

**WISCONSIN DEPARTMENT OF EMPLOYEE TRUST FUNDS**

P.O. BOX 7931

Madison, Wisconsin 53707-7931

1-877-533-5020 (toll free)

## Affidavit of Termination of Domestic Partnership

*Wis. Stat. § 40.51 (2m) (a)*

<b>For Office Use Only:</b>	Affidavit Effective Date:
	Reviewed By:

**Member Information** (please print)

Last Name	First Name	MI	Date of Birth	Social Security Number	
Street Address		City	State	Country	Zip/Postal Code

**Former Domestic Partner Information** (please print)

Last Name	First Name	MI	Date of Birth	Social Security Number	
Street Address		City	State	Country	Zip/Postal Code

***This Affidavit certifies the irrevocable termination of a domestic partnership as defined in Wisconsin Statute 40.02 (21d). Domestic partnerships under Chapter 40 of the Wisconsin Statutes are established solely for the purposes of retirement, insurance, and other benefit programs administered by the Department of Employee Trust Funds (ETF). Terminating a domestic partnership under Chapter 40 has no effect on a domestic partnership established under Chapter 770 of the Wisconsin Statutes.***

For Chapter 40 benefit purposes, the termination of this domestic partnership becomes effective on the **earliest** of the following dates:

- The date that ETF receives this completed and notarized *Affidavit of Termination of Domestic Partnership* form (ET-2372).
- The date that ETF receives a valid *Affidavit of Domestic Partnership* (ET-2371) certifying that either you **or** your domestic partner is now a partner in a different domestic partnership; the new affidavit supersedes any previously filed affidavits of domestic partnership.
- The date established to the Department's satisfaction that your domestic partnership no longer met the definition of a domestic partnership in Wisconsin Statute 40.02 (21d). (*See reverse side for domestic partnership criteria.*)

**Declaration of Termination of Domestic Partnership**

I hereby certify the termination of my domestic partnership as defined in Wisconsin Statute 40.02 (21d) with the above-named former domestic partner. I understand that:

- As of the date that this domestic partnership terminates, a domestic partner ceases to be eligible for the benefits that are available to domestic partners under Chapter 40.
- The termination of this domestic partnership is irrevocable once the Department of Employee Trust Funds receives this completed affidavit. **This section must be completed by hand.**

**By signing this affidavit, I understand that it is my responsibility to notify my former domestic partner that I have terminated this domestic partnership.**

I have read and understand this *Affidavit of Termination of Domestic Partnership*, including the information on the back of this form. I understand that Wisconsin Statute § 943.395 provides criminal penalties for knowingly making false or fraudulent claims, and hereby certify that, to the best of my knowledge and belief, the above information is true and correct.

Member or Domestic Partner Signature

Date (mm/dd/yyyy)

Phone #

**Notary Signature and Seal**

State of \_\_\_\_\_ County of \_\_\_\_\_

Signed before me on \_\_\_\_\_  
Date (mm/dd/yyyy)

Notary Signature

My commission is permanent/expires on \_\_\_\_\_

# General Information

## Purpose

The purpose of this affidavit is to certify the termination of a domestic partnership created under Chapter 40 of the Wisconsin Statutes. The domestic partnership being terminated was created under Chapter 40 for the sole purpose of the benefit programs authorized under Chapter 40, which are administered by the Department of Employee Trust Funds (ETF).

Terminating a domestic partnership through this affidavit does not terminate a domestic partnership under Wisconsin Statute Chapter 770, nor does terminating a domestic partnership under Chapter 770 terminate a domestic partnership for Chapter 40 benefit purposes. The only way to terminate a domestic partnership for Chapter 40 benefit purposes is for ETF to receive this completed affidavit or, if the domestic partnership terminated on an earlier date, by providing evidence to ETF's satisfaction of an earlier termination date when the domestic partnership no longer met the statutory definition in Chapter 40.

## Filing an Affidavit of Termination of Domestic Partnership

- Either partner can file an *Affidavit of Termination of Domestic Partnership* (ET-2372)
- Provide all of the requested information on the affidavit and sign in the presence of a notary.
- **Submit your completed affidavit directly to ETF at P.O. Box 7931, Madison, WI 53707-7931.** ETF must receive your completed affidavit for it to be considered effective.
- You may send the affidavit to ETF by fax at 608-267-4549. However, the notary seal must be visible in the electronic copy; otherwise your affidavit will be rejected.
- If the member is currently employed by a WRS employer, provide a copy of the completed and notarized affidavit to the employer and make a copy for your records.

Incomplete affidavits will be returned to you. Failure to properly complete this form as requested may result in the affidavit being rejected as invalid, and the domestic partnership may continue to remain in force for Chapter 40 benefit purposes.

## When a Termination of Domestic Partnership Becomes Effective

For Chapter 40 benefit purposes, the termination of this domestic partnership becomes effective on the **earliest** of the following dates:

1. The date that ETF receives this completed and notarized affidavit.
2. The date that ETF receives a valid *Affidavit of Domestic Partnership* form (ET-2371) certifying that either the employee/retiree **or** the domestic partner is now a partner in a different domestic partnership.
3. The date established to ETF's satisfaction that this domestic partnership no longer met the definition of a domestic partner in Wisconsin Statute 40.02 (21d). To meet this definition, the partnership must meet all of the following criteria:
  - On the date this document was signed, both partners are legally competent and at least 18 years of age;
  - Neither partner is married to or in a domestic partnership with another person;
  - The partners are not related by blood in any way that would prohibit marriage under Wisconsin statutes;
  - Both partners consider themselves to be members of each other's immediate family;
  - Both partners agree to be responsible for each other's basic living expenses; and
  - The partners share a common residence. It is considered to be sharing a common residence even if any of the following conditions apply:
    - Only one partner has legal ownership of the residence (if ownership is applicable).
    - One or both partners have additional residences not shared with the other partner.
    - One partner leaves the common residence with the intent to return.

Note: An *Affidavit of Termination of Domestic Partnership* form (ET-2372) received by ETF after the date of death of either the employee/retiree or the domestic partner is invalid, and shall have no force or effect.

## Beneficiary Designations

**Terminating a domestic partnership does not invalidate a written beneficiary designation.** If you have filed a beneficiary designation with ETF and/or the Wisconsin Deferred Compensation Program (WDC) naming your domestic partner as your beneficiary, the designation(s) remain in force until ETF and/or WDC receive new designation form(s).

## Health Insurance

- A domestic partner may be eligible for continuation coverage after this domestic partnership terminates if ETF is notified timely of the termination. The domestic partner will be responsible for the full amount of the premiums.
- **Failure to timely notify ETF of the termination of this domestic partnership, may result in medical expenses being erroneously paid on the domestic partner's behalf. The subscriber is responsible for repaying any overpaid health insurance benefits.**