35th Annual SPIN Conference

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Benefits Planning Networking Room Q&A

**Speakers:**

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**Social Security Resources:**

Social Security: 1-800-772-1213

Honolulu SSA: 855-572-4879

Kapolei SSA: 855-572-4866

Wailuku, Maui SSA: 855-572-4863

<https://www.ssa.gov/onlineservices/>

<https://www.hawaiiablesavings.com/> (Info on ABLE Accounts)

**Vocabulary:**

**SSI: Supplemental Security Income**. You must have limited income and resources. It does not come from Social Security taxes, it come from general fund taxes. Children under 18 can have SSI due to a disability, but will have to go through a medical determination. There is a separate medical determination branch that will make that determination to see if the child will qualify using our rules and guidance. They also look at parent income, so if the parents income is too high, even if the minor child is determined to be disabled, the child may not qualify for the program.

**SSDI: Social Security Disability Income**. You need to have work history and have worked for a number of years, and have work credits.

**DAC: Disabled Adult Child.** You can apply after the child turns 18. It would be on one of the parents work record, and the parent must be either retired, disabled or deceased.

**Medicaid/Med-Quest/Quest**: a state health insurance program that has financial limits to receive it.

**Medicare:** a federal health insurance program for people receiving Social Security benefits.

**ABLE Account:** A savings account that can be opened for a person with a disability. The money saved is not counted towards income for Social Security and most state-funded programs like Medicaid.

**Questions:**

* Our son is 25 years old, diagnosed with autism, and currently receiving SSI. My husband will be retiring in a year or two. Will our son’s SSI be affected by our retirement?
	+ When your husband retires and applies for Social Security retirement benefits, your son can apply for “Disabled Adult Child” (DAC) benefits too. That would determine if your child can collect benefits under your husband’s Social Security record. Sometimes the DAC benefit is higher, under your husband’s SS record. It will not affect his benefits. You can apply online or you can call to schedule an appointment to the application over the phone. Under the question that asks “do you have a child under 19 or a child who is disabled”, answer that “YES”. In the “remarks” section, be sure to add that your son is currently receiving SSI benefits, and that his disability started before the age of 22.
		- Follow up from parent: When I retire, does my son reapply under my record?
			* Yes.
* My daughter is on my husband’s work record receiving SSDI. We were told I could not get a spousal benefit because there is a family limit. I have not applied for retirement yet, but I plan to do that next year when I turn 70. Will the family limit apply there as well? Will my husband be able to receive the spousal benefit without reducing our daughter’s amount?
	+ Each Social Security record has a family maximum, based on work history, which means SSA pays a maximum amount per family. When you retire and file for SS, be sure to have your daughter apply again under your record. SSA will look at both parent records to see which is the higher amount and pay the child under the higher record.
* My daughter is 13. We applied for DDD (Developmental Disabilities Division) services. I did not realize that in order to get DDD services, she would need to qualify for Medicaid. Because of our income (2 working parents), she did not qualify. The intake person told us to reapply when my daughter turns 18, since Medicaid will only look at her income. My question is: As long as she does not qualify for Medicaid, she will not qualify for DDD? Or can she qualify for DDD but not Medicaid?
	+ DDD services are partially funded by Medicaid (called Medicaid/Quest in Hawaii). Eligibility for Medicaid is required to access DDD services like care attendants and day programs. In most cases, if the child is not eligible for Medicaid due to their parents’ income, they should re-apply for Medicaid when the child turns 18, and then, if they qualify, re-apply for DDD services.
	+ The child can also apply, when she turns 18, for SSI (Supplemental Security Income) that does not come from the SS trust fund--it comes from general taxes--if the child has limited income and resources. If there are any changes to the household income before the child turns 18, you always want to re-apply. Don’t assume you won’t qualify.
* My son is under 18, we applied for SSI, and got denied. We also applied for Quest, and he was approved for Quest. Now that he has Medicaid/Quest, will that make a difference for SSI and should we re-apply?
	+ Quest allows for a lot more family income than SSI does. For families with minor children, they have some of the highest income limits. That is probably why you qualified for Medicaid/Quest, but not SSI.
* My daughter is 15 years old and has down syndrome. When do I need to start doing paperwork to switch our daughter from SSI to Social Security?
	+ SSI comes from general taxes. Social Security comes from taxes paid when you work, so there should be some sort of work history. If she had enough work credits, she may qualify for SSDI (Social Security Disability Insurance) under her own record. If she does not have a work history or work credits, then if one of the parents is receiving either retirement benefits, disability benefits, or if one of the parents is deceased, the child could be eligible under the parent’s record, if the parent has enough work history. For SSI, you must have limited income and resources but no work history. For SSDI, you have to have some work history and it comes from SS tax money.
	+ When she turns 18, Social Security will send you paperwork to re-apply for SSI, since the parent income will no longer be considered and she will be considered for the adult standard for disability. To prepare for this next step, you can start saving medical documentation of the disability, and If there is work experience, saving any information on accommodations they needed to work.
* Can families appeal, if they are turned down for SSI?
	+ Yes, you always have appeal rights, and you must file an appeal within 60 days of receiving a denial. The sooner you file for an appeal, the better. Don’t wait till day 59 to appeal; try to do it within 10 days of receiving the denial letter.
* Does SSDI need a personal work history or a parent receiving disability retirement? Can an 18 year old be eligible to receive SSI, SSDI or both?
	+ Yes, it is possible for a child to get both SSI and as a DAC under their parents record, but remember, to get SSDI, you must have a work history. And there is a limit to how much you get, and it varies from state to state.
* **Info about the ABLE Accounts:**
	+ There are limitations on how you can spend the money in your ABLE Account. You can spend it on basics like food and clothes, medical bills, transportation, assistive technology, personal support services, housing, education, etc. It must be for the benefit of the person with a disability; they cannot use the funds to buy gifts or things for other people.
	+ The maximum you can have in one account is $100,000. You can add up to $15,000 a year from friends, family and even your employer. If you work, the account holder can add an additional $12,000 a year to the account.
	+ Social Security will ignore up to $100,000 in the ABLE Account, and other federal programs will also ignore money in the ABLE Account. The state Medicaid program will ignore any money in the ABLE Account.
	+ You do have to document what you have spent the money on.
	+ It is similar to the 529 College Savings program, and is managed under the IRS.
	+ In Hawaii, they issue a debit-like card to make purchases with.
	+ To qualify, you can show a doctor’s letter stating a disability, or show your child is receiving Social Security benefits.
* I have established a College 529 account for my three daughters. My youngest has a disability. I don’t see her attending a university, but maybe a community college. Can the money we have established in her 529 account be transferred into an ABLE Account without penalty? And can an ABLE Account be rolled into a Supplemental Needs Trust?
	+ For 529 to ABLE: Yes, you would need to pay a rollover fee at the institution the 529 account is held at.
	+ For Supplemental Needs Trust: It’s an alternative to an ABLE Account, but you’d need to speak to a lawyer to set one up. You would also need a trustee to manage the trust, so there are ongoing costs associated with it.
* What happens when a person with a disability, who has an ABLE Account, passes away?
	+ Most state programs will try to recoup the Medicaid funds that were spent on the individual, called a “Medicaid Claw-back” or “State Recovery.” When the beneficiary dies, the state, who has been keeping tabs on the account, will claim some of the money back, though they do not have any claims on money that was given by friends and family.
	+ If there is money left in the account, often that money is not able to be passed on or gifted to others.
* My daughter has an ABLE Account in Michigan. Is there a benefit to moving her account to Hawaii?
	+ Not all ABLE Accounts are alike, so you would need to compare each program.
	+ The national ABLE website has a great comparison tool on their homepage: <https://www.ablenrc.org/>
* Will the ABLE Account or College Savings Plan count as an asset for my son when he turns 18? Will it disqualify him from receiving SSI?
	+ ABLE Accounts are a great savings tool that has become available for people with disabilities. The money saved in an ABLE Account will not count against asset limits of many federally funded programs like SSI, SNAP benefits and Medicaid. SSI does have a limit on how much they disregard in an ABLE savings account – up to $100,000. You can find out more on the Hawaii ABLE website: <https://www.hawaiiablesavings.com/>. The program is now live in Hawaii and the website is up and running.
	+ ABLE Accounts allow for a $15,000 a year limit and anyone can contribute to the account. If you have a part-time job, you can contribute additional money to your ABLE account, up to $12,000 a year, on top of the $15,000 annual limit.
	+ The college savings plan will count as an asset, if it is not set up as an ABLE Account or special needs trust.