



Q LEGAL: Protecting Our Relationships
by Christopher Heritage

Most of the articles thus far have dealt with AB 205, California's Domestic Partnership Rights and Responsibilities Act. This law provides marriage-like rights and responsibilities for domestic partners who have registered with the California Secretary of State. However, most of us in relationships, for whatever reason(s), have chosen not to register. Is there anything that we can do to create structure and protections for our relationships and families? Absolutely!

It's vital to keep in mind that unless you have registered as domestic partners, or you have entered into some form of agreement with your partner, the law says that you are legal strangers. In fact, even if you are registered as domestic partners with California and then leave the state on travel, you would once again become legal strangers (with very limited exceptions). Why? Because the protections given to you under AB 205, unlike marriage, stop at California's borders. Why is that important? Consider the following scenarios: 1) You and your partner are traveling and your partner is injured and unable to make his or her own medical decisions. Absent marriage, or a valid Advance Healthcare Directive and Hospital Visitation Authorization, you are legally prohibited from making medical decisions for your partner, or even visiting your partner in the hospital. The responsibility for making medical decisions, and the right of visitation belongs to his or her closest blood relative. 2) You and your partner live together, but only your partner is on the deed to the property. Your partner passes away without leaving the property to you in a valid will or trust. You have no legal right to remain on the property and can be forced to move out.

We all have also heard the horror stories of a relationship that has ended badly and one partner is left with nothing, even though that partner has contributed to the relationship. Unless there is some form of legal agreement that clearly indicates the distribution of property at the end of the relationship, there is little that can be done without considerable expense and emotional turmoil.

The end of a relationship, or the incapacity or death of a partner is always a traumatic event filled with confusion. While it may be unpleasant to plan or even think of these types of situations, it is even more unpleasant to have to face these situations unprepared. At a minimum, every couple, even those who are

registered as domestic partners, should have the following basic legal documents in place:

- Advance Healthcare Directives
- Hospital Visitation Authorizations
- General Durable Powers of Attorney
- Last Will & Testaments
- Living Together and/or Property Agreements
- Parenting Agreements (when children are involved)

Upcoming articles will explore these types of documents in greater detail.

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This article is part of an ongoing series of articles pertaining to legal issues in the LGBT community. This information is intended for general information purposes only, and is not intended to provide legal advice. Christopher Heritage is an attorney in Palm Springs, CA, who focuses on LGBT estate planning, domestic partnerships, probate and trust administration, and debtor/creditor issues. He welcomes questions and comments, and can be contacted at 760.406.4717, or by email: chris@heritagelegal.net