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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO DOMESTIC RELATIONS -- CIVIL UNIONS

Introduced By: Representatives Crowley, E Coderre, Shanley, Lally, and Jackson

Date Introduced: February 07, 2007

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 3.1

CIVIL UNIONS

15-3.1-1. Definitions. – (1) "Certificate of civil union" means a document that certifies that the persons named on the certificate have established a civil union in compliance with this statute.

(2) "Civil union" means that two (2) eligible people have established a relationship pursuant to this statute, and may receive the benefits and protections and be subject to the responsibilities of spouses.

(3) "Marriage" means the legally recognized union of one man and one woman.

(4) "Party to a civil union" means a person who has established a civil union pursuant to this chapter.

15-3.1-2. Requirements. – For a civil union to be established it shall be necessary that the parties to a civil union satisfy all of the following criteria:

(1) Neither party shall be a party to another civil union or marriage.

(2) Upon application to the town or city clerk for the town or city where at least one of the parties resides the clerk shall issue a civil union license. A copy shall be retained by the town or city clerk, and the department of health, division of vital statistics,. At least one party shall

sign the application attesting to the accuracy and truth of the application.

(3) The civil union must be certified by a legally authorized person in accordance with this chapter within sixty (60) days from the date of issue. Within ten (10) days of the certification, the person performing the certification shall return the civil union certificate to the office of the town or city clerk where the license was issued. The department of health, division of vital statistics shall also maintain a copy of the certificate.

(4) If the civil union is not certified within sixty (60) days from the date of issue the license shall become null and void.

15-3.1-3. Person authorized to certify civil union. – Civil unions may be certified by an authorized person and in accordance with section 15-3-5.

15-3.1-4. Prohibited civil unions. – (1) A woman shall not enter into a civil union with her mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister.

(2) A man shall not enter a civil union with his father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother.

15-3.1-5. Restrictions as to minors and incompetent persons. – A civil union license shall not be issued when either party to the intended civil union is:

(1) under eighteen (18) years of age;

(2) under a mental incapacity; and/or

(3) under a guardianship, unless express written consent is given by the legally appointed guardian.

15-3.1-6. Benefits protections and responsibilities of parties to a civil union. – (1) Parties to a civil union shall have all the same benefits, protections and responsibilities under law as are granted to spouses in a marriage.

(2) A party to a civil union shall be included in any definition or use of the terms "spouse", "family", "immediate family", "dependent", "next of kin", and other terms that denote the spousal relationship.

(3) Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as prescribed under law for married persons.

(4) Laws regarding domestic relations, including annulment, separation and divorce, child custody, support, property division and maintenance shall apply to parties to a civil union.

15-3.1-7. Modification of civil union terms. – Parties to a civil union may modify the terms, conditions of effects of their civil union in the same manner and to the same extent as married people who execute a prenuptial agreement or other agreement recognized and

enforceable under the law, setting forth particular understandings with respect to their union.

15-3.1-8. Dissolution of civil unions. – The family court shall have jurisdiction over all proceedings regarding dissolution of civil unions. The dissolution of civil unions shall follow the same procedures and be subject to the substantive rights and obligations that are outlined in chapter 15-5.

15-3.1-9. Requirement of department of health -- Civil unions. – (1) The department of health, division of vital statistics shall draft and distribute applications for civil unions to every town and city within the state.

(2) The division of vital statistics shall keep a record of all civil unions.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO DOMESTIC RELATIONS -- CIVIL UNIONS

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This act would create a law to authorize civil unions including the requirements, procedures and dissolution thereof.

This act would take effect upon passage.

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