

Divorce

These qualifying mid-year event election changes are permitted when you get divorced, **provided the election change requested is *on account of and corresponds with the event.***

Certain election changes are permitted when you get a divorce. Others are required. When you and/or an eligible dependent lose coverage under your former spouse's plan, you may enroll in a state health care plan or change your plan as a HIPAA Special Enrollment due to loss of other health coverage.

Health Insurance Coverage:

- **You must remove the former spouse.** A former spouse is not eligible under your plan even when there is a decree ordering you to provide health care coverage.
- **You must remove stepchildren.** Stepchildren lose eligibility when a divorce occurs. This is a separate action. See Child Covered under Your Plan Lost Eligibility.
- Dependents who lose eligibility will receive an Extended Coverage (COBRA) Election Notice.
- You may enroll, change your plan, or add eligible family members when coverage is lost under your former spouse's plan. HMO members are required to select a Primary Care Physician. See the QME sheet for HIPAA Special Enrollment for information on making this change.

Warning! There are serious consequences for *not* removing a family member who is no longer eligible. You may be financially responsible for their claims, you may pay a higher health insurance premium for the duration of the plan year, and you may be excluded from health care coverage for up to three years.

Health Flexible Spending Account:

- You may enroll or increase your election amount to cover a change in eligible medical expenses when health care coverage is lost under your former spouse's plan.
- You may reduce or cancel your election amount to cover a change in eligible medical expenses because of the divorce.

Dependent Care Flexible Spending Account:

- You may enroll, increase or reduce your election amount to cover a change in eligible dependent care expenses because of the divorce.
- You may cancel your *election if you are not the custodial parent.*

Important Things To Know About Making An Election Change Request For This Event

- 1. What documentation is required?** A copy of the final divorce decree naming the former spouse and signed by a judge. If requesting a plan change, documentation of the coverage under the other plan is required to ensure consistency.
- 2. How to submit the request.** Starting with the date the judge signed the final divorce decree, you have 60 calendar days to use EmployeeDirect, or complete a paper Enrollment Form and submit it to your agency's Benefits Administrator.

- 3. When approved changes take effect.** Changes in *health care coverage for the former spouse* and stepchildren are effective the first of the month following the day the judge signed the final divorce decree. Other *health care coverage* changes and changes in *flexible spending accounts* are effective the first of the month following receipt of your request or following the event, whichever is later. When the later date is the first of the month, changes are effective that day. Health Insurance and FSA elections are separate elections and may be submitted together or separately within the allotted timeframe. Election changes are irrevocable once the effective date of the change has occurred.

- 4. Where to learn more.** Visit www.dhrm.virginia.gov. The Employee Benefits link includes answers to frequently asked questions and helpful information about handling a life-changing event. For more details, contact your agency's Benefits Administrator.

Reminder: If you miss the deadline to take action based on this event, contact your agency's Benefits Administrator immediately.