

Disabled and leaving prison? Get social security and health care

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If you have a disability and you're leaving jail or prison, learn what you need to do to get SSI, SSDI, Medicaid, or Medicare.

I was recently released from jail or prison. If I have a disability, can I get Social Security benefits?

Maybe! You might be able to get monthly payments from the Social Security Administration (Social Security) (<https://www.ssa.gov/>) under one or both programs:

- **Supplemental Security Income (SSI)** (<https://www.ssa.gov/ssi/>)- this program gives payments to people with disabilities who have low incomes.
- **Social Security Disability Insurance (SSDI)** (<https://www.ssa.gov/disability/>)- this program gives payments to people with disabilities who worked and paid Social Security taxes.

You can **apply for benefits online** (<https://www.ssa.gov/apply>).

What is a disability?

Social Security defines it as a severe physical or mental impairment that has lasted at least **12 months**, or is expected to last at least 12 months, or is expected to result in your death.

The impairment must keep you from working beyond certain limits.

When can't I get disability benefits?

You **can't** get disability benefits:

- While you're in jail or prison.
- If your only disability is an addiction to alcohol or drugs.
- Just because you were incarcerated. That doesn't count as a disability.

What happened to my disability benefits when I went to prison?

If you were getting disability benefits before you went to jail or prison, Social Security either paused (suspended) or ended (terminated) them during your incarceration. You can't get checks while you're in jail or prison.

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

How long will it take to restart my benefits?

The process can take a while, but you can start it up to **3 months** before your expected release date. How you restart your benefits depends on the type of benefits.

How do I restart my SSDI?

Find out your release date. Once you're within 3 months of it, **your social worker or counselor can help you contact Social Security** with information about your upcoming release.

Or you can call Social Security yourself to tell them your release date. Call the field office local to where you're being released to (<https://www.ssa.gov/locator/>). The person you speak to can tell you what else you'll need to do.

On the day you're released, or as soon as you can after that, go to a Social Security office (<https://www.ssa.gov/locator/>) with ID and paperwork from the jail or prison stating you've been released. This lets Social Security know you can start getting payments again. You'll need to give Social Security the address where you'll be living.

The soonest you'll get your first SSDI check is at the beginning of the first month after the month you're released.

How do I restart my SSI?

Social Security terminates SSI benefits that have been suspended for more than 12 months. If this is your situation, you must reapply (<https://www.ssa.gov/apply>). You'll have to prove again that you have a

disability and a low income.

You can reapply for SSI benefits within 30 days after your release from prison. Not before. Ask your social worker or counselor to help you file a new SSI application in the month before your release date.

If you've been in jail or prison for less than 12 months, and you need to restart your SSI, **ask your caseworker to contact Social Security** in the month before your release date to let them know about your release. You can also call your local Social Security field office yourself (<https://www.ssa.gov/locator/>).

If you have a representative payee (<https://www.ssa.gov/payee/>), **that person can go to the Social Security office** for you. They must have papers proving they are your payee. A friend or family member can also go. They must have a Social Security consent form (<https://www.ssa.gov/forms/ssa-3288.pdf>).

What happens if I get an overpayment?

If Social Security paid you more than you were entitled to (overpaid you (<https://www.ssa.gov/manage-benefits/repay-overpaid-benefits>)) before you were incarcerated or during your incarceration, when your benefits start again, Social Security will keep part of each monthly payment until your overpayment is paid back. You might be able to get them to stop doing this. Try to talk to a lawyer.

I'm no longer incarcerated. How do I restart my Medicare?

The rules are different for each part of Medicare. This is an overview only.

- You won't get **Medicare Part A (hospital insurance)** while incarcerated. But you don't have to do anything to stay enrolled. When you're released, your Part A should be automatically restored.
- If your **Part B (medical insurance), Part C (Medicare Advantage plan) and/or Part D (prescription drug plan)** stopped while you were in jail or prison, you'll need to re-enroll (<https://www.medicare.gov/basics/get-started-with-medicare>).

Learn more and find out where to get free help re-enrolling (<https://www.insurance.wa.gov/get-started-medicare>).

When and how do I restart my Apple Health?

People getting SSI generally can get Medicaid (called **Apple Health** in Washington State) (<https://www.hca.wa.gov/about-hca/programs-and-initiatives/apple-health-medicare>). If you had Apple Health before you went to jail or prison, you should get it back no later than the day of your release.

The jail or prison should help restart your Apple Health when you're about to be released. You can also do any of these yourself:

- Call the Washington Healthplanfinder Customer Support Center at 1-855-923-4633
- Download the WAPlanfinder app (<https://www.wahbexchange.org/mobile/>) to your phone, and select "sign in" or "create an account"
- Visit Washington Healthplanfinder (<https://www.wahealthplanfinder.org>)
 - select the "Apply Now" button

WashingtonLawHelp.org gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

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