

Adult Children - Plan Amendment Request Form

Per Notice 2010-38 (the "Notice") the IRS has expanded health care tax exclusion for children who have not reached the age of 27 by the end of the taxable year ("Adult Child"), as added by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act (collectively the "Act"), which was effective March 30, 2010.

This will directly affect your Plan and will require an Amendment of your Model Plan Document. The Act allows you to modify your plan retroactive to March 30, 2010 if the amendment is signed by December 31, 2010. Please select from the following to complete your Plan Amendment.

❖ **ELIGIBLE STATUS CHANGE:** *(Due to Adult Children now being eligible to participate)*

- Allow Participants to make retro-active contribution election changes effective March 30, 2010.
- Allow Participants to make contribution election changes effective _____.
- Do *not* allow Participants to make contribution election changes based on Adult Children being eligible to participate.
- Allow Employees' premiums under our Employer provided Health and Dental plan on a pre-tax basis for Adult Children

❖ **CLAIMS REIMBURSEMENT:**

- Allow claims to be submitted for Adult Children with date of service incurred effective March 30, 2010.
- Allow claims to be submitted for Adult Children going forward, with dates of service incurred effective _____.

❖ **PLAN AMENDMENT:** *(Required)*

The Plan is amended as described below to classify "Dependents" as defined by Code Section 105(b) and to allow children to participate in the Plan up to age 26.

1. The "Definitions" section of the Plan is amended to read as follows:

"**Dependent**" means any individual who is a dependent of the Participant as defined in Code section 105(b), with the following exception: any child to whom Code section 152(e) applies (regarding a child of divorced parents, etc., where one or both parents have custody of the child for more than half of the calendar year and where the parents together provide more than half of the child's support for the calendar year) is treated as a dependent of both parents. Notwithstanding the foregoing, the Plan will provide Benefits in accordance with the applicable requirements of any QMCSO, even if the child does not meet the definition of "Dependent." Dependent is also defined as children of the participant who are 26 years of age or younger. A child may not be 27 at anytime during the plan year. If a child reaches age 27 at any time during the Plan Year they will not be considered an eligible "Dependent" under the Plan.

By signing below, you agree to amend your plan based upon above selections and the amended definition of a Dependent.

Group Name: _____ By: _____

Dated: _____, 2010

Please fax this form at 503-765-3442 attn: Tara, or email to darraht@benefithelpolutions.com