

## Identifying SOAR Applicants

### LEGAL SYSTEMS

This tool is intended to help SSI/SSDI Outreach, Access, and Recovery (SOAR) providers identify applicants involved in the legal system who may be eligible for Social Security Administration (SSA) disability benefits. Many people with histories involving legal convictions or interactions with legal systems look to SSA benefits (Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI)) as an option to offset the challenges experienced upon release from jail or prison. This tool should help identify people who are likely eligible for disability benefits and most need assistance with their application.

### SSA Definition of Adults

SSA defines adults as persons 18 years of age or older as well as individuals who are within one month of their 18th birthday. SSA will also accept an SSI application from a youth up to **180 days** before his or her foster care eligibility will end due to age.

Individuals aged 65 or over with low income and resources may be eligible for SSI based on age, or eligible for retirement benefits based on their work history. (Individuals aged 62-67, depending on year of birth, may be eligible for early retirement benefits).

### Institutional Release Date

Identify the applicant at least 120 days prior to the expected release date to allow for time to prepare application materials and submit their completed application packet to SSA no less than thirty days before the expected release date (unless other parameters were established in a prerelease agreement with SSA).

### Key Eligibility Criteria:

*The following 4 characteristics represent key eligibility criteria for SSA disability benefits.*

- Applicant has a serious mental illness or exhibits symptoms and/or has serious physical illnesses that affect their ability to work at a substantial gainful level (\$1,550/month in 2024)
- The illness(es) or condition(s) have lasted or are expected to last for at least 12 months (or result in death)
- Applicant is currently exhibiting symptoms of mental illness or has periods with worsening of symptoms that prevent sustainable employment. For example:
  - Psychotic symptoms (hallucinations, delusions, disorganized thinking/speech/behavior)
  - Depressive symptoms (decreased energy, lack of motivation, suicide attempts)
  - Manic symptoms (racing thoughts, disorganized thoughts)
  - Anxious feelings (paranoia, nervousness)
  - Cognitive deficits (brain injury; problems with concentration, memory, etc.)
  - History of trauma (history of abuse, post-traumatic stress disorder, etc.)
  - Other: \_\_\_\_\_

- For applicants with mental illness, they have marked restrictions in at least two of these functional areas, or extreme limitations in one area:
  - Understanding, remembering, or applying information (memory, following instructions, solving problems, etc.)
  - Interacting with others (getting along with others, anger, avoidance, etc.)
  - Concentrating, persisting, or maintaining pace (as they relate to the ability to complete tasks)
  - Adapting or managing oneself (hygiene, responding to change, setting realistic goals, etc.)

## SOAR Recommends

*The following characteristics are not essential but may strengthen an application.*

- Applicant is prescribed and takes psychiatric medications and continues to experience symptoms and functional impairments
- Applicant has obtainable medical evidence (for at least part of the past 12 months) that corroborates mental illness and medical complaints. Limited medical evidence or large gaps in treatment is normal and acceptable for successful applications. Assess whether the:
  - Applicant's symptoms are severe enough that a one-time examination by a physician would provide clear medical evidence
  - Representative can write a Medical Summary Report that illustrates a link between the applicant's diagnoses and their symptoms and functional impairments
- Applicant is unable to work or participate in an assigned detail due to medical and/or psychiatric conditions. Note – an applicant's inability to work because they were laid off or have difficulty finding employment due to legal convictions or interactions with legal systems does not make them eligible for these criteria. Examples include:
  - History of failed work attempts (started and stopped employment due to diagnosed disability)
  - Long work history, but can no longer work up to SGA (\$1,550/month in 2024) due to conditions
  - Scattered work history due to conditions and other factors (Note: Incarceration is not a disabling condition.)

*This project was supported by Grant No. 2012-CZ-BX-K071 and 2016-MU-BX-K011, awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*