

Same Sex Unions (June 2008)

Defense of Marriage Act (DOMA): Federal law has two effects;

- 1) No state is required to recognize a same sex marriage even if the marriage was recognized in another state.
- 2) Federal Government may not recognize same-sex marriages for any purpose. 1 U.S.C. § 7; 28 U.S.C. § 1738C

State	Type	State Mandate	Documentation Exceptions / Comments
AL	N/A	not valid	
AK	N/A	not valid	
AZ	N/A	void and prohibited	
AR	N/A	void and prohibited	Does not prevent an employer from extending benefits to domestic partners of employees.
CA	Domestic Partner May 2008: Same-sex Marriage	same benefits, protections and responsibilities as are granted to spouses	Declaration of Domestic Partnership filed with the Secretary of State Same-sex marriages approved May 2008; confers same benefits as married spouses
CO	Domestic Partner	same benefits, protections and responsibilities as are granted to spouses	Record of the domestic partnership from the county clerk shall be presumptive evidence of the domestic partnership in all courts.
CT	Civil Union	same benefits, protections and responsibilities as are granted to spouses	A license by the registrar of vital statistics.
DC	Domestic Partner		Declaration of domestic partnership filed with the Mayor.
DE	N/A	prohibited and void	
FL	N/A	not recognized	
GA	Ceremonial Common law marriage	prohibited and unenforceable	For insurance coverage, the relationship must meet the requirements of a ceremonial or common law marriage.
HI	Reciprocal Beneficiary	Legal rights and obligations provided by reciprocal beneficiary's law.	Notarized declaration of reciprocal beneficiary relationship. Reciprocal beneficiaries do not have the same rights and obligations that are conferred through marriage.
ID	N/A	Valid if valid in state where contracted.	
IL	N/A	contrary to public policy	Not required to extend same benefits as extended to married persons
IN	N/A	void	Void if the marriage is a common law marriage entered into after 1/1/58.

State	Type	State Mandate	Documentation Exceptions / Comments
IA	N/A	Valid if valid in state where contracted.	
KS	N/A	Void	
KY	N/A	prohibited and void	
LA	N/A	Not recognized	
ME	Domestic Partner	domestic partner registry	Not applicable to accidental injury, specified disease, hospital indemnity, Medicare supplement, disability income, long-term care and other limited benefit health insurance policies.
MD	N/A	Not recognized; Insurance laws require domestic partners and their dependents to be covered just as dependents/spouses on a policy	HB 1057: Requires health insurance policies/contracts to provide same benefits that apply to covered dependents to adult members and child members of the household. MD S.B. 1022: Certain group policy insurers to extend coverage to domestic partner. Bulletin 08-06: Each individual or group policy or contract that allows family coverage and is issued by an insurer that provides inpatient hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis must provide the same health benefits and eligibility guidelines that apply to any covered dependent to a domestic partner of an insured or a child dependent of the domestic partner.
MA	Same-sex marriage		Record provided by a clerk or register shall be evidence of marriage. Marriage contracted in this commonwealth in violation hereof shall be null and void.
MI	N/A	invalid	
MN	N/A	prohibited and unenforceable	
MS	N/A	prohibited and void	
MO	N/A	invalid and not recognized	
MT	N/A	prohibited	
NE	N/A	not valid or recognized	
NV	N/A		Solemnization as authorized and provided by law
NH	Domestic Partner	same rights, responsibilities, and obligations as married couples	The secretary of state shall develop forms, documents and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61.
NJ	Civil Union	same benefits, protections and responsibilities as are granted to spouses including pension benefits After 2/19/07, no domestic partnerships shall be registered except by persons 62 years or older. Does not	Marriage or civil union license

State	Type	State Mandate	Documentation Exceptions / Comments
		alter the rights and responsibilities of domestic partnerships existing before the effective date. Domestic partners will be given opportunity to enter into a civil union.	
NM	N/A	Valid if valid in country where contracted.	
NY	N/A	invalid	No requirement to offer health insurance under group A&H to member's spouse of heterosexual or same sex marriage.
NC	N/A	Invalid	
ND	N/A	Valid if valid in country or state where contracted.	
OH	N/A	void and not recognized	
OK	N/A	invalid	
OR	Domestic Partner	privilege, immunity, right or benefit granted to a spouse	Declaration & registration of domestic partnership.
PA	N/A	common-law marriage contracted after 1/1/05 is valid.	
RI	N/A		For purposes of fulfilling any employer obligations under COBRA, a domestic partner shall be deemed a dependent of an employee as defined herein.
SC	N/A	Void	
SD	N/A	invalid	
TN	N/A	void and unenforceable	
TX	N/A	void	
UT	N/A	prohibited and void	
VT	Civil Union	Benefits, protections and responsibilities as are granted to spouses in a marriage.	Record of Civil union will be evidence in all courts.
VA	N/A	void and unenforceable	
WA	Domestic Partner	State registered domestic partnerships are valid	Declaration of registered domestic partnership filed with Secretary of State provided to registrar and Dept of vital statistics.
WV	N/A	Invalid	
WI	N/A	void	
WY	N/A	Valid if valid by the laws of the country in which contracted.	