

If **Social Security** rules that your child is not disabled, you may be asked to pay back the money you received while your appeal was pending. However, you may ask Social Security to forgive the debt. Only parents who can afford to repay the money without hardship or parents whose child is obviously not disabled (for instance, attended school full time) are denied waivers.

During the appeal process, Social Security reviews all of the evidence you gave them, both old and new, and makes a determination in one to four months. If you wish, you can request a *Reconsideration Hearing*, where you and your child will have an opportunity to speak to the person who is going to decide your appeal and present them with more evidence.

If you lose the **Reconsideration Appeal**, you should file an application for the next level of appeal, a *Request for Hearing*, within 60 days of the date on the notice that denied your reconsideration. Make sure that your child continues to get all necessary treatment while you wait for the hearing to be scheduled. Get more evidence of your child's disability and give it to Social Security. Fill out the detailed questionnaire about your child's disability again, and ask doctors and schools for records they have not yet shared. You should also consult an attorney for possible representation at your hearing.

For free legal assistance, call Legal Services of New York at (212) 431-7200. You will be directed to the Legal Services or Legal Aid office that serves your zip code. If you do not qualify for free legal assistance, you may call (800) 331-2804 for referral to attorneys who represent individuals at Social Security hearings for a fee.

If you need further information and would like to talk to someone about a Social Security case for children or adults, you may call The Children's Aid Society at call (212) 358-8930 and our legal staff will advise you and assist you in finding an attorney for your hearing.

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of **KNOW YOUR RIGHTS** brochures and other legal advocacy publications in both English and Spanish. You may also log onto www.childrensaidsociety.org.



For over 150 years, The Children's Aid Society has been assisting New York City's children and their families without regard to race, religion, nationality or socio-economic status. Children's Aid helps children in every aspect of their lives from infancy through adolescence, providing guidance and resources to ensure a child's current well-being and future potential. With over 100 programs and 40 locations in New York that touch the lives of more than 150,000 children every year, Children's Aid is one of the country's largest and most innovative child and family social service agencies.

www.childrensaidsociety.org

THE CHILDREN'S AID SOCIETY
KNOW YOUR RIGHTS

SSI disability benefits for children: the appeal process



If you believe your child has been unfairly denied disability benefits, or if they have been improperly reduced, you have a right to ask for a hearing to overturn that action.

As the parent of a disabled child who receives ssi benefits, you may be periodically required to prove that your child is still disabled and eligible to continue receiving monthly ssi payments. Social Security calls this process “redetermination” and will send you a notice if such a review will take place.

If you receive a notice telling you that your child's disability status will be reviewed, immediately take or mail copies of all the papers you have that show your child suffers from a disability to your local Social Security office.

You should give Social Security the names and addresses of all the professionals who have records about your child's disability. If you do not have copies of your own, hospitals, schools, doctors' offices, therapists' offices, social service agencies, and mental health agencies can provide you with the information you need. A detailed questionnaire that will help describe your child's disability is available from Social Security or by calling The Children's Aid Society at (212) 358-8930. Have your child's doctors, therapists and social workers complete it and then take the forms to the Social Security office.

If you receive a letter from Social Security that says, “Important Notice: (YOUR CHILD'S NAME) ssi will stop,” you must file an appeal within 60 days of the date on the notice.

To start the appeal process, follow these steps:

- Call Social Security at (800) 772-1213, tell them you want to file an appeal, and ask them to mail you the forms. You may also go directly to your local office and get the forms.
- Complete and file the *Request for Reconsideration* form within 60 days of the date listed on the notice.
- Get a receipt that verifies the day that you filed the appeal.
- Be certain to find out the name of the Social Security employee you speak to; this will help protect your filing date.

Once the 60-day appeal limit passes, you may still be allowed to file an appeal if Social Security believes you had a good reason for missing the deadline.

To prepare for the Reconsideration Appeal, follow these steps:

- Gather all of your child's medical and/or psychiatric records and school records, such as grades, attendance, and IEP's if the child is in special education.
- Ask each of your child's doctors, psychiatrists, therapists, special education teachers, and social workers to complete the detailed questionnaire about your child's disability.
- Take medical and school records and completed questionnaires to Social Security as soon as possible after you receive them.
- Keep copies of whatever you give to Social Security and take the copies to any future meetings with Social Security, such as the Reconsideration Conference.
- If your child has not been to his or her doctor or therapist recently, begin treatment with the doctor or therapist immediately so that you can show that your child still has the disability you are claiming.



Your child can continue to get ssi during the appeal process if you appeal within 10 days of the date listed on the notice. Even if it takes months for Social Security to decide whether your child still qualifies for ssi, you will continue to receive checks if the appeal is filed within 10 days.

Appeals can be made following the 10-day deadline, but if you do not have a good reason for the delay, your child will not receive ssi benefits during the appeal. Examples of “good cause” include: receiving notice of the ssi cutoff late or not at all; not understanding the cutoff notice; or getting incorrect information about your rights from someone at Social Security. You should request the good cause exception as soon as possible.
