

# **Civil Partnerships**

## What is the Civil Partnership Act?

The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 is two-fold as it provides for both the civil registration of same-sex partnerships and also the rights and duties of cohabiting couples whether same sex or opposite sex. The Act gives same-sex couples rights and responsibilities comparable to civil marriage. The Act came into force on the 1st of January 2011.

## What is a Civil Partnership?

A civil partnership is legal recognition of a relationship between same-sex couples in Ireland for the first time. Announcing the signing of the Bill, Minister for Justice Dermot Ahern described it as "one of the most important pieces of civil rights legislation to be enacted since independence."

Civil partnership is a different legal union to that of civil marriage. However, civil partners will enjoy most of the same rights and responsibilities of a married couple with virtually all the same statutory rights and obligations being conferred upon the civil partners including maintenance, property, succession, pensions, social welfare and tax.

# Who can enter into a Civil Partnership?

Any two people of the same-sex can enter into a civil partnership, once they are aged 18 years or over and are not already married or in an existing civil partnership.

# Where can couples have their Civil Partnership ceremony?

Like a civil marriage, a civil partnership ceremony must take place in a public place, in the presence of the Registrar and at least two witnesses (aged at least 18). The civil partnership ceremony has two legal requirements – the oral declaration (where you make your commitment aloud) and the signing of the civil partnership register.

# How serious a commitment is a Civil Partnership?

Civil partnership provides a very wide range of protections and rights to same-sex couples akin to those in civil marriages. It also provides a significant set of mutual obligations for each civil partner, for example the obligation to financially maintain your partner and share resources.

#### What is the status of children whose parents are civil partners?

The Act does not afford non-biological parents any legal rights in respect of their children's educational and medical wellbeing and will not be able to form a legal relationship with the child.

# When couples are civil partners - will they be each other's next of kin?

Equality legislation has been updated in line with laws on civil partnership so hospitals and other service providers must treat civil partners in the same way they treat traditional married couples. Also, in terms of succession -civil partners will rank and have the same entitlements as spouses, followed by children, parents and siblings in that order.

# Does the Act recognise Foreign Partnerships?

Certain foreign partnerships and same sex marriages are recognised as civil partnerships since 13 January 2011.

# What if you want to end the Civil Partnership?

Civil partners may want to seek a dissolution (which is similar to a divorce).

The Act uses the word dissolution instead of Divorce. Dissolving a civil partnership is similar to divorce, and the civil partners must have been living apart for two out of three years - interestingly for an opposite sex couple seeking a Divorce they must be living separate and apart for four out of five years. Like divorce, dissolution will involve a court decision that ensures proper provision has been made for a financially dependent partner.

# What will a Court take into account when deciding what orders to make on an application for dissolution?

It will take into account all the same factors that it does when granting a Divorce. e.g. the parties needs and resources, accommodation needs, behaviour, the age of the parties, the length of the Civil Partnership and the contributions made by both parties, both direct and indirect.

#### **For More Information**

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