

Title 29 DCMR 80 DOMESTIC PARTNERSHIP

The Director of the Department of Health, pursuant to the authority set forth in § 10 of the Health Care Benefits Expansion Act of 1992 ("Act") (D.C. Law 9-114; D.C. Official Code § 32-701(note)), and Mayor's Order 2002-56, dated March 4, 2002, hereby gives notice of the adoption of the following amendment to Title 29 of the District of Columbia Municipal Regulations (DCMR). The final rule adds a new chapter 80 to implement the Act by establishing the procedures and fees for registering domestic partners. The rule was published as a Notice of Proposed Rulemaking on March 29, 2002, at 49 DCR 2938. Pursuant to § 10(b) of the Act the rules were submitted to the Council and approved by resolution R14-459 on June 4, 2002.

Final action to adopt these rules was taken on June 6, 2002.

Title 29 (Public Welfare) (May 1987) of the DCMR is amended by adding a new chapter 80 to read as follows:

Chapter 80 DOMESTIC PARTNERSHIP

8000 GENERAL PROVISIONS

8000.1 This chapter applies to unmarried persons who wish to register as domestic partners to gain access to the rights provided by D.C. Law 9-114, the Health Care Benefits Expansion Act of 1992 ("Act"), D.C. Official Code § 32-701 *et seq.*

8001 ELIGIBILITY DETERMINATION AND REGISTRATION

8001.1 To establish a domestic partnership and to qualify for benefits under the Act, two (2) persons shall submit a single application for registration to the Registrar.

8001.2 Both persons seeking domestic partner status shall appear in person and execute the application form, and each person shall affirm under penalty of perjury that:

- (a) Each person is at least eighteen (18) years of age and competent to contract;
- (b) Each person is the sole domestic partner of the other person;
- (c) Both persons share a mutual residence;
- (d) Each person is not married; and
- (e) There is not a pending termination of domestic partnership for either person.

8001.3 The Registrar may examine any applicant under oath to ascertain the names and ages of the persons desiring to register as domestic partners and any other information as required by this chapter before issuing a certificate of domestic partnership.

8001.4 An application for a certificate of domestic partnership shall not be considered final until the Registrar accepts it.

8001.5 The Registrar shall not provide a certificate of domestic partnership if the applicants fail to provide the minimum documentation required by sections 8001 and 8004, or when the Registrar has reasonable cause to believe that the applicants fail to satisfy the requirements of this chapter or of the Act. The Registrar shall state in writing the reason for denial of a certificate of domestic partnership.

8002 TERMINATION OF DOMESTIC PARTNERSHIP

8002.1 A domestic partnership registration, and all the benefits that accrue as a result of registration as domestic partners, shall terminate automatically when:

- (a) Either domestic partner dies, except that the surviving domestic partner shall still be entitled to leave to attend funeral or memorial services for the deceased domestic partner and shall retain the right to control the disposition of the remains of a deceased domestic partner pursuant to D.C. Official Code § 3-413(a);
- (b) The domestic partners marry one another, or either domestic partner abandons the domestic partnership or marries another person; or
- (c) Either partner abandons the partners' mutual residence.

8002.2 For the purpose of § 8002.1(c) abandonment means a partner's actual permanent departure from the mutual residence. A partner does not abandon the mutual residence for the purposes of § 8002.1(c) merely by acquiring an additional residence.

8002.3 A domestic partnership may also be terminated, with or without the consent of both partners, by filing a termination of domestic partnership statement with the Registrar. If both partners consent to the termination of domestic partnership, both shall declare that the partnership is to be terminated, and both shall sign the termination of domestic partnership statement. If only one (1) person is taking action to terminate a domestic partnership, the person filing for termination of domestic partnership shall make the following declarations:

- (a) That the domestic partnership is to be terminated; and
- (b) That he or she has served the other person with a copy of the termination of domestic partnership statement by either of the following methods:
 - (1) By prepaid mail; or
 - (2) By personal service on the other person or a person over the age of sixteen (16) who resides with the person.

8002.4 A termination of domestic partnership statement filed pursuant to this section shall become effective six (6) months after the date the statement is filed with the Registrar. While the termination of domestic partnership is pending, all benefits shall continue to both domestic partners. While the termination of domestic partnership is pending neither partner may apply for a new certificate of domestic partnership.

8002.5 A domestic partner may withdraw a termination of domestic partnership statement by obtaining the consent of the other domestic partner on a form provided by the Registrar, provided that both continue to satisfy the requirements for maintaining a domestic partnership. Withdrawal of a termination of domestic partnership statement must be complete before the expiration of the six (6)-month waiting period required by § 8002.4 to be effective. Domestic partners who wish to re-establish a domestic partnership after the six (6)-month waiting period required by § 8002.4 shall apply as new domestic partners and meet the requirements of § 8001.

8002.6 When a domestic partnership terminates because of the death of one (1) of the partners, the surviving domestic partner shall not be required to observe a waiting period before applying for registration of a new domestic partnership.

8002.7 When a domestic partnership is to be terminated, each former domestic partner shall provide written notice to any third party that has provided benefits based on the former domestic partnership. The former domestic partner making the third party statement shall affirm under penalty of perjury that the domestic partnership is to be terminated, or that the partnership has already terminated because the partners no longer satisfy a material requirement. The third party notice shall be given within thirty (30) days before the date the domestic partnership is to be terminated. When a domestic partnership has terminated automatically the former or surviving domestic partner shall give the third party notice within thirty (30) days of the event that caused automatic termination.

8003 AMENDMENT OF DOMESTIC PARTNERSHIP REGISTRATION

8003.1 Only the Registrar may amend a domestic partnership registration.

8003.2 Only a party to a domestic partnership may apply to amend his or her domestic partnership records by filing an amendment of domestic partnership form with the Registrar. Parties to a domestic partnership may file an amendment to:

- (a) Add a dependent child of a domestic partner;
- (b) File a change of address;
- (c) Correct clerical errors; or
- (d) File a legal name change.

8003.3 Applications to amend a domestic partnership registration shall be supported by documentary evidence that may include the following:

- (a) An affidavit that includes;
 - (1) Information identifying any certificates provided;
 - (2) Information on the domestic partnership registration to be changed or corrected; and
 - (3) Data that should appear on the domestic partnership registration form.
- (b) Any documents to support the alleged facts attested to in the affidavit.

8004 PROOF OF MUTUAL RESIDENCE

8004.1 Applicants for a certificate of domestic partnership shall provide proof of mutual residence by supplying one (1) of the following documents:

- (a) A current lease or rental agreement for residential property that names both applicants as occupants of the premises named in the lease or rental agreement;
- (b) A mortgage for residential property that names both applicants as mortgagors;
- (c) A deed for residential property that states that both applicants share title to the premises named in the deed;
- (d) Utility bills for residential property that name both persons as being responsible for payment of the utility fees for the same address; or
- (e) An affidavit executed within the previous six (6) months in which the parties each state under penalty of perjury that both domestic partners share the same residence.

8005 APPEAL OF INELIGIBILITY DETERMINATION

8005.1 If the Registrar makes a decision to deny an application for a certificate of domestic partnership, or an amendment to a certificate of domestic partnership, the applicants may immediately seek judicial review of that final decision in accordance with § 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (Pub. L. 90-614; D.C. Official Code § 2-510), and all other applicable law.

8006 RECORDKEEPING, REPORTING, AND PUBLIC DISCLOSURE

- 8006.1 The Registrar shall keep all records related to domestic partnership registration secure.
- 8006.2 The Director shall report annually to the Council of the District of Columbia on the number of Domestic Partnerships declared and terminated.
- 8006.3 All information contained in a declaration of domestic partnership shall be open to the public for inspection, except that address information of the Partners shall remain confidential and shall be redacted from any copies provided for public inspection.

8007 FEES

- 8007.1 Fees for a certificate of domestic partnership, a termination of domestic partnership, or certified copies of shall be payable in advance by personal check, money order, cash or credit card and shall be non-refundable.
- 8007.2 The fees for services provided by the Registrar shall be as follows:

Registration including one certificate	\$45.00
Certified copy of a certificate	18.00
Domestic partnership amendment	10.00
Domestic partnership termination	25.00
Withdrawal of domestic partnership termination	10.00
Certified copy of a certificate of termination	18.00
Record search (per name and year)	10.00

8099 DEFINITIONS

- 8099.1 When used in this chapter, the following definitions shall apply to this chapter. Except as specifically provided in this section, terms used in this chapter retain the meaning ascribed under the applicable provisions of the Act.

Act-the Health Care Benefits Expansion Act of 1992, D.C. Law 9-114, effective June 11, 1992 (D.C. Official Code § 32-701 *et seq.*).

Department-the District of Columbia Department of Health.

Dependent child-a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner who is unmarried and under twenty-two (22) years old, is unmarried under twenty-five (25) years old and a full-time student, or is unmarried of any age

and incapable of self-support because of a mental or physical disability that existed before the age of twenty-two (22).

Director-the Director of the District of Columbia Department of Health.

Registrar-the State Center for Health Statistics Administration, Vital Records Registrar.