

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1041

Introduced by
Senator Ableser

AN ACT

AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 23; RELATING TO CIVIL UNIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, Arizona Revised Statutes, is amended by adding
3 chapter 23, to read:

4 CHAPTER 23
5 CIVIL UNIONS

6 ARTICLE 1. GENERAL PROVISIONS

7 12-3151. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CERTIFICATE OF CIVIL UNION" MEANS A DOCUMENT THAT CERTIFIES THAT
10 THE PERSONS NAMED ON THE CERTIFICATE HAVE REGISTERED A CIVIL UNION IN THIS
11 STATE PURSUANT TO THIS CHAPTER.

12 2. "CIVIL UNION" MEANS THAT TWO ELIGIBLE PERSONS HAVE ESTABLISHED A
13 CONTRACTUAL RELATIONSHIP PURSUANT TO THIS CHAPTER AND ARE SUBJECT TO THE
14 RESPONSIBILITIES AND BENEFITS THAT ARE PRESCRIBED BY SECTION 12-3153.

15 3. "PARTY TO A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A
16 CIVIL UNION PURSUANT TO THIS CHAPTER.

17 12-3152. Requirements for a valid civil union; filing fee

18 A. TWO PERSONS WHO MEET ALL OF THE FOLLOWING REQUIREMENTS MAY ENTER
19 INTO A CIVIL UNION:

20 1. ARE AT LEAST EIGHTEEN YEARS OF AGE.

21 2. ARE NOT RELATED BY BLOOD IN A WAY THAT WOULD DISQUALIFY THEM
22 PURSUANT TO TITLE 25.

23 3. ARE NOT MARRIED PURSUANT TO TITLE 25.

24 4. ARE COMPETENT TO ENTER INTO A CONTRACT.

25 5. SUBMIT A NOTARIZED AND SIGNED AFFIDAVIT TO THE CLERK OF THE
26 SUPERIOR COURT IN EITHER THEIR COUNTY OF RESIDENCE OR IN MARICOPA OR PIMA
27 COUNTY THAT IS PROVIDED BY THE CLERK AND THAT STATES EACH APPLICANT'S NAME,
28 AGE AND RESIDENTIAL ADDRESS. THE APPLICANTS SHALL PROVIDE THEIR SOCIAL
29 SECURITY NUMBERS TO THE CLERK SEPARATELY FROM THE AFFIDAVIT.

30 B. THE CLERK OF THE SUPERIOR COURT SHALL FILE THE AFFIDAVIT SUBMITTED
31 PURSUANT TO SUBSECTION A OF THIS SECTION AND ISSUE A CERTIFICATE OF CIVIL
32 UNION TO THE APPLICANTS.

33 C. THE FILING FEE REQUIREMENTS OF THIS TITLE FOR FILING A LICENSE
34 PURSUANT TO TITLE 25 APPLY TO THE REQUIREMENTS OF THIS SECTION.

35 12-3153. Responsibilities and benefits of parties to a civil
36 union; definition

37 A. EACH PARTY TO A CIVIL UNION IS CONSIDERED TO BE RELATED BY LAW AND
38 HAS THE SAME RESPONSIBILITIES AND BENEFITS RELATING TO THE OTHER PARTY TO THE
39 CIVIL UNION AS EACH PARTY TO A MARRIAGE ENTERED INTO PURSUANT TO TITLE 25,
40 INCLUDING:

41 1. COMMUNITY PROPERTY IN THE SAME MANNER AS PRESCRIBED BY TITLE 25,
42 CHAPTER 2.

43 2. INHERITANCE AS PRESCRIBED BY SECTION 14-2102.

44 3. APPOINTMENT AS A PERSONAL REPRESENTATIVE AS PRESCRIBED BY SECTION
45 14-3203.

- 1 4. GUARDIANSHIP AS PRESCRIBED BY SECTION 14-5311.
- 2 5. CONSERVATORSHIP AS PRESCRIBED BY SECTION 14-5410.
- 3 6. LIFE INSURANCE AS PRESCRIBED BY SECTION 20-1104.
- 4 7. BURIAL AS PRESCRIBED BY SECTION 36-831.
- 5 8. CREMATION AS PRESCRIBED BY SECTION 32-1365.02.
- 6 9. ADOPTION AS PRESCRIBED BY SECTION 8-103.
- 7 B. FOR THE PURPOSE OF DETERMINING THE RESPONSIBILITIES AND BENEFITS OF
- 8 PARTIES TO A CIVIL UNION UNDER THE LAWS OF THIS STATE, THE TERM "SPOUSE", AS
- 9 USED IN THE ARIZONA REVISED STATUTES AND RULES ADOPTED PURSUANT TO THOSE
- 10 STATUTES, INCLUDES EACH PARTY TO A CIVIL UNION ENTERED INTO PURSUANT TO THIS
- 11 CHAPTER.
- 12 12-3154. Modification of terms
- 13 PARTIES TO A CIVIL UNION MAY MODIFY THE TERMS OF THEIR REGISTERED CIVIL
- 14 UNION IN THE SAME MANNER AND TO THE SAME EXTENT AS PERSONS WHO EXECUTE
- 15 PREMARITAL AGREEMENTS PURSUANT TO TITLE 25.
- 16 12-3155. Dissolution of a civil union; filing fee
- 17 A. A CIVIL UNION MUST BE DISSOLVED IN THE SAME MANNER AS PRESCRIBED
- 18 UNDER TITLE 25, CHAPTER 3.
- 19 B. THE FILING FEE REQUIREMENTS OF THIS TITLE RELATING TO DOMESTIC
- 20 RELATIONS ACTIONS APPLY TO THE DISSOLUTION OF A CIVIL UNION.
- 21 12-3156. Formalization; right of nonparticipation
- 22 A. THIS ARTICLE DOES NOT REQUIRE ANY RELIGIOUS ORGANIZATION TO
- 23 PARTICIPATE IN FORMALIZING A CIVIL UNION.
- 24 B. PERSONS LISTED IN SECTION 25-124 MAY FORMALIZE A CIVIL UNION.