

Important Information About Social Security Benefits For Same-Sex Couples



On June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. Therefore, Social Security no longer is prevented from recognizing same-sex marriages for purposes of determining entitlement to or eligibility for benefits. Social Security is now processing some retirement, surviving spouse and lump-sum death payment claims for same-sex couples and paying benefits where they are due. If you are in, or are a surviving spouse of a same-sex marriage or other legal same-sex relationship, we encourage you to apply right away for benefits. You can apply for most benefits online at www.socialsecurity.gov/applyonline.

We also are considering same-sex marriages when processing some claims for Supplemental Security Income (SSI). Marriage may affect your SSI eligibility or payment amount.

What should I do if I think I might be eligible for benefits?

If you think you might be eligible for benefits, we encourage you to apply right away. Applying now will preserve your filing date, which we use to determine the start of potential benefits.

Do I qualify for benefits if I live in a place that prohibits or does not recognize same-sex marriages or other legal same-sex relationships?

We are working with the Department of Justice to develop and implement policy and processing instructions on this issue. However, we encourage you to apply right away for benefits, even if you aren't sure you are eligible. Applying now will protect you against the loss of any potential benefits.

Do I qualify for benefits if I am now in, or the surviving spouse of a civil union or other legal same-sex relationship?

We are working with the Department of Justice to develop and implement policy and processing instructions on this issue. However,

we encourage you to apply right away for benefits, even if you aren't sure you are eligible. Applying now will protect you against the loss of any potential benefits.

I get Supplemental Security Income (SSI). Must I tell Social Security I am in a same-sex marriage?

Yes. You must tell us if you are married, separated, or divorced or if your marriage was annulled. This information could affect your SSI eligibility or payment amount.

What if I apply but Social Security decides I do not qualify for benefits? Will I receive a penalty or fine?

No. You will not receive a penalty or fine if Social Security denies your claim because you do not qualify for benefits. Likewise, if you appeal that decision or apply again, you will not receive a penalty or fine.

Contacting Social Security

For other helpful information on how a same-sex marriage may affect your claim, please visit www.socialsecurity.gov/same-sexouples.

If you have any questions about how a same-sex marriage may affect your claim or to apply for benefits, call toll-free, 1-800-772-1213 (TTY 1-800-325-0778). We treat all calls confidentially. We can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. Generally, you'll have a shorter wait time if you call during the week after Tuesday. We can provide information by automated phone service 24 hours a day.

We also want to make sure you receive accurate and courteous service. That is why we have a second Social Security representative monitor some telephone calls.

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