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## FACT SHEET Separation Equity Act (AB 2700)

Questions: [email@eqca.org](mailto:email@eqca.org)

*This bill would allow same-sex couples and other couples who are both married and registered as domestic partners to dissolve both relationships in a single proceeding. This bill also clarifies that same sex couples married outside of California are able to dissolve their marriage in California*

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**Sponsor:** Equality California, Conference of California Bar Associations

### BACKGROUND

Same-sex and other couples can be both legally married (either in California or another state) and be registered domestic partners. If couples in those cases wish to terminate their legal relationship, they must file two petitions in the Superior Court of California, pay two filing fees, and prosecute or consolidate the two separate proceedings to both dissolve their marriage and terminate their domestic partnership.

This dual termination process is unnecessarily burdensome and costly to the parties, involving consolidation motions and additional unnecessary legal hurdles. This additional cumbersome process will often take 1-2 years longer to take place in the Courts, which unnecessarily wastes judicial resources.

The vast majority of parties in dissolution proceedings in California represent themselves rather than hire an attorney. Without legal guidance, a party may not be aware of the two-proceeding requirement, and will take steps to terminate only one of his or her legal relationships, assuming incorrectly that he or she has terminated both. This could result in potentially major legal complications.

### EXISTING LAW

Under existing law, termination of a marriage and dissolution of a domestic partnership are separate proceedings, each of which requires the filing of a petition and payment of a \$355 fee. In most cases, only one petition must be filed and one fee paid to terminate a legal relationship because the couple has only one legal status.

California statute SB 54 (2009) codified into state law that same sex couples married outside of California carry all the same rights and responsibilities that spouses receive although without the designation of marriage.

### WHAT THIS BILL WOULD DO

AB 2700 will expressly authorize a single proceeding to dissolve a couple's marriage and domestic partnership status. This bill will also require the Judicial Council to create a new form to be used by separating couples, vastly simplifying the process, saving time and money for couples and for the Courts.

AB 2700 further clarifies that same sex couples married outside of California, under SB 54 (2009), are able to dissolve their marriage in California.

**Support**

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Sacramento Lawyers for the Equality of Gays and Lesbians

Transgender Law Center

**FOR MORE INFORMATION**

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