

How to Expand Access to Supplemental Security Income (SSI) for Children with Disabilities

Navigating the Appeals Process



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Summary at a Glance

WHAT TO KNOW: The processes for applying for SSI payments and appealing unfavorable determinations are complex, and families may need additional resources and support to help navigate them.

A CAUSE FOR CONCERN: Parents of children with disabilities who apply for SSI often end up in the appeals process, which can significantly delay their eligibility for payments. Families with children with disabilities who cannot receive SSI are more likely to live at or fall below the poverty line.

THE BIGGER PICTURE: Increasing the percentage of eligible applicants who are approved for SSI payments may improve health outcomes for children with disabilities.

SOME SOLUTIONS: This fact sheet can help SSI applicants, appellants,ⁱ and those who assist them better understand what factors influence initial eligibility determinations and appeal determinations. It also presents policy options that can improve the appeals processes for various stakeholders, including Social Security Administration (SSA) staff and individuals applying for benefits or appealing unfavorable determinations.



ⁱ Appellants are individuals who file an appeal with an agency to challenge a determination or decision that they are dissatisfied with.

What is SSI?

The Supplemental Security Income¹ (SSI) program provides monthly payments to adults and children with blindness or other physical or mental condition that seriously limits their functioning (e.g., their ability to participate in school and activities of daily living at an age-appropriate level) who have income and resources below specific limits. SSI payments are also made to people aged 65 and older without disabilities who meet the income and resource qualifications.

When determining disability for adults, SSA considers whether an individual's blindness or other disability prevents them from engaging in "substantial gainful activity"ⁱ – past relevant work or other substantial gainful work that exists in the national economy – and can be expected to result in death or last twelve consecutive months."² For children, SSA considers whether a medically determinable impairment(s) causes marked to extreme functional limitations.^{3,4} An applicant who receives a less than fully favorable decision has the right to appeal SSA's determination.⁵

The SSI program is important because its payments can lift a child's family's income above the poverty line and have a significant impact on health.⁶ Although children can be resilient, a significant amount of research shows important connections between poverty and children's health, such as mental health, educational attainment, and structural changes in brain development.⁷

For more in-depth information on SSI and the way cash payments affect children's health, visit our [website](#).

The SSI program is important because these payments can lift a child's family's income above the poverty line and significantly impact health.

What is the focus of this fact sheet?

ChangeLab Solutions has a [suite of fact sheets](#) identifying opportunities for improvement through policy changes or programmatic adjustments. Having access to these resources makes it easier for more eligible children with disabilities to receive SSI. The information in these fact sheets focuses on the appeals process for less than fully favorable determinations and suspensions or terminations of payments.

In 2017, 53.5% of children's SSI-only applications were denied at the initial application stage, but 14.5% of appeals at the reconsideration stage were successful, and an additional 21.3% of appeals at the hearing stage were successful.⁸ It is also worth noting that based on data from 2007 to 2015, appellants are three times more likely to be approved if they have representation.⁹ Yet although 42% of children live in families with low incomeⁱⁱ and 20% of children have special health care needs, less than 2% of children receive SSI.¹⁰ Though not all of these children are eligible due to the standards for SSI eligibility, this gap is still notable.

Some appellants may wait a year or longer for a hearing to be scheduled. They may wait even longer for a decision on their case. For example, the average processing time for a case ranged from 293 days at the Mt. Pleasant, MI office (ranked second) to 733 days at the Fresno, CA office (ranked last) in the fiscal year to date ending March 31, 2023.¹¹ Leveraging existing Social Security regulations and best practices

i See "What is substantial gainful activity?" [faq.ssa.gov/en-us/Topic/article/KA-01843](https://www.ssa.gov/en-us/Topic/article/KA-01843).

ii Low-income is defined in this fact sheet as 200% of the federal poverty level (FPL).

for program implementation may help ensure eligible children are able to access this much needed program while improving outcomes for families and children with disabilities.

This fact sheet:

- Explains the SSI application and appeals processes.
- Explains the different types of appeals and their timelines.
- Explains key evaluations considered during the disability assessment for children.
- Describes options for federal, state, and local policies that might improve the appeals process and expand access to the SSI program for eligible children with disabilities.

How is the SSI application process initiated?

When applying for SSI for a child, parent(s) or guardian must first demonstrate that the child meets the nondisability requirements, which may include income and resources below specific limits. After this initial assessment, their application is sent to a Disability Determination Services (DDS) office. The DDS is a federally funded state agency responsible for developing medical evidence and making the initial determination on whether a claimant meets disability standards for SSI.^{12,13} DDS analysts review a claimant's medical, educational, and other records to assess the severity of the claimant's mental and/or physical condition and how it affects the claimant's ability to function.

How does the SSI appeals process work?

If a claimant receives a less than fully favorable determination based on either nondisability (e.g., citizenship, income, resources), or disability eligibility,ⁱ the applicant has the right to appeal the determination. The appeal may be initiated online using forms available at [SSA's website](#). The appeals process timeline is illustrated in the sidebar on the next page.

While beyond the scope of this fact sheet, the claimant may request Appeals Council review if they receive an Administrative Law Judge (ALJ) decision that is less than fully favorable. If the Appeals Council upholds the ALJ decision, the claimant has 60 days to file an action in federal district court.⁵

ⁱ An overview of the children's eligibility requirements Social Security reviews when making these decisions can be found here: www.ssa.gov/ssi/text-child-ussi.htm.

Glossary

SSI: Supplemental Security Income

SSA: Social Security Administration

ALJ: Administrative Law Judge

DDS: Disability Determination Service

Social Security Definitions

Disability: The inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.⁵⁴

Severe Impairment: Any impairment or combination of impairments that significantly limits an individual's physical or mental ability to do basic work activities.⁵⁵

Marked Limitation: "Marked limitation" means a limitation that is "more than moderate" but "less than extreme." It is the equivalent of the functioning we would expect to find on standardized testing with scores that are at least two, but fewer than three, standard deviations below the mean.⁵⁶

Extreme limitation: "Extreme limitation" means a limitation that is "more than marked." It is the rating we give to the worst limitations. However, it does not necessarily mean a total lack or loss of ability to function. It is the equivalent of the functioning we would expect to find on standardized testing with scores that are at least three standard deviations below the mean.⁵⁶

Appeals Council: The Appeals Council is the final level of administrative review for SSI claims that generally occurs after a decision by an administrative law judge.⁵⁷

SSI DISABILITY-BASED APPEALS PROCESS



DDS = Disability Determination Service
SSA = Social Security Administration
ALJ = Administrative Law Judge

If denied by the ALJ at the hearing, there are two more levels of appeals: Appeals Council and District Court Appeals. These are outside of the scope of this fact sheet.

Decision Makers in the Application Process

A variety of decision makers make determinations or decisions about different aspects of the application. Their roles are described below.

Who is involved in the process to determine if a child meets the nondisability requirements to receive SSI?

Local Social Security Office

The local Social Security office determines a claimant's eligibility based on their income and resources. A family's income and resources are considered during the initial application process and continue as a reporting responsibility once their application is approved. SSI benefits may be reduced and eventually terminated if a reported change makes the recipient ineligible. Applicants usually interview with a claims specialist to complete the application and other forms associated with the SSI application.

A claimant's eligibility based on income and resources is assessed at two different points after the initial application is submitted:

1. When a parent or guardian applies for SSI for their child with a disability, the local Social Security office generally assesses eligibility based on the family's income and resourcesⁱ before moving the application to the Disability Determination Service (DDS), where an analyst reviews the child's medical records and determines if the child meets the medical requirements for SSI.
2. If the child is found to satisfy the disability requirements, the local Social Security office will determine if the income and resource requirements are met before the claim is processed.

When determining eligibility for SSI, both a family's income and resources, or assets, are considered. These include the value of any savings accounts, second cars, and other property. For more information on income and resources, see [ChangeLab Solutions' fact sheet on SSI asset limits](#).

A family's income and resources are considered during the initial application process and continue as a reporting responsibility once their application is approved.

ⁱ Deferred development is used in some cases, where nondisability-based eligibility is determined after the field office receives notice of disability-based eligibility: secure.ssa.gov/poms.nsf/lnx/0500603002.

Who is involved in the process to determine if a child meets disability eligibility requirements to receive SSI benefits?

Disability Determination Service (DDS) Disability Examiner

The DDS disability examiner is responsible for compiling and assessing an individual's medical records, including diagnostic tests, from all sources identified by the applicant or discovered during development who have treated or evaluated the applicant for any alleged, documented, or discovered impairment during the applicable 12-month period. The examiner uses an authorization form to request official copies of a child's relevant medical and other records with written consent from the child's parent or legal guardian. The family may also submit medical and educational records.

For example, if a child with an attention-deficit/hyperactivity disorder (ADHD) diagnosis applies for SSI, the disability examiner might request all medical records for the relevant time period from the child's treating mental health providers. Additionally, the analyst might request a child's special education records or school disciplinary records to develop a fuller picture of a child's functional limitations.



Medical Consultants, Psychological Consultants, and Medical Advisers

The DDS disability examiner also works with a medical consultant, psychological consultant, or medical advisers. While these medical experts rarely interact with the family, they review all relevant medical records and evaluate the sufficiency of the evidence and any need for further testing, and they determine severity as to whether the child's physical or mental condition meets or functionally equals a disability listing. Different experts evaluate different types of records. For example, if an applicant reports a mental health impairment, a medical or psychological consultant may evaluate the applicant's mental health records. Once these experts determine the severity of an applicant's impairments, the DDS disability examiner includes medical or psychological expert analysis in the written determination.

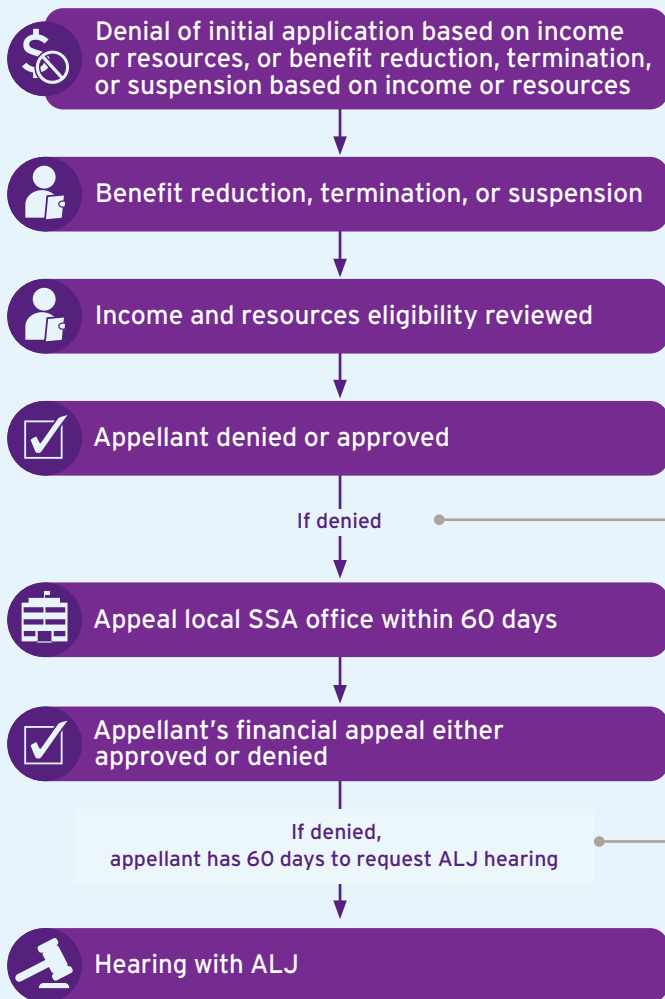
Consultative Examiners

If the DDS disability examiner determines that there is not enough information in the medical and school records to make a medical decision, SSA may request that the child attend a consultative exam with the applicant's own medical provider or a qualified consultative examiner selected by SSA. This exam is entirely paid for by SSA. The doctor then meets with the child and conducts a pediatric consultative examination and administers any testing requested to determine the child's functional limitations.

Although the goal is for DDS analysts to request that a child's regular treating provider conduct the consultative exam, this is not the norm for a few reasons. First, the child's provider may not have an existing relationship with SSA, which can complicate the contracting process for the analyst compared to a physician who regularly conducts consultative exams for the SSA. Second, the SSA operating manual instructs analysts not to request that the treating physician conduct the exam if the doctor does not respond to a medical records request. Consequently, the medical consultant, psychological consultant, and/or medical adviser(s) making the medical or psychiatric decision about a child's disability eligibility evaluating for sufficiency of evidence and determining severity likely does not have a preexisting relationship with the child.

After the consultative examination, the examiner provides the DDS analyst with a report containing the examination findings about the child's functioning levels and includes a medical opinion about what the applicant can still do despite their impairment(s) and whether the applicant has one or more impairment-related limitations or restrictions in the six domains of functioning. The DDS analyst then uses this report to help determine whether the child meets the disability criteria.

SSI BENEFIT REDUCTION, SUSPENSION, OR TERMINATION DUE TO INCOME AND RESOURCES ELIGIBILITY APPEALS PROCESS



SSA = Social Security Administration
ALJ = Administrative Law Judge

If denied by the ALJ at the hearing, there are two more levels of appeals: Appeals Council and District Court Appeals. These are outside the scope of this fact sheet.

Request for Reconsideration: Income and Resources Eligibility

If a child's application is denied based on financial ineligibility, then the family may file a request for reconsideration, which entails submitting an appeal with their local Social Security Administration (SSA) office.⁵ The request for reconsideration may be filed online through the SSA website.

There are three types of requests for reconsideration, and it is important that applicants and recipients request the type of appeal that provides them the best opportunity to present their case.⁵ For instance, a formal conference provides the most robust opportunity for an appellant to provide evidence in support of their argument; however, only recipients are eligible for formal conferences.⁵

Request for Hearing: Income and Resources Eligibility

If a decision is issued finding that the family does not meet income and resources eligibility requirements during the request for reconsideration, the family has the right to request a hearing with an Administrative Law Judge (ALJ). The family has 60 days from receipt of the notice to file the appeal.⁶ The matter will then be scheduled with an ALJ for hearing.⁷ At the hearing, the ALJ will review the family's file and possibly take testimony from the family, the local Social Security Office, or experts. At this time, the family can submit additional evidence in support of their income and resources eligibility.⁸ The request for a hearing may be filed online through the SSA website.

5 20 C.F.R. § 416.1413 (2021).

6 20 C.F.R. § 416.1409 (2021).

7 SOCIAL SECURITY ADMINISTRATION, PROGRAM OPERATIONS MANUAL G.N. 03103.010, THE HEARING PROCESS (2018). Available at <https://secure.ssa.gov/poms.NSF/lrx/0203103010>.

8 SOCIAL SECURITY ADMINISTRATION, PROGRAM OPERATIONS MANUAL G.N. 03103.010, THE HEARING PROCESS (2018). Available at <https://secure.ssa.gov/poms.NSF/lrx/0203103010>.

Types of Appeals and Timelines

Nondisability appeals

Applicants who are dissatisfied with the determination regarding their nondisability eligibility may appeal that initial determination through the process detailed below. Recipients who have their SSI payments reduced, suspended, and eventually terminatedⁱ because of changes in their income and resources may also appeal through the same process.

Request for reconsideration: Income and resources

A claimant whose application is denied based on excess income and resources can appeal the decision by filing a request for reconsideration. The request must be in writing and filed within 60 days after the date the applicant receives the denial letter.¹⁴

Three methods of reconsideration can be requested: case review, informal conference, and formal conference. It is important for applicants and recipients to request the method that provides them the best opportunity to be heard.¹⁵ For instance, a formal conference provides the most robust opportunity for a claimant to provide evidence in support of their argument, but it is available only to recipients whose SSI payments have been lowered or stopped.¹⁵

ii	Case File Review	Informal Conference	Formal Conference
Who may request reconsideration	Available to applicants and recipients	Available to applicants and recipients on any issue except for medical issues	Available to recipients only if the SSA is stopping or lowering their SSI payments.
Admissible testimony	No witnesses, but applicants/recipients have an opportunity to review the file and present oral and written evidence.	No outside witnesses or experts (applicant or recipient can provide documents only)	Allows recipients an opportunity to request SSA to subpoena adverse witnesses and relevant documents and to cross-examine adverse witnesses
Evidence considered	Claims representative reviews file and all evidence in the file, including evidence submitted by the applicant, recipient, and/or their representative, or secured by the SSA, and then issues a reconsidered determination.	Claims representative meets with applicant or recipient and allows the appellant an opportunity to present their case and witnesses. The claims representative makes the reconsidered determination after conducting the conference.	The recipient may ask SSA to subpoena adverse witnesses ⁱⁱⁱ relevant documents, and to cross-examine adverse witnesses. The recipients have the right to contest the accuracy of the information supplied by an adverse witness through cross-examination. The claims representative makes the reconsidered determination after conducting the conference.

i SSI benefits do not terminate until after being in suspense for 12 months.

ii 20 C.F.R. 416.1413

iii "Adverse witness" means an individual who has furnished information or evidence to the Social Security Administration (SSA) that, if determined to be correct, will result in a reduction, suspension, or termination of the claimant's benefits. POMS S.I. 04020.050.

EXAMPLE: REQUESTS FOR RECONSIDERATION

As explained in our [assets fact sheet](#), if a child is receiving SSI payments and one of their parents buys a second car, SSA will determine the value of the car to ensure that the value does not exceed the resource limits.

If the family disagrees with the determined value of the car that led to the child's benefits being reduced or terminated, the family could file a request for reconsideration and request a **formal conference**.

However, if the family disagrees with an asset valuation that happened when the family is first applying, then they would be able to request only a **case file review** or an **informal conference**.

These distinctions are important, as applicants may not be aware that they have the right to request a formal or informal conference, which allows for testimony from witnesses and experts that may provide a fuller picture for decision makers to consider compared to a case review.

Request for hearing: Excess income and resources

If SSA finds that the applicant does not meet the income and resource requirements during the request for reconsideration, the applicant has the right to request a hearing with an Administrative Law Judge (ALJ). The applicant has 60 days from receipt of the notice to file the appeal.¹⁶ The family will receive a notice when the hearing is scheduled.¹⁷ At the hearing, the ALJ will review the applicant's file and possibly take testimony from the family or experts. At that time, the applicant can submit additional evidence in support of their income and resource eligibility.¹⁷

Disability eligibility appeals

Applicants who receive a less than fully favorable determination indicating that they do not meet the requirements for disability may appeal that determination as well.¹⁸ The process, detailed below, differs in some ways from nondisability appeals.

Request for reconsideration: Disability eligibility

The parent or guardian may file a request for reconsideration within 60 days after receiving notice of the initial determination if a child's application is denied because the initial review determined that the child's impairment(s):

- Did not meet, medically equal, or functionally equal any disability listing,
- Did not cause marked to extreme functional limitations, or
- Did not meet the disability requirements for any other reason.^{14,19,20}

Whereas requests for reconsideration for nondisability appeals are reviewed by the local Social Security office, requests for reconsideration for disability determinations are sent back to the DDS.²¹ An analyst and medical or psychological consultant different from the one who reviewed the initial application are assigned to the case. These professionals provide a thorough independent examination of all evidence of record, including any new evidence received after the initial determination.²⁰

Request for hearing: Disability eligibility

If it is determined at the reconsideration that the child's impairment(s) does not meet the disability criteria for SSI, the parent or guardian then has 60 days from the date of the reconsideration determination to request a hearing with an ALJ.^{16,17} Many applicants will need to appeal to the hearing level as a large percentage of cases are denied at the initial application and reconsideration levels.⁸

At the hearing level, ALJs are generally the sole decision makers.¹⁹ In some cases, they may work with vocational or medical experts (e.g., child psychiatrists) to help them review the medical evidence and issue a decision.²⁰ Medical experts will have reviewed the medical evidence on file for the case. They may also hear testimony given by the child, the child's family, or other people present at the hearing.²² After reviewing the medical evidence and listening to any testimony given at the hearing, the medical expert will help the ALJ evaluate the medical evidence, provide an opinion about the child's limitations and abilities, and note whether the child meets a disability listing (or whether their impairment functionally equals a disability listing).^{4,23}



Extension of time to request an appeal

Appeals must generally be submitted within 60 days of the date the recipient receives the agency determination or decision notice (SSA presumes that a recipient receives a determination or decision notice five days after the date on the notice). However, there are many reasons why an appellant might miss a deadline. Timely filing may be particularly difficult for applicants with significant medical needs, applicants without social support, or those who live in rural and low-income communities. Access to internet and postal service may be unreliable in these communities, particularly for unhoused families, those in unstable housing situations, or those on tribal reservations.

If an application is denied, the applicant might not file a timely appeal because they are unaware they can file an appeal, they miss the deadline, or they simply choose not to. If the appeal is filed after the deadline, the appellant may request an extension of that deadline. In some cases, the applicant might file a new application later rather than appeal the reconsideration determination. The new application is based on the date of filing.

Good cause: Appeals filed late

Generally when an applicant requests that SSA extend an appeals deadline, they must show good cause.²³ The good cause statement may be added to the appeal request; it must be in writing and explain why the appeal was not filed on time.²⁴ SSA will assist if an individual needs help in writing the good cause statement.²⁵

Requests to reopen

An older application may be reopened if certain conditions are met – either at the applicant’s request, or at the discretion of the Disability Determination Service, local SSA field office, DDS analyst, or the ALJ, as applicable.^{26,27,28}

Reopening an application can be critical to ensure that the child receives any retroactive payments for the full time period, dating back to the filing of the initial application, if the child was eligible at that time.²⁹

The applicant must show good cause for reopening the older application if the request is made more than 12 months after the date of notice of the initial determination. Applicants or their attorneys may submit additional evidence supporting their good cause statement.^{27,28,30}

Post hearing appeals

While outside the scope of this factsheet, if a parent or guardian who receives a less than fully favorable decision from an ALJ may have additional opportunities to appeal, including Appeals Council review and federal district court review.^{31,32}

Reopening an application can be critical to ensure that the child receives any retroactive payments for the full time period, dating back to when the family filed the initial application, if the child was eligible at that time.

Submission of Evidence

The DDS develops medical evidence from all sources identified or discovered during development who have treated or evaluated the child for any alleged, documented, or discovered impairment during the applicable 12-month period. However, applicants and recipients may also submit their own evidence to both the local SSA field office and to DDS directly.³³ This evidence may be related to nondisability eligibility or disability eligibility and can be key to a successful application.

Evidence of income and resource eligibility

Applicants can submit evidence of their income and resources directly to a claims specialist at the local SSA field office.³⁴ The evidence might include documents such as pay stubs or account statements and is added to the applicant or recipient's file.^{34,35}

Evidence of disability

Applicants for SSI must inform SSA about or submit all evidence they know about that relates to whether they are disabled (or blind). "Evidence" is anything the claimant or anyone else submits or that SSA obtains that relates to the claim. In a child's case, for example, in addition to submitting medical evidence, a family might also submit Individualized Educational Programⁱ (IEP) testing and reports showing a child's functional limitations. SSA is generally responsible for making reasonable efforts to consider all evidence in a child's complete medical history. At the initial and reconsideration stages, the DDS analyst can help to develop the record by requesting additional medical and educational records.³⁶ However, analysts usually request records only for the applicable 12-month time period (e.g., 12 months prior to the month of filing or protective filing date) and they might not succeed in obtaining the necessary records.³⁴ As a result, claimants and attorneys representing those claimants may supplement their documentation by submitting their own records directly to DDS.³⁶ For example, a family may be able to submit IEP records showing a child's functional impairment that is outside the date range of the records the analyst is requesting. The analyst and medical consultant will then have additional evidence to help them make a well-informed decision in the case.

ⁱ The Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education for all children. An IEP is a written educational program developed by school staff and parents or guardian to address the special educational needs of a child with a disability and meet the goals outlined in IDEA.

What opportunities exist for using policy to facilitate more successful appeals among eligible individuals?

The following policy and implementation options were developed through a thorough process:

- Legal research of Social Security laws, regulations, and operating standards
- Interviews with eight experts currently working in the field
- Reviews of relevant academic literature and case studies concerning SSI

Unless otherwise stated, because this is a federal program with limited state and local policy options, these options reflect considerations for:

- Federal regulations, policy, and guidance such as the Code of Federal Regulations.
- SSA's Program Operations Manual System (POMS).
- Hearings, Appeals, and Litigation Law Manual (HALLEX).

The POMS is a primary source of information used by Social Security employees to process claims for Social Security benefits³⁷ and at the initial and reconsideration levels of the adjudicative process. The HALLEX provides guiding principles, procedural guidance, and information for Social Security staff working at the hearing and Appeals Council (AC) levels.³⁸

This key is used to illustrate the evidence base for each policy option beginning on the next page:

- Supported by peer-reviewed study
- ◆ Promising practice, program, or intervention currently implemented by jurisdiction
- Expert recommendations



These policy options generally fit into four issue areas:

1. Increasing applicants' understanding of the application and appeals process
2. Building a fuller record that accurately reflects the applicant's functional ability
3. Facilitating attorney representation for applicants
4. Reducing duplicative efforts by implementing good-cause timeline extension

All of these are federal policy options unless specifically designated as a state or local option.

Opportunities for increasing communication with applicants and improving their comprehension of the application and appeals processes

The SSI process has many steps and can be difficult to navigate for parents and guardians of children with disabilities.³⁹ A parent or guardian's understanding of their rights and responsibilities can make the application process easier, allowing SSA to allocate resources and make decisions more efficiently.

Policy options for increasing applicants' understanding of the application and appeals processes, their rights in these processes, and how to best navigate the processes could include these:

- **Ensure offices are properly staffed to contact appellants prior to the hearing to answer questions and ensure understanding of appellants' rights and responsibilities through a variety of approaches to allow for increased accessibility.**^{40,41} ■ ◆ ●
- **Conduct evaluation research for lived experience feedback to ensure that information on hearings is communicated to appellants in a way they can use to increase understanding of application decisions and their legal rights.**^{42,43,44} ■ ●
- **Revise the POMS to require that if an appellant has an attorney, claims specialist and disability analysts should establish contact with the attorney as soon as the case is received to ensure direct communication about deadlines, submission of evidence, and any other important matter.**

While the current POMS provide that the claims specialist and disability analyst contact a representative instead of the claimant in most circumstances, the POMS could provide additional guidance as to how soon and often to initiate contact as well as how representatives may be able to facilitate record development. Additionally, staff could be provided with additional training and resources around this type of communication. This can save time for agency staff by avoiding misunderstandings that may arise from multiple points of contact, particularly with family members who lack legal expertise. Attorney representatives also collect evidence through records requests, which can reduce the burden on agency staff and improve the quality of applications and likelihood of approval for eligible children. ●

A parent or guardian's understanding of their rights and responsibilities can make the application process easier, allowing SSA to allocate resources and make decisions more efficiently.

- **Adopt regulations that require additional written notice and provide information regarding requests to reopen, good cause for late filing, and the right to appeal and obtain representation.**

For example, a denial notice could include language that notifies applicants that if they miss the deadline for appeal, they may be able to file a late appeal without filing a new application. Ensuring that parents and guardians of eligible children are aware of the options and resources available to them may improve the quality of submissions and the likelihood of a successful appeal while reducing repeat applications.●

A special, age-appropriate assessment is needed for children with disabilities to demonstrate how their impairment(s) affects their ability to function.

State or Local Policy Option:

- **Use state and local resources to fund and provide appellants with access to benefit navigators and case managers to assist with filing appeals, tracking deadlines, and submission of evidence.** As part of this, identify how state and local resources could be used to educate benefit navigators and case managers on late appeals, requests to reopen, and best practices for drafting good cause statements.^{45,46} ■ ◆ ●

Building a more complete and accurate record

A special, age-appropriate assessment is needed for children with disabilities to demonstrate how their impairment(s) affects their ability to function. Children do not work, so their application must reflect limitations in their daily activities at home and/or in school or other settings. Having a complete and accurate record makes it easier for SSA staff to approve SSI for eligible applicants.

Policy options for providing decision makers with fuller and accurate information about children with disabilities could include the following:

- **Provide materials for the appellant or the appellant's attorney to inform their child's treating source about the child's SSI appeal and the importance of their participation.**

The consultative exam should be from treating sources if a consultative exam is needed. A child's own doctor can form a relationship and build trust with the patient over time, allowing for more robust and meaningful observations and diagnoses. Additionally, it would be helpful to provide disability analysts with resources, training, and guidance to support the use of qualified medical professionals arranged by the claimant or representative as currently allowed in the regulations. If the claimant provides Social Security with information for a treating source and SSA does not contact that source, the claimant should be informed that is grounds for appealing a decision that is less than fully favorable.^{47,48,49,50,51} ■ ◆ ●

- **Adopt regulations that further broaden the scope of acceptable evidentiary support such as records from social workers and social work interns, weighing them in a similar way licensed doctors would.**

Additionally, regulations could provide greater weight to nonmedical records that do not pertain to special education, such as school disciplinary records, as well as information that would not be included through the traditional teacher questionnaire currently used by SSA. Furthermore, if records do not address information such as the length of the treatment relationship or the frequency and

purpose of examinations, develop and provide questionnaires that specifically seek out this information. Children who lack access to traditional primary care, formal caregiving settings, or well-resourced schools may need to turn to other types of evidence to build a successful application that accurately captures their functional limitations.⁵² ■ ●

- **Consider an evaluation of the current weighting system of medical sources compared to the prior weighting system that prioritized records from treating sources, parents, and caregivers. An evaluation comparing these systems could empirically examine the benefits of including additional weight for individuals who observe the child and changes in the child's behavior and functional limitations over time.** ●
- **Provide support for the disability analyst to be able to make multiple attempts to obtain medical records and refer to a consultative exam only as a last resort.** Children often have difficulty interacting naturally with a doctor who is unfamiliar to them. This may result in incomplete or inaccurate reports which may extend the timeline for processing an application. Additional agency resource expenditures through the appeals process may also be affected. ●
- **Consider regulations that ensure that consultative examiners called in children's cases are board certified in pediatric fields and meet continuing education requirements.**

Consultative examiners who have a full understanding of how disability evaluations differ for children could provide more accurate assessments than other examiners. In areas where board-certified providers are scarce, policy options could include providing:

- Incentives and travel stipends for qualified professionals to conduct CEs in the underserved area
- Training opportunities and information sessions for medical professionals in underserved areas in order to increase the pool of qualified, available examiners
- Clear guidance for disability analysts on how to approve examiners found by the claimant or representative as well as guidance as to how long an examination should take to conduct
- Consider leveraging innovative approaches that were expanded and tested during COVID such as the Project ECHO model to expand capacity of pediatric providers
- Opportunities to conduct compliance checks with examiners to ensure that they are conducting the full battery of ordered tests in an appropriate way ●

State or Local Policy Option:

- **Leverage state and local resources to provide training to educators on best practices for teacher questionnaires.** Educators often focus on strengths rather than deficits, which may undermine an application or appeal, both of which require a clear description of functional limitations. State and local resources could also be used to expand the pool of board-certified medical providers in pediatric fields. ●

Increase access to attorney representation

The SSI experts interviewed for this project shared that children with disabilities have better outcomes in the SSI process if they are represented by attorneys. Properly trained attorneys assist applicants in completing applications, collecting and submitting evidence, and ensuring applicants meet SSA income, resource, and disability requirements.

Policy options for helping families to access attorney representation and to work more effectively with those attorneys could include the following:

State or Local Policy Option:

- **Use state and local resources to connect applicants with free attorneys from the initial application and throughout the appeals process.**

The assistance provided by attorneys to applicants helps them to better understand their rights, properly complete applications, and meet all appeal filing deadlines.^{48,49} ■ ◆ ●

Properly trained attorneys assist applicants in completing applications, collecting and submitting evidence, and ensuring applicants meet SSA income, resource, and disability requirements.

Timeline extensions, good cause, and appeals

If an application is denied, applicants who are unclear of their rights (e.g., due to language barriers, literacy challenges, inconsistent mail, or other reasons) may decide to file a new application or abandon the process entirely. Instead of filing a new application, appealing a past determination ensures that the applicants receive benefits back to the date of the original application if it is determined to be eligible. Properly accessing the appeals process may also reduce the burden on SSA to process and review new applications.

Policy options for helping parents and guardians of eligible children to avoid duplicative efforts, reduce new applications for SSA, and access benefits more efficiently include:

- **Evaluate the feasibility of current timelines for appellants to collect records from schools, medical providers, caregivers, and their knowledge of time extension procedures.**

POMS and HALLEX and other regulations may need revisions for additional flexibilities to allow staff to extend existing standard timelines for appeals and submission of evidence.^{53,48,49} ■ ◆ ●

State or Local Policy Option:

- **Leverage state and local funding to provide benefit navigators with the training and resources necessary to routinely inquire whether there is good cause to file a late appeal.**

If good cause is found, the navigator can help the family write and file a declaration when a family misses a deadline.⁵³ ■

Conclusion

SSI can be a critical lifeline for families of children with disabilities. An eligible child's receipt of SSI payments can lift families out of poverty, connect them to other services and programs, and stabilize families so they can thrive and meet their children's needs. There are steps that can be taken to support an applicant's ability to properly appeal less than fully favorable determinations, suspensions, and terminations. Making sure applicants have the information and support they need to submit accurate and complete evidence can make the process more efficient for Social Security staff and could increase the number of eligible families who receive this important benefit.



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