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## **Enrollment for Survivors of Domestic Violence**

Survivors of domestic violence (DV) 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.

### **Special Enrollment Period for Survivors of DV**

As of April 29, 2015, survivors of DV can get a Special Enrollment Period (SEP). 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.” It is important to use the phrase “survivor of domestic violence” 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.

This SEP is available to both men and women who are survivors of DV, and no documentation (e.g., police report, medical note) is needed to prove violence or abuse. Note that this SEP policy applies to the federal marketplace (HealthCare.gov); many State-Based Marketplaces (SBMs) also follow this policy, but assisters should check with their state to confirm.

### **Advanced Premium Tax Credit Eligibility Determinations for Survivors of DV**

Survivors of DV 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). However, during the first open enrollment period, some survivors had difficulty accessing APTCs because they were legally married and the marketplace requires legally married couples to file their federal income taxes jointly and report both spouses’ income on their marketplace application. This meant that a survivor had to include the income of her abusive partner in her eligibility determination even if she had no access to that income or if the spouse refused to grant a divorce.

The Department of Health and Human Services (HHS) and the Internal Revenue Service (IRS) developed a process to provide relief to these survivors. Today, survivors of domestic violence and abandoned spouses who are legally married can choose to file their 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 to these consumers.

To use this option, survivors of domestic violence 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.

No documentation is needed to prove domestic violence on the marketplace application. But married survivors who get the special DV relief will need to “attest” on the next year’s tax return that the victim is unable to file taxes jointly due to domestic abuse. This means that anyone who receives financial help based on this “DV relief” will have to

certify on [their tax Form 8962](#) that he or she fits the criteria—though, again, no documentation is required.

Form <b>8962</b>	<b>Premium Tax Credit (PTC)</b>	OMB No. 1545-0074
Department of the Treasury Internal Revenue Service	▶ Attach to Form 1040, 1040A, or 1040NR. ▶ Information about Form 8962 and its separate instructions is at <a href="http://www.irs.gov/form8962">www.irs.gov/form8962</a> .	<b>2014</b> Attachment Sequence No. <b>73</b>
Name shown on your return	Your social security number	Relief (see instructions) <input checked="" type="checkbox"/>

**Part 1: Annual and Monthly Contribution Amount**

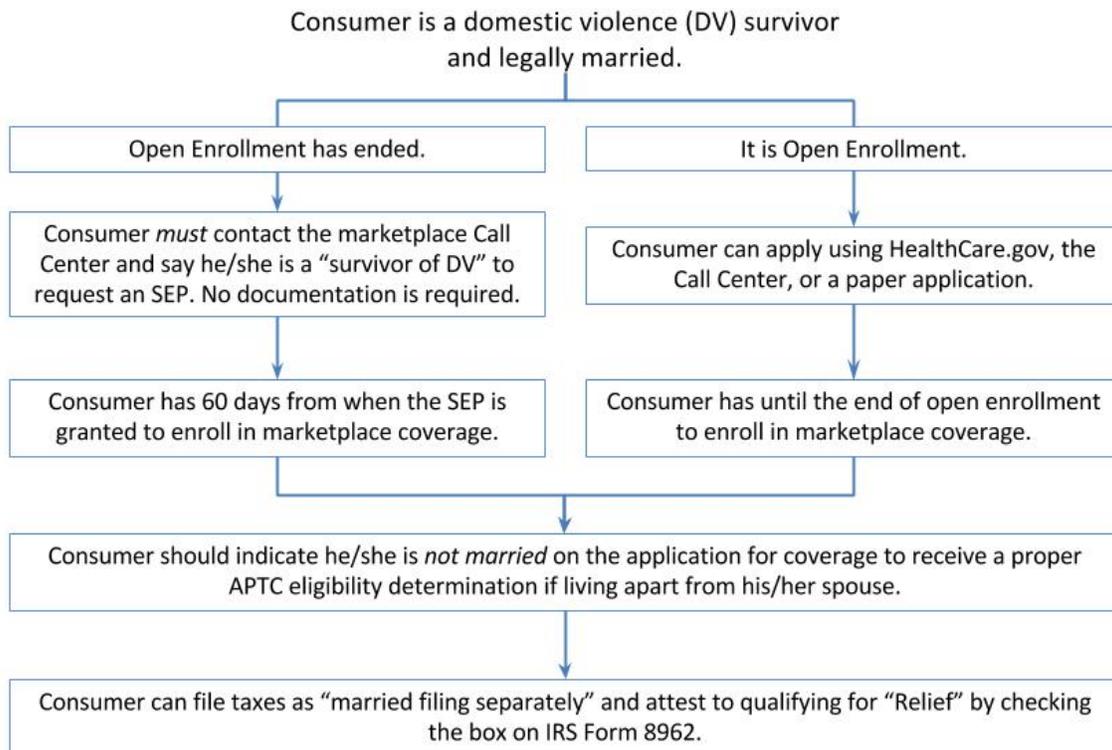
1	Family Size: Enter the number of exemptions from Form 1040 or Form 1040A, line 6d, or Form 1040NR, line 7d . . . . .	1	
2a	Modified AGI: Enter your modified AGI (see instructions) . . . . . <span style="border: 1px solid black; padding: 2px;">2a</span>	b	Enter total of your dependents' modified AGI (see instructions) . . . . . <span style="border: 1px solid black; padding: 2px;">2b</span>
3	Household Income: Add the amounts on lines 2a and 2b . . . . .	3	

The rules for how to report income for the purposes of eligibility determinations and financial assistance if a consumer has been abandoned by 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, like consumers who are homeless, survivors may designate an alternate address as a mailing address as long as they are able to safely and reliably receive mail there. This can be a trusted relative or a shelter.

[In this thread](#), Loopers offered advice to work through a case in which a survivor, for the purposes of confidentiality, used a mailing address in a different county than where she lived, but it had implications for her plan selection.



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*In the Loop* is a joint project of the National Health Law Program and Community Catalyst.