

DOMESTIC PARTNERSHIP RIGHTS

Eligibility Requirements to Register:

1. Same sex couples or different sex couples if one partner is 62 years old;
2. Both are at least 18 years old;
3. Both share a common residence and are NOT close blood relatives;
4. Neither partner is in a marriage or domestic partnership with another person;
5. Both are legally capable of consenting to the Domestic Partnership;
6. Grants rights and responsibilities in certain areas:
 - a. Health care decisions making hospital/visitation/information;
 - b. Powers of attorney/damages for wrongful death;
 - c. Administer partner's estate/recognize partner on Death Certificate;
 - d. Inherit w/o will, buried as a couple/control disposition of remains.

Termination of Registered Domestic Partnerships:

1. Either party filing a signed notarized notice of termination with the Secretary of State and paying a filing fee;
2. If notice to terminate not signed by both parties, also need to file an affidavit of service;
3. The Secretary of State must register the notice of termination and provide a certificate of termination to each party. Termination is effective 90 days after the date of filing the notice;
4. A State Registered Domestic Relationship is automatically terminated if either party subsequently enters into a marriage with each other or another person that is recognized as valid in this state;

Mandatory RCW 26.09 Dissolution Process if the Following Applies:

1. Either partner has a child under 18 years old;
2. Either partner is pregnant;
3. DP is registered for 5 years or more;
4. Either partner has an ownership interest in real property;
5. Either party leases and lives in a residence with an option to purchase and lease terminates in more than a year;
6. Either partner has unpaid obligation of \$4K or more which incurred after the DP date (does not include auto loans);
7. FMV of community assets is \$25K or more;
8. No settlement agreement;
9. One partner does not waive rights to maintenance;
10. Either party does not want the dissolution;
11. Both partners have not signed the termination notice.

(Not mandatory if the above does not apply, just do a termination as listed above.)

Dissolution of Registered Domestic Partnerships:

1. RCW 26.09;
2. Community property;
3. Maintenance;
4. Parenting plans;
5. Child support;
6. Enforcement.

Parenting Issued for DP Dissolutions:

1. Key question – is a domestic partner also a parent of the other DP’s child?
2. RCW 26.09.020(1)(d) – changed to read, “any child dependent upon either or both spouses or both DP”.
3. RCW 26.09.050(1) – changed to read, “make provision for a parenting plan for any minor child of the marriage or DP, make provision for the support of any child of the marriage or DP”.
4. RCW 26.07.070(1), RCW 26.090.100(1), RCW 26.09.310(1).
5. De Facto Parentage:
 - a. In re parentage of L.B. – de facto parentage test:
 1. Parent consented to and fostered parent-like relationship;
 2. Petitioner and child lived together in same household;
 3. Petitioner assumed parenthood obligations, no expectation of repayment;
 4. Petitioner has been in parental role long enough for a bonded, dependent relationship parental in nature;
 5. Fully, completely undertaken permanent, unequivocal, committed, responsible parental role in child’s life.