

Social Security

Benefits After Incarceration: What You Need To Know

This website is designed to assist you in successfully transitioning from incarceration back into the community. As part of the Federal Interagency Reentry Council, we have partnered with other federal agencies to provide a portal to information about available services. We share the common goal to see you find gainful employment and receive benefits which you may be eligible for such as health care, food, and shelter.

Social Security Benefits

Individuals released from incarceration may be eligible for **Social Security retirement, survivors, or disability benefits** if you have worked or paid into Social Security enough years or **Supplemental Security Income benefits** if you are 65 or older, or are blind, or have a disability and have little or no income and resources.

Social Security's Definition of Disability

We consider you disabled under Social Security rules if:

- You cannot do work that you did before;
- We decide that you cannot adjust to other work because of your medical condition(s); and
- Your disability has lasted or is expected to last for at least one year or to result in death.

SSA does not pay partial or short-term disability benefits.

*- SDI or TDI
aka workers Comp*

If you meet the above requirements, Social Security benefits also may pay:

- Your child who is under age 18, or severely disabled before age 22, or
- Your wife who is age 62 or older, or is caring for your child who is under age 16 or severely disabled before age 22.

For additional information via our pamphlets, please see the links below:

- [What Prisoners Need To Know](#)
- [Entering The Community After Incarceration—How We Can Help](#)

If you believe you qualify, call our toll-free telephone number, **1-800-772-1213** to schedule an appointment. If you are deaf or hard of hearing, call TTY **1-800-325-0778**.

Does Social Security pay benefits to prisoners?

We pay benefits under both the Social Security and Supplemental Security Income (SSI) programs. Both of these programs prohibit payments to most prisoners. Social Security benefits are suspended if an otherwise eligible person is confined in a jail, prison, or other penal institution for more than 30 continuous days due to conviction of a crime.

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.

Also, we cannot pay benefits to someone who, immediately upon completion of a prison sentence for conviction of a criminal offense (an element of which is sexual activity), is confined by court order in an institution at public expense. The confinement must be based on a court finding that the individual is a sexually dangerous person or sexual predator (or a similar finding.) However, if a person is not confined in prison or other similar place, benefits may be paid to an eligible individual.

If I am arrested on a criminal charge, or a parole, or probation violation, will I still get my monthly Social Security payments?

We generally do not pay Social Security and Supplemental Security Income (SSI) recipients during confinement for a crime in jail, prison or certain other public institutions.

Supplemental Security Income (SSI) payments

If you get SSI, we will stop your payments after you are imprisoned for a month. If you were convicted in March to serve at least a month-long sentence, you will not get an April payment. We can reinstate your payments the month you get out. However, if you are jailed 12 consecutive months or longer, you will have to file a new application and again be approved for SSI by Social Security.

Social Security benefits

If you are receiving Social Security retirement or disability, we will stop your benefits if you are institutionalized for more than 30 continuous days after a crime conviction. Although you cannot receive monthly Social Security benefits while you are confined, benefits to your dependent spouse or children will continue as long as they remain eligible.

If you, for example, are convicted in March and jailed more than 30 days, you will not be eligible for March benefit. Your payments will stop with your April payment. We can reinstate your benefits starting with the month you are released. To restart your payments, visit your local Social Security office with proof of your release.

Why does Social Security need to know that I am in jail?

When you initially applied for Social Security benefits, either Supplemental Security Income (SSI) or for retirement, disability, or survivors (RSDI, also known as Title II) benefits, Social Security advised you about certain changes that could affect your ability to continue to get payments. For SSI benefits, the law states that you cannot live in a public institution (for example, a jail, prison, penal facility, etc.) for a full calendar month or more, and continue to get your SSI benefits. For Title II benefits, the law states that if you commit a crime and a court convicts you, and you serve more than 30 continuous days in jail following the conviction, you cannot get your Title II benefits.

It is important that you tell Social Security of any of these changes as soon as possible to avoid getting money that you are not due. You can contact Social Security at any time at www.socialsecurity.gov/reach.htm to report any changes that may affect your Social Security payments.

How a conviction affects your Social Security benefits?

By law, you cannot get payments for any month (including any part of the month) in which you have been convicted and confined in a correctional facility for more than 30 consecutive days.

For example, if you were convicted and confined on March 29, 2012 and you remained in jail until May 2, 2012, you would not get benefits for the months of March, April, or May because you were in jail for 35 consecutive days.

My checks stopped while I was incarcerated. How do I restart my benefits?

If the prison has a prerelease agreement with the Social Security Administration, you or the prison's representative may initiate contact with Social Security 90 days before your scheduled release date.

If the prison does not have a prerelease agreement with Social Security, contact us at **1-800-772-1213** Monday through Friday, 7 a.m. to 7 p.m. to schedule an appointment to apply for benefits:

- Inform Social Security you were released from prison. Our representative will then provide further instructions.
- As proof of your release, bring your official prison release documents to your appointment.


Release from prison does not automatically make you eligible for benefits. However, depending on the circumstances of your case, we may be able to have your checks started effective with the

month after the month of your release.

Will my benefits start again if the court reverses my conviction?

If you are entitled to Retirement, Survivors or Disability Insurance benefits, we can restart your benefits if the correctional institution releases you and the court reverses all charges of your conviction. The court must also agree not to prosecute you again on the same charges. If the court retries you on the same charges, it must find you not guilty after your new trial.

If you are eligible for Supplement Security Income payments and you live in a public institution (jail, prison, detention center, etc.) over a calendar month, we cannot start your benefits until the institution releases you.

 **My husband is presently incarcerated and does not receive Social Security benefits. Are my son and I eligible for any benefits while he is in jail?**

The answer depends on the payment status before your husband's incarceration.

If your husband was not receiving Social Security benefits before his incarceration, we cannot pay benefits to you or your son during his incarceration.

If you and your son were receiving Social Security benefits on your husband's record before his incarceration, benefits to you and your son would continue during his incarceration.

What happens to my Medicare when my checks stop because I go to jail?

Your Medicare Part A (Hospital Insurance) coverage will continue. To keep your Part B (Medical Insurance) coverage, you must pay the monthly premiums or your coverage will end.

If your coverage ends while you're in jail because you didn't pay your Medicare premiums, you'll be able to enroll during the general enrollment period (January through March of each year). If you enroll during a general enrollment period, your Part B coverage will start in July in the year in which you enroll. You will be responsible for any unpaid past-due premiums and you may have to pay a late enrollment penalty for as long as you have Part B. Learn more about the Part B late enrollment penalty.

NOTE: Medicare generally doesn't pay for your hospital or medical bills if you're incarcerated.

I was transferred from prison to a halfway house that is under the control of my state's Department of Corrections. Can I have my benefits started again since I am no longer in

prison?

No. Social Security will not pay benefits while you reside in any facility under the authority of your state's Department of Corrections. Even though you are no longer in prison, you are still under the control and custody of your state's Department of Corrections until you complete your court-ordered sentence and you are officially released, or until the Department of Corrections places you on parole.

How Moody Walk

Can I have my benefits started again if I am on home monitoring and must wear a monitoring ankle bracelet at all times?

Your benefits can start again once you contact your local Social Security office to report your release from a correctional institution and the change to ankle bracelet monitoring.

Helpful Links to Services

Ask the Consumer Financial Protection Bureau

Children of Incarcerated Parents

Federal Interagency Reentry Council

Health Care for Reentry Veterans Program

Healthcare.gov

Lawhelp.org

Legal Aid Helps Successful Reentry

Legal Services Corporation

National Reentry Resource Center

Reentry Mythbusters

Sesame Street Toolkits for Children of Incarcerated Parents

Students with Criminal Convictions

Take Charge of Your Future, Get the Education and Training You Need

TANF Q&A on Drug Felonies