

First Jersey Title Reports

*a periodic newsletter from **First Jersey**
to keep you up to date with the changes in **Title Services**.*

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“Civil Union Partnerships” created in the State of New Jersey

On December 21, 2006, Governor Corzine signed Assembly Bill A 3787, which will take effect February 19, 2007.

The bill defines a civil union as “a legally recognized union of two eligible individuals of the same sex”.

The intent of this bill clarifies that the citizens of New Jersey including businesses, public and private employers, organizations and institutions, shall treat civil union couples in the same manner as married persons are treated.

A person who wishes to enter a civil union must satisfy all of the following requirements: not be a party to another civil union, domestic partnership or marriage in this State or any other state; be of the same sex; and be at least 18 years of age or older, except if the minor has parental consent to enter into a civil union.

Parties to a civil union would have all the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage.

Civil Union partners may hold title as Tenants by the Entirety.

Civil Union Partners are considered Class A Beneficiaries for the purpose of New Jersey Inheritance Taxes and enjoy the same Intestate distributions as a spouse.

Civil Union Partners have the right of Joint Possession, the rule of Principal Marital Residence.

The bill enumerates some legal benefits, protections and responsibilities of spouses which would apply in like manner to civil union couples; I.E.; but not limited to the following:

- laws relating to title, tenure, descent and distribution, intestate succession, survivorship, or other incidents of the acquisition, ownership or transfer, inter vivos or at death, of real or personal property, including eligibility to hold real and personal property as tenants by the entirety;
- laws relating to taxes imposed by the State or a municipality, including tax deduction based on marital status or exemptions from realty transfer tax based on marital status;

- the home ownership rights of a surviving spouse;

Under the provisions of the bill, the same requirements and restrictions which currently apply to the issuance of a marriage license would apply to the issuance of a civil union license.

The civil union license would be issued by the licensing officer in the municipality in which either partner resides or, if neither is a resident of the State, in the municipality in which the proposed civil union is to be performed.

The dissolution of a civil union would follow the same procedures and be subject to the same substantive rights and obligations as are involved in the dissolution of marriage, including any residency requirements.

The current equitable distribution statute would be amended to provide for distribution of the property which was legally and beneficially acquired by the civil union couple or either of them during the civil union.

The bill provides that whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to “marriage,” “husband,” “wife,” “spouse,” “family,” “immediate family,” “dependent,” “next of kin,” “widow,” “widower,” “widowed” or another word which in a specific context denotes a marital or spousal relationship, the same shall include a civil union.

The proposed language in the requirement section of the title commitment will now read, “...and spouse or civil union partner, if any”. The affidavits of title will also reflect “civil union partner”.

Various affidavits with the revised or added language will be found on our web page (www.firstjerseytitle.com) under the link “Affidavits and Forms”.

This new law takes effect February 19, 2007. A copy of A3787 can be obtained from the New Jersey legislative website www.njleg.state.nj.us.

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