

## Identifying SOAR Applicants – Legal Systems

This tool is intended to help SSI/SSDI Outreach, Access, and Recovery (SOAR) providers identify applicants involved in the legal system who may be eligible for Social Security Administration (SSA) disability benefits. Many people with criminal histories look to SSA benefits (Supplemental Security Income [SSI] and Social Security Disability Insurance [SSDI]) as an option to offset the challenges experienced upon release from jail.

SOAR is designed to serve individuals who are able to apply for SSI/SSDI benefits as an adult under SSA rules. This includes people 18 years of age or older as well as those who are within one month of their 18<sup>th</sup> birthday. Individuals aged 65 or over with low income and resources may be eligible for SSI based on age or be eligible for retirement benefits based on their work history.

### Institutional Release Date:

- ☐ identify the applicant at least 120 days prior to the expected release date to allow for time to prepare application materials and submit their completed application packet to SSA no less than thirty days prior to the expected release date (unless other parameters were established in a prerelease agreement with SSA).

**Key Eligibility Criteria:** *The following 4 characteristics represent key eligibility criteria for SSA disability benefits.*

- ☐ Applicant has a serious mental illness or exhibits symptoms and/or has serious physical illnesses that affect their ability to work at a substantial gainful level (\$1,550/month in 2024)
- ☐ The illness(es) or condition(s) have lasted or are expected to last for at least 12 months (or result in death)
- ☐ Applicant is currently exhibiting symptoms of mental illness or has periods with worsening of symptoms that prevent sustainable employment. For example:
  - Psychotic symptoms (positive or negative)
  - Depressive symptoms (decreased energy, lack of motivation, suicide attempts)
  - Manic symptoms (racing thoughts, disorganized thoughts)
  - Anxious feelings (paranoia, nervousness)
  - Cognitive deficits (brain injury; problems with concentration, memory, etc.)
  - History of trauma (history of abuse, post-traumatic stress disorder, etc.)
  - Other: \_\_\_\_\_
- ☐ For an applicant with a mental illness, they have marked restrictions in at least two of these functional areas, or extreme limitations in one area:
  - Understanding, remembering, or applying information (memory, following instructions, solving problems, etc.)
  - Interacting with others (getting along with others, anger, avoidance, etc.)
  - Concentrating, persisting, or maintaining pace (as they relate to the ability to complete tasks)
  - Adapting or managing oneself (hygiene, responding to change, setting realistic goals, etc.)

**SOAR Recommends:** *The following characteristics are not essential but may strengthen an application.*

- ☐ Applicant is prescribed psychiatric medications and continues to experience symptoms and functional impairments
- ☐ Applicant has obtainable medical evidence (for at least part of the past 12 months) that corroborates mental illness and medical complaints. If no medical evidence or large gaps in treatment:
  - Applicant clearly exhibits symptoms severe enough that a one-time examination by a physician would demonstrate issues
  - Representative can write a Medical Summary Report that details symptoms and functional impairments that demonstrate diagnosed disability
- ☐ Due to medical and/or psychiatric conditions, applicant is unable to work or participate in an assigned detail. Note – an applicant’s inability to work because they were laid off or have difficulty finding employment due to felony conviction or criminal history does not make them eligible for these criteria. Examples include:
  - History of failed work attempts (started and stopped employment due to diagnosed disability)
  - Long work history, but can no longer work up to SGA (\$1,550/month in 2024) due to conditions
  - Scattered work history due to conditions and other factors (Note: Incarceration is not a disabling condition.)

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