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ResearchReport

Benefit Eligibility and Marriage for People With Disabilities

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Issue

This report describes eligibility for Medicaid, Supplemental Nutrition Assistance Program (SNAP), and federal programs for people with disabilities and examines how marriage may affect eligibility for these programs. It also provides state-level policy options for addressing changes in benefit eligibility due to marriage.

The report generally describes current laws and policies but is not exhaustive; people with questions about their eligibility for (1) SNAP or Medicaid should contact the Department of Social Services (DSS) or (2) federal benefits should contact a Social Security Administration (SSA) representative. The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

Summary

The effect of a marriage on benefit eligibility for state or federal medical, nutritional, or cash assistance varies by program and is often case-specific, depending on a number of factors. For people living with disabilities, losing these benefits (particularly Medicaid coverage) may be of heightened concern. Several recent news stories describe cases in which couples delayed or cancelled marriage plans due to these concerns (see Associated Press, Forbes, NPR).

The SSA administers federal cash assistance programs for people with disabilities, including Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). SSDI is a monthly cash benefit for nonelderly workers living with severe, long-term disabilities and their eligible

dependents. Generally, for workers eligible for SSDI based on their own work history and disability, getting married will not change SSDI eligibility status or the benefit amount. However, a marriage can affect SSDI benefits for people who receive them due to their relationship to an SSDI-insured worker (e.g., a disabled adult child of an SSDI-insured worker). SSI is a monthly cash benefit for people who (1) have limited income and assets and (2) are blind, age 65 or older, or are living with a disability. Income and asset limits for this program are generally more generous for two people living separately than they would be for the same two people if they married and combined their households. In a 2003 paper, SSA stated that the rationale for this policy was economies of scale; that by living together and pooling resources, a couple can live more economically than if each person lived alone.

Generally, needs-based programs like Medicaid and SNAP have income limits and, in some cases, asset limits, that increase as the number of people in the household increases, but also reflect an assumption that two people living separately will have higher needs than the same two people living together. For these programs, generally, the marriage itself does not render someone ineligible, but the marriage's impact on household income and assets may. If a marriage results in a household income or asset level that exceeds program limits, someone could lose a benefit that they would have otherwise kept had they stayed single. But he or she may have other eligibility options. Under Connecticut's Medicaid program, HUSKY C provides Medicaid coverage to people who have a disability, are age 65 or older, or who are blind. HUSKY C includes components that have different eligibility criteria, but if a marriage results in income or assets that exceed HUSKY C limits, that person could be eligible under another Medicaid coverage group (e.g., HUSKY D for childless adults).

In Connecticut, SNAP eligibility is based on (1) net and gross income for most people or (2) net income and assets for seniors and people with disabilities whose gross income exceeds 185% of the federal poverty limit (FPL). Because eligibility for increased SNAP income limits is linked to eligibility for federal programs, if a marriage results in a loss of a federal benefit, it could jeopardize eligibility for SNAP benefits as well. But, Connecticut has taken an expansive approach to SNAP eligibility by implementing broad-based categorical eligibility at 185% of FPL.

While debating perceived marriage disincentives in SSA programs is up to Congress, the state may be able to address certain concerns among people with disabilities who are considering marriage. Policy options include the following:

1. promote "Achieving a Better Life Experience" (ABLE) accounts that allow certain people with disabilities to save money that is generally disregarded when determining eligibility for certain benefits;

2. promote or expand access to benefit counseling to advise people on how a marriage could affect their benefits; or

3. expand eligibility for Medicaid by increasing or eliminating income or asset limits or increasing the community spouse protected amount (as the legislature recently did), though this would come at a cost to the state.

Federal Programs

Social Security Disability Insurance (SSDI)

SSDI is a monthly cash benefit administered by SSA for nonelderly workers living with severe, long-term disabilities and their eligible dependents. To be eligible, workers must have worked in jobs subject to Social Security taxes long enough to accrue a certain number of earnings credits. Payments are funded through Social Security taxes on current workers and their employers. Payment amounts are based on the worker's credible, career-average earnings in Social Security-covered employment or self-employment.

SSDI pays benefits to workers living with disabilities who are under the program's full retirement age and to their eligible spouses, divorced spouses, minor children, student children (i.e., unmarried 18- or 19-year-old elementary or secondary school students), and disabled adult children. Some people who receive Social Security benefits due to a disability are generally included under SSDI even though they are not technically disability insurance beneficiaries (e.g., disabled dependents of retired workers). According to the Congressional Research Service, benefits for dependents are less than the worker's benefit because a family is assumed to have economies of scale.

Generally, for workers eligible for SSDI based on their own work history and disability, getting married will not change SSDI eligibility status or the benefit amount. Workers who are disabled generally continue to receive their SSDI benefits until they die, attain the program's retirement age, or no longer meet the statutory definition of disability. However, a marriage can affect SSDI benefits for people who receive them due to their relationship to an SSDI-insured worker. For example, eligible disabled adult children of disabled workers generally lose SSDI eligibility if they get married unless they are marrying someone who also receives certain types of Social Security benefits (e.g., other disabled adult children of disabled workers). Divorced spouses of disabled workers may also lose their SSDI benefits if they remarry, depending on how old they are when the marriage occurs.

Supplemental Security Income (SSI)

SSI is a monthly cash benefit administered by SSA for people who (1) have limited income and assets and (2) are blind, age 65 or older, or are living with a disability. Unlike SSDI, there is no requirement to work a certain amount of time before becoming eligible. Benefits are financed through general funds, rather than Social Security taxes.

SSA establishes a maximum SSI benefit amount annually. The agency determines a person's benefit amount by deducting certain types of income from the maximum. In 2022, the maximum monthly benefit amount is $841 for a single person and $1,261 for two married eligible people. The program in effect subjects two eligible people to a more generous standard when they are single ($841 each) than when they get married ($1,261 together, approximately 1.5 times the standard for single people). According to a 2003 SSA issue paper, "the rationale for paying couples less than the amount that two individual beneficiaries would receive is one of economies of scale. By living together and pooling resources, a couple can live more economically than if each person lived alone." The paper also describes how policies to determine income may also be disadvantageous for married couples (e.g., income disregards that apply to each person individually but only once for a married couple).

The SSI asset limit is similarly structured. Two people applying for the program individually are eligible for benefits if they have assets up to $2,000 each, excluding certain assets (e.g., a home, a car, and certain life insurance policies). If they marry, their combined assets cannot exceed $3,000 in order for them to remain eligible.

Federal Legislation

At least one bill introduced in Congress in 2022 includes provisions addressing a marriage disincentive in the SSDI program. As mentioned above, disabled adult children ("DAC") of SSDI beneficiaries typically lose their benefits when they marry. Among other things, the bill seeks to eliminate the requirement that DACs remain unmarried in order to receive SSDI benefits (H.R. 6405). According to reporting, the bill was informed by a woman with a chronic disability who cannot marry her partner without losing her SSDI, Medicare, and Medicaid benefits (Forbes, NPR).

Medicaid

HUSKY C

In Connecticut, HUSKY C provides Medicaid coverage to people who have a disability, are age 65 or older, or who are blind (CGS § 17b-290(15)). According to DSS, HUSKY C includes several different programs that have different income and asset limits. The income limit for long-term services and supports and 1915(c) home- and community-based waivers is generally 300% of the federal SSI benefit amount, though some enrollees with income over that amount may reduce it by spending it on medical expenses (a "spend down"). The HUSKY C asset limits are generally $1,600 for a single person and $2,400 for a married couple. (Med-Connect, a program for working people with disabilities, has higher income and asset limits, explained in further detail below.)

For some couples, the HUSKY C asset limit is effectively higher than $2,400 due to federal requirements to prevent spousal impoverishment. According to DSS, people living in nursing homes or other facilities (i.e., institutionalized individuals) and certain other Medicaid enrollees may be subject to spousal assessments (i.e., special financial eligibility rules that exclude a certain portion of the couple's resources to support the spouse of the Medicaid enrollee). When an institutionalized applicant has a spouse living at home, federal law allows the spouse to keep some of the couple's assets to prevent his or her impoverishment (i.e., the community spouse protected amount (CSPA)). Federal law sets the minimum and maximum amount of assets that the community spouse may retain and states may set their own amounts within those parameters. The value of these protected assets is not counted when determining the Medicaid eligibility of the institutionalized spouse. Similarly, HUSKY C enrollees who receive home- and community-based services but are at a nursing home level of care (i.e., they would be in a nursing home if not for the services), may also be subject to these spousal assessment rules.

Other HUSKY Coverage

If a marriage results in income or assets that disqualify someone from HUSKY C, the person might be eligible for Medicaid under another coverage group, regardless of his or her disability status. People who qualify for Medicaid in these groups are not subject to an asset test, meaning they can have assets up to any amount and still be eligible. Table 1 shows income limits for three other coverage groups. These income limits are based on the Federal Poverty Limit (FPL).

Table 1: Annual Income Limits for Other Medicaid Coverage Groups

Coverage Group	Single Person	2-person Household	3-person Household
HUSKY A for parents and caregivers	$21,744	$29,296	$36,848
HUSKY A for pregnant women	Not applicable	$48,155	$60,569
HUSKY D for adults without minor children	$18,754	$25,268	$31,781

Source: DSS

There are other eligibility requirements for these groups. For example, if a person's marriage resulted in income or assets amounts that caused him or her to become ineligible for HUSKY C, that person may be eligible for HUSKY D as long as they (1) are age 19 to 64, (2) do not receive Medicare, (3) have no dependent children, and (4) are not pregnant.

These coverage groups generally provide similar services as HUSKY C, with a few exceptions. For example, only HUSKY C covers services provided under 1915(c) waivers, which provide home- and community-based services to people who would otherwise be institutionalized. The waivers allow the state to provide services not typically covered under Medicaid and tailor waiver programs to serve populations based on their needs or conditions (e.g., people with intellectual and developmental disabilities, serious mental illnesses, or permanent, severe, and chronic physical disabilities). However, people enrolled in any HUSKY program may be eligible to receive other types of in-home supports and services through the Community First Choice program.

Med-Connect

Medicaid for Employees with Disabilities (or "Med-Connect") may be another option for couples with disabilities when a marriage might make them ineligible for other coverage. In Connecticut, the Med-Connect program provides Medicaid coverage for people who are living with disabilities and employed. The program has higher income limits than other Medicaid coverage groups (currently up to $75,000 annually) but may require enrollees to pay a monthly premium. Among other things, state law requires DSS to disregard (or exclude) a spouse's income when determining eligibility for the program, making it easier for married couples to enroll. By law, the program's asset limit is $10,000 for an unmarried person and $15,000 for a married couple (CGS § 17b-597).

SNAP

Categorical Eligibility

Under federal law, people are eligible for SNAP if they either (1) meet income and asset limits specified in federal law ("traditional eligibility") or (2) receive benefits from other low-income assistance programs ("categorical eligibility"). Many states, including Connecticut, use a "broad based categorical eligibility" option to expand SNAP eligibility. In Connecticut, people are categorically eligible for SNAP benefits if they meet a gross income limit of 185% of FPL and a net income limit of 100% of FPL. People eligible through this option are not subject to an asset limit. According to DSS, generally, gross income is before taxes and other deductions, and net income is the amount remaining after certain deductions.

Table 2 shows SNAP gross and net monthly income limits effective October 1, 2021.

Table 2: SNAP Gross and Net Monthly Income Limits

Household Size	Gross Income Limit	Net Income Limit
1	$1,986	$1,074
2	$2,686	$1,452

Source: DSS

Additional Eligibility for People With Disabilities and Seniors

Seniors and people with disabilities who have a gross income over 185% of FPL may still be eligible under traditional rules, which only apply the 100% of FPL net income limit to households that include an elderly person or a person receiving certain disability payments. But these households are also subject to an asset limit ($3,750).

According to the U.S. Department of Agriculture (USDA, the federal agency that administers SNAP), SNAP applicants are considered disabled if they meet any of the following criteria:

1. receive federal disability or blindness payments under the Social Security Act, including SSI or SSDI;
2. receive state disability or blindness payments based on SSI rules;
3. receive a disability retirement payment from a governmental agency because of a permanent disability;
4. receive an annuity under the Railroad Retirement Act and are eligible for Medicare or considered disabled under SSI;
5. are a veteran who is totally disabled, permanently homebound, or in need of regular aid and attendance; or
6. are a surviving spouse or child of a veteran who is receiving VA benefits and is considered permanently disabled.

Because eligibility for increased SNAP income limits is linked to eligibility for federal programs, if a marriage results in a loss of a federal benefit (e.g., SSDI, see above), it could jeopardize eligibility for SNAP benefits as well, to the extent that the couple is not eligible under the broad-based categorical eligibility available in Connecticut regardless of disability.

Benefit Determination

A household's benefit amount is based on the household's monthly net income and the maximum monthly SNAP allotment, established by USDA. According to USDA, because SNAP households are expected to spend about 30% of their own resources on food, the monthly benefit is calculated by multiplying a household's net monthly income by 0.3, then subtracting it from the maximum monthly allotment for the household size. Thus, the effect of a marriage on someone's SNAP benefit amount depends on each person's income. The maximum monthly SNAP allotment is $250 for one person and $459 for two people.

State Legislative Options

ABLE Accounts

Federal law allows states to establish "Achieving a Better Life Experience (ABLE)" programs that allow people with disabilities to save money in a tax-advantaged account. By law, money saved in ABLE accounts is generally disregarded to some extent when determining eligibility for assistance programs, including Medicaid and SSI. Money saved in ABLE accounts may be spent on a wide range of disability-related expenditures, including education, housing, transportation, and basic living expenses.

The Connecticut legislature authorized an ABLE trust and program in 2015 (PA 15-80). The state launched its ABLE program in October 2020. This program may benefit people with disabilities who are concerned about Medicaid or SSI eligibility. The state could further promote the program, which, according to its most recent annual report, had 146 accounts statewide as of FY 21.

Benefits Counseling

Because benefit eligibility is complicated and case-specific, advocates recommend that people with disabilities who are considering marriage should consult an attorney or benefits counselor to understand how their eligibility may change. The state could fund or promote benefits counseling by a state agency or other entity.

The Department of Aging and Disability Services currently offers benefits counseling to people with disabilities on how working and receiving income can affect benefit eligibility. The program includes benefit specialists who can explain how work and earnings affect benefits for people living with disabilities so that they may make informed choices about their vocational goals, potential earnings, and health care needs.

CSPA Increase and Report

This year, the legislature increased the state's minimum community spouse protected amount (CSPA) from $27,480 (the federal minimum in 2022) to $50,000. Under PA 22-118, the spouse may keep the greater of $50,000 or half the couple's combined assets, up to the federal maximum ($137,400 in 2022). Generally, a higher CSPA allows more married people to be eligible for Medicaid-funded institutionalized care or certain home- and community-based supports.

The act also requires DSS commissioner to report by July 1, 2023, to the Aging, Appropriations, and Human Services committees on (1) how many community spouses were able to keep additional assets due to the raised minimum and (2) the cost to the state for raising the minimum (PA 22-118, § 235). The legislature could consider future CSPA increases based on these findings.

Med-Connect Eligibility

In 2021 and 2022, the legislature considered bills that would expand Med-Connect eligibility by eliminating the program's income and asset limits. For couples whose combined income or assets exceeds current program limits, this change would allow them to keep this benefit, but it would come at some cost to the state. According to OFA's fiscal note for the 2022 bill, while it is unknown how many people would become eligible if the state eliminated income and asset tests for this program, the average Medicaid cost per person is approximately $6,900 annually. Neither bill passed (SB 980 (2021) & sSB 283 (2022)).

Resources

AARP, "How Does Marriage Affect Supplemental Security Income?" December 29, 2021.

Congressional Research Service (CRS), "Supplemental Security Income (SSI)," September 13, 2021.

CRS, "Social Security Disability Insurance (SSDI)," October 7, 2021.

CRS, "Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)," May 16, 2018.

Forbes, "What's Next in 'Marriage Equality' for People with Disabilities?" March 31, 2022.

SSA, "FAQ: If I Get Married, Will It Affect My Benefits?" November 24, 2021.

SSA, "Treatment of Married Couples in the SSI Program," December 2003.

Associated Press, "Disabled Couples Navigate Red Tape on Way to Altar," January 18, 2020.

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