

1 [Supporting House Resolution No. 6640 (Panetta) - Marriage Equality for Disabled Adults Act]

2

3 **Resolution supporting House Resolution No. 6640, introduced by United States**
4 **Representative Jimmy Panetta (CA-19), to urge the President and the Congress of the**
5 **United States to amend specified provisions of the federal Social Security Act to allow**
6 **recipients of disabled adult child benefits under the act to continue to receive those**
7 **benefits upon marriage.**

8

9 WHEREAS, An individual with a physical or mental condition that arose before 22
10 years of age, conditions that are regarded as permanent and life-long, and that very seriously
11 limits the person’s ability to engage in substantial employment activity, may qualify for the
12 childhood disability benefit through the social security earnings record of a retired, disabled, or
13 deceased parent; and

14 WHEREAS, This benefit provides funds and insurance coverage that provide critical
15 support for many disabled children; and

16 WHEREAS, Children with disabilities receiving the childhood disability benefit may
17 continue to be covered into adulthood as adult disabled children if they still qualify as disabled
18 under the social security disability standards after reaching adulthood; and

19 WHEREAS, The childhood disability benefit for adult disabled children is also known as
20 the disabled adult child (DAC) benefit, and an adult whose disability arose before 22 years of
21 age may receive the DAC childhood disability benefit through their retired, disabled, or
22 deceased parents’ social security earnings record; and

23 WHEREAS, The DAC benefit provides funds to cover basic living expenses and health
24 insurance coverage that is critical for disabled adult children, as it covers necessary, and often
25 costly, medical care needed to live with a disability; and

1 WHEREAS, For adults who have been disabled from a young age and receive the
2 DAC benefit, access to health insurance coverage through the federal Medicare and Medicaid
3 programs continues to be vital, because other types of insurance do not cover the necessary
4 medical services, personal attendant care, durable medical equipment, therapies, and other
5 services that are often required for individuals with significant disabilities; and

6 WHEREAS, Under the federal Social Security Act and policy, recipients of the DAC
7 benefit have their benefits terminated upon marriage, unless an exception applies; and

8 WHEREAS, Because recipients of the DAC benefit who marry may only continue to
9 receive their benefits if they marry an individual who is also receiving the DAC benefit, Social
10 Security Disability Insurance (SSDI), or certain other categories of social security benefits, this
11 policy creates a substantial barrier to marriage for younger interabled couples; and

12 WHEREAS, The federal Social Security Act and policy currently provide that individuals
13 who receive DAC may lose their access to Medicaid, operated as Medi-Cal in California, if
14 they are deemed to have certain assets or income; and

15 WHEREAS, Loss of DAC benefits, including Medicare and access to Medi-Cal, is
16 simply not an option for most disabled adults, as they depend on their insurance coverage to
17 survive; and

18 WHEREAS, Many DAC benefit recipients do not marry their life partners because they
19 cannot survive without their benefits, and are therefore unable to enjoy the fundamental right
20 to marry and are unable to exercise their religious beliefs with regard to marriage; and

21 WHEREAS, Individuals who are disabled later in life after participating in the workforce,
22 potentially for as few as one and one-half years of work, may be eligible to receive SSDI; and

23 WHEREAS, SSDI recipients who receive benefits on their own work record do not face
24 termination of coverage upon marriage, yet DAC benefit recipients do face termination of
25 coverage upon marriage; and

1 WHEREAS, Many DAC benefit recipients participate or have participated in the
2 workforce and pay or have paid social security and Medicare payroll taxes; however, due to
3 flaws within current policy, these individuals are not allowed to receive SSDI benefits on their
4 own record once they choose to receive the DAC benefits; thus, recipients of the DAC benefit
5 may face substantially inadequate support compared to someone disabled later in life that
6 receives SSDI based on their own work record; and

7 WHEREAS, The discrepancy in the treatment of marriage on benefits between adults
8 who are disabled as children versus those who become disabled as adults and who have had
9 the opportunity to participate in the workforce for at least one and one-half years prior to
10 developing a disability, is plainly unequal treatment; and

11 WHEREAS, Articles 3, 5, and 7 of the United Nations Convention on the Rights of
12 Persons with Disabilities recognizes that all persons are equal under the law and that
13 individuals with disabilities should be guaranteed equal protections of the laws without
14 discrimination; and

15 WHEREAS, Article 23 of the United Nations Convention on the Rights of Persons with
16 Disabilities speaks clearly to the fact that the freedom of people with disabilities to marry and
17 form families is an issue of fundamental human rights; and

18 WHEREAS, In September 2021, the San Francisco Board of Supervisors unanimously
19 passed Resolution No. 409-21 in support of California State Senate Joint Resolution No. 8,
20 introduced by Senator Anna Caballero (SD-14) urging the United States President and
21 Congress to amend the law to allow recipients of DAC benefits to continue to receive those
22 benefits upon marriage; and

23 WHEREAS, House Resolution No. 6405, the Marriage Equality for Disabled Adults Act
24 was introduced by United States Representative Jimmy Panetta (CA-19) for the 117th
25

1 Congress in 2022 to secure the rights and dignity of marriage for Disabled Adult Children but
2 this bill did not pass committee; and

3 WHEREAS, On July 28, 2023, as part of Disability Pride Month, U.S. Representative
4 Panetta re-introduced the Marriage Equality for Disabled Adults Act, also known as House
5 Resolution No. 6640 (H.R. 6640) during the 118th Congress, to eliminate requirements that
6 disabled adult children should remain unmarried in order to receive lifetime benefits and
7 health care through Social Security; and

8 WHEREAS, Adults who were disabled as children should have the right to marry
9 whomever they wish without having their DAC benefits terminated; now, therefore, be it

10 RESOLVED, The San Francisco Board of Supervisors hereby affirms its support for
11 H.R. 6640, the Marriage Equality for Disabled Adults Act; and, be it

12 FURTHER RESOLVED, The San Francisco Board of Supervisors urges San Francisco
13 federal representatives Speaker Emerita Nancy Pelosi (CA-12) and Representative Kevin
14 Mullin (CA-15) to co-sponsor H.R. 6640 and to amend the United States Codes and any other
15 necessary statutes to allow recipients of DAC benefits to continue to receive those benefits
16 upon marriage; and, be it

17 FUTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
18 Board to transmit copies of this Resolution to the President and Vice President of the United
19 States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate,
20 Speaker Emerita Nancy Pelosi, Representative Kevin Mullin, and to the sponsor,
21 Representative Jimmy Panetta.

22
23
24
25