



We have the legal right of way.

ABUSE & NEGLECT: Your Rights If Your Representative Payee is Misusing Your Money

Your representative payee is a person or agency the Social Security Administration has chosen to control your money. Even though you have a representative payee, the money should only be used to benefit you. It is important to remember:

- The main job of your representative payee is to make sure your basic needs are met. This includes things like food, shelter, clothing, personal care, and utilities (like heating, water, and electricity).
- Your Social Security money should **ONLY** be spent on you or saved for your needs, not spent on anyone else. Your payee can decide how much spending money to give you, but can't use your money for the payee or anyone other than you.
- An institutional payee can sometimes charge you a small fee (under \$41 in 2016) for being your representative payee. However, if your payee is a family member or friend, they cannot charge you a fee.
- A bank account should be set up in your name. Your money should not go into anyone else's bank account.
- You are allowed to ask your representative payee questions about your money. You have the right to know what is happening to your money.
- If you think your representative payee or someone else is taking your money, you can tell someone about it and get it reported to the Social Security Administration.

What to do if someone else is taking your money

If you think that your representative payee or someone else is taking your money and not spending it on you, you can tell the Social Security Administration. You can go to your local Social Security field office in person, tell them that someone is taking your money, and tell them you want them to investigate. You can also call the Office of the Inspector General fraud hotline at 800-269-0271 (TTY 866-501-2101) or submit a report online at oig.ssa.gov.

Finally, you can call Disability Rights Ohio at 800-282-9181 (TTY 800-858-3542) and we can help you find the right person to call.

When you are talking to someone at the Social Security Administration, make it clear that you want Social Security to do two things: (1) open an investigation and (2) make a misuse determination.

What will happen after you tell the Social Security Administration about misuse

Once you tell someone at the Social Security Administration that you think your representative payee is taking your money, they go through a process that looks something like this:

Step 1: Investigation

The Social Security Administration will look at the situation. They will talk to you, your representative payee, and anyone else who may know what is happening. They will look at your bills, your bank accounts, and other paperwork to learn more about your situation. This can take several months or longer depending on how complex the situation is.

Step 2: Misuse Determination (The Social Security Administration's Decision)

When they are done investigating, they will send you a letter that tells you what they found out and what they decided. They will decide if someone has broken the rules and used your money for the wrong reasons.

Step 3: Fixing the Problem

If the Social Security Administration agrees that your representative payee is taking your money, they will find a new representative payee for you, or they may pay your money directly to you. The Social Security Administration may also decide to try to punish the person who took your money. Depending on how serious it is, the Social Security Administration could start sending debt collection bills to the payee or file criminal charges against the payee. Hopefully the Social Security Administration will be able to recover the lost money, but it usually takes a long time, especially if the payee doesn't have money to repay it. If you have questions about whether or when you will get repaid, you can ask the Social Security Administration.

What you can do

There are some things that you can do to help the Social Security Administration with their investigation.

1. **Be patient.** They have a lot of information to look at, and it can take several months or longer.

2. **Provide as much information as you can.** When you talk to the Social Security Administration, they will ask you a lot of questions. They will want to know:
 - a. Your name and contact information
 - b. Your social security number
 - c. The name and contact information of your representative payee
 - d. The names and contact information of anyone else who might know about what is happening
 - e. What happened to make you think that someone was taking your money
3. **Provide documents.** If you have any papers, bank statements, or other documents that help show the Social Security Administration what happened, give them copies. Keep copies of the documents for yourself also.
4. **Keep in touch with the Social Security Administration.** Several different people may want to talk to you. You will probably have to tell your story many times. Make sure that they have your correct address and phone number. If you move or change phone numbers, make sure you give them your new contact information.
5. **Write things down.** The Social Security Administration may take a long time to look at your situation. Write down what happened including information like dates when things happened, names of people who were there, and anything else that you do not want to forget. Also, if any new problems happen with your payee, write them down also, and tell the Social Security Administration about them. Writing things down makes information easier to remember when someone asks you questions later.

What to do if you have questions

If you have questions or you need help, you can call Disability Rights Ohio at 800-282-9181 (TTY 800-858-3542). We can help you answer your questions and advocate for your rights.