



DISABILITY RIGHTS OREGON

OPPORTUNITY
ACCESS
CHOICE

What is a rep payee?

A rep payee (short for representative payee) is a person or an organization picked by Social Security who manages the money you get from Social Security and uses the money for your needs. A payee has a number of duties, some of which are required, and others which are optional.

What is a beneficiary?

You are a beneficiary if you receive monthly benefits (money) from Social Security because you have a disability.

Why do I have a payee?

You have a payee because Social Security decided that you need help managing your money. You should get written notice that Social Security has decided to appoint a payee for you. **If you disagree, see p. 6, I disagree that I need a payee.**

What should I do?

Is my payee my legal guardian?

Your payee **only** manages your money from Social Security. Your payee may only make other decisions for you if your payee has also been authorized by a court as your legal guardian. **There must be a court order that states this is true.**

If someone is claiming to be your guardian, you can ask them to show you the court order. Or, contact the probate department of the Circuit Court where you live (or lived when you think an order may have been put in place) to ask whether or not there is a guardianship order.

Read our Guardianship Handbook: Protective Proceedings for Adults to learn more.

How is my payee chosen?

You have the right to ask that a specific person be your payee. You may ask a friend or family member who you trust to understand your needs and who agrees to help you handle your money to be your payee.

Your payee should be someone who is:

- Willing to listen to you
- Easy to get in touch with in case you need anything

When friends and family are not available, an organization such as your housing provider, your employer or other service provider may be your payee.

What happens when my payee is chosen?

All payees have to be approved by Social Security. This involves filling out an application and a face-to-face interview. Social Security will send you a letter telling you that it will pay your Social Security money to a payee.

You have the right to appeal within 60 days if you disagree that you need a payee, or if you want a different payee.

1. Call Social Security and tell them you want to appeal. Write down the date, time and person you spoke with.
2. Send a letter objecting to having a payee to Social Security (preferably by certified mail). Include the information on your call to Social Security that you wrote down.
3. Check the date of the letter from Social Security. Social Security must **receive** your objection within 10 days of the date of their letter to you to put a hold on appointing a payee for you.

If Social Security does not receive your objection letter within the 10-day period, they will automatically appoint a payee for you for the remaining time that you have to appeal, which is about 50 days.

What does my payee do?

Your payee receives your Social Security money and uses it to pay for your living expenses – food, housing and medical care. After those expenses are paid for, your payee will:

- Pay off money you owe
Example: Your credit card bill
- Pay for your personal expenses
Example: Taking classes
- Save the money for you to use later
Example: To buy a car

What are my payee's responsibilities?

Your payee should:

- Be aware of all of your living expenses as well as Social Security's rules regarding how much money you can have in savings
- Come up with a budget for you with both of those things in mind
- Save any money that is left over after meeting your basic needs in a bank account that earns interest for your future needs
- Tell Social Security of any changes to your situation, such as if you regain the ability to manage your benefit money

Your payee **must** keep records of your Social Security money and how that money is spent and then report such to Social Security once a year. **See p. 5, What is an annual accounting?**

Does my payee receive a fee for being my payee?

Generally, no.

However, Social Security may authorize some organizations to charge a fee for payee services. And, your payee may charge a fee if they provide you with services other than being your payee.

What are my responsibilities?

It is very important you tell your payee of anything that could change the amount of, or your right to get, money from Social Security. Be sure to tell your payee if you:

- Move
- Get married or divorced
- Take a trip outside the U.S.
- Are admitted to a hospital
- Go to jail or prison
- Apply for benefits from another government agency
- Get or lose a job
- Save any money
- Get money from another source
- No longer have a disability, if benefits are based on a disability

Not telling Social Security about these kinds of changes could cause you being charged for an overpayment. An overpayment occurs when Social Security finds out you have gotten more money in your check than you should.

For more information on overpayments, see our Social Security Overpayments publication.

What are my rights?

You have the right to:

- Ask that a specific person who you trust be your payee
- An explanation of how your Social Security money is being spent **See p. 5, What is an annual accounting?**
- Ask Social Security for an investigation into your payee's use of your money – Social Security will send you a letter stating its decision

Your payee has no right to:

- Manage money that does not come from Social Security
- Make decisions about your health care needs

I think my payee doesn't give me enough spending money. What should I do?

Talk with your payee about how your money is being spent and how you want it to be spent.

Once a year, ask your payee to meet with you and explain how your money is being spent. **See p. 5, What is an annual accounting?**

You can also:

- Ask a friend or family member to become your payee
See p. 6, I want to change my payee. What should I do?
- Try to become your own payee
See p. 6, I disagree that I need a payee. What should I do?

What is an annual accounting?

Your payee must show Social Security how your money is being spent once a year. This is called an annual accounting.

Your payee should be able to show you records of how much money from Social Security was received on your behalf, how it has been spent on your needs, and how much is left.

You can ask to do this more often than once a year – just remember to be reasonable about how often you make your requests.

I think my payee is spending my money improperly. What should I do?

After finding out how much money you get from Social Security and how much is spent on your needs, you may still think that your payee is spending your money improperly.

If so, call Disability Rights Oregon: 503.243.2081 or 800.452.1694.

I want to change my payee. What should I do?

Call your local Social Security office and say you want to change your payee.

See p. 7, Resources, to find your local Social Security office.

Keep in mind that the person you choose to be your new payee has to:

- Agree to be your payee
 - File an application with Social Security
- See p. 2, What happens when my payee is chosen?**
- Have the right skills

I disagree that I need a payee. What should I do?

You have the right to get your benefit money directly unless Social Security has decided you need help managing your money.

To remove your payee, you have to show Social Security that you can handle your money yourself.

You can write a letter to Social Security asking that your payee be removed.

Along with your letter, you should attach materials supporting your request, such as:

- A letter from your medical provider stating your condition has changed & you can now care for yourself & manage your money
- A certified copy of a court order stating the court believes you can now take care of your finances
- Letters from friends & family stating that you now have the ability to take care of yourself & manage your money

You can choose to tell your payee you have taken this step or not – your payee will be told of your request.

What are some examples of reasonable requests to make to my payee?

It would be very useful for you and your payee to meet and create a monthly budget together. The budgeting process gives both you and your payee the opportunity to discuss all of your expenses and needs, and make changes if necessary.

You could also ask your payee to actively:

- Negotiate on your behalf to make sure you are getting the best deals on all of your living expenses

Example: Rent

- Help you find & apply for other benefits and services that you could really use

**Example: SNAP—Supplemental Nutrition Assistance Program
(Formerly known as the Food Stamp Program)**

RESOURCES

Social Security Administration

Voice: 1.800.772.1213 | TTY: 1.800.325.0778 | Website: www.ssa.gov

Visit www.ssa.gov and click on **Find a Social Security Office**. Then enter your zip code and select **Locate**. You'll get information about your local Social Security office and other agencies in your area that may be able to help you.

Also, see generally Code of Federal Regulations, Subpart U—Representative Payment (20 C.F.R. § 404.2001 et. seq.): www.ssa.gov/OP_Home/cfr20/404/404-2001.htm

PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS) PROGRAM

The PABSS Program helps people with disabilities who receive SSI or SSDI and have a disability-related employment issue.

This publication is not intended as a substitute for legal advice. Federal and state law can change at any time. You may wish to contact Disability Rights Oregon or consult an attorney in your community if you require further information.

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