



The Domestic Partnership Act passed through the New Jersey Assembly and Senate on January 8, 2004. The Act provides **same-sex domestic partners** and **opposite-sex domestic partners over the age of 62** with the following rights:

- Statutory protection against employment, housing and credit discrimination based on domestic partner status;
- Visitation rights for a hospitalized domestic partner;
- Rights to make legal and medical decisions for an incapacitated partner;
- An additional tax deduction on NJ Income Taxes;
- Exemption from NJ transfer inheritance tax on the same basis as a spouse;
- Eligibility for dependent coverage under the State Health Benefits Plan for State employees (same sex only);
- Requires commercial and dental insurers to make dependent coverage available for domestic partners (same sex only).

Please note that the Act does **NOT** mandate that employers extend coverage to the domestic partners of employees, only that the insurance companies make it available.

In order for two persons to be considered domestic partners, they must file an Affidavit of Domestic Partnership with the local registrar. The following criteria must be met for a domestic partnership:

- Common NJ residence;
- Both persons are of the same sex or are each age 62 or older and of the opposite sex;
- Both persons are at least 18 years of age;
- Joint responsibility for common welfare (joint mortgage, lease or deed, joint bank account or designation as primary beneficiary on wills, life insurance or retirement plans);
- Joint responsibility for living expenses;
- Neither person was involved in a previous domestic partnership that was terminated less than 180 days prior to the Affidavit filing;
- Neither person is in a marriage recognized by the State of NJ;
- Neither person is related by blood.

The Superior Court will have jurisdiction over the termination of all domestic partnerships. The Act further stipulates that the distinction between same-sex partners and opposite-sex partners over the age of 62 should not be considered discriminatory because opposite-sex couples ARE able to enter into a marriage that is recognized by the State of NJ and same-sex couples are not.

January 13, 2004

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