

December 22, 2011

## **Bennet, Casey Stand Up for Health Care for Domestic Violence Victims**

*Push for Health Insurance Tax Credit to Apply to Married Survivors of Domestic Violence*

*Letter Signed By 28 Senators*

U.S. Senators Michael Bennet (D-CO) and Bob Casey (D-PA) today pushed for married survivors of domestic violence to receive the health insurance tax credit they deserve without putting their safety at risk by forcing them to file jointly or creating financial hardship.

Bennet and Casey led a letter to Treasury Secretary Timothy Geithner and Internal Revenue Service Commissioner Douglas Shulman urging them to amend proposed regulations on the health insurance premium tax credit in order to create a special joint filing exception for married survivors of domestic violence.

“Without a special exception, a domestic abuse survivor who is married but files separately will be denied the premium tax credit and will need to repay some or all of the credit received in advance,” the Senators wrote in the letter. “Such a change to the proposed rule would ensure that survivors of domestic violence avoid choosing between filing jointly with their abuser, repaying a portion of advance payments to receive an essential health benefit, or being unable to afford health coverage.”

The Affordable Care Act established tax credits to assist Americans in paying for their health coverage. To be eligible for this tax credit, married couples must file taxes jointly. However, this policy could pose a significant risk for victims of domestic violence who are not yet legally separated or divorced.

Filing a tax return jointly could reveal a victim’s new physical address, phone number, employer, and bank account with dangerous results. Without filing jointly, married victims of domestic violence could have thousands of dollars in additional tax liability or may be unable to afford health insurance.

Also signing the letter were Senators Barbara Boxer (D-CA), Daniel Inouye (D-HI), Bernie Sanders (I-VT), Patrick Leahy (D-VT), Chuck Schumer (D-NY), John Kerry (D-MA), Kay Hagan (D-NC), Herb Kohl (D-WI), Dianne Feinstein (D-CA), Barbara Mikulski (D-MD), Mark Begich (D-AK), Joe Manchin (D-WV), Frank Lautenberg (D-NJ), Carl Levin (D-MI), Jon Tester (D-MT), Jeff Merkley (D-OR), Jay Rockefeller (D-WV), Patty Murray (D-WA), Dick Durbin (D-IL), Mark Udall (D-CO), Debbie Stabenow (D-MI), Sherrod Brown (D-OH), Jeff Bingaman (D-NM), Robert Menendez (D-NJ), Ron Wyden (D-OR) and Richard Blumenthal (D-CT).

*Full text of the letter is included below.*

Dear Secretary Geithner and Commissioner Shulman,

As Senators committed to eradicating violence against women and girls in our communities, we are writing to urge you to amend proposed regulations on the health insurance premium tax credit in order to create a special joint filing exception for married survivors of domestic violence. We are pleased that the Department of the Treasury specifically requested public comments on this issue in the proposed rule, and appreciate this opportunity to share our thoughts.

The Affordable Care Act established tax credits to assist Americans in paying for their health coverage. To be eligible for this tax credit, married couples must file taxes jointly. However, this policy could pose a significant risk for victims of domestic violence who are not yet legally separated or divorced. Women who are separated from their spouses have the highest rate of domestic abuse victimization: four times higher than that of divorced women and eight times higher than that for single women. Filing a tax return jointly could reveal a victim's new physical address, phone number, employer, and bank account with dangerous results. Even if a victim files jointly, there is no guarantee that the victim would have access to any refund directed to a joint account controlled by her or his estranged spouse.

Without a special exception, a domestic abuse survivor who is married but files separately will be denied the premium tax credit and will need to repay some or all of the credit received in advance. This could amount to thousands of dollars in additional tax liability at the end of the year - a particularly heavy burden to bear, considering the survivor may be in the process of criminal prosecution, custody fights, and divorce proceedings. If the denial of the credit prevents the survivor from obtaining minimum essential coverage, the survivor may also owe a tax penalty for being uninsured.

Married survivors of domestic abuse should be permitted to file separately and still receive a premium tax credit. We urge the Internal Revenue Service to amend §1.36B-4(b)(3) of the proposed rule (IRS-2011-0024) to create an exception that allows married survivors of domestic violence to file separately and be eligible to receive the health insurance tax credit. People for whom this exception applies can be identified at the beginning of the year when the credit is calculated, mid-year when the Exchange becomes aware of a change in household, income or insurance status, or at the end of the year when the credit is reconciled.

Such a change to the proposed rule would ensure that survivors of domestic violence avoid choosing between filing jointly with their abuser, repaying a portion of advance payments to receive an essential health benefit, or being unable to afford health coverage.

We hope you give strong consideration to allow an exception for survivors of domestic abuse to file separately and still be eligible to receive a premium tax credit. Thank you for your consideration.