

# Indiana University

## Domestic Partner Benefits Program Eligibility Information

IU-sponsored benefits are 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 to another individual 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
- lives together as a couple with the employee in a shared residence and intend to live together indefinitely; and
- has submitted documentation, as may be required by the university\*, to verify the interdependent relationship with the employee, including an affidavit that the relationship is an exclusive mutual commitment that is the functional equivalent of a marriage; that is, the domestic partner and the employee:
  - are jointly responsible for each other for the necessities of life, including each other's financial obligations; and
  - intend to remain in the relationship indefinitely; and
  - would enter into a legal marriage if the opportunity were available in the United States; and
  - have agreed that in the event of dissolution of the domestic partnership, there will be a negotiation of the division of property similar to that required of a married couple in the event of a divorce.

\* Required documentation, in addition to the affidavit: in lieu of a marriage certificate recognized by the state of Indiana that the university requires to cover an employee's spouse, one of the following forms of supporting documentation is required to verify the employee and domestic partner's interdependent financial relationship:

- a. A valid marriage certificate, civil union registration, or domestic partnership registration issued by a state or foreign nation that has legalized same-sex marriage, same-sex civil unions, or domestic partnerships; or
- b. Joint ownership of residence (home, condo, mobile home); or
- c. One of the following: a lease for a residence identifying both partners as tenants; joint ownership of a motor vehicle; joint credit account; joint checking account; or other evidence of joint ownership of a major asset or joint liability of debt.

### Eligibility Criteria for Children

Children (biological, adopted, or qualified legal wards) of a qualified same-sex Domestic Partner are eligible if they meet the same eligibility requirements as children of the employee or employee's spouse with regard to age and/or disabled child eligibility. Visit <http://hr.iu.edu/benefits/needknow.html> for a description of dependent eligibility guidelines.

Health plan eligibility for all dependent children ends at the end of the month in which the child reaches age 26 unless the child qualifies for Disabled Child eligibility.

### 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 30 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.