

Supplemental Security Income (SSI) and Children with AD/HD

By Paul Burgan, M.D., Janet Bendann, M.S., and Marquita Rand, Ph.D.

On January 2, 2001, the Social Security Administration updated rules for determining disability eligibility in children. This is important for children with AD/HD because the new rules help Social Security decision makers better evaluate the effects of all impairments by providing more uniform standards across age groups, and by helping decision makers obtain an even more comprehensive picture of a child's functioning. An overview of SSI (Supplemental Security Income) and the new rules that may be particularly relevant to children with AD/HD are explained below.

What Is SSI?

SSI is a national program administered by the Social Security Administration. It provides monthly payments to people who have limited income and resources and who are at least 65 years old, or blind, or disabled under Social Security rules.

SSI isn't just for adults. Disabled or blind children under age 18 can receive SSI, too. For a disabled child, the program can:

- provide monthly cash payments based on family income;
- qualify your child for Medicaid health care services in many states; and
- ensure referral of your child into the system of care available under State Title V programs for Children with Special Health Care Needs (CSHCN).

Does My Child Qualify?

To receive SSI payments, a child must meet two sets of eligibility criteria:

- financial criteria based on the income and resources of the child and family; and
- medical criteria about the child's impairment or combination of impairments.

Financial Eligibility Criteria

Whether a child qualifies depends on the child's income and resources, as well as the family's income and resources. Income is money that the child and/or family has coming in each month, like wages or pensions. Resources are items the child and/or family owns, like bank accounts or property.

The amount of income you can have while still permitting your child's eligibility depends on where you live. This is because some States supplement the federal SSI payments. It also depends on how many parents and other children live in the household.

If you are a single parent in a State that does not supplement SSI payments, and you have no other children at home, your child may qualify for SSI payments if you have no more

than \$2245/month in earned income. (Earned income is income from working.) The amount is \$1100/month for unearned income (like unemployment or a pension). If there are two parents, your child can qualify if, together, you have no more than \$2777 in earned income or \$1366 in unearned income. If there are other children in the household, these amounts increase by \$266 for each additional child. In States that do supplement SSI payments, the amounts are higher, depending on the State. (These figures are for the year 2001. The levels change each year to reflect inflation.)

The amount of resources you can have while still permitting your child's eligibility does not depend on where you live. Generally, your child qualifies if he or she has no more than \$2000 in resources. If you are a single parent, your resources above \$2000 count toward that limit. For a two-parent household, parental resources above \$3000 count toward that limit. However, Social Security does not count some types of resources, such as your home or usually a car.

The rules on income and resources are much more complex than these simple illustrations. But, if you have a child with an impairment, and your family's income and resources are close to these amounts, it's worth making an appointment with Social Security to find out whether your child might be eligible for SSI payments.

Medical Eligibility Criteria

To be considered disabled for SSI purposes, a child has to be severely affected by a medical impairment or combination of impairments. The standard is stricter than in many other disability-based assistance programs. Under Social Security Law, a child is disabled if he or she has a medically determinable physical or mental impairment that:

- results in "marked and severe functional limitations," and
- has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death.

We will explain the disability decision process in more detail later.

What Happens When I Apply?

When you file an SSI claim for a child at your local Social Security office, SSA personnel first decide whether your child meets the income and resource criteria and other technical requirements. They will also ask you for information about your child's impairment(s), and for the names and addresses of medical and non-medical sources of additional information.

As part of the disability decision, the Social Security office also looks at any work the child is doing. Generally, a child who is working and earning more than \$740.00 per month will not be found disabled.

The local Social Security office, however, does not make the final disability decision. The Social Security office sends the claim to a State agency, where a team composed of a disability examiner and a medical or psychological consultant decides whether your child is disabled.

Obtaining Evidence about Your Child's Impairment(s) and Functioning

The State agency team contacts doctors, schools, teachers, therapists, relatives or others who can provide useful information about your child's impairment(s) and functioning.

The team does not examine your child, and they usually don't meet with you. But they may contact you for additional information. Therefore, it's very important to give complete details about all the medical and non-medical sources of information. However, they will not base their decision solely on your statements about your child or, for example, the fact that the child is enrolled in special education classes. But that kind of information is very important and useful.

If the State agency cannot find enough information to decide if your child is disabled, they can arrange (and pay) for an examination or testing by your child's own doctor, psychologist, or speech/language pathologist, or by some other qualified medical professional.

Evaluating the Child's Impairment or Combination of Impairments

Once the State agency has gathered evidence about the child's impairment(s) and his or her functioning, they first decide whether your child's impairment(s) limits his or her ability to function. If the impairment(s) is only a slight abnormality or a combination of slight abnormalities that cause no more than minimal functional limitations, they will find that he or she is not disabled. Most cases are not decided at this step.

If the child's impairment(s) causes more than minimal functional limitations, the State agency next uses a list of medical conditions (called the Listing of Impairments or "the listings") to decide if your child is or is not disabled. These lists are available to the public and are published in Disability Evaluation Under Social Security, also known as the "blue book." They may be ordered by health care and school professionals from the Social Security Administration's Public Information Distribution Center, or on-line. The listings cover the major body systems and include descriptions of the most common physical and mental impairments (such as cerebral palsy, mental retardation, asthma, and AD/HD) along with specific medical severity criteria. Your child is disabled if he or she has an impairment, or combination of impairments, that:

- "meets" (is exactly the same as) one of the impairments in the listings; or
- "medically equals" one of the listings; or
- "functionally equals" the listings.

Deciding whether your child's impairment(s) "meets" one of the listings is a matter of comparing your child's impairment to the specific criteria in the listings (not just the diagnosis). Deciding whether the impairment(s) "medically equals" a listing is a matter of deciding if the medical findings are equal in severity and duration to the criteria in a listing.

If your child's impairment(s) does not meet or medically equal a listing, the State agency team then decides whether it "functionally equals" the listings. They assess the effects of

the impairment(s) on the child's ability to perform daily activities in an age-appropriate manner. To do this, they consider questions such as:

- What activities is your child able or not able to perform?
- Which activities are limited in comparison with those of same-age peers?
- What type and amount of help does your child need to complete age-appropriate activities?

Once they have a clear picture of the child's activities – what he or she can and cannot do – they decide how much the child is limited in each of six domains. The domains are broad areas of functioning intended to capture all of what a child can or cannot do. The six domains are:

- Acquiring and using information,
- Attending and completing tasks,
- Interacting and relating with others,
- Moving about and manipulating objects,
- Caring for yourself, and
- Health and physical well-being.

If your child's impairment or combination of impairments causes "marked" limitations in two of these domains, or an "extreme" limitation in one domain, then his or her impairment(s) is functionally equivalent to the listings.

The disability evaluation can take several months. When the State agency makes a disability decision, they notify you by letter. If they deny the case, the letter explains why. If you don't agree with the decision, you can file an appeal. If the decision on appeal is unfavorable, you can ask for a hearing before an Administrative Law Judge. And, if the Administrative Law Judge's decision is unfavorable, you can appeal further, eventually to the federal courts.

What If My Child Has AD/HD?

The rules on functional equals discussed above are based on public comments and case experience. They also reflect suggestions from individual experts (including pediatricians, psychologists, other pediatric specialists) and advocates for children with disabilities.

Decision makers evaluate disability by comparing the child's functioning to that of children the same age who do not have impairments. They look at how independently a child can initiate, sustain and complete activities of all sorts compared to children the same age who do not have impairments. This includes considering whether the child needs more supportive structure in the classroom or at home than other children of the same age who

do not have AD/HD; for example, additional help or prompting, alternative teaching methods, or one-to-one assistance.

One of the six domains Social Security uses to evaluate a child's impairment is "Attending and completing tasks." It addresses a child's specific ability to focus and maintain attention. In essence, how effective is the child in beginning an activity, filtering distractions while engaged in the activity, focusing long enough to finish it, working or playing at a pace appropriate to the activity or task, and changing focus once the activity is done? This domain recognizes the development of attention ability throughout childhood, and its importance in all childhood activities.

So, when evaluating a child's limitations in the domain "Attending and completing tasks," the State agency team considers how independently the child functions in that domain. For example, a teacher may report that a child in special education "pays attention well with frequent prompting." The need for prompting suggests that even though the child pays attention, he or she is not doing so as independently as a child without AD/HD would be expected to. In other words, it may superficially appear there is no problem ("pays attention well"), but a more careful look reveals the child is not actually functioning all that well ("without frequent prompting"), and may possibly have a marked limitation in "attending and completing tasks."

Another important principle of evaluation is that an impairment or combination of impairments can affect a child's functioning in virtually all areas of life. This means that decisionmakers must be careful to consider whether an impairment affects a child's abilities in one, or more than one, domain. This is especially important for children with AD/HD because of the pervasive effects it can have on many areas of a child's life.

Applying for SSI

If you think that your child may be eligible for SSI, you should apply on behalf of the child. Some States require families to apply for SSI before the child's eligibility for State programs will be considered. To apply for SSI payments for a child based on disability, you should call Social Security's toll-free number (1-800-

772-1213) to make an appointment for an interview.

Other Sources of Information about Social Security Disability Programs

The Social Security Administration's website (<http://www.ssa.gov>) has useful information including many booklets in downloadable form. Simply follow the link for "Electronic Publications."

Health care and school professionals may order Social Security publications, free of charge, from the Social Security Administration's Public Information Distribution Center. See the SSA's website (www.ssa.gov/disability/professionals).

Parents may obtain information by visiting or writing any Social Security office, or by phoning the toll-free number, 1-800-772-1213, between the hours of 7 a.m. and 7 p.m. on business days and speaking with a service representative. Recorded information and services are available 24 hours a day, including weekends and holidays. People who are

deaf or hearing impaired may call the toll-free TTY number, 1-800-325-0778, between 7 a.m. and 7 p.m. on business days. A

This article was prepared for CHADD by the Social Security Administration. Contributors include: **Paul Burgan**, M.D., **Janet Bendann**, M.S., and **Marquita Rand**, Ph.D.