



Social Security and Same Sex Marriage - Pitfalls and Potential

Indiana Lawyer Knowledgeable About Social Security and Same-Sex Marriage

Indianapolis Law Firm Understands Implications of Recent Supreme Court Rulings

With national recognition of same-sex marriages, LGBT couples can now benefit from the Social Security benefits that heterosexual couples have been accessing for years. That means in the eyes of the Social Security Administration, if you are married, you are married, with all the related pitfalls and potential that brings.

Pitfalls of the Ruling

Social Security Administration requires that individuals disclose their marital status. For individual's filing for Supplemental Security Income (SSI), this means that your partner's income will now be included in determining whether you meet asset requirements in filing. SSI requires that individuals have under a specified amount of assets, including that of their spouse. Therefore with the new recognition of same-sex marriages, LGBT couples receiving or applying for SSI must be aware of asset requirements and plan accordingly.

For Social Security Disability Insurance (SSDI), same-sex couples are now able to apply for partner benefits just as heterosexual couples have been able to. The only questions remaining for Social Security is whether the date of marriage still matters. Prior to the national recognition of same-sex marriages, Social Security was only recognizing marriages entered into after the couple's state decided to recognize same-sex marriages. The following benefits are now available to LGBT couples under Social Security.

Potential for Same-Sex Couples

Spousal Benefit – As a result of the Supreme Court rulings, same-sex couples became eligible for the spousal benefit, which allows marital partners more flexibility in planning for retirement. For example, at full retirement age, lower-earning spouses can collect benefits based upon either their own record or half of their higher-earning spouse's benefit, whichever is higher. Nonworking spouses can collect based upon the earnings of their working spouse, and the higher-earning spouse can file and suspend at full-retirement age, enabling the lower-earning spouse to collect benefits while they continue to work and build up additional retirement credits.

Spousal Disability Benefit – Same-sex couples now also have access to the spousal disability benefit, which applies when the primary wage earner in a family becomes disabled and Social Security provides benefits for his spouse. Disability affects many workers, and most people don't carry sufficient disability insurance.

Lump-Sum Death Benefit and the Survivors Benefit – Two more Social Security benefits that same-sex married couples now qualify for: the lump-sum death benefit, which pays \$255 to the surviving spouse when their partner dies, and the survivors benefit, which ensures that a surviving spouse is eligible for Social Security benefits based on the earnings of the deceased spouse beginning as early as age 60, provided the marriage lasted a minimum of nine months.

Children of Same-Sex Partners – Children of same-sex marriage are finally given access to Social Security benefits intended as a safety net to keep them out of poverty when their parents are no longer able to financially provide for them because of age, disability, or death.

If you are in a same-sex marriage and believe you would be eligible for any of these spousal benefits, you should go ahead and file for benefits. Filing as soon as you would otherwise be eligible will protect your right to back benefits.

Contact an Indianapolis Social Security Attorney Today

To find out more about protecting your potential Social Security benefits and for answers to your questions regarding Social Security and same-sex marriage in Indiana, go to Indianapolis Attorney Barbara J. Baird. Contact her online or call 317-426-9334 to schedule an initial consultation today.