

Claimant's Guide to Winning Child SSI Benefits

Seven Secrets to Success

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I now want to reveal to you seven secrets about how I approach child SSI claims and how you can apply these practices to your case.

Secret One - Medical Listings

Secret One - Find the right medical listing for your child's case.

If you want to win your child SSI case, you need to speak SSA's language. SSA has decided that your child's disability must fall within one of their categories called "listings." Each listing describes a specific disease or condition impacting a specific body system. There are listings for adult claims and a different set of listings for child claims.

Adult claims are significantly different than child claims. In adult cases, the issue is whether the adult claimant's medical condition prevents that person from performing the duties of a simple, entry-level job. By contrast, child SSI applicants are not evaluated based on their capacity to work. Instead, the definition of disability for children is as follows:

A child under 18 will be considered disabled if he or she has a medically determinable physical or mental impairment or combination of impairments that causes marked and severe functional limitations, and that can be expected to cause death or that has lasted or is expected to last for a continuous period of not less than 12 months.

Adults seeking disability have three arguments that they can use to argue that they cannot work:

- an adult can meet a listing by submitting medical records showing that his/her particular medical problem is listing level and thus inability to work is presumed
- an adult can argue that his/her medical problems so impair his/her capacity to perform work like activities that he/she would not be reliable at even a simple, entry-level job
- an adult can argue that he/she meets one of the grid rules, which apply almost exclusively to claimants over the age of 50 with physical impairments

Children seeking disability have only two options to argue that they meet SSA's definition of disability:

- a child can argue that he/she meets a listing and thus disability is presumed
- a child can argue that his impairments cause "marked and severe" functional impairments

As a practical matter, however, there are very few circumstances where a marked and severe impairment would not meet a listing. Thus, most of the time, a winning child SSI claim means that the child must meet a listing.

Here is a link to the child listings -

<http://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>. As you can see, there are 15 categories:

1. Growth impairment - covers children who don't grow properly
2. Musculoskeletal - covers back, joint and limb problems
3. Special Senses and Speech - covers visual and hearing problems
4. Respiratory System - covers breathing problems
5. Cardiovascular system - covers heart problems and blood pressure problems
6. Digestive system - covers problems digesting food, liver disease and bowel disease
7. Genitourinary system - covers kidney or liver disease
8. Hematological Disorders - covers anemias (including sickle cell), blood clotting diseases and leukemia
9. Skin Disorders
10. Endocrine Disorders - includes thyroid, pituitary and other glandular diseases
11. Congenital Disorders that Affect Multiple body systems - includes Down's Syndrome and other genetic diseases, miscellaneous problems that cause problems functioning
12. Neurological - includes epilepsy, cerebral palsy, brain tumors, seizure disorders, other neurological conditions
13. Mental disorders - includes a range of mental health problems
14. Malignant Neoplastic disorders - covers cancer and tumors
15. Immune system disorders - covers lupus, HIV/AIDS, connective tissue disorders and other immune system problems

For each of these 15 body systems, SSA has decided what it takes to prove that your child is disabled. Usually, SSA requirements look to the results of medical tests. Sometimes, they look to activity limitations.

When you fill out SSA's forms, you must know what you are trying to prove. More specifically you must identify the listing or listings that most closely apply in your child's case and reference that listing repeatedly when you complete SSA's forms. The statements you make when completing the forms, the support you request from your child's doctors and all dealings with Social Security should focus on proving that your child's condition meets the applicable listing.

You can learn more about how to find the body system that applies in your child's case, and how to use this information to win. If you haven't already done so, get this information in my free email report - Insider's Report - How SSA Claims Adjustors Decide Child SSI Cases. Go to the very top of the Child-Disability.com web site and request this information

Secret Two - Collecting Medical Information

Secret Two - SSA does not always do a very good job in collecting medical information. You have the right to request records from your child's doctors and to submit these records to SSA.

It may come as a surprise to you that SSA has somewhat relaxed rules when it comes to collecting evidence. You can and should collect a comprehensive medical file and send copies of all medical records to SSA yourself.

My child SSI Disability Answer Guide contains copies of the letters you can use to request medical records from your child's doctors, and it contains sample letters for you to submit these letters to the SSA claims representative so that all records become part of your child's file.

Secret Three - Third Party Information

Secret Three - SSA requests information about your child from his teachers, babysitters and other adults who have interacted with your child.

Many of these people will not know what to do when they receive a five page questionnaire from SSA. You can help your child SSI case by helping these teachers, babysitters and friends know how to answer the forms correctly.

My child SSI Disability Answer Guide contains copies of all the third party questionnaires sent to teachers, babysitters and friends along with sample answers. With these sample forms, you can help these people give the answers that will help win your child's case.

Secret Four - Severe & Significant Activity Problems

Secret Four - Your answers to the questions on the child SSI forms must describe severe and significant problems that your child has in getting through the day.

When you review the 15 body systems set out in the child SSI listings, you will see that most of the listings require proof that your child's ability to get through the day has been severely limited. You have to prove that your child has activity limitations. If your answers to SSAI's questions on their application forms do not describe significant activity limitations, SSA will most likely deny your claim.

The "Insider's Report" email will help you understand the various terms SSA uses in deciding cases. If you have not already requested this free but valuable e-mail report, I urge you to do so now.

The Child SSI Disability Answer Guide contains sample answers for each and every child SSI form. You can use my sample answers as guidelines for answering your child's forms, using language that clearly claims severe limitations. You will not have to guess what to say.

Secret Five - Medications

Secret Five - You must have an accurate and updated list of the medications that your child is now taking along with a list of previous medications.

SSAI has a staff of medical doctors whose job it is to review all claims filed. SSA doctors pay a great deal of attention to the medications that your child is taking. Your application paperwork must contain information about medication side effects and about previous medications that did not work. Sometimes medication problems are enough to win a case.

Social Security decision makers look carefully at medication lists to associate the medicines your child is taking with the related medical problem. You should be prepared to explain situations where your child is not taking standard dosages of medicines normally associated with her condition.

My child SSI Guide explains exactly how to fill out SSAI's "current medications" form and how to explain about medication side effects.

Secret Six - Regular Medical Treatment

Secret Six - your child must see the doctor regularly.

SSA expects that your child is having regular visits with his doctor or therapist. In general, they believe that if your child is not going to the doctor, there is nothing wrong with him.

My child SSI Disability Answer Guide shows you how to fill out SSA's "recent medical treatment" forms and how to explain to your doctor what he can do to help your case.

Secret Seven - Lawyer Problems

Secret Seven - Many Social Security lawyers will not take SSI cases because it is hard for them to earn a fee. This is because SSI benefits amount to only a few hundred dollars per months and because of something call the "deeming rules." The deeming rules provide that in some cases your (the parent's) income will serve to reduce the child's cash benefit.

In many cases, parents apply for child SSI benefits to qualify for Medicaid and do not expect monthly disability benefits. From a lawyer's point of view this is a problem because if there are no past due benefits, the lawyer cannot accept your case under a "no fee unless you win" contingency fee contract. While there are a few lawyers out there who will work on child SSI cases for free, many lawyers do not accept child SSI cases at all, while others will ask for a cash retainer.

If you cannot find a lawyer to help you, you need to be prepared to fight for your child's SSI benefits. If you do end up with a lawyer for, his job will be made easier if your application was filed correctly and the medical record is updated.

The “Insider’s Report” email explains the checklist that SSA claims adjusters use when deciding child cases. If you have not yet requested this report, you can get it by visiting the main Child-Disability.com web site and filling out the request form.

While my child SSI Disability Answer Guide is not a substitute for legal advice from a licensed lawyer in your state, it can help you save time and avoid common mistakes and hopefully put you on track for an early favorable decision.