

DOMESTIC PARTNERSHIPS, RECIPROCAL BENEFICIARIES: WHAT'S IT ALL ABOUT?

On November 4, 1999, one day after nearly 70% of the people of Hawaii affirmed their commitment to traditional marriage, Governor Ben Cayetano announced his administration's support for 1999 domestic partnership legislation. The 1999 Legislature took no action on the domestic partnership (civil union) proposal. On December 9, 1999, the same day the Hawaii Supreme Court issued its long-awaited decision affirming the will of the people, same-sex marriage proponents vowed to continue fighting for all the rights and benefits of marriage, including adoption and child custody rights, simply without the marriage title. It is unclear why lawmakers would want to continue this 9-year saga when many of the benefits often referenced are already extended to same-sex and other unmarried couples under current Hawaii law. (Resulting from the 1997 reciprocal beneficiary legislation.) Below is a summary of the key features included in the reciprocal beneficiary legislation. We hope it is useful. And we will keep you posted on developments in this area.

Reciprocal Beneficiaries (RBs) Summary of 1997 HB 118 (Current Law)

Definition --Reciprocal Beneficiaries (RBs)

- Two adults at least 18 years of age;
- Neither of whom are married or party to another reciprocal beneficiary relationship;
- Legally prohibited from marrying one another; and,
- Consensual and signed declaration of RB relationship.

BENEFITS PROVIDED

- Survivorship rights including:
 - Inheritance;
 - Worker's compensation survivorship benefits; and,
 - State employees retirement beneficiary benefits.
- Health related benefits including:
 - -Hospital visitation;
 - Private and public employee prepaid medical insurance benefits; (Provision was improperly drafted - doesn't apply to employees with HMSA or Kaiser health coverage, also AG has ruled it inapplicable to public employees)
- Auto insurance coverage;
- Mental health commitment approvals and notifications; and,

- Family and funeral leave.
- Benefits and obligations relating to jointly held property:
 - Tenancy in the entirety;
- Disaster relief loans; and,
- Public lands leases
- Legal Standing related to:
 - Wrongful death;
 - Victims rights; and,
 - Domestic violence family status.
- Miscellaneous benefits such as:
 - University of Hawaii facilities use;
 - Anatomical gifts; and,
 - Government vehicle emergency use.

NOT INCLUDED

- Personal income tax provisions (difficulties reconciling with federal tax law)
- Adoption and other parental rights