

DECLARATION OF DOMESTIC PARTNERSHIP

1. Who may apply for domestic partnership?

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 married.
- Neither party can be currently in a legal domestic partnership with another party.
- 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)

2. When may people apply to register as a domestic partnership?

- The first date that partners may apply is **Monday, August 3, 2009**. (Wis. Stat. § 770.07).
- The Declaration of Domestic Partnership is issued by the County Clerk's Office 5 days after the date of application.

3. Where do you apply for domestic partnership?

- 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.

4. What documents are needed to apply for the Declaration of Domestic Partnership?

Each applicant must bring in the following documents:

- **Certified copy of birth certificate.**
- **Current (non-expired) Photo Identification.**
- **Proof of residency.** If the photo ID does not contain the current address, the applicant can bring in a dated utility bill or government correspondence if it is addressed to the applicant (by name) with the applicant's street address (mail sent to a post office box does not fulfill this requirement).
- **Proof of how last domestic partnership or marriage ended.** 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. (See #7 below for waiting periods)
- **Social Security Number** (if the applicant has a Social Security Number). *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.*

5. How much does it cost?

- The fee for applying for a Declaration of Domestic Partnership is \$85.00 in Sheboygan County. *(By law, it is the same fee that the county charges for issuing a license to marry.)* The fee may be different in other counties.
- There is an extra charge of \$10.00 for waiving the 5-day waiting period (Waivers are only granted at the discretion of the County Clerk).
- There is no charge for filing the completed declaration with the Register of Deeds Office.
- There is a fee for obtaining copies of the declaration. Certified copies of the declaration 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 document, including the partners themselves.

6. How is the declaration completed?

- When the County Clerk issues the Declaration of Domestic Partnership, the partners can sign the declaration in the presence of the County Clerk or Deputy County Clerk or they can sign in the presence of any notary public.
- The **partners then file the completed declaration** with the **Register of Deeds** in the county that issued the declaration. There is no time limit for filing the declaration after it has been issued. However, **the domestic partnership does not go into effect until the date the declaration is accepted and filed at the Register of Deeds Office.**
- The partners can purchase certified copies of the declaration at the Register of Deeds Office to use as proof of the domestic partnership. Copies may also be purchased at the State Vital Records Office.

7. Is there a 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 a 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.

8. 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 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.

TERMINATION OF DOMESTIC PARTNERSHIP

1. How do you terminate 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's office that issued the Declaration of Domestic Partnership. This is true even if the partners no longer reside in that county.
- Both parties must sign the notice of termination and submit it to the County Clerk.
- If only one party is available or willing to sign 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 payment of the fee, the County Clerk issues an "Original Certificate of Termination of Domestic Partnership" to the party filing the notice. Although there is no waiting period for the County Clerk to issue the Certificate of Termination, due to time constraints the County Clerk may set a reasonable time frame for issuing the Certificate of Termination after the notification is filed.
- 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.

2. When does the termination become effective?

- 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.
- There is no time limit for filing the Certificate of Termination with the Register of Deeds Office.

3. What if one of the partners chooses to get married?

- If one of the partners marries during the domestic partnership, the domestic partnership is terminated immediately (as of the date of the marriage).

4. What is the fee for terminating a domestic partnership?

- The same fees apply for the termination of domestic partnership as for the Declaration of Domestic Partnership.
- In Sheboygan County the County Clerk's fee for issuing the Certificate of Termination is \$85.00. The fee may be different in other counties.
- There is no fee to file the Certificate of Termination with the Register of Deeds.

5. How does a party get certified copies of the Certificate of Termination?

- Certified copies of the Certificate of Termination can be purchased from the Register of Deeds or from the State Vital Records Office (the same copy fees apply: \$20.00 for the first copy and \$3.00 for each additional copy of the same Certificate of Termination 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 Original Certificate of Termination of a Domestic Partnership document, including the partners themselves.