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### Ending a Domestic Partnership

While domestic partners face similar issues as legally married couples - whether same-sex or not -- they often do not have the same legal protections when things do not work out. Domestic partnership dissolution is equivalent to a divorce, and ending your domestic partnership returns you and your partner to the status you were before you were partnered. [Domestic partner benefits](#) and obligations under the law therefore ceases when the domestic partnership ends.

Moreover, since not all states recognize domestic partnerships, it may be challenging to end a domestic partnership that involves property, debt, and children. Even so, partners wishing to end a relationship that involves jointly-owned property and other matters may seek the advice of a family law attorney who is experienced with civil or domestic partnership dissolution.

#### **Domestic Partnership Laws**

Domestic partnership laws give registered partners most of the rights and obligations of married couples under the law, including the right to end their domestic partnership. While domestic partnership laws vary by state -- ranging from states that outline the precise method, time, and manner of domestic partnership dissolution to states that do not have domestic partnership laws on the books -- the process of ending a domestic partnership is generally laid out in the initial domestic partnership agreement that was filed with the state.

In many cases, however, courts are often left to decide financial, property, and family matters concerning the partnership, especially in cases where a domestic partnership agreement outlining what may happen in the event of dissolution was not established or where the domestic partnership was never legalized.

Even so, states will generally recognize domestic partnership agreements that were created in their own state, but may not recognize or enforce domestic partnerships from other states.

#### **Property Division**

Generally, property that was acquired before registration of the domestic partnership or acquired as a gift or inheritance (whether before or during the domestic partnership) is considered "separate property" and not subject to division when a domestic partnership ends.

Otherwise, a court may distribute property that was acquired during the partnership in one of the following ways, taking into account the nature and extent of the property and the duration of the domestic partnership, for example:

- Distribute property unevenly (based on the equity interest to each partner)
- Distribute property evenly (50/50)
- Partition the property as if the parties were joint tenants

#### **Maintenance**

Maintenance is a payment that one party makes to the other to provide financial support after a domestic partnership ends. While maintenance is not automatically awarded, the courts will look at several factors when determining whether to award maintenance payments, including:

- Length of the domestic partnership
- Financial situation of the parties, and the other party's ability to pay
- Time it will take for the party asking for maintenance to get education or training
- Standard of living during the domestic partnership

- Age and health of the party asking for maintenance

For example, a court may be more likely to award maintenance to a partner who was unemployed for awhile because he or she stayed home to care for children. On the other hand, the court may still award maintenance to that party if it will keep the party in the same standard of living that was usual during the domestic partnership.

In essence, the court determines maintenance requests on a case by case basis and looks beyond that which will only provide the bare necessities.

### **Parenting Arrangements and Child Support**

In partnerships that involve biological or adopted children, a court will look at several factors when determining child custody, child support, and child visitation, including:

- Which parent the children will live with the majority of the time (or each parent half of the time)
- How much time the children will spend with the other parent ("visitation")
- Who will make decisions about the children's schooling, medical care and other issues
- How the parents will resolve disagreements about the children in the future.

Partners may also choose to establish their own [parenting plan](#) in which to show the court before final determination.

### **Procedure for Terminating a Domestic Partnership**

Generally, a domestic partnership terminates automatically when any one of the following occurs:

- One partner gives notice to the other partner that he or she is terminating the partnership
- One of the domestic partners dies
- One of the domestic partners marries
- The domestic partners no longer share a common residence

Parties who wish to terminate their domestic partnership may therefore do it in two ways -- by either filing a termination with the Secretary of State or county clerk's office (subject to state eligibility requirements) or by petitioning the court - depending on the circumstances of the domestic partnership. For example, partners who mutually agree to dissolve the partnership and have little or no debt, obligations, or child that were born or adopted to the union, may file for termination the easier more economical way through the clerk's office.

### **Conclusion**

Ending a domestic partnership can be complicated, especially if it involves children, real estate, and large amounts of community property and debt. To ensure the best possible outcome for you and your family, speak with an experienced [family law attorney in your area](#) who has handled domestic partnership cases.

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