

Services Offered by the Social Security Administration  
Maria Alvarez

Q1: My wife is 59 years old and has Early Onset Alzheimer's Disease (EOAD). We have been married for 40 years. She does not remember that we are married. She has only worked for three years. She is 59 years old and is unable to sign her name. I retired at 61, 2 years ago to take care of her. What do I need to do when she is 62 to draw half of my social security?

A: You would need to let the Social Security Administration (SSA) that you have a disabled spouse when you reach 62. Your marriage certificate is enough to prove marriage and an I.D. for each of you should not be a problem.

Q2: Ms. Alvarez, after reading your document in our Resource Room, I have a few questions I'd like some clarification on. First, what "indicators or evidence" are needed to determine an individual is in need of someone else handling their monetary benefits?

A: "Indicators or evidence" could be any medical documents or statements from a medical professional or even statements from care-takers that would indicate to SSA that the person is having difficulty managing his/her affairs.

Q2: Do these statements have to be in writing? Is there a specific form that needs to be completed? What procedures do I have to follow to become custodian of my loved one with AD?

A: For SSA purposes, we call it "representative payee." The recipient's doctor would complete our capability form and if the doctor feels that a representative payee is needed, we look to appoint the appropriate payee. The Rep. Payee's "rights" only apply for SSA matters, it is not valid outside of SSA.

Q2: What can challenge a person's ability to manage their own benefits?

A: An allegation (by anyone) of inability to manage funds can start the process for SSA. We would then look for a medical opinion from a doctor.

Q2: What determines "legal evidence" of incompetence?

A: Legal evidence would be a court ruling of incompetence.

Q2: Why isn't power of attorney recognized as proof of a person's incompetence?

A: Power of Attorney is given by the individual to the person they want to act for them. If someone is experiencing mental deficiency they may not be acting in their own best interest. The person that they want as their agent may not have their best interest at heart. That is why SSA likes to be involved in the decision when it comes to management of SSA funds.

Q1: Since Alzheimer's isn't determined until after death, how can a family member get a person living with AD ruled incompetent?

A: That is more of a legal question. I can say that you would have to go through the courts. SSA is not involved in that aspect of the law.

Q1: What if there's a conflict in custody of benefits? How does Social Security determine who is the best protector of the individual's benefits?

Q2: Is there any procedure for other family members should this happen? I guess I want to know, if an unscrupulous person, family member or not, wants to be the representative, what safeguards are in place to protect the assets so they truly serve the individual living with AD?

A: SSA uses a scale of preferred payees to determine who is the best payee if there are several people seeking the role. The person with which the recipient lives is

high on that scale to be chosen the preferred payee. That is, that person is usually the person who cares for the recipient, knows what the recipients needs are and can best use the funds for the needed care.

Q1: Super. That's good to know. What changes must the custodian report to Social Security?

A: Changes in the recipients residence is a primary reporting responsibility. Also changes in care-takers. That is, if the Rep. Payee moves out of the home and someone else takes over the role of care-taker. If the recipient receives SSI, changes in income, resources and living arrangements must be reported.

Q3: Are there special benefits available for Alzheimer's patients?

A: Unfortunately, there are no special benefits from Social Security available to Alzheimer's patients at present. These people if not already receiving retirement benefits (under retirement age) would apply for SSA disability benefits in general.

Q2: What are SSA disability benefits?

A: Social Security Disability benefits are based on a person's work record. They must have paid into SS for five (5) out of the last ten (10) years prior to becoming disabled, have little or no work record and have little or no income and/or resources.

Q2: Would Q1's wife be eligible for SSA's disability? She only worked I think he said 3 years.

A: SSA would look at Q1 and his wife's resources (the limit is \$3,000.00) and look at each of their income, too. It is an assistance program for low income people.

Q1: I don't think I would qualify at this time.

Q2: Okay.

A: The income and resource rules for SSI are very strict since it is an assistance program.

Q2: And you look at the combined couple's income, right? What if a child or sibling were taking care of a person with AD? Would the same protocol work in that situation?

A: If the spouse is not in the household, we would not consider his income. Only if they live together would their combined income be considered. The child's income/resources would not matter.

Q2: What are the indicators or evidence a custodian would have to produce to be allowed to manage a person's benefits?

A: A statement from a primary doctor stating that the person can no longer manage nor direct others to manage his/her own affairs is the best evidence. Also statements from relatives and caretakers or social workers, etc.

Q2: Ms. Alvarez, you've been great! We've covered a lot of ground and I have a better understanding of Social Security and the process to pass on to others when they ask.

A: It's been my pleasure to answer questions. Take care!