

# Going to prison? Social security and health care issues

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If you're going to jail or prison, find out if you need to let Social Security know you're going to be incarcerated, whether you'll keep getting Social Security, Medicaid, or Medicare while you're in jail, and more.

## **I get SSDI or SSI. Do I have to tell Social Security I'm going to jail or prison?**

Not necessarily. The jail or prison should report to Social Security that you're there and your expected release date.

## **It's still a good idea to tell Social Security beforehand yourself, if you can.**

If Social Security doesn't know you're in jail or prison, they may keep sending your checks. Since you can't get benefits when you're in jail or prison, you'll have to pay this money back. Social Security calls this an **overpayment** (<https://www.ssa.gov/ssi/text-overpay-ussi.htm>).

## **Will I lose my Social Security benefits while I'm in jail or prison?**

It depends on how long you're incarcerated and what type of benefits you have.

**SSDI** (<https://www.ssa.gov/disability>) - If you're in jail or prison for **30 days** or more, your SSDI benefits will be **suspended**. This means that Social Security won't end your benefits. They are just paused. You won't get checks while you're in jail or prison, but you won't have to reapply when you get out.

If your spouse or children get SSDI payments on your Social Security account (<https://www.ssa.gov/family>), their checks don't stop.

**SSI** (<https://www.ssa.gov/ssi>) - If you're in jail or prison for one full calendar month or more, your SSI benefits will be suspended. You won't get checks while you're in jail or prison. You should start getting checks again once you're released.

If you're in jail or prison for 12 full months in a row, your SSI will end. After that happens, when you leave prison or jail you must file a new application (<https://www.ssa.gov/apply/ssi>) to get your benefits back. You must prove again that you have a disability and low income.

|      | Less than 30 days      | 30 days or more    | 12 or more months  |
|------|------------------------|--------------------|--------------------|
| SSDI | Benefits not suspended | Benefits suspended | Benefits suspended |
| SSI  | You can still get SSI  | Benefits suspended | Benefits ended     |

|                         | Less than 30 days     | 30 days or more | 12 or more months |
|-------------------------|-----------------------|-----------------|-------------------|
| Medicaid / Apple Health | Can stay on or enroll | Benefits paused | Benefits paused   |

### Will I lose my health care coverage when I go to jail or prison?

It depends on which type of coverage you have.

**If you have Medicaid (Apple Health)** (<https://www.hca.wa.gov/about-hca/programs-and-initiatives/apple-health-medicaid>): If you're in jail, prison, state hospital, or a treatment facility for under **30 days**, you won't lose your Apple Health. If you're there for **30 days** or longer, you'll lose your Apple Health.

You don't have to tell the Health Care Authority you're going to jail or prison.

**If you have Medicare** (<https://www.medicare.gov/>): Your Medicare Part A (<https://www.ssa.gov/medicare/plan/medicare-parts>) gets paused. You'll probably lose other Medicare coverage.

When you're getting ready to leave prison, you may have to take some extra steps to get your benefits or health care back.

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