



# **SOCIAL SECURITY'S REPRESENTATIVE PAYEE PROGRAM**

Duties, responsibilities and  
rights





# About the Arizona Center for Disability Law (ACDL)

- ACDL is the protection and advocacy (P&A) agency for persons with disabilities in Arizona. We provide a variety of legal services to people with mental, physical, psychiatric, and sensory disabilities regarding disability related legal issues. Assistance that may be provided includes information and referral, community legal education, monitoring reviews, individual advocacy, legal advice, and, in limited cases, legal representation.



# ACDL

- Our Mission: ACDL is a non-profit law firm that assists Arizonans with disabilities to promote and protect their legal rights to independence, justice, and equality.
- Our Vision: A society where people with disabilities enjoy full acceptance without barriers.



# History of rep payee program

- Social Security Act Amendments of 1939: established the rep payee program.
- Jordan v. Schweiker (1984) – Federal District Court ruled that the Constitution required annual reporting.
- Representative Payee Abuse Prevention Act (1989): requires screening of rep payees.
- Social Security Protection Act of 2004 (PL 108-203): law that gave the SS commissioner the authority to review whether rep payees were performing his duties.
- House of Representatives Bill 4547 (2018) – grants P&As to conduct onsite reviews and educational visits.



# Scope of ACDL's rep payee project

- SSA assigned reviews – to organizational payees serving 50+ beneficiaries, individual payees services 15+ beneficiaries, and fee-for-service payees.
- State onsite (psychiatric health facility reviews).
- Predictive model reviews – organizational payees serving 49 or fewer and individual payees serving 14 or fewer beneficiaries.
- Quick response checks – in response to allegation or concern of services.
- Initiated reviews – ACDL identifies rep payee due to concerns.



# What is a Representative Payee?

- A representative payee (rep payee) is a person or agency chosen by the Social Security Administration (SSA) to help manage the money someone gets from SSA.
- The main duties of a rep payee are to make sure the person who gets money from SSA has his basic needs met and are well taken care of. Basic needs include having housing, food, clothes, and medical care.



# Who has a Rep Payee?

- Some people who receive monthly Social Security or Supplemental Security Income benefit checks from SSA have representative payees. A person who get checks from SSA is called a beneficiary.
- If Social Security decides a beneficiary needs help managing his money (benefits) it appoints a rep payee.



# Some statistics

- 5.7 million rep payees
- 8 million beneficiaries who have a rep payee
- \$70 billion
- Breakdown\*
  - 3.8 million – children
  - 1.5 million retired workers – adults
  - 900,000 – disabled workers
  - 1.7 million – disabled adult children, wives and husbands, widowers

\* source: <https://www.ssa.gov/policy/docs/statcomps/supplement/2017/5l.html>





# How a rep payee is chosen?

- Social Security tries to find someone to be the representative payee who knows the person needing help, sees him often and wants to help that person.
- SS Field Office chooses a rep payee that will serve the beneficiary's best interests.
- Priority group: spouse, parent, or other relative with custody or shows a strong concern for the beneficiary's well being.
- Agencies who provide services to the beneficiary (public fiduciary; disability service provider, such as DDD; organizations that charges a fee for its service.



# Duties of a rep payee

- Paying for the beneficiary's basic needs and using SS benefits for care and well-being;
- Money management - Accounting and reporting obligations set by SSA;
- Advocacy -negotiate rent amount;
  - search for best price on groceries, clothes, furniture, phone service;
  - set up bank accounts with no fees.



# Money management – proper uses

- Day to day expenses (rent, utilities, food).
- Medical and dental expenses not covered by insurance (motorized wheelchair, reconstructive dental work).
- Personal needs (clothing, recreation, furniture).
- Any funds leftover should be placed in a savings account.



# Money management – preventing misuse

- A beneficiary budget/ledger
- Proper bank accounts/statements
- Account balance
- Receipts of expenses/cancelled checks
- Expense documentation including monthly bills, and rental agreements
- Any other financial documents/other income



# What the rep payee must report to SSA

- When the beneficiary moves or changes address
- When the rep payee does not know how to contact the beneficiary
- The beneficiary has a change in employment status
- A beneficiary's medical condition improves
- Beneficiary is in jail or prison for more than 30 days
- The beneficiary changes his name
- The beneficiary dies
- The beneficiary's marital status changes
- The beneficiary no longer needs a rep payee



# Overpayment or incorrect amount paid

- What can cause these? Examples include:
- Beneficiary gets a job and earns wages that affect his SSI. Beneficiary moves out of parent's home into his apartment. Overpayment or incorrect SS benefit may occur.
- Resource limit goes over what is allowed - \$2,000 for individual on SSI, \$3,00 for couples.
- Rep payee is responsible to report earnings and changes to SSA to avoid an overpayment.
- Rep payee is responsible for repaying the overpayment and cannot use beneficiary funds to do so.



# Rights of beneficiaries

- You have rights as a beneficiary with a rep payee. Your rep payee should help you with:
  - Living in safe and appropriate housing
  - Paying bills timely
  - Meeting your medical needs
  - Getting services to find employment
  - Spending money for personal needs if available
  - Providing services for free unless SSA has approved a fee



# Rights of beneficiaries....

- Be able to get in contact with his rep payee
- Be able to request account information from his rep payee
- Know if his money is spent and if bills are paid on time
- The amount of his SSI or SSDI check and if the amount changes
- If they have any savings, and how much it is
- Why his rep payee will not purchase something for them





# Rights of beneficiaries....

- If you do not think you need a rep payee, contact SSA.
- Be ready to show proof that you are able to manage your own funds and pay for your day-to-day needs.
- Have written statements from people who know that you can manage your funds. Such as your doctor, case manager, case coordinator, family, and neighbors. If you can not get a written and signed statement, give SSA the contact information.



# Rights of beneficiaries....

- If you think your rep payee is misusing your benefits, contact the Office of the Inspector General (OIG):  
[https://www.ssa.gov/fraudreport/oig/public\\_fraud\\_reporting/form.htm](https://www.ssa.gov/fraudreport/oig/public_fraud_reporting/form.htm)
- If you have questions or concerns about your rep payee, or want to change your rep payee, contact your local SSA office. Go to SSA's website: [www.ssa.gov](http://www.ssa.gov), call 1-800-772-1213, or go in person to your local office.



## More resources

- <https://www.ssa.gov/payee/bene.htm>
- <https://www.ssa.gov/payee/newpubs.htm>



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**Any questions?**