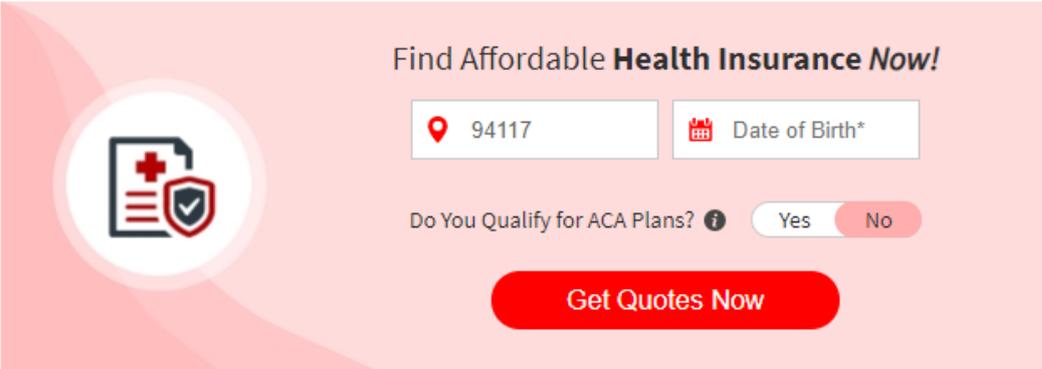


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Health insurance benefits for domestic partners

Susan Manning - Last updated: Oct. 30, 2019

Just as marriage has evolved over the past few decades, so too has the [health insurance](#) industry. The health insurance landscape is trying to keep pace with society and therefore finds itself adjusting, including when it comes to health insurance benefits for domestic partners.

Nearly half of Americans are married. The average age has increased to 28 and 30 for females and males, respectively. The Pew Research Institute estimates that the percentage of people in marriages is down almost 10% since 1990.

The number that is increasing - almost 30% since 2007 -- is domestic partners or cohabitating couples.

Something else that might contribute to the higher domestic partnership rate -- employers are recognizing them more. No longer do you have to get married to get health insurance for your partner, which was always a huge benefit. More companies are offering or continuing to provide spousal health insurance benefits. The [health insurance marketplace](#) also offers domestic partnership health insurance benefits.

What is a domestic partner?

A domestic partner is a term that refers to an unmarried partner regardless of gender.

"The definition of a domestic partnership is when two people live together and are involved in an interpersonal relationship sharing their domestic life as if married; however, they are not legally married," said Tracy Burns, CEO of Northeast HR Association (NEHRA). "A domestic partnership is very similar to marriage. It can apply to couples who are not married but live together. Domestic partnerships provide some legal benefits that married couples enjoy. In some states, domestic partnership is also known as a civil union."

If your employer offers health insurance coverage for domestic partners, you'll likely need to sign an affidavit. You'll need to confirm that:

- You've lived together for at least six months.
- You're both 18 or older.
- You share a close personal relationship and are responsible for each other's common welfare.
- You're exclusive.
- You aren't married to anyone else.
- You aren't related by blood closer than would bar marriage in the state.
- You share the same regular and permanent residence with the intent to continue doing so indefinitely.
- You're jointly financially responsible for "basic living expenses," defined as the cost of basic food, shelter and any other expenses of a domestic partner because of the domestic partnership.
- You were mentally competent to consent to the contract when the domestic partnership began.

Some employers impose waiting periods. These can vary from six months to a year before insurance coverage begins.

These provisions vary by state. For instance, Burns said that in Massachusetts, the relationship must have been declared at a courthouse or government office to be considered an official domestic partnership. In that case, the couple must also inform the state if the relationship ends.

"Every situation is different [for health insurance benefits for domestic partners], so be sure and inform yourself of your own state laws and get advice from a professional," she recommends.

Differences between marriage and domestic partnerships

Domestic partners can receive the same health insurance that's offered to married employees.

"Domestic Partner Health Insurance is when an insurance contract extends the definition of spouse to recognize domestic partners," Burns says. "As a result, the health insurance benefits may be extended to the unmarried partner and their children. Couples of the same and opposite sex are able to share insurance under a domestic partner insurance coverage just as a married couple would. The biggest benefit being a reduced insurance rate and the ability to be eligible for the employee benefits package."

Every company and insurance plan operates differently when it comes to marriage vs. domestic partnerships. Burns suggests you ask questions.

"Ask your benefits plan administrator to find out the specifics and make your formal request so that your partner may be added as soon as possible. Most employer health plans will allow the addition of a domestic partner if the plan includes this kind of coverage," she says. "You can contact your HR person or the insurance company directly and ask them if you can insure your domestic partner on your [employee health insurance plan](#) and if so, what steps you need to take to get started. If your employer's

health insurance plan does not provide domestic partner insurance, you can check with a private company."

Do Medicare and Medicaid recognize domestic partnerships?

The simple answer is no. Similar to the IRS, [Medicare](#) and [Medicaid](#) don't recognize domestic partners as spouses. They're governed by federal law, which doesn't recognize or afford benefits to domestic partners.

You should enroll in Medicare (at least Part A, which is free to nearly all Americans who are eligible for Medicare). You can continue on your spouse's employer plan if they offer one. However, if you forgo Medicare during your initial enrollment, you'll pay a fine once you sign up.

Health care rights for people in domestic partnerships

Because domestic partnerships aren't a federally recognized union, the rights surrounding them vary by state. Some include hospital visitation and medical decision-making benefits.

For example, Washington state offers domestic partnerships for those over 62 and their partners as long as they are over the age of 18 and cohabitate. The reason that Washington allows domestic partnerships based on age is because some seniors might lose pension benefits from a previous spouse if they remarry.

If the couple qualifies, they have hospital visitation rights, make medical decisions for their partner, take paid medical leave to care for their ill partner and can plan a funeral and burial.

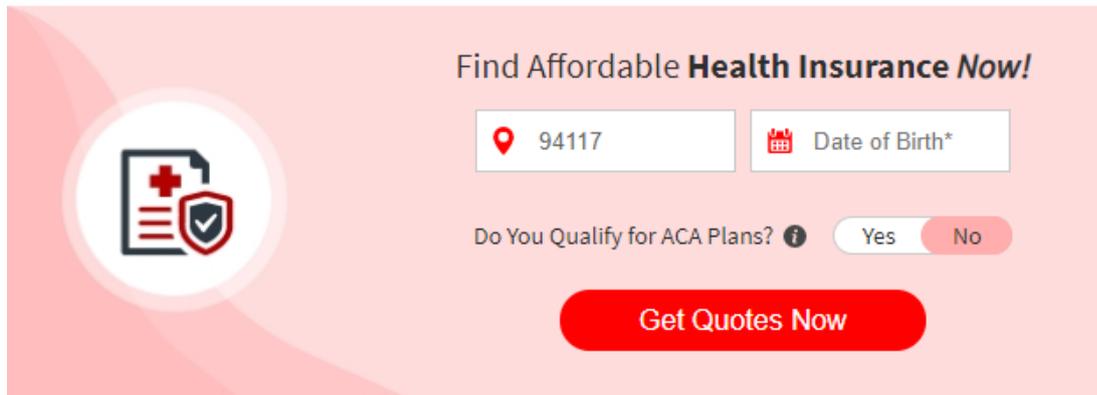
What are the tax implications?

The tax arena is one area with a clear difference between spousal insurance and domestic partner insurance. Federal law dictates that spouses' and dependents' health insurance premiums can't be taxed. However, domestic partnerships aren't recognized on the federal level. So, the premiums paid for that partner and dependents are considered income for tax purposes.

That means that the employee will have to pay income tax and Social Security taxes on that premium every paycheck.

The Supreme Court's decision that legalized [same-sex marriage](#) cleared barriers for couples. However, you can still get many of the same benefits if you're in a domestic partnership.

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