



What Happens To My Child's Social Security Benefit Upon Marriage?

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Marriage is a significant time in a person's life, accompanied by excitement, meticulous planning, and the involvement of friends, family, and loved ones. But marriage may have financial consequences for adults with disabilities. Recipients of Disabled Adult Child (DAC) benefits or Supplemental Security Income (SSI) may experience a reduction of, or even disqualification from, these benefits upon marriage. (Disabled Adult Child benefits are also commonly referred to as Childhood Disability Benefits or "CDB" but will be referred to as "DAC" benefits throughout this article). An adult with disabilities should be able to live independently and pursue their relationships, goals, and dreams. A careful assessment of the consequences of marriage upon DAC or SSI benefits should be considered.

SSI recipients may experience a net overall reduction in payments upon marriage, whether or not the marriage is to another SSI recipient or person with disabilities.

While DAC or SSI benefits are available to both unmarried and married individuals with disabilities, there are some consequences to an individual's SSI payment upon marriage. When an SSI recipient marries another SSI recipient, both individual SSI payments will be consolidated from two "individual rates" to one "couple's rate." This recalculated amount can be less than the total of both combined individual SSI payments before marriage. Two unmarried individuals who receive the monthly federal maximum benefit (in 2022, \$841) will receive a combined total of \$1,682 per month, while a married couple will receive a monthly maximum of \$1,261, which is only three-quarters of the combined individual payments.

The typical reduction in net SSI monthly payments is 25 percent upon the marriage of two eligible SSI recipients. Furthermore, the reduction might vary in the event of the marriage of the SSI eligible spouse and an SSI ineligible spouse, because one spouse's income is deemed to the other. When compared to the income rates and resource limits, two married

SSI recipients receive 25 percent less combined income from SSI and can own a maximum of 25 percent fewer resources.

A Disabled Adult Child will likely not lose Medicaid benefits upon marriage, even if they are rendered ineligible for SSI, if their spouse is also a Disabled Adult Child.

The Social Security Act provides for continued Medicaid eligibility for a Disabled Adult Child benefits recipient who previously received SSI. When a person loses SSI because of receipt of DAC benefits, for purposes of Medicaid eligibility the DAC recipient is treated as if they still received SSI benefits and will still be eligible for Medicaid, “so long as he or she would be eligible for [SSI benefits] in the absence of such child’s insurance benefits or such increase.”

In the context of marriage, if two spouses become ineligible for SSI due to an increase in DAC benefit entitlement to either of them, or if the combined DAC benefits rendered them ineligible under the couple’s SSI rate, but not the individual’s SSI rate, neither of them would lose Medicaid eligibility upon their marriage.

A DAC recipient can retain Social Security benefits upon marriage if that marriage is to another DAC or Social Security recipient.

In most cases, marriage will render a DAC recipient ineligible for continued Social Security benefits, but not always. To determine if a DAC recipient can retain benefits upon marriage, the pivotal question to ask is if the marriage is a “protected” marriage to another adult receiving Social Security benefits. If so, then the DAC may be able to maintain benefits. If not, then the DAC recipient falls outside the definition of an eligible recipient and cannot maintain benefits.

CASE STUDY

Consider the case of 31-year-old Julie, a person with autism, who works 15 hours a week at a local grocery store. Julie’s parents carefully planned when she turned 18 by obtaining the state Medicaid waiver benefits which provide home and community-based services, and they also applied for SSI. Julie is able to live independently. Julie is now planning to get married to Jonathan. Because Julie is an adult with a disability, and she had that disability before the age of 22, Julie is eligible for DAC benefits, based on her parents’ work history (provided either of her parents receive Social Security benefits through death, disability, or retirement). Julie may also be eligible for SSI based on her monthly income from both employment and “unearned” sources such as DAC benefits.

Julie’s father receives \$2,000 a month from Social Security retirement benefits. Julie may receive 50 percent of this monthly amount, or \$1,000, as a DAC benefit. Upon her father’s

death, Julie can receive 75 percent of his full retirement benefit, or \$1,500.00. Because these amounts exceed the Federal Maximum benefit rate for SSI (\$841), she would no longer qualify for SSI, if she started receiving these DAC benefits. However, Julie can keep her Medicaid benefits even if she isn't eligible for SSI solely because of receipt of DAC benefits. Of course, it would be desirable to keep those significant DAC benefits for her lifetime, if possible, but what would be the effect of Julie's marriage with the respect of her benefits?

It depends on whether Jonathan receives any Social Security benefits himself. Marriage, in most situations, is a "terminating" event for DAC benefits, with the exception of a DAC recipient marrying another person who is also receiving Title II benefits (meaning Old Age, Survivor, or Disability benefits under Social Security). But SSI is not a Title II benefit under the Social Security Act, so a DAC recipient cannot retain DAC benefits upon marriage to a person who only receives SSI. If Jonathan only receives SSI, Julie will lose her DAC benefits upon marriage. They are also subject to the lower couple's rate for SSI as they are both SSI recipients.

However, if Jonathan is also eligible for DAC benefits, then both he and Julie may keep their DAC benefits. Even if Jonathan was not a DAC recipient, and instead received Social Security benefits based on disability on his own work record, he would still be considered a recipient of Title II benefits, and Julie could maintain her DAC benefits upon their marriage.

CONCLUSION

An individual with a disability, who is planning on marrying, can potentially lose benefits for their lifetime. Therefore, it is crucial that the person with disabilities, their future spouse, and their advisors understand the potential financial consequences of marriage on their Social Security benefits. This analysis can be complex, so careful planning, assistance, and advice in Social Security navigation with an expert are needed.

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