

DOMESTIC PARTNER LAW

Assembly Bill 205 was passed by the legislature and signed by the Governor in 2003. This legislation enacts the California Domestic Partner Rights and Responsibilities Act of 2003. The new law extends the rights and duties of marriage to persons registered as domestic partners on and after January 1, 2005. Under the new law, the registered domestic partner of a member of VCERA will be eligible for the same benefits currently available only to the spouse of a VCERA member.

Under the law that will take effect on January 1, 2005, if a member of VCERA is a party to a domestic partnership that was registered with the California Secretary of State at least one year prior to the member's retirement date, and the member elects an unmodified retirement allowance, the member's surviving domestic partner would be eligible for a survivor continuance under VCERA that is 60% of the member's retirement allowance, so long as the retired member's death occurs on or after January 1, 2005, and the partnership had not been terminated prior to the member's death. The survivor's continuance will also be available to an eligible post-retirement domestic partner. To be eligible for the continuance, the domestic partnership would have to have been established at least two years prior to the member's date of death, and the domestic partner must be at least age 55 at the time of the member's death.

Under the California Family Code, a domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State. A registered domestic partnership may only be terminated by filing a court action, or in some instances, by filing a notice of termination with the Secretary of State. A registered domestic partnership is automatically terminated upon the death of either partner. The community property interest related to contributions and benefits granted to spouses of VCERA members will also be extended to registered domestic partners of VCERA members beginning on January 1, 2005. The Superior Court shall have jurisdiction over all proceedings relating to the dissolution or legal separation of a domestic partnership.

The California Secretary of State maintains the statewide registry of domestic partnerships and is responsible for preparing related forms and notices. For more information about registered domestic partnership you are encouraged to visit the Secretary of State's website at www.ss.ca.gov/dpregistry.

Please note that a photocopy of your Domestic Partnership certificate will need to be submitted to VCERA at the time of Retirement.