

Proposed Cleveland Heights Ordinance

Domestic Partnership Registry

Section 1. Criteria for establishing a domestic partnership

- (A) Both individuals share a common residence;
- (B) Both individuals agree to be in a relationship of mutual interdependence;
- (C) Neither individual is married to a third individual or a member of a civil union or domestic partnership with a third individual;
- (D) Each individual is 18 years of age or older;
- (E) The two individuals are not related by blood in a way that would prevent them from being married to one another in this state;
- (F) Both individuals agree to file a Declaration of Domestic Partnership with the City pursuant to this section.

Section 2. Filing

- (A) Two persons seeking to become domestic partners may complete and file a Declaration of Domestic Partnership with an office of the City designated by the City Manager.
- (B) No individual who has previously filed a Declaration of Domestic Partnership in this city may file a new Declaration of Domestic Partnership until at least ninety days after the date that a Notice of Termination of Domestic Partnership was filed with the City under this Ordinance. This prohibition does not apply if the previous domestic partnership ended because one of the domestic partners died.

Section 3. Termination of a domestic partnership

- (A) A domestic partnership terminates when:
 - (1) One of the partners dies
 - (2) A Notice of Termination of Domestic Partnership has been filed with the City.
- (B) Within ninety days of the dissolution of the domestic partnership, at least one former partner shall file, by certified mail, a Notice of Termination of Domestic Partnership with an office of the city designated by the City Manager. Upon receipt, the City shall provide the domestic partner who filed the Notice of Termination with two copies of the Notice marked "filed." Unless the partners jointly file the Notice, the partner

filing the Notice, shall within five days, send, by certified mail, a copy of the filed Notice, to the other partner's last known address.

(1) This requirement does not apply if the termination is due to a death of one of the domestic partners.

(C) The termination shall be effective upon filing of the Notice of Termination with the City by one or both partners or on the date of the death of one of the domestic partners.

(D) A former domestic partner who has given a copy of the Declaration of Domestic Partnership to any third party to qualify for any benefit or right and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, shall, upon termination of the domestic partnership, give or send to the third party, at the last known address of the third party, written notification that the domestic partnership has been terminated.

(E) Failure to provide third-party notice required in subsection (D) shall not delay or prevent the termination of the domestic partnership.

Section 4. Registration

(A) The City Manager shall develop standard forms for the "Declaration of Domestic Partnership" and "Notice of Termination of Domestic Partnership."

(B) The "Declaration of Domestic Partnership" form shall require each individual who wants to become a domestic partner to (1) state that he or she meets the requirements of Section 1 of this Ordinance at the time the form is signed (2) provide a mailing address (3) sign the form under penalty of perjury (4) have a notary public acknowledge his or her signature.

(C) The City shall have these forms available at a public office of the City designated by the City Manager.

(D) The City Manager shall determine the actual cost of processing these forms and the City shall charge these fees to the persons filing a Declaration of Domestic Partnership. No fee shall be charged for the filing of a Notice of Termination of Domestic Partnership.

(E) The City shall register the Declaration of Domestic Partnership in a registry

for those partnerships, and shall return a copy of the declaration form to the domestic partners at the address provided as their common residence.

(F) The City shall register the Notice of Termination of Domestic Partnership and shall return a copy of the Notice to the partners, if jointly filed; or to the filing partner.

Section 5. Legal effect

(A) Any marriage, civil union, or other domestic partnership that is valid under the laws of the jurisdiction under which it was created shall be entitled to all of the rights and privileges available to domestic partners created in accord with Section 2.

(B) Filing for domestic partnership by two persons who are also married to each other in this or another state shall under no circumstances, in this or any other state, be considered as evidence, knowledge, awareness, or an admission that the partners are not lawfully married and it shall not be given any other legal effect, in this or any other state, with regard to whether the persons are lawfully married.

Section 6. Definitions

(A) As used in this Ordinance:

(1) "Domestic Partner" means an individual who has signed and filed a Declaration of Domestic Partnership with the City.

(2) "Share a common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.

(3) "Mutual interdependence" means that each partner contributes to the maintenance and support of the relationship. It does not mean that the partners need to contribute equally.

Section 7. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application.