

How to Register as a Domestic Partner in Washington State

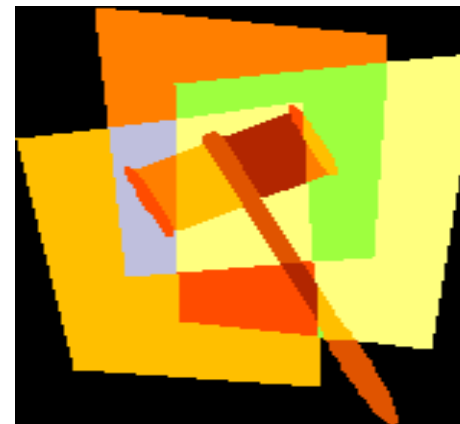


The State Registered Domestic Partnerships Act permits Washington State residents to register as domestic partners and confers a number of state rights previously allowed only to married couples to the partners. This is an overview

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Who Can Register?

The eligibility requirements to register as a domestic partner are to be a same-sex couple or an opposite-sex couple with at least one person 62 years old or older, share a common residence, each be at least 18 years old, each have capacity to consent to the partnership, neither be married or a registered domestic partner currently, and not be nearer of kin than second cousins. The purpose for including opposite-sex couples with one being 62 or older is to protect a registrant's survivors pension, health insurance benefits, and social security benefits, while conferring other state rights to people in committed relationships.



What Rights does Registration Confer?

A current partial list of state rights conferred include: Health care facility visitation rights, right to receive health care information about a partner her health care provider and authority to grant informed consent for a partner who is not competent (priority above children, parents, and siblings). Upon death of a partner, rights to administer her estate, inherit if partner dies intestate, sue for beneficiary rights for a partner's wrongful death, authorize an autopsy, receive copies of the report and records, make anatomical gifts, and control disposition of her remains. Partners have the same property rights as married individuals under to the community property and separate property laws (see Community Property guide). Right to dissolution of partnership by a court and a just and equitable distribution of the property, including possible child support and maintenance. Health insurance and employment benefits may be available, depending on employer policy and local.

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How Do We Register?

Register with the Office of the Secretary of State, Corporations Division, either in person or by mail. Both partners will sign a Declaration of State Registered Domestic Partnership Form before a notary public and pay a \$50.00 filing fee is charged.

In person at the
James Dolliver Building
801 Capitol Way S
Olympia, WA.

By mail send to the
Office of the Secretary of State
Corporations Office
P.O. Box 40234
Olympia, WA 98504.

What Does the State Give Us Upon Registration?

Couple Receives a single file-stamped copy of the declaration form their filed declaration form and each gets an original state registered domestic partnership certificate and a wallet card.

Replacements are available for a nominal fee.

Could This Wrong for Us?

Domestic Registered Partnership Records are public, through the Registrar of Vital Statistics.

Therefore, if you do not want your relationship made public, this is not right for you. Partnerships where either partner is in the U.S. Military are advised not to register because of the don't ask, don't tell policy of the Military. Couples where one or both partners depend on public assistance, grants, or other funding based on family income may not want to register, as it could affect benefits eligibility. If either is a foreign national without permanent legal status in the U.S., registration may not be advised. Lastly, if either partner does not want the rights and obligations provided now, or that may be provided in the future, registration is not a good fit.

Estate Planning for Registered Domestic Partners

A married couple often engages in estate planning, despite their marriage, because relying on the state laws do not fit their goals. The same need exists for domestic partners, arguably to a greater degree, because of the lack of portability of the rights (if they move to another state or country) and because the laws are in violent flux (they could change tomorrow in many locations). Partners reaffirm their commitment and legal bond by drafting Wills and Trusts, Durable Power of Attorneys, Health Care Directives, Burial Instructions, Second Parent Adoptions, Domestic Partnership Agreements. They can also do so by sending out Registration Announcements, having conversations with their family and friends about their relationship and intentions, and memorializing their intentions in other ways. Registered domestic partners should see a qualified attorney with questions.



Additional Resources

RCW 26.60 governs. Also see RCW 70.58.175 (Certificate of death -- Domestic partnership information),

RCW 43.07.400 (Domestic partnership registry – Forms)

RCW 41.05.066 (Public employees -- Same sex domestic partner benefits).

Secretary of State Corporations Division website at <http://www.secstate.wa.gov/corps/domesticpartnerships/> for Forms, FAQ, and Registered Partnerships List