

**ASSEMBLY BILL**

**No. 2349**

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**Introduced by Assembly Member Chiu**

February 18, 2016

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An act to amend Section 298 of the Family Code, relating to domestic partners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2349, as introduced, Chiu. Domestic partners.

Existing law authorizes 2 unmarried, unrelated adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring to establish a domestic partnership by filing a Declaration of Domestic Partnership with the Secretary of State if both persons are members of the same sex or one or both are over 62 years of age. Existing law requires the Secretary of State to prepare the form for the Declaration of Domestic Partnership pursuant to specified requirements. The Declaration of Domestic Partnership requires, among other things, each person who wants to become a domestic partner to provide a mailing address.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 298 of the Family Code is amended to  
2 read:

1 298. (a) (1) The Secretary of State shall prepare forms entitled  
2 “Declaration of Domestic Partnership” and “Notice of Termination  
3 of Domestic Partnership” to meet the requirements of this division.  
4 These forms shall require the signature and seal of an  
5 acknowledgment by a notary public to be binding and valid.

6 (2) When funding allows, the Secretary of State shall include  
7 on the form notice that a lesbian, gay, bisexual, and transgender  
8 specific domestic abuse brochure is available upon request.

9 (b) (1) The Secretary of State shall distribute these forms to  
10 each county clerk. These forms shall be available to the public at  
11 the office of the Secretary of State and each county clerk.

12 (2) The Secretary of State shall, by regulation, establish fees  
13 for the actual costs of processing each of these forms, and the cost  
14 for preparing and sending the mailings and notices required  
15 pursuant to Section 299.3, and shall charge these fees to persons  
16 filing the forms.

17 (3) There is hereby established a fee of twenty-three dollars  
18 (\$23) to be charged in addition to the existing fees established by  
19 regulation to persons filing domestic partner registrations pursuant  
20 to Section 297 for development and support of a lesbian, gay,  
21 bisexual, and transgender curriculum for training workshops on  
22 domestic violence, conducted pursuant to Section 13823.15 of the  
23 Penal Code, and for the support of a grant program to promote  
24 healthy nonviolent relationships in the lesbian, gay, bisexual, and  
25 transgender community. This paragraph shall not apply to persons  
26 of opposite sexes filing a domestic partnership registration and  
27 who meet the qualifications described in subparagraph (B) of  
28 paragraph (5) of subdivision (b) of Section 297.

29 (4) The fee established by paragraph (3) shall be deposited in  
30 the Equality in Prevention and Services for Domestic Abuse Fund,  
31 which is hereby established. The fund shall be administered by  
32 the Office of Emergency Services, and expenditures from the fund  
33 shall be used to support the purposes of paragraph (3).

34 (c) The Declaration of Domestic Partnership shall require each  
35 person who wants to become a domestic partner to ~~(1) state~~ *do all*  
36 *of the following:*

37 (1) *State* that he or she meets the requirements of Section 297  
38 at the time the form is ~~signed,~~ *signed.*

39 (2) *Provide* a mailing ~~address,~~ *address.*

1 (3) *State* that he or she consents to the jurisdiction of the  
2 Superior Courts of California for the purpose of a proceeding to  
3 obtain a judgment of dissolution or nullity of the domestic  
4 partnership or for legal separation of partners in the domestic  
5 partnership, or for any other proceeding related to the partners'  
6 rights and obligations, even if one or both partners ceases to be a  
7 resident of, or to maintain a domicile in, ~~this state,~~ ~~(4) sign state.~~

8 (4) *Sign* the form with a declaration that representations made  
9 therein are true, correct, and contain no material omissions of fact  
10 to the best knowledge and belief of the ~~applicant,~~ and ~~(5) have~~  
11 *applicant.*

12 (5) *Have* a notary public acknowledge his or her signature. Both  
13 partners' signatures shall be affixed to one Declaration of Domestic  
14 Partnership form, which form shall then be transmitted to the  
15 Secretary of State according to the instructions provided on the  
16 form. Filing an intentionally and materially false Declaration of  
17 Domestic Partnership shall be punishable as a misdemeanor.

18 (d) The Declaration of Domestic Partnership form shall contain  
19 an optional section for either party or both parties to indicate a  
20 change in name pursuant to Section 298.6. The optional section  
21 shall require a party indicating a change in name to provide his or  
22 her date of birth.