

## Same-Sex Marriage F.A.Q.

- In what states is it legal for same-sex couples to marry?
- How are civil unions different from marriages?
- Can gay and lesbian couples form common law marriages?
- My partner and I really want to get married! What can we do?
- I'm in a great same-sex relationship but I don't want to get married. What do you have for me?

### Answers

In what states is it legal for same-sex couples to marry?

At the present time (last updated November 2009), Connecticut, Iowa, Massachusetts, New Hampshire and Vermont are the only states where same-sex couples can legally marry. Sadly, Maine just repealed its law this month. In New Hampshire the law will be in effect January 1, 2010. In April, Governor Paterson proposed a bill to legalize same-sex marriage in New York. If you don't live in one of those states, you might still be able to get married there, and there is a chance that your marriage might be recognized in your home state (especially in New York and Rhode Island). Please consult with a lawyer concerning your state's regulations. Most states DO NOT recognize same-sex couples' marriage licenses from other states. For more information, try Gay and Lesbian Advocates and Defenders.

Same-sex couples can get married in Canada. There is no residency requirement to marry, but there is a one-year residency requirement to get divorced. More information about marriage in Canada is available here, as is a joint statement from American GLBT organizations about some things to consider before you do.

Civil unions for same-sex couples are the next closest thing to marriage. They are presently recognized in New Hampshire, New Jersey and Vermont. However, there are significant differences between marriage and civil unions.

Domestic partnerships have different rights and responsibilities accorded to them in different states.

California and Washington register domestic partnerships for same-sex couples, and also for different-sex couples where one person is 62 or older. New Jersey registers domestic partnerships for different-sex partners aged 62 or older. Maine, Maryland and the District of Columbia register domestic partnerships for couples regardless of sex or age. Oregon authorizes domestic partnerships for same-sex couples. Hawaii has a reciprocal beneficiaries law that provides some similar rights and responsibilities for people who are prohibited from marrying. This month, Washington voters approved an "everything but marriage" referendum that recognizes the rights of registered domestic partners. Click here to learn more about domestic partnership registries and benefits.

How are civil unions different from marriages?

Couples joined in civil union have all the rights and responsibilities of married people within and as defined by the states of Vermont, Connecticut, New Jersey, and New Hampshire (starting Jan 2010). Other states do not have to recognize these civil unions or accord these couples any rights. The Federal government does not recognize these civil unions, so federal marriage rights and responsibilities like Social Security, federal tax breaks, and immigration rights are not accessible.

Can gay and lesbian couples form common law marriages?

No, those few states that recognize common law marriage only recognize them between different-sex partners.

My partner and I really want to get married! What can we do?

- In Massachusetts, Connecticut, Iowa, Massachusetts, New Hampshire, Vermont and Canada, you can get married.
- You can get a civil union or register a domestic partnership.
- Have a commitment ceremony or wedding (possibly even a religious one, if you want to be married "in the eyes of God"), even though you won't be legally married. Read more about this in the Commitment Ceremonies section.
- Refer to each other as "my husband," "my wife," or "my spouse," if you wish.
- Exchange rings and wear them on your wedding ring fingers, if you wish.
- Become a freedom to marry activist! See the GLBT Books & Links page for groups to contact.
- 

I'm in a great same-sex relationship but I don't want to get married. What do you have for me?

A lot of GLBT people say that within the GLBT community, there's so much emphasis on winning the freedom to marry right now that it can feel isolating to be a member of the community who's not personally interested in getting married. Thousands of people have signed onto Beyond Marriage, a statement that challenges the current strategies employed by

LGBT organizations that are pursuing marriage equality. AtMP's founders and Executive Director were pleased to be among the original signatories.

You might be interested in the resources in our Marriagefree section. We also have a very small, low-volume Yahoo group called LGBT Marriagefree -- please join us, share articles, ask questions, and exchange thoughts with others who share your perspective (and help LGBT Marriagefree grow by spreading the word to friends who might be interested!).