

## **REENTRY MYTHBUSTERS**

POWERED BY THE JUSTUS COORDINATING COUNCIL

## On Social Security Benefits

MYTH: Eligibility for Social Security benefits cannot be reinstated when an individual is released from incarceration.

FACT: Social Security benefits are not payable if an individual is convicted of a criminal offense and confined. However, monthly benefits usually can be reinstated after a period of incarceration by contacting Social Security and providing proof of release.

By law, Social Security benefits are not payable to an individual who is convicted of a criminal offense and confined for more than 30 consecutive days. If an individual was getting Social Security benefits prior to confinement, benefits are suspended until he or she is released. Generally, there is no time limit on the period of suspension.

Upon release, benefits can be reinstated without filing a new claim. The individual must request reinstatement and provide proof of release to a Social Security office. Upon provision of the necessary proof, the Social Security office will reinstate benefits quickly.

Social Security cannot reinstate benefits after release if the individual was not receiving benefits before confinement. Instead, the individual must file a claim and be approved before benefits can be paid. For these individuals, Social Security offers a prerelease application procedure, which enables a claim to be filed several months before the scheduled release date. This process allows benefits to start shortly after the individual is released.

Social Security also administers the Supplemental Security Income (SSI) program for aged or disabled individuals who have limited income and resources. SSI benefits are suspended if the individual is incarcerated for a full calendar month or more. If the incarceration is 12 months or less, Social Security can reinstate SSI benefits quickly upon release. For incarceration periods greater than 12 months, SSI eligibility is terminated and a new claim must be filed to reestablish eligibility. The prerelease application procedure expedites the provision of SSI benefits after the individual is released.

For More Information

Social Security's Website

https://www.ssa.gov/

What Prisoners Need to Know

http://www.ssa.gov/pubs/10133.html

Entering the Community after Incarceration - How We Can Help

http://ssa.gov/pubs/10504.html#prerelease

This MythBuster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high — more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets. However, when reentry works, it positively impacts health and housing, education and employment, family, faith, and community well-being.