



City Council AGENDA

Monday, February 2, 2026 - 6:00 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

A. Agenda Items

- 1) **TOR-2026-1** - An Ordinance to add Chapter 62 regarding domestic partnerships in the City of Agawam (Sponsored by Councilor Hendrickson)

B. Any other business that may legally come before the Committee

C. Adjournment

TOR-2026-1

AN ORDINANCE TO ADD CHAPTER 62 REGARDING DOMESTIC PARTNERSHIPS IN THE CITY OF AGAWAM

(Sponsored by Thomas D. Hendrickson, Councilor)

WHEREAS, the City of Agawam recognizes the diverse composition of its citizenry and values its people; and

WHEREAS, the city acknowledges that many laws governing family relationships were enacted in a time when not all families were properly recognized; and

WHEREAS, the city, recognizing its commitment to nondiscrimination and fair treatment of its citizens and employees, adopts this ordinance acknowledging domestic partnerships; and

WHEREAS, it is in the best interests of the City of Agawam to allow persons in committed relationships who meet the criteria established by the City herein to register their domestic partnership in the City of Agawam; and

NOW THEREFORE, the Agawam City Council hereby amends the Code of the City of Agawam by adding the following new Chapter:

Chapter 62. DOMESTIC PARTNERSHIPS

§62-1 Scope

Recognition and Scope. The Town of Agawam recognizes the diverse composition of its citizenry and values its people. The Town acknowledges that many laws governing family relationships were enacted in a time when not all families were properly recognized. The Town, recognizing its commitment to nondiscrimination and fair treatment of its citizens, enacts this ordinance acknowledging domestic partnerships. The ordinance allows persons in committed relationships who meet the criteria established herein as constituting domestic partnerships to register at the office of the Town Clerk and obtain a certificate attesting to their status.

§62-2 Definitions

As used in this Chapter:

- A. “Domestic partner” means a person who meets the criteria set out in subsection B of this section or who is registered as such in another jurisdiction.
- B. “Domestic partnership” shall mean two or more persons who meet all of the following requirements:
 - a. They have made a commitment of mutual support and caring for their domestic partners;

- b. They are at least eighteen (18) years of age and are competent to enter into a contract;
 - c. They are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and
 - d. They have registered their domestic partnership in accordance with §62-3 or have registered a valid domestic partnership in another jurisdiction.
- C. “Mutual support” means that the domestic partners each contribute in some fashion to the maintenance and support of their domestic partnership.

§62-3 Registration and Termination

- A. Registration. Persons who meet the criteria set out in subsection B of §62-2 may make an official record of their domestic partnership by filing a domestic partnership registration form with the Town Clerk. The domestic partnership registration form shall include a declaration under the pains and penalties of perjury that the persons meet the criteria in subsection B of §62-2 and shall include the name and date of birth of each of the domestic partners, the address of their common household, and shall be signed by all domestic partners, who shall appear together in person at the office of the Town Clerk, or before a notary public licensed in the Commonwealth of Massachusetts.
- B. Termination. A domestic partnership shall be terminated by the death of a domestic partner or by the filing of a termination statement by any domestic partner. The death of a domestic partner automatically terminates the domestic partnership. A domestic partnership may be terminated by a domestic partner who files with the Town Clerk, in hand or by certified mail, a termination statement. The termination statement must include a declaration that the domestic partnership is terminated and a declaration that a copy of the termination statement has been mailed by certified mail or delivered in hand to the other domestic partners at their current or last known addresses. The termination statement must also include the address to which the copy was mailed or delivered. The termination statement must be signed, under the pains and penalties of perjury, by the domestic partner, who shall appear before the Town Clerk or their designee, or before a notary public licensed in the Commonwealth of Massachusetts. The termination of a domestic partnership shall be effective immediately upon the death of a domestic partner. The voluntary termination of a domestic partnership shall be effective immediately upon receipt of a termination statement by the Town Clerk. If a domestic partnership is terminated by any domestic partner, no domestic partner may file another domestic partnership until ninety (90) days have elapsed from termination.

§62-4 Town Clerk – Fees and Records

- A. The Town Clerk shall collect a fee for filing a domestic partnership registration. Said fee shall be equal to that of which is charged for the filing of a marriage license.
- B. Upon receipt of a properly completed domestic partnership registration and filing fee, the Town Clerk shall complete a certificate of domestic partnership.
- C. The Town Clerk shall maintain records of domestic partnerships registered in the town, including forms filed and certificates issued.
- D. The Town Clerk shall allow public access to domestic partnership records to the same extent and in the same manner as marriage licenses.

§62-5 Rights of Domestic Partnership

- A. When the term "spouse" or "marriage" is used in other city ordinances, it shall be interpreted to include a domestic partner or partnership. When the term "family" is used in other city ordinances, it shall be interpreted to include domestic partnerships.
- B. The City of Agawam shall afford persons in domestic partnerships all the same rights and privileges afforded to those who are married, subject to the limitations in section 62-6.

§62-6 Interpretation and Limitation of Liability

- A. It is the intention of this Chapter that its provisions shall be enforceable to the maximum extent permitted by state, local and federal law.
- B. Nothing contained in this Chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of their domestic partner.
- C. Nothing in this Chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

§62-7 Reciprocity

All rights, privileges and benefits shall be extended to domestic partnerships registered in other jurisdictions.

§62-8 Non-Discrimination

No person who seeks the benefit of this Chapter, who registers pursuant to its provisions, or who assists another person in obtaining the benefits of this Chapter shall be discriminated against in any way for doing so.

§62-8 Severability

The provisions of this Chapter are severable. If any of its provisions are held invalid by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

DATED THIS ____ DAY OF _____, 2026

PER ORDER OF THE AGAWAM CITY COUNCIL

Anthony J. Russo, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

Town of Agawam Law Department

36 Main Street · Agawam, MA 01001
(413) 726-9728

Christopher S. Cappucci, City Solicitor
Charles J. Sclafani, Jr., Associate City Solicitor

To: Agawam City Council
From: Christopher S. Cappucci, Solicitor
Date: January 15, 2026
Re: TOR-2026-1

TOR-2026-1 is an ordinance proposed by Councilor Thomas Hendrickson requiring the City Clerk to register Domestic Partnerships between unmarried individuals in Agawam so that they may receive certain legal recognitions akin to those afforded to married couples.

1. **It is legal to have a domestic partner registration ordinance.** The Town of Arlington and the Cities of Somerville and Cambridge have enacted similar legislation this decade directing their clerks to create a registration system. These ordinances allow multiple individuals to join such a partnership as Agawam's proposed ordinance does.
2. **Massachusetts law *does not* currently allow unmarried domestic partners to obtain group insurance benefits through their public employee partners including health, dental, or life insurance.** M.G.L. c. 32B governs how municipalities may offer insurance coverage for their employees *and their employees' dependents*. Section 2 of the law defines "Dependent" as "an employee's spouse, an employee's unmarried children under 19 years of age and any child 19 years of age or over who is mentally or physically incapable of earning the child's own living." In 1998, the City of Boston via executive order extended health coverage to unmarried domestic partners of gay and lesbian employees who did not have the right to marry yet. Boston was then sued and in 1999, the Supreme Judicial Court ruled in *Connors v. Boston* that "Domestic partners and their dependents fall outside the statutory definition of those who may claim an insurable interest through the employee, and are therefore precluded from obtaining coverage." This ruling eliminated the Boston executive order. To-date, Chapter 32B has not been amended to include domestic partners nor has the *Connors* decision been overruled.
3. **It is already legal for the parent of a pupil in Agawam Public Schools to designate an unrelated person as an emergency pickup.**
4. **Cambridge and Somerville ordinances allow domestic partners visitation rights at public hospitals and jails, which Agawam does not have.** Cambridge and Somerville have public community hospitals (Cambridge Health Alliance) and Cambridge has a defunct jail (jail ceased operations in 2014).