

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

SSA's Representative Payee Program: Protecting Vulnerable Seniors

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- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to trainings@justiceinaging.org.
- Slides and a recording are available at Justice in Aging - Resources for Advocates - Webinars: <http://www.justiceinaging.org/resources-for-advocates/webinars>. See also the chat box for this web address.

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Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.



Rep Payee Program Overview

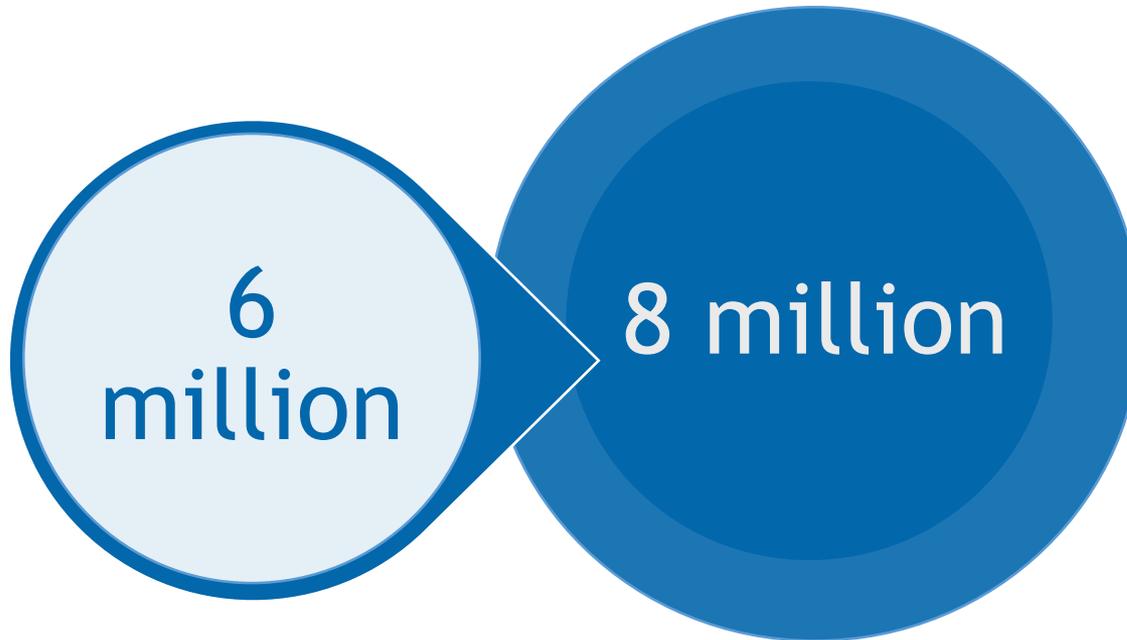
Program Overview & Demographics

- The Old Age, Survivor and Disability Insurance (OASDI) & Supplemental Security Income (SSI) programs are the largest programs administered by the Social Security Administration Program (SSA)
- SSA has broad authority to administer the Representative Payee Program

Program Overview & Demographics

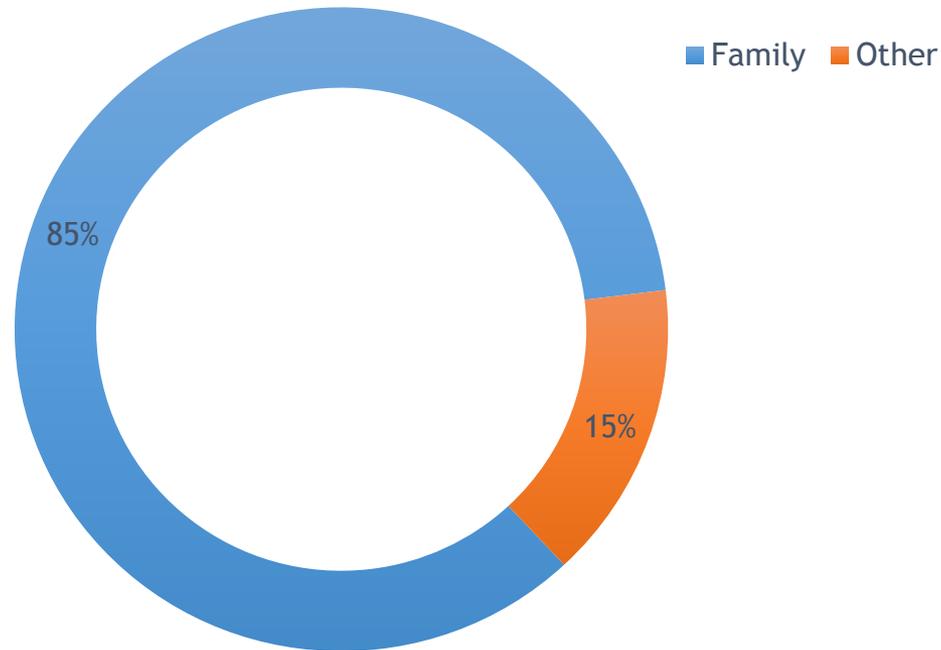
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MILLION
Older Adults
rely solely on OASDI/SSI for
income support

Program Overview & Demographics



Nearly 6 million representative payees (rep payees) serve over 8 million beneficiaries

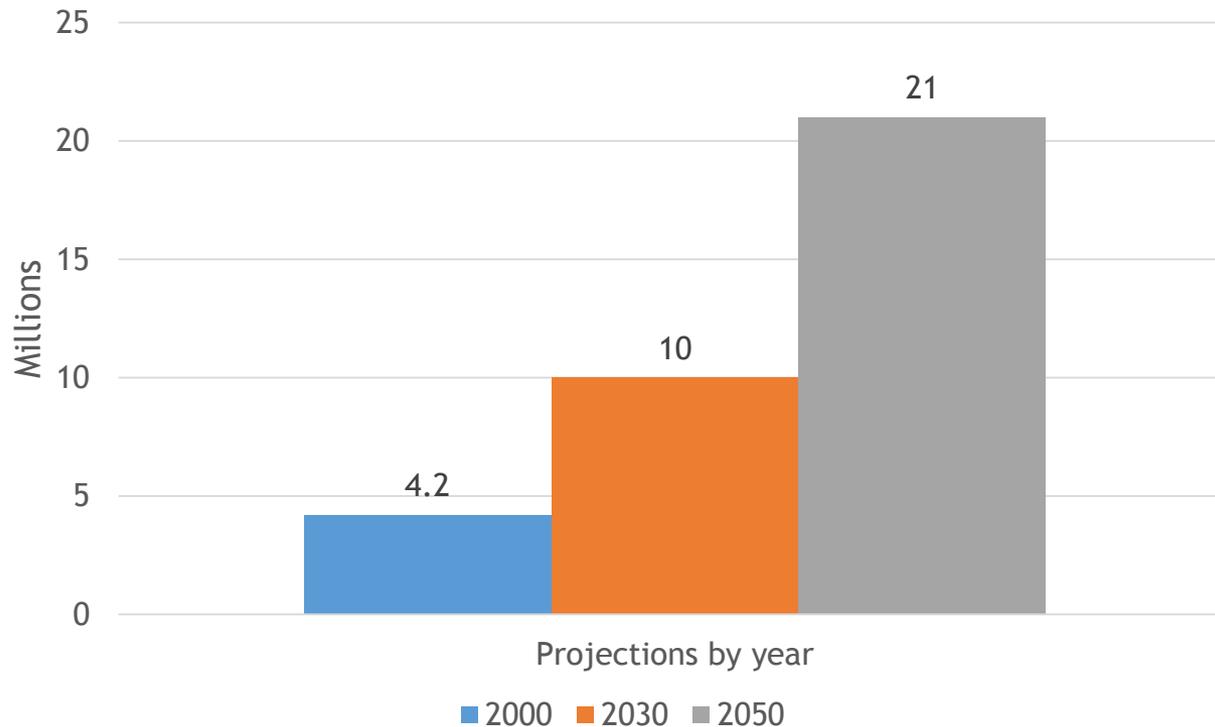
Program Overview & Demographics

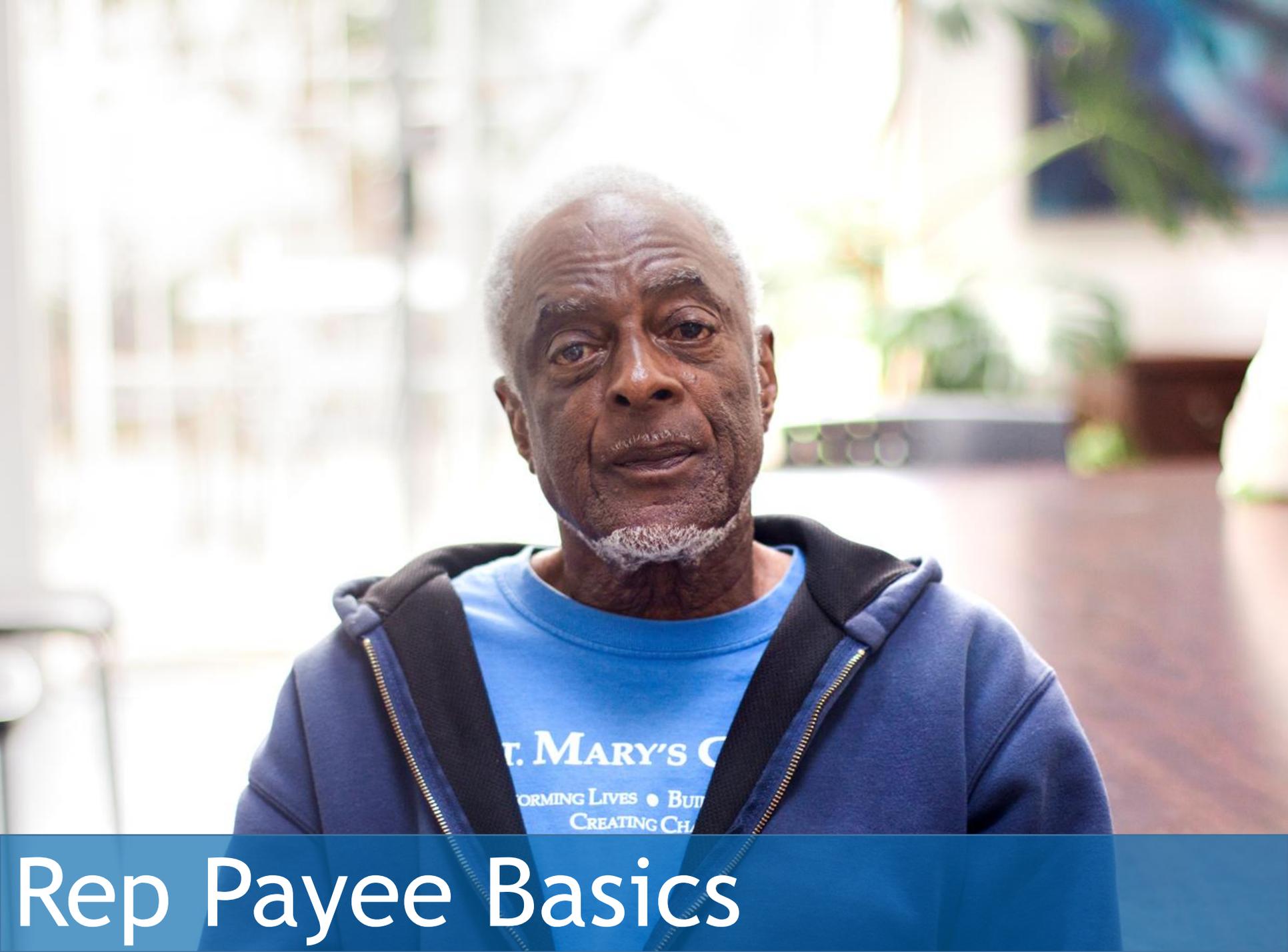


Family members are payees for 85% of beneficiaries

Program Overview & Demographics

Beneficiaries 85 & older (in millions)





Rep Payee Basics

Rep Payee Program Basics

How does SSA determine the need for a Rep Payee?

- SSA learns that beneficiary cannot manage benefits
 - SSA gathers information

Rep Payee Program Basics

How does SSA gather information about a beneficiary's condition?

- SSA assesses capabilities through evaluation of lay, medical, & legal evidence

Rep Payee Program Basics

What happens when a beneficiary is found incapable of managing benefits?

Rep Payee Program Basics

How Does SSA Choose a Payee?

- SSA looks to family & friends who know beneficiary and are eligible to serve
- If no family/friends, SSA chooses qualified individual or organization
- Potential payees must file application at local field office
- SSA sends application to local DDS for review, and considers relevant evidence
- If approved, SSA will appoint payee

Rep Payee Program Basics

Representative Payee

Appointed by SSA, limited agency oversight

Not required to report to state courts or P&A agencies

Power of Attorney

Legal agreement entered into before beneficiary becomes incapacitated

Eliminates the need to seek guardianship

Guardianship

Costly, timely & most restrictive option

State courts & laws differ across the country

Rep Payee Program Basics

What are the Duties of a Representative Payee?

- Use benefits in best interest of beneficiary
- Be familiar with SSA's programs & respective rules
- Meet with beneficiary regularly
- Understand beneficiary's housing, food & medical costs

Rep Payee Program Basics

How Does SSA Monitor Representative Payees?

- Payees must keep detailed records of how benefits are used
- Social Security Act requires payees to complete annual Rep Payee Report

Rep Payee Program Basics

How Does SSA Monitor Representative Payees?

- Periodic Site Reviews
 - Organizational payees with 50/+ beneficiaries
 - All individuals with 15/+ beneficiaries
 - All fee-for-service payees
 - Onsite reviews of state mental hospitals

Rep Payee Program Basics

What is SSA's Oversight Authority?

- SSA can impose criminal & civil penalties for misuse of benefits



Issues Facing Rep Payee Program

Capability Determinations Issues

- Can be over-inclusive
- No option for supervised assistance
- Payee automatically appointed, if court order
- Lack of communication

Capability Determinations

Recommendations

- SSA should collect medical & lay evidence from reliable 3rd parties
- Consider VA's direct supervision option & policy
- Improve communication

Payee Selection Issues

- Inefficient recruitment
- More rep payees needed
- Ethical concerns of using pro bono attorneys

Payee Selection

Recommendations

- Establish sustainable recruitment program
 - Think broadly about eligible payees
 - Consider volunteers
- Provide more in-depth training for attorneys

Monitoring & Oversight Issues

- Limited review
- Inadequate oversight methods
- No prompt action after decertification of rep payee

Monitoring & Oversight

Recommendations

- Expand review of organizational payees
- More thorough trainings for SSA staff
- Share rep payee program training materials with federal agencies & community networks
- Take prompt action after rep payee removed

Identifying Older Adults in Need Issues

- No way to identify older adults receiving retirement & survivors benefits who need payee
- Payees are aging & may become incapable of managing own benefits

Identifying Older Adults in Need

Recommendations

- Develop a training program to help field office staff identify older adults who may be in need of a representative payee
- Establish detailed guidance to identify & replace representative payees who are also beneficiaries in need

Representative Payee Training Issues

- Payee should be more active in beneficiary's life
- SSA provides limited training & support
- SSA understaffed

Representative Payee Training

Recommendations

- Additional training
- Partnerships with other agencies
- Establish toll-free number for rep payee issues

Rep Payee Resources

- [Justice in Aging](#)
 - [Rep Payee tool kit](#)
- [Social Security Administration](#)
 - [Rep Payee Publications](#)
- [Consumer Financial Protection Bureau](#)
 - [Managing Someone Else's Money guides](#)
- [American Bar Association's Commission on Law & Aging](#)
 - [Supported Decision Making tools](#)
- [Social Security Advisory Board \(SSAB\)](#)
 - [SSAB publications](#)



Questions?

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