

MS 604 FAMILY MEMBERS AND DOMESTIC PARTNERS

Effective Date: November 24, 2009
Responsible Office: D/GO; M/HRM
New Manual Section

TABLE OF CONTENTS

- 1.0 Authority
 - 2.0 Policy
 - 3.0 Applicability
 - 4.0 Definition of Family, Family Member, and Dependent
 - 5.0 Definition of a Domestic Partner
 - 6.0 Declaration of a Domestic Partner
 - 7.0 Affidavit for Declaration of a Domestic Partner
 - 8.0 Dissolution of a Domestic Partnership
 - 9.0 Additional Information
 - 10.0 Effective Date
-

ATTACHMENTS

- Attachment A – OF-126
 - Attachment B Affidavit
-

1.0 AUTHORITY

22 U.S.C. 2503(b); Sec. 901 of the Foreign Service Act, 22 U.S.C. 4081; Department of State Standardized Regulations; Presidential Memorandum for Heads of Executive Departments and Agencies, Federal Benefits and Non-Discrimination, June 17, 2009.

2.0 POLICY

Peace Corps policy is to provide, to the extent possible under current law, benefits comparable to those offered to spouses to same-sex domestic partners of U.S. Direct Hire employees serving overseas.

3.0 APPLICABILITY

Except as otherwise stated, the definitions and procedures in this manual section apply only to U.S. Direct Hire employees serving overseas. They do not apply to Peace Corps employees serving in the United States, to personal services contractors, or to foreign service national employees. This manual section also does not apply to Volunteers or Trainees.

4.0 DEFINITION OF FAMILY, FAMILY MEMBER, AND DEPENDENT

For purposes of the Peace Corps Manual, unless otherwise stated, “family,” “family member,” or “dependent” means one or more of the following individuals residing in the same quarters as the employee at his/her post, or who would normally reside at the post except for the existence of circumstances cited in Section 262 of the Department of State Standardized Regulations (DSSR) pertaining to separate maintenance allowance, but who does not receive from the government an allowance similar to that granted to the employee and who is not deemed to be a dependent or a member of the family of another employee for the purpose of determining the amount of a similar allowance:

- (1) Spouse or domestic partner, but not both;
- (2) Children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support. The term shall include, in addition to natural offspring, step and adopted children and those under legal guardianship of the employee, of the spouse, or of the domestic partner when such children are expected to be under such legal guardianship at least until they reach 21 years of age and when dependent upon and normally residing with the guardian. Any child or children of a domestic partner of an employee shall be deemed a stepchild of the employee. (See Sections 270 and 280 of the DSSR on education allowances and educational travel.);
- (3) Parents (including step- and legally adoptive parents) of the employee, of the spouse, or of the domestic partner, when such parents are at least 51 percent dependent on the employee for support;
- (4) Sisters and brothers (including step or adoptive sisters, or step or adoptive brothers) of the employee, of the spouse, or of the domestic partner, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age or, regardless of age, are incapable of self-support. (See also Sections 270 and 280 on education.);
- (5) When determined by the Peace Corps Director to be in the interest of the Government, a father, mother, brother, sister, son or daughter, regardless of age or dependency, who acts as the official hostess or equivalent for an employee who has no spouse or domestic partner residing with him or her at the post.

5.0 DEFINITION OF DOMESTIC PARTNER

A domestic partner for purposes of the Peace Corps Manual is an individual who meets all of the criteria listed in, and who has been declared to be, a domestic partner of an employee in accordance with, this Manual Section. As set out in section 7.0 below, only same-sex domestic partners may be declared.

6.0 DECLARATION OF A DOMESTIC PARTNER

To obtain benefits and assume obligations of family members under the Peace Corps Manual, an employee must file with M/HRM:

- (1) an OF-126 Residency and Dependency Report (Attachment A) (For domestic partners, the employee can amend the OF-126 with a pen-and-ink change to add “domestic partner” in the box requesting “relationship”); and
- (2) for a domestic partner, a Peace Corps Form -xxx, Affidavit Declaring Domestic Partner Relationship (Attachment B).

7.0 AFFIDAVIT FOR DECLARATION OF A DOMESTIC PARTNER

The Affidavit Declaring Domestic Partner Relationship identifies the employee's domestic partner and affirms that:

- (1) The employee and the domestic partner are each other's sole domestic partner and intend to remain committed to one another indefinitely;
- (2) With regard to a common residence:
 - (a) The employee and the domestic partner have a common residence and intend to continue the arrangement; or
 - (b) The employee and the domestic partner have had a common residence and intend to resume having a common residence after an assignment abroad for which the domestic partner did not accompany the employee; or
 - (c) The employee and the domestic partner would have a common residence, but are prevented from having one for reasons described by the employee, and the Director of M/HRM or his or her designee determines that the circumstances described are sufficient to justify the waiver of the common residence requirement. Unless and until such a determination is made, the domestic partner relationship does not qualify for benefits and obligations under the Peace Corps Manual;
- (3) The employee and the domestic partner are at least 18 years of age and mentally competent to consent to contract;
- (4) The employee and the domestic partner share responsibility for a significant measure of each other's common welfare and/or financial obligations;
- (5) The employee and the domestic partner are not married to, joined in civil union with, or domestic partners with anyone else;
- (6) The employee and the domestic partner are same-sex domestic partners, and are not related in a way that would prohibit legal marriage in the state in which they reside;
- (7) The employee agrees to inform the Peace Corps of any dissolution of the partnership in accordance with 8.0 below;
- (8) The employee understands that the domestic partner will be held to standards of conduct that apply to family members, including those adopted by Peace Corps in MS 641.8 and set out in 3 FAM 4120;
- (9) The employee understands that the domestic partner will be subject to the reviews under MS 611 relating to any intelligence background of family members; and
- (10) The employee understands that falsification of information within the affidavit may constitute a criminal violation under 18 U.S.C. 1001 and may lead to disciplinary action.

8.0 DISSOLUTION OF A DOMESTIC PARTNERSHIP

An employee who obtains benefits under the Peace Corps Manual based on a domestic partnership must file with M/HRM a statement of dissolution of the domestic partnership not later than 30 days after the death of the domestic partner or the date of dissolution of the domestic partnership.

9.0 ADDITIONAL INFORMATION

- (a) Declared domestic partners will be subject to the reviews under MS 611 relating to of any intelligence background of family members.
- (b) Declared domestic partners will be held to the standards of conduct that apply to family members, including those adopted by Peace Corps in MS 641.8 and set out in 3 FAM 4120.
- (c) Declared domestic partners will be subject to the provisions in MS 642.8 (change in family status) as applicable.
- (d) Declared domestic partners who are U.S. citizens may be eligible for official passports. Eligibility for visas and work permits are subject to local law and the host government. Peace Corps will coordinate with the Embassy on these issues, but receipt cannot be guaranteed.
- (e) Coverage under the State Department's Medical and Health program requires a medical clearance and health insurance coverage. See 16 FAM 120, 520.

10.0 EFFECTIVE DATE

The effective date is the date of issuance.