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Jail & Prison Services
40 West 20th Street
New York, NY 10011

DATE, 2025

FirstName LastName #12345678
Whatever Correctional Facility
P.O. Box 12345
New York, NY 12345

Dear **(Insert Name)**,

Thank you for your letter.

The following articles/pamphlets contain information about benefits for incarcerated people; they were taken from the United States Social Security Administration's website SSA.gov. The exact links have been provided at the start of the information.

- Can incarcerated people get Social Security or Supplemental Security Income (SSI) payments?
- Benefits After Incarceration: What You Need To Know
- What Prisoners Need To Know: Social Security Administration Publication No. 05-10133
- Entering the Community After Incarceration — How We Can Help: Social Security Administration Publication No. 05-10504
- Is there a way to apply for SSI before my anticipated release from an institution?
- Incentive Payments for State and Local Institutions: Social Security Administration (SSA) Publication No. 05-10088

Additionally, relevant information is provided from the following sources.

- "What Prisoners Should Know about Social Security" from FindLaw.com's Prisoners' Rights section. This includes information from The No Social Security Benefits for Prisoners Act of 2009.
- Incarcerated Veterans and VA Benefits have been taken from the U.S. Department of Veteran Affairs's website at <https://www.benefits.va.gov/persona/veteran-incarcerated.asp>

NOTE: Disadvantaged Minority/Public Law 93.365.92.603 is **not real**, but just a long lasting rumor.

Can prisoners get Social Security or Supplemental Security Income (SSI) payments?

Found online at: <https://www.ssa.gov/faqs/en/questions/KA-02549.html>

Both programs prohibit payments to most prisoners.

We will suspend your Social Security benefits if you are confined to a jail, prison or other penal institution for more than 30 continuous days due to a criminal conviction. Although you can't get monthly Social Security benefits while you are confined, we will continue to pay benefits to your dependent spouse or children as long as they remain eligible.

If you get SSI, we will stop your payments after you are imprisoned for a month.

If you use our prerelease procedure, we may be able to reinstate your benefits starting with the month you are released. SSI recipients who are confined 12 consecutive months or longer, must reapply for SSI and again be approved.

Benefits After Incarceration: What You Need To Know

Found online at: <https://www.ssa.gov/reentry/benefits.htm>

Social Security and Supplemental Security Income Benefits

Individuals released from incarceration may be eligible for Social Security retirement, survivors, or disability benefits if you have worked or paid into Social Security enough years or Supplemental Security Income benefits if you are 65 or older, or are blind, or have a disability and have little or no income and resources.

Social Security's Definition of Disability

We consider you disabled under Social Security rules if:

- You cannot do work that you did before;
- We decide that you cannot adjust to other work because of your medical condition(s); and
- Your disability has lasted or is expected to last for at least one year or to result in death.

SSA does not pay partial or short-term disability benefits.

If you meet the above requirements, Social Security benefits also may pay:

- Your child who is under age 18, or severely disabled before age 22, or
- Your wife who is age 62 or older, or is caring for your child who is under age 16 or severely disabled before age 22.

If you believe you qualify, call our toll-free telephone number, 1-800-772-1213 to schedule an appointment. If you are deaf or hard of hearing, call TTY 1-800-325-0778.

Does Social Security pay benefits to prisoners?

We pay benefits under both the Social Security and Supplemental Security Income (SSI) programs. Both of these programs prohibit payments to most prisoners. Social Security benefits are suspended if an otherwise eligible person is confined in a jail, prison, or other penal institution for more than 30 continuous days due to conviction of a crime.

We cannot pay benefits to someone who, by court order, is confined in an institution at public expense in connection with a criminal case if the court finds that the person is: guilty, but insane; not guilty of such an offense by reason of insanity or similar factors (such as a mental disease); or incompetent to stand trial for such an alleged offense.

Also, we cannot pay benefits to someone who, immediately upon completion of a prison sentence for conviction of a criminal offense (an element of which is sexual activity), is confined by court order in an institution at public expense. The confinement must be based on a court finding that the individual is a sexually dangerous person or sexual predator (or a similar finding.) However, if a person is not confined in prison or other similar place, benefits may be paid to an eligible individual.

If I am arrested on a criminal charge, or a parole, or probation violation, will I still get my monthly Social Security payments?

We generally do not pay Social Security and Supplemental Security Income (SSI) recipients during confinement for a crime in jail, prison or certain other public institutions.

Supplemental Security Income (SSI) payments

If you get SSI, we will stop your payments after you are imprisoned for a month. If you were convicted in March to serve at least a month-long sentence, you will not get an April payment. We can reinstate your payments the month you get out. However, if you are jailed 12 consecutive months or longer, you will have to file a new application and again be approved for SSI by Social Security.

Social Security benefits

If you are receiving Social Security retirement or disability, we will stop your benefits if you are institutionalized for more than 30 continuous days after a crime conviction. Although you cannot receive monthly Social Security benefits while you are confined, benefits to your dependent spouse or children will continue as long as they remain eligible.

If you, for example, are convicted in March and jailed more than 30 days, you will not be eligible for March benefit. Your payments will stop with your April payment. We can reinstate your benefits starting with the month you are released. To restart your payments, visit your local Social Security office with proof of your release.

Why does Social Security need to know that I am in jail?

When you initially applied for Social Security benefits, either Supplemental Security Income (SSI) or for retirement, disability, or survivors (RSDI, also known as Title II) benefits, Social Security advised you about certain changes that could affect your ability to continue to get payments. For SSI benefits, the law states that you cannot live in a public institution (for example, a jail, prison, penal facility, etc.) for a full calendar month or more, and continue to get your SSI benefits. For Title II benefits, the law states that if you commit a crime and a court convicts you, and you serve more than 30 continuous days in jail following the conviction, you cannot get your Title II benefits.

It is important you report any of these changes as soon as possible to avoid getting money you are not due. You can contact Social Security at our toll free number 1-800-772-1213 Monday through Friday 7am - 7pm or by going to an office.

How a conviction affects your Social Security benefits?

By law, you cannot get payments for any month (including any part of the month) in which you have been convicted and confined in a correctional facility for more than 30 consecutive days.

For example, if you were convicted and confined on March 29, 2018 and you remained in jail until May 2, 2018, you would not get benefits for the months of March, April, or May because you were in jail for 35 consecutive days.

My checks stopped while I was incarcerated. How do I restart my benefits?

If the prison has a prerelease agreement with the Social Security Administration, you or the prison's representative may initiate contact with Social Security 90 days before your scheduled release date.

If the prison does not have a prerelease agreement with Social Security, contact us at 1-800-772-1213 Monday through Friday, 7 a.m. to 7 p.m. to schedule an appointment to apply for benefits:

- Inform Social Security you were released from prison. Our representative will then provide further instructions.
- As proof of your release, bring your official prison release documents to your appointment.

Release from prison does not automatically make you eligible for benefits. However, depending on the circumstances of your case, we may be able to have your checks started effective with the month after the month of your release.

Will my benefits start again if the court reverses my conviction?

If you are entitled to Retirement, Survivors or Disability Insurance benefits, we can restart your benefits if the correctional institution releases you and the court reverses all charges of your conviction. The court must also agree not to prosecute you again on the same charges. If the court retries you on the same charges, it must find you not guilty after your new trial.

If you are eligible for Supplement Security Income payments and you live in a public institution (jail, prison, detention center, etc.) over a calendar month, we cannot start your benefits until the institution releases you.

My husband is presently incarcerated and does not receive Social Security benefits. Are my son and I eligible for any benefits while he is in jail?

The answer depends on the payment status before your husband's incarceration.

If your husband was not receiving Social Security benefits before his incarceration, we cannot pay benefits to you or your son during his incarceration.

If you and your son were receiving Social Security benefits on your husband's record before his incarceration, benefits to you and your son would continue during his incarceration.

What happens to my Medicare when my checks stop because I go to jail?

Your Medicare Part A (Hospital Insurance) coverage will continue. To keep your Part B (Medical Insurance) coverage, you must pay the monthly premiums or your coverage will end.

If your coverage ends while you're in jail because you didn't pay your premiums, you can enroll during the general enrollment period (January through March of each year). If you enroll during the general enrollment period, your Part B coverage will start the 1st day of the month after you enroll. You will be responsible for any unpaid past-due premiums. You may have to pay a late enrollment penalty for as long as you have Part B. Learn more about the Part B late enrollment penalty.

You may be eligible for a Special Enrollment Period for Part B if you missed an opportunity to enroll or reenroll in Part B while incarcerated. If you are eligible, you do not have to pay a late enrollment penalty. Ask Social Security about this Special Enrollment Period.

NOTE: Medicare generally doesn't pay for your hospital or medical bills if you're incarcerated. However, if you aren't going to be incarcerated long enough to miss an enrollment period, you may want to pay your Medicare Part B premiums. This will prevent any gaps in coverage and avoid late enrollment penalties.

I was transferred from prison to a halfway house that is under the control of my state's Department of Corrections. Can I have my benefits started again since I am no longer in prison?

No. Social Security will not pay benefits while you reside in any facility under the authority of your state's Department of Corrections. Even though you are no longer in prison, you are still under the control and custody of your state's Department of Corrections until you complete your court-ordered sentence and you are officially released, or until the Department of Corrections places you on parole.

Can I have my benefits started again if I am on home monitoring and must wear a monitoring ankle bracelet at all times?

Your benefits can start again once you contact your local Social Security office to report your release from a correctional institution and the change to ankle bracelet monitoring.

What Prisoners Need To Know: Social Security Administration Publication No. 05-10133

Found online at: <https://www.ssa.gov/pubs/EN-05-10133.pdf>

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) payments generally aren't payable for months that you're confined to a jail, prison, or certain other public institutions for committing a crime. You're not automatically eligible for Social Security or SSI payments after your release.

Who can get Social Security benefits?

Social Security pays retirement benefits to people who are age 62 or older. Generally, you must have worked and paid Social Security taxes for 10 years to be eligible.

We pay disability benefits to insured individuals who are unable to work because of a serious medical condition that is expected to last at least a year or result in death. A person who is a recent parolee, or who is unemployed, doesn't qualify for disability payments.

Who can get SSI payments?

We pay SSI to people who are age 65 or older, or who are blind or disabled, and whose income and resources fall below certain limits.

No benefits are payable for any month in which you are in jail, prison, or certain other public institutions.

What happens to my benefits when I am in prison?

If you receive Social Security, your benefits will be suspended if you're convicted of a criminal offense and sent to jail or prison for more than 30 continuous days. Your benefits can be reinstated starting with the month

following the month of your release. Although you can't receive monthly Social Security benefits while you're incarcerated, benefits to your spouse or children will continue as long as they remain eligible.

If you're receiving SSI, we'll suspend your payments while you're in prison. Your payments can start again in the month you're released. However, if your confinement lasts for 12 consecutive months or longer, we'll terminate your eligibility for SSI payments and you must file a new application after your release.

Can I get my benefits reinstated after I'm released from prison?

If we suspend your disability or SSI benefits because you were in prison, you can request for Social Security to reinstate your benefits. You'll need to contact Social Security and provide a copy of your release documents before we can act on your request.

Example: You received monthly **Social Security disability benefits** before being convicted of a crime and sent to prison on May 15, 2020. Your benefits were suspended effective May 2020. On October 10, 2020, you were released from prison and your benefits were reinstated effective November 2020. Since Social Security benefits are paid in the month following the month for which they are due, you will receive a November benefit in December 2020.

Example: You received **SSI payments** before being confined to prison on June 7, 2020. When you were released on September 7, 2020, your SSI payments were reinstated as of September 7, 2020. You will be eligible for a partial payment for September and a full payment for October.

If you were released from prison and have a disability, contact us for more information about filing a claim for benefits. You'll need to provide proof of your release from prison, in addition to a new application and other documents.

NOTE: *We can't start your benefits until your release. We must have your official release documents from the jail or prison where you were confined. Please remember to provide your release forms when applying. This will help us get your benefits started faster.*

What about my Medicare or Medicaid coverage?

Your eligibility for Medicare

Your eligibility for **Medicare Part A (Hospital Insurance)** continues uninterrupted while you're in prison. To keep your Part B (Medical Insurance) coverage, you must pay the monthly premiums or your coverage will end.

If your coverage ends while you're in jail because you didn't pay your Medicare premiums, you'll be able to enroll during the General Enrollment Period (January through March of each year). If you enroll during a General Enrollment Period, your Part B coverage will start the 1st day of the month after you enroll. You will be responsible for any unpaid past-due premiums and you may have to pay a late enrollment penalty for as long as you have Part B.

You may be eligible for a Special Enrollment Period for Part B if you missed an opportunity to enroll or reenroll in Part B while incarcerated. If you are eligible, you do not have to pay a late enrollment penalty. Ask us about this Special Enrollment Period.

NOTE: *Medicare generally doesn't pay for your hospital or medical bills if you're incarcerated. However, if you aren't going to be incarcerated long enough to miss an enrollment period, you may want to pay your Medicare Part B premiums. This will prevent any gaps in coverage and avoid late enrollment penalties.*

If your Medicaid eligibility terminated while you were in prison, you'll need to contact your local social services office to apply for Medicaid coverage. We can provide a referral form for you to take to the social services office.

How do I file an application if I am in prison?

After you know your release date, notify someone at your facility that you want to start your Social Security or SSI benefits. **Your institution may have a prerelease agreement with the local Social Security office. If so,** it will notify us if you're likely to meet the requirements for SSI payments or disability benefits. We'll need an application from you several months before your anticipated release. That way, we can begin processing your application and your benefits can start as soon as possible after your release

If you're filing for benefits based on disability, we'll gather medical evidence from your doctors to help us decide whether you still meet Social Security's definition of disability.

Family members or a social worker can help you by contacting Social Security to let us know of your upcoming release. A family member also may be willing to serve as your representative payee if your medical condition prevents you from handling your own finances.

If there is no prerelease agreement, when you know your anticipated release date, contact us to apply for benefits if you think you may be eligible. You can call us toll-free at **1-800-772-1213** and explain that you're scheduled to be released and want to ask about applying for benefits. Please have your Social Security number handy when you contact us.

What happens if I have a financial emergency and can't pay my bills?

If the prerelease procedure is used and you're qualified for benefits, we can usually get your benefits started soon after your release. If we're unable to do so, and you're facing a financial emergency, we can issue a payment immediately if we determine that

- You're eligible for either Social Security disability benefits or SSI payments.
- You're already due a payment.
- Your situation qualifies as a financial emergency under our rules.

Contacting Social Security

The most convenient way to do business with us is to visit www.ssa.gov to get information and use our online services. There are several things you can do online: apply for benefits; start or complete your request for an original or replacement Social Security card; find publications; and get answers to frequently asked questions

Or, you can call us toll-free at **1-800-772-1213** or at **1-800-325-0778 (TTY)** if you're deaf or hard of hearing. We can answer your call from 8 a.m. to 7 p.m., weekdays. We provide free interpreter services upon request. For quicker access to a representative, try calling early in the day (between 8 a.m. and 10 a.m. local time) or later in the day. **We are less busy later in the week (Wednesday to Friday) and later in the month.** You can also use our automated services via telephone, 24 hours a day, so you do not need to speak with a representative.

Re-entering the Community After Incarceration — How We Can Help: Social Security Administration

Publication No. 05-10504

Found online at: <https://www.ssa.gov/pubs/EN-05-10504.pdf>

Social Security and/or Supplemental Security Income (SSI) benefits are suspended when people are confined to jail or prison.

- For Social Security beneficiaries, benefits remain suspended until the inmate is released.
- For SSI beneficiaries, benefits are terminated when the person is incarcerated for a year or more.

People need funds to cover living expenses when they're released from prison. To help them make a successful transition back into the community, benefits need to be started as soon as possible.

How soon can benefits be started after release?

The amount of time it takes to restart benefits depends on the person's situation:

- If the inmate's Social Security benefits were only suspended, we can usually restart them without much delay.
- If payments were terminated, payments can take a few months to resume.
- If the inmate wasn't previously entitled or eligible for benefits, and is alleging a disability, or SSI payments were terminated, they must file a new application and we'll make a new disability determination. In this situation, a decision about the person's disability could take between three and five months.

Is there a way to expedite benefit payments?

By following a special procedure before release, we can pay benefits much sooner. We refer to this as the prerelease procedure.

How does the prerelease procedure work?

When an institution has a prerelease agreement with Social Security, we can:

- Begin processing an inmate's application up to several months before the inmate's scheduled release date.
- Make a prospective determination of potential eligibility and payment amount based on the inmate's expected circumstances after release.
- Start paying benefits shortly after the inmate is released from the institution.

When notified by the institution, Social Security will follow this procedure if the inmate is likely to be eligible for benefits within 30 days of his or her scheduled release date.

How can institutions establish a prerelease agreement?

Either the local Social Security office or the institution may initiate a discussion about setting up a prerelease agreement. The prerelease agreement:

- May be an informal verbal agreement; or
- May be a written agreement signed by both parties.

Go to www.ssa.gov/locator to find the local Social Security's address, phone number, and fax number.

What are the responsibilities of each party?

Social Security's responsibilities

In a typical prerelease agreement, the Social Security office will:

- Provide guidelines about what evidence is needed.
- Provide a contact person to assist the institution and the inmate in applying the prerelease procedures.
- Process claims and reinstatements in a timely manner.
- Notify the institution promptly when Social Security has made a decision about the inmate's eligibility for benefits.

Institution's responsibilities

The institution will agree to:

- Notify Social Security of people scheduled for release in the near future who may be eligible for benefits.
- Provide available current medical evidence or nonmedical information for the inmate including a statement about the inmate's ability to handle funds.
- Provide Social Security with the anticipated release date.
- Notify Social Security as soon as the inmate is released or changes that delay the release date.

What are the advantages of a prerelease agreement?

A prerelease agreement:

- Allows both parties to streamline the process for starting/restarting benefits promptly after an inmate is released.
- Facilitates the inmate's return to the community by providing him/her with an adequate source of income.

Contacting Social Security

The most convenient way to do business with us from anywhere, on any device, is to visit www.ssa.gov. There are several things you can do online: apply for benefits; get useful information; find publications; and get answers to frequently asked questions.

Or, you can call us toll-free at **1-800-772-1213** or at **1-800-325-0778 (TTY)** if you're deaf or hard of hearing. We can answer your call from 7 a.m. to 7 p.m., weekdays. You can also use our automated services via telephone, 24 hours a day. We look forward to serving you.

Is there a way to apply for SSI before my anticipated release from an institution?

Found online at: <https://www.ssa.gov/ssi/spotlights/spot-prerelease.htm>

IS THERE A WAY TO APPLY FOR SSI BEFORE MY ANTICIPATED RELEASE FROM AN INSTITUTION?

The prerelease procedure allows you to apply for Supplemental Security Income (SSI) and food stamps several months before your anticipated release from an institution so that benefits can begin quickly after your release. We do not pay you SSI benefits when you reside in a public institution.

WHO CAN BENEFIT FROM THE PRERELEASE PROCEDURE?

We will process an application for you under the prerelease procedure if you:

- are in an institution (for example, hospital, nursing home, prison, or jail) ; and
- appear likely to meet the criteria for SSI eligibility when you are released from the institution; and
- are scheduled to be released within several months of the date you file your application for SSI.

HOW DOES THE PRERELEASE PROCEDURE WORK?

There may be a prerelease agreement in effect between the institution and your local Social Security office. However, you may file an application for SSI benefits under the prerelease procedure even if there is no agreement in effect.

A prerelease agreement may be formal (a written agreement signed by both parties) or informal. Under the agreement, Social Security helps the institution's staff learn the prerelease procedure and provides them with a Social Security contact to assist with the prerelease procedure.

THE INSTITUTION AGREES TO:

- notify us if you appear likely to meet the criteria for SSI and you could be released within 30 days after notification of potential SSI eligibility;
- provide current medical evidence and nonmedical information needed to process your claim;
- provide your anticipated release date and notify us of any delays that may result in a later release date; and
- notify us when you are released.

SOCIAL SECURITY AGREES TO:

- process your claim or reinstatement as quickly as possible; and
- with your permission, notify the institution of the SSI determination promptly.

If you are eligible for Medicare, ask Social Security about a Special Enrollment Period for formerly incarcerated individuals.

THIS INFORMATION IS GENERAL. FOR MORE INFORMATION, CALL 1-800-772-1213 (TTY 1-800-325-0778), VISIT OUR WEBSITE (www.ssa.gov) ON THE INTERNET, OR CONTACT YOUR LOCAL SOCIAL SECURITY OFFICE.

Incentive Payments for State and Local Institutions

Found online at: <https://www.ssa.gov/pubs/EN-05-10088.pdf>

The Social Security and SSI programs

Social Security provides disability, retirement and survivors benefits to qualified individuals and their families based on the worker's earnings. Supplemental Security Income (SSI) is a federal program that provides monthly payments to people who are 65 or older, or who are blind or have a disability and who have little or no income and resources. Social Security manages both programs.

In most cases, Social Security or SSI benefits cannot be paid to people who are in prison or other public institutions. Administrators of jails, prisons and other correctional and certain mental health institutions can help Social Security by reporting information about confined or incarcerated people.

Authority for incentive payments

Federal law permits incentive payments to state and local correctional and certain mental health institutions for providing information that:

- Results in the suspension of SSI payments to people whose confinement began in March 1997 or later; or
- Results in the suspension of Social Security retirement, survivors or disability insurance benefits to people whose confinement began in April 2000 or later.

Participation in incentive payment program

State and local correctional institutions, and certain mental health institutions, that want to participate in the incentive payment program must sign an agreement with the Commissioner of Social Security. Under the agreement, the institutions must provide the following applicable information every 15 days about all newly admitted inmates:

- Social Security number.
- Name.
- Date of birth
- Date that confinement or incarceration began.
- Conviction date.
- Release dates.
- Other identifying information about the inmate.

Institutions must also provide initial reports containing this information for their total inmate population. Participating institutions must forward the information to Social Security electronically.

Amount of incentive payments

For every Social Security or SSI recipient that is suspended as a result of information provided, we will pay the institution:

- \$400 for information received within 15 days of the confinement; or
- \$200 for information received after 15 days but within 90 days after confinement.

For every Social Security beneficiary that is suspended as a result of information provided, we will pay the institution:

- \$400 for information received within 30 days of the confinement.
- \$200 for information received after 30 days but within 90 days after confinement.
- For Social Security beneficiaries, a conviction date is also required.

NOTE: *We will not pay an incentive payment for information received after 90 days of confinement. In some instances, a beneficiary may receive payments under both Social Security and SSI. If we suspend payments under only one program, we fund the incentive payment from that program's trust fund. If we suspend payments under both programs at the same time based on the same inmate report, we pay the facility only one incentive payment. We will fund 50% of the incentive payment from each program's trust fund.*

How incentive payment process works

When reports are received, we will:

1. Verify that required inmate data has been furnished by each participating correctional or mental health institution.
2. Confirm that Social Security number data matches information in our files.
3. Review payment records to find out if any inmates are receiving Social Security or SSI benefit payments.
4. Notify the inmate that Social Security or SSI payments must be suspended.
5. Determine the incentive payment to each participating facility or institution.
6. Transmit monthly incentive payments via electronic funds transfer to the financial account specified by each participating institution or facility.
7. Send a monthly notice to each participating institution with:
 - a. The total number of Social Security beneficiaries and SSI recipients whose benefits we suspended because of your inmate report.
 - b. The total monthly incentive payments due you.
 - c. The date we transferred the electronic funds to your financial account.

Questions about incentive payment process

If you have any questions about this incentive payment program, you can contact any Social Security office for the name and address of our regional prisoner coordinator. The coordinator will assist you in enrolling in the program or answering any questions you may have.

Contacting Social Security

The most convenient way to do business with us from anywhere, on any device, is to visit www.ssa.gov. There are several things you can do online: apply for benefits; get useful information; find publications; and get answers to frequently asked questions.

When you open a personal *my* Social Security account, you have more capabilities. You can review your *Social Security Statement*, verify your earnings, and get estimates of future benefits. You can also print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement SSA-1099/1042S, and request a replacement Social Security card (if you have no changes and your state participates).

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at 1-800-772-1213 or at our TTY number, 1-800-325-0778, if you're deaf or hard of hearing.

A member of our staff can answer your call from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience a high rate of busy signals and longer hold times to speak to us. We look forward to serving you.

What Prisoners Should Know about Social Security

Found online at:

<https://civilrights.findlaw.com/other-constitutional-rights/what-prisoners-should-know-about-social-security.html>

Correctional facility inmates and prisoners are entitled to certain constitutional rights. Among these are the right to be free from cruel and unusual punishment and the right to medical care. That includes care for mental illness. Prisoners also have First Amendment freedom of speech rights and the right to practice their religion.

If you're a prisoner, you lose some of the rights and benefits others have. For instance, under federal law, Social Security and Supplemental Security Income (SSI) benefits generally aren't payable for months you're in jail, prison, or other public institutions after committing a crime.

This article discusses Social Security benefits pertaining to prisoners and inmates involved in the criminal justice system.

The No Social Security Benefits for Prisoners Act of 2009

The No Social Security Benefits for Prisoners Act of 2009 (NSSBP) is a federal law. It bars payment of retroactive Title II (disability insurance) or Title XVI (supplemental security) benefits under certain situations. It applies to a beneficiary or recipient subject to suspension because they are any of the following:

- A prisoner
- Confined in a public institution based on a court order for a criminal act
- A fugitive felon
- In violation of probation or parole

Intent of the NSSBP

When the NSSBP was enacted in 2009, Congress intended to prohibit Social Security benefits payments to prisoners. That included retroactive payments. Under NSSBP, the Social Security Administration (SSA) will not pay retroactive benefits until a beneficiary is no longer a prisoner, probation or parole violator, or fugitive felon.

The law also prohibits paying death underpayments on the record of a deceased beneficiary or recipient. This survivor benefits rule applies if the surviving beneficiary or recipient is not eligible for monthly benefits or payments based on being one of the following:

- A prisoner, whether in state or federal prison
- Confined in a public institution based on a court order for a criminal act
- A fugitive felon or parole violator

Under the No Social Security Benefits for Prisoners Act, Social Security benefit payments are held until a person is no longer incarcerated. Benefits are suspended if you're convicted of a criminal offense and sent to jail or prison for more than 30 continuous days. "Conviction" is the operative word. Benefits are not suspended if you're awaiting trial or pleas.

Suspension of Benefits

Your payments will be suspended beginning with the month you're first incarcerated after being convicted and sentenced. You also won't receive benefit payments if you're confined by court order and at public expense to an institution because you were found incompetent to stand trial. The same is true if you were found guilty by reason of insanity or mental disease.

Here is an example of the timeline of a suspension of payments:

- You're convicted of a crime, sentenced, and jailed on July 10 for a sentence of more than thirty days. You don't receive your benefits because they've been suspended. You're not eligible for the July payments normally paid in August
- You're released from jail to a halfway house administered by the Department of Corrections. Your benefits continue to be suspended.
- You're released from the halfway house and put on parole on Sept. 10. You're now eligible for October benefits. Benefits are reinstated.
- You receive your first reinstated check in November. Benefits are paid in the month after they're due.

Your payments are suspended if you've been convicted. If you have a spouse or child getting monthly Social Security dependent checks on your record, those benefits aren't suspended. Your spouse or child will continue receiving them.

Supplemental Security Income Benefits- Title XVI

The Social Security Administration has programs with Social Security benefits. Supplemental Security Income (SSI) pays a small monthly welfare stipend to people with limited income and resources. To be eligible for SSI benefits, you must be in one of the following categories:

- Elderly (age 65 or older)
- Blind
- Disabled

Like Social Security (SS) benefits, SSI benefits are suspended while you're incarcerated due to a conviction.

Application for Disability Benefits While Incarcerated

If you become disabled while incarcerated, you can apply for Social Security disability benefits while in jail. Benefits won't start to accrue until you've been disabled for five full calendar months or the first full calendar month after your release, whichever is later.

Also, you might be able to use a prerelease agreement. This agreement allows you to apply for SSI benefits before your release and helps ensure that your benefits will come quickly after you leave prison. If you're a current SSI benefit recipient confined for 12 consecutive months or longer, you must reapply and be approved again.

Information on Incarcerated Veterans and VA Benefits have been taken from the U.S. Department of Veteran Affairs' website.

Found online at: <https://www.benefits.va.gov/persona/veteran-incarcerated.asp>

Incarcerated Veterans

Veterans can sometimes run into issues with law enforcement and the criminal justice system resulting in incarceration. It is important justice-involved Veterans are familiar with VA benefits including what VA benefits they may still eligible to receive, what happens to the VA benefits they are already receiving if they become incarcerated, and what programs are available to assist them with reintegrating back into the community once released from incarceration.

VA Benefits

Despite the circumstances, some justice-involved Veterans may be eligible for VA benefits. Disability compensation, pension, education and training, health care, home loans, insurance, vocational rehabilitation and employment, and burial. Please be aware many VA benefits can be affected by incarceration. The following sections provide information for justice-involved Veterans.

VA Programs for Justice-Involved Veterans

Health Care for Re-entry Veterans (HCRV) Program

The HCRV Program is designed to help incarcerated Veterans successfully reintegrate back into the community after their release. A critical part of HCRV is providing information to Veterans while they are incarcerated, so they can plan for re-entry themselves. A primary goal of the HCRV program is to prevent Veterans from becoming homeless once they are reintegrated back into the community.

Veteran Justice Outreach (VJO) Initiative

The VJO initiative is designed to help Veterans avoid unnecessary criminalization of mental illness and extended incarceration by ensuring eligible justice-involved Veterans receive timely access to VA health care, specifically mental health and substance use services (if clinically indicated) and other VA services and benefits as appropriate.

How Incarceration Affects Eligibility for VA Benefits

VA can pay certain benefits to Veterans who are incarcerated in a Federal, State, or local penal institution; however, the amount depends on the type of benefit and reason for incarceration.

Disability Compensation

VA disability compensation payments are reduced if a Veteran is convicted of a felony and imprisoned for more than 60 days. Veterans rated 20 percent or more are limited to the 10 percent disability rate. For a Veteran whose disability rating is 10 percent, the payment is reduced by one-half. Once a Veteran is released from prison, compensation payments may be reinstated based upon the severity of the service connected disability(ies) at that time. Payments are not reduced for recipients participating in work release programs, residing in halfway houses (also known as "residential reentry centers"), or under community control. The amount of any increased compensation awarded to an incarcerated Veteran that results from other than a statutory rate increase may be subject to reduction due to incarceration.

Pension

Veterans in receipt of VA pension will have payments terminated effective the 61st day after imprisonment in a Federal, State, or local penal institution for conviction of a felony or misdemeanor. Payments may be resumed upon release from prison if the Veteran meets VA eligibility requirements. Failure to notify VA of a Veteran's incarceration could result in the loss of all financial benefits until the overpayment is recovered.

Apportionment to Spouse or Children

All or part of the compensation not paid to an incarcerated Veteran may be apportioned to the Veteran's spouse, child or children, and dependent parents on the basis of individual need. In determining individual need, consideration shall be given to such factors as the claimant's income and living expenses, the amount of

compensation available to be apportioned, the needs and living expenses of other claimants as well as any special needs, if any, of all claimants.

Additional Information:

- VA will inform a Veteran whose benefits are subject to reduction of the right of the Veteran's dependents to an apportionment while the Veteran is incarcerated, and the conditions under which payments to the Veteran may be resumed upon release from incarceration.
- VA will also notify the dependents of their right to an apportionment if the VA is aware of their existence and can obtain their addresses.
- No apportionment may be made to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.
- An apportionment of an incarcerated Veteran's VA benefits is not granted automatically to the Veteran's dependents. The dependent(s) must file a claim for an apportionment.

Education Benefits

Beneficiaries incarcerated for other than a felony can receive full monthly benefits, if otherwise entitled. Convicted felons residing in halfway houses (also known as "residential reentry centers"), or participating in work-release programs also can receive full monthly benefits.

Claimants incarcerated for a felony conviction can be paid only the costs of tuition, fees, and necessary books, equipment, and supplies. VA cannot make payments for tuition, fees, books, equipment, or supplies if another Federal State or local program pays these costs in full.

If another government program pays only a part of the cost of tuition, fees, books, equipment, or supplies, VA can authorize the incarcerated claimant payment for the remaining part of the costs.

Additional Information

Each VA Regional Office has a Homeless Veterans Outreach Coordinator who assists justice-involved Veterans. They are a direct point of contact for you to learn more about what benefits you qualify for, assist you with applying for those benefits, and refer you to other organizations and resources that will help you with your specific needs. To find your local Homeless Veterans Outreach Coordinator, please call VA's National Call Center for Homeless Veterans at 1-877-4AID-VET (1-877-424-3838).

Please let us know if we can be of any further assistance in the future.

Sincerely,

NAME

TITLE

Jail & Prison Services

The New York Public Library