

AB 205
Domestic Partner Rights and Responsibilities Act
Effective 1/1/05

This bill would enact the California Domestic Partner Rights and Responsibilities Act of 2003. As of January 1, 2005, registered domestic partners will have many new rights as well as responsibilities. These include community property rights, mutual financial support obligations and rights/obligations concerning the child of a domestic partner.

Under this bill, eligible domestic partners are persons who have registered and are of the same sex or one or both persons are over the age of 62 and meet eligibility criteria for Social Security benefits. Both persons must have a common residence, may not be married to other persons or be a member of another domestic partner arrangement, must be 18 years or older and may be not related by blood in any way that would prevent them from being married in California.

Employers are required to extend benefits and rights to registered domestic partners in the same manner that such rights and benefits are offered to employees and their spouses. Therefore registered domestic partners will have the right to insurance benefits on the same basis as any rights extended to married employees. In addition, registered domestic partners must be permitted to use paid leave or sick leave to care for an ill domestic partner or the partner's child.

It is important to remember that rights and benefits provided by federal law do not recognize domestic partnerships. Unless there is a specific state law authorizing the extension of such benefits, federally mandate benefits would not apply for domestic partners (such as federal COBRA benefits). The following are state-specific laws that extend benefits to domestic partners:

1. Group Health Insurance benefits must be offered to domestic partners beginning 1/1/05 if spousal coverage is offered. (AB 2208)
2. California COBRA will require that COBRA benefits be offered to domestic partners beginning 1/1/05. In this case, Cal-COBRA applies to employers with 2 to 19 employees (i.e. employers not subject to federal COBRA law.)
3. Use of sick leave to care for a domestic partner – If an employer provides sick leave, the employer must allow employees to use at least half of the accrued leave to care for an ill family member, including domestic partners.
4. California Family Rights Act (CFRA) – Beginning 1/1/05, eligible employees (who work for an employer that has 50 or more employees) will be able to take leave to care for a seriously ill domestic partner. Therefore, an employee requesting leave to care for a domestic partner could be denied leave under the federal Family and Medical Leave Act but could be eligible for such leave under CFRA.
5. Crime Victim Leave – Employers are required to allow a crime victim or employee “closely related” to a crime victim to take time off from work to attend legal proceedings. Beginning 1/1/05, it is likely that a domestic partner would be considered a “closely related” individual.
6. Spousal or Child Support Orders – Beginning 1/1/05 garnishment orders pertaining to domestic partners and the children of domestic partners would have to be honored.

7. California Temporary Disability Leave – This benefit program provides “disability benefits” similar to SDI to employees who take leave to care for a family member. Beginning 1/1/05, a family member would include a domestic partner or the child of a domestic partner.
8. Bereavement Leave – If an employer offers bereavement leave to employees, the policy must include the death of domestic partners and the children of domestic partners in the definition of qualifying events.

View more information about this law

http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0201-0250/ab_205_bill_20030922_chaptered.html