Notice of the Illinois Religious Freedom Protection and Civil Union Act

Illinois has recently joined the list of states that provide certain protections to nontraditional relationships. On February 1, 2011, Governor Pat Quinn signed into law the Illinois Religious Freedom Protection and Civil Union Act, which goes into effect on June 1, 2011.

At present, the new Illinois law will cover only civil unions; not domestic partnerships.

What is a Civil Union?
The new law defines “civil union” as a legal relationship between two persons, either of the same or opposite sex, established in accordance with the Act. Parties to a civil union must be at least 18 years of age, must not be in an existing marriage or other civil union and must not be relatives.

The term “party to a civil union” must be included in any definition where there is use of the terms “spouse,” “family,” “immediate family,” “dependent,” “next of kin” or other terms that denote a spousal relationship, as those terms are used throughout the law.

Parties to a civil union are entitled to the same legal obligations, responsibilities, protections and benefits as are afforded to or recognized by the law of Illinois for spouses. Some of these include:

1. The right to make health care decisions without being designated as the agent under a health care power of attorney.

2. The right to spousal coverage under employer-based health insurance plans. Forming a Legal Civil Union in Illinois.

Beginning June 1, 2011, parties to a civil union may submit an application for a civil union license to the Illinois Department of Public Health: www.idph.state.il.us/home.htm. Both parties will need to appear before the county clerk, who will issue a license and a certificate of civil union. A list of county clerk offices can be found at: http://tinyurl.com/42652t2.

A civil union may also be certified in a ceremony by any individual qualified to certify a marriage certificate.

Tax Implications
Federal Tax Concerns: Currently, parties to a civil union are not defined as spouses under the Internal Revenue Code. Therefore, health benefits provided for a nonemployee partner will be imputed as income and subject to be taxed to the employee. The exception is if the civil union partner qualifies as a “dependent” under the tax code. For more information about how to determine a tax dependent, visit: http://tinyurl.com/4me4skw.

Illinois State Tax Concerns: The new Illinois law does not explicitly exclude benefits provided to a partner in a civil union from Illinois state income tax. However, because
parties to a civil union under the new Illinois law are entitled to all of the rights and benefits as spouses, benefits provided to a party to a civil union are not taxable for Illinois state income tax purposes.

Contributions covering civil union partners must be taken on an after-tax basis.

How does this affect your benefit plan?
Any civil unions performed on or after June 1, 2011 will be treated as a "qualifying event" which means any employees entering into a civil union will be provided the opportunity to add their new dependent(s) to the Roosevelt University health and welfare plans within 31 days of the civil union effective date. If you have questions or require assistance with this process, please contact Clara Gong in Human Resources at 312-341-4332.