

1 [Supporting California State Senate Joint Resolution No. 8 (Caballero) - Disabled Adult Child  
Benefit]

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3 **Resolution supporting California State Senate Joint Resolution No. 8, introduced by**  
4 **Senator Caballero to urge the President and the Congress of the United States to**  
5 **amend specified provisions of the federal Social Security Act to allow recipients of**  
6 **disabled adult child benefits under the act to continue to receive those benefits upon**  
7 **marriage.**

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

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

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

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

22 WHEREAS, The DAC benefit provides funds to cover basic living expenses and health  
23 insurance coverage that is critical for disabled adult children, as it covers necessary, and often  
24 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, Senator Anna Caballero (SD-12), introduced Senate Joint Resolution No.  
19 8 on July 8, 2021, to urge the President and the Congress of the United States to amend  
20 specified provisions of the federal Social Security Act to allow recipients of disabled adult child  
21 benefits under the act to continue to receive those benefits upon marriage; and

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

24           RESOLVED, That the San Francisco Board of Supervisors hereby supports California  
25 State Joint Resolution No. 8 and urges the California State Legislature to pass this Resolution

1 to ensure that adults who were disabled as children should have the right to marry whomever  
2 they wish without having their DAC benefits terminated; and, be it

3 FUTURE RESOLVED, That the San Francisco Board of Supervisors urges the  
4 President and Congress of the United States to amend Section 402(d)(1) of Title 42 of the  
5 United State Codes and any other necessary statutes to allow recipients of DAC benefits to  
6 continue to receive those benefits upon marriage; and, be it

7 FURTHER RESOLVED, That the Bord of Supervisors herby directs the Clerk of the  
8 Board to transmit copies of this Resolution to the President and Vice President of the United  
9 States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate,  
10 the California State Legislature, and to the sponsor, Senator Anna Caballero.

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