

Healthcare.gov Enrollment for Survivors of Domestic Violence

Open enrollment for Healthcare.gov (Health Insurance Marketplace) is now through November 1, 2022 but survivors of domestic violence can enroll at any time! People who have experienced domestic or intimate partner violence can get insurance that covers comprehensive medical and behavioral health benefits.



The Basics

All health plans available at the Healthcare.gov must cover a package of core health services. This includes primary and emergency care, as well as behavioral and mental health services, substance use services and screening and brief counseling for domestic or intimate partner violence. Having health insurance will make these services more affordable and available. Significant financial help may be available to make purchasing health insurance more affordable.

Health insurance coverage through Medicaid or Healthcare.gov can be **individual** coverage or **family** coverage (including one parent and kids). But it does not need to be tied to the head of household or to a partner who is using harm. (Though household income may be considered when calculating financial help.)

During Open Enrollment, individuals can shop for health insurance coverage for themselves and their family through the Health Insurance Marketplace. People who are already covered by a Marketplace plan will also be able to renew or change their plan. Open enrollment for 2023 will begin on November 1, 2022.

For some individuals and children, comprehensive coverage may be available through Medicaid or the Children's Health Insurance Program (CHIP). It is possible to submit just one Healthcare.gov application to determine whether they are eligible for Medicaid/CHIP or subsidized private coverage. There is no Open Enrollment period for Medicaid and CHIP; these programs accept applications year-round.

Special Enrollment Rules for Survivors of Domestic Violence

Most people who purchase coverage through Healthcare.gov will be offered a significant discount on the cost of buying health insurance. This financial help is available on a sliding scale based on income and family size. People apply for financial help after answering questions as part of the Healthcare.gov application, and there are special rules for some survivors of domestic violence to get as much financial help as they can.

Survivors of domestic violence and abandoned spouses who are legally married but who do not live with their spouse and will file taxes separately are not required to count the spouse's income towards their household income. This means that these consumers are able to qualify for financial help based on their own salary—making needed health insurance much more affordable to these victims.

In order to do this, survivors of domestic violence who meet the criteria must indicate they are not married on their Healthcare.gov application. This will allow the appropriate eligibility determination for financial assistance. After the application has been completed, consumers will be able to see what financial help they are eligible for based only on their income (as well as any countable income for any dependents they list on the application). Survivors then can choose a plan that best meets their needs and enroll.

No documentation will be necessary to prove that they are a victim of domestic violence. The IRS and the Department of Health and Human Services have published guidance on this for victims of domestic violence and there is no penalty for misstating your marital status under these circumstances.

For the purposes of safety and confidentiality, survivors may choose to use a mailing address that is different from the address where they physically reside. To do this, they should select "no home address" on the enrollment form. The application will then be processed using the address listed as the applicant's mailing address in the application. It is important to note that the mailing address will be used to determine which plans are available to the applicant, so the mailing address used should be in the same area where the applicant will need to receive services. It is possible to use the address of a trusted relative or of a shelter who is able to hold mail. In addition, there is an option to receive communications from Healthcare.gov electronically, rather than through the postal service.



Encourage clients to call the toll-free Call Center (1-800-318-2596) or refer them to local assisters who are trained to help consumers through the enrollment process. A good place to start: <https://localhelp.healthcare.gov/>. These trained assisters will help consumers file the application appropriately.

Additional Considerations that May Impact Financial Help Available to Survivors of Domestic Violence

If the survivor is legally married but has separated from an abusive spouse, they may be eligible for financial assistance to help pay for a Healthcare.gov plan based solely on their own income (and not including their spouse's) as explained above. But there are some important rules that may also impact a survivor's Healthcare.gov application:



If a survivor is married filing jointly and their spouse can buy family insurance through their job that meets the ACA criteria for “affordability,” the survivor will not be eligible to get financial help to purchase their own separate insurance on the Health Insurance Marketplace. This is true even if the spouse refuses to cover the victim.



If a survivor is married filing jointly, the family's whole household income is used to determine eligibility for financial assistance. This is true even if the spouse refuses to cover the victim.

And remember, some people may qualify for coverage through Medicaid based on their income, family size, and the state they live in. Medicaid offers comprehensive medical and behavioral health services, including benefits that are so important for survivors. There is no Open Enrollment for Medicaid—enrollment is year-round.

Special Enrollment Period for Survivors of Domestic Violence After Open Enrollment Ends

After Open Enrollment ends, it is generally not possible to sign up for a new health insurance plan on the Health Insurance Marketplace. However, there are certain “life events” that can trigger a Special Enrollment Period (SEP). Survivors of domestic violence and their dependents may purchase health insurance at any point during the year by starting a new application with the Call Center and asking for a Special Enrollment Period. They must say that they are a “victim of domestic violence.” This is done through self-attestation and no documentation is needed to prove domestic violence. The consumer must enroll in coverage within 60 days after the SEP is granted. This SEP is only available to consumers who are already enrolled in minimum essential coverage. Medicaid enrollment is year-round and anyone who may be eligible for coverage through Medicaid should submit an application.

Who can qualify to purchase health insurance in the Health Insurance Marketplace?

Almost everyone can buy insurance in the Health Insurance Marketplace. Undocumented immigrants may not purchase coverage for themselves in the Health Insurance Marketplace, but they may purchase insurance on behalf of documented individuals (e.g., an undocumented spouse may purchase coverage for their citizen spouse or children). Lawfully present immigrants (including those subject to the 5-year bar) may buy insurance on the Health Insurance Marketplace and receive financial assistance.

Special Rules for Members of Tribes

The special IRS tax filing rules for married survivors of domestic violence apply to American Indians and Alaska Natives as well. Additionally, American Indians and Alaska Natives may enroll in coverage through the Health Insurance Marketplace at any time during the year, and need not wait for Open Enrollment or a Special Enrollment Period. They may also change plans at any time during the year, up to once a month.

For more information,

<https://marketplace.cms.gov/technical-assistance-resources/assisting-victims-of-domestic-violence.pdf>

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