



Registered Domestic Partnerships: Rights and Responsibilities Act 2005

On September 19, 2003, The Domestic Partnership Rights and Responsibilities Act was enacted in California, however, the most significant portions of the Act took affect on January 1, 2005. These newly enacted sections give registered same-sex partners as well as opposite-sex partners (as long as at least one member of the couple is 62 years of age or older) many of the same rights and responsibilities that were previously granted only to "married" couples. More than 22,000 couples have registered as Domestic Partners with the California secretary of state.

Key provisions of the Act affecting title and escrow practices provide that (Family Code AB 297.5):

1. Registered domestic partners ("RDPs") and former RDPs shall have the same rights, protections and benefits, and shall be subject to the same responsibilities, obligations and duties under law as are granted to and imposed upon spouses and former spouses.
2. A surviving RDP, following the death of the other partner, shall have the same rights, protections and benefits, and obligations and duties under law as are granted to and imposed upon a widow or widower.

In effect, the Act gives RDPs all the rights, and imposes upon them all of the obligations, of spouses under California community property law.

In general, all title and escrow practices applicable to spouses are applicable to registered domestic partners.

The act provides that domestic partners have the same rights and responsibilities as married persons holding title as community property. All possessions and property acquired while together becomes community property (unless interests are acquired as Sole and Separate Property) and subject to all the rights, including survivorship rights, and imposes all of the obligations of spouses under California community property law.

The act also includes the right to make medical decisions for incapacitated partners, to sue for a partner's wrongful death, and to adopt a partner's child. It allows domestic partners to seek child support and alimony and would give them the right to health coverage under a partner's plan. Other provisions would give domestic partners access to bereavement and family care leave as well as exemptions from estate and gift taxes. After a partner's death, the other would have the authority to consent to an autopsy or organ donation or to make funeral arrangements. It also prevents courts from forcing a domestic partner to testify against the other partner in a trial. The bill places greater legal responsibilities on domestic partners as well. For instance, they would be responsible for their partner's debts.

For more information about Domestic Partnerships visit: <http://www.ss.ca.gov/dpregistry>

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