

## Palomar Community College District Domestic Partnership Policy

### Health Benefits for "Domestic Partners"

- A. Commencing on May 1, 2000, eligible employees of the Palomar Community College District may receive paid health (medical, dental and vision) benefits for their domestic partners, upon written request, subject to any legal restrictions and the policies of the District's health care providers and carriers, and subject to the requirements in this Board Policy. Eligible employees for purposes of this Board Policy are those regular employees who are currently eligible for health benefits under other existing Board Policy.
- B. The term "domestic partner" for purposes of this Board Policy shall have the same meaning as the definition in Family Code section 297 added by Chapter 588 of the Statutes of 1999. The law defines domestic partners as "two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring." In California, and also under this Board Policy, a domestic partnership shall be established when **all** of the following requirements are met:
1. Both partners have a common residence. The term "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.
  2. Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership. The term "basic living expenses" means shelter, utilities, and all other costs directly related to the maintenance of the common household of the common residence of the domestic partners. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner. The term "joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.
  3. Neither person is married nor a member of another domestic partnership.
  4. The two persons are not related by blood in any way that would prevent them from being married to each other in California.
  5. Both persons are at least eighteen years of age.
  6. Either of the following:
    - (a) Both persons are members of the same sex.
    - (b) Both persons meet the eligibility criteria under Title II of the federal Social Security Act as defined in 42 U.S.C. Section 402(a) for old age

insurance benefits, or Title XVI of the federal Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals.

7. Both persons are capable of consenting to the domestic partnership.
  8. Neither person has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law which has not been terminated pursuant to applicable law.
  9. Both persons file a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law.
- C. Domestic partners of eligible employees shall receive health benefits under this Board Policy only if all requirements in provision B are met, **and** the District receives a copy of the registered form of the Declaration of Domestic Partnership which has been returned to the domestic partners from the California Secretary of State. (Family Code section 298.5). The District may require verification and/or evidence of compliance in addition to receipt of a copy of the registered form of the Declaration of Domestic Partnership. The burden of proof is on the eligible employee seeking health benefits for his or her domestic partner.
- D. Eligible employees who do obtain health benefits for their domestic partners pursuant to Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated. (Family Code section 299).
- E. It is the intent of the Board that this Board Policy be consistent with current law. Any part of this Board Policy which is not consistent with current law shall be void. Any changes in applicable law which impacts this Board Policy shall automatically modify this Board Policy to ensure consistency.
- F. The term "domestic partner" for purposes of this Board Policy **also** shall mean two persons of the opposite sex who meet **all** the requirements in provision B 1,2,3,4,5,7, and 8, and who share one another's lives in an intimate and committed relationship of mutual caring. In addition, the eligible employee must provide written verification under penalty of perjury to the District, and other evidence that the District may require, that all those requirements have been met, **and** the two persons have been sharing a common residence for at least twelve (12) continuous months without interruption. Eligible employees who do obtain health benefits for their domestic partners pursuant to this "local exception" recognized by this Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated.

Legal reference: Family Code sections 297, 298, 298.5, 299, 299.5, 299.6. Government Code sections 22867, 22868, 22869, 22871, 22871.1, 22871.2, 22871.3, 22872, 22873, 22874, 22875, 22876, 22877

Adopted by the Governing Board on April 11, 2000