



Securing today  
and tomorrow

# What Same-Sex Couples Need to Know

[SSA.gov](https://www.ssa.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 70 million people, 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 some civil unions and domestic partnerships). This allows us to determine entitlement to Social Security benefits, Medicare, and eligibility and payment amounts for Supplemental Security Income (SSI) payments.

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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, and SSI.

## Why marital status is important for Social Security benefits

Marital status is important for Social Security's retirement, survivor, and disability programs. You or your spouse could be eligible for benefits or a higher benefit amount based on a 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 who developed a disability 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 eligible for retirement or disability benefits, other members of your family might also receive benefits. If you are married or you entered into a non-marital legal relationship, and you think you might be eligible for benefits, we encourage you to apply right away. You should apply even if you are not sure if you are eligible. Applying now will protect you against the loss of any potential benefits by

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preserving your filing date. We use this date 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.ssa.gov/estimator](http://www.ssa.gov/estimator). You also can find out how to learn, manage, and apply for benefits at [www.ssa.gov/benefits/retirement](http://www.ssa.gov/benefits/retirement).

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

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

If you already receive Social Security benefits, you must tell us if you marry, enter into 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 minor

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children, or children with disabilities. If you become the parent of a child (including an adopted child) after you begin receiving benefits, let us know about the child. This way we can decide if the child is eligible for 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)
- *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 do so online at **[www.ssa.gov/applyforbenefits](http://www.ssa.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 have a disability. For more



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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 continue receiving 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 your 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.

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## **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. Changes in the number of people who live with you, including children, can affect your SSI payment. For some people, that could mean a higher SSI payment amount.

## **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) to your local

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Social Security office or card center. With this, you will also submit proof of identity and proof that you legally changed your name (e.g., a marriage certificate). You can get the form online by visiting ***www.ssa.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. 05-10002).

## 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 proof we need:

- Original or amended birth certificate.
- The final adoption decree.
- 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).

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## 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 to determine eligibility for and enrolling people in Medicare.

You shouldn't confuse Medicare with Medicaid. State Medical Assistance (Medicaid) offices 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.

### **Parts of Medicare:**

- Medicare Part A (Hospital Insurance) helps pay for inpatient hospital care, skilled nursing facility care, hospice care, home health care and certain follow-up services.
- Medicare Part B (Medical Insurance) helps pay for doctors' services, outpatient hospital care, home health care, durable medical equipment and many preventive services.
- Medicare Advantage (also known as Part C) is available in many areas. People with Original Medicare (Part A and Part B) can choose to receive all their health care services through a

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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 and Medicare Part D premiums. Higher-income beneficiaries pay higher premiums for Part B and Part D.

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 IRS-reported income 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 changed the income we use to determine the IRMAA, let us

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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. If your income has gone down, and the change makes a difference in the income level we consider, contact us as soon as possible and let us know that you have new information and may need a new decision about your IRMAA. For more information, visit [\*\*www.ssa.gov/benefits/medicare/medicare-premiums\*\*](http://www.ssa.gov/benefits/medicare/medicare-premiums).

## Contacting Social Security

There are several ways to contact us, such as online, by phone, and in person. We're here to answer your questions and to serve you. For more than 85 years, Social Security has helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.

### **Visit our website**

The most convenient way to conduct Social Security business from anywhere is online at [\*\*www.ssa.gov\*\*](http://www.ssa.gov). You can accomplish a lot:

- Apply for Extra Help with Medicare prescription drug plan costs.
- Apply for most types of benefits.
- Find copies of our publications.

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- Get answers to frequently asked questions.

When you create a personal *my* Social Security account, you can do even more.

- Review your *Social Security Statement*.
- Verify your earnings.
- Get estimates of future benefits.
- Print a benefit verification letter.
- Change your direct deposit information.
- Request a replacement Medicare card.
- Get a replacement SSA-1099/1042S.
- Request a replacement Social Security card, if you have no changes and your state participates.

## **Call us**

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. Call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

A member of our staff can answer your call from 7 a.m. to 7 p.m., Monday through Friday, if you need to speak with someone. We ask for your patience during busy periods since you may experience a high rate of busy signals and longer hold times to speak to us. We look forward to serving you.



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