TURNING 18 & SUPPLEMENTAL SECURITY INCOME (SSI)
What You Need To Know About Your Supplemental Security Income (SSI) When You Turn 18
Introduction

This booklet is for youth who receive Supplemental Security Income (SSI) and their parents, teachers, health providers, caregivers, or representatives. Your SSI could change when you turn 18 as you prepare to transition to higher education and employment.

Many services and supports are available from Social Security, and other federal and state agencies to help you prepare for a successful transition to adulthood.

The Age-18 Redetermination

When you turn 18, Social Security will review your eligibility for continued SSI benefits based on disability rules for adults, including non-medical eligibility rules. We will generally contact you within a year of turning age 18. We call this review the age-18 redetermination. During this medical review, we will send you a letter to ask for the following information about your disability:

• Names of any medicines;
• Hospital stays and surgeries;
• Visits to doctors and clinics;
• Work activity;
• Counseling and therapy;
• Schools and special classes or tutoring; and
• Teachers and counselors who have knowledge of your condition.
Doctors and other trained staff will decide if you meet the disability rules for adults. Our disability rules for adults are different from our disability rules for children. Historically, about one-third of children lose their SSI eligibility following the age-18 redetermination.

When we decide, we will write and let you know our decision. Our letter also will explain your right to appeal our decision — that is, ask us to look at your case again. **You must send a written appeal to Social Security within 60 days from the date you receive your letter.** If you appeal the decision within 10 days of receiving the letter, you can also choose to have us continue to pay SSI benefits during the appeal process. For more information on the appeal process, please read *The Appeals Process* (Publication No. 05-10041). You can find it online at [www.socialsecurity.gov/pubs/EN-05-10041.pdf](http://www.socialsecurity.gov/pubs/EN-05-10041.pdf).

### Earnings and the Age-18 Redetermination

Unlike in a new application for SSI, earning above the substantial gainful activity\(^1\) level in a month will not automatically make you ineligible for SSI during your age-18 redetermination. We will make a decision about whether you meet the other medical and non-medical criteria to receive SSI. We will also consider what

\(^1\) Social Security considers your monthly earnings to evaluate whether your work activity is at a level of substantial gainful activity.
your level of functioning in your past work says about your ability to work in the national economy. If you are able to work at the substantial gainful activity level only because of SSI work incentives or other supports, that information will be used in our determination. The current year’s substantial gainful activity amounts (blind and non-blind amounts) can be found in *The Red Book – A Guide to Work Incentives* (Publication No. 64-030). You can find it online at [www.socialsecurity.gov/redbook](http://www.socialsecurity.gov/redbook).

When we review non-medical eligibility during the age-18 redetermination, we will ask for information about all of your income including any earnings. SSI offers work incentives and supports to help you to work, which allow us to not count some of your earnings and to lessen the risk of you losing your SSI or Medicaid because of work. However, you must tell us about your work activity no matter how little you earn. Your SSI may continue while you work if you are still disabled. As your earnings go up, the amount of your SSI will go down and eventually may stop. Even if your SSI stops, you may be able to keep your Medicaid coverage and keep working.

**Social Security Work Incentives and Supports**

Social Security has supports we call work incentives that are available to help youth and adults. Work incentives allow you to continue receiving your SSI checks or Medicaid coverage while you work. Social Security can give you information
about our work incentives and supports, tell you when you qualify for them, and help you to use them. See “Contacting Social Security” on the last section of this booklet. We describe some of the work incentives and supports below. For more information on these and other Social Security employment supports, see The Red Book - A Guide To Work Incentives (Publication No. 64-030). You can find it online at www.socialsecurity.gov/redbook.

SSI Continued Payments (Section 301 Payments)

If we find that you are no longer medically eligible after the age-18 redetermination, your SSI payments usually stop. However, if you are participating in an approved program of special education, vocational rehabilitation (VR), or similar services, your benefits may continue until you stop participating in the program because of the SSI continued payments rule.

To qualify for SSI continued payments under Section 301:

• You must be participating in an appropriate program of VR or similar services that began before your eligibility ends under our rules; and

• We must review your program and decide that your continued participation in the program will likely result in you no longer receiving disability benefits.
Examples of appropriate programs include:

- An individualized education program (IEP) for a youth who is age 18 through 21;
- A VR agency using an individualized plan for employment;
- Support services using an individualized written employment plan;
- A written service plan with a school under Section 504 of the Rehabilitation Act; or
- An approved Plan to Achieve Self Support (PASS).

**Student Earned Income Exclusion (SEIE)**

Are you working or planning to work? The SEIE allows youth under age 22 who are regularly attending school to have some of their earnings excluded from their countable income when determining SSI eligibility and payment. The amount that we can exclude generally increases each year. The current amount we can exclude can be found in *The Red Book – A Guide to Work Incentives* (Publication No. 64-030). You can find it online at [www.socialsecurity.gov/redbook](http://www.socialsecurity.gov/redbook). This means that earnings up to these limits will not change SSI payment amounts. The SEIE is available to you if you are in any of the following:

- A college or university for at least 8 hours a week under a semester or quarter system;
- Grades 7-12 for at least 12 hours a week;
• A training course to prepare for employment for at least 12 hours a week (or 15 hours a week if the course involves shop practice);
• Any of the above for less time for reasons beyond the student’s control, such as illness; or
• A transition program preparing you for employment while you receive special education services.

The SEIE is available during school vacations if you attend classes regularly just before and after the school vacation and tell Social Security. If you are home schooled, we may consider you regularly attending school.

Plan to Achieve Self-Support (PASS)

A PASS is a plan for the future. A PASS allows you to set aside income and resources for a specified period of time so that you may reach a work goal that will reduce your SSI payments. For example, you could set aside some of your earnings to pay for expenses for education, vocational training, starting a business, or other expenses related to achieving your work goal. If you have a PASS, it may also qualify you for SSI continued payments under Section 301.

For more information about PASS, see The Red Book – A Guide to Work Incentives (Publication No. 64-030). You can find it online at www.socialsecurity.gov/redbook.
Work Incentives Planning and Assistance (WIPA)

Beginning at age 14, WIPA projects provide information and benefits counseling to help you understand how work and earnings can affect your benefits. To learn more about work incentives and to locate the nearest WIPA project, contact the Ticket to Work Help Line at 1-866-968-7842 (TTY 1-866-833-2967) Monday through Friday from 8:00 a.m. to 8:00 p.m., Eastern Time. You can also find information on WIPA projects at choosework.ssa.gov/findhelp.

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

PABSS organizations strive to protect the legal rights of Social Security disability beneficiaries who want to work. PABSS organizations work with youth in transition to identify and remove barriers to employment and independence and can provide information about obtaining vocational rehabilitation services. To locate the PABSS organization in your state, contact the Ticket to Work Help Line at 1-866-968-7842 (TTY 1-866-833-2967) Monday through Friday from 8:00 a.m. to 8:00 p.m., Eastern Time. You can also locate your PABSS at choosework.ssa.gov/findhelp.
Grants and Scholarships

You may be planning to continue your education in college. You may get grants, scholarships, fellowships, and gifts. We do not count these items as income or resources for up to nine months when we figure SSI benefits. You must use them to pay for tuition, fees, and other necessary educational expenses at any educational institution (including vocational and technical schools).

Other types of assistance have no time limits or limits on how you can use them. When we figure SSI benefits, we do not count all student financial assistance received under:

- Title IV of the Higher Education Act of 1965 (includes Pell grants, Federal PLUS Loans, Perkins Loans, Stafford Loans, Ford Loans, and work study programs); or
- Bureau of Indian Affairs student assistance programs.

Achieving a Better Life Experience (ABLE) Account

An Achieving a Better Life Experience (ABLE) account is a tax-advantaged savings account for an individual with a disability. You can use an ABLE account to save funds for many disability-related expenses. The account owner, family, and friends can contribute to the ABLE account. The account owner of an ABLE account must:

- Be eligible for SSI based on disability or blindness that began before age 26; or
• Be entitled to disability insurance benefits, childhood disability benefits, or disabled widow’s or widower’s benefits, based on disability or blindness that occurred before age 26; or
• Have a certification that disability or blindness occurred before age 26.

The money that you have in your ABLE account (up to and including $100,000) does not count as a resource under SSI rules. You can use money in an ABLE account to pay for certain qualified disability expenses, such as those for education, housing, transportation, employment training, employment support, assistive technology, and related services.

For more information on ABLE accounts, please visit www.ablenrc.org.

National and Community Supports from Programs Other Than Social Security

There are many other free or low-cost supports available that can help you prepare for the transition to adulthood.

• If you have not already done so, we encourage you to contact your local school district. Services may be available to you through the school system. Ask about an Individualized Education Program (IEP) or a Section 504 plan.
• Parent Centers, funded by the U.S. Department of Education, help families with children who have special needs. You can find out about services for school-aged children, therapy, local policies, transportation, early intervention programs for babies and toddlers, and much more. Visit www.parentcenterhub.org/find-your-center/ to find a Parent Center in your state.

• State VR agencies help youth transition to adulthood. You can find your state VR agency at www2.ed.gov/about/contacts/state/index.html.

• There are programs offering help with health care costs, assessments, and treatments. Upon turning 18, you may be eligible to keep your current health insurance or need to find other health insurance. You may also need to find a primary care provider. To find programs in your state offering help with health care costs, assessments and treatment, contact the U.S. Health Resources and Services Administration’s toll-free hotline at 1-800-311-2229 (Spanish 1-800-504-7081).

• You can find a low cost, affordable health center by visiting www.hrsa.gov. To get health insurance through a Health Insurance Marketplace, visit localhelp.healthcare.gov or call 1-800-318-2596.
• Got Transition is a federally funded resource center that provides information and resources to improve transition from pediatric to adult health care, particularly for youth with disabilities. Visit www.gottransition.org.

• If you have questions about children’s health insurance or want to apply, contact 1-877-KIDS-NOW (1-877-543-7669) to connect to an agency in your state. In addition, you can contact your state’s family-to-family health information center, funded by the Health Resources and Services Administration. Visit www.fv-ncfpp.org to find a center in your state.

• American Job Centers (One-Stop Centers) offer many free education, employment, and training services to help job seekers. You can find lists of job openings, use computers with Internet access to search for jobs, and get help writing your resume. You can talk to career counselors about career options, and learn about education and training for a new career. To find the nearest American Job Center, go online to America’s Service Locator at www.servicelocator.org or call the toll-free help line at 1-877-US2-JOBS (1-877-872-5627).

• MyMoney.gov provides financial information on a variety of topics, including how to earn, save and invest, protect, spend, and borrow. To learn more, go online to www.mymoney.gov.
• Hands on Banking is a program available in both English and Spanish that teaches people at all stages of life about the basics of responsible money management, including how to create a budget, save and invest, borrow responsibly, buy a home, and establish a small business. Visit www.handsonbanking.org.

• YouthBuild engages young people to rebuild their communities and their lives by providing pathways to education, employment, or training. Get information on YouthBuild at www.youthbuild.org.

SSA is not endorsing any particular non-federal government organization, program, or employees thereof by listing the organization or program in this publication. We include the names and contact information for organizations or programs only as a convenience to you.

Contacting Social Security

The most convenient way to contact us anytime, anywhere is to visit www.socialsecurity.gov. There, you can do any of the following: apply for benefits; open a my Social Security account, which you can use to review your Social Security Statement, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, and get a replacement SSA-1099/1042S; obtain valuable information; find publications; get answers to frequently asked questions; and much more.
If you don’t have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at 1-800-772-1213 or at our TTY number, 1-800-325-0778, if you are deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience a higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.
The Appeals Process

Social Security wants to be sure that every decision made about your disability or Supplemental Security Income (SSI) application is correct. We carefully consider all the information in your case before we make any decisions that affect your eligibility or your benefit amount.

When we make a decision on your claim, we will send you a letter explaining our decision. If you do not agree with our decision, you can appeal — that is, ask us to look at your case again.

When you ask for an appeal, we will look at the entire decision, even those parts that were in your favor. If our decision was wrong, we will change it.

When and how can I appeal?

If you were recently denied Social Security benefits for medical or non-medical reasons, you may request an appeal. Your request must be in writing and received within 60 days of the date you receive the letter containing our decision.

You can call us and ask for the appeal form (Form SSA-561). The fastest and easiest way to file an appeal of your decision is by visiting www.socialsecurity.gov/disability/appeal. You can file online and provide documents electronically to support your appeal. You can file an appeal online even if you live outside of the United States.

How many appeal levels are there?

Generally, there are four levels of appeal. They are:

- Reconsideration;
- Hearing by an administrative law judge;
- Review by the Appeals Council; and
- Federal Court review.

When we send you a letter about a decision on your application, we will tell you how to appeal the decision.

Reconsideration

A reconsideration is a complete review of your claim by someone who did not take part in the first decision. We will look at all the evidence submitted when the original decision was made, plus any new evidence.

Most reconsiderations involve a review of your files without the need for you to be present. But when you appeal a decision that you are no longer eligible for disability benefits because your medical condition has improved, you can meet with a Social Security representative and explain why you believe you still have a disability.

Hearing

If you disagree with the reconsideration decision, you may ask for a hearing. The hearing will be conducted by an administrative law judge who had no part in the original decision or the reconsideration of your case. The hearing is usually held within 75 miles of your home. The administrative law judge will notify you of the time and place of the hearing.

Before the hearing, we may ask you to give us more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

At the hearing, the administrative law judge will question you and any witnesses you bring. Other witnesses, such as medical or vocational experts, also may give us information at the hearing. You or your representative may question the witnesses.

In certain situations, we may hold your hearing by a video conference rather than in person. We will let you know ahead of time if this is the case. With video hearings, we can make the hearing more convenient for you. Often an appearance by video hearing can be scheduled faster than an in-person appearance. Also, a video hearing location may be closer to your home. That might make it easier for you to have witnesses or other people accompany you.

It is usually to your advantage to attend the hearing (in person or video conference). You and your representative, if you have one, should come to the hearing and explain your case.

If you are unable to attend a hearing or do not wish to do so, you must tell us why in writing as soon as you can. Unless the administrative law judge believes your presence is necessary to decide your case and requires you to attend, you will not have to go. Or we may be able to make other arrangements for you, such as changing the time or place of your hearing. You have to have a good reason for us to make other arrangements.
After the hearing, the judge will make a decision based on all the information in your case, including any new information you give. We will send you a letter and a copy of the judge’s decision.

**Appeals Council**

If you disagree with the hearing decision, you may ask for a review by Social Security’s Appeals Council. We will be glad to help you ask for this review.

The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review.

If the Appeals Council denies your request for review, we will send you a letter explaining the denial. If the Appeals Council reviews your case and makes a decision itself, we will send you a copy of the decision. If the Appeals Council returns your case to an administrative law judge, we will send you a letter and a copy of the order.

**Federal Court**

If you disagree with the Appeals Council’s decision or if the Appeals Council decides not to review your case, you may file a lawsuit in a federal district court. The letter we send you about the Appeals Council’s action also will tell you how to ask a court to look at your case.

**Will my benefits continue?**

In some cases, you may ask us to continue paying your benefits while we make a decision on your appeal. You can ask for your benefits to continue when:

- You are appealing our decision that you can no longer get Social Security disability benefits because your medical condition is not disabling; or
- You are appealing our decision that you are no longer eligible for SSI payments or that your SSI payment should be reduced or suspended.

If you want your benefits to continue, you must tell us within 10 days of the date you receive our letter. If your appeal is turned down, you may have to pay back any money you were not eligible to receive.

**Can someone help me?**

Yes. Many people handle their own Social Security appeals with free help from Social Security. But you can choose a lawyer, a friend, or someone else to help you. Someone you appoint to help you is called your “representative.” We will work with your representative just as we would work with you. Your representative can act for you in most Social Security matters and will receive a copy of any decisions we make about your application.

Your representative cannot charge or collect a fee from you without first getting written approval from Social Security. If you want more information about having a representative, ask for *Your Right To Representation* (Publication No. 05-10075) or you can find it on our website.

**Contacting Social Security**

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Understanding Section 301

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Continuation of Payments under Section 301

When Social Security conducts a medical CDR or an age-18 redetermination, it may find that a beneficiary no longer meets the medical requirements to receive disability benefits. If that happens, Social Security usually stops the individual’s cash benefits and associated health insurance (Medicare and/or Medicaid). However, under certain specific conditions, Social Security may continue to provide cash disability payments and medical insurance (Medicare and/or Medicaid) to individuals who are participating in programs that may enable them to become self-supporting. In doing this, Social Security is making a short-term investment in an individual’s benefits, “betting” that completing the vocational program will help the individual stay off disability benefits in the future.

Sections 225(b) and 1631(a)(6) of the Social Security Act, as amended, provide for continued payment of Title II and SSI disability or blindness benefits to individuals whose disability or blindness ends for medical reasons while they are participating in the Ticket to Work program or another program of vocational rehabilitation (VR) services, employment services, or other support services approved by Social Security, if Social Security determines that completion or continuation of the program will increase the likelihood of the individual’s permanent removal from the disability or blindness benefit rolls. This provision is commonly referred to as “Section 301” because the initial legislative authority for continued payment of benefits to individuals in a VR program was provided in Section 301 of the Social Security Disability Amendments of 1980.

Eligibility Requirements for Section 301 Payments

In order for benefits to be continued under section 301 provisions, an individual receiving title II or SSI benefits based on disability or blindness must have medically ceased or been determined to be ineligible due to an age-18 redetermination and meet all of the following four requirements:
1. The individual is participating in an appropriate program of Vocational Rehabilitation (VR) services, employment services, or other support services;

2. The individual began participating in the program before the month his or her disability or blindness ceased;

3. The individual's participation in the program continues through the 2-month grace period after cessation; and

4. Social Security must determine that the individual’s completion of the program, or continuation in the program for a specified period-of-time, will increase the likelihood that the individual will not return to the disability or blindness benefit rolls.

Section 301 provisions do NOT provide continued payments to individuals who were found ineligible for disability benefits for reasons other than medical improvement. For example, continuation of benefits under Section 301 does not apply when medical cessation is due to failure to cooperate (FTC) or whereabouts unknown (WU). Individuals who receive continued SSI payments under Section 301 must also continue to meet all of the non-disability related standards for this program including the income and resource limits.

Let’s take a look at each of the four requirements for Section 301 eligibility in detail.

**Participating in an Appropriate Program**

Social Security defines an appropriate program of VR services, employment services, or other support services as one of the following:

1. An individualized education plan (IEP) developed under policies and procedures approved by the Secretary of Education for assistance to States for the education of individuals with disabilities under the Individuals with Disabilities Education Act (IDEA), as amended. An individual must be age 18 through age 21 for this provision to apply. This provision is effective for Section 301 eligibility, determinations or decisions the Social Security Administration (SSA) makes on or after July 25, 2005.

2. A program carried out under an individual work plan (IWP) with an employment network under the Ticket to Work and Self-Sufficiency Program as described in DI 55020.001B;

3. A program carried out under an individualized plan for employment (IPE) with a State VR agency (i.e., a State agency administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973, as amended) as described in DI 55020.001D;
4. A program carried out under an IPE with an organization administering a Vocational Rehabilitation Services Project for American Indians with Disabilities authorized under section 121 of part C of title I of the Rehabilitation Act of 1973, as amended;

5. As of March 1, 2006, a Plan to Achieve Self-Support (PASS);

6. A program of VR services, employment services, or other support services carried out under a similar, individualized written employment plan with one of the following:
   a. An agency of the Federal government (e.g., Social Security or the Department of Veterans Affairs), including a provider under a Social Security demonstration project such as PROMISE (Promoting the Readiness of Minors in Supplemental Security Income). For more information about the PROMISE initiative, see the U.S. Department of Education’s PROMISE website: http://www2.ed.gov/about/inits/ed/promise/index.html;
   b. A one-stop delivery system or specialized one-stop center described in section 134(c) of the Workforce Investment Act of 1998; or
   c. Another provider of services approved by Social Security; including, but not limited to:
      - A public or private organization with expertise in the delivery or coordination of VR services, employment services, or other support services; or
      - A public, private or parochial school that provides or coordinates a program of VR services, employment services, or other support services carried out under an individualized program or plan, including a written service plan established under Section 504 of the Rehabilitation Act of 1973.

Social Security defines “participation” in very specific terms including the following:

- An individual is participating in an appropriate program if the individual participates in the activities and services outlined in his or her IWP, IPE, or individualized written employment plan similar to an IPE. For beneficiaries other than students ages 18 through 21 in an IEP, there must be a specific occupational or employment goal. “Competitive employment” is not sufficient.

- A student age 18 through 21 receiving services under an IEP is considered to be participating in the program if he or she is taking part in the activities and services outlined in the IEP.
• Social Security will determine that an individual is participating in a VR or similar program during interruptions of participation if the interruption is temporary. An interruption is temporary only if the individual resumes taking part in the activities and services outlined in his or her plan no more than three full calendar months after the last day of the month the interruption began.

Example of Interruption of Participation in an Appropriate Program:

Ms. Smith stopped taking part in the activities and services in her plan on January 13, 2014, and resumed taking part in such activities and services on April 27, 2014. Social Security determined that she is participating during the interruption in the program because she resumed taking part in the activities and services less than three months after the last day of the month the interruption began. If Ms. Smith resumed taking part in the activities and services on May 1, 2014, Social Security would determine that her participation in the program stopped when the interruption occurred (January 13, 2014) because she resumed taking part in the activities and services more than three full calendar months after the last day of the month the interruption began.

• Social Security determines a student age 18 through 21 who is participating in an IEP, leaves high school, and transitions to a VR or similar program no more than three full calendar months of the last day of the month he or she left school to be in one continuous period of participation.

Determinations about whether an individual is participating in an appropriate program for the purposes of Section 301 payments are made by Social Security’s Office of Disability Operations (ODO) rather than Field Office personnel. Information about program participation is gathered by having the beneficiary complete SSA-4290-F4. This form can be viewed online at POMS DI 14515.020 - Exhibits for Cases Involving Participation in a VR or Similar Program, which can be found online here: https://secure.ssa.gov/apps10/poms.nsf/lnx/0414515020

For more information, refer to POMS DI 14505.010 - Policy for Section 301 Payments to Individuals Participating in a Vocational Rehabilitation or Similar Program, found online at https://secure.ssa.gov/apps10/poms.nsf/lnx/0414505010

Participation in the Program Began Before the Disability Ceased

For Section 301 payments to apply, a beneficiary must have started participating in the appropriate program of vocational rehabilitation, employment services or other support services before the date on which the disability ended or no longer met the standard. Keep in mind that in some cases, Social Security is delayed in conducting a CDR. When the review is
finally conducted, the date on which the disability actually is determined to have ceased may be some time ago. Participation in the program must have begun before that date. In most cases, Social Security defines the start date of services as being the date on which the individual signed the plan for employment.

Section 301 provisions also apply to youth whose disability is determined to have ended as a result of the SSI age-18 redetermination. Disability may cease at this point because Social Security bases the age-18 redetermination on the more stringent adult definition of disability instead of the child’s definition used in the SSI program for beneficiaries under age 18. In some cases, Social Security doesn’t initiate the age-18 redetermination until some months after the 18th birthday. Section 301 may apply as long as the individual began participating in school under an IEP or in some other vocational rehabilitation or employment services program before the month his or her disability or blindness ceased and the individual's participation in the program continues through the 2-month grace period after cessation. Social Security does not require individuals who have an unfavorable age-18 redetermination to begin participation in an approved program prior to the 18th birthday in order to have benefits continued under the Section 301 provisions.

**Continuation in the Program will Increase the Likelihood that the Individual will Not Have to Return to the Disability or Blindness Benefit Rolls**

This process is referred to as the “likelihood determination” and is conducted by examiners at Social Security’s Office of Disability Operations (ODO) rather than Field Office personnel. There are two processes Social Security uses when making likelihood determinations. One process for students ages 18 through 21 and another process for individuals participating in other programs.

**Likelihood Determinations for Students Ages 18 Through 21**

For students ages 18 through 21 who are receiving services through an IEP, ODO will assume that continuation in or completion of the program will increase the likelihood that there would be no need to return to the disability rolls. This means that students whose disability has ceased as a result of a medical CDR or an adverse age-18 redetermination avoid having to pass case-by-case “likelihood” determinations. In effect, Social Security is making a general policy statement based upon current research that completing an educational program is assumed to lead to positive outcomes that are beneficial to the disability programs.

Although a student participating in an IEP automatically meets the likelihood requirement, ODO must make a likelihood determination regarding participation in the VR program for students
who leave high school and transition directly into a VR or similar program within three full calendar months after the last day of the month he or she left school. This is the same process ODO applies to all other individuals participating in other programs.

NOTE: For individuals who are participating in the treatment group of PROMISE as defined in POMS DI 14505.010B.6.a, Social Security will find that the individual’s completion of or continuation in the program will increase the likelihood that he/she will not return to the disability or blindness benefit rolls without further development of likelihood.

Likelihood Determinations for Individuals Participating in Other Programs

To determine that completion of the program (or continuation in the program for a specified period of time) will increase the likelihood that an individual will not return to the disability or blindness rolls, the examiner must find that the individual’s completion of or continuation in the program will provide the individual with:

- Work experience that will make it more likely that, in the future, Social Security would find that the individual is able to do past relevant work, despite a possible future reduction in his/her residual functional capacity; or

- Education and/or skilled or semi-skilled work experience that will make it more likely that, in the future, Social Security would find that the individual is able to adjust to other work that exists in the national economy, despite a possible future reduction in his/her residual functional capacity.

During likelihood determinations, ODO personnel examine the following four factors:

1. **Evaluating work experience that will increase likelihood of doing past relevant work**

   For the purposes of making likelihood determinations, work experience means skills and abilities the individual will acquire through work he/she will perform while participating in his/her plan. The work experience should provide the individual with skills that he/she can use in past relevant or similar work.

   The individual must be expected to perform such work long enough to learn to do it, and the experience must result in work performed at the substantial gainful activity level. The physical and mental demands of the work should be such that the individual would still be able to meet those demands despite a reduction in residual functional capacity.
a. **Definition of Past Relevant Work** - Past relevant work is work that an individual performed within the past 15 years, was at the substantial gainful activity level, and lasted long enough for him/her to learn to do it.

b. **Definition of Residual Functional Capacity** - Residual functional capacity (RFC) refers to what the individual can still do despite his/her impairments; it is the individual’s capacity to perform work-related activities.

2. **Evaluating education that will increase likelihood of adjusting to other work**

   Education means formal schooling or other training which contributes to the individual’s ability to meet vocational requirements, for example, reasoning ability, communication skills, and arithmetic.

   The education and/or training should provide for direct entry into skilled or semi-skilled work that exists in the national economy at the substantial gainful activity level. The physical and mental demands of the work should be such that the individual would still be able to meet those demands despite a reduction in residual functional capacity.

3. **Evaluating skilled or semi-skilled work experience that will increase likelihood of adjusting to other work**

   Skilled or semi-skilled work experience should provide the individual with skills that will enable him/her to adjust to other work (different from past relevant work) that exists in the national economy, at the substantial gainful activity level, despite a possible future reduction in his/her residual functional capacity.

   To evaluate the skills the individual will acquire as a result of completing his/her employment plan (or continuing in the plan for a specified period of time) and to determine the existence in the national economy of work the individual will be able to do despite a possible future reduction in his/her RFC, the examiner will need to know if the work goal is an unskilled, semi-skilled, or skilled occupation. The examiner will use the Dictionary of Occupational Titles, the Occupational Information Network, and other resources to make these determinations. In classifying occupations, ODO examiners use the following definitions:

   - Unskilled work involves simple duties that can be learned on the job in a short period of time and requires little or no judgment.
• Semi-skilled work requires some skills and judgment but does not require doing the more complex work duties.
• Skilled work requires an individual to use judgment to determine the tasks to be performed and may require dealing with people, facts, figures or abstract ideas at a high level of complexity.
• Transferability of skills means skills that can be used in other jobs. Skills are transferable when the skilled or semi-skilled work activities the individual did in past work can be used to meet the requirements of skilled or semi-skilled work activities of other jobs or kinds of work. Transferability depends largely on the similarity of occupationally significant work activities among different jobs. See DI 25015.015A.3.g. for special rules regarding transferability of skills for individuals age 55 or over.

4. Determining whether work exists in the national economy

Work is considered to exist in the national economy when it exists in significant numbers either in the region where the individual lives or in several other regions of the country. It doesn’t matter whether the work exists in the immediate area in which the individual lives, a specific job vacancy exists, or the individual would be hired if he/she applied for work. Isolated jobs that exist only in very limited numbers in relatively few locations outside of the region where the individual lives are not considered work which exists in the national economy.

Clearly, the likelihood determination process is complex and involves the evaluation of numerous factors. The determinations may only be performed by ODO examiners. For more information, refer to POMS DI 14510.020 - ODO Procedures for Making a Likelihood Determination, found online at https://secure.ssa.gov/apps10/poms.nsf/lnx/0414510020

How Employment Affects Continuation of Benefits under Section 301

Since Section 301 payments are made to help individuals support themselves while they prepare for employment, it stands to reason that engaging in paid work while in Section 301 status could have an effect on payment of benefits. When Social Security receives a work report on an individual in Section 301 status, they first determine if the work experience is part of the individual’s IWP, IPE, similar individualized written employment plan, or IEP. If so, no further action is required and Section 301 payments may continue.

If the work experience is not part of the individual’s plan, Social Security will determine if the individual has stopped participating in his/her plan or if the program is completed. If either of
these is true, Section 301 payments will terminate. If the individual is still participating in his/her program but the work experience is not part of the plan, Social Security will consider the following factors:

- Is the work at the substantial gainful activity level?
- Has the individual acquired the education, work skills or experience that was the basis for the initial likelihood determination?

These are indicators that the individual’s continued participation in the program will no longer increase the likelihood of his/her permanent removal from the disability or blindness benefit rolls. If this is the case, Social Security will generally terminate Section 301 payment.

Substantial Gainful Activity (SGA) determinations, the Trial Work Period (TWP) and the extended period of eligibility (EPE) do not apply to individuals who receive Title II Section 301 payments due to participation in a VR or similar program. However, non-disability requirements for continued entitlement to or payment of Title II disability benefits still apply.

For SSI recipients, the standard SSI income and eligibility provisions continue to apply. This includes the application of work incentives such as Impairment Related Work Expenses (IRWE), Blind Work Expenses (BWE), Student Earned Income Exclusions (SEIE) and Plans to Achieve Self-Support (PASS). It is important to understand that while an existing PASS may be modified while an individual is receiving Section 301 payments, Social Security cannot approve a new PASS after they have determined that an individual is no longer disabled or blind.

**When Eligibility for Section 301 Payments Ends**

- Section 301 eligibility ends when an individual either completes the appropriate program of vocational rehabilitation, employment services, or other support services, or stops participating in this program for whatever reason. Section 301 payments may continue if the interruption in participation is temporary, meaning that it lasts for no more than three months.

- If Social Security determines that continuing participation in the program would no longer increase the likelihood that the individual would not have to return to the disability rolls, section 301 payments will cease. This last requirement would not apply to students aged 18 through 21 since Social Security is making a broad assumption that participation in an IEP will increase the likelihood that the student will not need to come back on the disability rolls. For these students, case-by-case
likelihood determinations are not made.

- If a Title II disability beneficiary performs SGA.
- If an SSI beneficiary loses cash payments for any reason other than work activity that fits the 1619(b) criteria.

Section 301 payments terminate effective with the month after the earliest of the following:

- The month that the individual completes the program;
- The month that the individual stops participating in the program for any reason; or
- The month that Social Security determines the individual’s participation in the program will not or will no longer increase the likelihood that the individual will not return to the disability benefit rolls.

**Appeals and Overpayments during Section 301 Status**

Section 301 determinations are subject to all of the usual appeal processes which apply to other Social Security determinations. Individuals may appeal the initial Section 301 determination made by the Office of Disability Operation (ODO) and may appeal the termination of Section 301 payments. In addition, individuals may appeal the original medical decision that preceded the Section 301 payments while Section 301 payments are being received.

Because medical cessations will not be effectuated while Section 301 determinations are pending, beneficiaries will continue to receive benefits until ODO makes a determination. A person who is overpaid because he/she received continued payments while awaiting a Section 301 determination can be found without fault for the overpayment if the person acted in good faith in believing he/she was participating in a qualified program and cooperated with Social Security’s development of his/her participation. However, this does not mean that automatic waiver of overpayment recovery applies. Full waiver development must still be performed. The following are examples of when a person may not have acted in good faith.

- The person knew he/she did not begin participating in a program before the medical cessation or that participation did not continue for at least two months after cessation.
- The person knew the program, or the services received under the program would not qualify for Section 301 benefits.
The person did not cooperate with Section 301 development requests from Social Security and/or DDS.

If a good faith determination is needed, Social Security personnel are instructed to make sure they consider any physical, mental, educational, or linguistic limitations the person has which affects his/her ability to act in good faith.

Conclusion

Information in this document is provided to help CWICs gain a general understanding of the Section 301 provisions and how Social Security makes Section 301 eligibility determinations. It’s important to remember that individuals who have been terminated from benefits due to medical recovery are not eligible for WIPA services and neither are individuals in Section 301 status. Your role related to Section 301 is to provide information and referral services to help beneficiaries understand their options if a medical CDR results in termination of benefits. CWICs are not permitted to assist individuals with requesting Section 301 continuation of benefits beyond the provision of basic information and referral services.

Conducting Independent Research

DI 14500.000: Continued Payments to Individuals Participating in a Vocational Rehabilitation or Similar Program - Table of Contents
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DI 14510.003: Field Office (FO) Procedures for Cases Involving Participation in Vocational Rehabilitation (VR) or Similar Program
DI 14510.007: Field Office (FO) Procedures for Section 301 Cases after Office of Disability Operations (ODO) Determination
DI 14510.010: Disability Determination Services (DDS) Procedures for Cases Involving Participation in Vocational Rehabilitation (VR) or Similar Program
SSI and Age-18 Redeterminations

January 2017

What is the Age-18 Redetermination?

Passage of the Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193) in 1996 required that all Supplemental Security Income (SSI) recipients who turn 18 years of age must have their eligibility reviewed as if they were applying for adult SSI for the first time, without consideration of previous disability determinations. Social Security refers to this review process is called the “age-18 redetermination” and it’s performed because the childhood definition of disability varies greatly from the adult standard in the SSI program - with the adult standard being more stringent. Because of the way in which Social Security conducts age-18 redeterminations, an individual can be determined ineligible for SSI benefits as an adult even though there has been no change in medical condition or ability to function since being found eligible for childhood SSI benefits.

Based on 2014 Social Security data, approximately 55% of all childhood SSI recipients are initially determined ineligible for adult SSI during the age-18 redetermination (From the 2014 SSI Annual Report at http://www.socialsecurity.gov/oact/ssir/SSI14/index.html).

IMPORTANT NOTE: The age-18 redetermination process only applies to SSI recipients. This is because the SSI program has two different definitions of disability – one for children under age 18 and one for adults aged 18 and above. Title II disability beneficiaries are NOT subject to redeterminations at the age of 18 since there is only one disability standard in the Title II program.

The Age-18 Redetermination Process

The age-18 redetermination occurs for all childhood SSI recipients at some point after the 18th birthday. It may occur at a regularly scheduled Continuing Disability Review (CDR), or at another point as determined by Social Security. In general practice, the age-18 redetermination usually occurs within 12 months after the 18th birthday, although this is not required by
regulation. Social Security doesn’t initiate age-18 redeterminations prior to the month before the month the individual attains age 18. Social Security doesn’t initiate an age 18-disability redetermination the individual wasn’t eligible for SSI in the month before the month of the 18th birthday.

The process for conducting redeterminations at age 18 includes both the gathering of information on the young adult and determination of eligibility under the adult criteria for SSI. Social Security considers age-18 redeterminations to be initial eligibility decisions rather than CDRs. This means that the Medical Improvement Review Standard (MIRS), which Social Security uses when conducting CDRs, is not used for the redetermination. When the MIRS is applied, the burden of proof falls on Social Security to document that medical improvement has occurred. Without the application of the MIRS, the burden of proof lies with the individual in establishing that the adult disability criteria for SSI are met. Consequently, there is a heightened need for youth, their families, school personnel, and others to provide accurate and up-to-date documentation and evidence related to the disabling condition and the person’s ability to function and work. The general process is as follows:

1. **Written Notification of Redetermination**

The local Social Security Field Office begins the process by sending written notification to the individual and parents/guardians that the case will be redetermined. You will find a copy of the standard notice used in age-18 redetermination cases in the POMS here:

https://secure.ssa.gov/apps10/poms.nsf/lnx/0411070105

2. **Interview at the Social Security Field Office**

The young person and his/her family members, guardians, or representatives typically go to the local field office to complete an initial eligibility interview, although in some cases the interview may be conducted by phone. The purpose of the interview is to gather information on the severity of the disability and how it affects the person's ability to function. During the interview, Social Security personnel will complete the appropriate initial disability interview forms including Form SSA-3367-F4 (Disability Report Field Office), Form SSA-3368-BK (Disability Report-Adult), and appropriate disability and functional reports. Social Security also requests permission to contact physicians, service providers, and teachers who work with the individual. The individual will be asked to sign Form SSA-827 (Authorization for Source to Release Information to the Social Security Administration) for each source of information.

**IMPORTANT NOTE:** Social Security personnel are specifically instructed to ask the individual if he/she is receiving vocational rehabilitation, employment, training,
educational, or other support services from any source during the redetermination interview. The answer provided to this question is critically important because it indicates the potential for Section 301 continuation of benefits if an adverse determination is possible.

3. **Review by the Disability Determination Service (DDS)**

All the information gathered at the interview is forwarded to the state Disability Determination Services or DDS. This is a state agency that reviews medical and non-medical information to determine if the individual is or is not disabled under the law. DDS follows a detailed process (known as the sequential evaluation process) to determine if the youth's impairment is "severe" by Social security’s criteria. Keep in mind that the criteria to receive the label of "severe impairment" are more stringent for adults than for children in the SSI program.

The DDS also examines the individual's ability to earn income in future employment by reviewing information gathered from the young adult's teachers regarding his/her abilities. Due to the limited opportunities for community work experiences for adolescents with disabilities, the information gathered often relates more to an individual's performance in school without consideration to their ability to perform in actual work environments. The lack of information on true work performance sometimes leads to an inaccurate assessment of an individual's future ability to earn income.

4. **Individual is Notified of the Determination**

Social Security sends a written notice to all individuals who have an age-18 redetermination conducted. If the determination is favorable, the individual continues to receive SSI cash payments and Medicaid with no interruption.

An individual who is NOT determined eligible for SSI benefits as an adult will get a written notice stating that he/she is no longer qualified to receive benefits. These individuals are entitled to receive two more months of payments after the date of this notice. Overpayment may occur if an ineligible individual continues to receive payments after the two-month grace period. The good news is that individuals found ineligible under the adult rules, are NOT required to pay back of all SSI payments received after the 18th birthday month. Social Security will only seek to recover those payments received after the determination is made and the two grace months are over.

**IMPORTANT NOTE:** When initiating an age-18 disability redetermination involving a concurrent claim, Social Security personnel are required to advise the individual that an
unfavorable determination on the disability redetermination would trigger a medical CDR on the Title II claim.

Strategies for Managing the Age 18 Redetermination

While there’s nothing a childhood SSI recipient can do to avoid the age-18 redetermination process, there are several strategies that students, parents, teachers, WIPA project personnel, and other professionals can apply to make sure that the age-18 redetermination process is as accurate and fair as possible.

Strategy 1 - Educate Young SSI Recipients and Their Families about the Age-18 Redetermination Process

A significant problem related to the age-18 redetermination is that SSI recipients and their families typically have no idea that this process occurs, nor how it differs from the regularly scheduled CDRs. First and foremost, students, families, school personnel, and VR staff should be given detailed, understandable information about the redetermination process and how it works. In particular, CWICs must discuss how information will be gathered that contributes to the part of the redetermination that examines the young person’s future ability to earn income through paid employment.

Strategy 2 - Identify Individuals Most at Risk of Benefit Loss upon Redetermination

It’s important to understand that not all childhood SSI recipients are at risk of losing SSI eligibility during the age-18 redetermination process. Youngsters with the most severe disabilities are most likely to meet the more stringent adult disability criteria and would have little to fear from the redetermination process. Unfortunately, the age-18 redetermination process tends to affect youth with certain disabilities more than others. Students with certain learning disabilities and behavioral disorders tend to be more likely NOT to meet the adult disability standard than other youth. For a detailed discussion of this issue, go to http://www.socialsecurity.gov/policy/docs/rsnotes/rsn2012-04.html

In addition, students who were required to appeal their initial SSI disability determination in order to be awarded benefits as children may logically be assumed to be at risk during redetermination since they struggled to meet even the less stringent child’s standard. Finally, youngsters who have experienced an improvement in their medical condition since their last CDR may also be at risk of an adverse redetermination.
It’s important to identify which youth may be at risk of an adverse re-determination in advance of the review so that a contingency plan can be developed in case SSI eligibility is lost. Being prepared in advance may make the difference between having a gap in critical benefits and health insurance and having benefits either continue unabated, or having alternate sources of support in place.

**Strategy 3 - Start Planning Early for the Age-18 Redetermination**

Schools and other involved professionals should provide students and families with detailed, understandable information about the redetermination process during the earliest stages of transition planning. At the very least, planning should occur during the 17th year. Specifically, WIPA personnel should address the following points early on:

- Discuss how information will be gathered that contributes to the medical review under the more stringent adult disability standard. Gather contact information for various doctors, therapists, disability professionals, teachers, or others who have information to share on how the young person functions.

- Discuss how information will be gathered that contributes to that part of the redetermination process examining the individual’s future ability to earn income through paid employment.

- Develop a contingency plan if the potential for loss of SSI benefits and Medicaid exists. This should include alternative plans for meeting the young adult’s anticipated support needs for work or community living that are currently tied to SSI eligibility and receipt of Medicaid.

- It’s possible that disability benefit payments may continue for a limited period of time even though the student isn’t found to meet the adult definition of disability if eligibility can be established for “Section 301” status. Section 301 is a phrase which refers to several parts of the Social Security Act that allow continued disability payments to be made to certain individuals who have medically improved (meaning they no longer meet the disability standard) under certain prescribed circumstances. Since Section 301 status is contingent upon meeting several important criteria when the redetermination is performed, it needs to be prepared for in advance. More detailed information on Section 301 provisions is provided below.

**Strategy 4 – Help Involved Parties Understand How Past or Current Work Affects the Age-18 Redetermination**
Fear of the age-18 redetermination process creates significant uncertainty regarding the impact of work and earnings on the disability determination. Many young people and their families are under the mistaken impression that SSI recipients must not be working at any level when the redetermination occurs. In fact, the Substantial Gainful Activity (SGA) step of the sequential evaluation process doesn’t apply to these disability redeterminations. This means that a youth may be employed above the current SGA guideline and still be found eligible for SSI under the adult rules during the age-18 redetermination as long as the disability standard and all other SSI eligibility criteria are met. There is no reason to hold back on paid employment until after the student successfully completes the age-18 redetermination. There is no reason not to engage in paid employment before, during or after the redetermination!

Documentation from teachers and rehabilitation professionals is used to determine the individual's potential to earn income through work. Frequently, the Social Security forms only include questions related to school performance. If the student has participated in community based work experiences, supplemental documentation should be provided that states the level of performance in these settings and what supports are required to perform work activities. The SSA-5665 Teacher’s Questionnaire can be found online at Social Security’s website: SSA 5665- Teacher's Questionnaire

**Strategy 5 – Help Involved Parties Understand the Purpose of Questions Asked by Social Security**

Teachers and others who provide information for redetermination should understand those questions attempting to identify prior fraud or misuse of benefits by families. They should consider the questions carefully, clearly understand what they are communicating by their responses, and be certain that the observations providing the basis for their answers are accurate.

**Strategy 6 – Be Prepared to Request Continuation of Benefits under Section 301**

CWICs must remember that disability benefit payments may continue even though the young person is not found to meet the adult definition of disability if eligibility can be established for “Section 301” status. Payment of benefits under Section 301 requires that the beneficiary be participating in an “appropriate program of vocational rehabilitation services, employment services, or other support services” prior to the disability determination. This could include receiving services under an Individual Plan for Employment (IPE) through the state VR agency or from an Employment Network (EN) through the Ticket to Work Program. Under the most current Section 301 regulations, an appropriate program may also include participation in school for students aged 18 to 22 as long as the student receives services under an
Individualized Education Plan (IEP) or an Individualized Transition Plan (ITP). Finally, an appropriate VR program now includes individuals who have an approved Plan to Achieve Self-Support (PASS).

With Section 301 cases, Social Security is looking to see that the VR program will provide transferable work skills or experience so the person’s vocational capability would support a decision of “not disabled”. In other words, will completing the VR program result in the likelihood that the individual would be permanently removed from the disability rolls? Under the current regulations, for students aged 18-22, Social Security simply assumes that continuation in the program of special education will increase the likelihood of permanent removal from disability rolls. This makes the “likelihood” decision a great deal easier and simpler.

WIPA personnel need to understand that most VR counselors and school personnel are unaware of the Section 301 provisions. Students at risk of termination due to the age 18 redetermination need to receive information about Section 301 continuation of benefits from a very early age. These students will need to access vocational rehabilitation services or must continue to stay in school and receive special education services under an IEP/ITP in order to use Section 301 protections.

CWICs may need to keep a close watch on youth undergoing an age-18 redetermination as DDS does not always identify those who may be eligible for Section 301 benefits. CWICs may need to act as coordinators to facilitate a successful Section 301 determination since the local Social Security Field Office may not have experience with these rather rare cases and the other involved parties (state VR agency, private VR provider, and school) may not know this provision exists.

**Strategy 7 – Provide Information about the Appeals Process to Youth who are Determined Ineligible**

An individual who is dissatisfied with the disability redetermination under the age-18 provisions of the law will have all normal appeals provided for disability cessations in CDR cases, including the Disability Hearing Office (DHO) hearing. Individuals who appeal an age-18 redetermination are also permitted to retain cash benefits while the appeal is heard if the appeal request is submitted within 10 days of the notice. Individuals need to understand that if the appeal does not result in a favorable decision, the payments received since the date of the original determination will be subject to recovery.
All those involved in the transition process should encourage the youth and their families to file a formal appeal to Social Security if redetermination results in a loss of benefits. Involved professionals can also help in documenting additional evidence for the appeal process. While Social Security doesn’t permit WIPA personnel to represent individuals during an appeal, they should assist by providing information about the appeals process. At present, the American Bar Association provides referrals to attorneys who will help children and youth with disabilities through both the redetermination and appeals process.

**IMPORTANT NOTE:** It’s possible to appeal the original redetermination decision and request continuation of benefits under Section 301 simultaneously. If Section 301 requirements are met, CWICs are advised to recommend that the individual request continuation of benefits under these provisions. If the individual disagrees with the disability determination, he or she may also file an appeal.

If the adverse determination is upheld upon appeal, the individual will still be permitted to retain SSI benefits under Section 301 as long as the criteria for this provision are met. If the determination is overturned upon appeal, regular SSI payments will be reinstated and there will have been no interruption of cash payments or Medicaid coverage.

**Conclusion**

The age-18 redetermination represents a critically important transition point for young people who receive SSI as children. Unfortunately, many SSI recipients, their family members and teachers are completely ignorant about the age-18 redetermination process and don’t prepare themselves for the potential consequences of these reviews. The WIPA projects have a significant role to play in educating concerned parties about the age-18 redetermination process and how to manage this process in order to minimize adverse impact.

**Conducting Independent Research**

POMS DI 11070.000 Title XVI Childhood and Age 18 Disability Redetermination Cases (Public Law 104-193 as Modified by P.L. 105-33) FO – Subchapter Table of Contents

https://secure.ssa.gov/apps10/poms.nsf/lnx/0411070000

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POMS DI 14510.000 Procedures for Cases Involving Participation in a VR or Similar Program - Subchapter Table of Contents

https://secure.ssa.gov/apps10/poms.nsf/lnx/0414510000

Form SSA-5665 Teacher’s Questionnaire. Found online at: SSA 5665- Teacher's Questionnaire
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ADDITIONAL LINK

SSI Age 18 Redeterminations  
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