Social Security Administration

§410.370 Determination of dependency; child.

For purposes of augmenting the benefits of a miner or widow (see §410.510 (c)), the term "beneficiary" as used in this section means only a miner or widow entitled to benefits (see §§410.201 and 410.210); or, for purposes of an individual’s entitlement to benefits as a surviving child (see §410.212), the term "beneficiary" as used in this section means only a deceased miner (see §410.220) or a deceased widow who was entitled to benefits for the month prior to the month of her death (see §§410.210 and 410.211). An individual who is the beneficiary’s child (see §410.330) will, as applicable, be determined to be, or to have been, dependent on the beneficiary, if the child:

(a) Is unmarried; and
(b) (1) Is under 18 years of age; or
(2) Is 18 years of age or older and is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d) (see subpart P of part 404 of this chapter). For purposes of entitlement to benefits as a surviving child (see §410.212), such disability must have begun:

(i) Before the child attained age 22; however, no entitlement to child’s benefits may be established for any month before January 1973, based on a disability which began after attainment of age 18; or
(ii) In the case of a student, before he ceased to be a student (see paragraph (c) of this section); or
(3) Is 18 years of age or older and is a student.

(c)(1) The term "student" means a full-time student as defined in section 202(d)(7) of the Social Security Act, 42 U.S.C. 402(d)(7) (see §404.320(c) of this chapter), or an individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is:

(i) A school, college, or university operated or directly supported by the United States, or by a State or local