

## Representative Payee — Frequently Asked Questions

### Why Do I Have a Representative Payee?

You have a representative payee because Social Security has decided that you need help managing your money. Usually, your payee is someone who sees you often, knows you and your needs, and wants to help you. Learn more at: <https://www.ssa.gov/payee/>.

### What Does a Representative Payee Do For Me?

Your payee receives your Social Security payments for you and must use the money to pay for your current needs. After your payee pays those expenses for you, your payee can use the rest of the money to pay any past-due bills you may have, pay for entertainment for you, or save the money for your future use.

### Who Will Be My Representative Payee?

Social Security tries to select someone who knows you and wants to help you. The main concern is that your payee is someone who can see you often and knows what you need. If you live with someone who helps you, they usually select that person to be your payee. In most cases, someone who knows you asks the Social Security Administration (SSA) if he/she can be your payee. It may be a family member, friend, a legal guardian, or a lawyer. Sometimes social service agencies, nursing homes, or other organizations offer to serve as payees. If you know someone you would like to have as your payee, you can tell a Social Security representative.

### What Are the Responsibilities of My Representative Payee?

Your representative payee must use your benefits to pay for your needs. Your needs include food, shelter, clothing, medical care and personal items. Also, your representative payee must report to Social Security any events that could change the amount of your benefits. If the Social Security Administration asks, your representative payee must also provide a written account of how your money is spent. A payee must also tell SSA if there are changes that might affect their ability to act as your representative payee.

### I Don't Think My Payee Gives Me Enough Money — What Should I Do?

You should talk with your payee about how your money is spent. Your payee should show you how much money you get from Social Security Disability or SSI and how much they spend on your needs. You should talk with your payee about how you want to use any remaining money.

### What Happens If I Think My Representative Payee is Misusing My Benefits?

Tell Social Security right away. They will investigate all complaints of misuse and make a decision on whether misuse has occurred. You will receive a letter from SSA telling you what they found out. If misuse is found, SSA may find a new representative payee for you. They may then take action to recover the money.

*This fact sheet has general information. It is not intended as legal advice. Only an attorney can give you legal advice to help you with a problem or answer a question.*

## What If I Believe I No Longer Need a Representative Payee?

You have the right to receive your own Social Security check unless SSA believes you are not capable of managing your money or directing the management of your money. If you have a representative payee because of a physical or mental disability and want to become your own payee, you must show SSA that you are now able to handle your money yourself. You could provide:

- A doctor's statement that there has been a change in your condition and that the doctor believes you are able to care for yourself, or;
- An official copy of a court order saying that the court believes that you can take care of yourself, or;
- Other evidence that shows your ability to take care of yourself.

## What If I Disagree with Social Security's Decision?

You have the right to appeal the decision that you need a representative payee. You can also appeal the person or organization SSA has chosen as your representative payee. You have 60 days to appeal a decision by contacting SSA. Please contact your local Social Security office or call them at (800) 772-1213 for more information.

## What Is the Proper Use of Benefits?

A representative payee must apply the payments for the use and benefits of the entitled individual. Social Security Disability and/or SSI funds are properly used if they are:

- Spent for the beneficiary's current and reasonable needs, or;
- Saved and invested for the beneficiary, after current needs have been met.

## What Are "Current Needs"?

"Current needs" are the immediate and reasonable needs for housing, food, clothing, utilities, medical care and insurance, dental care, personal hygiene, education, and rehabilitation expenses for disabled beneficiaries.

Visit or write your local Social Security office or call toll-free (800) 772-1213. You can speak to a representative at the toll-free number between the hours of 7:00AM and 7:00PM on business days.

**Whenever you call, have your Social Security number on hand.** Recorded TTY machine, call the toll-free TTY number (800) 325- 0778, between 7:00AM & 7:00PM on business days or visit [socialsecurity.gov](http://socialsecurity.gov).

All calls are confidential. If you need an interpreter to communicate with Social Security, they will provide one free of charge.

## For More Information

If you have further questions, or would like more information in general, please contact Disability Rights Montana. Our services are offered statewide and free of charge.

Call 1-800-245-4743 or visit our office to speak confidentially with an Advocate. Office hours are Monday-Friday, 8:00 AM to 4:00 PM.



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