



What is a Domestic Partnership?

A domestic partnership refers to an opposite sex or same-sex couple who registers as domestic partners. Persons may not enter into a domestic partnership if the domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

What is Required to Establish a Domestic Partnership?

To establish a domestic partnership, each person must:

1. be over the age of 18 and competent to contract (you cannot be in another domestic partnership);
2. be the sole domestic partner of the other person;
3. not be married (to someone else);
4. complete and file the Declaration of Domestic Partnership at the Vital Records Division of the D.C.

Department of Health.

What is the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009 (D.C. Law 18-33)?

- As of July 18, 2009, the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009 (“Domestic Partnership Act”) creates a presumption of parentage in persons who are registered in a domestic partnership.
- A man is presumed (believed to be) the father of a child if he and the mother were in a domestic partnership at the time of conception or birth, or between conception or birth, and the child was born during the domestic partnership or within 300 days after it ended.
- Similarly, the female domestic partner is the presumed (believed to be) mother of a child if she and the child’s mother were in a domestic partnership at the time of conception or birth, or between conception and birth, and the child was born during the domestic

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partnership or within 300 days after the domestic partnership ended.

What Happens if the Domestic Partners have a Child?

- A child born to parents in a domestic partnership are treated like children born to a married couple for legal purposes.
- The child is the legitimate of both parents, as well as the legitimate relative of its parents’ relative by blood or adoption, and is entitled to the same rights, privileges, duties, and obligations under D.C. law.
- Both parents’ names will be included on the child’s birth certificate if the child was born during conception, birth, or between conception and birth.





How is Parentage Established?

- Under the Domestic Partnership law, parentage is established by virtue of the domestic partnership relationship. So long as the same-sex or opposite sex couple file the Declaration of Domestic Partnership and are in the domestic partnership at either the time of conception, birth, or between conception and birth and the child is born during the domestic partnership or 300 days after its terminated, parentage is established.
- The domestic partners **do not** have to:
 1. sign the Voluntary Acknowledgement of Paternity (“AOP”);
 2. undergo genetic testing; or
 3. file a paternity action in court

What Happens if a Domestic Partnership Ends and the Parties Have a Child Together?

- The person who does not acquire custody of the child (i.e., the non-custodial parent) will have a continuing duty to support the child financially. He/she will be required to pay child support and provide medical support for the child.
- If the custodial parent is receiving Temporary Assistance to Needy Families (“TANF”), the case will automatically be sent to the Child Support Services Division (“CSSD”) for purposes of establishing child support unless there is a “good faith” reason for the custodial parent not to cooperate with CSSD.
- The child support amount will be computed using the Child Support Guidelines, which takes into account both parents’ income.

For additional information, contact:

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D.C. Department of Health**
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