



LEGAL BRIEF

NEVADA DOMESTIC PARTNERSHIPS

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PREPARED BY

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The Nevada Domestic Partnership Act gives legal recognition to domestic partnerships in the state of Nevada. The full text of the act may be found at NRS Chapter 122A. Although the law specifically states that domestic partnerships under the law are not marriages, the rights and responsibilities granted to domestic partners are very similar to those granted to spouses in a marriage in the state of Nevada.

Under the law, two individuals may enter into a domestic partnership if:

- a) Both persons have a common residence;
- b) Neither person is married or a member of another domestic partnership;*
- c) The two persons are not related by blood in a way that would prevent them from being married to each other in the state of Nevada;
- d) Both persons are at least 18 years of age; and
- e) Both persons are competent to consent to the domestic partnership.

If two individuals have entered into what is, essentially, a domestic partnership in another state or jurisdiction, the Domestic Partnership Act requires that partnership to be recognized in Nevada.

To be legally recognized as a domestic partnership, a couple must:

- a) File with the Office of the Secretary of State, on a form prescribed by the Secretary of State, a signed and notarized statement declaring that both persons:
 - a. Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and
 - b. Desire of their own free will to enter into a domestic partnership; and
- b) Pay to the Office of the Secretary of State a reasonable filing fee established by the Secretary of State

A domestic partnership under the law may also be dissolved in much the same manner that a divorce may be granted to being a legal end to a marriage. If the partnership has been registered less than 5 years, there is no community property or children of the partnership, and the parties waive the right to or decide between themselves regarding support, a simplified

process may dissolve the marriage. Otherwise, the partnership must go through a process similar to the divorce process to determine the care of the children and distribution of the property.

The law gives domestic partners, with only one major exception, essentially the same rights and responsibilities as spouses under state law in a Nevada marriage. These include rights regarding children, property rights, inheritance rights, etc. The one major exclusion is that an employer IS NOT required to treat a domestic partner as a spouse under an employment sponsored health care plan. The employer may, however, offer such benefits to a domestic partner if he chooses to do so.

The law does not, however, affect any rights an individual may have under federal law. There is no federal statute that recognizes domestic partnerships. Accordingly, the rights of married persons under Social Security and federal tax law remain valid only for those individuals who are married as defined by federal regulation and do not extend to those individuals who are domestic partners.

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