

# ASSOCIATION OF NURSES IN AIDS CARE

## POSITION STATEMENT

### Domestic Partnership Benefits

Adopted by the ANAC Board of Directors April 23, 2000  
Reviewed and Revised by the ANAC Board November 1, 2000;  
September 2002; and August 2008

#### Position

*It is the position of the Association of Nurses in AIDS Care (ANAC) that:*

- *Since many HIV-infected persons live in partnerships other than marriage, domestic partnerships should be recognized.*
- *Domestic partnerships are entitled to the same rights afforded married couples including but not limited to insurance coverage, hospital visitation and medical decisions, rights of survivorship, sick and bereavement leave, immigration rights/sponsorship, Federal and state tax benefits, and adoption rights and responsibilities.*

#### Statement of Concern:

People living in domestic partnerships, both same-sex and heterosexual are often denied rights and privileges afforded to legally married couples. Such inequality directly impacts the lives of many persons living with HIV disease.

#### Background:

Many couples live together in domestic partnerships and have made verbal and/or written commitments to take joint responsibility for homes, families, and living expenses. When there is no legal marriage, they are not afforded the same rights as their married peers, even when they function as a marriage partnership. The most significant denied rights affecting persons with HIV include: insurance coverage; hospitalization visitation and medical decision-making for a spouse; rights of survivorship; sick and bereavement leave; immigration rights/sponsorship; joint tax return filing and other federal and state tax benefits; adoption rights; child support requirements upon relationship dissolution; and tenants rights.

Many U.S. municipalities are beginning to recognize domestic partnerships by allowing unmarried couples in committed relationships to register the partnership, regardless of sexual orientation. At present six States (Vermont, Maine, New Jersey, Hawaii, Connecticut, and Washington) offer some version of domestic partnership unions or recognition between opposite and or same-sex partners. But not all afford them parity with heterosexual married couples in all state-sanctioned rights and responsibilities. In 2004, Massachusetts became the first State to sanction full legal marriage between same-sex partners (Demian, 2007). In Spring 2008, marriage equality also passed in California. In addition, five countries (The Netherlands, Belgium, Canada, Spain and S. Africa) now recognize same-sex marriages, albeit with differing rights and responsibilities. Nine nations (Belgium, Czech Republic, France, Germany, Great Britain,

New Zealand, Scandinavia (group of nations), Switzerland and Tasmania) now have some form of legal registration for Domestic Partnership, all with varied rights and responsibilities some extending to both same-sex and opposite -sex couples (Demian, 2007). Finally, some state and local municipalities and many large and small companies now offer employment-related benefits to domestic partners, including medical insurance and recognition of the partner as a legal family member. These include more than half of the Fortune 500 companies (Gunther, 2006) and 75% of U.S. top research universities. Inclusion is often a way to "reflect an organizations commitment to a non-discriminatory climate and culture (University of Louisville, Faculty & Staff for Human Rights, 2005).

Domestic Partnership Registration is a way for a couple to publicly and legally declare a relationship. According to the ACLU model for domestic partnerships (1997), requirements that need to be met before a domestic partnership can be registered and recognized are: 1) the two must live together; 2) they must agree to be jointly responsible for each other's basic living expenses during the partnership; 3) neither person may be married or a member of another domestic partnership; 4) the two must not be related in a manner that would prevent them from being married; 5) both must be over 18 years of age; and 6) they must sign a Declaration of Domestic Partnership and establish the partnership. In addition to these criteria, many domestic partner, civil union, or gay marriage programs have requirements relating to a minimum length of time the couple must live together prior to registration, and a minimum length of time which must pass before either partner leaving a dissolved relationship may register a new partnership. Many of these programs also have a set process (like divorce) through which these unions may be dissolved. Regardless of the criteria imposed within individual partnership registration programs, recognition of domestic partnership adds to the stability of relationships by encouraging couples to enter into marriage-like or family relationships. By fulfilling at least the six aforementioned ACLU-suggested criteria, domestic partnership provides the evidence necessary to justify receivership of benefits and rights. Finally, Domestic Partnership Registration may be used as the proof needed for a partner to assert equitable claims in civil or legal jurisdictions.

**References:**

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Demian ( 2007). Partners Task Force for Gay & Lesbian Couples: Domestic Partnership Benefits Available: [www.buddybuddy.com/d-p-l.html](http://www.buddybuddy.com/d-p-l.html)

Gunther, Marc (2006). Corporate America backs Gay Rights- Analysis from FORTUNE. Available:

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