



U.S. Department
of Veterans Affairs

Fact Sheet

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VA Benefits and Services for Same-Sex Married Couples

Our mission is to serve America's Veterans and their families with dignity and compassion, but also in accordance with the law. We strongly support all efforts to ensure the Department of Veterans Affairs (VA) core values - integrity, commitment, advocacy, respect, and excellence (I Care) - are used in the adjudication of benefits for same-sex married couples. VA worked closely with the Department of Justice to develop guidance for processing cases involving spousal benefits for legally married same-sex couples, and to implement the necessary changes swiftly and smoothly in order to deliver the best services to all of our nation's Veterans.

Frequently Asked Questions:

Q: Who is considered a spouse for purposes of VA benefits?

A: To be recognized as a spouse of a Veteran for purposes of VA benefits and services, the marriage must be recognized under the law of the place where at least one of the parties resided at the time of marriage, *or* the law of the place where at least one of the parties resided when the claim or application was filed, or at a later date when the eligibility requirements were met. This requirement comes from one of the Federal laws that govern VA, 38 U.S.C. § 103(c). Additional guidance on determining whether VA can recognize a marriage for the purpose of Veterans' benefits can be found at <http://www.va.gov/opa/marriage/>.

Q: If my marriage is recognized for the purposes of VA benefits, what benefits may I be eligible for?

A: To learn more about VA benefits, go to <http://www.va.gov/opa/newtova.asp>.

Q: What does a claimant's or applicant's "assertion" entail?

A: VA generally accepts a claimant or applicant's assertion that he or she is married as sufficient evidence to establish a Veteran's marriage for the purpose of VA benefits. In asserting a spousal relationship, claimants and applicants are responsible for determining whether their marriages may be recognized by VA. To assist claimants and applicants in making such determinations, VA is publicizing the section 103(c) standard through form instructions, web pages, and other means so that claimants and applicants are aware of when VA can recognize their marriage.

Q: What supporting evidence do I have to submit with my claim or application to add my spouse as a dependent?

A: VA will require the same amount of evidence for claims and applications involving same-sex marriage as claims based on opposite-sex marriages. Generally, VA will accept a claimant's or applicant's assertion that he or she is legally married as sufficient evidence to establish a Veteran's marriage for the purpose of VA benefits and services. However, consistent with current policy (applicable to all marriage-based benefits), VA may continue to pursue further development if an assertion concerning a marriage appears unreliable, but will not treat assertions regarding same-sex marriages as inherently suspect for this purpose.

Q: Does VA apply different requirements when evaluating my same-sex marriage? Will VA apply different requirements to a same-sex marriage?

A: VA recognizes marriages, whether same-sex or opposite-sex, that meet the requirements of 38 U.S.C. § 103(c). If eligibility is based on a Veteran's marital status, the marriage must be recognized by the place where the Veteran or the Veteran's spouse resided at the time of the marriage, or where the couple resided when they filed the claim (or at a later date when the eligibility requirements were met, per section 103(c)). VA is adding information explaining this legal requirement to all relevant benefit application forms.

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Q: I filed my claim or application the day after the Attorney General's announcement in September and still haven't received a decision? Why?

A: Following the President's direction of September 4, 2013 for VA to cease enforcement of certain laws that define "spouse" and "surviving spouse" as a "person of the opposite sex", VA generally held claims or applications involving same-sex marriages as VA worked with the Department of Justice to develop guidance to process those claims and applications under a clear and consistent standard. VA will begin processing these claims and applications on June 20, 2014.

List of States That Have Recognized Same-Sex Marriage:

STATE NAME:	DATE SAME-SEX MARRIAGES WERE PERMITTED IN THE STATE (use this column if the place where the marriage occurred is the same as the place of residence)	DATE SAME-SEX MARRIAGES FROM ANY OTHER STATE WERE RECOGNIZED (use this column if the place where the marriage occurred is different from the place of residence)
California	June 17, 2008 – November 4, 2008 June 26, 2013 – present	June 17, 2008 – November 4, 2008 June 26, 2013 – present
Connecticut ^{1,2}	November 12, 2008	November 12, 2008
Delaware ²	January 1, 2012	July 1, 2013
District of Columbia	March 9, 2010	July 7, 2009
Hawaii	December 2, 2013	December 2, 2013
Illinois ³	December 16, 2013	December 16, 2013
Iowa	April 20, 2009	April 30, 2009
Maine	December 29, 2012	December 29, 2012
Maryland	January 1, 2013	February 23, 2010
Massachusetts	May 17, 2004	May 17, 2004
Michigan	March 21, 2014 to March 22, 2014	March 21, 2014 to March 22, 2014
Minnesota	August 1, 2013	August 1, 2013
New Hampshire ²	January 1, 2010	January 1, 2010
New Jersey	October 21, 2013	October 21, 2013
New Mexico	August 21, 2013	January 4, 2011
New York	July 24, 2011	February 1, 2008
Oregon	May 19, 2014	October 16, 2013
Pennsylvania	May 20, 2014	May 20, 2014
Rhode Island ¹	August 1, 2013	May 14, 2012
Utah	December 20, 2013 to January 7, 2014	December 20, 2013 to January 7, 2014
Vermont	September 1, 2009	September 1, 2009
Washington ²	December 6, 2012	December 6, 2012

Note: For the most up-to-date list of states that recognize same-sex marriage, refer to <http://www.va.gov/opa/marriage/>

¹ Both **Connecticut** (effective October 1, 2010) and **Rhode Island** (effective August 1, 2013) recognize out-of-state domestic partnerships and civil unions as “marriages”.

² Several States have passed laws converting civil unions or domestic partnerships that were previously performed within the state to “marriages”. On October 1, 2010, **Connecticut (CT)** converted existing in-state civil unions to marriages with an effective date of October 1, 2010 (CT civil unions permitted as of October 1, 2005). On January 1, 2011, **New Hampshire (NH)** converted existing in-state civil unions to marriages with an effective date of January 1, 2011 (NH civil unions permitted as of January 1, 2008).” On June 30, 2014, **Washington (WA)** will convert existing in-state domestic partnerships, in which either of the partners is not over the age of 62, to marriages effective on the date that the domestic partnership

was performed (WA domestic partnerships permitted as of July 23, 2007). On July 1, 2014, **Delaware (DE)** will convert existing in-state civil unions to marriages, effective the date the civil union was performed (DE civil unions permitted as of January 1, 2012).

³ From June 1, 2014 to May 31, 2015, couples who have an **Illinois (IL)** civil union will have the option of having their IL civil union converted to a marriage, effective the date the civil union was performed (IL civil unions permitted as of June 1, 2011).