

SUPPLEMENTAL SECURITY INCOME FOR AGED, BLIND, AND DISABLED (SSI)

The Supplemental Security Income (SSI) program pays a modest cash benefit to people who are at least age 65 and meet financial limits or have severe disabilities and very limited income and resources. www.ssa.gov/pgm/ssi.htm

How does marital status matter for SSI purposes?

Being recognized as married generally makes it more difficult for someone to qualify for SSI when the couple is living together. A married couple living together where both spouses are at least age 65 or meet the Social Security Act disability standard must apply for SSI as a couple. The limit on allowable monthly income for a couple is \$538.57 (2019). For more information, call 1-800-792-6287.

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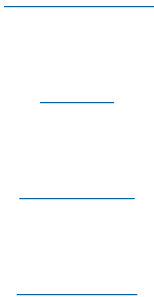
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What does this mean for a married same-sex couple who lives in a state that respects their marriage?

A married same-sex couple living in a state that respects their marriage should be regarded as married for SSI purposes, and the income and resources of both spouses would be taken into account to determine SSI eligibility and benefits.

What does this mean for a married same-sex couple who lives in a state that does not respect their marriage?

The answer is uncertain. The couple would not be regarded as married under the law of their state of domicile. But it is possible that the couple nevertheless could be determined to be "holding themselves out" as married to the community, and hence subject to the rules for married couples for federal SSI purposes. A section of the Social Security Act provides that even if there is no recognized marital relationship, if two individuals hold themselves out as "husband and wife" to the community in which they reside, they will be treated the same as a married couple for SSI eligibility purposes. See 42 U.S.C. 1382c(d)(2). Efforts may be made in non-recognition states to apply this "holding out" provision to same-sex partners in evaluating eligibility for SSI.



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