(VSR Challenge) Introduction to Dependency Development

Trainee Handout

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Objectives

At the end of this lesson, you will be able to:

* Understand the basic eligibility requirements for dependency
* Know the correct End Product (EP) control for dependency claims
* Understand proper development actions necessary for incomplete information and claims to include appropriate correspondence
* Discuss the specific requirements for establishing a spouse as a dependent
* Discuss the specific requirements for establishing each type of child as a dependent

References

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* [38 CFR 3.50(a)(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=3ffc910db19239d5678ab14c650713bd&mc=true&node=se38.1.3_150&rgn=div8), Spouse and surviving spouse
* [38 CFR 3.57](https://www.ecfr.gov/cgi-bin/text-idx?SID=3ffc910db19239d5678ab14c650713bd&mc=true&node=se38.1.3_157&rgn=div8), Child
* [38 CFR 3.204](https://www.ecfr.gov/cgi-bin/text-idx?SID=1ce31eae2df6edd7a0ef5fc591371cab&mc=true&node=se38.1.3_1204&rgn=div8), Evidence of dependents and age
* [38 CFR 3.210](https://www.ecfr.gov/cgi-bin/text-idx?SID=1ce31eae2df6edd7a0ef5fc591371cab&mc=true&node=se38.1.3_1210&rgn=div8), Child’s relationship
* [38 CFR 3.216](http://www.ecfr.gov/cgi-bin/text-idx?SID=66a97639304fef1cb9da1b4424dbe127&mc=true&node=se38.1.3_1216&rgn=div8)**,** Mandatory disclosure of Social Security numbers
* [38 CFR 3.315(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1425c2d84c8c65a42daf95409191dd79&mc=true&node=se38.1.3_1315&rgn=div8), Child over 18 years
* [38 CFR 3.401(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=dbfb9cf4e753f3f155f2bbd6100dff18&mc=true&node=se38.1.3_1401&rgn=div8), Veterans, Additional compensation or pension for dependent
* [38 CFR 3.403(a)(5)](https://www.ecfr.gov/cgi-bin/text-idx?SID=dbfb9cf4e753f3f155f2bbd6100dff18&mc=true&node=se38.1.3_1403&rgn=div8), School Attendance
* [M21-1, Part III, Subpart i, 3.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014110/M21-1-Part-III-Subpart-i-Chapter-3-Section-B-Processing-Fully-Developed-Claims-FDCs), Processing Fully Developed Claims (FDCs)
* [M21-1, Part III, Subpart iii, 1.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014152/M21-1-Part-III-Subpart-iii-Chapter-1-Section-B-Evidence-Requested-From-the-Claimant), Evidence Requested from the Claimant
* [M21-1, Part III, Subpart iii, 1.F.2](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000071983/M21-1-Part-III-Subpart-iii-Chapter-1-Section-F-Record-Maintenance-During-the-Development-Process#2), Utilizing Contentions and Special Issue Indicators Associated with the Claimed Issues
* [M21-1, Part III, Subpart iii, 5.A](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015798/M21-1-Part-III-Subpart-iii-Chapter-5-Section-A-General-Information-on-Relationship-and-Dependency) - General Information on Relationship and Dependency
* [M21-1, Part III, Subpart iii, 5.B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015799/M21-1-Part-III-Subpart-iii-Chapter-5-Section-B-Establishing-the-Validity-of-a-Marriage-for-Department-of-Veterans-Affairs-VA-Purposes) - Establishing the Validity of a Marriage for Department of Veterans Affairs (VA) Purposes
* [M21-1 Part III. Subpart iii, 5.C](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015795/M21-1-Part-III-Subpart-iii-Chapter-5-Section-C-Establishing-Common-Law-Marriages), Establishing Common Law Marriages
* [M21-1 Part III. Subpart iii, 5.D](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015800/M21-1-Part-III-Subpart-iii-Chapter-5-Section-D-Establishing-Other-Types-of-Marriages), Establishing Other Types of Marriages
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* [M21-1, Part III, Subpart iii, 5.G](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015802/M21-1-Part-III-Subpart-iii-Chapter-5-Section-G-Establishing-a-Biological-Child-Adopted-Child-or-Stepchild-as-a-Veterans-Child-for-Department-of-Veterans-Affairs-VA-Purposes) - Biological Children, Adopted Children, and Stepchildren
* [M21-1, Part III, Subpart iii, 5. L](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000032212/M21-1-Part-III-Subpart-iii-Chapter-5-Section-L-Adjusting-Awards-for-Dependents) – Adjusting Awards for Dependents
* [Rating Job Aids](http://vbaw.vba.va.gov/bl/21/rating/rat00.htm) page - Letter Creator tool (Follow the link, then click on “Letter Creator.”)
* [VBMS Core User Guide](https://vbaw.vba.va.gov/VBMS/docs/VBMSCoreUserGuide-Release_14_1.pdf)

Topic 1: Basic Eligibility, End Product (EP) Control and Development Policies

**Dependency Eligibility**

Establishing an individual relationship to a Veteran is critical in determining benefits because the Department of Veterans Affairs (VA) may pay additional compensation to a Veteran for his/her dependent(s).

First and foremost, a Veteran must have an overall combined disability rating of at least 30% to receive additional compensation for a spouse, child, and/or dependent parent(s).

**Dependents for VA Purposes**

**Dependents:**

* Spouse
* Biological child
* Stepchild
* Adopted child
* Helpless child
* School child
* Parent(s) (financial dependency must be shown)

**Not Dependents:**

* Foster children
* Grandchildren
* Mother or Father in-law
* Ex-spouses
* Stepchild when no longer a member of the Veteran’s household (exceptions may apply)

**End Product (EP) Control and Contentions**

Do not establish an independent EP 130 if a claim for dependents is received in conjunction with and initial claim for disability compensation, or while an EP 110 or 010 is pending, regardless of whether they were received at the same time. (M21-1, Part III, Subpart iii, 5.A.1.i)

*Exception:* If a rating was completed on an EP 010 or 110, assigning a combined evaluation of at least 30%, and an issue is deferred (continuing said EP), a separate EP 130 should be established if a subsequent claim for dependents is received (M21-1, Part III, Subpart iii, 5.A.1.i).

Establish an EP 130 if the claim has been received by itself *(after an initial EP has been finalized)* or in conjunction with or while an EP 020 is pending.

An individual contention must be added in VBMS for *each* dependent (M21-1, Part III, Subpart iii, 1.F.2.a-c):

* Example: Dependency claim for [name of spouse]
* Example: Dependency claim for [name of child]

**Note**:When adding Dependency as a contention, select No in the MEDICAL field, and select the ADMINISTRATIVE ISSUE option from the drop-down menu in the CLASSIFICATION field.

When *removing a dependent*, there is a potential for an overpayment. Therefore, the *Potential Under/Overpayment* special issue *must* be added to the contention to track the timeliness on the potential overpayment (M21-1, Part III, Subpart ii, 1.C.7.a-b).

**Dependency and Fully Developed Claims**

The receipt of a dependency claim may affect a pending or received Fully Developed Claim (FDC) for service connected compensation. A claim for service connection must be excluded from the FDC program under the following circumstances:

* A dependency claim and FDC are received at the same time, **and** the dependency claim requires development (claim requires development)
* An FDC is pending and a dependency claim is subsequently received (submits an additional claim, *even if it does not require additional development*)
* A dependency claim is pending and an FDC is subsequently received (claim pending at the time VA receives the EZ form)

**Upfront Dependency Development**

The existence of dependents is **not** a factor in determining entitlement to disability compensation. Nevertheless, to ensure a Veteran receives all the benefits to which he or she is entitled in a timely manner, if a claim for dependents is received with a claim for service connected compensation and there is missing/incomplete information, VSRs must develop to the Veteran for the information at the same time they develop for the service connected conditions.

The upfront development referenced in the above paragraph must be undertaken, even if the Veteran’s combined disability rating is currently less than 30 percent, **unless** there is no reasonable possibility that a favorable decision on the Veteran’s claim will result in the assignment of a combined disability rating of at least 30 percent.

When additional information is needed, the VSR must telephone the claimant to obtain the missing information. However, if the claimant cannot be reached, create a letter in VBMS that requests the missing information/evidence that VA requires to recognize an individual as a Veteran’s dependent.

Also, if a Veteran’s medical records reveal the existence of an eligible dependent that is not on the Veteran’s award, and the Veteran has a combined evaluation of at least 30%, we should send a VA Form 21-686c to the Veteran (M21-1, Part III, Subpart iii, 5.A.6.a).

**When to Develop or Deny**

*Develop*

If additional information or evidence is needed from the Veteran before a decision can be made, VA must send a letter informing him or her what is still needed and provide 30 days to respond. Dependency development letters can be created in VBMS-Core under a Subsequent Development Letter. Development letters should be sent when:

* Information is missing from the source document, or
* Additional evidence is needed, or
* There is conflicting information

Note: Follow the instructions in M21-1, Part III, Subpart iii, 5.A.1.j, creating a development letter in VBMS. Allow the Veteran 30 days to respond to the request.

*Deny*

If the individual lacks the status of a dependent, deny without any further development. For example, a Veteran claiming additional benefits for a grandchild or foster child.

If a development letter was sent, as discussed above, the 30-day suspense has expired, and the Veteran has not responded, the dependency claim should be denied for “Failure to Furnish Requested Evidence.”

If the Veteran filed a claim for additional benefits for a dependent or dependents on a **September 2018 or later** version of [VA Form 21-686c](http://www.vba.va.gov/pubs/forms/VBA-21-686c-ARE.pdf) but did not provide the information/evidence the form requires the Veteran to provide

* deny entitlement to the additional benefits
* inform the Veteran in the decision notice of the information/evidence that was missing
* ask the Veteran to provide the missing information/evidence, and

do **not** maintain EP control for a response.

VA must make reasonable efforts to assist a Veteran in securing evidence, but the Veteran always has the initial burden of proof. This means that unless the Veteran furnishes evidence on each element needed to establish the point at issue, VA must deny his/her claim. (M21-1, Part III, Subpart iii, 5.A.2.a)

**Prescribed Forms for Dependency**

Effective March 24, 2015, requests to add a dependent must be filed on one of the prescribed forms noted in M21-1, Part III, Subpart ii, 2.B.1.b. The most common prescribed forms for dependency are:

* VA Form 21-686c, Application Request to Add and/or Remove Dependents
* VA Form 21-674, Request for Approval of School Attendance
* VA Form 21-0538, Mandatory Status of Dependents

VA Authorizes its RO and call center employees to

* Complete VA Form 21-686c and 21-674, using information they obtain from a claimant over the telephone, and
* Sign the form on the claimant’s behalf

The form must include clear identification of the employee executing the form through a digital signature or a wet signature, when electronic submission is not available.

*Important:* VA Form 21-0538 may be used to *initiate* the process of adding a spouse or child to an award; however, this form contains no sections wherein the Veteran may provide their own or their spouse’s marital histories, or whether the stepchild is the biological child of the Veteran’s current spouse. Without this information, VA cannot determine whether the Veteran and his/her spouse are free to marry or the existence of the relationship with a stepchild. Development via telephone call or letter will be needed for this or any other missing information.

VA *does not* require beneficiaries to use a specific form to report a change in a dependent’s status that will result in *removal* of the dependent from the beneficiary’s award (M21-1, Part III, Subpart iii, 5.A.4.e). A beneficiary may report such changes:

* In writing
* By telephone, e-mail, fax, or
* Through eBenefits.

When a beneficiary requests removal of a dependent, he/she must, at a minimum, provide VA with the date (month, day, and year) of the event (such as death or marriage of a child, or divorce) that necessitates such action. If the beneficiary fails to provide this information, follow the instructions in M21-1, Part III, Subpart iii, 5.L.4.f.

**VA Form 21-686c**

VA Form 21-686c, Application Request to Add and/or Remove Dependents, is the primary form used to collect the appropriate information that is needed to establish dependency. By reviewing the completed VA Form 21-686c, it must be determined if additional forms or information are required.

As long as the requested information is complete, VA will accept the entries a claimant or beneficiary makes on VA Form 21-686c as sufficient proof of the following:

* Marriage
* Dissolution of a marriage
* Birth of a child
* Introduction of a stepchild into a Veteran’s family, or
* Death of a dependent

**Claim Not Submitted on a Prescribed Form**

If a request for additional benefits for dependents is not received on a prescribed form, first attempt to contact the Veteran via telephone to complete VA Form 21-686c, Application Request to Add and/or Remove Dependents and/or VA Form 21-674, Request for Approval of School Attendance, on his or her behalf.

If contact is successful, complete and sign the form, upload it into the VBMS eFolder, and process the claim. If an EP 130 is already pending, the date of claim should be changed to the date the complete claim was received (date of telephone call).

If contact is unsuccessful:

* If EP 130 is pending, change to EP 400 – Correspondence; if no EP is pending, establish the EP 400 – Correspondence
* Send a letter to the Veteran with the language shown in M21-1, Part III, Subpart iii, 5.A.4.d or use the Letter Creator tool to generate the *Request for Application for Dependency* letter
* Upload a copy of the letter into the VBMS eFolder and send via Package Manager
* Clear EP 400 – Correspondence

*Note:* A claim not received on a prescribed form is considered a request for application (RFA); however, if the RFA claim label is used, the Service Connected Compensation RFA letter will automatically be generated and uploaded into the eFolder. Additionally, the EP 400 – RFA is cleared automatically at establishment. Therefore, when addressing an RFA for dependency, you will need to use the *Correspondence* claim label and manually send the Dependency RFA letter to the Veteran.

**Substantially Complete Claim**

The form a claimant uses to initiate the process of adding a dependent to his/her award must be “substantially complete,” which means it must

* bear the claimant’s signature
* provide the claimant’s name and relationship to the Veteran, if applicable, and
* contain enough information to identify
* the Veteran, and
* the benefit the claimant is seeking

A form may be substantially complete but fail to provide all the evidence/information VA requires to add a dependent to a claimant’s award (M21-1, Part III, Subpart iii, 5.A.4.b). Place a substantially complete claim under EP control, if it is not already.

**Incomplete Information – Substantially Complete**

If the claim is substantially complete, but additional information or a VA Form 21-686c and/or VA Form 21-674 is needed, attempt to contact the Veteran via telephone to obtain the information or complete the form on his or her behalf (VA Regional Office or Call Center employees only)

* If the contact is successful:
  + Obtain the missing information and document the call on VA Form 27-0820, Report of General Information; or
  + Complete and sign the VA Form 21-686c and/or 21-674, then upload into the VBMS eFolder (A separate VA Form 27-0820, is not needed if all information is documented on one of these forms.)
  + If the contact is unsuccessful, document the attempt in VBMS notes, and send a letter requesting the missing information or form, allowing the Veteran 30 days to respond.

If additional evidence is needed (e.g. a claim for an adopted child), you may still attempt to contact the Veteran via telephone to inform him or her of the additional evidence requirement; however, you *must* send a development letter (even if the telephone contact was successful). Allow 30 days for the Veteran to respond to request for evidence.

**Incomplete Information – *Not* Substantially Complete**

If the claim does not meet the requirements of a substantially complete claim as noted in the previous section, and you cannot reach the Veteran to complete the claim (VA Form 21-686c and/or 21-674) via telephone:

* Print or make a copy of the form
* Highlight the blocks that require completion (may need to print to PDF and highlight missing information electronically)
* If an EP was established based on the incomplete form, change the pending EP 130 to EP 400 – Correspondence; if an EP was not established, establish an EP 400 – Correspondence
* Attach the Form to a letter that:
  + Instructs the claimant to complete the highlighted portions of the form, and
  + Informs the claimant that VA will not pay benefits based upon submission of the form unless he/she returns the completed form within one year (*Note:* The *Incomplete Application* letter in the Letter Creator tool may be used to generate this letter.)
  + Combine the PDF format of the letter with the electronically highlighted form using Adobe Pro, then upload into the eFolder and send via package manager
  + Clear the EP 400 and take no further action until the claimant returns the form

**Conflicting Information**

There will be times when the information of record conflicts or contains questionable or discrepant information that cannot be resolved through review of other evidence of record. Development will be needed for clarification of an event, date, etc.

Telephone development is quickest way to resolve issues regarding conflicting information. If the conflicting information cannot be clarified via telephone, or if the Veteran cannot be reached, a development letter in VBMS should be generated with a 30-day suspense to obtain clarification.

In addition, it is possible there may be a reasonable indication of fraud or misrepresentation. In such instances, the VSR must develop. Administrative Decisions and Regional Counsel opinions are available if any evidence should require additional development or need validation resolution.

Topic 2: Information Needed to Establish a Dependent Spouse and/or Child for VA Purposes

**Social Security Number Disclosure**

(M21-1, Part III, Subpart iii, 5.A.5)

Veterans are required to disclose to VA their Social Security Number (SSN) and the SSNs of their dependents as a condition of receiving or continuing to receive compensation. SSNs are required to add any dependent unless the Veteran provides a statement that no SSN has been assigned or requested, and the reason why (Example: Foreign National, not residing in the United States). SSNs are important to VA because they enable VA to conduct data exchanges with other agencies.

Many nonresident aliens do not have SSNs, and the VA does not require them to obtain one. In addition, it is unnecessary to request an SSN (or a certified statement indicating that no SSN has been assigned to or requested) for an individual who:

* Has no SSN,
* Is not a United States citizen, and
* Resides outside
* The United States
* The Commonwealth of Puerto Rico
* The Virgin Islands
* American Samoa
* Guam or
* The Northern Marianas

Upon receipt of notice that an individual with no SSN has an individual tax identification number (ITIN), make no further attempts to obtain that individual’s SSN, or a certified statement that no SSN has been requested for or assigned to that individual.

The assignment of an ITIN to an individual by the Internal Revenue Service is an indication that no SSN has been assigned to that individual, and that individual is not eligible for an SSN.

**Establishing A Valid Marriage**

It is possible for Department of Veterans Affairs (VA) benefits to be paid or increased if a marriage is established for VA purposes.

A marriage may be established for VA purposes if the marriage is valid under the law of the locality where the parties resided:

* At the time of marriage, or
* When the claimant filed a valid claim (or became eligible for benefits, if eligibility arose after the date of claim)

**Types of Marriages VA May Recognize**

* **Traditional marriage** – performed by a clergyman or authorized public official. For information about VA’s recognition of **same-sex marriages**, see [VBA Letter 20-15-16, Administration of Same-Sex Spousal Benefits](https://vbaw.vba.va.gov/usb/2015.asp).
* **Common-law marriage** – entered into by agreement of the parties, not requiring a formal ceremony (only in certain jurisdictions). See M21-1, Part III, Subpart iii, 5.C for additional information on common-law marriage. (Requires Administrative Decision)
* **Tribal marriage** – a marriage purported to have been celebrated under tribal custom. Development for facts and circumstances surrounding the marriage is needed. See M21-1, Part III, Subpart iii, 5.D.1.a for steps to follow for development. (Requires Regional Counsel Opinion)
* **Proxy marriage** – a marriage contracted or celebrated by one or more agents on behalf of the actual parties to the marriage. Validity is based on the law of the particular jurisdiction. See M21-1, Part III, Subpart iii, 5.D.1.b-c for additional information.(Requires Regional Counsel Opinion)

**Same-Sex Marriage**

On September 4, 2013, the President ordered the Executive Branch to cease enforcement of 38 U.S.C. 101(3) and (31), to the extent that it prevented government agencies from paying benefits based on the marriage of two individuals of the same sex.

On June 26, 2015, the Supreme Court ruled in *Obergefell v.* *Hodges* that all states must

license a marriage between two individuals of the same sex and recognize a marriage between two individuals of the same sex when their marriage was lawfully licensed and performed out-of-state.

Because of the Supreme Court ruling, the process for determining the validity of a same-sex marriage is now no different than the process for determining the validity of a marriage between individuals of the opposite sex (as described in M21-1, Part III, Subpart iii, 5.B). This applies regardless of whether the State in which the Veteran resided at the time of marriage, or at the time entitlement to additional compensation for a spouse arose, recognized same-sex marriages prior to the Supreme Court ruling.

**Requirements to Establish a Spouse**

To establish a spouse, for VA purposes, the Veteran must complete all questions on VA Form 21-686c, Application Request to Add and/or Remove Dependents. Information requested includes:

* Name of current spouse
* Current spouse’s Social Security Number
* Current spouse’s date of birth (month, day, and year)
* Date of current marriage (month, day, and year)
* Place of current marriage (city/county and state or city and country (if outside the U.S.))
* Complete marital histories for both the Veteran and current spouse
* Full name of former spouse
* Type of dissolution of marriage (divorce, death, annulment)
* Date of dissolution of marriage (month, day, and year)
* Place of dissolution of marriage (city/county and state or city and country (if outside the U.S.))
* Veteran’s signature
* Any other information or additional forms based on the marriage type

**Previous Versions of VA Form 21-686c**

Note: Previous versions of VA Form 21-686c asked for the number of previous marriages for the veteran and spouse. Completion of this information, blocks 6 and 8, on VA Form 21-686c, “How many times have you been married? (Including current marriage),” and “How many times has the Veteran’s current spouse or surviving spouse been married? (Including current marriage),” is optional; however, if a beneficiary or claimant entered a number in blocks 6 or 8 that does not match the number of marriages listed in blocks 7 and 9 contact the claimant for verification.

**Types of Children**

* Biological child
* Stepchild
* Adopted child
* Child incapable of self-support (helpless child)
* School child

**Requirements to Establish All Children (Including Biological)**

(M21-1, Part III, Subpart iii, 5.F.3.a)

* Name
* Social Security Number
* Date of birth (month, day and year
* Place of birth (city/county and state or city and country (if outside the U.S.), and
* Relationship to the Veteran (biological, adopted, stepchild, etc.)

Note: If the Veteran only provides the city of the child’s birth, and it is a well-known city (such as Los Angeles, or Las Vegas), that is acceptable for VA purposes. It is not necessary to develop for the state in such instances.

Children Born to the Same-Sex Spouse of a Veteran During the Course of Their Marriage (M21-1, Part III, Subpart iii, 5.G.6.b)

* If a Veteran marries someone of the same sex, and the Veteran’s spouse has a child while they are married, do not automatically treat the child as the Veteran’s stepchild
* If the Veteran has legally adopted the child, VA may add the child to the Veteran’s award as an adopted child
* If the Veteran has not legally adopted the child, ask Regional Counsel whether VA may add the child to the Veteran’s award as a legitimate child

Reference: For information on requesting an opinion from Regional Counsel, see M21-1, Part III, Subpart iii, 5.A.3.e.

**Requirements to Establish a Stepchild**

In addition to the information required to establish all children, the following is needed:

To recognize a stepchild for VA purposes, the stepchild must be the child of the Veteran’s current spouse. VSRs must establish the relationship between the Veteran and the stepchild’s biological or adoptive parent. The stepchild’s relationship to the biological or adoptive parent to whom the Veteran is married must be established, as well.

The stepchild must be a member of the Veteran’s household or in the constructive custody of the Veteran as defined below:

* Member of the Veteran’s household
* physical member of the household, or
* living apart due to medical reasons; or because one of them is incarcerated, attending school, or fulfilling a military service obligation
* Constructive Custody – VA considers a stepchild a member of a Veteran’s household if the stepchild is in the Veteran’s “constructive custody.” A stepchild is in a Veteran’s constructive custody if the child is:
* separated from the Veteran for the reasons stated in the prior paragraph, or
* receiving at least half of his or her support from the Veteran

The Veteran must provide the following:

* The date (month, day, and year) and place (city and state, or city and country if outside the U.S.) of the Veteran’s marriage to the stepchild’s biological or adoptive parent, and
* A statement as to whether the stepchild became a member of the Veteran’s household
* before reaching age 18, or
* between the age of 18 and 23 while enrolled in and attending school.

Exception: There is no need for a claimant to provide the information/statement described in the above bullets if:

* The form the claimant submits is a VA Form 21-686c, and
* The claimant
* placed a check mark in block 16G (previous version of VA Form 21-686c block 14F and if the child is between the ages of 18 and 23 block 14G),
* placed a check mark in the box labeled Yes in block 16I (previous version of VA Form 21-686c block 14J), and
* made no entries for the stepchild in blocks 16E through 16F (previous versions of VA Form 21-686c blocks 15A through 15C)

**Loss of Stepchild**

*(M21-1, Part III, Subpart iii, 5.G.6.h-i)*

When the Veteran reports the loss of a stepchild due to divorce, death, or annulment (from the child’s biological or adoptive parent), develop for:

* The date (month, day, and year) the child left the Veteran’s household, or a statement that the child remains in the Veteran’s household or constructive custody
* The termination of the marital relationship does not necessitate the termination of the relationship between the Veteran and stepchild If the child lives apart from the Veteran but the Veteran still contributes to the child’s support, the Veteran must provide VA with the
* the last date (month, day, and year) the stepchild lived with the Veteran,
* stepchild’s current mailing address,
* name of the stepchild’s custodian,
* total cost of supporting the stepchild, and
* amount of support the Veteran provides to or for the stepchild

**Requirements to Establish an Adopted Child**

In addition to the information required for all children, one of the following is needed:

* Decree of Adoption,
* Adoptive placement agreement,
* Interlocutory decree of adoption, or
* Revised birth certificate\*

Oral or written certification alone is not sufficient (M21-1, Part III, Subpart iii, 5.G.2).

*Note:* VA may pay benefits for an adopted child based on an interlocutory decree of adoption or adoptive placement agreement; however, if the child leaves the custody of the adoptive parent, the child must be removed from the Veteran’s award.

*\*Important:* If the revised birth certificate is the only documentation received, VA can only pay additional benefits for the adopted child from the date of receipt of the revised birth certificate. Therefore, VSRs must advise the Veteran that VA may grant entitlement from an earlier date, if he/she submits a copy of one of the aforementioned documents.

**Requirements to Establish a Child Incapable of Self-Support (Helpless Child)**

A child incapable of self-support is a child of the Veteran that became that way prior to age 18. A rating decision is always required to establish a child incapable of self-support as this is a medical determination. These claims are processed under EP 020 – Helpless Child, NOT an EP 130.

In addition to the information required for all children, develop for medical evidence which indicates the child became permanently incapable of self-support prior to age 18.

The child remains on the Veteran’s award indefinitely unless it is determined that he or she is no longer helpless, or the child gets married. If the child marries, remove him or her from the Veteran’s award from the *first of the month in which the marriage took place*.

**Requirements to Establish a School Child:**

VA pays benefits based on school attendance for a Veteran’s child that is between the ages of 18 and 23 and is in continuous school attendance at a VA-accredited school. They must submit a complete VA Form 21-674, Request for Approval of School Attendance. Dates provided must include the month, day, and year. Additionally, Veterans entitled to compensation do not need to complete the child’s income section as this applies to non-service connected pension only.

VSRs may complete VA Form 21-674 via telephone, on behalf of the Veteran. See form instructions for what information is needed.

*Note:* You will receive a more in-depth lesson on developing, adding, and removing school children in the School Child Dependency lesson.

Practical Exercise

1. True or False. A VA Form 21-686c or VA Form 21-674 completed by a receptionist at the Denver VAMC on a Veteran’s behalf is a substantially complete claim.
2. What is the primary reason the VA undertakes development of dependency claims during the initial development phase of claims processing?
3. What is needed for a substantially complete claim?
4. To add an adopted child to a Veteran’s award as a dependent, which document(s) can be used as proof for VA purposes?
5. A Veteran, rated at 10% SC, signed and submitted VA Form 21-686c, for additional benefits for her spouse, John. All required information has been provided. There is no pending claim for SC. What action should you take?
6. A Veteran rated at 70% SC signed and submitted VA Form 21-686c, requesting to add his child, Mary. All information is provided except for Mary’s date of birth. Upon review of the form, you notice that in the comments section, the Veteran states that Mary is his foster child. What action should you take?
7. A Veteran, rated at 40% SC, signed and submitted VA Form 21-686c for additional benefits for his spouse, Jennifer, and his children Molly and Jack. He provided all information except for the SSNs for each dependent. Telephone contact was unsuccessful so a development letter is required. What is the correct EP? What should the contention(s) be?
8. Jane Veteran, who is currently rated 20% SC, signed and submitted VA Form 21-686c, requesting to add her spouse, Jack Veteran; and her children, James Veteran and John Veteran. The Veteran also has a claim for SC pending for a right knee condition and migraines. The following information is provided on the VA Form 21-686c:

**Assumption:** full numbers have been received in the electronic folder and are represented here with “xxx xx”

* + Jack Veteran: DOB – March 2, 1990; SSN – xxx xx 1234
  + The Veteran and Jack married on August 15, 2012 and have only been married to each other
  + James Veteran: DOB – September 8, 2013; SSN – xxx xx 1235; biological child
  + John Veteran: DOB – January 23, 2015; SSN – xxx xx 1236; biological child

Is any development needed? Why or why not? If yes, what is needed?