

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: New DPA 025 - Affidavit for Dependent Children, Parent Child Relationship - Dental and Vision Programs	REFERENCE NUMBER: 2011-006
DATE ISSUED: 02/16/2011	SUPERSEDES:

This memorandum should be forwarded to:

**Employee Benefits Officers
Personnel Officers
Personnel Transactions Staff
Personnel Transactions Supervisors**

FROM: Department of Personnel Administration
Benefits Division

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Federal health reform legislation, the Patient Protection and Affordable Care Act, extended dependent eligibility for medical benefits to age 26. This became effective for the State dental program on January 1, 2011. In addition to extending the eligibility age, the Act also limited the criteria employers are allowed to use in determining dependent eligibility.

As a result, CalPERS amended their eligibility regulations to eliminate the use of economic-dependency as an eligibility criteria for children who are not the employee's natural child, stepchild, or adopted child. Instead, the employee must demonstrate that he/she has assumed a parental role with respect to the child, and is the primary care parent. These regulatory amendments also require annual recertification of children enrolled by affidavit and hold that foster children are not eligible for enrollment. This is set forth in California Code of Regulations, Section 599.500, subsections (n)-(p).

Effective immediately, departments may no longer use DPA Form 025 (version 12/02) Affidavit of Eligibility (Economically-Dependent Child). Departments shall only use DPA Form 025 (version 1/1/11) Affidavit of Eligibility for Dependent Children, as defined Under California Code of Regulations Section 599.500 (o) to enroll dependent children by affidavit. Departments shall use only the new affidavit (copy attached) and eligibility criteria for recertification, regardless of the affidavit version used to initially or previously determine eligibility. The following provides procedural guidance regarding use of the new affidavit and eligibility criteria:

Who is Eligible

An employee or may enroll a child up to age 26 (other than adopted, step, or recognized natural child) if the employee or annuitant has assumed a parental role and can be considered the primary care parent.

Who is Not Eligible

An employee cannot enroll a child, up to age 26 if the child is a spouse of a recognized natural, adopted or step-child, or a foster child.

When is the Affidavit Submitted

An employee must submit the Affidavit of Eligibility at the time of enrollment for each child and annually thereafter up to age 26. **Employees at the time of enrollment of the dependent child must be notified of the requirement of annual recertification.** Personnel Offices have the responsibility to ensure that the required annual recertification of each child listed on the affidavit submitted by the employee is done.

Affidavit Completion

The employee must complete the affidavit (DPA 025 Version 01/01/11) and provide any required documentation. The affidavit is available for use from the DPA website at www.dpa.ca.gov in the forms section. Affidavits must be refilled with the Personnel Office each year for recertification.

Employee/Annuitant Information

In addition to the basic demographic information, it is vital the date the employee assumed a primary parental role is provided. In addition, the employee must clearly define their relationship to the child.

Child Information

In addition to the basic demographic information, the employee must provide the Social Security number of the child if not already provided for purposes of health plan enrollment; it is also required that personnel offices obtain any needed documentation, including the birth certificate of the dependent child being added, if not already received.

Eligibility

The employee must respond either Yes or No to the tax dependent question on the affidavit. The personnel officer or specialist must take all reasonable steps to validate all information recorded in the affidavit.

Employee Signature

The employee must certify under penalty of perjury that the information provided is true and correct. There are two areas that the employee/annuitant must sign on the affidavit.

Personnel Office

Based on the information provided and any documentation provided and/or requested, the personnel officer or specialist receiving the affidavit from the employee must sign and date the affidavit. The Personnel Office may also reject the affidavit and enrollment request based on either/or incomplete affidavits being received and/or when information being submitted by the employee for the purposes of enrolling the dependent(s) is incomplete or cannot be reasonably

verified by the employee to the personnel office. The employee should be given reasonable time to correct any deficiency in the materials required and/or requested by the personnel office to verify the parent-child relationship. However, the employee cannot exceed the 60 days from the permitting event date to complete the enrollment submission to the personnel office.

Eligibility Determination

Based upon the employee's responses to questions, the personnel officer must determine if a "parent-child relationship" exists as evidenced by the assumption of parental status or parental duties. The personnel office can request reasonable supporting documentation to assist with the eligibility determination.

Evidence of this relationship may include documentation of assumed responsibilities such as providing shelter, clothing, food, child care or education for the child, as well as assuming parental duties, such as providing permission for school activities, health care services, extracurricular, recreational activities, and tax dependency. For issues related to California State tax, employees must be referred to their personal tax professional. Please refer to PML 2011-001 for further information on California State tax issues related to dependency.

Enrollment Process

Upon approval from the Personnel Office, as verified by the Personnel Officer's signature on the affidavit, to enroll a child meeting the "parent-child relationship" criteria the employer must ensure a Benefits Plan Enrollment form [Dental plan enrollment form STD. 692 (and/or vision plan enrollment form STD 700, if necessary)] is completed for each change of enrollment.

Effective Dates

Employees have 60 days from the date the employee assumed a primary parental role to request enrollment. If the request is received within 60 days, the child's enrollment is effective the first of the month following receipt of the paperwork by the personnel office.

An employee, who does not request enrollment within 60 days of assuming a parent-child relationship, can enroll for loss of other coverage (if applicable) or during any open enrollment period.

Affidavit Retention

Maintain the original Affidavit of Eligibility for Dependent Children (DPA 025 version 01/01/11), any supporting documentation, and all enrollment forms in the employee's file. These forms should be readily available in the event eligibility is questioned or audited at a future date.

Note: Do not send the original or copies of the affidavit to DPA or SCO.

For further questions, please contact LaTrice Calloway, Benefits Program Analyst, Benefits Division at (916) 327-8491 or at LaTrice.Calloway@dpa.ca.gov.

/s/Greg Beatty

Greg Beatty, Chief
Benefits Division