

# Registered Domestic Partnerships in Maryland



## A PUBLICATION OF THE REGISTERS OF WILLS OF MARYLAND

Visit us online at [REGISTERS.MARYLAND.GOV](http://REGISTERS.MARYLAND.GOV) and find a directory of the Register's offices at the end of this guide.

### Overview

**Effective October 1, 2023**, qualifying domestic partners may file paperwork to become "registered domestic partners," which guarantees certain protections and benefits during estate administration in Maryland. This publication is intended to explain who qualifies for this service, the procedures you will follow to become registered domestic partners, the benefits of this service, and how to terminate your partnership.

*Disclaimer: This brochure is provided for informational purposes only and does not constitute or is intended to constitute legal advice. Please consult an attorney for any legal advice.*

# Instructions & FAQ's

## 1. WHO QUALIFIES?

To qualify to become registered domestic partners, the partners must affirm they are:

1. At least 18 years of age,
2. The sole domestic partner of the other partner,
3. Not married, and
4. In a committed relationship with the other partner.

## 2. HOW DO MY PARTNER AND I BECOME "REGISTERED DOMESTIC PARTNERS"?

1. The two partners must prepare a "Declaration of Domestic Partnership" to be filed with the Register of Wills in the jurisdiction in which they reside.
2. Each partner must state their (1) name, (2) date of birth, (3) home address, (4) social security numbers, and (5) sign the Declaration under the penalties of perjury. The Register may require proof of identification to verify each partner's information is accurate.
3. The Declaration must also be signed by a Notary Public.
4. The partners must pay a filing fee of \$25 made payable to the Register of Wills.

After providing identification and after review, the Register's office will issue each partner a "Certification of Domestic Partnership," which shall bear the seal and signature of the Register or authorized staff member.

## 3. WHAT ARE THE BENEFITS OF BECOMING REGISTERED DOMESTIC PARTNERS?

If one of the partners dies without a Last Will and Testament, meaning they died "intestate," the surviving domestic partner will be treated the same as a surviving spouse as follows:

1. The surviving registered domestic partner will have the same priority to serve as Personal Representative of the estate,
2. The surviving registered domestic partner will be entitled to the \$10,000 spousal allowance, and
3. The surviving registered domestic partner will inherit the same share of the probate estate.

If one of the partners dies **with or without** a Last Will and Testament, the surviving domestic partner is exempt from Maryland inheritance tax.

## 4. WHAT HAPPENS IF I MOVE?

The Registers will maintain a statewide database of all registered domestic partnerships. If you relocate to another jurisdiction in Maryland, you do not need to register again. You may file a Declaration of Termination of Domestic Partnership in a jurisdiction other than the jurisdiction where your partnership was initially registered.

## 5. HOW DO I TERMINATE MY REGISTERED DOMESTIC PARTNERSHIP?

To terminate a registered domestic partnership, you may choose one of the following:

- **Mutual Consent:** Both parties may file a signed "Declaration of Termination of Domestic Partnership" with the Register. The termination will take effect *6 months* from filing.
- **Termination by One Party:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register. That party must sign under the penalties of perjury that they will provide a copy of the Declaration to the non-signing party. The termination will take effect *6 months* from filing.
- **Termination Due to Abandonment:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register. That party must sign under the penalties of perjury that they have been abandoned by the other party, have not been in contact with them for at least six months, and will provide a copy of the Declaration to the non-signing party if their location is known. The termination will take effect *immediately*.
- **Marriage:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register of Wills and include proof of marriage of one or both parties. The termination will take effect *immediately*.
- **Death:** One party may file a signed "Declaration of Termination of Domestic Partnership" with the Register of Wills and include proof of death of one or both parties. The termination will take effect *immediately*.

### NOTES

**FORMS:** The "Declaration of Domestic Partnership" and "Declaration of Termination of Domestic Partnership" forms that are available on the Register of Wills website. The "Certification of Domestic Partnership" is a document generated only by the Registers of Wills.

**LIMITATION OF BENEFITS:** The benefits of becoming registered domestic partners are limited, meaning a surviving registered domestic partner is not treated identically as a surviving spouse under Maryland estate laws. Most significantly, these benefits do not include the statutory right to file an election for an elective share of the augmented estate of the decedent.

**PARTNERSHIPS ESTABLISHED OUTSIDE OF MARYLAND:** The Register of Wills maintains a certified list of jurisdictions with laws of domestic partnership or civil union that are substantially similar to Maryland's domestic partnership registry. Currently certified jurisdictions with domestic partnership laws are **California, District of Columbia, Maine, Nevada, Oregon, and Washington**. Currently certified jurisdictions with civil union laws are **Colorado and Illinois**. The surviving partner of a decedent who was domiciled in Maryland at the time of their death will be granted the same benefits as listed under question 3 above if, prior to death, the partners had been formally granted a domestic partnership or civil union under the laws of the jurisdictions on this certified list.

**PERSONAL INFORMATION:** While registered domestic partnerships will be public record, the domestic partners home addresses and proof of identification will not be public record.

**BEFORE THE REGISTER OF WILLS FOR \_\_\_\_\_, MARYLAND**

# **DECLARATION OF DOMESTIC PARTNERSHIP**

### The Declaration of:

## Party 1:

Full Legal Name	Social Security Number	Date of Birth
Home Address 1		
Home Address 2		

## Party 2:

Full Legal Name	Social Security Number	Date of Birth
Home Address 1		
Home Address 2		

Each of us states:

1. We are at least 18 years of age and are domiciled in \_\_\_\_\_, Maryland.
2. We are the sole domestic partner of each party in this declaration.
3. We are not married.
4. We are in a committed relationship with each party.

**We solemnly affirm under the penalties of perjury that the contents of this document are true to the best of our knowledge, information, and belief.**

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Party 1 \_\_\_\_\_ Date \_\_\_\_\_ Party 2 \_\_\_\_\_ Date \_\_\_\_\_

SIGNED IN THE PHYSICAL PRESENCE OF A NOTARY PUBLIC OR BEFORE A NOTARY PUBLIC THROUGH COMMUNICATION TECHNOLOGY

State of Maryland. City/County of

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the subscriber, a Notary Public in and for the State of Maryland, City/County of \_\_\_\_\_, and known to me (or satisfactorily proven) to be the persons whose names are subscribed to within the document and acknowledged that they executed the same for the purposes therein contained. IN WITNESS hereof I hereunto set my hand and official seal.

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Signature

[Notary Seal]

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Notary Public (Please Print)

## My Commission expires

HOME ADDRESSES AND SOCIAL SECURITY NUMBERS NOT SUBJECT TO  
PUBLIC INSPECTION IN ACCORDANCE WITH ESTATES AND TRUSTS ARTICLE § 2-214  
**(FOR REGISTER'S USE ONLY)**

**REGISTRATION NO.**

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