

# Civil Union Partner & Domestic Partner FAQs

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1. When does the civil union law become effective?

The civil union law (PA 96-1513) becomes effective June 1, 2011. Therefore, first day to apply for an Illinois Civil Union Partnership Certificate is June 1, 2011.

2. Are civil unions limited to same-sex partners?

No. Both same-sex and opposite-sex partners can be a civil union partner.

3. When can I add my civil union partner to my group insurance coverage?

The issuance of the civil union partnership certificate is a qualifying change in status event; therefore, individuals interested in adding a civil union partner will have 60 days from the event to request that their civil union partner be added to their coverage. Coverage would be effective the later of the date the request for change was signed or the date the civil union partnership certificate was issued.

4. Can I add my civil union partner to my group insurance coverage if we received a certificate from another state? If so, when would the coverage be effective?

Yes, civil union partnership certificates received from another state are valid documentation to add a civil union partner and/or his/her children to the member's group insurance coverage. June 1, 2011, the effective date of the law, begins a 60-day qualifying change in status enrollment period for those members who have a valid Civil Union Partnership Certificate from another state. Therefore, the first day the coverage can be effective is June 1, 2011, if requested on or before that date. States currently allowing Civil Union Partnerships are:

- New Jersey (same-sex civil unions only)
- Delaware (effective January 1, 2012 for same-sex civil unions only)
- Hawaii (effective January 1, 2012 for both same-sex and opposite-sex civil unions)
- Vermont (effective July 1, 2000 through August 31, 2009)
- Connecticut (effective October 1, 2005 through September 30, 2010)
- Rhode Island (effective July 2, 2011 for same-sex civil unions only)

5. Can I add my same-sex spouse if I was married in a state that allows a same-sex marriage?

Yes, valid same-sex marriage certificates from states which allow it will be sufficient documentation to add the same-sex spouse to group insurance coverage. States currently allowing same-sex marriages are:

- Massachusetts (effective May 17, 2004)
- Iowa (effective April 3, 2009)

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- New Hampshire (Civil unions allowed January 1, 2008 through December 1, 2009. Civil unions merged into marriages January 1, 2010)
  - Vermont (effective September 1, 2009)
  - Connecticut (Civil unions allowed October 1, 2005 through September 30, 2010. Civil unions merged into marriages October 1, 2010)
  - District of Columbia (effective March 3, 2010)
  - California (effective between May 15, 2008 and November 4, 2008)
  - Coquille Indian Tribe, Oregon (effective May 20, 2009)
  - New York (effective July 24, 2011)
6. I have a Certification of Domestic Partnership from another state. Will this document be sufficient documentation to add my partner and his/her children?

Certain states do not allow civil unions or same-sex marriages; however, they do have domestic partner statutes which provide the same rights and responsibilities as spouses, similar to civil union partnerships in Illinois. If you have a Certificate of Domestic Partnership from any of the following states, you may add your partner and his/her children to your group insurance coverage:

- California
  - Oregon
  - Nevada
  - Washington
7. What is the difference between the coverage options offered to a domestic partner versus a civil union partner?

Civil union partners are eligible for the same coverage options as a spouse; therefore, coverage may include health (including vision, prescription and behavioral health), dental and life insurance. The children of a civil union partner are also eligible for the same type of coverage. Domestic partners are also eligible for health (including vision, prescription and behavioral health) and dental; however, they are not eligible for life insurance coverage, nor are their children eligible for any type of coverage under the Program.

8. Can I request to add my civil union partner to my group insurance coverage during the FY 2013 Benefit Choice Period?

Yes.

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9. Can I add the children of my civil union partner to my group insurance coverage?

Yes, the civil union partner's children can be added to the member's group insurance coverage as long as the children meet the eligibility criteria of a dependent. The children may be added regardless of whether or not the civil union partner is covered by the Program.

10. Can I add life insurance coverage for my civil union partner and his/her children?

Yes. Spouse Life coverage can be requested for a civil union partner and Child Life coverage may be requested for the children of a civil union partner. Current Spouse Life and Child Life coverage amounts and rates will apply. A statement of health will not be required for the life coverage if the coverage is requested within 60 days of the Civil Union Partnership Certificate date.

11. What documentation is needed to add my civil union partner and/or his/her children?

Members will be required to submit a copy of the Civil Union Partnership Certificate to their agency group insurance representative (GIR) at the time they request to add their civil union partner and/or their partner's children. Members who are requesting to add their partner's children to their coverage must also submit a birth certificate for each child. Social security numbers are required for all dependents for which the member is requesting coverage. A copy of your IRS tax return is required if you are requesting to add your partner and/or his/her children as an IRS dependent.

12. Will I be eligible for either of the Flexible Spending Accounts (FSA) programs if I obtain a civil union partnership certificate?

It depends. If the civil union partner is an IRS dependent, then the same options that are available to the member due to having a spouse or dependent will be extended with regard to enrolling in or revoking an FSA, or increasing/decreasing an FSA. If the civil union partner is not an IRS dependent, FSA funds cannot be used to offset any out-of-pocket medical costs.

13. Will a civil union partner be treated the same as a spouse with regard to premiums?

The civil union partner and/or his/her children will be charged the same premium rate as a spouse and/or other dependents; however, they are not recognized as an IRS tax dependent by the federal government unless they meet certain criteria.

- The premiums for a civil union partner who is not considered an IRS tax dependent will be payroll deducted on a post-tax basis. Additionally, the value of the civil union partner's coverage, as well as the value of the coverage for any of the partner's children, will be considered "imputed income" and reported as income at the end of each calendar year. Note: For employees, retirees, annuitants and survivors who are billed by the Premium Collection Unit, the premiums for the civil union partner and their children will be billed on a post-tax basis.

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- The premiums for a civil union partner who is considered an IRS tax dependent and the premiums for the partner's children who are considered IRS tax dependents, will be the same as the premiums for any other tax dependent and will be deducted on a pretax basis.

## 14. When will my civil union partner and/or their children be considered an IRS tax dependent?

A civil union partner and/or their children may qualify as the member's tax dependent under the Internal Revenue Code Section 152(a), only if:

- For the entire calendar year, he or she lives with the member as a resident of the household the member maintains and occupies, and
- During the calendar year, the member provides more than half of his or her total support, and
- Cannot be claimed as a dependent of another taxpayer.

If the civil union partner and/or their children are the employee's IRS tax dependents, the premiums will be deducted on a pretax basis and imputed income will not be added to the employee's W-2. A copy of your IRS tax return is required if you are requesting to add your partner and/or his/her children as an IRS dependent. Note: All premiums for annuitants, retirees and survivors are deducted (or billed, if the benefit check is not sufficient) on a post-tax basis.

## 15. I am currently enrolled in the Quality Care Health Plan with my two 'natural children' dependents. What will be the impact on my group insurance premium if I add my civil union partner and his/her two children who **are not eligible** to be my tax dependents?

**Example:** A member with two IRS dependents is currently paying the 'Two or more Dependents' rate on a pretax basis for the two 'natural children'. The member adds three non-IRS dependents (civil union partner and two civil union children). The member will be charged the 'Two or more Dependents' rate on a post-tax basis **in addition to** the current 'Two or more Dependents' pretax premium.

	<b><u>Monthly Premium</u></b>
Member	\$72.00 (pretax)
2 Natural Children	\$226.00 (pretax)
Non-IRS Civil Union Partner and his/her children	\$226.00 (post-tax)
<b>Total</b>	<b>\$524.00</b>

## 16. I am currently enrolled in the Quality Care Health Plan with my two 'natural children' dependents. What will be the impact on my group insurance premium if I add my civil union partner and his/her two children who **are eligible** to be my tax dependents?

**Example:** A member with two IRS dependents is currently paying the 'Two or more Dependents' rate on a pretax basis for the two 'natural children'. The member adds three additional IRS dependents. The member will not be charged any additional premium since the

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member is already in the 'Two or more Dependent' rate category for the other IRS dependents.

	<u>Monthly Premium</u>
Member	\$72.00 (pretax)
2 Natural Children	\$226.00 (pretax)
IRS Civil Union Partner and his/her children	\$0.00
<b>Total</b>	<b>\$298.00</b>

17. I currently have my same-sex domestic partner covered. Would I pay any more or less if he/she was my civil union partner?

The cost of coverage for a domestic partner is the same as the cost of coverage for a civil union partner provided both either are or are not considered an IRS tax dependent.

18. Where can I find out how much my premiums and imputed income will be for my non-IRS civil union partner and his/her children?

The FY11 premiums for these dependents and imputed income amounts can be found on the Benefits website. The FY12 rates will be provided as soon as they are available.

19. If my civil union partnership is dissolved, can I keep my civil union partner and their children on my group insurance coverage?

No. Coverage for the civil union partner and any children of the partner who are covered under the Program will end at midnight on the day prior to the circuit clerk file stamp on the dissolution of the partnership. These dependents will be offered COBRA.

20. I currently have my same-sex domestic partner on my group insurance coverage. Can I continue his/her coverage after the civil union law becomes effective?

Yes. Domestic partners who are currently covered under the Program will be grandfathered into the plan as a domestic partner. In order to change the domestic partner to a civil union partner, a Civil Union Partnership Certificate will be required.

21. I was planning to add my same-sex domestic partner to my coverage during the FY 2012 Benefit Choice Period. Is that still an option?

No; however, the domestic partner may be added as a civil union partner upon receiving a civil union partnership certificate. Effective June 1, 2011, a civil union partner may be added in accordance with qualifying change in status rules. Therefore, a member wishing to add their civil union partner and/or the partner's children will have 60 days from the later of (1) the issuance of the civil union partnership certificate, or (2) June 1<sup>st</sup>. Coverage will be effective the date of the request (for retirees, annuitants and survivors, it is effective the date of receipt) or the issue date of the civil union partnership certificate, whichever is later.

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22. Do I have to wait until the Benefit Choice Period to terminate my domestic partner's coverage?

If at any time the domestic partner becomes ineligible for benefits, it is the member's responsibility to notify their agency group insurance representative (GIR). The member must complete, sign and submit a Termination of Group Insurance Coverage for Domestic Partner form to the agency GIR (available on the Benefits website). Additionally, domestic partner coverage may be terminated upon the member or domestic partner experiencing an eligible qualifying change in status. COBRA coverage will be offered only to domestic partners who were terminated due to the relationship ending or the employee's employment terminating.