§ 890.804 Coverage.

(a) Type of enrollment. A former spouse who meets the requirements of §890.803 may elect coverage for self alone or for self and family. A family enrollment covers only the former spouse and any unmarried dependent natural or adopted child of both the former spouse and the employee, former employee or employee annuitant, provided such child is not otherwise covered by a health plan under this part. An unmarried dependent child must be under age 22 or incapable of self-support because of a mental or physical disability existing before age 22. No person may be covered by two enrollments.

(b) Proof of dependency. (1) A child is considered to be dependent on the former spouse or the employee, former employee, or employee annuitant if he or she is—

(i) A legitimate child;
(ii) An adopted child;
(iii) A recognized natural child who lives with the former spouse or the employee, former employee, or employee annuitant in a regular parent-child relationship.
(iv) A recognized natural child for whom a judicial determination of support has been obtained; or
(v) A recognized natural child to whose support the former spouse, or the employee, former employee, or employee annuitant makes regular and substantial contributions in accordance with §890.302(b)(2).

(c) Exclusions from coverage. Coverage as a family member may be denied—

(1) If evidence shows that the former spouse, employee, former employee, or employee annuitant did not recognize the child as his or her own, despite a willingness to support the child; or
(2) If evidence calls the child’s paternity or maternity into doubt, despite the former spouse’s employee’s, former employee’s, or employee annuitant’s recognition and support of the child.
(d) Child incapable of self-support. When a former spouse enrolls for a family enrollment which includes a child who has become 22 years of age and is incapable of self-support, the employing office shall determine such child’s eligibility in accordance with §890.302(d), (e), and (f).

e) Meaning of unmarried child. A child, under age 22 or incapable of self-support, who has never married or whose marriage has been annulled, or a child who is divorced or widowed is considered to be unmarried.

§ 890.805 Application time limitations.

(a) Except for former spouses meeting the requirements in §890.803(a)(3)(iv) and (v) of this part, former spouses must apply for health benefits coverage—

(1) Within 60 days after dissolution of the marriage to the Federal employee; or

(2) Within 60 days after the date of OPM’s notice of eligibility to enroll based on entitlement to one of the following:

(i) A former spouse annuity elected under 5 U.S.C. 8339(j)(3), 5 U.S.C. 8417(b), or 5 CFR 831.682;

(ii) A former spouse annuity under §831.683;

(iii) A former spouse insurable interest annuity under 5 U.S.C. 8339(k)(1) or 8420(a);

(iv) A former spouse annuity under 5 U.S.C. 8341(h) or 8445(f);

(v) An apportionment under 5 U.S.C. 8345(j) or 8467; or

(3) Within 60 days after the date of the notice of eligibility to enroll based on entitlement to a former spouse annuity under another retirement system for Government employees.

(b) Former spouses who meet the requirements in §890.803(a)(3)(iv) of this part must apply for health benefits coverage by April 1, 1987, filing date upon notification to do so from the Director of Central Intelligence.

(c) Former spouses who meet the requirements in §890.803(a)(3)(v) of this part must apply for health benefits coverage by October 7, 1986. Where circumstances warrant, the former spouse may request the Secretary of State to waive the filing date. The authority of the Secretary of State to waive the filing date has been delegated to the Department of State’s Retirement Division. Requests for waiver should be addressed to the Office of Personnel, Retirement Division, Washington, DC 20520. OPM will accept the waiver upon notification to do so from the Department of State.


§ 890.806 When can former spouses change enrollment or reenroll and what are the effective dates?

(a) Initial opportunity to enroll. A former spouse who has met the eligibility requirements of §890.803 and the application time limitation requirements of §890.805 may enroll at any time after the employing office establishes that these requirements have been met.

(b) Effective date—generally. (1) Except as otherwise provided, an enrollment takes effect on the first day of the first pay period that begins after the date the employing office receives an appropriate request and satisfactory proof of eligibility as required by paragraph (a) of this section. If a former spouse requests immediate coverage, and the employing office receives an appropriate request and satisfactory proof of eligibility within 60 days after the date of divorce, the enrollment may be made effective on the same day that temporary continuation of coverage under subpart K of this part would otherwise take effect.

(2) A change of enrollment takes effect on the first day of the first pay period that begins after the date the employing office receives the appropriate request.

(c) Related enrollment. When an employing office determines that a former