

# **Social Security Disability Benefits for Disabled Adult Children**

**By Sheri R. Abrams, Attorney at Law**

Many Attorneys who work with parents of adult disabled children do not realize that these children may be entitled to both Social Security Disability Income (SSDI) and Medicare as a Disabled Adult Child (DAC).

In general to be eligible to receive Social Security Disability Insurance (SSDI) a claimant has to work for at least ten years before they become disabled. However, an adult who becomes disabled before age 22 can also qualify for SSDI based on their parent's work record if they, and their parents, meet certain qualifications.

Social Security Disability Insurance (SSDI), a program of the Social Security Administration (SSA), is designed to aid those who become disabled after having worked the requisite amount of time. Unlike Supplemental Security Income (SSI), SSDI is not a needs-based program. There are no income and asset restrictions. The SSDI benefit amount is normally based on how much the claimant paid into the system.

Many people who became disabled before turning age 22 have not worked enough to qualify for SSDI on their own record. But in some situations that person may qualify for SSDI based on their parent's work record. This is possible if all of the following criteria are satisfied:

First, the Disabled Adult Child (DAC) must be over the age of 18.

Second, the claimant must be found disabled according to Social Security's "adult" disability rules. Social Security reviews claims for Disabled Adult Child benefits under the same medical eligibility criteria as is required for any adult disability application.

Third, the disability must have occurred before the claimant turned 22 years of age.

Fourth, the claimant's parent must have enough work credits. In other words, the parent must have paid into Social Security for the required number of quarters. According to Social Security regulations, a child need not be a biological child of the qualifying "parent." An adopted child, a step-child, grandchild, and sometimes even a step-grandchild can qualify.

Fifth, the claimant's parent must be receiving either Social Security Disability benefits or Social Security Retirement benefits, or be deceased. For example, a 50 year old woman who has been disabled since she was 20 years old would be unable to qualify for Disabled Adult Child benefits until one of her parent's receives Social Security Disability, retires or dies.

Sixth, the claimant cannot be married. A subsequent marriage will terminate a Disabled Adult Child's benefits, while a divorce will enable the claimant to regain his or her benefits. The only exception to this no marriage rule is if two Disabled Adult Children get married to each other, then both people will continue to receive their Disabled Adult Child benefits.

If the claimant and their parent meet all of these qualifications, then the Disabled Adult Child should be able to receive a benefit which is often greater than the amount they would receive in SSI benefits. The benefit rate for a Disabled Adult Child while the parent is living is generally 1/2 of the parent's full Social Security benefit. If the parent dies, the Disabled Adult Child's rate is increased to 75% of the parent's full benefit. The Disabled Adult Child can continue to receive these benefits regardless of their age as long as he or she continues to meet the requirements listed above.

On top of the financial gain, the Disabled Adult Child will receive Medicare (not Medicaid) 24 months after qualifying for benefits.

The Disabled Adult Child will also not have to worry about keeping their unearned income or assets at a reduced amount as they would if they received SSI.

Parents who have not begun to receive their own Social Security but who think that their child may qualify for Disabled Adult Child benefits in the future may want to have their child apply for SSI benefits before they reach age 22. This would result in a determination prior to reaching age 22 that the adult child is disabled. If this is not possible, the child's doctor should clearly document all of the information surrounding the child's disability from as early an age as possible. In addition to medical treatment records, school records, work records and any other documents which may help to establish the disability should be kept. If all of these things are done, when the parent does go on disability, retires or dies, the child will have a much easier time proving he or she was disabled before age 22.