

Marriage Vs. Domestic Partnership in California

Domestic partnerships offer many protections for couples and families, and while they are a big step forward, they don't provide the same security as marriage. California still shuts out some people from marriage, creating a two-tiered system at odds with the principle that separate is not equal. Two people doing the work of marriage deserve the respect and support that only come with marriage.

	Marriage	Domestic Partnership
Legal Status, Recognition, Portability of Rights	Universally recognized in all 50 states. Includes more than 1000 federal rights and benefits. Legal structure in place to dissolve marriages and divide property equitably.	Not valid outside of the state that grants it. No federal protections. Legal structure to dissolve partnership not guaranteed outside of state. May be dissolved without court ruling under some circumstances.
Social Recognition	Universal societal understanding, honor and respect for the nature of a couple's relationship and commitment.	Not universally understood because benefits vary widely by jurisdiction. Without common understanding of their meaning, domestic partnerships don't provide the same kind of honor and respect that marriages do.
Medical Decisions, Emergencies	Spouses and family members allowed to make decisions for incompetent or disabled person absent written instructions.	Partner's right to visitation and medical decision making may not be recognized out of state.
Family Security	The myriad of laws in place provide security about basic family protections that are socially recognized and won't disappear.	Partners may feel unsure of legal protection, and at the mercy of political whims of elected officials.
Tax Benefits	Guaranteed unlimited transfers and gifts and automatic right to inherit without tax penalties. Able to file federal income taxes jointly.	Large gift transfers and inheritance transactions subject to federal taxes. Federal tax returns filed separately.
Retirement, Leave, and other Family Benefits	Eligible for Social Security, veteran's benefits and pension plan survivor benefits upon death of spouse. Entitled family leave to care for ill spouse.	Do not receive Social Security, veteran's benefits and pension plan survivor benefits upon death of partner. Not guaranteed equal benefits from employers. Excluded from long-term care benefits. Not guaranteed family leave to care for ill partner.
Spousal and Child Support	Criminal penalties imposed if a spouse abandons a child or spouse.	Outside of state, partners have no legal obligation to support their partner and may not be recognized as a legal parent.
Immigration	U.S. citizens can sponsor spouse, family members for immigration.	No benefits for couples in bi-national relationships.
Common Residence	Not required.	Must share common residence.
Name Changes	Allowed upon marriage.	Not allowed without court order.
Privacy	Recorded only at county level with no address on the form.	Maintained by the state with a central, public and easily-searchable database.