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# Consumer Information about the Social Security Administration Representative Payee Program

*August 2018, Pub. #5561.01*

## **What is a representative payee or rep. payee?**

A rep. payee is someone the Social Security Administration (SSA) chooses to help you budget and spend your Social Security money. How do you tell if you have a rep. payee? You are getting monthly benefits called SSI or SSDI, and SSA has chosen someone to handle your benefits payments for you. Your rep. payee can be a person or an agency.

## **What does a rep. payee do?**

If you have a rep. payee, they must help you use your SSDI and/or SSI benefits for your needs. Your benefits are paid to the rep. 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. These needs could include rent, water and power, food, clothes, medical and dental costs, and things you use to take care of yourself (like a toothbrush, hairbrush, and soap).

If there is money left after your basic needs are paid for, the payee can use the rest of the money to pay off your bills, pay for fun things you like to do, or give you spending money. Your payee must keep a detailed record of what they do with your benefits and report it to the SSA.

Your payee may also help you save for things you would like to buy. You and your payee should meet every month or so and talk about if you need to buy anything special or expensive. Your payee should help you save money for these special purchases.

### **How is my rep. payee chosen?**

Your rep. 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. Some options could be a family member, a friend, or a legal guardian. It can also be an organization like a board and care where you are living.

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

### **What if I don't want the rep. payee that Social Security picks for me or I don't think I need one at all?**

If you do not want the rep. payee that SSA chose for you or you don't think you need one, you can disagree with SSA. To disagree, you must appeal. You do this by writing a letter to SSA explaining the problem. You can also fill out a special form called a "Request for Reconsideration". You can get a copy of the form from your local SSA office or online at this [site](http://www.ssa.gov/forms/ssa-561.pdf), <http://www.ssa.gov/forms/ssa-561.pdf>.

Once you get a letter from SSA choosing a payee for you, you usually need to appeal within 60 days. You can sometimes get more time if you have a good reason.

You can also ask to have a different payee. If you think you don't need a payee at all, you can explain that to SSA. It helps to give SSA a letter from your doctor, therapist or someone else who can explain that you can handle your own money. Visit your local SSA office to apply to become your own payee. Go to this [site](https://secure.ssa.gov/apps10/poms.nsf/lnx/0200502115), <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200502115>, for more information on the forms and process.

### **Is there anything I need to do if I have a rep. payee?**

There are certain things you need to tell your payee to help them manage your benefits. You should tell your payee if you start or stop a job, move,

get married, take a trip to another country, go to jail or prison, go to the hospital, or your disability gets better.

If you are getting SSI benefits, you also need to tell your payee if you get money from some other sources or apply for other government benefits. You must also tell your payee 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 have, then you might have to pay a lot of money back to the SSA. This is called an “overpayment.”

### **Does my rep. payee control my other money?**

No. Unless your payee is also your legal guardian or conservator, they can only help with SSA benefits. For example, the rep. payee cannot tell you how to spend money you earned at work. They also cannot tell you what to do with any money you get from your family. It is important that you let them know about money you get from other places, though. This helps them and keeps SSA from paying you too much. Remember, you will have to give that money back even if you already spent it.

### **Do I have to pay my rep. payee?**

If your payee is a person, they cannot make you pay them for their help. Payees that are organizations may charge you a small amount per month. Usually the most they can charge you is \$42 a month. They may charge \$80 a month if a doctor says that you have a problem with drugs or alcohol. If you are unsure, you can ask SSA to tell you if your payee can charge you money and how much. The amount the payee can charge might change each year. To see the current amounts go to this [site](https://www.ssa.gov/oact/cola/RepPayee.html), <https://www.ssa.gov/oact/cola/RepPayee.html>.

If you believe that you have been charged too much money by your payee, you should tell them to pay it back. It does not matter how long ago they overcharged you, they have to pay you back. If they do not pay you back, you can report them to SSA, your caseworker, the police or another advocate like Disability Rights California.

### **How will I know how my rep. payee is spending my money?**

If you have a payee, you have a right to know how your money is being spent. You should ask your payee to show you records of how they spent it so you can see what has been spent and how much you have left. Ask them to explain anything you don't understand. Tell them if you need something that they should be spending your benefits on.

### **What do I do if my rep. payee is mis-using or stealing my money?**

You can report problems with how your rep. payee is spending your money to SSA. These problems might include if your rep. payee is doing something they shouldn't or if they aren't taking care of your needs. You can also tell SSA if your rep. payee won't show you records of how your money is being spent. You can find the nearest SSA office by going to this [site](https://secure.ssa.gov/ICON/main.jsp), <https://secure.ssa.gov/ICON/main.jsp> or by calling 1-800-772-1213. You should also talk to your case worker or to another advocate like Disability Rights California. Disability Rights California's phone number is 1-800-776-5746 or email [services@DisabilityRightsCa.org](mailto:services@DisabilityRightsCa.org).

If you think your payee is mis-using or stealing your SSI or SSDI income, you should contact the Office of the Inspector General (OIG) as soon as possible. The OIG will take your complaint and look into your concerns to see if they need to assist you in protecting your money. You should report important information such as your name, your contact information, the rep. payee's name, when the mis-use happened, where it took place, and any other details about what happened to your money. If you wish, you can ask that the OIG keep your name hidden from the rep. payee.

You can file your complaint by going to this [site](http://www.ssa.gov/fraudreport/oig/public_fraud_reporting/form.htm), [http://www.ssa.gov/fraudreport/oig/public\\_fraud\\_reporting/form.htm](http://www.ssa.gov/fraudreport/oig/public_fraud_reporting/form.htm) or by calling 1-800-269-0271.

### **What if I have more questions?**

If you have more questions you can talk to Social Security or call Disability Rights California by calling (800) 776-5746. You can also email us at

[services@DisabilityRightsCa.org](mailto:services@DisabilityRightsCa.org) or visit our website at [www.disabilityrightsca.org](http://www.disabilityrightsca.org).

*Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <https://www.disabilityrightsca.org/pod/list-of-funding-grants-and-contracts>.*