



State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

December 21, 2004

TO: GENERAL ACUTE CARE HOSPITALS
ALTERNATIVE BIRTHING CENTERS

SUBJECT: CALIFORNIA DOMESTIC PARTNER RIGHTS AND RESPONSIBILITIES
ACT OF 2003-EFFECTIVE JANUARY 1, 2005

Background:

The California Domestic Partner Rights and Responsibilities Act of 2003 (Statutes of 2003, chapter 421 (A.B. 205)) and subsequent amendments (Statutes of 2004, chapter 947 (A.B. 2580)) extend most rights and duties of marriage granted under state law to persons registered as domestic partners on and after January 1, 2005.

What is the role for Hospitals?

The main activity performed by hospitals that will be affected by this new law is the birth registration process.
These requirements are effective as of January 1, 2005.

Domestic partners are to be treated as spouses.

The current practice in completing a birth certificate is to ask a birth mother if she is married, and to insert her spouse's information if she is married, or to advise her of the Paternity Opportunity Program (POP) if she is not married and wishes for the child's father's name to be inserted in items 6A, 6B, and 6C.

As of January 1, 2005, equal consideration must be given to birth mothers with state-registered domestic partners. Accordingly, if a birth mother states that she is not married, she should be asked if a second parent should also be listed on the certificate, either because the father has signed a POP form, or because the birth mother is a state-registered domestic partner. If she responds she is a state-registered domestic partner, then, if she wishes, her state-registered domestic partner's name is to be inserted in the "Father" fields, items 6A, 6B and 6C. It is the birth mother's responsibility to state if she and her partner qualify as state-registered domestic partners.

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When completing the birth certificate at the hospital, no validation or “proof” of the marriage or the spouse’s name is required of birth mothers stating that they are married. Similarly, if the birth mother states she qualifies as “a state-registered domestic partner,” no validation or “proof” is required of the state-registered domestic partnership or the domestic partner’s name.

During the birth registration process, the following procedures should be followed:

- ❑ For the “Mother of Child” fields, insert the notation “Parent-” (without quotes) in front of the first name of the birth mother in field 9A, and then insert her first name.
Use items 9A (first/given name), 9B (middle name) and 9C (last/family name) on the Birth Certificate.
- ❑ For the “Father of Child” fields, a birth mother may provide her registered domestic partner’s name to be inserted in items 6A (first/given name), 6B (middle name) and 6C (last/family name) on the Birth Certificate.
If provided, insert the notation “Parent-” (without quotes) in front of the first name of the registered domestic partner in field 9A, and then insert the middle and last name in the appropriate fields.

Note: In the next revision of the birth certificate form we plan to include the term “Father-Parent” and “Mother-Parent” in the appropriate fields.

For surrogacy situations, hospitals should refer to pages 205-207 of the Office of Vital Record’s Birth and Death Registration Handbook or to ACLs 04-02 and 04-07.

The confidential information in the bottom half of the Birth Certificate is used for public health purposes only. Birth mothers who are registered domestic partners may provide the personal information for the genetic parents in items 18-23C. If this is not acceptable to the parents, the items may be withheld.

Legal cites for the new requirements:

- ❑ ***Rights and duties of spouses under state law extended to state-registered domestic partners.***

“Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law ...as are granted to and imposed upon spouses.” (Fam. Code § 297.5 (a).)

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“The rights and obligations of registered domestic partners with respect to a child of either of them shall be the same as those of spouses...” (Fam. Code § 297.5 (d).)

“Registered domestic partners shall have the same rights regarding nondiscrimination as those provided to spouses.” (Fam. Code § 297.5 (f).)

- ❑ ***Public-use forms to include appropriate references to state-registered domestic partner, parent, or state-registered domestic partnership.***

“...In the usual course of reviewing and revising all public-use forms that refer to or use the terms spouse, husband, wife, father, mother, marriage, or marital status... appropriate references to state-registered domestic partner, parent, or state-registered domestic partnership are to be included.” (Govt. Code § 14771 (a) (14).)

Note: The state Office of Vital Records is in the process of reviewing and revising its forms to conform to this requirement.

- ❑ ***Substantially Equivalent Domestic partnerships from other states are valid in California.***

“A legal union of two persons of the same sex, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this part, shall be recognized as a valid domestic partnership in this state regardless of whether it bears the name domestic partnership.” (Fam. Code § 299.2.)

Questions concerning these requirements should be directed to your local County Registrar of Births and Deaths.

These new requirements are effective January 1, 2005. The Birth and Death Registration Handbook amendments will be issued shortly.

Sincerely,

Original signed by:

Michael L. Rodrian
State Registrar

cc: County Registrars of Births and Deaths
Chief Deputy Registrars of Births and Deaths
County Recorders