



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 is to promote economic security for our nation's people. Over time, our programs and services have expanded 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, 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 recognize same-sex couples' marriages in all states, and some non-marital legal relationships (such as some civil unions and domestic partnerships). This recognition allows us to consider the marital status of same-sex couples when determining entitlement to Social Security benefits, Medicare, and eligibility and payment amounts for Supplemental Security Income (SSI).

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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

Your marital status is important in determining your entitlement to Social Security retirement, survivors, Medicare, and disability benefits. You or your spouse could be entitled to benefits, or a higher benefit amount based on your marital relationship. Your 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. Marriage may also affect your SSI eligibility or payment amount.

## **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 also receive benefits. If you are married or entered into a nonmarital legal relationship, and you think you might be entitled to benefits, we encourage you to apply right away. You should apply even

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if you are not sure if you are entitled. Applying now will protect you against the loss of any potential benefits by preserving your filing date. We use this date to determine when your benefits may potentially start.

If you have a personal *my* Social Security account, you can get an estimate of your personal retirement benefits and see the effects of different retirement age scenarios. If you don't have a personal *my* Social Security account, create one at **[www.ssa.gov/myaccount](http://www.ssa.gov/myaccount)**. You also can find out more about retirement benefits at **[www.ssa.gov/benefits/retirement](http://www.ssa.gov/benefits/retirement)**.

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

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## Survivors benefits for same-sex partners

More surviving same-sex partners may now qualify for Social Security survivors benefits. If you were in a same-sex relationship with a partner who passed away, you may qualify for Social Security survivors benefits based on your partner's record.

You may qualify for survivors benefits if either of the following are true:

- You would have been married at the time of your partner's death if state laws hadn't prevented you from doing so.
- You would have been married longer if not for unconstitutional state laws that prevented you from marrying earlier.

## 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 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 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)
- *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

### **Apply Online**

You can apply online for retirement, spouse's, Medicare, or disability benefits at ***[www.ssa.gov/applyforbenefits](http://www.ssa.gov/applyforbenefits)***.

### **Apply by Phone**

The application for survivors benefits is not available online. If you think you may be entitled to survivors benefits, we encourage you to contact us right away. If you previously applied and were denied survivors benefits, you should contact us. You should apply even if you are not sure if you are entitled. Please call **1-800-772-1213** (TTY **1-800-325-0778**) or contact your local Social Security office.

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## 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 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

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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. 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).

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## If you change your name

If 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. You can use our online Social Security Number and Card application available at [www.ssa.gov/ssnumber](http://www.ssa.gov/ssnumber) to find out the best way to apply. In most instances, you will start the application online and complete the process in a local Social Security office or card center, usually in less time. If you are not able to apply online, you can fill out and print our Application for a Social Security Card (Form SS-5). Once you have completed the printed application, you can submit it to your local Social Security office or card center. With both options, you will also need to submit proof of identity and proof that you legally changed your name (e.g., a marriage certificate). You can get the SS-5 online at [www.ssa.gov/forms/ss-5.pdf](http://www.ssa.gov/forms/ss-5.pdf), by visiting any Social Security office, or by calling our toll-free number. For more information, read *Your Social Security Number and Card* (Publication No. 05-10002).

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## 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).

## 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 can determine your eligibility and enroll you in Original Medicare (Part A and Part B).

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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 cover inpatient care in hospitals (including critical access hospitals) and skilled nursing facilities (not custodial or long-term care). Part A also pays for some home health care and hospice care and inpatient care in a religious nonmedical health care institution.
- Medicare Part B (medical insurance) helps cover medically necessary doctors' services, outpatient care, home health services, durable medical equipment, mental health services, and other medical services. Part B also covers many preventative services.

Other parts of Medicare are run by private insurance companies that follow rules set by Medicare.

- Supplemental (Medigap) policies help pay Medicare out-of-pocket copayments, coinsurance, and deductible expenses.

- Medicare Advantage Plan (previously known as Part C) includes all benefits and services covered under Part A and Part B, plus prescription drugs and additional benefits such as vision, hearing, and dental, bundled together in one plan.
- Medicare Part D (Medicare prescription drug coverage) helps cover the cost of prescription drugs.

You can sign up for Original Medicare (Part A and Part B) through ***Social Security's online Medicare application*** at ***[www.ssa.gov/benefits/medicare](http://www.ssa.gov/benefits/medicare)***.

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.

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

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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 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 Us

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 nearly 90 years, we have helped secure today and tomorrow by providing benefits and financial protection for millions of people throughout their life's journey.



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## Visit our website

The most convenient way to conduct business with us is online at ***www.ssa.gov***. You can accomplish a lot:

- Apply for *Extra Help* with Medicare prescription drug plan costs.
- Apply for most types of benefits.
- Start or complete your request for an original or replacement Social Security card
- Find copies of our publications.
- 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.

Access to your personal *my* Social Security account may be limited for users outside the United States.

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## Call us

If you cannot use our online services, we can help you by phone when you call our National toll-free 800 Number. We provide free interpreter services upon request.

You can call us at **1-800-772-1213** — or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing — between 8:00 a.m. – 7:00 p.m., Monday through Friday. For quicker access to a representative, try calling early in the day (between 8 a.m. and 10 a.m. local time) or later in the day. **We are less busy later in the week (Wednesday to Friday) and later in the month.** We also offer many automated telephone services, available 24 hours a day, so you may not need to speak with a representative.

If you have documents we need to see, remember that they must be original or copies that are certified by the issuing agency.

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## **Notes**



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