



Social Security

What Same-Sex Couples Need To Know

2016

www.socialsecurity.gov

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About us

Our mission has always been to promote economic security for our nation's people. Over time, we've expanded our mission to add programs and services to support millions of Americans. Chances are, you either receive Social Security benefits yourself or know someone who does. We provide financial protection for nearly 64 million U.S. citizens, including same-sex couples, their children, and their families. We are with you through life's journey — from birth, to death, and even beyond, by helping to provide financial support for surviving dependents.

Recognition of same-sex marriages and some non-marital legal relationships

On June 26, 2015, the U.S. Supreme Court issued a decision in *Obergefell v. Hodges*, holding that same-sex couples have a constitutional right to marry in all States and have their marriage recognized by other States.

We now recognize same-sex couples' marriages in all States, and some non-marital legal relationships (such as civil unions and domestic partnerships), for purposes of determining entitlement to Social Security benefits, Medicare entitlement, and eligibility and payment amount for Supplemental Security Income (SSI) payments.

We also recognize same-sex marriages and some non-marital legal relationships established in foreign jurisdictions for purposes of determining entitlement to Social Security benefits, Medicare entitlement, and SSI.

Contacting us

Visit our website

At our website, www.socialsecurity.gov, you can:

- Create a **my Social Security** account to review your *Social Security Statement*, verify your earnings, print a benefit verification letter, change your direct deposit information, request a replacement Medicare card, get a replacement 1099/1042S, and more;
- Apply for Extra Help with Medicare prescription drug plan costs;
- Apply for retirement, disability, and Medicare benefits;
- Get the address of your local Social Security office;
- Find copies of our publications; and
- Get answers to frequently asked questions.

Why marital status is important for Social Security benefits

Marital status is important for Social Security's retirement, survivor, and disability programs because you or your spouse could be entitled to benefits or a higher benefit amount based on the marital relationship to a worker. Children or stepchildren could also be entitled to benefits based on their relationship to a worker. For some surviving spouses, divorced spouses, and adults disabled during childhood, benefits could end if they marry.

What you need to know about Social Security benefits

Your Social Security taxes pay for three kinds of benefits: retirement, disability, and survivors. If you are entitled to retirement or disability benefits, other members of your family might receive benefits, too. If you are married or you entered a non-marital legal relationship, and you think you might be entitled to benefits, we encourage you to apply right away even if you are not sure you are entitled. Applying now will protect you against the loss of any potential benefits by preserving your filing date, which we use to determine when your benefits may potentially start.

You can get a quick and easy benefit estimate based on your Social Security earnings record at www.socialsecurity.gov/estimator. You also can get more detailed benefit calculations at www.socialsecurity.gov/planners.

For more information about retirement benefits, read our publication *Retirement Benefits* (Publication No. 05-10035).

For more information about Social Security disability benefits, read our publication *Disability Benefits* (Publication No. 05-10029).

If you already receive Social Security benefits, you must tell us if you get married, enter a non-marital legal relationship, or divorce, because your marital status may affect your entitlement to benefits. If we stop your benefits because of marriage or remarriage, we may start them again if the marriage ends. For more information, read *What You Need to Know When You Get Retirement or Survivors Benefits* (Publication No. 05-10077).

Social Security benefits for your family

When you start receiving Social Security retirement or disability benefits, other family members also may be entitled to benefits. For example, we can pay benefits to your spouse, unmarried minors, or disabled

children. If you become the parent of a child (including an adopted child) after you begin receiving benefits, let us know about the child, so we can decide if the child is entitled to benefits. For more information about benefits for your family, you can read:

- *Understanding the Benefits* (Publication No. 05-10024)
- *Benefits For Children* (Publication No. 05-10085)
- *What Every Woman Should Know* (Publication No. 05-10127)
- *Survivors Benefits* (Publication No. 05-10084)

For easy-to-follow instructions for using Social Security's online benefit application, read *How To Apply Online For Retirement, Spouses Or Medicare Benefits* (Publication No. 05-10523).

When you're ready to apply for Social Security benefits

When you are ready to apply for Social Security benefits, you can apply for benefits on our website at: www.socialsecurity.gov/applyforbenefits.

Supplemental Security Income (SSI) program

SSI is a Federal program that provides monthly payments to people who have limited income and resources. SSI is for people who are

65 or older, and for those of any age, including children, who are blind or disabled. For more information, read *You May Be Able To Get Supplemental Security Income (SSI)* (Publication No. 05-11069).

If you get SSI, the law requires that we look at your case from time to time to make sure that you should still be getting SSI and are getting the right amount. We'll ask you the same kind of questions you answered when you applied for SSI. For example, we'll need information about your income, your resources, whether someone moves into or out of your household, and your bank accounts. You should report a change when it happens.

SSI payments and marital status

We consider marital status when we determine eligibility and payment amount for SSI. Therefore, you must tell us about any marriage, separation, divorce, or death that could affect eligibility or payment amount. Your spouse's income and resources may count when we determine your eligibility and SSI payment amount. We pay a married couple where both individuals are eligible for SSI a couple's benefit amount, which is less than the amount that we pay to two individuals. If you're younger than age 18, we may consider part of your parents' income and resources in determining your eligibility and SSI payment amount.

If you become a parent while receiving SSI payments

If you become the parent of a child (including an adopted child) after you begin receiving SSI payments, let us know.

How and when to report changes that may affect your SSI payments

Don't wait until we review your case to tell us about any changes. You must report a change within 10 days after the month it happens. You should report a change even if you're late. If you don't report a change, you may not receive the money you are eligible for if the change means you should receive a greater amount. Or, you may get too much money and have to pay it back. For more information, read *What You Need to Know When You Get Supplemental Security Income (SSI)* (Publication No. 05-11011).

If you change your name

Whenever you change your name, be sure to report the change to us. Otherwise, your earnings may not be recorded properly and you may not receive all the benefits you are due. To report a name change, submit a completed *Application for a Social Security Card* (Form SS-5) with proof of identity and proof that you legally changed your name

(e.g., a marriage certificate) to your local Social Security office or card center. You can get the form online by visiting www.socialsecurity.gov, at any Social Security office, or by calling Social Security's toll-free number, **1-800-772-1213**. For more information, read *Your Social Security Number and Card* (Publication No. 05-10093).

Social Security numbers for children

We can place both parents' names on your child's Social Security number record. You will need to provide proof that you are the legal parents of the child.

All documents must be either originals or copies certified by the issuing agency. We can't accept photocopies or notarized copies of documents.

The following documents are examples of the type of proof we need:

- Original or amended birth certificate;
- The final adoption decree; or
- Court determination of paternity (also referred to as a court order of parentage).

For more information, read *Social Security Numbers for Children* (Publication No. 05-10023).

Medicare

Medicare is our country's basic health insurance program for people age 65 or older and for many people with disabilities. The Centers for Medicare & Medicaid Services (CMS) manages Medicare. We work with CMS by determining entitlement to and enrolling people in Medicare. You can find information about Medicare entitlement and enrollment for same-sex couples at www.medicare.gov/sign-up-change-plans/same-sex-marriage.html.

You shouldn't confuse Medicare with Medicaid. State Health and Human Services offices or Social Services agencies run the Medicaid program. Medicaid is a health care program for people with low income and limited resources.

Some people qualify for just one program, while others qualify for both Medicare and Medicaid.

Medicare has four parts

- Medicare Part A (hospital insurance) helps pay for inpatient hospital care and certain follow-up services.
- Medicare Part B (supplemental medical insurance) helps pay for doctors' services, outpatient hospital care, and other medical services.
- Medicare Part C (Medicare Advantage plans) is available in many areas. People with Medicare

Parts A and B can choose to receive all their health care services through a private insurance company approved by Medicare to provide this coverage.

- Medicare Part D (Medicare prescription drug coverage) helps cover the cost of prescription drugs.

For more information about Medicare or how you may qualify for “Extra Help” with Medicare prescription drug costs, or if you need help with other Medicare costs, read *Medicare* (Publication No. 05-10043).

Medicare premiums for higher-income beneficiaries

The law may require an adjustment to your monthly Medicare Part B (medical insurance) and Medicare prescription drug coverage premiums. Higher-income beneficiaries pay higher premiums for Part B and prescription drug coverage.

If you have higher income, you will pay an additional premium amount. We call the additional amount the income-related monthly adjustment amount (IRMAA). To determine if you will pay higher premiums, we use the most recent Federal tax return the Internal Revenue Service (IRS) provides to us. That means we will generally use your income provided by the IRS for the tax year two years before the effective year of the IRMAA. If you must pay higher

premiums, we will send you a letter with your premium amount(s) and the reason for our determination.

If you amended your tax return and it changes the income we count to determine the IRMAA, let us know. We need to see a copy of the amended tax return you filed and your acknowledgment receipt from the IRS. We will update our records with the information you provide, and correct or remove your IRMAA, as appropriate.

What if your income goes down while you are paying higher Medicare premiums?

If your income has gone down, and the change makes a difference in the income level we consider, contact us to explain that you have new information and may need a new decision about your IRMAA. We will consider the following events that may reduce your income level:

- You marry, or your marriage ends through annulment, divorce, or the death of your spouse;
- You or your spouse stop working or reduce work hours;
- The employer's pension plan for you or your spouse ends or is reorganized;

- You or your spouse receive a settlement from an employer or former employer because of the employer's closure, bankruptcy, or reorganization; and
- You or your spouse lost income-producing property, provided you or your spouse did not direct the loss, and was not a result of the ordinary risk of investment. Examples include but are not limited to the loss of real property due to disaster, destruction of livestock or crops by natural disaster or disease, loss of real property due to arson, or loss of investment property because of fraud or theft.

If one of these situations applies, you could be eligible for a new initial determination based on a life-changing event. You will need to provide us documentation that relates to the event and the reduction in your income. Documentation may include a marriage certificate, a death certificate, a letter from your employer about your retirement, or something similar. If you filed a Federal income tax return for the year in question, you need to show us your signed copy of the return. Otherwise, we need an estimate of what your income will be for the tax year you are requesting we use. To report changes in your income, you can use Form SSA-44, *Medicare Part B Income-Related Premium – Life-Changing Event*.

For more situations that may make a difference in your income level, read *Medicare Premiums: Rules For Higher-Income Beneficiaries* (Publication No. 05-10536).

More information

For more information about Social Security benefits and programs, visit: www.socialsecurity.gov.

Call us

Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you are deaf or hard of hearing.

We provide general information by automated phone service 24 hours a day. You can also use this automated response system to tell us a new address or request a replacement Medicare card. We can answer your case-specific questions from 7 a.m. to 7 p.m., Monday through Friday. You'll generally have a shorter wait time if you call after Tuesday.

A second Social Security representative monitors some telephone calls, because we want to make sure you receive accurate and courteous service. We treat all calls confidentially.

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