Working with Justice-Involved Persons
Frequently Asked Questions

# Applying for SSI and SSDI

Q: Can an individual apply for benefits if s/he has a warrant?

A: Yes, as long as the warrant is not related to escape or fleeing to escape prosecution (Clark v. Astrue).

Q: Can an individual submit an application while incarcerated?

A: Yes. As a general rule, SSA requests that pre-release applications be submitted 30 days prior to release. If your institution has a pre-release agreement with SSA, this timeframe can be increased to as much as 120 days prior to release.

Q: Can an individual apply for benefits if the physical injury or mental impairment(s) occurred during the commission of a crime?

A: Yes, unless the person has been convicted of a felony. Impairments that originate or are aggravated by the individual’s involvement during the commission of a felony will NOT be considered in the disability determination. These impairments will not be considered for the lifetime of the individual. SSA Reference: <https://secure.ssa.gov/poms.nsf/lnx/0410105100>

Q: Should work history that occurred in prison be considered?

A: Yes. Any work history, including work history that occurred in jail/prison, should be considered when applying for benefits. Remember to consider any struggles or additional support that the applicant may have had during that work period and include that information in the application.

# Suspension and Reinstatement of Benefits

Q: What happens to SSI benefits when a person is incarcerated?

A: When SSI recipients are incarcerated for a full calendar month, their benefits are suspended. If they are released in less than 12 consecutive calendar months, their benefits can be reinstated upon release. They need to bring official release papers from the institution to the local Social Security office. SSA will review their new living arrangement and reinstate payment. If SSI recipients are incarcerated for 12 consecutive calendar months or more, their SSI benefits are terminated and they must reapply.

Q: What happens to SSDI benefits when a person is incarcerated?

A: SSDI recipients are eligible to continue receiving benefits until they are convicted of a criminal offense and are confined for more than 30 continuous days. After that time, their benefits are suspended. Benefits can be reinstated the month following their release into the community. Once released, individuals should contact the local Social Security office with official release papers and request that benefits be reinstated. If they are in jail awaiting trial, SSDI will continue until they are convicted.

Q. Can individuals receive benefit payments while in a community correctional facility?

A: Social Security will not pay benefits while an individual resides in any facility that is under the authority of the state’s Department of Corrections (DOC). Even though the individual is no longer in prison, they cannot receive benefits until they complete their court-ordered sentence and are officially released, or until the DOC places them on parole and they are no longer under the supervision of the DOC.

Q: Can benefits be reinstated if someone is on home monitoring and wears an ankle bracelet monitor?

A: Yes. Benefits can start again once an individual re-enters the community and the DOC is no longer responsible for their care. Individuals should contact the local Social Security office to report their release from a correctional institution and report their change to ankle bracelet monitoring

# Other Issues That Arise

Q: What if the applicant is found guilty but confined to a state psychiatric hospital or other public institution to serve his or her sentence?

A: According to SSA, “We cannot pay benefits to someone who, by court order, is confined in an institution at public expense in connection with a criminal case if the court finds that the person is: guilty, but insane; not guilty of such an offense by reason of insanity or similar factors (such as a mental disease); or incompetent to stand trial for such an alleged offense.”

Q: Does SSA provide incentive payments when notified that a person is in jail or prison?

A: Yes. Federal law permits incentive payments to state and local correctional and certain mental health institutions if notified within 90 days of confinement. For every SSDI or SSI recipient that is suspended as a result of information provided by the participating institution, SSA will pay the institution:

* $400 for information received within 30 days of the confinement; or
* $200 for information received after 30 days but within 90 days after confinement.