

Legal Impacts of Supreme Court Marriage Equality Decision

Because states *may no longer restrict marriage based on gender*, federal and state spousal and “surviving spouse” rights and benefits may no longer be denied to same-sex spouses. Likewise, for a transgender or transitioning person, a change in what gender a spouse is recognized to be does not affect the legality of an existing marriage.

This decision has a broad impact in the areas of federal and state income tax filing status and retirement and survivors’ benefits including Social Security, Veterans, state and private employer benefits and retirement plans.

For a more detailed explanation of federal and states rights and benefits belonging to those who are legally married, and answers to questions you may have, visit:

<http://marriageequalityfacts.org/>

There **Lambda Legal** has compiled answers to frequently asked questions such as those listed below. The site provides links to the Veterans Administration, Social Security, IRS, and other web pages where you can find the latest updates implementing the Supreme Court Decision. It also provides links to organizations you can contact if you believe an agency or private employer has taken adverse action against you because of your sexual orientation or gender identity, or because you are married to a person of the same sex.

Some of the topics and FAQ’s covered on this website include:

Retirement Benefits

What effect does the Supreme Court’s marriage decision have on my rights with respect to retirement benefits?

Do I have to be married for any length of time before my spouse and I can get retirement benefits?

What if I retired before my marriage was recognized?

What if I retired before I was able to marry my same-sex spouse?

What should I do if I have been told that my plan won’t cover my spouse?

Social Security Spousal Benefits

Will same-sex spouses, widows and widowers be eligible to receive Social Security spousal benefits, wherever they live?

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Will surviving same-sex spouses be eligible to receive spousal benefits if the wage earner spouse passed away while living in a non-recognition state before the Supreme Court's marriage ruling?

Will we be eligible for Social Security spousal benefits as soon as we get married?

Income Taxes

How will the Supreme Court's marriage ruling impact how I file my income taxes?

How will the Supreme Court's marriage ruling change how much I owe in my state income taxes?

What steps should a newly married and newly respected couple consider taking with respect to their income taxes?

Employment Discrimination

Can my employer fire me if I marry my same-sex partner?

Can my employer refuse to add my same-sex spouse to my health insurance?

If I work for a religious organization can I legally be fired or discriminated against because I married someone of the same sex?

Veterans Spousal Benefits

Will same-sex spouses, widows and widowers be eligible to receive Veterans spousal benefits, wherever they live?

Should couples who received a final determination from the VA denying benefits reapply?

Marriage Equality and Transgender People

What does this mean for transgender people's right to marry and for our families?

My partner and I can now marry in our state, but local/state officials will not provide a marriage license that reflects our gender(s). What should we do?

If I transition after marrying, or move to a state where my gender is not recognized, will my marriage be affected?