

Children of Incarcerated Parents Series

MYTH: Families of persons convicted of crime and incarcerated for more than 30 continuous days can no longer receive a portion of their social security payments.

FACT: If the family was eligible to receive a portion of the social security benefits prior to the conviction and incarceration, they should continue to receive the benefits.

Other family members are sometimes eligible to receive a portion of one family member's social security retirement or disability check. For example, benefits can be paid to a spouse aged 62 or older, or any age if the spouse is caring for a beneficiary's child who is under 16 or disabled. Benefits can also be paid to the person's unmarried children under 18; to those between 18 and 19 who are full-time elementary or secondary school students; or to those 18 or older who became severely disabled before age 22.

Persons convicted of crime and incarcerated for more than 30 continuous days no longer receive social security retirement or disability payments while serving their sentences. But family members eligible to receive a portion of the incarcerated person's benefits should continue receiving payments.

It is important to note that this rule does not apply to benefits paid from the Supplemental Security Income Program (SSI). SSI pays benefits to disabled adults and children who have limited income and resources, but because these benefits are paid only to individuals, not to families, the benefits are suspended when the beneficiary is incarcerated for a full calendar month.

For More Information:

Social Security Administration Reentry Website: <http://www.ssa.gov/reentry>

Social Security – Understanding the Benefits: <https://www.ssa.gov/pubs/EN-05-10024.pdf>

What is the Reentry Myth Buster/Children of Incarcerated Parents Series?

This Reentry Myth Buster is one in a series of fact sheets intended to clarify federal policies that affect formerly incarcerated individuals and their families. On any given day, as many as 2.7 million children under 18 have a parent in prison or jail – and many more have had an incarcerated parent at some point during their childhood. Children of incarcerated parents often face financial instability, changes in family structure, and social stigma from their community. This series is designed to help these children, their caregivers, and the service providers who work with them.

For more information about the Reentry Council, go to: <https://csjusticecenter.org/nrrc/projects/firc/>