

## Representative Payees

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### What Is A Representative Payee (Rep Payee)?

A rep payee is a person appointed by the Social Security Administration (SSA) to manage your SSI or Social Security Disability Insurance (SSDI) payments if you are unable (or if SSA believes you are unable) to do so yourself. The rep payee should be someone who cares about what is best for you.

### Who Will Be My Rep Payee?

If you are under 18, the rep payee is generally a parent or guardian. In some cases, an agency acts as the rep payee. If you are over 18 years old, the payee can be a person you trust, a family member, friend, or an agency representative. If the payee is from an agency, a fee can be charged for the service. Generally, your rep payee should not be a person who furnishes you a service for payment; however, SSA policies will allow certain agencies that provide housing services for a payment to also serve as a payee.

### What Will My Rep Payee Have To Do?

Your rep payee must agree to spend your benefits on your food and shelter needs and to report to SSA any changes that may affect your benefits. Changes that need to be reported include work, address, who you live with, income, and resources. Your rep payee must be a person who has never been shown to have misused anyone's Social Security benefits and must have never been found guilty of a crime committed against SSA.

### What If I Wish to Change My Rep Payee?

To do so, you must fill out an application at your local SSA office. The person you select must submit a letter saying he or she is willing to serve as your rep payee and be able to prove who they are.

### What If I Believe I No Longer Need a Rep Payee?

You have the right to receive your own SSI or SSDI payment unless SSA has reason to believe you may spend your money in a way that might hurt you. To become your own payee, certain conditions must be met.

If you have a rep payee because of your disability, you must show SSA that you are now mentally and physically able to handle your benefits and your reporting obligations.

Proof you could provide:

- A doctor's statement that there has been a change in your condition and that the doctor believes you are now able to care for your own needs;
- An official copy of a court order saying that the court believes that you can take care of your money; or
- Other evidence that shows your ability to take care of your own funds and report to SSA.

If you are under 18 and want to be your own payee, you must show:

- That you are an emancipated minor and are responsible for daily decisions about your life; or
- You are a minor-parent with a child; or
- You are within 7 months of becoming 18 and this is your first application for SSI or SSDI benefits.

If your disability is based on a mental illness or a developmental disability and SSA believes your condition has improved to the point that you no longer need a payee, they may also reevaluate your medical eligibility for SSI.

### **What Are The Rights And Responsibilities Of My Rep Payee?**

Your rep payee must use your SSI and/or SSDI benefits to pay for your needs only. SSA expects the payee to pay for food and shelter costs before any other purchases are considered. Also, your rep payee must inform SSA of events that could change the amount of, or your right to receive benefits. If SSA asks, your rep payee must also give a written account of how your money is spent. They must also tell SSA if there are changes that might affect their ability to act as a rep payee.

Generally, a rep payee should keep your benefits separate from his or her own funds. However, if the rep payee is the parent or stepparent, or the spouse of the recipient and resides in the same household as the recipient, SSA may approve direct deposit of the SSDI or SSI payment into the parent or spouses account.

### **What Happens If My Rep Payee Misuses My Benefits?**

- Request a new rep payee and make a written request to SSA to investigate the misuse of your benefits.
- Explain why you think your benefits are being misused.
- SSA must take steps to investigate and send you a written decision stating whether misuse has occurred.
- If SSA finds that misuse has occurred, SSA must then investigate whether SSA was negligent in appointing or monitoring your rep payee.
- SSA must inform you in writing whether SSA was negligent or not. If SSA was negligent, it must pay you whatever benefits you lost through the misuse of your rep payee.
- If SSA finds that SSA was not negligent, you may appeal their decision.

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