

NYS OTDA State Supplement Program

RIGHTS AND RESPONSIBILITIES OF DESIGNATED REPRESENTATIVES

What is a Designated Representative?

A designated representative is an individual or organization that you can choose to help you manage the money you receive from SSP, and make sure that you are kept up-to-date on SSP requirements.

Having a designated representative is completely voluntary, EXCEPT if the SSP recipient is a minor child, is an adult that is declared legally incompetent by the Court and has a Court appointed guardian, or when it is deemed appropriate under procedures established by the Office of Temporary and Disability Assistance. In these three instances, a designated representative payee is required.

If you receive both federal Supplemental Security Income (SSI) benefits and SSP benefits and you have a representative payee for your federal benefits, your representative payee will automatically be designated as your representative for SSP benefits. Any changes to these circumstances can only be made by the Social Security Administration (SSA).

Designated representatives for the SSP program will not receive a fee from New York State for the services they provide.

How Do I Appoint or Change a Designated Representative?

The Designated Representative Form must be completed to appoint a designated representative, change a designated representative, or to modify the type of services that he/she may provide for you.

This form may be used by those recipients who receive only SSP benefits. Changes to representatives for recipients who receive federal SSI benefits must be made through the Social Security Administration.

Who Can be a Designated Representative for My SSP Benefits?

Your designated representative can be any adult, with the following exceptions:

- If you are under age 18, the designated representative must be either the custodial parent or legal guardian.
- If you are an adult and have been declared legally incompetent by a Court, your designated representative must be the Court appointed guardian.

Who Cannot Serve As A Designated Representative?

- Individuals having an outstanding felony warrant issued for one of the following offenses: Escape from Custody, Flight to Avoid prosecution, confinement, and Flight-Escape
- Convicted felons
- Individuals found criminally guilty of payee related fraud
- Individuals with a prior history of misuse of SSP benefits
- Creditors of the recipient
- Individuals with an unsatisfied felony warrant (or in jurisdictions that do not define crimes as felonies, a crime punishable by death or imprisonment exceeding 1 year) issued for his/her arrest

You may choose to select the extent to which your designated representative will be able to assist you by granting him or her specific permissions as discussed below:

1. Payee: A designated representative with payee permissions will:

- Receive and manage the SSP benefit on behalf of the recipient
- Keep an accounting record of SSP benefits received and of funds spent and provide such accounting to the recipient or to the NYS Office of Temporary and Disability Assistance (OTDA) upon request
- Use funds received on behalf of the recipient solely for the recipient's needs
- Receive copies of all notices and forms sent to the recipient
- Have the right to get information about the case and benefits
- Report changes on behalf of the recipient with the understanding that case changes will be made based on the information
- Represent the recipient at a Fair Hearing

Payment of SSP benefits

If you have voluntarily chosen to have your designated representative manage your funds, you must also complete the Direct Deposit form for SSP benefits. Funds will be deposited into the bank account based on the information provided on this form. It is strongly recommended that you establish either a trustee account or a joint account with your designated representative.

If the SSP recipient is a minor child or an adult with a court ordered guardian, the parent or legal guardian must also complete the Direct Deposit form.

If you receive both SSI and SSP and already have a representative payee appointed by the Social Security Administration, your SSP benefits will continue to be deposited into the account established by your representative payee.

Responsibilities of the Designated Representative payee:

- Use all SSP benefits for the recipient's current needs or (if not currently needed) save them for his/her future needs
- Ensure that the Personal Needs Allowance portion of the monthly SSP benefit is used to meet the recipient's need while residing in congregate care
- Repay any benefits that the designated representative misused or caused to be overpaid
- Report changes/events that could impact SSP eligibility and payment amount, and for the return of benefits as to which the SSP recipient is not entitled
- File a report of the SSP recipient's earnings, or the earnings of the recipient's parents or spouse if applicable, upon request for accounting purposes. The NYS Office of Temporary and Disability Assistance (OTDA) reserves the right to audit at any time

2. Fair Hearing representative: A representative with Fair Hearing permission:

- Can represent the recipient at a Fair Hearing
- Will receive copies of all notices and forms sent to recipient
- May report changes with the understanding that changes to the case will not be made without further information or documentation from the recipient
- May get information about the recipient's case and benefits

3. Information only representative: A representative with information only permission:

- Will receive copies of all notices and forms sent to recipient
- May report changes with the understanding that changes to the case will not be made without further information or documentation from the recipient
- May get information about the recipient's case and benefit

All designated representatives regardless of the permissions granted him or her agree to notify the SSP program when:

- The SSP recipient dies
- The SSP recipient changes his/her living arrangements
- The SSP recipient is no longer the designated representative's responsibility
- The designated representative can no longer act as a designated representative
- The designated representative changes mailing address
- The designated representative becomes disqualified due to one of reasons listed above in the section entitled **Who Cannot Be a Designated Representative**

The designated representative agrees to assist with periodic redeterminations of the recipient's eligibility and payments. The designated representative may be asked for evidence to assist SSP in the redetermination.

Still have questions or want to make changes to your designated representative person or permissions? Call us at 1-855-488-0541 or visit our website www.otda.ny.gov/program/ssp.