Registered Domestic Partnerships: The basics

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Learn more about this alternative to marriage for older Washington residents.

1. Fast facts

Why domestic partnership instead of marriage?

If you're age 62 or older, getting married or re-married can mean a loss of social security (https://www.ssa.gov/benefits) or pension benefits you rely on. If you live in Washington State, you and your partner can register as domestic partners instead of marrying. This would give you and your partner all the legal rights and responsibilities married couples get under state law (but not federal law) without the risks of losing the benefits that come with getting married.

> **Warning for immigrants:** Becoming registered domestic partners could put immigration status at risk if one of you isn't a U.S. citizen. Talk to an immigration lawyer about this. It could also change your eligibility for public assistance, like food stamps and utility assistance.

Who can register as domestic partners?

You can register as domestic partners in Washington State if **all** these are true**:**

- You or your partner is at least 62 years old.
- The other partner is at least 18 years old.
- You both have the mental capacity to consent to the domestic partnership.
- Neither of you is already married or in a domestic partnership.
- You're not too closely related by blood.
- You're living together.

Both same-sex couples and different-sex couples can register as domestic partners.

()What rights and protections would we get if we register?

There are many. Here are some of the most important:

- Right to use paid sick leave (https://paidleave.wa.gov/apply-now/) to take time off from work to care for a seriously ill partner. You can also take unpaid leave if your job is covered by the Family Leave Act (https://www.lni.wa.gov/workers-rights/_docs/familyleavefaqs.pdf).
- Right to visit your partner in the hospital.
- Right to make health care decisions for your partner, if your partner can't.
- Right to make funeral arrangements for your partner; to approve an autopsy and get copies of it; to approve organ donation; to be named on your partner's death certificate; and to remove your partner's remains from a cemetery plot.
- Right to be buried in a burial plot together if it has more than one space.
- Right of a surviving partner to inherit property or assets if there's no will. (You should still have a will to make sure.)
- Right to workers' compensation benefits (https://www.lni.wa.gov/forms-publications/F242-352-909.pdf) if one partner dies from work-related injuries.
- Right to community property. All property you buy with money earned during the domestic partnership – real estate, vehicles, furniture, and so on – belongs equally to both of you.
- Responsibility for community debts.
- Right to ask for alimony (called spousal support or maintenance in Washington State) if your domestic partnership ends.

Will registering as domestic partners change our federal income taxes?

Yes, in most cases. Washington law usually treats income earned by both domestic partners as community income. You must report half your community

income on each of your individual tax returns. This is also called “income splitting.”

You might not have to do this if you and your partner have a legal agreement making clear that you don’t want community property laws to apply to your relationship. Talk to a lawyer to learn more.

Income splitting could lower how much federal taxes you must pay. But it could also make filing federal taxes more complicated for you. Try to talk to a tax professional who has experience with domestic partnerships.

()Will other states recognize our domestic partnership?

Not all of them will. So you should both make wills, health care directives, durable powers of attorney, and other legal documents, and take them with you when you travel outside of Washington.

Will domestic partnership affect our rights as parents?

If you and/or your partner give birth to a child while you’re registered domestic partners, you both will be legally presumed to be the child’s parents. The same is true for married couples.

Does my employer have to offer my domestic partner health insurance?

Maybe.

- If your employer’s health plan doesn’t cover employees’ spouses, it doesn’t have to cover domestic partners.
- If your employer’s plan does cover spouses, it must usually offer registered domestic partners equal coverage if the plan is issued in Washington. But the plan may not have to cover domestic partners if the employer’s health plan is “self-insured.” A plan is self-insured if the employer has created a fund to pay health care costs, instead of buying a plan from an insurance company.
- If you work for state or local government in Washington State, your employer must offer your domestic partner the same coverage as employee spouses.
- Federal employees don’t get coverage for partners.

Even if your employer doesn’t have to offer employees’ domestic partners coverage, employers can still choose to offer it.

> The IRS will treat an employer's contribution to the health insurance benefits of an employee's domestic partner as taxable income to the employee.

2. Register

To register as domestic partners, you both must sign a "Domestic Partnership Declaration" (https://www.sos.wa.gov/sites/default/files/2023-10/DP_Declaration.pdf) form in front of a public notary. You must also pay a $50 filing fee.

You can mail the signed and notarized form with the filing fee, or hand deliver it to the Secretary of State's Office (https://www.sos.wa.gov/about-office/contact-us) in Olympia, WA. You can get the form online (https://www.sos.wa.gov/sites/default/files/2023-10/DP_Declaration.pdf) or from the Secretary of State's Olympia office, or your county court clerk.

> Domestic partner registrations are public records. The Secretary of State's website lets anyone search for names in the state's domestic partnership registry (https://www.sos.wa.gov/corporations-charities/additional-services/domestic-partnerships).

Even after you've registered as domestic partners, you both should still make documents such as a will, durable power of attorney, and health care directive. These will help protect your rights if you travel to a state that doesn't recognize domestic partnerships. When you travel outside of Washington, carry these documents with you to make sure your wishes will be honored no matter where you are.

3. End domestic partnership

To end your domestic partnership, you must follow the same court procedure as ending a marriage. You should also update all legal documents – your will, for example – that name your partner.

If you and your partner have children together, the court hearing the case to end your partnership can also make a parenting plan and order child support.

If you and/or your partner are pregnant at the time you end your domestic partnership, the laws of parentage apply to you.

> Answer a few questions on **Get Family and Safety Forms** to get the right forms for your situation.

4. Special situations

If you have an out-of-state civil union or domestic partnership: If that state gave you many of the same rights and responsibilities as marriage, then you also have the same rights and responsibilities as married people while you're in Washington. But if you and your partner move to Washington and live here for more than a year, you must register as domestic partners or get married to keep these rights and responsibilities.

If you live in Seattle: If you want the same rights and responsibilities as marriage or state-registered domestic partnership, you must get married or register as domestic partners (#chapter-2-2f6559f2-50bf-44ef-b434-68c9568c5fb5) with the state. But you can also register with the City (https://www.seattle.gov/cityclerk/city-clerk-services/domestic-partnership-registration#how-to-register) to get possible benefits from your employer (https://www.seattle.gov/cityclerk/city-clerk-services/domestic-partnership-registration#benefit) that you won't get from state law.

WashingtonLawHelp.org gives general information. It is not legal advice.
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