

What You Get, How You Get It

Because Jan. 1 is a federal holiday, county clerk offices will be closed, but the declaration of domestic partnership form will most likely be available online that day. Couples can print it out and sign it in front of a notary, then bring the form to the county office when it opens Jan. 2.

Not all of the county offices will have a notary public on hand, so couples should be prepared to find their own. The Oregon state Web site offers a list of notary publics by county (www.sos.state.or.us/corporation/oregon/notaries.htm).

Those registering in Multnomah County are in luck, because Commissioner Jeff Cogen and his staff are taking the notary training to be available for people who need to have their signatures notarized once they arrive at the county building.

Once the couple have their documents in order, they will have to pay a filing fee of at least \$25 (this may vary by county) by check or cash. (Most counties do not accept credit or debit cards.) They will then receive their certificate of registered domestic partnership. There will be a record of the filing on the county registry of domestic partnerships (which will be public) as well as with the state's vital record department (which will not).

Under this new law, same-sex couples will have the same privileges, immunities, rights, benefits and responsibilities as married couples in the state of Oregon.

Seems simple enough, right? Well, according to two area lawyers, there are a few possible snags everyone should know about.

First of all, the law says very clearly that to register for a domestic partnership, both parties cannot already have another domestic partnership that has not been dissolved. This might not be an issue, except for the fact that informal domestic partnerships have existed under Oregon law for many years and have often been applied to unmarried couples who share property or other responsibilities. Entering into one of these sorts of domestic partnerships does not require filing any paperwork or notarized signatures. According to Beth Allen of Allen² Law, it might be as simple as one partner saying to the other, "I'm giving you an interest in my house" or "Let's get a dog together, honey."

"So, the way it's written, a domestic partnership is a 'civil contract entered into' means that it could be argued that all those times that we have in the past said those sorts of things to our partners—our ex-partners now—that we've entered

into domestic partnerships in the past that we've not dissolved," Allen explained.

The county clerk is not going to demand people turn over a list of their exes and how they have or have not dissolved past relationships, but Allen says it could cause trouble if anyone ever decides to challenge the couple's registered domestic partnership. This is something she hopes will be cleared up in the next legislative session. She also says she and her partner, Christine Cress, intend to register as domestic partners under the new law.

Adding another layer of complexity, several city and county governments around the state have allowed couples to register for what have been called domestic partnerships since the 1980s. "They didn't have any legal effect; they were just used as a way to demonstrate the relationship existed," said Mark Johnson, a gay lawyer with the Johnson Renshaw & Lechman firm in Portland.

According to Johnson, couples mostly used these domestic partnerships to prove their relationship to employers in order to obtain benefits. "They were made sort of obsolete by the new law, but they still exist," he said.

Another ongoing concern with any state's domestic partnership, civil union or same-sex marriage law is the issue of portability. No one really knows what will happen to Oregonians' domestic partnerships when they move or travel out of state. It is possible that states such as California and Washington, which also have domestic partnership laws, will allow couples to transfer their legal partnerships without reregistering. However, in Washington, this would mean couples would have far fewer rights, as the domestic partnership law in that state is not nearly as comprehensive as Oregon's.

"This is a consequence of building a parallel system," said Johnson. "The nice thing about marriage is that all 50 states and the federal government recognize it in the same way. Domestic partnership doesn't have that."

Allen and Johnson both recommend that same-sex couples file additional paperwork to be certain they are protected in other states. Allen says this is particularly crucial when it comes to second-parent adoptions as well as wills and advanced directives to ensure inheritance and hospital visitation rights.

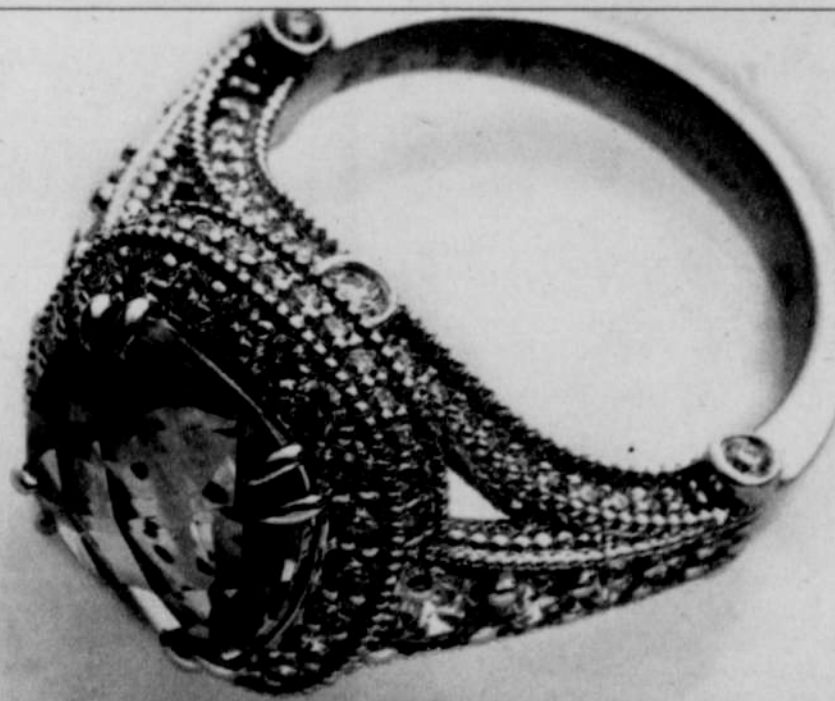
Filing taxes will also become much more complex for people with domestic partnerships, because while they can file their Oregon tax return jointly, they'll have to file their federal taxes as single individuals.

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