

## Defining a Domestic Partnership

The term “domestic partnership” is fairly well-known, but for many Americans, what it constitutes remains a mystery. In the broadest sense, a domestic partnership grants many of the same advantages to couples that they would get with a marriage license, but without some of the specific stipulations and advantages. The definition tends to vary from state to state, but in general, it’s a step couples who are already sharing a domestic life together can take if they aren’t quite ready to commit to marriage for one reason or another. At Sullivan Law & Associates, we believe in educating our clients on all matters related to [family law](#). Read on to learn more about the specifics of domestic partnerships, or call our offices at (949) 565-2793 to learn more.

### What Should I Know About Domestic Partnerships?

- **How to acquire one:** In some states, a domestic partnership is defined similarly to a “civil union.” In California, you must be living with your partner and meet the qualifications put in place by [California Family Code section 297](#) to file for a domestic partnership with the California Secretary of State.
- **What I’m entitled to:** Under California state law, domestic partners are entitled to the same protections and benefits as married couples, although federal law prevents them from taking advantage of certain programs, like Social Security, should one partner pass away.
- **What are the benefits:** Common advantages of domestic partnerships include coverage on family health plans, family leave in the case of illness, bereavement leave in the case of death, and visitation rights in hospitals and prisons.
- **But I thought domestic partnerships were only for same-sex couples:** While domestic partnerships were more common for same-sex couples before the Supreme Court’s marriage equality ruling in *Obergefell v. Hodges*, this decision did not invalidate the practice entirely. Although they may be less common now, same-sex and different-sex couples may still apply for domestic partnerships under the California Family Code.

### How Do I Terminate My Domestic Partnership?

Domestic partners may want to end their legal agreement because they are ready to get married, or because they want to terminate their relationship. In California, the Secretary of State’s office continues to process domestic partnership filings and terminations, while county governments are responsible for processing marriage licenses.

Remember, a domestic partnership is not the same as a marriage, so the same legal protections married couples are entitled to under federal law may not necessarily apply when ending a domestic partnership. If you decide to end your domestic partnership, you should be prepared for:

- **Division of assets:** The division of property, finances, and other family interests may end up being decided by the court, particularly in cases where the couple failed to come to an agreement on division of assets before entering into their partnership. Occasionally, the court may divide up property that was acquired during the partnership, while assets acquired before the partnership was legally valid are called “separate property,” and are usually not broken up after the partnership ends.

- **Agreements on parenting:** The court will also usually intervene in cases involving children, often helping to determine custody, child support, and visitation.
- **Maintenance:** In some cases, “maintenance” will be awarded to one party in the form of financial support from the other party after a domestic partnership ends.

Even though a domestic partnership is not the same as a marriage, entering or exiting one is still a major legal decision. It’s important that interested parties have the facts before they make a decision, and consult an [experienced family lawyer](#) before moving forward.

**Thinking of entering into a domestic partnership? Planning on dissolving one? Make sure you’re in good hands with Sullivan Law & Associates. We have built a reputation as one of the top family law firms in Orange County and have decades of experience to show for it. Call us at (949) 565-2793, or [contact us online today](#).**