

Administrative Procedure Related to Domestic Partner Coverage
Reference: Medical Standard Plan Document - Enrollment

Assembly Bill 205 and Assembly Bill 2208 have amended California Law compelling employers and their benefit programs to be made available to Registered Domestic Partners. Both persons must file a Declaration of Domestic Partnership with the Secretary of State of California. The Secretary of State will determine whether or not the persons meet the requirements of a domestic partnership and shall register the Declaration of Domestic Partnership in a registry for those qualified partnerships, and shall return a copy of the registered form and a Certificate of Registered Domestic Partnership to the domestic partners at the mailing address provided by the domestic partners.

REQUIRED FORMS FOR ACQUISITION OF A DEPENDENT

Tri-County Schools Insurance Group will recognize the **Certificate of Registered Domestic Partnership** in the same manner it recognizes a Marriage License or Certificate of Marriage as proof of eligibility of a dependent and shall follow the same rules as outlined in the medical program standard plan document for acquisition of a dependent (see pages 14-16). Children of a registered domestic partnership may be added as a dependent following the same requirements for dependent children as outlined in the standard plan document and therefore **Birth Certificates** will be required. Eligibility will extend to all benefit programs.

REQUIREMENTS OF REGISTERED DOMESTIC PARTNERSHIP

Registered domestic partners must meet the requirements of California Family Code Section 297 as follows:

- (a) Domestic partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.
- (b) A domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State pursuant to this division, and , at the time of filing, all of the following requirements are met:
 - (1) Both persons have a common residence.
 - (2) Neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity.
 - (3) The two persons are not related by blood in a way that would prevent them from being married to each other in this state.
 - (4) Both persons are at least 18 years of age.
 - (5) Either of the following:
 - (A) Both persons are members of the same sex.
 - (B) One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 405(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42

U.S.C. Section 1381 for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one of both of the persons are over the age of 62.

- (6) Both persons are capable of consenting to the domestic partnership.
- (c) "Have a common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.

TERMINATION OF DOMESTIC PARTNERSHIP

The superior courts shall have jurisdiction over all proceedings relating to the dissolution of domestic partnerships, nullity of domestic partnerships, and legal separation of partners in a domestic partnership. Domestic Partnerships meeting the requirements of the Family Code may file a Notice of Termination of Domestic Partnership with the Secretary of State. The effective date of the Termination of Domestic Partnership shall be effective six months after the date of filing of the Notice of Termination of Domestic Partnership with the Secretary of State or by the date established by the superior court.

TERMINATION OF COVERAGE

Termination of coverage shall be subject to the same rules as other spouses as outlined in the medical standard plan document. Domestic partners shall file with Tri-County Schools Insurance Group their Notice of Termination of Domestic Partnership or any applicable order of the superior court related to the termination of the domestic partnership.

SPECIAL ENROLLMENT PERIOD (DEPENDENT ACQUISITION)

The earliest date of enrollment of a newly acquired registered domestic partner and children of a domestic partnership shall be January 1, 2005 which is the effective date of changes to the Family Code. Subsequent enrollments shall be governed by the date the Secretary of State has designated as the date of the registered domestic partnership.

An employee must properly file an application for enrollment and enroll within thirty-one (31) days of the acquisition of the dependent. The Effective Date of coverage as the result of the special enrollment shall be as noted above no earlier than January 1, 2005, or (1) in the case of registration, the date of the registered domestic partnership, (2) in case of a birth, the date of birth, (3) in the case of adoption or placement for adoption, the date of such adoption or placement for adoption.