

DOMESTIC PARTNERSHIP INFORMATION

Brenda J. Jaszewski, County Clerk

Washington County Website: www.co.washington.wi.us

Domestic Partnership Hotline: (262) 335-4735

WHERE TO APPLY

County Clerk's Office

432 E. Washington Street, Room 2027

West Bend, WI 53095-7986

Phone: (262) 335-4735

Hours: 8:15 a.m. – 3:45 p.m. - Monday through Friday

Closed Saturdays, Sundays and Legal Holidays

Appointments are not required.

PROCESS FOR APPLYING FOR A DECLARATION OF DOMESTIC PARTNERSHIP

Partners who meet the criteria apply for a declaration of domestic partnership with the County Clerk in the county where they reside. They must provide necessary documentary proof and information. Six days after the application is made, the County Clerk issues the declaration to the couple. Partners should apply at least 7 days prior to the requested date of issuance as we cannot issue the declaration on a weekend or Holiday. For unusual circumstances, the County Clerk may issue the declaration sooner, for an additional fee of \$10.00.

The application and original declaration will be prepared in the County Clerk's office. After six days, the original declaration is issued to the couple, who signs it before a Notary, and submits it to the Register of Deeds. The Register of Deeds records the declaration and forwards the original to the State Registrar of Vital Statistics. The domestic partnership is not effective until the declaration is filed by the couple at the Register of Deeds Office.

If a couple needs to show proof of the domestic partnership (to obtain benefits), they may purchase certified copies of the declaration from the Register of Deeds or from the State Vital Records Office.

REQUIREMENTS

Applicants must meet the following requirements:

- Both parties must be at least 18 years of age and must be competent (to enter into a legal contract such as a domestic partnership).
- Neither party may be currently married.
- Neither party can be currently in a legal domestic partnership with another party. (See #4 under the topic "Documents Needed to Apply for the Declaration of Domestic Partnership" for additional information on waiting periods between domestic partnerships.)
- The parties must share a common residence.
- The parties must be of the same sex.
- The parties cannot be closer in relationship than second cousins (even if they are related by adoption or by half-blood).
(Wis. Stat. § 770.05)

RESIDENCE

Applicants must apply in person at the County Clerk's office in the county in which one or both of the partners have resided for the last 30 days immediately prior to application.

FEE

The cost for a declaration of domestic partnership in Washington County is \$90 to be paid at the time of application (\$100 effective 1/1/10). Out of state checks, credit or debit card payments are not accepted. **NO REFUNDS WILL BE GIVEN.** There is no fee to

file the completed declaration with the Register of Deeds office. There is a fee for obtaining copies of the declaration. Certified copies can be purchased from the Register of Deeds or from the State Vital Records office. The fee is \$20.00 for the first copy and \$3.00 for each additional copy of the same declaration (ordered at the same time).

NOTE: Under vital records law, it is illegal for anyone besides the Register of Deeds or the State Vital Records Office to make copies of the declaration of domestic partnership or the certificate of termination of domestic partnership, including the partners themselves.

DOCUMENTS NEEDED TO APPLY FOR THE DECLARATION OF DOMESTIC PARTNERSHIP

Each applicant must provide the following documents at the time of application:

1. **CERTIFIED** copy of Birth Certificate. A declaration of domestic partnership application will **NOT** be completed unless a certified birth certificate for both partners is presented at the time of application. If you were born in Wisconsin, you may obtain a certified birth certificate from the Register of Deeds office in the County in which you were born. If an applicant was born outside of Wisconsin, the following website contains links to all U.S. vital records offices: <http://www.cdc.gov/nchs/w2w.htm>.
2. **CURRENT** (non-expired) Photo Identification. This is a valid driver's license or state ID, showing photo for identification and reflecting your current address.
3. Proof of Residency. If the photo ID does not contain the current address, a dated utility bill or government correspondence addressed to the applicant (by name) with the applicant's street address is required. Mail sent to a post office box does not fulfill this requirement.
4. Proof of how the last domestic partnership or marriage ended (if applicable). If an applicant was in a prior legal domestic partnership in Wisconsin (filed under the provisions of the 2009 Domestic Partnership Law, Wis. Stat. Chapter 770), or if an applicant was previously married, the applicant must supply documentary evidence of how the last legal domestic partnership or marriage ended.
5. Social Security Number for each applicant. This is a statutory requirement for all vital records. The Social Security Number may only be used in connection with Social Security Administration programs and for child support enforcement programs.

If any of the required documents are not in English, a Notarized, Translated copy must be presented, in addition to the original.

WAITING PERIOD BETWEEN THE END OF A "LEGAL RELATIONSHIP" (DOMESTIC PARTNERSHIP OR MARRIAGE) AND THE DATE A PERSON CAN ENTER INTO A NEW ONE.

There is a 90-day waiting period between the date the termination of domestic partnership is filed at the Register of Deeds office and the date that a party can enter into a new domestic partnership. There is no waiting period between the death of a domestic partner and application for a declaration of domestic partnership. There is no waiting period between a divorce or annulment from a former spouse and application for a declaration of domestic partnership. There is no waiting period if the domestic partnership ended because of the subsequent marriage of one of the domestic partners.

TERMINATION OF A DOMESTIC PARTNERSHIP

- Partners who want to terminate their Wisconsin domestic partnership must file a notice of termination of the domestic partnership in the same County Clerk office that issued the declaration of domestic partnership. This is true even if the partners no longer reside in that county.
- Both parties may sign the notice of termination and submit it to the County Clerk.
- If only one party signs the notice of termination, that partner needs to complete an affidavit that affirms that he or she either served the other partner with a summons or that he or she published an official public notice in the area where the partner was last known to be living.
- Upon receipt of the completed notice of termination (and affidavit, if required), and the appropriate Washington County \$90.00 fee (\$100 effective 1/1/10), the County Clerk issues an "Original Certificate of Termination of Domestic Partnership" to the party filing the notice. Although there is no 5-day waiting period for the County Clerk to issue the certificate of termination, the County Clerk may set a reasonable time frame for issuing the certificate of termination after the notification is filed..." Washington County will provide the certificate of termination within two business days following acceptance of a completed notice of termination.
- The domestic partner who files the notice of termination is responsible for completing the certificate of termination and filing it with the Register of Deeds office in the same county that issued the certificate of termination.
- There is no time limit for filing the certificate of termination with the Register of Deeds office; however, the termination of the domestic partnership does not go into effect until 90 days after the date the certificate of termination is accepted for filing in the Register of Deeds office.
- If one of the partners marries during the domestic partnership, the domestic partnership is terminated immediately (as of the date of the marriage).

FREQUENTLY ASKED QUESTIONS

1. **If a couple is already registered as domestic partners (in another state or a local domestic partner registry in Wisconsin) or are married to each other (in another state) are they automatically transferred to the State's Domestic Partner Registry?**
 - No. Domestic partnership registrations from cities or counties will **not** be automatically transferred to the State Domestic Partner Registry within the Vital Records System. Likewise, partnerships registered in other states will not automatically be added to the Wisconsin Registry.
 - Couples who want to register under the new Statewide Domestic Partnership program must follow the same process as described in question 1, above. The applicants should **not** list the prior local partnership registration when answering the question "Number of this domestic partnership."
 - If the applicant is currently a party to a legal domestic partnership with a different partner in another state, the applicant should review the laws of that state before entering into another domestic partnership in Wisconsin.
 - If the applicant is currently registered in a "local" (city or county) domestic partnership registry with one partner, the applicant should seek legal advice before entering into a State-recognized domestic partnership with a different partner.
 - Partners who married each other in another state can apply for domestic partnership status in Wisconsin. The partners should not declare their marital status as "legally married" at the time of application, because only unmarried persons may register a domestic partnership.

2. What rights does a domestic partner have to obtain vital records related to his or her domestic partner?

- Parties will have familial rights to obtain copies of their current domestic partners' vital records in the following cases:
 - Birth record of domestic partner
 - Death record of domestic partner
 - Prior marriage/divorce record of domestic partner
- To obtain certified copies of other types of records (example: birth records of a domestic partner's children), the domestic partner would require additional proof of direct and tangible interest in the record.

DECLARATION OF DOMESTIC PARTNERSHIP APPLICATION CHECKLIST

All documents must be presented and fees paid at the time the application is made.

- ___ CERTIFIED Birth Certificates. Hospital souvenir birth records, Birth Registrations, or a photocopy of certified birth certificates are **not** legally acceptable.
- ___ Valid Photo ID with current address.
- ___ Proof of 30 day Washington County residency.
- ___ Proof of how last domestic partnership or marriage ended.
- ___ Social Security Numbers.
- ___ \$90.00 Application fee. (\$100 effective 1/1/10) Cash or Personal, In-state checks only. Credit and Debit cards are NOT accepted. No refunds.
- ___ Translator (if needed). If either party does not speak or understand English, a third party translator must be present at the time of application. The translator must be an uninterested party.

TERMINATION OF DOMESTIC PARTNERSHIP CHECKLIST

- ___ Obtain and file the Notice of Termination of Domestic Partnership with the County Clerk. You must do this in the county where the original Declaration of Domestic Partnership was filed.
- ___ Completed Affidavit of Notification of Intent to Terminate a Domestic Partnership form if Notice of Termination is only signed by one partner.
- ___ \$90.00 fee. (\$100 effective 1/1/10) Cash or in-state personal checks only. Credit and Debit cards are NOT accepted. No refunds.

MORE INFORMATION

Please call the domestic partnership hotline (262) 335-4735, or check the Washington County website: <http://www.co.washington.wi.us> under **Departments, County Clerk, Domestic Partnerships**.

If you have any questions, please call (262) 335-4301.