

# Love and Disability: Exploring Person-Centered Supports and the Marriage Penalty

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NCAPPS



# Welcome to Today's Webinar



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Thank you for joining us to learn about the “marriage penalty” for people with disabilities and person-centered supports.

Today's webinar is sponsored by the National Center on Advancing Person-Centered Practices and Systems (NCAPPS).

NCAPPS is funded by the Administration for Community Living (ACL) and Centers for Medicare & Medicaid Services (CMS).

NCAPPS webinars are free and open to the public.

The goal of NCAPPS is to promote systems change that makes person-centered principles not just an aspiration but a reality in the lives of people across the lifespan.





# Webinar Logistics

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- Participants will be muted during this webinar. You can use the **chat** feature in Zoom to post questions and communicate with the hosts.
- Toward the end of the webinar, our speakers will have an opportunity to **respond to questions** that have been entered into **chat**.
- The webinar will be live captioned in English and live interpreted in Spanish.
  - Live English captions can be accessed by clicking the “CC” button at the bottom of your Zoom screen.
  - Live Spanish interpretation can be accessed by clicking the “interpretation” button at the bottom of your Zoom screen (world icon). Once in the Spanish channel, please silence the original audio.
  - Se puede acceder a la interpretación en español en vivo haciendo clic en el botón "interpretation" en la parte inferior de la pantalla de Zoom (icono del mundo). Una vez en el canal español, por favor silencie el audio original.
- This live webinar includes polls and evaluation questions. Please be prepared to interact during polling times.



# Feedback and Follow-Up

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- After the webinar, you can send follow-up questions and feedback about the webinar to [NCAPPS@hsri.org](mailto:NCAPPS@hsri.org).

(Please note that this email address is not monitored during the webinar.)

- The recorded webinar, along with a PDF version of the slides and a plain language summary, will be available within a few weeks at [NCAPPS.acl.gov](http://NCAPPS.acl.gov). We will also include questions and responses in the materials that are posted following the webinar.

# Who's Here?

**“In what role(s) do you self-identify? Select all that apply.”**

1. Person with a disability/person who uses long-term services and supports
2. Family member/loved one of a person who uses long-term services and supports
3. Self-advocate/advocate
4. Peer specialist/peer mentor
5. Social worker, counselor, or care manager
6. Researcher/analyst
7. Community or faith-based service provider organization employee
8. Government employee (federal, state, tribal, or municipal)

# Meet Our Speakers



**KILE & STEPHANIE  
PELLETIER**



**LYDIA X.Z.  
BROWN**



**SHAIN  
NEUMEIER**



**AYESHA  
ELAINE LEWIS**



**AL LEWIS**



**RENITA BUNDRAGE**



**DAVID GOLDFARB**

# Social Security and SSI Basics

## **Social Security:**

Old Age, Survivors, and  
Disability Insurance (OASDI)

## **Supplemental Security Income (SSI)**



# Social Security and Health Care



If you have Social Security OASDI benefits, you are eligible for Medicare after a waiting period.



If you have SSI, in most states that means you are eligible for Medicaid.

# Marriage Penalties Overview

- Married SSI beneficiaries= **25% cut** in benefits and asset limit.
- SSI beneficiary married to a non-SSI spouse= **“Spousal Deeming”**
- Disabled Adult Child (DAC) beneficiary marries someone not a Title II beneficiary – **DAC benefits end with marriage**

# Married SSI Beneficiaries – 25% Cut

- Under federal statute, two married SSI beneficiaries get a joint stipend and joint asset limit that is **25% lower** than for two unmarried SSI beneficiaries
  - **Benefit:**
    - Two unmarried SSI beneficiaries: \$841 + \$841 or \$1682 total
    - Two married SSI beneficiaries: \$1,261 total
  - **Asset Limit:**
    - Two unmarried SSI beneficiaries: \$2000 + \$2000 or \$4000 total
    - Two married SSI beneficiaries: \$3000 total

# Non-SSI Spouse = Spousal Deeming

- SSI beneficiary married to non-SSI spouse:
  - Portion of income of non-SSI spouse is allocated to SSI spouse
  - Countable assets of non-SSI spouse are allocated to couple
  - Benefits and eligibility affected
- Countable assets of non-SSI spouse are allocated to the couple; if value exceeds \$3,000, then SSI beneficiary no longer eligible.

# “Spousal Deeming” (cont.)

- Small income by non-SSI spouse – less than \$1,000 a month (below the federal poverty level) – can cause SSI stipend to decrease
- Modest income by non-SSI spouse – about \$32,300 a year (less than half the US median) – brings federal portion of the **SSI stipend to zero**, which can make SSI beneficiary **ineligible for Medicaid**

# “Holding Out” As Married

- SSA can decide that two SSI beneficiaries are **“holding out”** as married, even if the couple is not legally married.
- A finding of “holding out” means SSI couples are subject to the same **25% cut** in stipend level and asset limit.
- Spousal deeming can also apply.

# Disabled Adult Child (DAC) Marriage Penalty

- DAC beneficiaries:
  - disabled before age 22
  - child of insured parent who is deceased or currently receiving SSDI or Social Security retirement
- DAC beneficiaries receive stipend, Medicare, pathway to Medicaid
- DAC **beneficiaries who marry lose DAC**
  - Exceptions to rule: spouse is another DAC, a person receiving SSDI, a person entitled to “old age” SSA benefits (earliest age 62), or a person receiving another “secondary” Title II benefit; Note: SSI spouse is not within exception

# Proposed Legislation

- SSI Restoration Act, <https://www.congress.gov/bill/117th-congress/senate-bill/2065>
  - Would eliminate 25% penalty
- Marriage Equality for Disabled Adults Act, <https://www.congress.gov/bill/117th-congress/house-bill/6405>
  - Would eliminate DAC penalty
- Additional bills:
  - MAPSA, <https://www.congress.gov/bill/117th-congress/house-bill/761/text>
  - SSI Savings Penalty Elimination Act,
  - <https://www.law.cornell.edu/uscode/text/42/1396r-5>



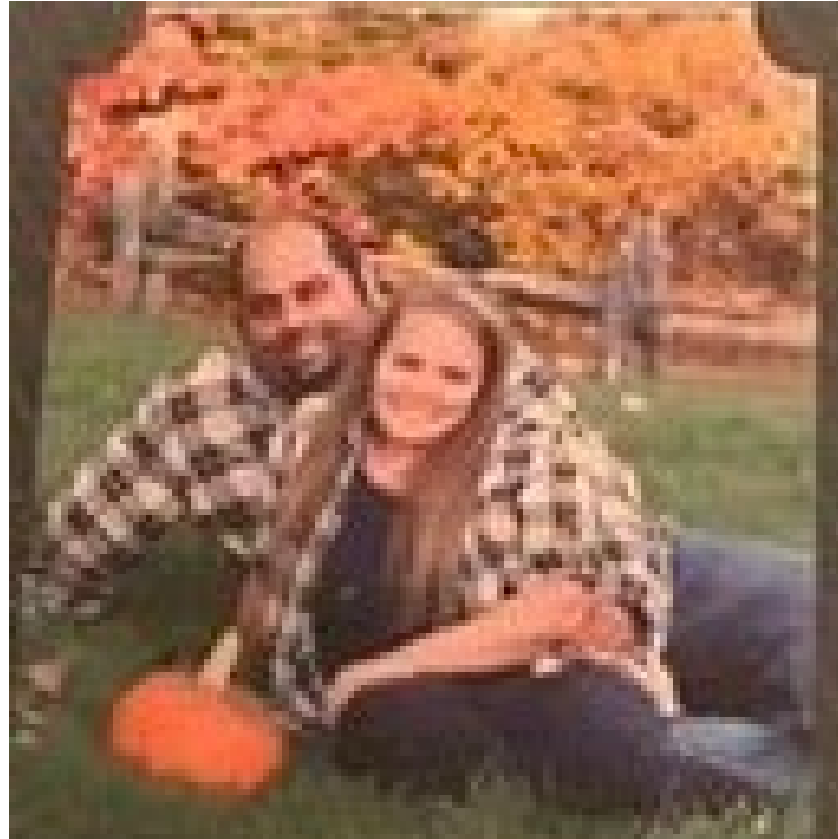
# Lydia and Shain



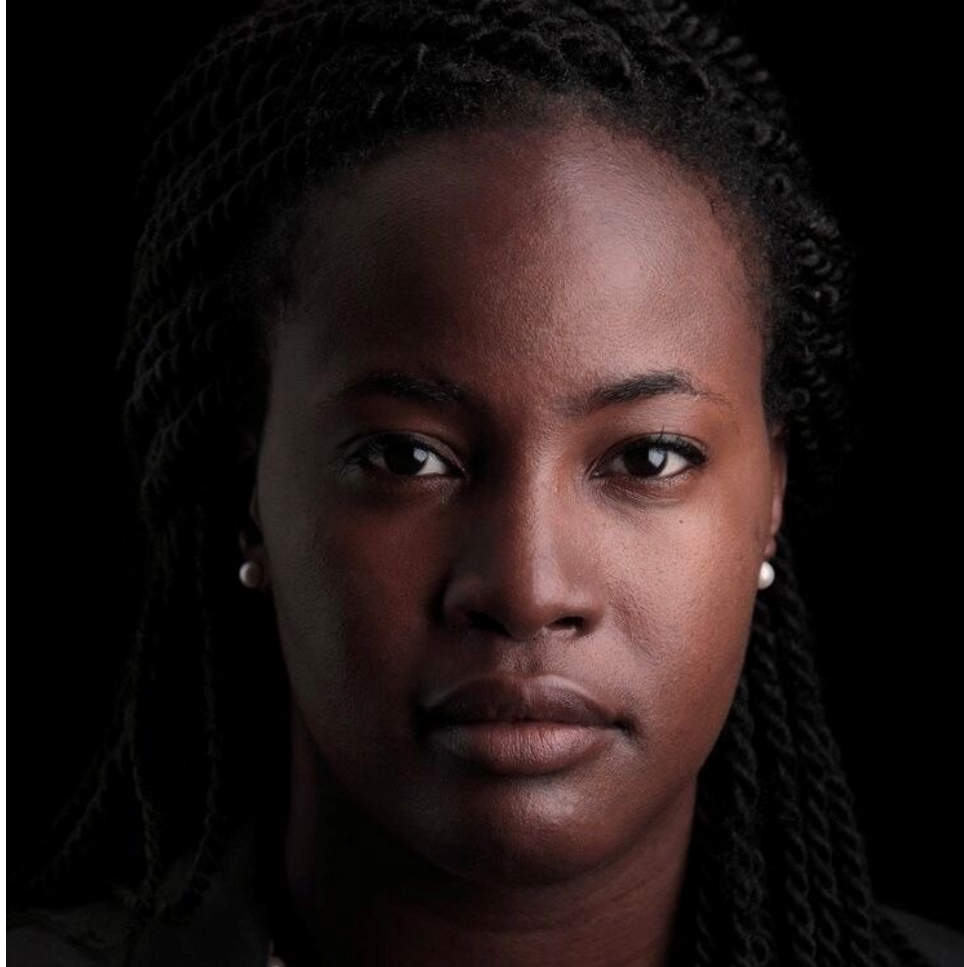
# Al and Renita



# Kile and Stephanie



# Ayesha





Questions?

# Real-Time Evaluation Questions

- Please take a moment to respond to these six evaluation questions to help us deliver high-quality NCAPPS webinars.
- If you have suggestions on how we might improve NCAPPS webinars, or if you have ideas or requests for future webinar topics, please send us a note at [NCAPPS@hsri.org](mailto:NCAPPS@hsri.org)

# Real-Time Evaluation Questions (cont.)

- 1. Overall, how would you rate the quality of this webinar?**
- 2. How well did the webinar meet your expectations?**
- 3. Do you think the webinar was too long, too short, or about right?**
- 4. How likely are you to use this information in your work or day-to-day activities?**
- 5. How likely are you to share the recording of this webinar or the PDF slides with colleagues, people you provide services to, or friends?**
- 6. How could future webinars be improved?**

# Resources

- Disability Rights Education & Defense Fund Marriage Equality: <https://dredf.org/marriage-equality/>
  - Share your Story About Social Security Administration Disability Marriage Penalties: <https://www.surveymonkey.com/r/QCVQL8K>
- Disabled Woman Seeks Marriage Equality From Social Security Administration – Files Religious Freedom and Due Process Complaint: <https://dredf.org/2022/11/17/disabled-woman-seeks-marriage-equality-from-social-security-administration-files-religious-freedom-and-due-process-complaint/>



# Thank You.

Register for upcoming webinars at

[ncapps.acl.gov](https://ncapps.acl.gov)

NCAPPS is funded and led by the Administration for Community Living and the Centers for Medicare & Medicaid Services and is administered by HSRI.

The content and views expressed in this webinar are those of the presenters and do not necessarily reflect that of Centers for Medicare and Medicaid Services (CMS) or the Administration for Community Living (ACL) .

