



*California's protection & advocacy system
Toll-Free (800) 776-5746*

Consumer Information about the Social Security Administration Representative Payee Program

February 2015, Pub. #5561.01

What is a representative payee?

A representative payee is someone who is chosen by the Social Security Administration (SSA) to help individuals budget and spend the Social Security money. So, if you are receiving monthly Social Security benefits called SSI or SSDI, and the SSA has assigned someone another person or agency to handle your benefits payments, they are probably your representative payee.

What does a representative payee do?

If you have a representative payee, that person or organization must help you to use your SSDI and/or SSI benefits to take care of your needs. Your benefits are paid to the representative payee to be used for you. Your payee is in charge of making sure that the money is used to pay for your most important needs—housing, utilities (such as electricity, water and heat), food, clothes, medical and dental expenses, and personal care items (such as a toothbrush, hair brush, soap).

If there is money left after these things are paid for, the payee can use the rest of the money to pay off your unpaid bills, pay for activities you like to do, or give you spending money to use any way you wish. Your payee must keep detailed paperwork of what they do with your benefits and report the information to the SSA.

Your payee may also help you save for things you'd like to buy. You and your payee should meet every month or so and talk about if you need to

buy anything special. For expensive items, your payee works to help you save money for these special purchases.

How is my representative payee chosen?

Your representative payee must be someone who knows you and wants to help you. It should be someone who sees you a lot and understands your needs. This is usually a family member, a friend, or a legal guardian. It can also be an organization like a board and care where you are living, for example.

If you have someone that you would like to be your payee, you can tell a Social Security representative to have that person officially designated by them to be your payee. The Social Security representative will give that person an application and will check their background to make sure they will do what is best for you.

What if I don't want the representative payee that Social Security picks for me or I don't think I need a representative payee at all?

If you do not want the representative payee that SSA chooses for you or you don't think you need one, you can appeal that decision. You do this by writing a letter to SSA explaining the problem or filling out a "Request for Reconsideration" form. You can get a copy of the form from your local SSA office or online by going to: <http://www.ssa.gov/forms/ssa-561.pdf>.

You usually need to give SSA your appeal within 60 days of when you get their decision selecting the payee for you, but you can sometimes get more time if you have a good reason. If you are saying that you don't need a payee at all, you might also need to give them a supporting letter from your doctor, therapist or someone else that can explain that you can handle your own money.

You can also ask to have a different payee if (for example) your payee starts doing something they are not supposed to or if your circumstances get better and you feel you don't need a payee anymore.

Is there anything I need to do if I have a representative payee?

There are certain things you need to tell your payee to help them do a better job of managing your benefits. These include: if you start or stop a job, move from where you are living, get married, take a trip to another country, go to jail or prison, go to the hospital, or recover from your disability.

If you are getting SSI benefits, you also need to tell your payee if you get money from some other sources, apply for other government benefits, or how much you have in savings, if any. This is very important because your SSI amount depends on how much money you already have. If SSA pays you more than they should because they didn't know about all the money you already had, then you might have to pay a lot of money back to the SSA, even if it has already been spent. This is called an "overpayment."

How will I know how my representative payee is spending my money?

If you have a representative payee, you have a right to know how your money is being spent for you. If you are interested, you should ask your payee to show you your records so you can see what has been paid for and how much you have left. Ask them to explain anything you don't understand. Tell them about your needs and concerns if there is something you think they should be spending your benefits on.

If you think your payee is taking your money for themselves, not spending it the way they should to take care of your needs, or not showing you the records of how your money is spent, you can report it to SSA, to your case worker or to another advocate such as Disability Rights California.

Disability Rights California's phone number is 1-800-776-5746 or email services@DisabilityRightsCa.org

Does my representative payee control my other money?

No. Unless your representative payee is also your legal guardian or conservator, all they are responsible for is just your SSA benefits. For example, the representative payee cannot tell you how to spend money you earned while working or what you do with any money you get from your family. But it is important that you let them know about money you have from other places so they can try and keep you from getting paid too much from SSA and having to give money back.

Do I have to pay my representative payee?

If your payee is a person, they cannot make you pay them for their help. Payees that are organizations are allowed to charge you a very small amount per month. Usually the most they can charge you is \$41 a month (or \$78 a month if a doctor say that you have a “substance abuse disorder”). If you are unsure, you can ask a SSA representative to tell you if your payee can charge you money and how much they can charge you.

If you believe that you have been charged too much money by your payee and you tell them, they have to pay you back the extra, no matter how long ago it was. If they do not pay you back, you can report them to SSA, to your case worker, to the police or to another advocate such as Disability Rights California.

What if I have more questions?

If you have more questions you can ask a Social Security representative or contact Disability Rights California by calling (800) 776-5746, emailing services@DisabilityRightsCa.org or visiting our website at www.disabilityrightsca.org.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.