



News Release

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Department of Health and Senior Services Proposes to Readopt N.J.A.C. 8:2B Certificate of Domestic Partnership with Amendments

The Bureau of Vital Statistics and Registration of the Division of Management and Administration of the Department of Health and Senior Services (Department) is proposing to readopt N.J.A.C. 8:2B, the rules governing certificates of domestic partnerships, with amendments. The notice of proposal appears in the October 18, 2010, issue of the New Jersey Register.

N.J.A.C. 8:2B implements the Domestic Partnership Act, P.L. 2003, c.246, effective July 10, 2004, codified at N.J.S.A. 26:8A. L. 2006, c. 103, effective February 19, 2007, "An Act concerning marriage and civil unions, establishing a commission and revising and supplementing various parts of the statutory law" ("civil unions act") established civil unions in the State. The civil unions act at § 91, codified at N.J.S.A. 26:8A-4.1, amended the Domestic Partnership Act by establishing that subsequent to the effective date of civil unions act, domestic partnerships would be available only to couples consisting of persons who are each 62 years of age or older, regardless of the gender of the members of the couple.

Therefore, consistent with N.J.S.A. 26:8A-4.1, and *Lewis v. Harris*, 188 N.J. 415 (2006), which requires the State to treat civil union partners equivalently with married persons, the Department proposes to amend existing the eligibility criteria for establishing a domestic partnership at N.J.A.C. 8:2B-2.1 to reflect that being a partner in a civil union would be a disqualifying factor for entry into a domestic partnership, and that the availability of domestic partnership is limited to persons who are 62 years of age or older.

The Department also proposes to amend the section heading of existing N.J.A.C. 8:2B-2.3 to reflect that the section addresses domestic partnerships and not partnerships generally.

The public has until December 17, 2010, to comment on the proposal. Persons wishing to comment on the proposal must submit their comments in writing by regular mail to Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, NJ Department of Health and Senior Services, P O Box 360, Trenton, NJ 08625-0360. Written comments must be postmarked on or before December 17, 2010, which is the close of the 60-day public comment period. The Department will not accept telefacsimiles or electronic mail messages as official comments on the notice of proposal.

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