

# JUSTICE IN AGING

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FIGHTING SENIOR POVERTY THROUGH LAW

## Social Security Benefits You've Never Heard Of, And Who Is Eligible for Them

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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](mailto:trainings@justiceinaging.org).
- Slides and a recording are available at Justice in Aging - Advocates Resources - Trainings: [justiceinaging.org/resources-for-advocates/webinars](https://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.

# Diversity, Equity, and Inclusion

To achieve Justice in Aging, we must:

- Acknowledge systemic racism and discrimination
- Address the enduring negative effects of racism and differential treatment
- Promote access and equity in economic security, health care, and the courts for our nation's low-income older adults
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, economic class

# Interested in joining our network?

Sign up to receive Justice in Aging trainings and materials.



Text 51555 with the message “4justice”

Click the link in the reply text and fill out the form to get added to our network!

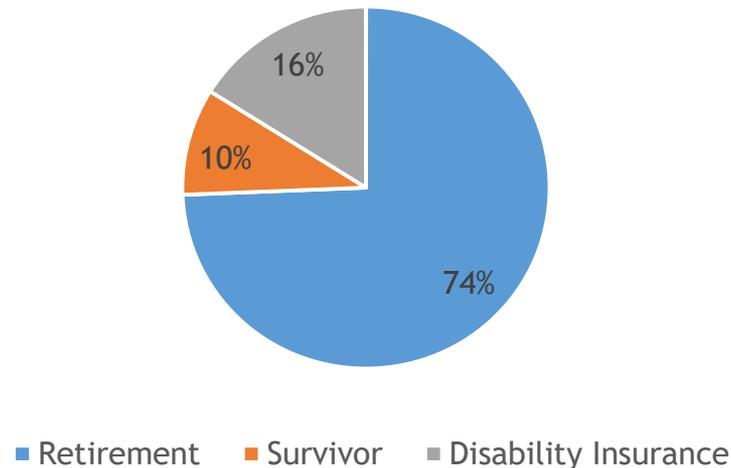


# Quick Intro to Social Security

# Social Security (RSDI)

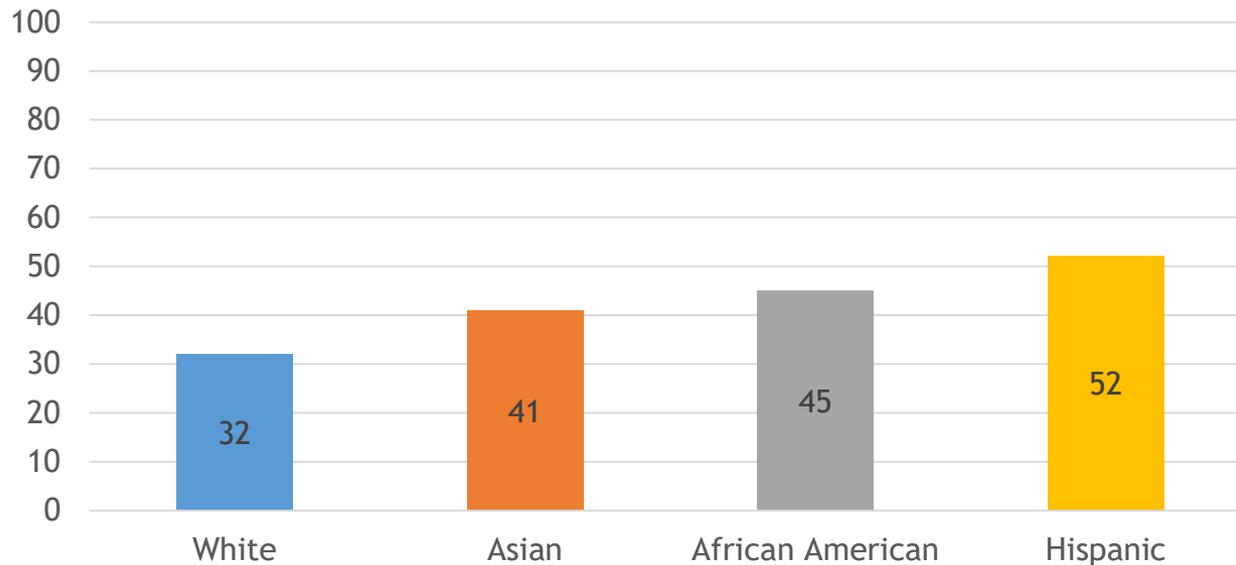
“RSDI” → Retirement (“Old Age”), Survivor, and Disability Insurance

Social Security Beneficiaries  
(62.5 Million)



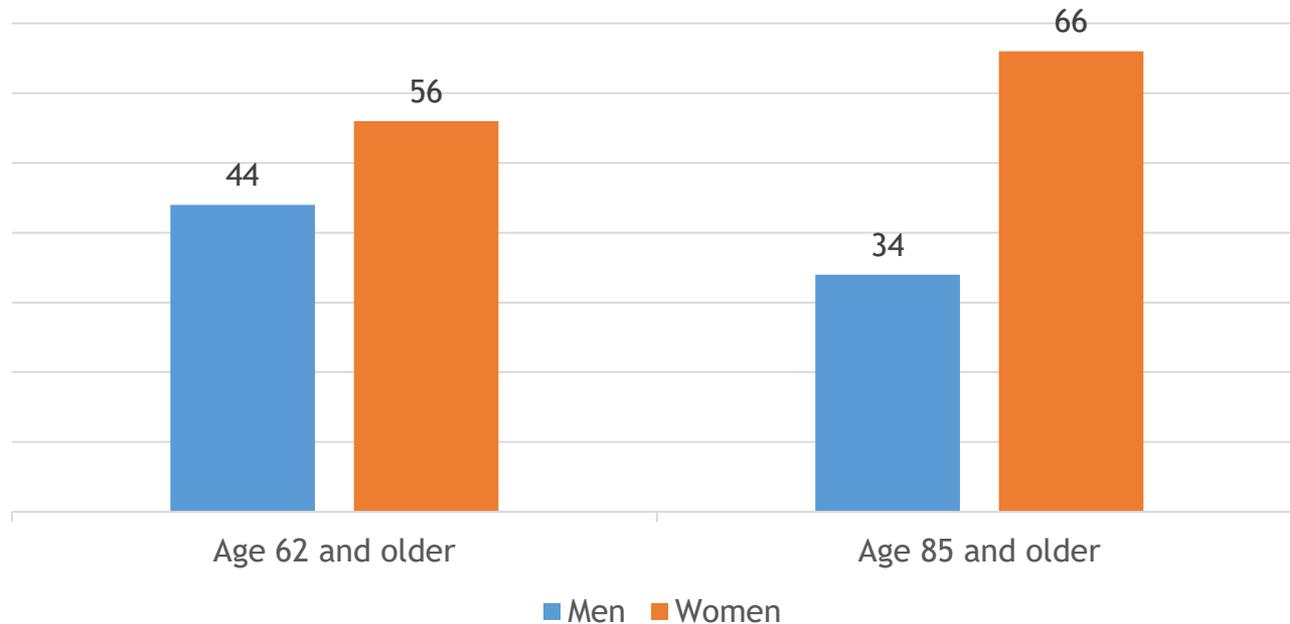
# Social Security and Communities of Color

Percent of Beneficiaries 65+ Who Depend on Social Security for 90% or More of Their Income by Race/Ethnicity



# Social Security and Women

Percentage of Older Adult Beneficiaries by Gender in 2014\*



\*Source: SSA Fact Sheet “Social Security is Important to Women (September 2016)”

# RSDI vs. SSI

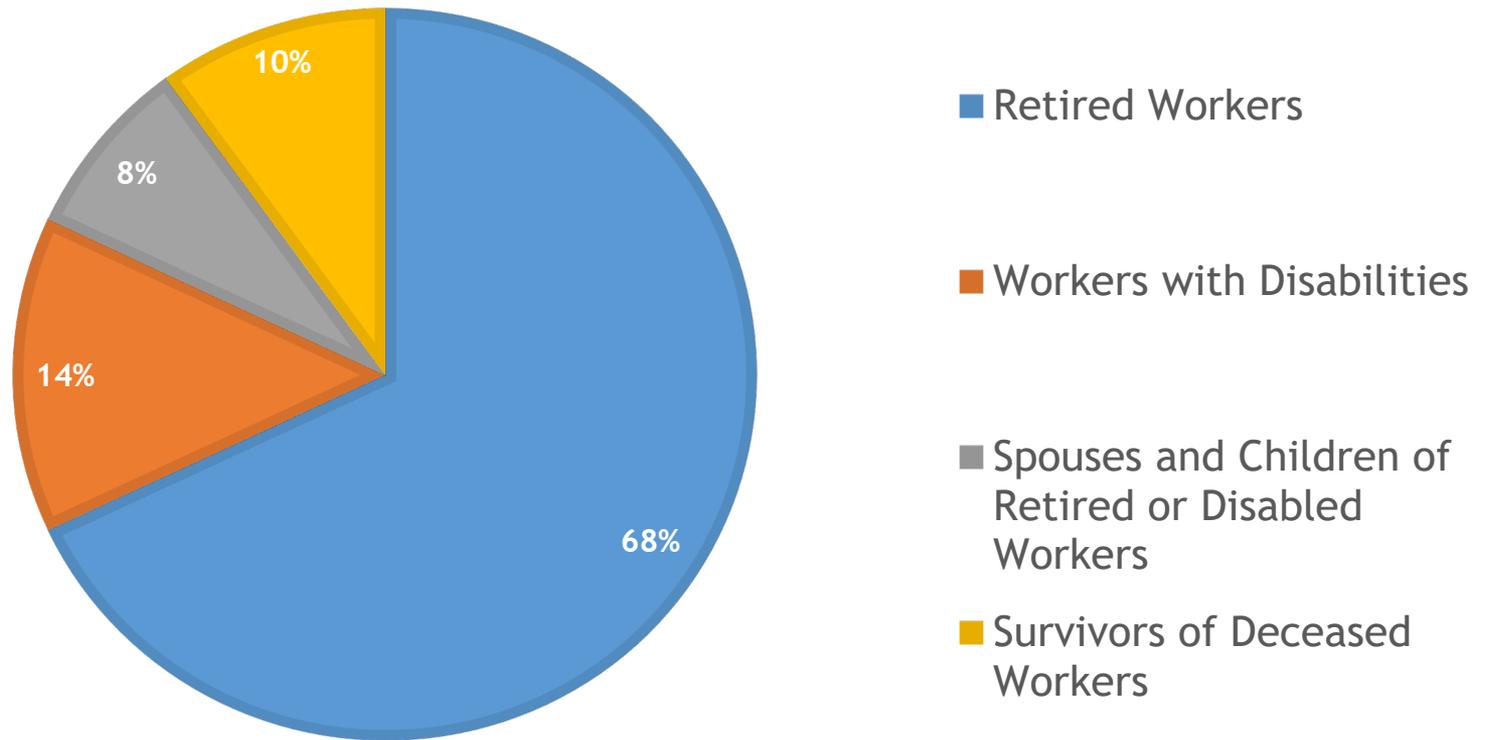
## RSDI

- Administered by Social Security Administration (SSA)
- Disability standard used to determine eligibility for Social Security Disability Insurance (SSDI)
- Employment-based social insurance program
- Funded through payroll (FICA) taxes, paid into Social Security trust funds
- Title II of the Social Security Act

## Supplemental Security Income (SSI)

- Administered by Social Security Administration (SSA)
- Disability standard used to determine eligibility for SSI disability
- Strictly need-based, “means-tested” program
- Funded by general fund taxes
- Title XVI of the Social Security Act

# Social Security Beneficiaries by Type



# Benefits for Dependents of Retired Workers

# For Spouses

- **Spouses (POMS RS 00202.001)**
  - At least 12 months of marriage
  - Age 62 or older OR
  - Caring for child who is under 16 or disabled
- **Divorced spouse (POMS RS 00202.005)**
  - Eligible if married at least 10 years to wage earner
- **Equal treatment of marriages between same-sex and opposite-sex couples**

# How Much Does a Spouse Receive?

- 50% of the Primary Insurance Amount
- Can be claimed if worker is entitled to benefits:
  - The worker has begun receiving retirement benefits  
OR
  - As divorced spouse, eligible even if worker not actually receiving retirement benefits

No more “file and suspend”

# Example

- **Amy (61)** is married to **Helen (64)**. At full retirement age (66 for both) **Amy** will be entitled to **\$900** in monthly benefits while Helen will be entitled to **\$1,600** in monthly benefits.
- **Question:** When **Amy** retires at age **66**, what is her maximum retirement benefit, assuming that **Helen** is still alive and receiving retirement benefits?
- **Answer:** \$900

# For Children

- **Eligible dependent (POMS RS 00203.001)**
  - Unmarried child under 18 (or 19 if still in high school) or
  - Adult disabled child - Childhood Disability Benefits (CDB) or Disabled Adult Child (DAC)
- **How much do children get?**
  - Generally 50%, subject to Family Maximum rules

# Example

- **Antonia (62)** works as a home health aide, and is now raising her granddaughter **Gabrielle (6)**, whom she has adopted.
- **Antonia** decides to begin receiving her retirement benefits early, which enables her to claim a child benefit for **Gabrielle**.
- Although **Antonia's** benefits will be reduced by 25%, the family will also receive an additional 50% of her benefits until **Gabrielle** turns 18 (or 19 and still in high school).

# Childhood Disability Benefits

## POMS RS 00203.080

- Over age 18;
- The disabling impairment must have started before age 22, and;
- Must meet the definition of disability for adults
- Must be unmarried
- Must not have substantial earnings (\$1,180 per month in 2018)

# Benefits for Dependents of Disabled Workers

# For Spouses

- **Spouses (POMS RS 00202.001)**
  - At least 12 months of marriage
  - Age 62 or older OR
  - Caring for child who is under 16 or disabled
- **Divorced spouse (POMS RS 00202.005)**
  - Eligible if married at least 10 years to wage earner
- **Equal treatment of marriages between same-sex and opposite-sex couples**

# How Much Does a Spouse Receive?

- 50% of the Primary Insurance Amount
- Can be claimed if worker is receiving disability benefits

# For Children

- **Eligible dependent (POMS RS 00203.001)**
  - Unmarried children under 18 (or 19 if still in high school) or
  - Adult disabled children - Childhood Disability Benefits (CDB) or Disabled Adult Child (DAC)
- **How much do children get?**
  - Generally 50%, subject to Family Maximum rules

# Example

- **Karen (45)** is married to **Donald (53)**. They have two children, **Sarah (13)** and **David (11)**. **Donald** receives \$1,200 in disability benefits.
- **Question:** How much are **Karen** and their children eligible to receive?
- **Answer:** \$200 each,  
\$1,800 total for the family

# Childhood Disability Benefits

## POMS RS 00203.080

- Over age 18;
- The disabling impairment must have started before age 22, and;
- Must meet the definition of disability for adults
- Must be unmarried
- Must not have substantial earnings (\$1,180 per month in 2018)

# Benefits for Dependents of Deceased Workers

# For Widow(er)s

- **Widow(er)s Benefits (POMS RS 00207)**
  - Spouse or divorced spouse over age 60
  - Disabled spouse or divorced disabled spouse over age 50 and disability started before or within 7 years of worker's death
  - At least 9 months of marriage
    - **Exception: accidental death or death in line of duty**

# How Much Do Widow(er)s Receive?

- If widow(er) reaches full retirement age before applying, 100% of deceased worker's benefit amount
- Less if widow(er) is between age 60 and full retirement (generally 71.5-99% of benefit amount)
- Less if 50-59 (due to disability) (generally 71.5% of benefit amount)
- Less if decedent took early retirement

# Example

- **Amy (61)** is married to **Helen (64)**. At full retirement age (66 for both) **Amy** will be entitled to **\$900** in monthly benefits while Helen will be entitled to **\$1,600** in monthly benefits.
- Question: If **Helen** starts claiming benefits at 66, and dies at age 67, what is **Amy's** maximum benefit at age 66?
- **Answer: \$1,600**

# For Mothers/Fathers

## POMS RS 00208.001

- Widow(er) of deceased worker
- Not currently married
- Caring for child of deceased worker, who is under 16 or Adult disabled child

# For Children

- Wage earner must have worked long enough to qualify for benefits or be in “currently insured” status
- Eligible dependents (POMS RS 00203.001)
  - Unmarried children under 18 (or 19 if still in high school) or
  - Adult disabled children
- How much do children get?
  - 75% of deceased worker’s PIA, subject to Family Maximum rules

# Example

- Donald, who was receiving \$1,200 in disability benefits, passes away.
- Question: How much are Karen and their two children eligible to receive?
- Answer: \$659 each,  
\$1,976 total for the family

# For Dependent Parents

- Age 62 or older
- Unmarried\* (RS 00209.005)
- Was receiving at least ½ support from deceased worker

# Where are these rules?

- **Code of Federal Regulations**
  - 20 C.F.R. §§ 404.310 - 404.384
  - 20 C.F.R. §§ 404.1505-404.1511
- **POMS**
  - RS § 00201.000 et seq. (retirement)
  - DI § 10100.000 et seq. (disability)
  - RS § 00202.000 et seq. (spouses)
  - RS § 00203.000 et seq. (children, students, childhood disability benefits)
  - RS § 00207.000 et seq. (widow(er)s)
  - RS § 00208.000 et seq. (mothers/fathers)
  - RS § 00209.000 et seq. (parents)

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