

ROBERT H. FARLEY, JR.

Attorney at Law

1155 S. Washington St.

Suite 201

Naperville, IL 60540

Phone: 630-369-0103

Fax: 630-369-0195

email: farleylaw@aol.com

www.farley1.com

SSI BENEFITS

DEVELOPMENTALLY DISABLED ADULTS (18)

Supplemental Security Income (SSI)

SSI is a federally financed and administered, needs-based program, which guarantees a national minimum income level for the aged, blind, and **disabled with limited income and resources**.

Every developmentally disabled person should apply for SSI when they turn 18 years of age. Most 18 year old developmentally disabled persons will satisfy the tests for limited and income and resources. Because the developmentally disabled person is an adult (18), the income and resources of his or her parents are not considered. Eligibility for SSI will be based on the income and resources of the developmentally disabled person.

Frequently Asked Questions:

Q. How much will the developmentally disabled adult receive in SSI benefits ?

A. Effective January 2009, the maximum SSI payment for an eligible individual is approximately \$674 per month.

Q. Why do some developmentally disabled persons receive approximately 1/3rd less than the maximum SSI payment ?

A. The current living arrangements of the developmentally disabled person will be a factor in determining the amount of his or her SSI monthly payment. The developmentally disabled person can get up to the **maximum** payment if he or she is living in someone else's household (i.e. parents) as long as he or she **pays for his or her food and shelter costs**.

If the developmentally disabled person is living in someone else's household and **does not pay his or her food and shelter costs** or pay only part of their food and shelter costs, then the SSI monthly benefit **may be reduced up to 1/3rd** the maximum amount.

Q. What 'resources' or assets can a developmentally disabled person have and still qualify for SSI.

A. Generally, to get SSI, the countable resources or assets must not be worth more than \$2,000 for an individual. Resources are cash and things the person own and can turn into case. Examples of resources are bank accounts, property, stocks and bonds.

Q. What happens if the developmentally disabled person's resources or assets are transferred in order to get under the \$2,000 limit ?

A. If the resources of the developmentally disabled person are transferred or given away or sold for less than it is worth, the disabled person may be ineligible for SSI up to 36 months.

Q. Can the resources or the assets of a developmentally disabled person be placed in a "Special Needs Payback Trust" and still qualify for SSI benefits.

A. Yes. By putting the assets into a "Special Needs Payback Trust," these monies will not count towards the \$2,000 limit on assets which a disabled person is permitted to have and still qualify for SSI. It is very important to have an attorney who has experience in this area to draft this type of Trust or otherwise, an improperly drafted Trust may disqualify the person for SSI benefits until that Trust is exhausted.