

HOUSE BILL NO. HB0168

Domestic partnerships-rights and responsibilities.

Sponsored by: Representative(s) Connolly, Byrd, Gingery,
Greene, Petroff, Throne, Wallis and
Zwonitzer, Dn. and Senator(s) Burns, Craft,
Rothfuss and Von Flatern

A BILL

for

1 AN ACT relating to domestic relations; establishing
2 domestic partnerships and related rights and
3 responsibilities; specifying limits on domestic
4 partnerships; requiring certificates; providing for the
5 recognition of foreign domestic partnerships; establishing
6 the presumed legitimacy of children of domestic
7 partnerships; providing for dissolution of domestic
8 partnerships; defining the applicability of other law;
9 prohibiting multiple domestic partnerships; providing
10 penalties; and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 6-4-407 and 20-8-101 through 20-8-107
15 are created to read:

1

2 **6-4-407. Multiple domestic partnerships; penalties;**
3 **defense.**

4

5 (a) A person who is a party to a domestic
6 partnership, and who knows that the other party to the
7 domestic partnership is alive, is guilty of a felony
8 punishable by imprisonment for not more than five (5)
9 years, a fine of not more than five thousand dollars
10 (\$5,000.00), or both, if he enters into another domestic
11 partnership or marries.

12

13 (b) It is a defense that the accused person
14 reasonably believed that he was eligible to enter into a
15 new domestic partnership.

16

17

CHAPTER 8

18

CREATION OF DOMESTIC PARTNERSHIPS

19

20 **20-8-101. Purposes; construction.**

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22 W.S. 20-8-101 through 20-8-107 shall be liberally construed
23 and applied to promote their underlying purposes, which are
24 to provide adequate procedures for the licensing of

1 domestic partnerships and to provide a method for persons
2 to obtain the rights, responsibilities, protections and
3 legal benefits provided in Wyoming law for immediate family
4 members. For purposes of Wyoming statutes, administrative
5 rule, policy, common law or any other source of civil or
6 criminal law, the term "spouse" shall include a party to a
7 domestic partnership contract evidenced by a certificate
8 issued pursuant to this chapter.

9

10 **20-8-102. Domestic partnership a civil contract.**

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12 A domestic partnership is a civil contract between two (2)
13 natural persons to which the consent of the parties capable
14 of contracting is essential.

15

16 **20-8-103. Minimum age; exception; parental consent.**

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18 (a) At the time of entering the domestic partnership
19 the parties shall be at least eighteen (18) years of age
20 except as otherwise provided.

21

22 (b) All domestic partnerships involving a person
23 under eighteen (18) years of age are prohibited and
24 voidable, unless before entering the domestic partnership a

1 judge of a court of record in Wyoming approves the domestic
2 partnership and authorizes the county clerk to issue a
3 certificate therefor.

4

5 **20-8-104. Certificate; required.**

6

7 (a) Before any domestic partnership is recognized in
8 this state, a domestic partnership certificate shall be
9 obtained from a Wyoming county clerk. Upon receipt of an
10 application, the county clerk shall ascertain by the
11 testimony of a competent witness and the applicants, the
12 names, the social security numbers of the parties who have
13 valid social security numbers, residences and ages of the
14 parties and whether there is any legal impediment to the
15 parties entering into the domestic partnership contract
16 according to the laws of the state of their residence. The
17 clerk shall enter the facts ascertained in a book kept by
18 him for that purpose, except for the social security
19 numbers which shall be provided to the state office of
20 vital records and not made a part of the county public
21 record. He may issue a certificate recognizing the domestic
22 partnership contract and shall date the certificate on the
23 date of issuance except as otherwise provided.

24

1 (b) Unless there is an order to waive the
2 requirements of this section by a judge of a court of
3 record in the county pursuant to subsection (c) of this
4 section, the clerk shall refuse to issue a certificate if:

5

6 (i) Either of the parties is legally incompetent
7 to enter into a domestic partnership contract according to
8 the law of this state;

9

10 (ii) There is any legal impediment to the
11 parties entering the domestic partnership contract; or

12

13 (iii) Either party is a minor and the consent of
14 a parent or guardian has not been given.

15

16 (c) If any county clerk refuses to issue a
17 certificate for a domestic partnership, if the parties
18 seeking the domestic partnership are under the age of
19 eighteen (18) or in case of circumstances arising which
20 would necessitate the waiver of any one (1) or more of the
21 requirements for obtaining a domestic partnership
22 certificate, an application to the district court may be
23 filed. If the judge finds that a certificate should be
24 issued, or such circumstances exist that it is proper that

1 any one (1) or more of the requirements should be waived,
2 the judge may order in writing the issuance of the
3 certificate. Upon the order of the judge being filed with
4 the county clerk, the county clerk shall issue the
5 certificate at the time specified in the order. No fee or
6 court costs shall be charged or taxed for the order.

7

8 (d) The original certificate issued pursuant to this
9 section or a certified copy of the certificate is
10 admissible in all courts and places as presumptive evidence
11 of the fact of the domestic partnership.

12

13 **20-8-105. Foreign domestic partnerships.**

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15 All domestic partnerships which are valid by the laws of
16 the jurisdiction in which they are entered are valid in
17 this state.

18

19 **20-8-106. Legitimacy of children presumed.**

20

21 The legitimacy of all children conceived or born during a
22 certificated domestic partnership are rebuttably presumed
23 pursuant to W.S. 14-2-504.

24

1 **20-8-107. Dissolution; applicability of other law.**

2

3 A domestic partnership may be dissolved pursuant to the
4 procedures, standards and limitations established under
5 chapter 2 of this title. When applying any section of
6 chapter 2 of this title, the parties referred to are the
7 parties to domestic partnerships.

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9 **Section 2.** W.S. 6-4-401(a) and (b) is amended to
10 read:

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12 **6-4-401. Bigamy; penalties; defense.**

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14 (a) A person commits bigamy if, being married and
15 knowing that his spouse is alive, he marries again or
16 enters into a domestic partnership.

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18 (b) It is a defense that the accused person
19 reasonably believed that he was eligible to remarry or
20 enter into a domestic partnership.

21

22 **Section 3.** This act is effective July 1, 2013.

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24

(END)