

Social Security and the Family Law Practitioner

Akron Bar Association Family Law Section Meeting

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Name	Intent	Typical Amounts received	Is the amount received by a PARENT included in the determination of income for the child support calculation? Can the CSEA collect child support from the benefit amount?	Can you impute income to the parent receiving the benefit?	Are derivative benefits available for an eligible child or spouse?	Notes
<p>Supplemental Security Income (SSI)</p> <p>Title XVI of the Social Security Act</p>	<p>Federal income supplement program to help aged, blind and disabled people who have little to no income.</p> <p>www.ssa.gov/ssi</p>	<p>2020 SSI benefit is \$783/month for an individual or \$1,175 for an eligible couple.</p> <p>https://www.ssa.gov/oact/cola/SSI.html.</p> <p>The monthly benefit will be reduced by “countable income” or deemed income.</p>	<p>NO. SSI is a means-tested government administered program. SSI is excluded from the definition of “Gross income” under ORC 3119.01(C)(12)(a)</p> <p>CSEAs CANNOT collect support payments from SSI. SSI funds CANNOT be seized from a bank account through FIDM.</p>	<p>NO, unless unjust or inappropriate. ORC 3119.05(I)(1) shall not impute income to parents receiving SSI.</p>	<p>No.</p>	<p>A person may receive an award of DIB that is below the threshold of SSI, and then receive an award of SSI to bring the benefit level up to the SSI benefit total.</p> <p>Health Care: Individual should be approved for Medicaid when approved for SSI.</p>

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<p>Social Security Disability Insurance (DIB)</p> <p>Title II of the Social Security Act</p>	<p>Program that pays benefits to a disabled individual and certain family members if the individual was “insured”/meets 2 earnings tests meaning that the individual worked long enough and recently enough and paid Social Security taxes.</p> <p>https://www.ssa.gov/benefits/disability/</p>	<p>Monthly disability benefit based upon the individual’s average lifetime earnings.</p>	<p>YES. ORC 3119.01(C)(12) includes “social security benefits, including retirement, disability and survivor benefits that are non means-tested” in the definition of “Gross Income.”</p> <p>Include annual amount on Line 5 of the Guidelines Calculation: “Annual income from workers’ compensation, disability insurance of social security. disability/retirement benefits.”</p> <p>YES, CSEAs can withhold support obligations from DIB benefits.</p>	<p>NO, unless unjust or inappropriate. ORC 3119.05(I)(2) prohibits imputing income to a parent receiving DIB b/c of a mental or physical disability. (NOTE—still use actual income, though!)</p>	<p>Yes—perhaps. If a child receives a derivative benefit due to the parent’s DIB claim, ORC 3119.05 requires that the amount of the derivative benefit be deducted from that parent’s annual child support obligation after all other adjustments are made. If the benefit exceeds the child support obligation, the child support shall be zero. Example: if the obligor/Non-custodial parent is the disabled parent, the annual derivative benefit amount that the child receives is placed on the OBLIGOR’S side of the worksheet on Line 20 “Derivative Benefit.”</p>	<p>Health care: Medicare coverage automatically after receipt of DIB for 2 years for recipient only. Family Benefits info available at https://www.ssa.gov/benefits/disability/family.html</p>