



Work Incentives Transition Network (WITN)

SUPPLEMENTAL SECURITY INCOME AND AGE 18 REDETERMINATION

WHAT IS AGE 18 REDETERMINATION?

The 1996 Personal Responsibility and Work Opportunity Reconciliation Act requires that all youth who receive Supplemental Security Income (SSI) go through a redetermination process for their benefit eligibility at age 18. This process has significant implications for individuals with disabilities transitioning out of high school and their families. This fact sheet provides information on the potential impact of the redetermination process, how the Social Security Administration (SSA) determines eligibility for this age group, and how best to prepare students and families to successfully navigate this process.

IMPACT OF AGE REDETERMINATIONS

Under this current legislation, 18 year-olds who receive SSI benefits must have their eligibility reviewed as if they were applying for adult SSI for the first time, without consideration of previous disability determinations. In other words, the person can be determined ineligible for benefits at the age of 18 although there has not been a change in his/her medical condition or ability to function since being found eligible for childhood SSI benefits.

The mandatory age 18 redetermination process has substantially decreased the number of young adults found eligible to maintain SSI benefits into adulthood. Redetermination outcomes have negatively impacted young adults with certain impairments and living in certain states more than others. Young adults with respiratory, endocrine, and cardiovascular impairments are most likely to have their benefits stopped due to this process. In addition, young adults living in states in the South are more likely to be found ineligible after completing age 18 redetermination.

THE REDETERMINATION PROCESS

The SSA process for redetermination at age 18 includes both the gathering of information on the young adult and determination of eligibility under the adult criteria for SSI. The general process is as follows:

1. Written Notification of Redetermination

The local Social Security Field Office sends written notification to the individual and parents that the case will be redetermined.

2. Interview at SSA Field Office

The benefit recipients and their families, guardians, or representatives go to the field office to complete an initial eligibility interview. During the interview, standard SSA adult forms are used to gather information on the individual's disability as well as his/her daily activities and functioning. 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. The SSA also requests permission to contact physicians, service providers, and teachers who work with the individual. All are asked to provide information on the individual's ability to function in daily life.

3. Review by the Disability Determination Service (DDS)

All the information gathered at the interview is then forwarded to the state DDS. The DDS is a state agency that reviews medical and non-medical information to determine if the benefit recipient is or is not disabled under the law. DDS follows a detailed process to determine if the youth's impairment is "severe" by the SSA's criteria. The criteria to receive the label of "severe impairment" are more difficult for 18-year-old redetermination than for childhood eligibility determination.

The DDS also examines the individual's ability to earn income in future employment often by reviewing information gathered from the young adult's teachers regarding his/her abilities. Due to the limited opportunities for community work experiences for many 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 often leads to an inaccurate assessment of an individual's future ability to earn income.

Based on a combination of these factors, the DDS determines if the young adult will continue to be eligible for SSI benefits. If a determination for SSI eligibility is made, the individual continues to receive benefits in the adult SSI program. If the determination is made for denial of eligibility, the individual has the opportunity to file a formal appeal of the determination.

Individuals found ineligible during redetermination may continue to receive SSI benefits if they began receiving state vocational rehabilitation agency services *before their 18th birthday*. A provision referred to as Section 301 allows the young adult to retain benefits while he/she participates in an approved vocational rehabilitation program.



STRATEGIES FOR MANAGING REDETERMINATION EFFECTIVELY

There are several ways that students, parents, teachers, and other professionals can work to make sure that the age 18 redetermination process is accurate and fair:

◆ Start Planning Early

Schools and other involved professionals should provide students and families with detailed, understandable information on this issue during the earliest stages of transition planning. Specifically, the following points should be addressed early on:

- Discuss how information will be gathered that contributes to the part of the redetermination process examining the individual's future ability to earn income through paid employment.
- Develop a plan if SSI benefits are lost. 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.
- Establish eligibility with the state vocational rehabilitation agency well before the age 18 redetermination process.

◆ Document Work Experiences

Documentation from teachers and rehabilitation professionals is used to determine the individual's potential to earn income through work. Frequently, the SSA 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 student performance in these settings and what supports are required to perform work activities.

◆ Understand the Purpose of Questions

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.

◆ Appeal if Determined Ineligible

All those involved in the transition process should encourage the youth and their families to file a formal appeal to SSA if redetermination results in a loss of benefits. They can also help in documenting additional evidence for the appeal 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 (information is available at: <http://www.abanet.org> or (202) 662-1000).

◆ Develop Self-Advocacy Skills

Parents, teachers, and other professionals should provide information and training to help youth with disabilities develop the ability to advocate for themselves in their relationship with the SSA. The *Work Incentives Transition Network (WITN)* provides more free information on the topic of advocacy skills and the SSA at: www.vcu.edu/rrtcweb/witn/ssi.htm.

The Work Incentives Transition Network (WITN) is a collaborative effort of our projects funded by the Office of Special Education Programs to examine strategies for increasing the use of the SSI work incentives by transition age young adults. The four projects, along with an additional partner funded by the Social Security Administration, include:

Rehabilitation Research and Training Center on Workplace Supports

Virginia Commonwealth University

Institute for Community Inclusion

Children's Hospital, Boston

Institute on Community Integration

University of Minnesota

Rural Institute on Disability

University of Montana



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