

New California Law Allows Opposite-Sex Couples Under the Age of 62 to Be Eligible to Form Domestic Partnerships

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On July 30, 2019, California Governor Gavin Newsom signed SB 30 into law, changing existing law to permit opposite-sex couples under the age of 62 years old to register as domestic partners. Those who enter into domestic partnerships have the same rights, protections, and benefits as spouses under California law, including the right, if otherwise eligible, to use sick time, take protected leave pursuant to the California Family Rights Act, or receive Paid Family Leave benefits from the State, in order to care for a spouse with a qualifying health issue, among other rights.

Existing law within the California Family Code section 297 provided, among other requirements, that a domestic partnership could be entered into between two individuals who were either: (1) members of the same sex; or (2) if members of the opposite sex, at least one of the two individuals were over 62 years old and meet the eligibility criteria for certain federal benefits under the Social Security Act.

Under the new law, which will be effective on January 1, 2020, California Family Code section 297 will allow any two adults to enter into a domestic partnership if they are single, at least 18 years old, not related by blood in a way that would prevent them from being married to each other, and capable of consenting to the domestic partnership. This will allow individuals who did not previously qualify for domestic partnerships to enter into them and receive the benefits provided to spouses and domestic partners within the state of California.

SB 30 also includes a provision within California Family Code section 299.2 that recognizes as a valid domestic partnership the legal union of any two persons, other than a marriage, that was validly formed in another jurisdiction and that is substantially equivalent to a California domestic partnership. California's prior law only recognized such unions if entered into between two persons of the same sex.

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