

INSTRUCTIONS FOR COMPLETING AND FILING THE CERTIFICATE OF TERMINATION OF DOMESTIC PARTNERSHIP

"SAME GENDER"

WI. COUNTY CLERK'S OFFICE

AUGUST, 2009

A. General instructions on completing and filing the notice of termination and the certificate of termination of Domestic Partnership.

- A domestic partnership, so far as its validity is concerned, is a civil contract, to which the consent of the parties capable in law of contracting is essential and which creates the legal status of domestic partners (Chapter 770, Wis. Stats.).
- Partners who want to terminate the domestic partnership must complete and file the notice of termination. If only one of the partners signs the notice of termination, the filing partner must also provide an affidavit attesting that the filer properly notified his or her partner of his or her intent to terminate the domestic partnership or that the partner made a good-faith effort to find and notify his or her partner of his or her intent to terminate the domestic partnership.
- Blank notice of termination of domestic partnership forms and blank affidavits of notification of intent to terminate a domestic partnership are available at the County Clerk's Office. There is no charge for the blank forms.
- The law does not require the partners to file a certificate of termination of domestic partnership if the partnership ended due to the marriage of one of the partners while the partnership was in effect. In such a case, the domestic partnership is automatically terminated on the date of the marriage. However, the termination documents have been designed to allow the partner(s) to file the domestic partnership termination documents if they want to do so.
- There is a fee (\$120) for processing the notice and issuing the certificate of termination of domestic partnership.
- There is no expiration date for filing the certificate of termination once it is completed and issued by the County Clerk. However, it has no legal value until it is filed at the appropriate Register of Deeds Office.

B. Vital Records Filing Requirements.

- It is illegal for a filer to make a correction on a certificate of termination of domestic partnership.
- If a certificate of termination of domestic partnership contains unauthorized corrections (including cross-outs, write-overs, correction fluid or tape), the record will be unacceptable for filing and a new certificate of termination will be required. In that case, the termination of the partnership will not be effective until 90 days from the date the person files a new, acceptable record at the Register of Deeds Office.
- If the filer notices an error on the certificate of termination before he or she files the record in the Register of Deeds Office, the filer should return to the County Clerk's Office to have a corrected certificate of termination issued.

C. Filing Instructions and Effective Date for the Declaration of Domestic Partnership.

- It is the partner's responsibility to file the certificate of termination at the Register of Deeds Office in the same county that issued the certificate of termination.
- The effective date of the termination of the domestic partnership is 90 days from the date the Register of Deeds files the certificate of termination. This is the date in the lower right-hand corner of the filed certificate of termination. Neither of the partners may enter a new domestic partnership until the 90 days has elapsed from the date of filing in the Register of Deeds Office.
- You cannot use the un-filed certificate of termination for legal purposes. You may purchase certified copies of the certificate of termination from the Register of Deeds where you filed the certificate of termination and from the State Vital Records Office. You must use a certified copy of the documents for legal proof of the termination of the partnership.

D. Warnings on Un-filed Declaration of Domestic Partnership Documents.

- There is no expiration date between the date of issuance of the certificate of termination and the date the parties must file the certificate of termination. However, the termination of the partnership does not take effect until 90 days from the date the certificate of termination is properly filed at the Register of Deeds Office.
- Since there is no expiration date. If the parties decide not to follow through with filing the certificate of termination, it is highly recommended that the parties consider shredding the document to make sure it is not filed by mistake or without the consent of one of the parties.
- There are no provisions for "revoking" a certificate of termination of domestic partnership once it is filed at the Register of Deeds Office. Once the signed document is filed (even if in error), the parties will need to wait 90 days from the filing of the certificate of termination of domestic partnership and then apply for and file a new declaration of domestic partnership to activate their domestic partnership.