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Social Security: How Do Children Qualify for Benefits?

Social Security is a federal *work-related* program designed to protect insured workers and their eligible family members from the loss of earnings due to the worker's retirement, disability, or death. A worker gains *insured status* by having a sufficient connection to Social Security-covered employment. Requirements vary depending on the circumstances and the type of Social Security benefit. Insured status allows the worker to qualify for benefits as a retired or disabled worker (assuming all eligibility requirements are met). In addition, eligible family members (such as a spouse or dependent child) may qualify for benefits payable on the insured worker's earnings record (assuming all eligibility requirements are met).

When a worker becomes entitled to (begins receiving) Social Security retired- or disabled-worker benefits or dies, his or her eligible children may qualify for Social Security child's benefits. A child must meet various eligibility requirements to qualify for benefits. With respect to age, the child must be (1) under the age of 18, or (2) ages 18-19 and a full-time elementary or high school student, or (3) age 18 or older and under a disability that began before age 22 (referred to as a Disabled Adult Child).

This In Focus explains how children qualify for Social Security benefits under current law. It provides context for understanding current legislative proposals that would expand eligibility for child's benefits. Children may also qualify for benefits under a different program administered by the Social Security Administration (SSA) called Supplemental Security Income (SSI). SSI is a *need-based* program and is not addressed in this In Focus.

How Many Children Receive Benefits?

In February 2022, nearly 4 million children of retired, disabled, or deceased workers received Social Security child's benefits. That month, there were 65.4 million Social Security beneficiaries. The largest components of the beneficiary population were 47.6 million retired workers (73% of the total) and 7.8 million disabled workers (12%). The remainder of the beneficiary population was made up of 3.9 million surviving spouses of deceased workers (6%; includes 1,000 parents of deceased workers); 3.9 million children of retired, disabled, or deceased workers (6%); and 2.2 million spouses of retired or disabled workers (3%). (SSA, *Monthly Statistical Snapshot*, February 2022.) *Subtotals may not sum to totals due to rounding.*

How Much Does a Child Receive?

Monthly benefit amounts vary by individual. The worker's benefit is based on his or her career-average earnings in covered employment, and the dependent child's benefit is equal to a specified percentage of the worker's benefit. Specifically, the child of a retired or disabled worker

receives one-half (50%) of the worker's basic monthly benefit (Primary Insurance Amount or PIA). The child of a deceased worker receives three-fourths (75%) of the worker's PIA. Under the *family maximum* provision, there is a limit on the total amount of benefits payable on a worker's earnings record for a given month. Benefits payable to a child, as well as other beneficiaries, may be reduced under the family maximum. In addition, a child's benefit may be subject to deductions based on work activity by (1) the child, (2) the worker on whose earnings record the child's benefit is paid, or (3) the spouse of a Disabled Adult Child beneficiary. A Disabled Adult Child's own work activity may also affect benefits.

In February 2022, child beneficiaries collectively received \$3.0 billion in benefits for the month. That month, 2.0 million children of *deceased* workers received benefits. This group received an average monthly benefit of \$981 for a total of \$2.0 billion in benefits for the month. Additionally, 1.2 million children of *disabled* workers received benefits. This group received an average monthly benefit of \$429 for a total of \$532 million in benefits for the month. Finally, 692,000 children of *retired* workers received benefits. This group received an average monthly benefit of \$785 for a total of \$543 million in benefits for the month. (SSA, *Monthly Statistical Snapshot*, February 2022.)

3.9 million children of retired, disabled, or deceased workers receive Social Security benefits, making up 6% of the beneficiary population. Collectively, they receive \$3 billion in benefits each month.

1.1 million child beneficiaries (29%) are adults age 18 or older who are under a childhood disability (known as Disabled Adult Children).

What Are the Eligibility Ages?

There are three categories of child beneficiaries. A *minor child* is a child under the age of 18. A *student child* is a child ages 18-19 who is a full-time elementary or high school student. A *disabled child* is a child age 18 or older who is under a disability that began before age 22 (i.e., a childhood disability). A disabled child beneficiary is referred to as a Disabled Adult Child because he or she receives benefits payable on a parent's earnings record.

Stated another way, a dependent child can receive benefits (1) up to the age of 18, or (2) up to age 19 if he or she is a full-time elementary or high school student, or (3) at age 18 or older if he or she is under a disability that began before age 22. In some cases, a disabled child may already be receiving benefits when he or she attains age 18 and continues receiving benefits at age 18 and older. In other

cases, depending on when the worker becomes entitled to benefits or dies, a disabled child may begin receiving benefits after he or she attains age 18 (for example, at age 25) if the qualifying disability began before age 22. In February 2022, 2.7 million minor children (with an average monthly benefit of \$710), 125,000 students (with an average monthly benefit of \$910), and 1.1 million Disabled Adult Children (with an average monthly benefit of \$906) received child's benefits. (SSA, Office of the Chief Actuary, *Benefits Paid by Type of Beneficiary*.)

How Is Child Defined?

Generally, Social Security child's benefits are payable to the dependent, unmarried child of a retired, disabled, or deceased worker. Under certain circumstances, child's benefits are also payable to a worker's stepchild, grandchild, step-grandchild, or adopted child. In some cases, state law has a bearing on who can qualify for child's benefits. For example, certain types of adoption are recognized in some but not all states. A Disabled Adult Child beneficiary may be married to another Social Security beneficiary (with the exception of a minor or student beneficiary) without losing entitlement to child's benefits.

For purposes of child's benefits, a *relationship requirement* and a *dependency requirement* must be met. In general, to meet the *relationship requirement* for child's benefits, the child must be one of the following:

- Able to inherit as the worker's child under state intestacy law (i.e., state laws that govern who is eligible to inherit an individual's personal property when he or she dies without a legal will);
- The worker's biological child born during an invalid ceremonial marriage;
- The worker's biological child who meets the criteria in Section 216(h)(3) of the Social Security Act;
- The worker's legally adopted child or child adopted by the worker's surviving spouse;
- The worker's equitably adopted child (i.e., a child who has been the subject of a contract to adopt but the adoption was never completed);
- The worker's child adopted by estoppel (i.e., cases where adoption proceedings were invalid under state law or when there is no valid contract to adopt);
- The worker's stepchild; or
- The worker's grandchild or step-grandchild, or the worker's grandchild or step-grandchild adopted by the worker's surviving spouse.

The *dependency requirement* differs for each of the parent-child relationship categories listed above. In general, the child must be dependent on the worker for support at one of the specified points in time, which vary depending on the circumstances. In some cases, the child is deemed to be dependent on the worker (i.e., presumed to be dependent). In other cases, the child must prove dependency. For example, in the case of an equitably adopted child, it must be shown that the worker was living with or contributing to

the child's support at one of the specified points in time (such as at the time of the worker's death).

In addition to the relationship and dependency requirements for child's benefits, in some cases, other conditions must be met. For example, a grandchild or step-grandchild may qualify for child's benefits *under limited circumstances*. Specifically, both of the child's biological or adoptive parents must be deceased or disabled when (1) the worker (the grandparent) became entitled to retired- or disabled-worker benefits or died, or (2) the worker's period of disability began, if that period continued until entitlement to benefits or death. Under an alternative scenario, the child must have been legally adopted by the worker's (the grandparent's) surviving spouse after the worker's death and (1) the adoption must be decreed by a court of competent jurisdiction within the United States, and (2) the child's biological or adopting parent or stepparent must not have been living in the worker's household and making regular contributions to the child's support at the time the worker died. (SSA, Program Operations Manual System [POMS], Section GN 00306.235 Entitlement Requirements—Benefits Based on [Earnings Record] of Grandparent, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200306235>.)

Rules pertaining to relationship and dependency requirements, as well as other conditions that must be met, are extensive. See SSA, POMS, Section GN 00306.000 Child Relationship and Dependency, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200306000>. In particular, see Section GN 00306.002 Parent-Child Relationship Categories for Title II Benefits—Overview, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200306002>.

What Is the Origin of Child's Benefits?

Social Security benefits for dependent children date back to 1939, though the law has changed over time. At various times, child's benefits have been expanded or scaled back. In 1939, for example, Congress provided benefits for the worker's dependent child under the age of 16, or under the age of 18 if the child was attending school regularly (Social Security Act Amendments of 1939, P.L. 76-379). In 1946, Congress repealed the school requirement for children age 16 or 17 (Social Security Act Amendments of 1946, P.L. 79-719). In 1956, Congress provided benefits for a dependent child age 18 or older if the child became disabled before age 18 (Social Security Amendments of 1956, P.L. 84-880). In 1965, Congress provided benefits for a dependent child from age 18 up to age 22 if the child was a full-time student (Social Security Amendments of 1965, P.L. 89-97). In 1972, Congress increased the disability onset age limit for children to 22 (Social Security Amendments of 1972, P.L. 92-603). In 1981, Congress scaled back benefits for students, making benefits payable to a dependent child up to age 19 if the child is a full-time elementary or high school student. Benefits for students beyond grade 12 were eliminated (Omnibus Budget Reconciliation Act of 1981, P.L. 97-35). These examples highlight some of the changes to child's benefits over time.

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