



Representative Payees and Adult Homes Residents: Your Right to Control Your Money

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WHAT IS A REPRESENTATIVE PAYEE?

If the Social Security Administration (SSA) thinks you need help handling your Social Security or Supplemental Security Income (SSI) benefits, it may have a “representative payee” receive your benefits and manage your money for you.

DO I HAVE A REPRESENTATIVE PAYEE?

If you have a representative payee, you do not get your benefits directly. Instead, your benefits are sent to the representative payee. Every month, the representative payee receives your benefits electronically, pays your rent at the adult home, and then gives you a personal needs allowance (PNA).

If you get your benefits directly and then pay your rent to the adult home, you are your own payee.

WHO CAN BE MY REPRESENTATIVE PAYEE?

Adult homes are often representative payees. If you don't remember agreeing to let the adult home be your representative payee, you may have signed something giving the adult home that right when you moved in.

If you need help handling your money and do not want the adult home to do it, you can choose someone else to be your representative payee. Your representative payee should be **someone who cares about you and who you trust to handle your money**. It cannot be a doctor, therapist, or anyone who provides a service to you for money.

WHAT IF I DON'T WANT A REPRESENTATIVE PAYEE?

Unless SSA decides you cannot, you have the right to handle your own money. If you think you are able to handle your own money and you would like to do so, call SSA at 1-800-772-1213.

You must also show SSA that you are able to handle your money. You can show this by giving SSA a letter from a doctor or therapist saying that you can manage your own money. There is a potential downside: If SSA thinks this letter shows that your disability has improved, it can require you to show that you still need SSI.

WHAT IF I WANT TO CHANGE MY REPRESENTATIVE PAYEE?

Call SSA at 1-800-772-1213. SSA will give you a form on which to indicate the name of the person you want to be your representative payee. The person you choose to be your representative payee must provide SSA with proof of identity and say they want to be your representative payee.

WHAT IF THE ADULT HOME SAYS I CANNOT MANAGE MY MONEY?

It is not the adult home's decision. **Only SSA can decide if you can manage your own money.** If a doctor or therapist at the adult home says you cannot handle your own money, you have the right to go to another doctor or therapist for a second opinion.

WHAT IF I DON'T HAVE A REPRESENTATIVE PAYEE?

If you don't have a representative payee, SSA sends you your benefits every month. If you have a bank account, you can sign up for direct deposit and SSA will automatically deposit your benefits into your bank account. If you do not have a bank account, you can sign up for a Direct Express Card, which is a debit card. SSA will automatically deposit your benefits onto the card, and you can use the card at stores or to get cash at ATMs. Either way, you are responsible for paying your rent to the adult home every month. If you do not pay rent, you can be taken to court and evicted.

WHAT IF I DISAGREE WITH AN SSA DECISION?

You have the right to appeal:

- SSA's decision that you need a representative payee;
- SSA's denial of the person that you choose to be your representative payee; and
- SSA's decision to pick a certain payee for you.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Services, Inc.'s Adult Home Advocacy Project toll free at 877-417-2427 Monday through Friday from 10:00 a.m. to 5:00 p.m.

DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.