

## **FREQUENTLY ASKED QUESTIONS**

### **Domestic Partnership Registration**

#### **WHAT IS A “DOMESTIC PARTNERSHIP” AS DEFINED IN NEVADA LAW?**

A “domestic partnership” in Nevada is a new type of civil contract which grants domestic partners “...the same rights, protections, benefits, responsibilities, obligations and duties as...parties to any other civil contract...”

Domestic partnerships were established in the 75<sup>th</sup> Session of the Nevada State Legislature as [Senate Bill 283](#) for the purpose of defining the rights and responsibilities of such partnerships. Although [SB 283](#) includes a requirement that parties in a domestic partnership “Have chosen to share one another’s lives in an intimate and committed relationship of mutual caring,” a domestic partnership is not a marriage for the purposes of [Section 21 of Article 1 of the Nevada Constitution](#).

#### **WHO IS ELIGIBLE TO ENTER INTO A DOMESTIC PARTNERSHIP?**

The primary qualifications for entering into a domestic partnership are:

- Both parties must be at least 18 years of age;
- Both parties are competent to consent to the partnership;
- The two parties are not related by blood in a way that would prevent them from being legally married to each other in Nevada;
- Neither party is married or a member of another domestic partnership, except to or with each other in another jurisdiction;
- Both parties share a common residence;
- Both parties sign a declaration that they have chosen to share one another’s lives in an intimate and committed relationship of mutual caring; and
- Both parties desire of their own free will to enter into a domestic partnership

The application contains a declaration that lists the eligibility requirements and by signing the document and having it notarized, each person is acknowledging under penalty of perjury that the above is true and correct.

#### **ARE DOMESTIC PARTNERSHIPS LIMITED TO SAME-SEX COUPLES?**

No. As a civil contract, Nevada domestic partnerships may be entered into by couples of any sexual orientation as long as they meet the eligibility requirements defined above.

#### **HOW DO I FILE A DOMESTIC PARTNERSHIP?**

Partners wishing to enter into a domestic partnership must complete and file a notarized declaration of domestic partnership application and the appropriate fees with the Office of the Nevada Secretary of State. Forms are available online at <http://www.nvsos.gov/> or at the Secretary of State’s Carson City or Las Vegas offices.

#### **CAN I FILE FOR A DOMESTIC PARTNERSHIP ONLINE OR VIA THE WEB?**

No. Since the documents require notarized signatures of both partners, you must complete and submit the application with original signatures.

**HOW IS A FORM ACCEPTED?**

You may hand deliver it to the Secretary of State's Offices in Carson City or Las Vegas.  
Carson City: State Capitol, 101 North Carson Street, Suite 3, Carson City  
Las Vegas: Grant Sawyer Building, 555 E Washington Ave., Suite 5200, Las Vegas

Or you may mail it to:

Domestic Partnership Registration  
555 E. Washington Ave, Suite 5200  
Las Vegas, NV 89101

**CAN A DECLARATION FOR DOMESTIC PARTNERSHIP BE FILED PRIOR TO OCTOBER 1, 2009?**

Yes, between August 24, 2009 and September 24, 2009, you may pre-file your Declaration for Domestic Partnership. The Secretary of State's office will make every effort to have certificates of domestic partnership available on October 1<sup>st</sup> for those who filed during the pre-filing period.

**IF THE DECLARATION IS PRE-FILED WHEN WILL THE CERTIFICATE OF REGISTRATION BE AVAILABLE?**

If a Declaration is pre-filed, the Certificate will be available for pick-up at the Secretary of State's office you designated on the Declaration application on October 1, 2009 between the hours of 8:00am -5:00pm. If it is not requested for pick-up, it will be mailed to you on October 1, 2009.

**IS THERE A FEE FOR FILING?**

Yes, there is a filing fee of \$50 payable by cash, check, debit or credit card. Any application submitted without the fee will be rejected.

**TO WHOM DO I MAKE OUT MY CHECK?**

Checks should be made out to the Secretary of State.

**WHAT IF I WANT TO PAY BY DEBIT OR CREDIT CARD?**

You will need to complete a debit/credit card check list which is an authorization to charge the fees to your account. This form can be downloaded at [www.nvsos.gov](http://www.nvsos.gov).

**WHAT HAPPENS TO MY DECLARATION OF DOMESTIC PARTNERSHIP AFTER I FILE IT WITH THE SECRETARY OF STATE?**

The application will be reviewed and accepted if complete. The filing will be rejected if you fail to leave out required information, if the signatures of both parties are not properly notarized or if the appropriate fees are not submitted.

If your filing is complete and meets the requirements, the Secretary of State's office will issue you a Certificate of Registered Domestic Partnership.

**WHAT IF MY DECLARATION IS REJECTED?**

You will receive a return letter indicating the reason for its rejection such as missing or illegible information, missing or incorrect filing fees or un-notarized signatures.

**CAN THE CERTIFICATE BE PICKED-UP AT THE SECRETARY OF STATE'S OFFICE OR WILL IT BE MAILED?**

The certificate may be picked up at the designated Secretary of State's office as specified on the Declaration application. If you do not select "pick-up", the Certificate will be mailed to the mailing address provided on the application.

**WILL I RECEIVE A COPY OF MY DECLARATION OF DOMESTIC PARTNERSHIP WHEN I FILE IT?**

A file stamped copy of the declaration may be requested at the time you file your Declaration application if you file in person at either of the Secretary of State's offices in Carson City or Las Vegas - staff permitting.

**IS THERE A CHARGE FOR A FILE STAMPED COPY?**

Yes, there is a \$5 charge.

**CAN A DOMESTIC PARTNERSHIP REGISTRATION BE EXPEDITED?**

Yes, 2 hour expedite processing is available by appointment only.

**IS THERE AN ADDITIONAL FEE FOR EXPEDITE SERVICE?**

Yes, it is an additional \$100.

**DO YOU OFFER A CEREMONIAL COPY OF THE CERTIFICATE OF REGISTERED DOMESTIC PARTNERSHIP?**

Yes, for an additional fee of \$15, a "ceremonial" copy of the Certificate on special bond paper affixed with the Nevada silver state seal, suitable for framing is available.

You may request it at the time of filing a Declaration or at a later date.

**WILL MY CERTIFICATE OF REGISTERED DOMESTIC PARTNERSHIP BE A PUBLIC DOCUMENT?**

Yes, under NRS 239.010, a Certificate of Registered Domestic Partnership is open to public inspection.

**CAN A DOMESTIC PARTNERSHIP BE TERMINATED, AND IF SO, HOW?**

Domestic partnerships may be terminated in two ways.

1. By filing a signed and notarized "Domestic Partnership Termination Form" at the Carson City or Las Vegas office of the Secretary of State, and paying a \$50 termination fee

In order to terminate the partnership through this simplified termination proceeding, the parties must meet all of the following conditions:

- Be registered as domestic partners for five years or less
- Have no minor children, or have minor children and have executed an agreement as to the custody of the children and the amount and manner of their support
- A female member of the domestic partnership, to her knowledge, may not be pregnant
- Have no community or joint property, or have an executed agreement as to the

- disposition of such property
- Have waived any right to future support or have an executed agreement setting forth the amount and manner of any such support
- Have waived the right to conduct a more comprehensive proceeding pursuant to chapter 125 of NRS.

2. For termination of domestic partnerships that do not meet all of the above conditions partners are required to follow procedures set forth in [Nevada Revised Statutes Chapter 125](#).

**IS THERE A FEE FOR TERMINATING A DOMESTIC PARTNERSHIP?**

Yes, the termination fee is \$50.

**WILL I RECEIVE A COPY OF MY TERMINATION OF DOMESTIC PARTNERSHIP WHEN I FILE IT?**

A file stamped copy of the termination form may be requested at the time you file your Declaration application if you file in person at either of the Secretary of State's offices in Carson City or Las Vegas - staff permitting.

**IS THERE A CHARGE FOR A FILE STAMPED COPY OF THE TERMINATION FORM?**

Yes, there is a \$5 charge.

**WHAT ABOUT A CEREMONY IN MY CHURCH OR OTHER ORGANIZATION, SECULAR OR RELIGIOUS, TO RECOGNIZE MY DOMESTIC PARTNERSHIP?**

There is no requirement for performing any type of ceremony, religious or otherwise, to enter into this type of domestic partnership contract. It is the choice of respective religious faiths and the parties to the contract to determine the appropriateness of any such ceremony.

**DOES A DOMESTIC PARTNERSHIP AFFECT MY PARTNER'S ABILITY TO RECEIVE HEALTH CARE BENEFITS FROM MY EMPLOYER?**

There is no requirement that a public or private employer provide health care benefits to a domestic partner. This does not, however, prohibit an employer from voluntarily providing health care benefits to a domestic partner as deemed appropriate by the employer and the partners. See [SB 283](#) for additional explanation.

**WHAT NEW LEGAL AND FINANCIAL RIGHTS AND RESPONSIBILITIES DO WE HAVE AS REGISTERED DOMESTIC PARTNERS?**

As described in Senate Bill 283, domestic partners have the same rights, protections, and benefits, and are subject to the same responsibilities, obligations and duties under law that are granted to and imposed upon married spouses.

The Secretary of State's office cannot advise couples on the legal and financial implications of domestic partnership. Couples considering registration should consult with their private attorneys and personal financial advisors.

**IF MY PARTNER AND I ARE REGISTERED AS DOMESTIC PARTNERS IN ANOTHER STATE, DOES NEVADA RECOGNIZE THAT PARTNERSHIP?**

Other than in the case of a marriage, for a domestic partnership to be recognized in Nevada it is necessary to be registered with the Nevada Secretary of State in compliance with the aforementioned provisions of [SB 283](#).

**IS EITHER PARTNER REQUIRED TO CHANGE HIS OR HER LEGAL NAME IF ENTERING INTO A DOMESTIC PARTNERSHIP?**

No, there is no requirement that a person changes his/her name when entering into a domestic partnership under [SB 283](#). If they choose to do so, two individuals that have filed a Domestic Partnership certificate may initiate a name change with the appropriate entity which allowing for a name change. Whether those entities accept the Domestic Partnership Certificate for processing the name change is up to the rules and guidelines of that entity. Further, because [SB 283](#) is State law, it is not within the Office's jurisdiction to determine or require federal agencies to process a name change based on the Domestic Partnership certificate.

[Nevada Revised Statutes Chapter 41.270](#) provides additional guidance on proceedings to change names of natural persons.

**IF ONE PARTNER IN A DOMESTIC PARTNERSHIP LEGALLY CHANGES HIS OR HER NAME AFTER REGISTERING FOR A DOMESTIC PARTNERSHIP, DOES THE PARTNERSHIP HAVE TO BE AMENDED?**

No, the partnership registration does not have to be amended. If you would like a new certificate depicting the legally-changed names of the partner(s), you may file a name change amendment for \$15 which includes a black and white certificate. Ceremonial certificates are an additional \$15.