

## **Indiana University Domestic Partner Benefits Program Eligibility Information**

Effective April 1, 2002, IU-sponsored benefits will be extended to same-sex domestic partners of Indiana University employees. In order to be eligible for benefit-plan enrollment, the individual must meet IU's definition of a domestic partner and the partnership must be registered with the university by completing an *Affidavit of Domestic Partnership*.

The definition of a domestic partner is an individual who:

- is the same sex as the employee; and
- is at least 18 years of age and competent to enter into a contract; and
- is not legally married or the domestic partner of another individual; and
- is not related to the employee by blood closer than would bar marriage in the State of Indiana; and
- has allowed at least six (6) months to pass since the termination of any previous same-sex domestic partnership; and
- has lived together as a couple with the employee in a shared residence for at least six (6) consecutive months.

### **Eligibility criteria for children**

The unmarried biological or legally adopted child or qualified legal ward of a same-sex domestic partner is eligible if that child:

- Is in the custody and care of and legally dependent on the same-sex domestic partner; and
- is a member of the household of the employee or, maintains the employee's home as a primary residence while living away from home in order to be a full-time student; and
- is a child for whom the employee assumes full parental responsibility and control, including any and all debts incurred by the child (i.e., charges for health care services and supplies).

Eligibility for all dependent children ends at the end of the month in which the child reaches age 19 unless the child qualifies for Student Eligibility or Disabled Child eligibility. Student Eligibility terminates at the end of the month in which the child reaches age 24.

### **Legal Concerns**

Due to unanticipated legal obligations that may be created between the employee and partner by submitting an *Affidavit of Domestic Partnership*, the university advises both parties to consult an attorney for advice.

### **Tax Information**

In general, both the university's cost of providing domestic-partner benefits and the employee's payroll contribution for these benefits is considered taxable income by the IRS. These tax costs to the employee can be meaningful. For this reason employees are advised to consult a tax advisor. Information for estimating the tax cost of domestic partner benefits may be obtained from the University Human Resource Services office or Web site.

### **Health care coverage**

Associated taxable income can be excluded only if the domestic partner and/or the partner's children qualify under IRS Section 152 as tax-qualified dependent(s) of the employee. In this case the employee should complete a form that will waive the taxation requirements. Information about the IRS requirements are contained on the form, *Certification of Tax-Qualified Dependents*, which may be obtained from the University Human Resource Services' Web site below.

### **Termination of a Domestic Partnership**

The employee must notify Indiana University in writing within 60 days of the dissolution of an IU-registered domestic partnership using a *Termination of Domestic Partnership* form. Benefit plan eligibility for the domestic partner and children of the partner ends on the day of dissolution of the partnership. Failure to notify the university may result in liability for claims paid for ineligible services and disciplinary action (including termination). In addition, failure to provide timely notice to the university jeopardizes COBRA health care continuation coverage for the domestic partner.

While continuation of health care coverage is not required under federal COBRA laws, the university will provide such coverage under the same terms that would apply to an employee's spouse and children.