

## California Domestic Partner Rights and Responsibilities Act Update

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Hatch & Parent's Employment Law Group continues to monitor important new changes in California law affecting employers. This employment law alert briefly addresses how this important legislation may affect you in 2005.

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The California Domestic Partner Rights and Responsibilities Act, which was signed into law by Governor Davis in 1993, became effective January 1, 2005.

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The Act, also known as AB 205, provides in pertinent part:

- Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.
- Additionally, the Act provides that "registered domestic partners shall have the same rights regarding nondiscrimination as those provided to spouses."

### Domestic Partners Defined

The protections, benefits, and responsibilities of the Act apply to registered domestic partners. Generally, domestic partners are defined as "two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring." However, to fall within the ambit of the Act, domestic partners must, among other prerequisites, file a Declaration of Domestic Partnership ("Declaration") with the Secretary of State.

Thus, any employment benefits bestowed by the act only inure to those domestic partners who are registered with the Secretary of State. Nonetheless, in order to avoid running afoul of employment discrimination laws, employers should be cautious in requesting proof of a Declaration. Specifically, employers should ensure that any requirements of proof imposed on employees regarding their relationship status are applied consistently to domestic partners and married employees alike.

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### Impacts on Private Employers

While the Act does not spell out what employers must do to comply with its requirements, it is clear that the protections of the California Family Rights Act now also apply to registered domestic partners. Therefore, as of January 1, 2005, like spouses, registered domestic partners are entitled to 12 weeks leave to take care of a domestic partner or a domestic partner's child with a serious health condition. Accordingly, employers should review their family leave policies to ensure that their policies are in compliance with the Act.

If you would like further information about how the California Domestic Rights and Responsibilities Act may affect your business, please contact any of the following attorneys: Michael Fauver (805) 882-1423 or via email MFaver@hatchparent.com; Jill Martin (805) 882-1447 or via email JMartin@hatchparent.com or Eric Berg (805) 882-1408 or via email EBerg@hatchparent.com.

Codified in Family Code § 297.5(a).  
Family Code § 297(a).