

Summer 2014

LETTER FROM DR. CARROLL ESTES, NCPSSM FOUNDATION BOARD CHAIR



Dear friends and advocates,

The last twelve months have been a period of seismic transition as last year's *Windsor* decision by the Supreme Court triggered a host of federal benefit changes for LGBT individuals and created momentum in the marriage equality movement.

We are privileged to be in the vanguard of the efforts to educate the LGBT

Community about their new hard-fought rights so that they can quickly access the new benefits for which they can now qualify. Our **Know Your Rights Initiative** has focused on Social Security because it is one of the largest federal programs and has considerable scope for same-sex married couples and families. Initial support for the California Town Halls came from the Marin Community Foundation, the Archstone Foundation, and the California Wellness Foundation. Our first Town Halls were held in Marin County and the San Francisco Bay area last fall and continued this spring with three Town Halls in the Los Angeles region. We are delighted to be bringing a **Know Your Rights** Town Hall to **Boston** on the eve of the first year anniversary of *Windsor*.

Not many are aware that considerable money is on the table for those who meet basic eligibility requirements for spousal benefits, perhaps hundreds of dollars in additional benefits per month depending upon the individual earning histories of the couple during their working years. That is just one of many benefits under Social Security that holds promise and opportunity. We expect that more categories of claims will be widely available as the Justice Department releases their interpretation of the *Windsor* decision and empowers the Social Security Administration to pay claims related to disability and family benefits as well as others.

The important take-away is, if you think you might be eligible for increased benefits, **file immediately with the Social Security Administration**. Stake your claim now so that as more things are decided you will be fully entitled to retroactive benefits.

Please share our newsletter and schedule of Town Hall events with friends throughout the country. Our Town Halls, which bring together national and local experts, including Social Security representatives, will help you to understand the complexities of the law and provide valuable resources for you moving forward to

claim the resources that are yours. If you paid into the system during your working years, these earned benefits are yours!

Best,

Carroll L. Estes, PhD  
National Committee Foundation Board Chair

Appreciation to the wonderful Know Your Rights funders: Archstone Foundation, California Wellness Foundation, Marin Community Foundation, Horizons Foundation, and the County of Sonoma Human Services Department - Adult and Aging Division

### UPCOMING FOUNDATION EVENT

**Know Your Rights Town Hall (Boston, MA)** - Continuing its commitment to LGBT education on Social Security in the post Windsor era, the National Committee to Preserve Social Security and Medicare Foundation will host a Town Hall meeting, on the eve of the one year anniversary of the landmark decision in Boston on June 25th. GLAD, Fenway Health Institute, and the LGBT Taskforce are partners on this important **Know Your Rights** event, the first on the east coast. Speakers will include national and local leaders, including Linda Dorn, the Deputy Regional Social Security Commissioner, Webster Phillips, NCPSSM Senior Policy Analyst, and Professor Edward Miller of the University of Massachusetts, Boston. Emily Shea, Boston's Commissioner on the Affairs of the Elderly, will moderate the discussion.

See all the details on the event flier here:

<http://www.ncpssmfoundation.org/Portals/0/boston-know-your-rights.pdf>

For more information on this and any other upcoming **Know Your Rights** events:

[nelsong@ncpssm.org](mailto:nelsong@ncpssm.org)

### Senator Patty Murray (D-WA) Introduces the "Social Security and Marriage Equality Act"

Senator Patty Murray (D-WA), recently introduced the Social Security of Marriage Equality Act, or SAME Act, of 2014 (S.2305). The bill would ensure all same-sex marriages are treated the same as heterosexual marriages by the Social Security Administration.

Cosponsored by United States Senators Mark Udall (D-CO), Brian Schatz (D-HI), Jeff Merkley (D-OR), and Tammy Baldwin (D-WI), this bill would amend the Social Security Act to guarantee Spousal Benefits to all legally married couples. The largest potential impact of the bill have is ensuring that same-sex couples, married legally in one state, will continue to receive all their Social Security benefits even if they move to a "non-recognition state", having the potential to influence thousands of couples across the country. The bill was introduced in the House of Representatives by Congressman Ron Kind (D-WI). The bill was referred to the Senate Committee on Finance.

## SHORT TAKES AND UPDATES

In a recent poll by Gallup, support for same sex marriage has reached an **all time high of 55%**.

June 26, 2014: The Supreme Court *Windsor* decision, allowing for thousands of same-sex married couples to receive federal benefits, including Social Security and Medicare, will celebrate its **first year anniversary**.

June 1, 2014: The **Illinois** state law signed by Governor Quinn last November, allowing for legal same-sex marriages, took effect statewide. Same-sex marriages have been taking place in Chicago and Cook County since February.

May 20, 2014: A federal judge in **Pennsylvania** ruled the state's same-sex marriage law unconstitutional. The following day, Pennsylvania Governor Tom Corbett announced that he would not appeal the decision, as many had expected.

May 19, 2014: **Oregon's** same-sex marriage ban was thrown out by a federal judge. Previously, Oregon Attorney General Ellen Rosenblum had refused to defend the law, which was approved via ballot initiative by voters in 2004.

## Administration for Community Living (ACL) Releases Guidelines on Implementation of *Windsor*

The Administration of Community Living, a division of the US Department of Health and Human Services, released decisions on how the *Windsor* decision will be implemented. The ACL states, "if individuals of the same sex are legally married in any jurisdiction, ACL will recognize the marriage, regardless of whether the individuals are domiciled or reside in a state or territory that does not recognize the marriage". This applies to several departments, but most notably the Administration on Aging, which is now required to consider all legal same sex marriages the same as heterosexual marriages, no matter where the couple resides. This will affect home-delivery food services, caregiver support programs, and redefines the word "family" through the Older American Act to include all married couples, LGBT or not.

## FOUNDATION ROUND-UP

**Los Angeles Town Halls:** After the success in the Bay area, Know Your Rights moved south to Los Angeles presenting outreach events in Hollywood, East LA, and Long Beach. The Hollywood Town Hall webcast can still be accessed at: <http://www.nettv.bz/NCPSSM/live2.html>

[CLICK HERE](#) TO WATCH THE WEBCAST!

[Webcasting Services](#) provided by Net TV.

## ASK WEB: INSIGHTS INTO THE *WINDSOR* DECISION

**Question:** Toni and I married in January 2013 in Maryland, shortly after same-sex marriage was permitted. Unfortunately, Toni passed away in December 2013. I still live in Maryland, and wonder whether I might be able to collect disability benefits on Toni's Social Security record. I have checked with the Social Security office in the past, and they told me I hadn't worked enough on my own record to receive disability. I am 55 years old.

**Answer:** You should apply for disabled widow's benefits on Toni's record as quickly as possible. If the Social Security Administration decides that you are disabled, you could receive Social Security benefits on her record. But benefits can begin only if you file an application. If you delay filing, you might lose some benefits.

**Question:** Susan and I were married in Washington D.C. in 2011, not long after the District authorized same-sex marriages, and we are still living in the District. Susan has a son, Jason, from a prior marriage who is living with us whom I legally adopted shortly after our marriage. I am planning to file for Social Security when I reach age 66 next month, and I wondered whether Jason, who is 12, can receive benefits on my Social Security record.

**Answer:** At the time you apply for retirement benefits, you should also file an application for child's benefits on Jason's behalf. If he meets all of the requirements, he will be eligible for a benefit that will be equal to half of the benefit you receive (before any deduction for your Medicare premium). He will continue to receive benefits on your record until he is 18 or, if he is still attending a secondary school, though age 19. If he is disabled when he reaches age 18 or becomes disabled prior to reaching age 22, he could continue to receive benefits on your record for as long as he remains disabled.

**Web Phillips** is a Senior Policy Analyst for the National Committee to Preserve Social Security and Medicare, serving as an advisor to Congress and their staff on Social Security issues. He worked in the Social Security Administration for more than thirty years, managing claims and later supervising the Illinois SSA offices.



**WATCH** for information about Know Your Rights Town Halls in *New York* and *New Jersey* later next year!

**FOR MORE INFORMATION, UPCOMING EVENTS, OR TO TAKE ACTION,** contact [nelsong@ncpssm.org](mailto:nelsong@ncpssm.org) or visit the National Committee Foundation website at <http://www.ncpssmfoundation.org>

**FUNDING FOR THIS NEWSLETTER GENEROUSLY PROVIDED BY THE ARCHSTONE FOUNDATION.**