

After DOMA: Information for Married Same-Sex Couples



For assistance and answers to specific questions, contact GLAD Answers at www.GLADAnswers.org.

General Information

The United States Supreme Court ruled in the *Windsor* case on June 26, 2013, that the 1996 federal Defense of Marriage Act (DOMA) was unconstitutional, thus allowing same-sex married couples access to the 1,138 federal laws that deal with marriage and to the spousal benefits offered by many federal programs. Same-sex married couples, who live in a place that recognizes their marriage, will be treated by the federal government in an identical way as different-sex married couples. However, because some federal programs use the laws of where the couple resides to determine whether the couple is married, same-sex married couples, living in states that do not recognize their marriage, will have access to many but not all federal programs.

The benefits in the various federal programs only apply to married same-sex couples. The one exception is Social Security. Same-sex couples in a civil union or registered domestic partnership, living in a place that recognizes that relationship, may also be eligible for Social Security spousal-based benefits.

Many federal programs only require that you are legally married (this is called the “Place of Celebration (POC)” rule), but some programs require that in addition to having legally married that your marriage be recognized by the state in which you reside (this is called the “Place of Domicile (POD)” rule).

NOTE: If you think you may be eligible for a federal benefit, we urge you to apply right away as time limits may apply in certain cases and some benefits start from the date you apply.

For information about the following federal programs go to: www.glad.org/doma.

- Bankruptcy (POC Rule)
- Benefits And Protections For Civilian Federal Employees And Their Spouses (POC Rule)
- Family And Medical Leave Act For Non-federal Employees (POC Rule)
- Federal Taxes (POC Rule)
- Free Application For Federal Student Aid (FAFSA) (POC Rule)
- General Information
- Immigration (POC Rule)
- Medicaid
- Medicare Spousal Protections
- Military Spousal Benefits (POC Rule)
- Private Employment Issues And Benefits
- Social Security Spousal And Family Protections (POD Rule)
- Supplemental Security Income For Aged, Blind And Disabled (SSI) (POD Rule)
- Temporary Assistance For Needy Families (TANF)
- Veteran's Spousal Benefits (POD Rule)