

May 26, 2015

Social Security Administration
Attn: Faye Lipsky
Reports Clearance Director
1905 9th St NE
Washington, DC 20018

Dear Ms. Lipsky:

RE: Agency Information Collection Activities: Comment Request

On behalf of Family Equality Council, please accept these comments on the Social Security Administration's (SSA) Proposed Information Collection regarding SSA Form 8001-BK: Application for Supplemental Security Income. Family Equality Council is a national organization working to ensure full social and legal equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ) parents and their children by providing direct support, educating the American public, and securing inclusion in legislation, policies, and practices impacting families. On behalf of the more than three million LGBTQ parents and their six million children across the United States,¹ Family Equality Council would like to thank the Commissioner and the Administration for your work to provide inclusive and comprehensive services to LGBTQ individuals and their families across the United States.

Spouse Designations

The Social Security Administration administers SSA Form 8001-BK,² which is used to determine an applicant's eligibility for Supplemental Security Income (SSI). SSI benefits are available to certain disabled adults and children, and other adults over the age of 65 with limited income and other financial resources. Information regarding the applicant's financial eligibility for SSI benefits is gathered on this form with language employing the gendered terms of "Mother," "Father," and "Maiden Name."

Form 8001-BK's usage of these gendered terms may cause needless delay in processing the form and potential denial of benefits for applicants with two same-sex parents. Using gendered parental terms potentially excludes LGBTQ parents and adds nothing to the information gathered by the form that could not be ascertained through the use of non-gendered language. As the intent of this form is to determine the financial background of an applicant's parents, and therein determine their eligibility for benefits, using the terms "Mother," "Father," and "Maiden Name" to gather that information serves to confuse potential applicants and SSA staff, and complicate the benefit provision process.

Recommendations

The terms "Mother," "Father," and "Maiden Name" used in Form 8001-BK can easily be changed to use non-gendered parent terms without undermining or compromising the information gained from this form. The underlying intent of this form is not to restrict benefits to applicants with different sex parents, but to ensure that all children are able to access SSI benefits. Updating this form to use gender-neutral parental language will facilitate the Department accurately providing these benefits to all eligible applicants.

¹ Movement Advancement Project, Family Equality Council and Center for American Progress, "All Children Matter: How Legal and Social Inequalities Hurt LGBT Families," October 2011, *Issue Brief: Obstacles and Opportunities: Ensuring Health and Wellness for LGBT Families*.

² *Application for Supplemental Security Income*, SSA Form 8001-BK, Social Security Administration.

These following suggested changes will not broaden the pool of qualified applicants, as the number of potential beneficiaries is still limited to eligible children of parents of certain financial means. Making the changes described below will increase the efficiency of the Social Security Administration, allowing the Administration to more accurately identify an applicant's parents, and their financial contributions to an applicant child, without risking confusion based on inaccurate forms and incomplete information.

We recommend that the Social Security Administration amend SSA Form 8001-BK to eliminate all gendered parental language. We suggest the following specific edits to language on the form (edits in bold and strikethrough).

Within the answer fields for Question 9:

“(a) Your Other Name(s) (including ~~Maiden Name~~ **family name at birth**)”

“(b) Spouse’s/~~Mother’s~~ **Parent 1’s** Other Name(s) (including ~~Maiden Name~~ **family name at birth**)”

“Spouse’s/~~Mother’s~~ **Parent 1’s** Other Social Security Number(s)”

“(c) ~~Father’s~~ **Parent 2’s** Other Name(s)”

“~~Father’s~~ **Parent 2’s** Other Social Security Number(s)”

Within the checkbox answer field for Question 24:

“~~Mother’s~~ **Parent 1’s** Answer”

“~~Father’s~~ **Parent 2’s** Answer”

The Commissioner has the authority to change this form under 42 U.S.C. § 902(a) and 42 U.S.C. § 216. The statute³ and regulations⁴ governing this form do not use gendered terms to define “Mother”, “Father,” “Maiden Name,” or other relevant terms; for this reason, SSA Form 8001-BK does not require statutory or regulatory changes in order to be modernized. Ultimately, changing this form to use non-gendered parental language rather than the existing, gendered language will be a cost-neutral change more accurately reflecting the varied composition of today’s families.

We respectfully recommend that the Social Security Administration modernize the gendered parental fields on this and all other forms to employ language inclusive of LGBTQ-headed families, so as to better reflect and serve all American families. We commend the Social Security Administration for its work, and look forward to the final draft of this form.

We are happy to provide your office with any additional information or clarification that you might need. Please contact Michael Porcello (mporcello@familyequality.org, 202-607-2140) in our Washington, D.C. office with any questions.

³ 42 U.S.C. § 1382

⁴ 20 C.F.R. § 416.1876; 20 C.F.R. § 416.1881

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabriel Blau', with a stylized flourish at the end.

Gabriel Blau
Executive Director
Family Equality Council



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