



LAW OFFICES OF SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP

## LEGAL ALERT: DOMESTIC PARTNER RIGHTS

Beginning January 1, 2005, domestic partners in California will have the same rights, protections, benefits, and obligations as a spouse for all applicable California laws.

A “domestic partner” is defined under the law as “two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring who file a Declaration of Domestic Partnership with the Secretary of State.” The two individuals must be over the age of 18, share a common residence, share living expenses, and not be married to any one else. There is no requirement that the two individuals be of the same gender.

Under current law, charter school employers are required to make sick leave available to an employee to care for an ill domestic partner or the child of a domestic partner, just as sick leave is available for a spouse for the same reasons. Beginning January 1, 2005, charter school employers will be required to offer benefits to a domestic partner in the same manner as benefits are offered to spouses. For example, if a charter school pays for the benefits for spouses, an employee’s domestic partner will now be eligible for the same coverage. Additionally, domestic partners will have the same rights for leave under the California Family Rights Act as that given to spouses and their children.

A charter school may request proof of a domestic partnership, but only if it requires similar proof for lawful marriages. As such, if the charter school does not require proof of marriage, such as a marriage certificate, it may not require proof of registration of a domestic partnership.

If your school has an employee handbook that does not reference domestic partner rights or does not contain a policy regarding employee rights and obligations under the California Family Rights Act, please contact your legal counsel, as this is a legally required element of an employee handbook or personnel policies.

If you should have any questions regarding this update, please contact Jim Young ([jyoung@smymlaw.com](mailto:jyoung@smymlaw.com)) or Jessica Hawthorne ([jhawthorne@smymlaw.com](mailto:jhawthorne@smymlaw.com)) at the Law Offices of Spector, Middleton, Young & Minney, LLP at (916) 646-1400.

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