

CHAPTER 17

CIVIL UNIONS

ARTICLE 17-1 Purpose.

The Town of Jerome supports the right of every person to enter into a lasting and meaningful personal relationship with the partner of his or her choice, regardless of the gender or sexual orientation of the parties to that relationship. The Town of Jerome exercises its inherent powers of self government to attempt to lessen the impact of discriminatory practices upon all persons within the Town of Jerome, specifically including lesbian, gay, bisexual and transgender (“LGBT”) persons. For that purpose, the Town of Jerome seeks to respect, support, and facilitate the rights of all persons to enter into contractual relationships and to designate agents, to the full extent permitted by the law, to manage their property, to make important life decisions, and otherwise to provide and care for loved ones within a meaningful and lasting personal relationship.

ARTICLE 17-2 Definitions.

In this Chapter, unless the context otherwise requires:

- A. “Town of Jerome Certificate of Civil Union” means a document that certifies that the persons named on the certificate have registered a contractual relationship in the Town of Jerome, Arizona pursuant to this Chapter.
- B. “Civil Union” is a contractual relationship established by two eligible persons and which has been registered pursuant to this Chapter.
- C. “Party to a Civil Union” means a person who has registered a Civil Union with the Town of Jerome.

ARTICLE 17-3 Requirements for a Valid Civil Union; Filing Fee.

- A. Two persons who meet all of the following requirements may enter into a Civil Union:
 - 1. Are at least eighteen years of age.
 - 2. Are not related by blood in a way that would disqualify them from marriage pursuant to A.R.S. §25-101.A.
 - 3. Are not presently married pursuant to Arizona law.
 - 4. Are competent to enter into a contract.
 - 5. Are not party to any existing civil union, domestic partnership, marriage, or other legally recognized domestic relationship with any third party.
- B. A Civil Union is established by the following process:
 - 1. Two eligible individuals seeking to register a Civil Union must complete and file a notarized affidavit, in a form to be prescribed by the Town

Clerk, declaring their intention to register a Civil Union. This form shall include the name, age, and address of each applicant; a statement that both parties are eligible to register this Civil Union; and a statement that it is the intent of each party to register this Civil Union.

2. With this affidavit declaring their intentions, the parties may, at their option, also submit a statement of some or all of the contractual rights, obligations, and expectations they have agreed will govern their relationship. Such a statement shall not be required in order to register a Civil Union.
3. The Town Clerk shall file the affidavit and any accompanying statement of contractual terms in the records of the Town and shall issue a Civil Union Certificate, upon the payment of the required fee.
4. The fee for the registration of a Civil Union and the issuance of a Civil Union Certificate shall be set by Resolution of the Town Council.

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ARTICLE 17-4 **Responsibilities and Benefits of Parties to a Civil Union.**

- A. Each party to a Civil Union shall have such rights, responsibilities, and obligations as provided in their contractual agreement or agreements, whether or not such terms are set forth in the affidavit filed pursuant to Article 17-3.
 1. The Town Clerk may provide the applicants with a form that will allow the applicants the option of designating and documenting certain rights and obligations that have been agreed to by the parties. Such form may also provide each applicant the option to make certain legal designations permitted by applicable law, which may include, but are not limited to, the following:
 - a. The designation of a party to serve as the health care representative of the other party.
 - b. The nomination of a party to be given preference for appointment as guardian or conservator of the other party.
 - c. The designation of a party to make any decisions concerning anatomical gifts, to provide for the disposition of the remains of the other party, and to make decisions concerning any funeral arrangements, upon the death of the other party.
 - d. The designation of the other party as a domestic partner and support person for purposes of hospital visitation.
 2. The parties may also include such other agreements in their specific agreement as they may determine to be appropriate for their particular circumstances.

These may include, but are not limited to, agreements addressing the following matters:

- a. Agreements between the parties regarding the management and ownership of their respective real and personal property.
- b. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding the existing children or other family members of one or both of the parties.
- c. Agreements between the parties regarding the obligations that either or both may have agreed to assume regarding prospective children of one or both of the parties
- d. Agreements between the parties regarding the disposition of their property upon the death of either party.
- e. A means for resolving any disputes that may arise should the relationship dissolve, through alternative dispute resolution procedures or otherwise.
- f. Any other rights or obligations that may be legally exchanged by and between the parties.

Certain of these agreements may require additional documentation and other formalities in execution in order to effectuate this intent, pursuant to the laws of the State of Arizona. The Town of Jerome makes no warranty or guarantee regarding the legality or enforceability of any agreements or nominations of the parties.

- B. The following rights of two people who have entered into a Civil Union will be recognized by the Town of Jerome:
 1. The right of any party to a Civil Union who is an employee of the Town of Jerome to designate his or her Civil Union partner as a beneficiary of any of the benefits provided by the Town of Jerome to spouses of employees of the Town, to the extent that the Town is able to do so.
 2. The right of parties to a Civil Union to be treated as family members for all purposes by the Town of Jerome.

ARTICLE 17-5 **Modification of Terms; Termination of Designation.**

- A. The Parties to a Civil Union may amend the terms of their particular agreements, designations, and nominations, in whole or in part, in the same manner as such agreements, designations, and nominations may be modified under applicable law.
- B. The Town Clerk of the Town of Jerome shall include in the registration records for Civil Unions any amendments or modifications that are provided to the Town Clerk as set forth above.

- C. One or both parties may request that the Town Clerk terminate the registration of the Civil Union for those parties by submitting a signed and notarized statement to the Town Clerk. Upon the receipt of such a signed and notarized request, the Town Clerk will terminate the registration of such Civil Union. Any such termination of registration shall not alter any remaining contractual obligations or legal designations that have been made by the respective parties or the ability of either party to enforce any contractual rights that may continue to be enforceable under applicable law.
- D. A registered Jerome Civil Union shall not prevent the parties to that status from entering into any other type of legal status between those two parties in another jurisdiction, including a marriage where the laws of such other jurisdiction permits them to enter that status. For any two parties who are married or in a civil union or domestic partnership under the laws of another jurisdiction, a Jerome Civil Union may provide a means of effectuating portions of that relationship under the laws applicable within the Town of Jerome to the extent set forth herein.

ARTICLE 17-6 **Formalization; Right of Nonparticipation.**

- A. The Town of Jerome does not require any religious organization or judicial officer to participate in formalizing a Civil Union.
- B. The persons listed in A.R.S. § 25-124 are hereby authorized to solemnize a Civil Union.
- C. A document affirming that a Civil Union has been solemnized may be submitted along with the Affidavit submitted to the Town Clerk pursuant to Article 17.3(B)(1).
- D. A formal solemnization ceremony may be performed at the sole option of the parties and will have no effect on the validity of the registration of the Civil Union or on the contractual obligations, nominations, and designations made by the parties to the Civil Union.

ARTICLE 17-7 **Public Records.**

- A. The Certificate of Civil Union shall be treated as a public record pursuant to the laws of the State of Arizona and shall be subject to disclosure upon request.
- B. The statement of contractual rights may contain private, privileged, or confidential information that is protected from disclosure under the laws of the State of Arizona. The parties to each Civil Union will have the opportunity to designate which, if any, of the components of this statement they intend to be subject to public disclosure. In the event that a third party may request information from this statement that has not been designated for disclosure, the parties to that Civil Union shall be advised of this request and offered the opportunity to assert their position regarding the disclosure of that information.

