



JOHNSTONE'S JOURNAL is published monthly, and designed to provide topical information of interest not only to plan administrators, but to all employees who enjoy coverage under the benefit plan. Feel free to make copies, and use as a payroll stuffer.

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## Dependent Spouse and Children Who is eligible under an employee benefit plan?

In this month's *Journal*, we review the definition of eligible dependents under a typical employee benefit plan. Note: these definitions may differ for government or other non-standard benefits (e.g. HSA). Don't hesitate to call if you have questions.

### Can I add my dependents anytime I want?

Not really. Insurers require that all eligible dependents enrol in the plan within 31 days of the date they become eligible (e.g., the day the employee is enrolled, or date of marriage or birth). If the dependents do not enrol within this period, they may be considered a "late entrant". As a late entrant the insurer may require a completed medical questionnaire, and coverage is subject to insurer approval. Insurers may also restrict claims (e.g., dental) during the first year of coverage. See your employee booklet for details.

### Spouse: married or common-law

Under an employee benefits contract, a spouse who is eligible for benefits is defined as:

- a person legally married to the employee, **or**,
- a person who the employee has been residing with (cohabitating) for a period of at least one year and who is being represented publicly as the spouse. The employee must complete a declaration and file it with the insurer. Discontinuance of cohabitation terminates the eligibility of a common-law spouse for dependent status.

### Separation or divorce

Unfortunately, some marriages breakdown and as such, there are some benefits-related scenarios that might arise:

- *I am separating from my spouse. Can I keep him or her on my plan?* **YES**, if you continue to be legally married and this is part of a separation agreement.

- *I am divorcing from my spouse and the judge says I must keep him or her on my plan.* **YES** Although the definition of spouse is no longer satisfied, if a court-ordered agreement exists, benefits can continue. Though insurers are not legally bound by divorce agreements, benefits are generally approved for as long as stipulated by the court.

In both the above scenarios, court documents are required. As far as new common-law relationships or re-marrying, no matter what the situation, **only one spouse can be covered at a time.**

### Dependent Children

A dependent child is defined as an unmarried child, stepchild or legally adopted child, and is the child of the employee or the legal spouse, and who lives with them and is fully dependent on them for support, and,

- is under age 21.; **or**,
- is attending an educational institution full-time and is under age 25. The definition of full time student for group benefits is generally the definition by the educational institution your child attends. However, definitions vary by insurer and you should confirm student status.

**Guardianship or adoption:** A court order is required to add any dependent child not defined above.

**Handicapped dependents:** will be covered to any age, if physically or mentally handicapped, and incapable of self-sustaining employment. Declaration from the attending physician must be submitted as insurer approval is required.

### Extended Family

Other family, including parents, grandparents, nephews and nieces are not eligible dependents under an employee benefit plan.