

DOMESTIC PARTNERSHIP REGISTRY REQUIREMENTS

On January 1, 2025, the Schoharie County Clerk's Office created a Registry for Domestic Partners and accepted for filing, Affidavits of Domestic Partnerships pursuant to Local Law #5 of 2024.

Domestic Partnership Registration

A Domestic Partnership may be registered by two people who meet all of the following conditions:

- Either (a) both persons are residents of Schoharie County, or (b) at least one partner is employed by the County of Schoharie on the date of registration;
- Both persons are eighteen (18) years of age or older and mentally competent to execute a contract;
- Neither is legally married to a third party;
- Neither is a party to another Domestic Partnership, or has been a party to another Domestic Partnership within the last six months immediately prior to registration;
- The persons are not related to each other by blood in a manner that would bar marriage in the State of New York;
- The persons have a close and committed personal relationship, live together, and have been living together on a continuous basis for at least one (1) year;
- The persons have submitted a completed Domestic Partnership Affidavit signed and notarized by both parties;
- The persons understand that the registration of the Domestic Partnership Affidavit creates a domestic partnership of continuous duration until an Affidavit of Termination is filed or upon the death or marriage of either of party; and
- The persons have submitted at least two (2) items of proof evidencing their financial interdependence as listed in Local Law #5 of 2024.

Both parties to the partnership must be present at the County Clerk's Office when the Affidavit is submitted for filing. Except when one of the parties is confined to a prison, in a hospital or other health facility, or is unable to travel to the office of the County Clerk because of a physical disability, the affidavits shall be submitted to the County Clerk at the office of the County Clerk.

The application fee for processing the request for a Domestic Partnership shall be forty (\$40) dollars, payable to the Schoharie County Clerk and must be paid prior to a Certificate being issued. Two Certificates will be included in this fee. If either party requires additional Certificates, the fee shall be \$5.00 for an additional two certificates.

Domestic Partnership Termination

If either party or both parties to a registered domestic partnership determines that the partnership has terminated, one of the partners shall file a termination statement with the County Clerk. The person filing the termination shall declare that the domestic partnership is terminated and, if the termination statement has not been signed by both domestic partners, proof that the other domestic partner has been notified of such termination by registered mail, return receipt requested.

A domestic partnership shall terminate whenever one of the parties to the partnership marries a third party.

A domestic partnership shall terminate upon the death of one of the parties.

The filing fee of said termination shall be forty (\$40) dollars.

The County Clerk shall establish procedures to ensure the confidentiality of information in the registry. The documents contained in the registry shall be Sealed in the same manner as a Matrimonial action. In the ordinary course of business, such records shall be released only to:

1. To the parties to the Domestic Partnership;
2. To individuals presenting written authorization, duly notarized, from one of the parties to the domestic partnership; and
3. To attorneys in cases where such records are required as evidence in an active pending legal proceeding.

Benefits

As a matter of County Policy,

Nothing in this law shall be deemed to supersede, alter, affect, or conflict with any applicable state or federal statutes, laws, regulations, or rules. Nor shall anything in this law be construed to confer any right, privilege, or benefit not explicitly provided for herein.

Nothing in the local law requires or is intended to require, any religious or denominational institution or organization operated for charitable or educational purposes to recognize or provide health benefits to domestic partners.