

IDD, Marriage and Social Security

By Barbara J. Lampe, Executive Director, NAfIM

An adult with intellectual/developmental disabilities (IDD) who is dependent on federal benefits may find it complicated, even financially impossible, to consider marriage. This article will discuss two benefits under the Social Security Act: supplemental security income and social security for disabled adult children, and how marriage impacts these benefits. This brief introduction will not discuss medical assistance.

Supplemental Security Income (SSI)

SSI or supplemental security income is a federal income supplement funded by the general tax revenues for basic needs of food, shelter and clothing for aged, blind and disabled people with little or no income. There are restrictions as to assets and earnings.

Disabled Adult Children (DAC) Benefits

Social Security for disabled adult children, known as DAC benefits, allows a person to receive *child's* benefits when their parent either begins receiving retirement or disability benefits or else dies after having worked long enough to earn Social Security benefits. The DAC benefit, also known as SSDI, is a *child's* benefit because it is paid on a parent's Social Security earnings record. The rules for the DAC benefit are not as restrictive about property and wages are the rules for SSI.

Eligibility for SSI

A person with IDD diagnosed before the age of 18 may be eligible for SSI benefits. An application must be made to the Social Security Administration. To begin receiving the benefit as early as possible, application should be made as soon as the person with IDD reaches the age of 18, if he or she is not already receiving SSI. It may happen that a person who is receiving SSI may become eligible to receive disabled adult child benefits instead, when a parent retires, becomes disabled or dies.

Eligibility for DAC

If a disability began before the age of 22, a person may be eligible for the disabled adult child benefit. To qualify as a *child* (this may in some cases mean adopted child, stepchild, grandchild or step-grandchild), the disabled adult must be unmarried, 18 years of age or older and have a disability that began before the age of 22. The parent upon whose work record the child benefit will be based must make an application or give appropriate notice to the Social Security Administration.

Impact of Marriage

The impact of marriage on these benefits is treated quite differently under the two benefit systems because they are funded differently



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P.O. Box 218
Riverdale, MD 20738
p: 800.736.1280
e: qnafim@aol.com

www.nafim.org

Impact of Marriage on a Person Receiving SSI Benefits

SSI benefits change when a person gets married. The Social Security Administration will make a new calculation of monthly benefits based on the income of the new spouse. The rationale is that the spouse is now supporting the disabled person. This could result in losing SSI benefits altogether. However, if the person's new spouse is also receiving SSI, there will be a reduction in benefits to both. Also, in the case of two persons receiving SSI who are living in the same house, the SSI benefit will be reduced for each, but the decrease in the monthly payment will be less than the reduction in benefits to a newly married SSI couple.

Thus, a person with IDD, receiving SSI benefits, who gets married, will find that the monthly SSI payments will be reduced or lost.

Impact of Marriage on a Person Receiving DAC Benefits

DAC benefits end if the disabled adult child gets married. But, there are exceptions. If the adult child is already receiving DAC benefits and marries a person who is receiving certain benefits under Title II of the Social Security Act, then each newlywed may keep their respective benefits under the rationale that neither of them is supporting the other.

An adult with IDD, who will be eligible for the DAC benefit, should not marry until after his or her parent retires, becomes disabled or dies. But, if he or she marries a person who does not get a qualifying benefit under Title II of the Social Security Act, then he or she will lose the disabled adult child benefit altogether.

The Marriage Tax on Benefits

The loss of all or part of supplemental security income or DAC benefits can be a significant stumbling block for adults with IDD who wish to marry, if they are or will be dependent on federal benefits.