

FAQ: REP PAYEES

What is a rep payee?

A rep payee (short for representative payee) is a person or an organization picked by Social Security who manages the money you get from Social Security and uses the money for your needs. A payee has a number of duties, some of which are required, and others which are optional.

What is a beneficiary?

You are a beneficiary if you receive monthly benefits (money) from Social Security because you have a disability.

Why do I have a payee?

You have a payee because Social Security decided that you need help managing your money. Social Security will send you written notice if they decide to appoint a payee for you. If you have been appointed a payee and you do not want one, see the section [“I disagree that I need a payee. What should I do?”](#)

Is my payee my legal guardian?

Your payee only manages your money from Social Security. Your payee may only make other decisions for you if your payee has also been authorized by a court as your legal guardian. If a court has authorized someone to be your guardian, a court order will exist stating this is true. If someone is claiming to be your guardian, you can ask them to show you the court order. Or, contact the Probate Court of the County where you live (or lived when you think an order may have been put in place) to ask whether or not there is a guardianship order involving you.

How is my payee chosen?

You have the right to ask that a specific person be your payee. You may ask a friend or family member to be your payee who you trust to understand your needs and who agrees to help you handle your money.

Your payee should be someone who is:

- Willing to listen to you
- Easy to get in touch with in case you need anything

When friends and family are not available, an organization such as your housing provider, your employer, or another service provider may be your payee.

What happens when my payee is chosen?

All payees have to be approved by Social Security. Payees must fill out an application and have a face-to-face interview with Social Security. Social Security will send you a letter telling you that it will pay your Social Security money to a payee. You have the right to appeal within 60 days if you disagree that you need a payee, or if you want a different payee.

1. Call Social Security and tell them you want to appeal. Write down the date, time and person you spoke with.
2. Send a letter to Social Security (preferably by certified mail) objecting to having a payee. Include the information on your call to Social Security that you wrote down.

3. Check the date of the letter from Social Security. Social Security must receive your objection within 10 days of the date of their letter to you, to put a hold on appointing a payee for you.

If Social Security does not receive your objection letter within the 10-day period, they will automatically appoint a payee for you for the remaining time that you have to appeal, which is about 50 days.

What does my payee do?

Your payee receives your Social Security money and uses it to pay for your living expenses – food, housing and medical care. After those expenses are paid for, your payee will:

- Pay off money you owe. Example: Your credit card bill.
- Pay for your personal expenses. Example: Taking classes.
- Save the money for you to use later. Example: To buy a car.

What are my payee’s responsibilities?

Your payee should:

- Be aware of all of your living expenses as well as Social Security’s rules regarding how much money you can have in savings.
- Come up with a budget for you with both of those things in mind.
- Save any money that is left over after meeting your basic needs in a bank account that earns interest for your future needs.
- Tell Social Security of any changes to your situation, such as if you regain the ability to manage your benefit money.

Your payee **must** keep records of your Social Security money and how that money is spent and then report such to Social Security once a year. See section on “[What is an annual accounting?](#)”

Does my payee receive a fee for being my payee?

Generally, no. However, Social Security may authorize some organizations to charge a fee for payee services. And, your payee may charge a fee if they provide you with services other than being your payee.

What are my responsibilities?

It is very important you tell your payee of anything that could change the amount of, or your right to get, money from Social Security. Be sure to tell your payee if you:

- | | | |
|---------------------------|---------------------------------|--|
| • Move | • Take a trip outside the U.S. | • No longer have a disability, if benefits are based on a disability |
| • Get or lose a job | • Get money from another source | • Apply for benefits from another government agency |
| • Get married or divorced | • Are admitted to a hospital | |
| • Save any money | • Go to jail or prison | |

Not telling Social Security about these kinds of changes could cause you to be charged for an overpayment. An overpayment occurs when Social Security finds out you have gotten more money in your check than you should have.

For more information on overpayments, see our [Social Security Overpayments](#) publication.

What are my rights?

You have the right to:

- Ask that a specific person who you trust be your payee
- An explanation of how your Social Security money is being spent. See section on “[What is an annual accounting?](#)”
- Ask Social Security for an investigation into your payee’s use of your money; Social Security will send you a letter stating its decision

Your payee has no right to:

- Manage money that does not come from Social Security
- Make decisions about your health care needs

I think my payee doesn't give me enough spending money. What should I do?

Talk with your payee about how your money is being spent and how you want it to be spent. Once a year, ask your payee to meet with you and explain how your money is being spent. See section on “[What is an annual accounting?](#)”

You can also:

- Ask a friend or family member to become your payee. See section on “[I want to change my payee. What should I do?](#)”
- Try to become your own payee. See section on “[I disagree that I need a payee. What should I do?](#)”

What is an annual accounting?

Your payee must show Social Security how your money is being spent once a year. This is called an annual accounting. Your payee should be able to show you records of how much money from Social Security was received on your behalf, how it has been spent on your needs, and how much is left. You can ask to do this more often than once a year – just remember to be reasonable about how often you make your requests.

I think my payee is spending my money improperly. What should I do?

After finding out how much money you get from Social Security and how much is spent on your needs, you may still think that your payee is spending your money improperly. If so, call Social Security's Office of the Inspector General: 1.800.269.0271.

Social Security may investigate and you may get a new payee. Social Security may also take action to get back any of the money spent improperly.

I want to change my payee. What should I do?

Call your local Social Security office and say you want to change your payee. See section on “[Resources](#)” to find your local Social Security office.

Keep in mind that the person you choose to be your new payee has to:

- Agree to be your payee
- File an application with Social Security. See section on “[What happens when my payee is chosen?](#)”
- Have the right skills

I disagree that I need a payee. What should I do?

You have the right to get your benefit money directly unless Social Security has decided you need help managing your money. To remove your payee, you have to show Social Security that you can handle your money yourself.

You can write a letter to Social Security asking that your payee be removed. Along with your letter, you should attach materials supporting your request, such as:

- A letter from your medical provider stating your condition has changed and you can now care for yourself and manage your money
- A certified copy of a court order stating the court believes you can now take care of your finances
- Letters from friends and family stating that you now have the ability to take care of yourself and manage your money

You can choose to tell your payee you have taken this step or not – your payee will be told of your request.

What are some examples of reasonable requests to make to my payee?

It would be very useful for you and your payee to meet and create a monthly budget together. The budgeting process gives both you and your payee the opportunity to discuss all of your expenses and needs, and make changes if necessary.

You could also ask your payee to actively:

- Negotiate on your behalf to make sure you are getting the best deals on all of your living expenses.

Example: Rent

- Help you find and apply for other benefits and services that you could use

RESOURCES

Social Security Administration

Voice: 1.800.772.1213 | TTY: 1.800.325.0778 | Website: www.ssa.gov

Visit www.ssa.gov and click on Find a Social Security Office. Then enter your zip code and select “Locate.” You will get information about your local Social Security office and other agencies in your area that may be able to help you.

Also, see generally Code of Federal Regulations, Subpart U—Representative Payment (20 C.F.R. § 404.2001 et. seq.): www.ssa.gov/OP_Home/cfr20/404/404-2001.htm

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