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## Enrollment for Survivors of Domestic Violence and Spousal Abandonment

Survivors of domestic violence<sup>1</sup> (DV) and spousal abandonment<sup>2</sup> are able to enroll in marketplace health coverage through a unique set of rules and considerations. Keep reading for a refresher on the latest policy and ***In the Loop*** resources (including the flowchart below) for assisters who are providing enrollment assistance to survivors of DV.

*(Updated March 2018)*

### SPECIAL ENROLLMENT PERIOD FOR SURVIVORS OF DV AND SPOUSAL ABANDONMENT

As of April 29, 2015, survivors of DV can get a Special Enrollment Period (SEP) anytime of year. On July 27, 2015 the Centers for Medicare & Medicaid Services [released guidance](#) on this SEP.

To enroll through the SEP, these consumers should call the marketplace Call Center and state that they are a “survivor of domestic violence” or “survivor of spousal abandonment.” It is important to use these exact phrases to help the Call Center initiate the appropriate script. Once the Call Center grants an SEP, consumers will have 60 days to select and enroll in a plan. As of Plan Year 2018, consumers must be enrolled in Minimum Essential Coverage to request this SEP.

This SEP is available to both men and women who are survivors of DV. Although a pre-enrollment [SEP verification \(SEPV/SVI\) process](#) is now being implemented that requires documentation of SEP eligibility for certain SEPs, no documentation (e.g., police report, medical note) is needed to prove violence or abuse at this time.<sup>3</sup>

In addition, while new federal rules restrict the ability of current marketplace enrollees to change plans through an SEP, the SEP for survivors of do-

mestic violence and spousal abandonment is exempt from this restriction.<sup>4</sup>

Note that this SEP policy applies to the federal marketplace (HealthCare.gov); many state-based marketplaces also follow this policy, but assisters should check with their state to confirm.

#### FOOTNOTES:

<sup>1</sup> Federal rules define domestic abuse or violence as “physical, psychological, sexual, or emotional abuse, including efforts to control, isolate, humiliate, and intimidate, or to undermine the victim’s ability to reason independently. All the facts and circumstances are considered in determining whether an individual is abused, including the effects of alcohol or drug abuse by the victim’s spouse. Depending on the facts and circumstances, abuse of the victim’s child or other family member living in the household may constitute abuse of the victim. For the purposes of qualifying for this special enrollment period, victims of domestic abuse include unmarried and dependent victims within a household.” 26 CFR §1.36B-2T(b)(2)(iv).

<sup>2</sup> A taxpayer is a victim of spousal abandonment for a taxable year if, taking into account all facts and circumstances, the taxpayer is unable to locate his or her spouse after reasonable diligence. 26 CFR §1.36B-2T(b)(2)(iv).

<sup>3</sup> HHS Final Market Stabilization Rule April 13, 2017

<sup>4</sup> HHS Final Market Stabilization Rule April 13, 2017

*In the Loop is a joint project of*



## ADVANCED PREMIUM TAX CREDIT ELIGIBILITY DETERMINATIONS

Survivors of DV and spousal abandonment who have left an abusive relationship or been abandoned by their spouse may be eligible for financial assistance such as Advanced Premium Tax Credits (APTCs). Although the general rule is that married individuals must file jointly to receive tax credits, the Department of Health and Human Services (HHS) and the Internal Revenue Service (IRS) developed a process to provide relief from the joint filing requirement to these married survivors who do not live with their spouse and will file their federal income taxes separately. This means that these individuals are determined eligible for financial help based on their own income, making needed health insurance much more affordable.

### Key Takeaways

- Eligible survivors must mark “not married” on their applications
- APTC recipients should check the “Exception” box on Form 8962 when they file taxes

To use this option, survivors of domestic violence or spousal abandonment who meet the criteria must mark “not married” on their HealthCare.gov application. This is [official guidance from HHS and the IRS](#) and is the only way the marketplace is able to make APTC eligibility determinations based on one spouse’s income. These consumers will not face a penalty for indicating that they are not married even though they actually are married. However, married survivors who meet the exception for victims of DV and spousal abandonment will need to “attest” on the next year’s tax return that he or she qualifies for the exception. This means that anyone who receives financial help based on this exception will have to certify on [tax Form 8962](#) that he or she fits the criteria, although no documentation is required.

Consumers attest to qualifying for relief by marking the highlighted section below:

<p><b>Form 8962</b></p> <p>Department of the Treasury Internal Revenue Service</p>	<p><b>Premium Tax Credit (PTC)</b></p> <p>▶ Attach to Form 1040, 1040A, or 1040NR. ▶ Go to <a href="http://www.irs.gov/Form8962">www.irs.gov/Form8962</a> for instructions and the latest information.</p>	<p>OMB No. 1545-0074</p> <p style="font-size: 2em; font-weight: bold;">2017</p> <p>Attachment Sequence No. 73</p>
Name shown on your return		Your social security number
<p>You cannot take the PTC if your filing status is married filing separately unless you qualify for an exception (see instructions). <span style="background-color: yellow; padding: 2px;">If you qualify, check the box <input type="checkbox"/></span></p>		
<b>Part I Annual and Monthly Contribution Amount</b>		
<b>1</b>	Tax family size. Enter the number of exemptions from Form 1040 or Form 1040A, line 6d, or Form 1040NR, line 7d	<b>1</b>
<b>2a</b>	Modified AGI. Enter your modified AGI (see instructions)	
<b>b</b>	Enter the total of your dependents' modified AGI (see instructions)	
<b>3</b>	Household income. Add the amounts on lines 2a and 2b (see instructions)	<b>3</b>

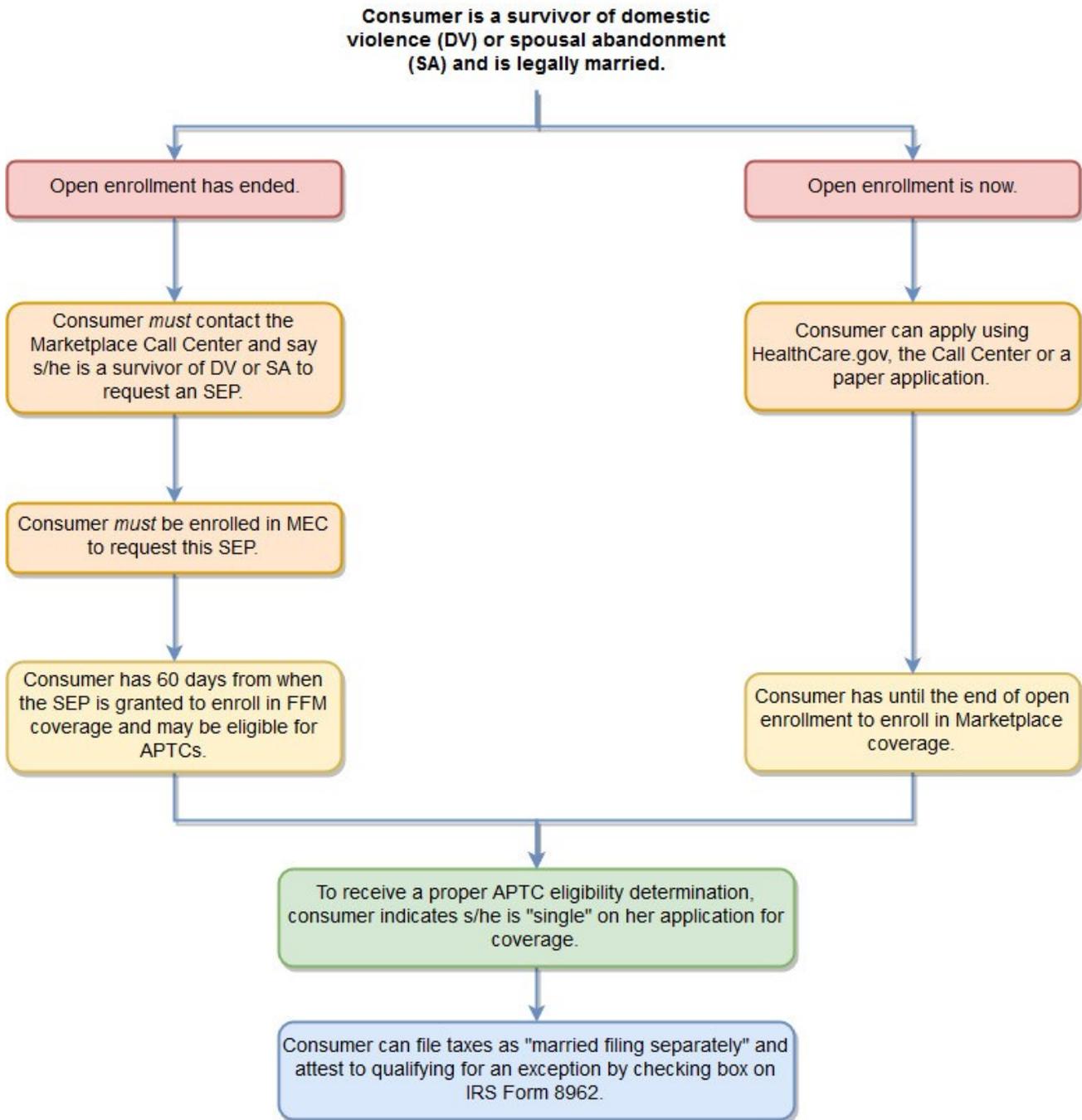
### ABANDONED SPOUSES

The rules for how to report income for the purposes of eligibility determinations and financial assistance if a consumer has been abandoned by his or her spouse are the same as those described above for survivors of DV. Check out *In the Loop's* [fact sheet](#) on the ACA and tax filing for married, separated, and abandoned spouses for more information.

### OTHER CONSIDERATIONS FOR DV SURVIVORS

Remember, survivors may designate an alternate address as a mailing address on a marketplace application as long as they are able to safely and reliably receive mail there. This can be a trusted relative or a shelter.

# Flow Chart 1: Enrollment Process for Survivors of Domestic Violence and Spousal Abandonment



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