

Chapter 2.119 - DOMESTIC PARTNERSHIPS

2.119.010 - Recognition and scope.

- A. The City Council recognizes the diverse composition of its citizenry and values its people. The City Council acknowledges that the people's lives have evolved from when laws governing family relationships were enacted. Perpetuation of the traditional definitions of "family" excludes a significant segment of the Cambridge population, deprives them of recognition and validation, and denies certain rights that should be afforded to persons who share their homes, their hearts and their lives. The City, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, adopts this chapter acknowledging domestic partnerships.
- B. The chapter allows persons in committed relationships who meet the criteria established by the City as constituting domestic partnerships to register at the office of the City Clerk and obtain a certificate attesting to their status. The chapter recognizes certain right of access for domestic partners. This chapter, in conformance with the Human Rights Ordinance, which bars discrimination on the basis of sexual orientation, marital status and family status, also equalizes the treatment of City employees.

(Ord. 1144 (part), 1992)

2.119.020 - Definitions.

As used in this chapter:

- A. "Competent to contract" means eighteen years of age or older, and mentally competent to contract.
- B. "Dependent" means a minor who lives within the household of a domestic partnership and is:
 - 1. A biological child or adopted child, or foster child of a domestic partner, if the child is not provided with medical insurance coverage by the Commonwealth;
 - 2. A dependent as defined under IRS regulations; or
 - 3. A ward of a domestic partner as determined in a guardianship proceeding.
- C. "Domestic partner" means a person who meets the criteria set out in subsection D of this section or who is registered as such in another jurisdiction.
- D. "Domestic partnership" means the entity formed by two persons who meet the following criteria and jointly file a registration statement proclaiming that:
 - 1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship; and
 - ~~2. They reside together; and~~
 - ~~32. They are not married to anyone outside the partnership; and~~
 - ~~43. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and~~
 - ~~54. They are each other's sole domestic partner. They are not in a domestic partnership with others outside this partnership; and~~
 - ~~65. They are competent to contract; and~~
 - ~~76. They consider themselves to be a family.~~
- E. Subsequent to the filing of a registration form, the existence of a "family" relationship may be shown by evidence relevant to the following factors:
 - 1. The manner in which the people live their daily lives;

2. How they hold their relationship out to the world;
3. Their emotional and financial commitment;
4. Their reliance on each other for daily family services;
5. ~~The longevity and exclusivity of their relationship;~~ and
65. Any other factors which may be relevant.

- F. "Mutual support" means that the domestic partners each contributed in some fashion, not necessarily equally or financially, to the maintenance and support of the domestic partnership.
- G. "Reside together" means living together in a common household. A partner may be temporarily absent from the common household, so long as she or he has the intent to return. A partner may own or maintain an additional residence.

(Ord. 1144 (part), 1992)

2.119.030 - Registration and termination.

- A. Persons who meet the criteria set out in subsection D of Section 2.119.020 may make an official record of their domestic partnership by filing a domestic partnership registration form with the City Clerk. The domestic partnership registration shall include the name and date of birth of each of the domestic partners, the address of their common household, and the name and dates of birth of any dependents of the domestic partnership, and shall be signed, under the pains and penalties of perjury, by both domestic partners.
- B. Domestic partners may amend the domestic partnership registration to add or delete dependents or change the household address. Amendments to the domestic partnership registration shall be signed, under the pains and penalties of perjury, by both domestic partners.
- C. A domestic partnership is terminated by the death of a domestic partner or by the filing of a termination statement by a domestic partner.
1. The death of a domestic partner automatically terminates a domestic partnership.
 2. A domestic partnership may be terminated by a domestic partner who files with the City Clerk, by hand or by certified mail, a termination statement. The person filing the termination statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The person filing the termination statement must include on such statement the address to which the copy was mailed. The fee for a domestic partnership termination shall be \$5.00.
- D. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership by a partner shall be effective seven days after the receipt of a termination statement by the City Clerk. Prior to becoming effective, the person who filed the termination statement may withdraw the termination statement in person at the office of the City Clerk. If the termination statement is withdrawn, the domestic partner shall give notice of the withdrawal, by certified mail, to the other domestic partner.
- E. If a domestic partnership is terminated by the death of a domestic partner, there shall be no required waiting period prior to filing another domestic partnership. If a domestic partnership is terminated by ~~one or both~~ domestic partners, ~~neither other~~ domestic partners in that terminated domestic partnership may not file another domestic partnership until ~~six months~~ninety (90) days have elapsed from the date of termination.

(Ord. 1144 (part), 1992)

(Ord.1294, Amended, 05/22/2006)

2.119.040 - City Clerk—Fees.

- A. The City Clerk shall collect a reasonable fee for filing a domestic partnership registration. The initial amount for this fee shall be fifteen dollars and it shall be adjusted as necessary to remain consistent with the fee for an application for a marriage license.
- B. The City Clerk shall collect the same fee charged for marriage certificates for certified copies of domestic partnership documents, other than the copy of the certificate of domestic partnership issued by the City Clerk to the domestic partners, as provided for in Section 2.119.050.

(Ord. 1144 (part), 1992)

(1280, Amended, 09/27/2004, Section B)

2.119.050 - City Clerk—Records.

- A. Upon receipt of a domestic partnership registration and filing fee, the City Clerk shall issue a certificate of domestic partnership and shall mail to the household of the domestic partnership one certified copy of the certificate and two wallet-sized cards indicating the existence of the domestic partnership, the names of the domestic partners and the names of the dependents of the domestic partnership, if any.
- B. The City Clerk shall maintain records of domestic partnerships registered in the City, including forms filed and certificates issued. The City Clerk shall provide forms to persons requesting them in accordance with Section 2.119.120.
- C. The City Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

(Ord. 1144 (part), 1992)

2.119.060 - Rights of domestic partners.

Persons who have registered their domestic partnership at the office of the City Clerk pursuant to Section 2.119.030 are entitled to the following rights:

- A.
 - 1. A domestic partner shall have the same visitation rights as a spouse or parent of a patient at the Cambridge City Hospital and all other health care facilities in the City. A dependent shall have the same visitation rights as a patient's child.
 - 2. The term "health care facilities" includes, but is not limited to, hospitals, convalescent facilities, mental health care facilities, and other short- and long-term care facilities under the City's jurisdiction.
- B.
 - 1. A domestic partner shall have the same visitation rights at all correctional facilities in Cambridge as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
 - 2. The term "correctional facilities" includes, but is not limited to, holding cells, jails and juvenile correction centers under the City's jurisdiction.
- C.
 - 1. A domestic partner, who is also the parent or legal guardian of a child, may file a form at or send a letter to the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child, and access to the child, including the right to remove such child from the school for

sickness or family emergency. The school shall afford such person access as directed by the child's parent.

2. When a domestic partnership is terminated pursuant to Section 2.119.030, it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
3. The term "school" includes, but is not limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschool programs, after-school programs and day care programs.

(Ord. 1144 (part), 1992)

2.119.070 - Employment benefits.

- A. The City and School Department shall provide the same health and other employment fringe benefits to employees with domestic partners as to employees with spouses. As used in this chapter, "employees" refers to active and retired employees of the City and the Cambridge School Department eligible for benefits pursuant to state or municipal law, employment policies or collective bargaining agreements.
- B. Employees must file a declaration of domestic partnership, signed under the pains and penalties of perjury, with their department administrator or Department of Personnel of the City or School Department, as appropriate, in order to obtain benefits under this chapter. On such declaration, employees shall agree to promptly notify the City or School Department, as appropriate, of any change in the status or their domestic partnership. There shall be no fee for such declaration. Employees shall not be obligated to file a domestic partnership registration form with the City Clerk.
- C. The City and School Department shall provide medical insurance coverage to an employee's domestic partner as it does to an employee's spouse, and to the dependent(s) of an employee's domestic partnership as it does to an employee's child(ren). An employee may opt to decline medical insurance coverage for her or his domestic partner, without foregoing the right to obtain medical insurance coverage for her or his domestic partner at a later date.
- D. Upon termination of a domestic partnership by an employee, the domestic partner shall be covered by medical insurance for a period of sixty days following the termination of the domestic partnership. If the employee leaves employment with the City or School Department prior to the expiration of the sixty days, the medical insurance shall lapse on the date that the former employee's insurance lapses.
- E. Upon termination of a domestic partnership by the death of an employee, the surviving domestic partner's medical insurance coverage shall lapse as it would for the spouse of a married employee, upon the death of such employee.
- F. Employees shall be granted a leave of absence, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.
- G. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.
- H. Employees shall be entitled to take parental leave to take care of a child born to their domestic partner or a newly adopted child to the same extent as a married person.

(Ord. 1144 (part), 1992)

2.119.080 - Limitation of liabilities.

- A. Nothing in this chapter shall be interpreted to contravene the general laws of the commonwealth.
- B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of his or her domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.
- C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

(Ord. 1144 (part), 1992)

2.119.090 - Reciprocity.

All rights, privileges and benefits extended to domestic partnerships registered pursuant to this chapter shall also be extended to domestic partnerships registered pursuant to similar laws in other jurisdictions.

(Ord. 1144 (part), 1992)

2.119.100 - Retaliation.

No person shall discriminate or retaliate against a person who seeks the benefit of this chapter, registers or makes a declaration pursuant to its provisions, or assists another person in obtaining the benefits of this chapter. Any person who so discriminates or retaliates shall be penalized in accordance with the provisions of the Cambridge Human Rights Ordinance, Cambridge Code Chapter 2.76.

(Ord. 1144 (part), 1992)

2.119.110 - Severability.

The provisions of this chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

(Ord. 1144 (part), 1992)

2.119.120 - Forms.

- A. The City Clerk shall distribute copies of the following forms to those persons who request them:
 - 1. Domestic partnership registration;
 - 2. Domestic partnership information sheet;
 - 3. Termination of domestic partnership;
 - 4. School authorization form.
- B. The Department of Personnel shall distribute copies of the following forms to those persons who request them:
 - 1. Declaration of domestic partnership;
 - 2. Amendment to declaration of domestic partnership.
- C. The School Department shall distribute copies of the following forms to persons who request them:
 - 1. School authorization form;

2. Revocation of school authorization form.

- D. The City Clerk, the Department of Personnel, School Department and all other affected City agencies, offices and departments shall provide and distribute any other relevant forms that are or become necessary.

(Ord. 1144 (part), 1992)

2.119.130 - Effect on other sections of code.

When the term "spouse" is used in other City ordinances, it shall be interpreted to include a domestic partner. When the term "family" is used in other City ordinances, it shall be interpreted to include domestic partnerships.

(Ord. 1144 (part), 1992)