

# How to get Disability Benefits for Children in Florida



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# Introduction

When hearing the term “disabled,” most people automatically assume it concerns an adult due to injury, or a senior citizen; but this is not always the case. Children can, and do, fall victim to disabilities that inhibit their ability to perform in school and in their daily activities. According to the Social Security Administration (SSA), in December of 2013, there were 1,321,681 children that received monthly payments due to either themselves or a member of their direct family being disabled.

Keep in mind that the requirements for a children’s disability application are different than those of an adult. Children, or those under 18 years of age, can qualify for benefits under **Supplemental Security Income (SSI)**, while adults may apply for both SSI and **Social Security Disability Insurance (SSDI)** depending on their circumstances.

“Why can’t children apply for SSDI?” you may ask. Well, SSDI is based on the amount of time you work before becoming disabled, and is gauged on tax contributions made to Social Security during your working life. Depending on your age (usually after the age of 22), you will need to have a certain amount of **accrued work credits**, or years in the workforce paying Social Security taxes, to be eligible for SSDI benefits. Since children generally don’t have accrued work credits, these benefits are not applicable to them.

However, there are certain restrictions and guidelines children must meet in order to qualify for SSI payments, especially since SSI is meant for those with both **low income and medical necessity**. In this guide, we will walk you through everything you need to know about how to get disability benefits for children.



# Requirements for Disability: Before You Apply

Before applying for your child, it is important you understand how the SSA determines disability for children under 18. Determination factors are best split into two sections: the income limits and the medical requirements. **Both income and medical requirements must be met for a child to be qualified for SSI payments.** These guidelines and rules were referenced from the SSA's website.

## Income Limit: The Child...

- ✔ Cannot be working with earnings over \$1,090.00 per month, or he or she will be found as ineligible
- ✔ Cannot have income exceeding federally prescribed limits (including income “deemed” from parents living in the same household)
- ✔ May still receive benefits if they don't live at home or with their parents



# Requirements for Disability: Before You Apply

## Medical Necessity: The Child...

- ✔ Must have a medical condition that is physical, mental or a combination of the two, which results in “marked and severe functional limitations;” conditions that limit your child to an extreme degree in the ability to function
- ✔ Must have had this disability, or be expected to have it, for at least 12 consecutive months or longer, or result in death to be qualified

These are all qualifications that must be met before proceeding with an application for SSI. In order to help your child’s claim, providing as much documentation as possible on their medical condition(s) and limitations will increase your chances of speeding up the application process.

This documentation includes the following:

- ✔ Permission from any physicians, therapists or teachers that have interacted with your child to send information to the SSA
- ✔ Any medical records and documented hospital visits
- ✔ Any relevant school records
- ✔ Records that show your child’s income and resources, as well as your own

In the event that these documents aren’t sufficient enough on their own to make a determination, a state agency, or **Disability Determination Services (DDS)**, may schedule a medical test or examination (this will be at no cost to you).



# Requirements for Disability: Before You Apply

## Child Functionality

While all of these factors are integral to determining SSI eligibility, understand the application process for children is much more nuanced and technical than for adults. Benefits are judged based on **age-appropriate activity changes and functionality**, rather than the simple initial question for adults which is: “Are you working or able to work?” That being said, an infant will be assessed differently than a 14 year-old when reviewing their functionality. This is why the Childhood Domains of Functioning have been established to evaluate children’s level of functioning among others their age. We’ll go over the domains later on in this section.

## What if my Adult Child was Disabled Before age 22?

Your adult child may be able to earn benefits for a disability that occurred prior to 22 years of age. However, this would be under a “**child’s**” **benefit for SSDI**, since funds are disbursed to a parent and linked directly to their Social Security earnings record.

The image shows a portion of a Social Security Benefits application form. The title "Social Security Benefits" is prominently displayed. The form includes several numbered sections with checkboxes and input fields. Section 3 asks for the patient's birth date (MM, DD, YY, M). Section 6 asks for the relationship to the applicant (Self, Spouse, Child). Section 8 asks for the patient's status (Single, Married, Employed, Full-Time Student). There are also fields for "Sponsor's SSN", "STATE", and "TELEPHONE (Include Area Code)".



# Requirements for Disability: Before You Apply

For SSDI eligibility, an adult child's parents must:

- ✔ Be currently receiving Social Security retirement or disability benefits
- ✔ Have passed away and accrued enough years under Social Security for benefits

According to the SSA, these benefits last as long as the adult child is disabled; working is not a prerequisite to receive these benefits.

Adults may also get benefits under this rule if they had “dependent benefits on a parent’s Social Security earnings record prior to age 18, if he or she is disabled at age 18.” The guidelines are the same criteria that are used to measure disability for adults.



## Teacher Questionnaire

While the SSA will reach out to teachers and professionals that are knowledgeable of your child's condition, there is a form you may want to have your child's teacher complete to send with your application. This is called a “Teacher Questionnaire,” and it is important to help the SSA determine your child's levels of functionality from a **non-medical standpoint**, in comparison with other children. (Sidenote: Even if your child is qualified under IDEA for educational disability, the SSA's defining factors for disability are “entirely separate”).



# Requirements for Disability: Before You Apply

## Childhood Domains of Functioning

As mentioned before, the Childhood Domains of Functioning are a main determining factor for children receiving SSI disability benefits, and these are included in the questionnaire. The “Teacher Questionnaire” consists of these six domains of functioning that are evaluated on a 1-5 scale. Teachers can choose from the 1-5 scale, where 1 means no problem with the child and 5 means a very serious problem.

These domains are:

- ✔ **Acquiring and Using Information** – this domain dictates how well your child understands oral instructions, comprehends reading and writing material, and recalls and applies previously learned material.
- ✔ **Attending and Completing Tasks** – does your child pay attention when spoken to directly, wait to take turns with peers and complete their work accurately and on level?
- ✔ **Interacting and Relating With Others** – does your child follow classroom rules, keep friends, and play well with others? Also, this entails expressing anger in the appropriate way and taking turns in a conversation on level with others their age.
- ✔ **Moving About and Manipulating Objects** – does your child demonstrate strength, coordination and dexterity in daily activities and tasks? Do they keep up with physical activities or tasks, and show a consciousness of body placement and movement?
- ✔ **Caring for Himself or Herself** – this includes taking care of personal hygiene, addressing and caring for physical needs, and responding to mood changes and emotional needs; especially asking for help.
- ✔ **Medical Conditions and Medications/Health and Physical Well-Being** – a professional’s description of any “chronic or episodic condition,” and physical side effects that interfere with the child’s school performance. This includes medications and functioning, both before and after being administered medication.





# Requirements for Disability: Before You Apply

Again, these comparisons are made to other children in the same age group that don't have impairments, even if they are receiving special educational services.

This Questionnaire also has a section for notes, where teachers can elaborate on the behavior of the child as well as their observations for each domain. The more information that is provided, the better clarification the SSA will get on your child's claim, and the less time it will most likely take to process.



# Applying for SSI Disability Benefits for Children

So you've compiled all of your child's medical and school records, had a teacher to fill out the questionnaire, and firmly know the difference between SSDI and SSI; all preparations have been made, and now it's time to fill out and send the application for your child. Even if you've taken every precaution, it would be wise to **consult with a trained disability expert** and have them review your application to ensure nothing is missing.

Applications have been known to be delayed for the slightest discrepancy, such as a misspelled last name or address. Don't fall victim to this, as the appeals process can be lengthy and delay receiving benefits even further.

That being said, let's move on to the next part of the process, which are SSI payments.

## SSI Payments

According to the SSA, it can take 5 months or more to determine whether your child is disabled once your information is forwarded to a state DDS agency. Depending on your listed preference, the DDS will reach out to you via mail or phone to notify you of a determination on your child's care.



# Applying for SSI Disability Benefits for Children

An important question may arise from this – are all SSI payments the same from state to state? The answer is yes, as this is dictated by the federal amount. Some states elect to pay an additional amount on top of the federal SSI payment, however, no states in the southeastern United States do so.

## Immediate SSI Payments – a Rarity for Children

While waiting for your child’s disability claim, in the interim, there are medical conditions which may result in immediate SSI payments for up to 6 months—these are called Presumptive Benefits. This has extremely limited applicability to children, and is very rare due to the specific and limited circumstances each condition lends itself to.

Make sure to contact your local Social Security office or a trained disability consultant to get a comprehensive list of applicable conditions. The following is a quick look at a few conditions that might apply (this is of course ultimately at the discretion of the state agency):

- ✔ Cerebral palsy
- ✔ Down syndrome
- ✔ Total blindness



# Applying for SSI Disability Benefits for Children

If a final decision is not reached within 6 months, benefits will be suspended. Also, if you receive immediate payments and the DDS decides the child's condition doesn't meet severity requirements for SSI payments, you **won't have to pay back the payments already received.**

There are also Compassionate Allowances (CAL) and TERI cases for certain broader medical conditions and those terminally ill, respectively, but getting children approved is much more difficult than adults. The amount of documented terminal conditions for children is very rare; in fact, most disability representatives won't even take child cases. Here at Disability Experts of Florida (DEF), we never refuse to take a case based on age, and frequently assist with children cases.

## Medicaid Eligibility

You may not know this, but if your child is able to receive an SSI payment, **they automatically qualify for Medicaid.** Since Medicaid is federally funded and state-administered, your child's determination will be on a month-to-month basis. This is due to multiple reasons, one of them being child disability determination relies directly on parental income. Checks can be distributed different weeks (whether bi-weekly or monthly), and this can cause a differing payment amount for the parents (or parent) each month.

For this reason and others, it may be worth the SSI application process to receive Medicaid, even if the SSI payment is minimal. It is also wise to plan for your child's medical appointments when you are certain they will be eligible for an SSI payment that month.

Make sure you contact an expert disability representative to learn more about Medicaid for your child.



# Applying for SSI Disability Benefits for Children

## So My Child has Benefits... What Happens Once They Turn 18?

Once your child turns 18, certain changes come into play when maintaining benefits. In the eyes of the SSA, a child becomes an adult once they turn 18, which means the credentials for being disabled alters. Thus, the disability rules for adults is what is used to decide further benefits. Child requirements are more centered around functionality, while for adults it's focused on their ability to work.

Some of the following notable changes occur:

- ✔ Family member resources are no longer applicable or taken into account when determining disability eligibility over 18
- ✔ The review for adult disability occurs over the 1 year period that starts on your child's 18th birthday
- ✔ Your adult child now has to meet the adult eligibility requirements to keep receiving disability benefits

Don't worry — if a child is disabled, benefits will continue; this also applies if they became disabled before 22.



# Applying for SSI Disability Benefits for Children

## Employment Opportunities and Applying as a Disabled Adult

Your child may also be able to receive more in benefits if they apply as a disabled adult, rather than continuing on with child SSI payments. The SSA wants to incentivize children who are old enough to work to do so, and there are multiple programs and policies in place that allow them without penalization on their benefits.

Some policies include excluding a child's earnings in the workplace when determining SSI payments - even more so if they are a student. Also, if a child is 15 or older, they can participate in a **Plan to Achieve Self-Support** (PASS), which allows them to set aside income to achieve work goals. This income is also excluded when determining the amount of their SSI payment.

As long as the child's non-excluded earnings don't exceed a certain amount, they will remain eligible to receive full Medicaid coverage even if their SSI payments stop. The incentives go on and on when it comes to setting up children for success in the workforce — which is the purpose of the Work Incentives Planning and Assistance (WIPA) program, as well as the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program.

## Disability Reviews

Federal law and regulations require occasional reviews of your child's medical condition to verify their continued eligibility in an effort to prevent fraud and maintain accurate metrics. For children under 18, this review occurs generally every 3 years (though sometimes more often) for those that have expectancy for improvement, and by the time babies with low birth weight reach their 1st birthday.

This review can happen at any time, and you will need to provide documentation and concrete evidence that your child has been receiving treatment that is “medically necessary” for their condition.

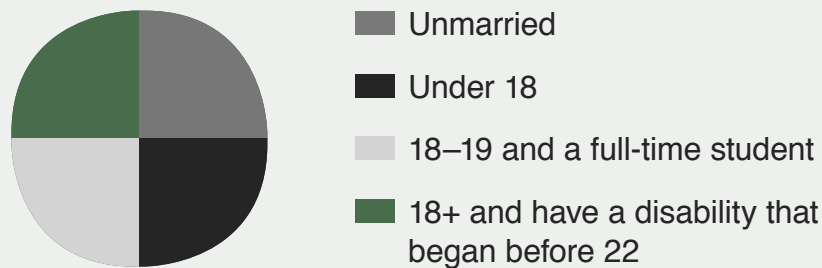


# Exceptions to the Rule: If I Get Disability, Can my Child or Grandchild Get Benefits?

Under SSDI, disabled dependents can receive benefits as long as you (the parent, stepparent or grandparent) have already qualified for disability benefits. A dependent falls under the category of biological child, adopted child, stepchild or grandchild. See the requirements below:

Your child must possess all of these applicable requirements to them in order to receive benefits. This may be extended for children that are still full-time students in high school at 18: this will last until graduation, or two months after the child turns 19 (whichever comes first).

## Requirements for Dependents to Qualify for Disability Benefits Under SSDI



## Grandparent Requirements

In today's world, it is not uncommon for grandparents to assist or completely raise their grandchildren. According to the SSA, the grandchild:

*“Must have begun living with the grandparent before age 18, and received at least one half of his or her support from the grandparent, for the year before the month the grandparent became entitled to retirement or disability insurance benefits, or died.”*



# An Introduction to Living Arrangements and Your SSI

Basically, as long as the grandparent lived with the grandchild and provided at least 50% of the child’s support up until the month they are eligible for benefits, the grandchild will qualify (this can even apply to a step-grandchild). The main exception to this rule is when the grandparent is already receiving benefits — when this happens, the grandparent would be required to adopt the child in order for the child to qualify for benefits.

For more information on this, please contact your local Social Security office or disability representative to learn more about how you can qualify your grandchild or step-grandchild.

## SSDI Payments to Children

Earlier in this guide, we said the payment amounts are always the same based on the federal payment amount, but when it comes to disbursement under SSDI, this changes and is handled in a completely different way.

Each child has the potential to **receive up to 50% of the parent’s entire SSDI disability benefit**. In the event of a parent’s death, the child can receive 75% of the deceased’s disability benefits in accordance with the eligibility requirements.

This, however, also comes with a cap (a maximum rate per family) that ranges from 150-180% of the parent’s total benefit amount. This limit is different for each family, and once the payments exceed this amount, **everyone’s benefits are reduced “proportionately”** (with the exception being the guardian’s) until a new number is achieved that meets the limit requirements.





# Disability Tips and Conclusion

It's never easy when facing a disability for you child or yourself. As long as you equip yourself with knowledge, you will be able to move forward in gaining disability benefits for your child. This process can be long and arduous, but we have condensed a few good pointers for you to remember, and take with you when applying:

- ✔ Know the difference between SSDI and SSI, and why children are only eligible under SSI when applying on their own and not as a dependent
- ✔ Understand child disability requirements are based on their functioning ability, and for adults it's more the inability to work that is evaluated
- ✔ You need to be able to verify your child's treatment and disability at any time once they begin receiving SSI payments
- ✔ Once a child turns 18, they must meet the disability definition for adults
- ✔ Dependents are able to receive benefits under their parents'/grandparents' SSDI as long as the requirements are met



With this guide, we have only scratched the surface concerning disability benefits for children. For more questions and concerns, please feel free to contact Disability Experts of Florida (DEF). There are disability professionals available on-hand to meet your schedule demands and handle your child's application with compassion and understanding.



# Disability Tips and Conclusion

Not only that, but these professionals provide a wealth of knowledge and information that can be the difference between a denied application and an accepted one.

To apply for disability, please access the SSA's website [here](#) or go to your local Social Security office for more information.

We hope this guide shed some light on how you can move forward in getting your child the disability benefits they deserve.





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