

## **DECLARATION OF DOMESTIC PARTNERSHIP Frequently Asked Questions (FAQS) (Active Members) - TIER 1**

*1. For LACERS benefits, how are “domestic partners” defined?*

The Los Angeles Administrative Code defines domestic partners as “...two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring.” Domestic partners may be of the same gender or opposite genders.

*2. What are LACERS’ requirements for establishing a domestic partnership?*

To establish a domestic partnership with LACERS, you must first file a Declaration of Domestic Partnership (Declaration) with LACERS or register your Domestic Partnership with the State of California. The Declaration of Domestic Partnership or State-registered Domestic Partnership must be filed at least twelve months before you retire in order to qualify your domestic partnership to receive a survivorship allowance upon your death.

*3. Does filing a Declaration with the City’s Personnel Department or with your operating department fulfill the requirement to file a Declaration with LACERS?*

No, you must file a Declaration with LACERS. However, the Board of Administration may grant an earlier filing date than the actual date that the parties filed their Declaration of Domestic Partnership with LACERS upon sufficient proof that the parties have an Affidavit or Declaration of Domestic Partnership on file earlier with the Personnel Department. “Sufficient proof” shall include a copy of the Affidavit or Declaration of Domestic Partnership and/or a certification from the City’s Personnel Department certifying the date that the Domestic Partnership was filed.

*4. What is the advantage of filing a Declaration with LACERS?*

The domestic partner of a LACERS member may qualify for benefits provided by LACERS, but only if the member and domestic partner have established a domestic partnership with LACERS by filing a Declaration (formerly known as an Affidavit of Domestic Partnership), or registered with the State of California.

*5. After you have filed a Declaration with LACERS or registered with the State of California, to what benefits might your domestic partner be entitled?*

If you die while still an active LACERS member, your survivors may be eligible for one or more of the following:

- A limited pension;
- Family Death Benefit Plan benefits (only if you participate in the Family Death Benefit Plan);
- A lifetime monthly survivorship allowance. This will only be an option for your qualified domestic partner if you have a beneficiary designation form on file with LACERS naming your domestic

partner to *receive all of your contributions in the event of the your death.*

If you die after retiring on a service or disability retirement, the survivor benefit available to your qualified domestic partner may include a lifetime monthly survivorship allowance. In addition, a surviving domestic partner who receives a monthly survivorship benefit may also receive a health subsidy, depending upon your eligibility for this benefit at the time of retirement.

6. *If you die as an active member of LACERS, how long does your Declaration have to be on file with LACERS or registered with the State of California before your domestic partner may be eligible to receive survivorship benefits?*

There is no time requirement other than your Declaration must be on file prior to your death for your domestic partner to be eligible for active member survivorship benefits. However, your domestic partner will not be eligible to elect a lifetime monthly survivorship pension unless your domestic partner is the sole designated beneficiary for all your contributions.

7. *If you die as a retired member of LACERS, how long does your Declaration have to be on file with LACERS before your domestic partner may be eligible to receive survivorship benefits?*

Before your domestic partner may qualify for lifetime monthly survivorship benefits, your Declaration must be on file with LACERS for one year prior to your retirement. However, the Board of Administration may grant an earlier filing date than the actual date that the parties filed their Declaration of Domestic Partnership with LACERS upon sufficient proof that the parties have an Affidavit or Declaration of Domestic Partnership on file earlier with the Personnel Department. "Sufficient proof" shall include a copy of the Affidavit or Declaration of Domestic Partnership and/or a certification from the City's Personnel Department certifying the date that the Domestic Partnership was filed. In addition, you must also be domestic partners at the time of retirement and domestic partners (or married) at the time of your death.

8. *Can you retire with a qualified domestic partner and not elect a survivorship benefit to your domestic partner?*

No, you must either leave at least a 50% survivorship benefit or terminate your domestic partnership prior to your retirement.

9. *What will terminate a domestic partnership?*

A domestic partnership is terminated at LACERS if any of the following occurs:

- One of the domestic partners gives, or sends by certified mail to the other domestic partner, a written notice that he or she is terminating the partnership;
- One of the domestic partners dies;
- One of the domestic partners marries, or enters into another domestic partnership with someone else.

*Whenever one of these events occurs, one of the partners must promptly file a Notice of Termination of Domestic Partnership with LACERS.*

Note: If you filed your Domestic Partnership with the State of California and would like to terminate your Domestic Partnership, you must contact the Office of the Secretary of State to file a Notice of Termination of Domestic Partnership or Petition for Dissolution of Domestic Partnership and obtain

a judgment from the California Superior Court\* to terminate your Domestic Partnership. Proof of termination or dissolution from the State is required with LACERS, before your Declaration can be terminated at LACERS.

*\* The Community Property provisions of California Family Code may be applicable.*

10. *If a domestic partnership filed at LACERS is terminated, is there a waiting period before another Declaration can be filed?*

A new Declaration cannot be filed with LACERS for at least six months following the filing date of a Termination of Domestic Partnership. This six month waiting period does not apply if the previous domestic partnership ended because one of the partners died or married.

Domestic partner benefits are governed by the Los Angeles City Administrative Code and the Rules of LACERS Board of Administration. The Codes and Rules are subject to change. If there are any discrepancies between those governing authorities and the information in this sheet, the governing authorities have precedence.

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