

## 3 FAM 1600 DOMESTIC PARTNERS

### 3 FAM 1610 DOMESTIC PARTNERS

*(CT:PER-795; 12-21-2015)  
(Office of Origin: HR/ER/WLD)*

### 3 FAM 1611 POLICY

*(CT:PER-795; 12-21-2015)  
(Uniform State/USAID/Agriculture/Commerce/BBG)  
(Applies to Foreign Service Employees Only)*

- a. A domestic partner for purposes of this subchapter is an individual who:
- (1) Prior to December 14, 2015, met all of the criteria listed in, and who had been declared to be, a domestic partner of an employee in accordance with [3 FAM 1612](#); or*
  - (2) Meets all of the criteria listed in, and who has been declared to be, a domestic partner of an employee in accordance with [3 FAM 1612](#), if the sponsoring employee is transitioning between posts and will arrive at the assigned post by April 12, 2016; or*
  - (3) Meets all of the criteria listed in, and is declared to be, a domestic partner of an employee in accordance with [3 FAM 1612](#), if the employee has an entry-on-duty date on or before April 12, 2016.*
- b. *Notwithstanding the above, unless a sponsoring employee has been granted a hardship exception under [3 FAM 1615](#), an individual who is a domestic partner as defined above shall no longer be entitled to benefits or be required to assume obligations of a domestic partner under the Foreign Affairs Manual (FAM) and Department of State Standardized Regulations (DSSR) after the end of the sponsoring employee's overseas tour, including end-of-tour home leave, or after September 30, 2018, whichever date is sooner.*

### 3 FAM 1612 DECLARATION OF A DOMESTIC PARTNER

*(CT:PER-615; 07-30-2009)  
(Uniform State/USAID/Agriculture/Commerce/BBG)  
(Applies to Foreign Service Employees Only)*

- a. To obtain benefits and assume obligations of a domestic partner under the Foreign Affairs Manual (FAM) and Department of State Standardized Regulations (DSSR), an

employee must file a Form DS-7669, Affidavit Pursuant to Declaring Domestic Partner Relationship, to be eligible for benefits and obligations by identifying his or her domestic partner and certifying that she or he and the domestic partner:

- (1) Are each other's sole domestic partner and intend to remain committed to one another indefinitely;
- (2) With regard to a common residence:
  - (a) Have a common residence and intend to continue the arrangement; or
  - (b) Have had a common residence and intend to resume having a common residence after an assignment abroad for which the domestic partner did not accompany the employee; or
  - (c) Would have a common residence, but are prevented from having one for reasons described by the employee, and the Under Secretary for Management or his or her designee determines that the circumstances described are sufficient to justify the waiver of the common residence requirement. Unless and until such a determination is made, the domestic partner relationship does not qualify for benefits and obligations under the FAM and DSSR;
- (3) Are at least 18 years of age and mentally competent to consent to contract;
- (4) Share responsibility for a significant measure of each other's common welfare and financial obligations;
- (5) Are not married to, joined in civil union with, or domestic partners with anyone else;
- (6) Are same-sex domestic partners, and are not related in a way that would prohibit legal marriage in the State in which they reside;
- (7) Agree to inform the Department of State of any dissolution of the partnership in accordance with [3 FAM 1613](#);
- (8) Understand that the domestic partner will be held to standards of conduct in the FAM that apply to family members; and
- (9) Understand that falsification of information within the affidavit may constitute a criminal violation under 18 U.S.C. 1001 and may lead to disciplinary action.

b. Affidavits must be filed with the following offices:

- (1) For Department of State employees, the Bureau of Human Resources, Office of the Executive Director, Assignment Support Unit (HR/EX/ASU);
- (2) For USAID employees, to the Office of Human Resources/Foreign Service Personnel Division;
- (3) For BBG employees, to the Office of Human Resources/Operations and Benefits (OHR/O);
- (4) For Department of Commerce, Foreign Commercial Service employees, to the Office of Foreign Service Human Resources (OFSHR); and
- (5) For Department of Agriculture, Foreign Agricultural Service employees, to the Office of Foreign Service Operations (DAFAS).

## 3 FAM 1613 DISSOLUTION OF A DOMESTIC PARTNERSHIP

*(CT:PER-611; 07-14-2009)*

*(Uniform State/USAID/Agriculture/Commerce/BBG)*

*(Applies to Foreign Service Employees Only)*

- a. An employee or domestic partner of an employee who obtains benefits under the Foreign Affairs Manual (FAM) and Department of State Standardized Regulations (DSSR) based on the domestic partnership must file a statement of dissolution of the domestic partnership not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership with the appropriate agency office listed in [3 FAM 1612](#).
- b. The Department is authorized to terminate any benefits received by the employee or domestic partner as a result of death of the employee or domestic partner or the dissolution of the partnership.
- c. Failure to file a timely statement of dissolution of the domestic partnership may result in disciplinary action and the recovery from the employee of the cost of benefits that should not have been received.

## 3 FAM 1614 CHILDREN OF A DOMESTIC PARTNER

*(CT:PER-611; 07-14-2009)*

*(Uniform State/USAID/Agriculture/Commerce/BBG)*

*(Applies to Foreign Service Employees Only)*

For purposes of affording benefits, any child or children of a domestic partner of an employee shall be deemed a stepchild of the employee. The terms "child" or "children" shall include natural offspring, stepchildren, adopted children, and those under permanent legal guardianship (at least until age 18), or comparable permanent custody arrangement, of the employee or domestic partner when dependent upon and normally residing with the guardian or custodial party.

## 3 FAM 1615 *HARDSHIP EXCEPTION*

*(CT:PER-795; 12-21-2015)*

*(Uniform State/USAID/Agriculture/Commerce/BBG)*

*(Applies to Foreign Service Employees Only)*

*In rare instances when an employee faces unusual circumstances outside the provisions of [3 FAM 1611](#), he or she may make a written request to the Director General of the Foreign Service to obtain benefits and assume obligations of a domestic partner under the Foreign Affairs Manual (FAM) and Department of State Standardized Regulations (DSSR). Provided the employee complies with all other provisions of [3 FAM 1610](#), such requests may be granted by the Director General for a limited period of time, consistent with the needs of the service.*

## 3 FAM 1616 THROUGH 1619 UNASSIGNED