



**DATE:** 10/9/14

**OPERATIONS MEMORANDUM** #14-10-02

**SUBJECT:** Processing Same Gender Married Couples

**TO:** Executive Directors

**FROM:** Tom Strickler  
Director  
Bureau Operations

**PURPOSE**

To inform County Assistance Offices (CAOs) on the interim steps to be utilized for the processing of eligibility determinations for same gender married couples and their households.

**BACKGROUND**

On May 20, 2014, same gender marriages became legal in the Commonwealth of Pennsylvania when a decision rendered by the United States District Court for the Middle District of Pennsylvania struck down Pennsylvania's 1996 law banning the recognition of same gender marriages, as unconstitutional.

**DISCUSSION**

Currently, eCIS does not recognize same gender marriages. In order to correctly determine eligibility for families for Cash, the Supplemental Nutrition Assistance Program (SNAP) and Medical Assistance Program (MA), the following steps must be utilized until system enhancements may be completed to address the recent legal changes. This process applies to same gender marriages and DOES NOT include 'Civil Unions' and/or 'Domestic Partners'.

**CASH:**

Cash policy has not changed regarding the rules of mandatory budget group members, specified relative relationships and Legally Responsible Relatives. Cooperation with paternity determination and establishment and enforcement of support obligations are still required, where applicable.

See the attached document for specific scenarios and for data entry for the Individual Program Request, Demographics, Individual Attributes, Relationships, and Eligibility screens.

**SNAP:**

SNAP policy has not changed regarding mandatory household members. Spouses are mandatory household members and must be included in the same SNAP household. SNAP can and will utilize the same Cash process if SNAP and Cash are requested. Eligibility determinations for SNAP should not be affected by the use of the Cash same gender process.

Expedited SNAP can be run using the Cash process guidelines.

**NOTE:** When Cash is to be added to an existing SNAP budget, the case demographics and relationship screens must be modified to reflect the Cash process for same gender marriages.

**Example:** Mother and biological child are active SNAP. She submits an application for TANF for all HH members and subsequently reports she has legally married her significant other of the same gender. When adding the same gender spouse to the existing case, the demographics and relationships screens must be updated to the Cash process so the system will include the same gender spouse in the new and existing budgets.

**MA:**

MA policy has not changed regarding rules of how spouses and biological, step, or adopted children are treated in the MA household composition and MA eligibility determination.

**MAGI MA categories:** The special category request can be used to build the correct budget for the individuals. The budget must be determined manually prior to authorization. The household size and Federal Poverty Level (FPL) must include the married couple. See the attached document for changes to the Program Request Questions, Demographics and Relationships screens.

**Non-MAGI MA categories:** An override is necessary to build the correct budget composition. The budget(s) must be determined manually prior to authorization. The household size and FPL must include the married couple (unless policy indicates the spouse is not a mandatory member of the MA budget being evaluated). See the attached document for changes to the Relationships, Demographics and Eligibility screens.

**LONG-TERM CARE (LTC):** Follow the same steps listed on the attachment for Non-MAGI MA categories. Additional changes to the Relevant Members, Income Eligibility Result, Individual Insurance Type and Client Notice screens are shown on the attachment.

**HOME AND COMMUNITY BASED SERVICES (HCBS):**

Follow the same steps listed on the attachment for Non-MAGI MA categories. Additional changes to the Relevant Members, Eligibility Results, Budget Composition, Eligibility Results Summary and Build New Budget Composition screens are shown on the attachment.

**Reminder:** The income and resources of the community spouse must be used to determine buy-in eligibility for the spouse applying for HCBS. When the income and/or resources of the community spouse will change the buy-in outcome, a category override must be completed.

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP):**

LIHEAP policy has not changed regarding mandatory household members. Spouses are mandatory household members and must be included in the same LIHEAP household. LIHEAP can and will utilize the same Cash process if LIHEAP and Cash are requested. Eligibility determinations for LIHEAP should not be affected by the use of the Cash same gender process.

**COMMONWEALTH OF PENNSYLVANIA ACCESS TO SOCIAL SERVICES (COMPASS):**

COMPASS does not currently recognize same gender marriages. Until system changes are made, the worker may need to reach out to the applicant for clarification on relationship and joint tax filing status.

**NEXT STEPS**

1. Share and review this information with appropriate staff members.
2. Please contact your Area Manager if you have questions regarding this Operations Memorandum.
3. You will be notified when system updates replace these interim processes.
4. Process Level Help (eCISstance) will be updated to reflect the processes outlined in this Operations Memorandum.

[Attachment](#)