

Please note: This brochure provides general information, not legal advice. Registering as domestic partners is a major step because the law provides many rights and responsibilities, and will likely expand again. Yet, registered domestic partners still need wills, powers of attorney, second-parent adoptions, and other legal planning. You should consult an attorney about your needs. Long-term couples and those with significant property especially should obtain legal advice about possible tax consequences and how to protect pre-registration property.

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 married or a state registered domestic partner with another person;
- ▶ Both partners are legally capable of consenting to the domestic partnership; and
- ▶ The partners are not close blood relatives.

When do the rights and responsibilities for domestic partners take effect?

Many of the rights described below regarding medical and death-related rights have been available to registered domestic partners since July 23, 2007. Many additional rights below, including significant family law rights and duties, will apply beginning June 12, 2008. **If you do not want to take on these new rights and obligations, you must terminate your registration before June 12, 2008.**

How do couples register?

Both partners must submit a "Declaration of State Registered Domestic Partnership" to the Office of the Secretary of State with the required fee and each partner's signature notarized on the form. Instructions for completing and submitting the Declaration can be found on the form, which is available from the Secretary of State's office in Olympia and website (www.secstate.wa.gov), and from county clerks' offices.

What rights do registered domestic partners have in Washington State?

Family Law Rights and Responsibilities

- ▶ Dissolution of the domestic partnership in family court, except for some limited circumstances in which partners can dissolve their partnership through the Secretary of State;
- ▶ Community property;
- ▶ Joint responsibility for some debts, including family expenses and children's education;
- ▶ Exemption from real estate excise tax for property transferred through dissolution;
- ▶ Homestead protections from some debts for jointly owned property;
- ▶ Parenting plan obligations and child support;
- ▶ The right to seek spousal support; and
- ▶ Protection under domestic violence laws.

Medical and Death-Related Rights

- ▶ Hospital visitation; medical decision-making; receive health information about partner;
- ▶ Right to privacy and shared room in long-term care facility;
- ▶ Administer deceased partner's estate;
- ▶ Recognition on partner's death certificate; authorize autopsy; receive copy of autopsy report; make an anatomical gift; control disposition of remains;
- ▶ Seek damages for partner's wrongful death;

- ▶ Inherit in the absence of a will;
- ▶ Burial as a couple;
- ▶ DSHS recognition of hardship to partner when filing a lien for reimbursement; and
- ▶ For State employees ONLY, health insurance.

Other Rights and Responsibilities

- ▶ Right not to testify against domestic partner;
- ▶ Spousal rights under guardianship and power of attorney laws;
- ▶ Claim to inheritance under will pre-dating the domestic partnership registration;
- ▶ Probate procedures involving administration and transfer of community property;
- ▶ State benefits for veterans' partners, including state tuition waivers under certain conditions and services for poor veterans;
- ▶ Application of spousal disclosure rules to domestic partners of public officials; and
- ▶ Many other state law rights and duties too numerous to list here.

What rights and responsibilities of marriage are NOT given to registered domestic partners by the new law?

- ▶ Presumption of parent-child relationship when child is born into registered partnership (adoption is still essential);
- ▶ Health insurance and other employment benefits (except for state employees);
- ▶ Many other state law rights and duties;
- ▶ All federal rights and responsibilities, including the ability to file joint tax returns; exemption from income tax on domestic partner health benefits; social security survivors' and spousal benefits; exemption from inheritance tax; federal veterans' spousal benefits; immigration rights; and
- ▶ Automatic legal status in other states.

Registered domestic partners receive many spousal rights and duties, and more may be added in the future. But registered domestic partnerships still do NOT equal marriage. True equality requires marriage equality. Get involved and help end anti-gay discrimination in marriage!

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;
- ▶ If either is a foreign national without permanent legal status in the U.S.;
- ▶ If either or both do not want new legal rights and mutual responsibilities in the areas listed in this brochure, or that are likely to come with future laws; or feel concerned about the open questions regarding how state law will interact with federal discrimination against same-sex couples.

Do couples get these new rights if they are registered with their city or employer, or have a status from outside Washington?

Couples who have registered only with a city, county or an employer will not be protected unless they register again with the State.

Couples who have a substantially equivalent status (other than a marriage) from another state, such as a civil union or a California or Oregon registered domestic partnership, will be recognized as registered domestic partners and provided the lesser rights that Washington affords. **When in doubt, if you want the new protections, register with Washington State.**

This brochure is brought to you by the following advocacy groups who applaud the legislators whose dedicated efforts created this new law. For more information or for help finding a lawyer, contact one of the legal organizations below.



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The Legal Rights of Registered Domestic Partners in Washington State