

# *First Jersey Title Reports*

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

## **April 2004**

### **DOMESTIC PARTNERS**

Legislation (L. 2003, C. 246) approved 1/12/04 (effective 180 days thereafter) creates certain rights and benefits under which "Domestic Partners" (same sex couples or mixed sex senior couples) are protected. This act, subject to certain requirements, creates a Class "A" taxation category for NJ Transfer Inheritance Tax.

**Pertinent excerpts of said act are as follows:**

#### **CHAPTER 246**

**AN ACT** establishing the rights and responsibilities of domestic partners, and revising parts of the statutory law.

***BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:*

C.26:8A-1 Short title.

1. This act shall be known and may be cited as the "Domestic Partnership Act."

C.26:8A-2 Findings, declarations relative to domestic partners.

2. The Legislature finds and declares that: ...

d. All persons in domestic partnerships should be entitled to certain rights and benefits that are accorded to married couples under the laws of New Jersey, including: statutory protection through the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) against various forms of discrimination based on domestic partnership status, such as employment, housing and credit discrimination; visitation rights for a hospitalized domestic partner and the right to make medical or legal decisions for an incapacitated partner; and an additional exemption from the personal income tax **and the transfer inheritance tax on the same basis as a spouse**. The need for all persons who are in domestic partnerships, regardless of their sex, to have access to these rights and benefits is paramount in view of their essential relationship to any reasonable conception of basic human dignity and autonomy, and the extent to which they will play an integral role in enabling these persons to enjoy their familial relationships as domestic partners and to cope with adversity when a medical emergency arises that affects a domestic partnership, as was painfully but graphically illustrated on a large scale in the aftermath of the tragic events that befell the people of our State and region on September 11, 2001;

C.26:8A-4 Affidavit of Domestic Partnership; establishment, requirements.

4. a. Two persons who desire to become domestic partners and meet the requirements of subsection b. of this section may execute and file an Affidavit of Domestic Partnership with the local registrar upon payment of a fee, in an amount to be determined by the commissioner, which shall be deposited in the General Fund. Each person shall receive a copy of the affidavit marked "filed."

**For a complete copy of the act please follow the below sited links:**

[http://www.njleg.state.nj.us/2002/Bills/PL03/246\\_.PDF](http://www.njleg.state.nj.us/2002/Bills/PL03/246_.PDF)

<http://www.njleg.state.nj.us/lawsconstitution/chapter.asp>

Choose - Chapter Laws ('2003')

**P.L.2003, c.246.** Domestic Partnership Act -also see [A3743](#)

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\* If there are any subjects that are of interest to you or your firm, please do not hesitate to let us know. First Jersey is anxious to assist you in any way possible and keep you informed as to Title Services.\*

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