

## Frequently Asked Questions

### Declaration of Oregon Registered Domestic Partnership Form Oregon Certificate of Registered Domestic Partnership Form (updated to reflect 2009 legislation)

#### **What is a Declaration of Domestic Partnership?**

House Bill 2007, also known as the Oregon Family Fairness Act, was passed by the Oregon Legislature in 2007. This bill established the Declaration of Domestic Partnership. A same sex couple, wishing to register as legally recognized partners in a domestic partnership, can complete and file a Declaration of Domestic Partnership. For more information about the legal effects of this legislation, please visit: <http://www.leg.state.or.us/07reg/measures/hb2000.dir/hb2007.en.html>

For information on the 2009 legislation, please visit:

<http://www.leg.state.or.us/09reg/measpdf/hb2800.dir/hb2839.en.pdf>

The Declaration of Domestic Partnership is a legal form. The forms must be signed by both individuals entering into the domestic partnership. Signatures must be acknowledged by a Notary Public. Completed, signed, and notarized forms must be signed by a County Clerk to be valid. The County Clerk then registers the form in a Domestic Partnership Registry. A copy of the completed form along with a "Certificate of Registered Domestic Partnership" can be given to the partners in person or by mail.

#### **What is a Certificate of Registered Domestic Partnership?**

House Bill 2007, also known as the Oregon Family Fairness Act, was passed by the Oregon Legislature in 2007. This bill established a Certificate of Registered Domestic Partnership. Upon registering the Declaration of Domestic Partnership, the partners will receive a Certificate of Domestic Partnership. This certificate is a commemorative certificate that is suitable for display featuring an attractive design with calligraphy-like font, high quality paper, and a State of Oregon seal. The Certificate of Registered Domestic Partnership is not a legal document.

#### **How is a Domestic Partnership defined?**

**Domestic Partnership** means the civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.

#### **How old do partners have to be to enter into a domestic partnership?**

The law requires the each individual must be at least 18 years of age.

#### **Do both partners have to be Oregon residents?**

No. Only one individual has to be an Oregon resident. State of residence is indicated on the form.

### **When is a domestic partnership prohibited or void?**

Partnership is prohibited and void:

- When either party to the domestic partnership had a partner, wife or husband living at the time of the domestic partnership unless the partner, wife or husband was the other party to the domestic partnership,
- When the parties in the domestic partnership are first cousins or any nearer of kin to each other, whether of the whole or half blood or adoption, computing by the rules of the civil law,
- When either party is incapable of making the civil contract or consenting to the contract for want of legal age or sufficient understanding, or
- When the consent of either party is obtained by force or fraud, the domestic partnership is void from the time it is so declared by a judgment of a court having jurisdiction of the domestic partnership.

### **Can first cousins by adoption enter into a domestic partnership?**

Yes, when parties are first cousins by adoption only, the domestic partnership is **not** prohibited or void.

### **Is there a new form?**

Yes, the new form is the **Declaration of Oregon Registered Domestic Partnership form 45-6 (01/10)**.

### **How do I get a new Declaration of Oregon Registered Domestic Partnership form?**

Forms are available to the public on the Department of Human Services, Center for Health Statistics web site at:

<http://oregon.gov/DHS/ph/chs/index.shtml>

Instructions for completing the forms are also available on the web site.

(NOTE: Forms printed from the web must be printed on legal sized paper – 8.5 inches by 14 inches. A gray stripe down the left hand side of the form is required to show that it is the standard approved form.)

You can also order the form via mail or fax from the Center for Health Statistics.

Center for Health Statistics  
P.O. Box 14050  
Portland, OR 97293-0050  
Fax Number 971-673-1201

Please specify that you are ordering a Declaration of Domestic Partnership form, include your mailing address and daytime phone number in correspondence.

County clerks throughout the state should also have forms available.

### **What is on the new form?**

Partners who register their domestic partnerships after January 1, 2010 can document the legal name each will use on the Declaration of Oregon Registered Domestic Partnership form 45-6 (01/10). Please see “**Last name taken following a Declaration of Oregon Registered Domestic Partnership after January 1, 2010**” for more information.

**When do we use the new forms?**

All Oregon Registered Domestic Partnerships filed/registered with the county clerk after January 1, 2010 **must** be on the new form **Declaration of Oregon Registered Domestic Partnership** (form 45-6 (01/10)). The new form 45-6 (01/10) can be completed and signed by partners and notarized prior to January 1, 2010 as long as the form is filed/registered with the county clerk after January 1, 2010.

**What form do we use if we sign and get it notarized before Jan. 1, 2010, but filed it with the county clerk after Jan. 1, 2010?**

The new form.

**Can we use the new form prior to Jan. 1, 2010?**

Only if you are planning on filing the form with the county clerk after Jan. 1, 2010.

**What form do we use if we get our partnership completed and filed with the county clerk prior to Jan. 1, 2010?**

All Oregon Registered Domestic Partnerships filed/registered with the county clerk prior to January 1, 2010 must be on the old form 45-6 (01/08).

**Can we use the old Declaration of Oregon Registered Domestic Partnership 45-6 (01/08) forms after Jan. 1, 2010?**

No, all Oregon Registered Domestic Partnerships filed with the county clerk after January 1, 2010 must be on the new form **Declaration of Oregon Registered Domestic Partnership** (form 45-6 (01/10)).

**How is the Declaration of Oregon Registered Domestic Partnership form completed?**

This is a legal form and it must be completed in black or dark blue ink and should not be altered. Forms can be hand or type written. **All sections of the form need to be completed.** Please refer to step by step instructions for completing each item. The forms must be signed by both individuals entering into the domestic partnership. Signatures must be acknowledged by a notary public.

**What do partners do once they have completed, signed and had the form notarized?**

Completed, signed, and notarized forms must be signed and registered by a County Clerk to be valid. Contact your local County Clerk to get information on hours and fees. See the following web site for contact information

<http://www.oacclerks.org/OACC/countylist.aspx>

**Is there a fee for registering the form with the County Clerk?**

Yes, contact your local County Clerk for fee information.

**Can partners complete the entire form at the County Clerk's office?**

Contact your local County Clerk's office to get information on completing the form and associated fees. Remember that the form needs to be notarized, so make sure a notary is available at the County Clerk's office.

**Do partners have to go the County Clerk's office in our county of residence?**

No, you can register the form at any Oregon County Clerk's office.

**Will partners receive a copy of the Declaration of Oregon Registered Domestic Partnership?**

The County Clerk will provide you a county copy of the form after it is registered. You should also receive a Certificate of Registered Domestic Partnership. These documents can be given to you in person or mailed to you.

You can purchase certified copies of the declaration filed at the county when filed or at any time after the declaration is registered. Contact the County Clerk's office for fee information.

**What happens to the original Declaration of Domestic Partnership once it is filed with the County Clerk?**

Every County Clerk registering Declaration of Domestic Partnership forms must send the original forms completed during the preceding month to the Center for Health Statistics on or before the 10<sup>th</sup> day of each calendar month.

**Is the Declaration of Domestic Partnership a vital record?**

Declaration of Domestic Partnerships filed with the Center for Health Statistics are vital records. Access to the record is restricted for 50 years after the event to family members and their legal representatives, persons or organizations with a personal or property right.

**How do I get a certified copy of my Declaration of Domestic Partnership from the Center for Health Statistics?**

Certified vital record copies of the Declaration of Domestic Partnership can be ordered from the Center for Health Statistics, also known as Oregon Vital Records. Only family members, their legal representatives, or persons or organizations with a personal or property right can order certified copies. Certified copies of the Declaration only can be issued after the original completed forms are filed with the Center for Health Statistics. Original forms completed during the preceding month are sent to the Center for Health Statistics on or before the 10<sup>th</sup> day of each calendar month. Once at the Center for Health Statistics, the records must be registered and entered into the vital records system. Therefore, it may take up to six weeks from the date of registration of the Declaration at the county for the Center for Health Statistics to have the record available for issuance of certified copies.

The cost is \$25 for a first copy and \$25 for each additional copy ordered at the same time.

Certified copies can be ordered via mail, phone, in person or fax.

**In person:**

Oregon Vital Records  
800 NE Oregon St., Suite 205  
Portland, OR 97232-2162

**Mail orders to:**

Oregon Vital Records  
P.O. Box 14050  
Portland, Oregon 97293-0050

**Phone orders:** 1-888-896-4988

**Fax orders:** 971-673-1203

**Internet orders:** [www.vitalchek.com](http://www.vitalchek.com)