



CITY OF TUCSON
COMMISSION ON GAY, LESBIAN, BISEXUAL & TRANSGENDER (GLBT) ISSUES

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FACTS AND FREQUENTLY ASKED QUESTIONS: (as of September 2003)

CITY OF TUCSON DOMESTIC PARTNER ORDINANCE

What is the Domestic Partner Ordinance?

The Domestic Partner (DP) Ordinance is a Tucson city law, enacted September 15, 2003 and **effective December 1, 2003**, that provides a registry for domestic partners who wish to register. This is a means by which unmarried couples who share a relationship of mutual support, caring and commitment may document their relationship. This is the first domestic partner registry law in the State of Arizona.

How can I find the text of the DP ordinance?

You can find this law in the City of Tucson code. The text may also be found on the website of the City of Tucson Commission on GLBT Issues, at www.tucsonqlbtcommission.org, or on Wingspan (Southern Arizona's LGBT community center)'s website, at www.wingspan.org.

Who are domestic partners?

Domestic partners are two people who sign a statement affirming that they are:

- not related by blood closer than would bar marriage in the State of Arizona;
- not married to another person in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person;
- both of whom are 18 years of age or older;
- both of whom are competent to enter into a contract;
- both of whom declare that they are each other's sole domestic partner;
- both of whom currently share a primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

Is registration limited to gay or lesbian individuals?

No. The language of the ordinance is completely gender-neutral. Any individuals who meet the qualifications may register a domestic partnership. For example, an older opposite-sex couple may wish to register a domestic partnership as a means of acknowledging their relationship when they choose to not marry for other reasons.

What are the steps to register and how much does it cost?

Registrants may go to City Hall to register. The City finance department will give registrants the declaration form that they sign. This declaration form must be signed before a notary public (available at the nearby City Clerk's office) by each registrant. The declaration form is then returned to the Finance Department, which will issue a certificate of domestic partnership upon receipt of the properly signed declaration and payment of \$50.

The City Finance Department is in the process of developing an on-line form, so registrants may alternatively download the form independently, obtain notarized signatures of each registrant, and then just return the completed form to the Finance Department for registration and certificate issuance. This system should be in place by December 1, 2003.

Do we have to be residents of the City of Tucson in order to register as domestic partners?

No. Under this ordinance there is no requirement for residency within the city limits of Tucson.

Can anyone look up information, including address information, on who is registered as a domestic partner?

Yes. City records are subject to disclosure, as are many government records. However, the ordinance provides only that registrants list a mailing address, which may include an address c/o another person or a post office box, and thus registrants do not have to provide their home address.

What would prevent someone from looking up the names of domestic partners and harassing them?

A number of laws make harassment on any grounds illegal, and the threat of legal action is a deterrent. However, as background, the City of Tucson Commission on GLBT Issues has been in existence since 1999, and earlier as a Mayoral task force; there are no instances in the memory of the Commission of commissioners being harassed, even though they are publicly listed, including with home address information, as members of this Commission.

What happens if one or both partners wish to terminate the domestic partnership?

A registered domestic partnership is ended when:

- one of the partners dies, or
- the partners no longer meet one or more of the requirements included in the statement of domestic partnership.

When a registered domestic partnership ends for a reason other than death, a Statement of Termination is required. Forms will be available from city hall (or in a downloadable version on-line), and a \$10 fee will be assessed for this filing.

What sort of legal rights and responsibilities will a domestic partner get in relation to his or her partner?

The ordinance lists just two rights or benefits for registered partners in the City of Tucson: (1) a right to visitation of one's partner in a health care facility, as long as the patient consents; and (2) extending use of and access to city facilities to a registered domestic partner as if the domestic partner were a spouse.

Because Tucson's Domestic Partner Ordinance is a city law, it cannot address or create rights, privileges, or responsibilities that might be available to spouses under state or federal law.

Domestic partner registration is voluntary and may not create any new or different legal rights or responsibilities in the relationship between partners. The City of Tucson, including the City of Tucson Commission on GLBT Issues, cannot provide any legal advice concerning domestic partnerships. Applicants may wish to consult with an attorney for such advice. Partners should consult an attorney and/or make arrangements for a number of important matters, including but not limited to:

- **wills**
- **medical matters**
- **finances and powers of attorney**
- **children and dependents**
- **medical and health care employment benefits**