



Oregon Registered

Domestic Partners



Congratulations on your recent decision to register as domestic partners in the State of Oregon. We want to take this opportunity to share with you some important information about Oregon's Domestic Partnership law.

We hope you find this information helpful and informative and wish you many happy and healthy years together.



The Family Fairness Act

Oregon's new Domestic Partnership law is a great achievement and a significant step toward equality for gay and lesbian Oregonians. The law provides critical benefits, as well as responsibilities, that were previously unavailable to same sex couples in committed relationships. These include the right to make medical decisions for a partner in a crisis, certain rights and responsibilities related to property and inheritance, and provisions to protect children and other dependents.

Oregon's Domestic Partnership law is one of the most comprehensive laws in the country, granting same-sex couples all of the state-level rights and responsibilities associated with marriage. But there are significant limitations imposed on Oregon Registered Domestic Partners by the "Defense of Marriage Act," a Federal law which only recognizes spousal rights between "one man and one woman." It is critical for couples

who have registered or are considering becoming Oregon Registered Domestic Partners to understand that **only** state-level benefits and responsibilities are recognized under the Oregon law. Federal rights and benefits associated with marriage, including rights related to Federal taxes, Social Security benefits, Veteran's benefits and more are not included.

Furthermore, because Oregon's Domestic Partnership law stops at the state's borders, other states might not recognize the legal rights conferred by Oregon's law - this means that powers of attorney, second parent adoptions, and other legal documents are still recommended for couples who travel out-of-state.



Lastly, we wanted to alert you to a few other issues that couples should consider:

Potential Impact on Wills/ Estate Planning

When people marry, their wills are automatically revoked unless the wills were executed when they were contemplating marriage. Similarly, couples who register as Domestic Partners may find that their wills have also been revoked. You should see your estate planning attorney to determine the status of your will. If your will was revoked, your attorney should be able to provide a simple, inexpensive post-registration fix that will reinstate your will.





Name Changes

Couples who take advantage of the law to have their names changed upon registration (e.g., having their driver license changed to match partner's name) may find that Federal government agencies will not recognize the name change. This could have negative impacts for Social Security, Federal tax law, Federal grants and entitlements, the ability to acquire a U.S. passport and more.

The "quick" fix for this is to actually change your name through the court. It's relatively inexpensive. Although you can go to a lawyer to have this done, most people find it simple enough to do on their own. Please note that



changing your name will also affect your voter registration. After you change your name you may vote once in the county in which you were registered to vote under your former name. After that, your registration will be considered inactive unless you update it with your new name. Voter registration is available online at: www.sos.state.or.us/elections/votreg/vreg.htm

Parenting Rights

For female couples with biological children, both Moms will be placed on the original birth certificate at the hospital. However, that statement of parenthood may not be sufficient to have the non-biological mother recognized as a legal parent once your family steps outside of Oregon. There may also be issues of federal law affected, such as the right to Social Security benefits and to claim the child on federal taxes. Consult an adoption attorney to pursue a "second-parent" adoption (cost ranges from \$1,000 to \$3,000).



Oregon's Domestic Partnership law does not change the process by which two Dads secure a legal relationship to their children, regardless of biological relationship. Additionally, you should not assume that children born before a couple registers for an Oregon Domestic Partnership and who are being raised by both partners are legally the children of both partners. Most likely, such children will be viewed as the step-children of the non-biological parent. To ensure full parental rights, adoption is recommended.



Dissolution of Your Relationship

Unlike the county-based domestic partner registries that are largely symbolic in nature, Oregon's Domestic Partnership Registration is a **legally binding** contract. This contract can only be dissolved through a court procedure similar to divorce. In the event that you decide to dissolve your relationship, you should consult an attorney.

PERS Tax Implications

Federal income tax law may apply differently to an Oregon Registered Domestic Partner who receives any benefit from a tax qualified plan, like the Oregon Public Employees Retirement System. Please consult with a qualified tax professional if you have questions about the federal income tax aspects of these benefit payments, especially in connection with dissolution of the domestic partnership.

Affect on Qualification for Benefits (Means Testing)

A change in family status, including registering for an Oregon Domestic Partnership, may affect qualification for benefits through state programs such as Medicaid Assistance. Please consult with the appropriate agency to determine your eligibility.

Oregon's Domestic Partnership law may affect many very important aspects of your life and property. State agencies and state officials cannot give private Oregonians any legal advice. This booklet sets out some issues that you should discuss in detail with a private attorney.

Produced by Participants of the

INTER-AGENCY WORKGROUP ON IMPLEMENTATION OF HB 2007: *The Oregon Family Fairness Act*

Bureau of Labor and Industries
Department of Consumer and Business Services
Governor's Office
Oregon Department of Justice
Department of Human Services
Public Employees Retirement System
Oregon Department of Revenue
Basic Rights Oregon

To obtain a copy of the Workgroup's final report, go to www.oregon.gov/BOLI/Final_Report_Family_Fairness_Act.pdf

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