

THE LOCAL CHOICE E-NEWS

Department of Human Resource Management State and Local Health Benefits Programs

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Dependent Eligibility Documentation Requirements Frequently Asked Questions

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Q1: In addition to an enrollment form, what other documentation is required to add a spouse?

A1: To add a spouse you should provide a Photocopy of the marriage certificate, and a photocopy of the top portion of the first page of the employee's most recent Federal Tax Return that shows the dependent listed as "Spouse". NOTE: All financial information and Social Security Numbers can be redacted.

Q2: What election changes are allowed based on the U.S. Supreme Court decision regarding same sex marriage in the Commonwealth of Virginia?

A2: All Qualifying Mid-Year Event election changes that are regularly allowed for Marriage would be allowed, based on the new definition of a legal marriage.

Q3: If employees have a decorative copy of the marriage certificate but not a copy of the registered court record, is this acceptable?

A3: No, a decorative copy of the marriage certificate is not acceptable for this purpose. Employees may request a copy of an official marriage certificate from the appropriate state or local issuing authority. In Virginia, they may contact the Virginia Department of Health's Division of Vital Records and Health Statistics at (804) 662-6200. They may also visit the VDH Web site at www.vdh.virginia.gov for more information. Other states have similar Web sites. Marriage certificates are also available through the court where the marriage license was issued.

Q4. Does the marriage certificate need to be a certified copy?

A4. No, a photocopy of the official marriage certificate issued by the state or local authority, such as the Bureau of Vital Statistics or local court is adequate.

Q5: Why are employees being asked to provide tax returns? What tax return documentation is required from those employees who file their taxes electronically? How will they know that their tax records are secure?

A5: Tax returns are a routine requirement to add a spouse. They are necessary to protect the employer in the event of a plan audit of your pre-tax flex documents. The tax return requirement is for a photocopy of the most recent Federal Tax Return that shows the dependent listed as a "Spouse". Once employees have completed their electronic tax return, they have the ability to print the form. Employees should submit only the first half of the return and redact any information not pertinent to the audit such as Social Security Numbers and financial information. A spouse is required to be listed on the 1040 tax form even if the taxpayer tax filing status is married, filing separately.

Q6: How will a married couple provide a tax return if they are newly married or they have not filed a tax return as "married" in the past year?

A6: If married within the last year, only a marriage certificate would be required. For marriages occurring prior to the last year, documentation may include proof of joint debt or a lease or rental agreement. However, if the employee cannot provide either, you should contact the Office of Health Benefits for guidance.

Q7: Does this ruling affect Domestic Partners? Does it affect Civil Unions established in states?

A7: No. The ruling applies only to marriages legally licensed and preformed by duly authorized persons/officers in and outside Virginia. Civil Unions and Domestic Partners remain ineligible.

Q8: How should special circumstances be handled such as 1) married in another country or 2) spouses who are legally married but do not reside in the same household?

A8: For those married outside of the United States, along with the marriage certificate, documentation should include a copy of the valid immigration paperwork issued by the U.S. State Department. For those who are legally married but do not reside in the same household, the requirement is the same as for any other spouse.

Q9: What documentation does the employee need to submit to add stepchildren to the health plan?

A9: Employees will need to provide a photocopy of the following:

- birth certificate (or adoption agreement) showing the spouse's name,
- marriage certificate showing the employee and dependent parent's name, and
- most recent Federal Tax Return that shows the dependent's parent listed as spouse. All financial information and Social Security Numbers can be redacted.

Please do not reply to this e-mail. You may send inquiries to the Office of Health Benefits mailbox at tlc@dhrm.virginia.gov.