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The Social Security Act was enacted August 14, 1935 and drafted during the administration of President Franklin D. Roosevelt's first term by The President's Committee on Economic Security. It was passed by Congress as a part of the New Deal. The Act was an attempt to limit certain dangers that occur in society due to old age, poverty, unemployment, and the burdens widows and fatherless children may experience.

Roosevelt became the first President to seek Federal assistance for the elderly.

In addition to the Act providing benefits to retirees and the unemployed, a lump sum death benefit was written into the law.

Many people are unaware of, and fail to apply for, the death benefit available from Social Security to help pay for funeral or burial costs.

The federally funded program, which is managed by the U.S. Social Security Administration (SSA), is known as the Social Security

Lump Sum Death Payment (LSDP) benefit. The payment is limited to a surviving spouse or child if they meet the required criteria.

The check amount is \$255.

In order to qualify, you must be a surviving spouse who was living in the same household with the deceased worker when he or she died. The surviving spouse can still receive the payment if the two were living apart during the month the decedent died, if he or she:

- Was already receiving benefits on the deceased worker's record, or
- Became eligible for benefits upon the deceased worker's death.

In the event there's no eligible surviving spouse, the lump sum death benefit can be paid to the worker's child (or children) if, during the month the worker died, the child:

- Was already receiving benefits on the worker's record, or
- Became eligible for benefits upon the worker's death.

You can check to see if you are eligible for the lump sum death benefit or any Social Security benefits SSA administers by searching online for

SSA's Benefit Eligibility Screening Tool.

Of course, these days the costs of a cremation or funeral service greatly exceed the \$255 death benefit. Still, it is a benefit available to many that can help defray some cost.

For those who are not able to afford a funeral or cremation, you may want to contact the Harris County Community Services office.

They offer some assistance for those who experience this problem and the Harris County Indigent Program allows those with limited funds to be able to be laid to rest in a county owned cemetery.

For those who need services outside of Harris County, most counties have some program developed to deal with these matters.

You may email your questions to education@wrightabshire.com or visit our website at www.wrightabshire.com. Wesley E. Wright and Molly Dear Abshire are attorneys with the firm Wright Abshire, Attorneys, P.C., with offices in Bellaire, the Woodlands, and Carmine. Both Wright and Abshire are Board Certified by the Texas Board of Legal Specialization in Estate Planning and Probate Law and are certified as Elder Law Attorneys by the National Elder Law Foundation. Nothing contained in this publication should be considered as the rendering of legal advice to any person's specific case, but should be considered general information.