

This brochure is brought to you by the following advocacy groups, who applaud all the legislators who created Washington State's new domestic partnership law.



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The Legal Rights of Registered Domestic Partners in Washington State

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WHO CAN REGISTER AS DOMESTIC PARTNERS IN WASHINGTON STATE?

All same-sex couples and any different-sex couples with at least one partner aged 62 or older can register as domestic partners if:

- ▶ Both partners are at least 18 years old,
- ▶ Both partners share a common residence,
- ▶ Neither partner is in a marriage or a domestic partnership with another person,
- ▶ Both partners are legally capable of consenting to the domestic partnership and
- ▶ The partners are not close blood relatives.

HOW DO COUPLES REGISTER?

Both partners must sign a “Declaration of State Registered Domestic Partnership” form, have their signatures notarized, and mail the form with the filing fee to the Office of the Secretary of State, Corporations Division, P.O. Box 40234, Olympia, WA 98504. Forms also may be delivered in person to the Corporations Division, 801 Capitol Way South, Olympia.

The Declaration form is available from the Secretary of State’s office in Olympia and website (www.secstate.wa.gov), and from county clerks’ offices. Online registration is likely to be available soon.

WHAT RIGHTS DO REGISTERED DOMESTIC PARTNERS HAVE IN WASHINGTON STATE?

Rights to:

- ▶ Hospital visitation;
- ▶ Medical decision-making;
- ▶ Receive health information about partner;
- ▶ Administer deceased partner’s estate;
- ▶ Recognition on partner’s death certificate;
- ▶ Authorize autopsy, receive copy of autopsy report and make an anatomical gift;
- ▶ Control disposition of remains;
- ▶ Seek damages for a partner’s wrongful death;

- ▶ Inherit without a will;
- ▶ Burial as a couple and
- ▶ For state employees ONLY, health insurance.

WHAT RIGHTS AND RESPONSIBILITIES OF MARRIAGE ARE NOT GIVEN TO DOMESTIC PARTNERS BY THE NEW LAW?

- ▶ Access to family court for dissolution,
- ▶ Ability to file joint tax returns,
- ▶ Health insurance and other employment benefits (except for state employees),
- ▶ Right not to testify against loved one,
- ▶ Spousal support,
- ▶ Joint responsibility for debt,
- ▶ Community property (BUT courts may take registration as evidence of a serious relationship warranting property division upon breakup),
- ▶ Many other state law rights and duties,
- ▶ All federal rights and protections and
- ▶ Automatic respect for the relationship in other states.

WHEN MIGHT A COUPLE BE ADVISED NOT TO REGISTER AS DOMESTIC PARTNERS?

- ▶ If either may wish to adopt from a state or country that does not approve adoptions by lesbians, gay men or same-sex couples;
- ▶ If either is in the U.S. military;
- ▶ If either depends on public assistance;

Registered domestic partnerships do NOT equal marriage. More rights and important duties for domestic partners very likely will be added by new laws. But true equality requires marriage equality. Get involved and help end anti-gay discrimination in marriage!

- ▶ If either is a foreign national without permanent legal status in the United States;
- ▶ If either or both do not want new legal rights and mutual responsibilities in the areas listed in this brochure or
- ▶ If either or both do not want the further rights and responsibilities that are likely with future laws, including the need for a court action (like a divorce) to end the registration.

Please note: This brochure provides general information, not legal advice. Registering as domestic partners is a significant legal step and will become more so if the law expands as is anticipated. Yet, registered domestic partners still need wills, powers of attorney, second-parent adoptions and other legal planning. Also, registration does not affect a pre-existing will, which needs to be modified if you want to change how your property will be distributed. You should consult an attorney about your needs.

DO COUPLES GET THESE NEW RIGHTS IF THEY ARE REGISTERED WITH THEIR CITY OR EMPLOYER, OR HAVE A STATUS FROM OUTSIDE WASHINGTON?

Probably not. Couples who have registered only with a city, county or an employer will not be protected unless they register again with Washington State. We don’t know yet if legal statuses same-sex couples have from outside Washington will be respected here. **When in doubt, if you want the new protections, register with Washington State.**

For help finding a lawyer, contact one of the legal organizations on the next page. For more detailed information, visit their websites or contact them by phone.