(VSR Challenge) Introduction to Dependency Development

Instructor Lesson Plan

Time Required: 4.75 Hours

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| Lesson Description | |
| The information below provides the instructor with an overview of the lesson and the materials that are required to effectively present this instruction. | |
| TMS # | 4441820 |
| Prerequisites | Prior to this lesson, the Veteran Service Representatives (VSRs) should have completed all prior VSR Challenge lessons. |
| target audience | The target audience for (VSR Challenge) Introduction to Dependency Development is VSR, Entry Level.  Although this lesson is targeted to teach the VSR, Entry Level employee, it may be taught to other VA personnel as mandatory or refresher type training. |
| Time Required | 4.75 hours |
| Materials/ TRAINING AIDS | Lesson materials:   * (VSR Challenge) Introduction to Dependency Development PowerPoint Presentation * (VSR Challenge) Introduction to Dependency Development Trainee Handout |
| Training Area/Tools | The following are required to ensure the trainees can meet the lesson objectives:   * Classroom or private area suitable for participatory discussions * Seating, writing materials, and writing surfaces for trainee note taking and participation * Handouts, which include a practical exercise * Large writing surface (easel pad, chalkboard, dry erase board, overhead projector, etc.) with appropriate writing materials * Computer with PowerPoint software to present the lesson material   Trainees require access to the following tools:   * Compensation Service Intranet Homepage * VBA Leaning Catalog * VBMS Core * Letter Creator tool |
| Pre-Planning | * Become familiar with all training materials by reading the Instructor Lesson Plan while simultaneously reviewing the corresponding PowerPoint slides. This will provide you the opportunity to see the connection between the Lesson Plan and the slides, which will allow for a more structured presentation during the training session. * Become familiar with the content of the trainee handouts and their association to the Lesson Plan. * Practice is the best guarantee of providing a quality presentation. At a minimum, do a complete walkthrough of the presentation to practice coordination between this Lesson Plan, the trainee handouts, and the PowerPoint slides and ensure your timing is on track with the length of the lesson. * Ensure that there are copies of all handouts before the training session. * When required, reserve the training room. * Arrange for equipment such as flip charts, an overhead projector, and any other equipment (as needed). * Talk to people in your office who are most familiar with this topic to collect experiences that you can include as examples in the lesson. * This lesson plan belongs to you. Feel free to highlight headings, key phrases, or other information to help the instruction flow smoothly. Feel free to add any notes or information that you need in the margins. |
| Training Day | * Arrive as early as possible to ensure access to the facility and computers. * Become familiar with the location of restrooms and other facilities that the trainees will require. * Test the computer and projector to ensure they are working properly. * Before class begins, open the PowerPoint presentation to the first slide. This will help to ensure the presentation is functioning properly. * Make sure that a whiteboard or flip chart and the associated markers are available. * The instructor completes a roll call attendance sheet or provides a sign-in sheet to the students. The attendance records are forwarded to the Regional Office Training Managers. |

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| Introduction to (VSR Challenge) Introduction to Dependency Development | | |
| INSTRUCTOR INTRODUCTION | | Complete the following:   * Introduce yourself * Orient learners to the facilities * Ensure that all learners have the required handouts |
| time required | | 0.25 hours |
| Purpose of Lesson  Explain the following: | | This lesson is intended to teach the students the requirements to establish dependents, who can and cannot be considered dependents, acceptable forms and information needed to establish dependents, and the appropriate development action to take when information is missing. This lesson will contain discussions and exercises that will allow you to gain a better understanding of:   * Basic Eligibility and Policies * Establishing a Spouse for VA Purposes * Establishing a Child for VA Purposes * Dependency Development Requirements |
| Lesson Objectives  Discuss the following:  Slide 2  Handout p.2 | In order to accomplish the purpose of this lesson, the VSR will be required to accomplish the following lesson objectives.  TheVSR 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 | |
| Explain the following: | Each learning objective is covered in the associated topic. At the conclusion of the lesson, the learning objectives will be reviewed. | |
| Motivation | Inform the trainee the importance of additional benefits and how dependency claims are actual claims for VA purposes. These benefits directly impact the Veterans compensation and should always be addressed in a timely manner. | |
| STAR Error code(s) | Task 1, 11 | |
| References  Slide 3  Handout p.3 | Explain where these references are located in the workplace.  All M21-1 references are found in the [Live Manual Website](https://vaww.compensation.pension.km.va.gov/).   * [38 CFR 3.1(j)](https://www.ecfr.gov/cgi-bin/text-idx?SID=2eb3a1647cf22e71b98a5cc2647a85a5&mc=true&node=se38.1.3_11&rgn=div8), Definitions, Marriage * [38 CFR 3.4(b)(2)](https://www.ecfr.gov/cgi-bin/text-idx?SID=2eb3a1647cf22e71b98a5cc2647a85a5&mc=true&node=se38.1.3_14&rgn=div8), Compensation. Disability Compensation. An additional amount * [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 * [M21-1, Part III, Subpart iii, 5.F](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015796/M21-1-Part-III-Subpart-iii-Chapter-5-Section-F-Establishing-a-Childs-Age-and-Relationship) - Establishing a Child’s Age and Relationship * [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) | |

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| Topic 1: Basic Eligibility, End Product (EP) Control, and Development Policies | |
| Introduction | This topic will allow the trainee to understand basic eligibility for additional benefits for dependents, correct End Product (EP) control, and development procedures for missing information. |
| Time Required | 1.5 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Understand the basic eligibility requirements for dependency * Establish proper End Product (EP) control for dependency claims * Complete proper development actions necessary for incomplete information and claims to include appropriate correspondence   The following topic teaching points support the topic objectives:   * Dependency Eligibility * Dependents for VA Purposes * End Product (EP) Control and Contentions * Dependency and Fully Developed Claims * Upfront Dependency Development * When to Develop or Deny * Dependency Information/Evidence of Record * Prescribed Forms for Dependency * VA Form 21-686c * Claim Not Submitted on a Prescribed Form * Substantially Complete Claim * Incomplete Information – Substantially Complete * Incomplete Information – *Not* Substantially Complete * Conflicting Information |
| Dependency Eligibility  Slide 4  Handout p.4 | *Discuss the following:*  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).  Explain that parental dependency will *not* be discussed in this lesson, and those claims will not be worked during VSR Challenge. These are advanced claims that may involve income, expense, and net worth development, and require administrative decisions for a final determination. |

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| Dependents for VA Purposes  Slide 5  Handout p.4 | Review the lists on slide 5 and p.5 of the trainee handout, with the trainees.  Notify them that the requirements of specific types of dependents will be discussed later in the lesson. |
| End Product (EP) Control and Contentions  Slide 6-7  Handout p.4-5 | *Discuss that assigning a separate EP for a dependency claim depends on whether an initial claim for compensation has been processed.*  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.  Impress upon the trainees the importance of contentions and specific formatting that must be used per the M21-1:  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 Mary, spouse * Example: dependency claim for Jack, 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  Slide 8  *Handout p.5* | *Explain how dependency claims may affect Fully Developed Claims for service connected compensation:*  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  Slide 9  Handout p.5 | Explain the following:  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 VMBS 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  Slide 10  Handout p.6 | Discuss the situations under which VSRs should develop v. deny:  *Develop:*  VA is required to inform a Veteran what is needed in order to process their claim. Therefore, VSRs must develop when:   * Information is missing from the source document * Additional evidence is needed, or * There is conflicting information   Development letters should be created 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.”  *Per M21-1, Part III, Subpart iii.5.L.1.c.Row 4 and III.iii.5.G.6.e.Row 4-5:*  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  Slide 11  Handout p.7 | *Remind the trainees that effective March 24, 2015, all claims, including those for dependents, must be on a prescribed form.*  The most commonly used 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   *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. |

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| VA Form 21-686c  Slide 12  Handout p.7 | *Explain that this is the primary form used to establish dependents, as well as the following:*  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  Slide 13  Handout p.8 | *Describe the following actions:*  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  Slide 14  Handout p.9 | *Explain the following:*  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  Slide 15  Handout p.9 | *Describe how to handle incomplete information when the claim itself is 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  Slide 16  Handout p.10 | *Discuss how to handle claims that are 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  Slide 17  Handout p.10 | *Explain the following:*  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. |

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| Topic 2: Information Needed to Establish a Dependent Spouse and/or Child for VA Purposes | |
| Introduction | This topic will discuss what information is required to establish a spouse and/or child for VA purposes. |
| Time Required | 1.25 hours |
| OBJECTIVES/ Teaching Points | Topic objectives:   * Discuss the specific requirements for establishing a spouse as a dependent * Discuss the specific requirements for establishing each type of child as a dependent   The following topic teaching points support the topic objectives:   * Social Security Number Disclosure * Establishing a Valid Marriage * Types of Marriages VA May Recognize * Same-Sex Marriage * Requirements to Establish a Spouse * Types of Children * Requirements to Establish All Children * Requirements to Establish a Stepchild * Loss of a Stepchild * Requirements to Establish an Adopted Child * Requirements to Establish a Child Incapable of Self-Support (Helpless Child) * Requirements to Establish a School Child |
| Social Security Number Disclosure  Slide 18  Handout p.11 | *Explain the following:*  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.  *Review when development is not needed for non-resident aliens:*  Do not develop for an SSN or statement for an individual who:   * Has no SSN, * Is not a U.S. citizen, and * Resides outside the U.S. or its territories (Commonwealth of Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, or Northern Marianas) |
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| Establishing a Valid Marriage  Slide 19  Handout p.11 | *Review how a marriage may be 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  Slide 20  Handout p.12 | *Talk about the different types of marriages that 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  Slide 21  Handout p.12 | *Discuss the changes in law regarding same-sex marriage and what this means for VA purposes:*  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  Slide 22-23  Handout p.13 | *Describe the information needed to establish a spouse:*  To establish a spouse, for VA purposes, the Veteran must complete all questions on VA Form 21-686c, Declaration of Status of 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  Slide 24  Handout p.13 | Inform the trainees the previous version of the VA Form 21-686c asked for the number of marriages for the veteran and spouse. These blocks potentially could be left blank.  Completion of 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 enters 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.  **Stress** that the new version of the VAF 21-686c does not have a box for number of previous marriages for the veteran or spouse, but this information is still necessary on the previous forms, as the manual still discusses it.  It may be helpful to show the new version and go through it with the trainees. |

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| Types of Children  Slide 25  Handout p.13 | *Inform the trainees of the different types of children for VA purposes:*   * Biological child * Stepchild * Adopted child * Child incapable of self-support (helpless child) * School child   *Note that the rest of this topic will go into specifics for each type of child.* |
| Requirements to Establish All Children  Slide 26  Handout p.14 | *The following is required for all children:*  Per 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. |
| Requirements to Establish a Stepchild  Slide 27  Handout p.14-15 | *Discuss the following:*  In addition to the requirements for all children:  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 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 14J), and * made no entries for the stepchild in block 16F (previous version of VA Form 21-686c blocks 15A through 15C) |
| Loss of a Stepchild  Slide 28  Handout p.15 | *Inform the trainees that the just because the marriage to the stepchild’s parent is terminated, does not necessarily terminate the parent-child relationship. M21-1 III.iii.5.G.6.*  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 * 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  Slide 29  Handout p.15 | *Outline the additional requirements for 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)  Slide 30  Handout p.16 | *Explain the following:*  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  Slide 31  Handout p.16 | *Briefly cover the basics concerning school children:*  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.  *Impress upon the trainees that they will have a detailed lesson on school children during the post-determination portion of VSR Challenge.* |
| Regional Office Specific Topics | At this time add any information pertaining to:   * Station quality issues with this lesson * Additional State specific programs/guidance on this lesson |

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| Practical Exercise | |
| Time Required | 0.5 hours |
| EXERCISE | Allow 20 minutes for the trainees to complete the exercise. Allow 10 minutes for the review.  Ask if there are any questions about the information presented in the exercise and answer accordingly. |
| Practical Exercise  Handout p.17 | Instruct the trainees to turn to page 17 of the trainee handout and answer the questions. |

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| Lesson Review and Wrap-up | |
| Introduction  Discuss the following: | The Introduction to Dependency Development lesson is complete.  Review each lesson objective and ask the trainees for any questions or comments. |
| Time Required | 0.25 hours |
| Lesson Objectives | You have completed the (VSR Challenge) Introduction to Dependency Development lesson.  The trainee should be able to:   * Understand the basic eligibility requirements for dependency * Establish proper End Product (EP) control for dependency claims * Complete 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 |

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| Demonstration | |
| Time Required | 1 hour |
| EXERCISE | Find a live claim in the VBMS Core work queue. Review the claim to become familiar with its attributes. Demonstrate how add dependents to the corporate record, how to add dependents to the award, and how to notify the Veteran of the decision made.  Ask if there are any questions about the information presented in the demonstration. |