligibility worker should contact your parent or responsible person to start this process so your Medicaid benefits remain in place as you apply for SSI at age 18. A parent can also start this process to be sure it happens on time.

### **How can I still receive SSI benefits if Social Security decides I do not meet the adult rules for disability?**

If your SSI is denied at the age 18 redetermination, you may still qualify for continued SSI payments under **Section 301** if:

- You remain in high school past age 18; or

- You are receiving vocational rehabilitation, training or education.

You will receive SSI payments under the **Section 301** rule while you make efforts to work and increase your independence as long as you are involved in an approved program. These programs may qualify you for **Section 301** because they will prepare you for work so you will be less likely to need SSI in the future. Once you complete or stop the program the SSI benefit will end.

**Examples of school or vocational programs that may count toward Section 301:**

- An Individualized Education Program (IEP) in a public or private school between ages 18 and 21
- Department of Aging and Rehabilitation Services (DARS), Department for the Blind and Vision Impaired (DBVI)
- Employment Network
- Ticket to Work
- Workforce Investment Opportunity Act (WIOA) program
- Job Coaching or supported employment
- Virginia Commonwealth University's "Project Search", PAVE - Program for Adults in Vocational Education or Wilson Workforce and Rehabilitation Center's PERT (Post-Secondary Education Rehabilitation Transition)

To claim **Section 301** be sure to tell Social Security about these efforts when they start your Age 18 redetermination or if you are denied. Give Social Security the program's contact information. They will collect proof of your participation in a program and decide about continuing your benefits.

**Social Security Resources for Youth with Disabilities Turning 18**

What You Need to Know About Your Supplemental Security Income (SSI) When you Turn 18

<https://www.ssa.gov/pubs/EN-05-11005.pdf>

Qualifying for Benefit Continuation After You Turn 18

<https://www.ssa.gov/pubs/EN-64-118.pdf>