



## NATIONAL CENTER FOR LESBIAN RIGHTS

### **Marriage, Domestic Partnerships, and Civil Unions: An Overview of Relationship Recognition for Same-Sex Couples in the United States**

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#### **I. INTRODUCTION**

##### **A. Marriage**

Civil marriage is a legal status that automatically confers over a thousand federal rights and benefits and hundreds of additional rights and benefits under state law. Many of these rights are intended to help families in times of crisis, such as an automatic right to visit a spouse in a hospital or to make medical decisions for an incapacitated spouse. While some of these rights can be obtained, at least partially, through private agreements or other legal procedures, most cannot.

In addition to these important benefits, civil marriage is also a social and cultural institution that is understood world-wide as an expression of a couple's love and commitment to each other.

In the United States, same-sex couples may currently marry in Massachusetts, Connecticut, Iowa, New Hampshire, Vermont, and the District of Columbia. Same-sex couples will be able to marry in New York beginning July 25, 2011. New York also currently recognizes marriages between same-sex couples validly entered into in other jurisdictions.

Although they do not currently allow same-sex couples to marry New Mexico and Maryland have indicated that they will recognize marriages between same-sex couples validly entered into in other jurisdictions. California recognizes marriages between same-sex couples entered in California between June 16 and November 4, 2008, as well as marriages entered into in other jurisdictions prior to November 5, 2008. California provides same-sex couples who married out-of-state on or after November 5,

2008 with all of the rights, benefits, and responsibilities of marriage except for the name “marriage.”

### **B. Civil Unions and Domestic Partnerships with Nearly All the Rights and Responsibilities of Marriage**

A civil union is a separate legal status available in some states that provides nearly all the specific rights and responsibilities provided to married persons under state law, but does not provide any of the federal benefits of marriage. Several states also recognize comprehensive domestic partnerships with nearly all the rights and responsibilities of marriage under state law. Civil unions and comprehensive domestic partnerships are a tremendous advance in the struggle for equal treatment of same-sex couples, but they fall far short of full equality. First, parties to a civil union or domestic partnership are denied all of the 1,138 federally conferred rights, benefits, and responsibilities of marriage.<sup>1</sup> Second, it is uncertain whether other states will honor civil unions or domestic partnership. Third, those separate statuses do not provide the same dignity, security, and clarity as marriage, and they perpetuate and encourage discrimination by singling out LGBT people and relegating them to a different legal status based solely on their sexual orientation.

New Jersey and Illinois currently allow same-sex couples to enter civil unions. Hawaii has enacted a civil union law for same-sex and different-sex couples that will take effect January 1, 2012. Delaware has enacted a civil union law for same-sex couples that will take effect January 1, 2012.

California, Oregon, Nevada, Washington, and the District of Columbia offer domestic partnerships that include nearly all the rights and responsibilities of marriage.

### **C. More Limited Forms of Relationship Recognition**

Several states provide some rights and responsibilities to couples who are not married. In some places, registration is available only to same-sex couples; in others, it is open to both same-sex and different-sex couples. The rights and responsibilities granted vary widely from state to state. Many cities and counties also have registries for domestic partnerships or provide other recognition for unmarried committed partners. These generally give partners just a few rights that are recognized only by the city or county.

Maine, Maryland, New York, and Wisconsin grant limited rights and responsibilities to domestic partners. Hawaii grants limited rights to couples who register as “reciprocal beneficiaries,” and Colorado makes available a limited set of rights to couples who register as “designated beneficiaries.”

## **II. STATES WITH RELATIONSHIP RECOGNITION FOR SAME-SEX COUPLES**

### ***California***

California has recognized registered domestic partners with nearly all of the rights and responsibilities of marriage since January 1, 2005.<sup>2</sup> California Family Code section 297.5(a) provides that registered domestic partners have the same rights, protections, benefits, responsibilities, obligations, and duties as married spouses. Prior to the expansion of the domestic partnership law in 2005, California recognized a more limited form of domestic partnership since January 1, 2000.<sup>3</sup>

California does not currently allow same-sex couples to marry, but all same-sex couples who legally married prior to November 5, 2008 either in California or another jurisdiction are recognized as married by the state of California, and all same-sex couples who marry in other jurisdictions on or after that date are given the rights, benefits, and responsibilities of marriage. In 2008, the California Supreme Court held in *In re Marriage Cases* that excluding same-sex couples from marriage violated the California Constitution, and same-sex couples began marrying on June 16, 2008.<sup>4</sup> On November 4, 2008, a slim majority of California voters passed Proposition 8, which changed California's constitution to prohibit same-sex couples from marrying. On May 26, 2009, the California Supreme Court upheld Proposition 8 in *Strauss v. Horton*, but also held that the state must continue to recognize the marriages of all same-sex couples who married in California between June 16, 2008 and November 4, 2008.<sup>5</sup> In August, 2010, a federal district court held that Proposition 8 is unconstitutional under the U.S. Constitution; that decision is currently on appeal to the Ninth Circuit Court of Appeals.<sup>6</sup>

On October 11, 2009, California enacted S.B. 54, which clarified that all same-sex couples who married outside of California before November 5, 2008 must continue to be recognized as married in California.<sup>7</sup> S.B. 54 also ensures that same-sex couples who marry outside of California on or after November 5, 2008 will be given all of the rights, benefits, and responsibilities of marriage except for the name "marriage."

### **Colorado**

Colorado is the only state that provides for "designated beneficiaries." Since July 1, 2009, any two unmarried individuals who are over the age of 18 may enter into a designated beneficiary agreement at the county Clerk and Recorder's office.<sup>8</sup> A designated beneficiary agreement can provide a number of rights and responsibilities to the designated beneficiaries, at their election, including hospital visitation, medical decision-making, recognition as beneficiaries of certain state employee pensions, standing to sue for wrongful death, and inheritance.

### **Connecticut**

Same-sex couples have been able to marry in Connecticut since November 12, 2008. In 2004, Gay & Lesbian Advocates & Defenders filed *Kerrigan & Mock v. Connecticut Department of Public Health*, a suit on behalf of seven same-sex couples challenging the State's discriminatory exclusion of same-sex couples from the right to marry. On October 28, 2008, the Connecticut Supreme Court held that denying same-sex couples the right to marry violates the constitutional right to equal protection.<sup>9</sup> The Court said:

Interpreting our state constitutional provisions in accordance with firmly established equal protection principles leads inevitably to the conclusion that gay persons are entitled to marry the otherwise qualified same sex partner of their choice. To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others. The guarantee of equal protection under the law, and our obligation to uphold that command, forbids us from doing so. In accordance with these state constitutional requirements, same sex couples cannot be denied the freedom to marry.<sup>10</sup>

Connecticut previously allowed same-sex couples to enter into civil unions, but it no longer allows couples to enter into new civil unions.<sup>11</sup> On October 1, 2010, all existing civil unions were automatically converted into marriages.<sup>12</sup> Civil union spouses were also allowed to convert their civil unions into marriages before this date by marrying each other.

Couples who have entered into civil unions or domestic partnerships that have substantially the same rights, benefits and responsibilities as a marriage in another state will be treated as married in Connecticut.<sup>13</sup>

### ***Delaware***

On January 1, 2012, Delaware will begin allowing same-sex couples to enter into civil unions with all the rights and responsibilities of marriage under Delaware law.<sup>14</sup> The Delaware legislature passed a bill establishing civil unions on March 22, 2011, and the Delaware governor signed the bill into law on May 11, 2011. Under the law, similar relationships from other jurisdictions, including marriages between same-sex couples, will be recognized as civil unions in Delaware.<sup>15</sup>

### ***District of Columbia***

In December 2009 the District of Columbia passed a law permitting same-sex couples to marry, which went into effect on March 3, 2010.<sup>16</sup> The District already recognized marriages between same-sex couples validly entered into in other jurisdictions pursuant to a law passed in May 2009.<sup>17</sup>

The District of Columbia also allows both same-sex and different-sex couples to register as domestic partners with nearly all the rights and responsibilities of marriage, including parentage recognition, inheritance, hospital visitation and medical decision-making, joint tax filing, alimony, domestic partner benefits for D.C. employees, and property rights.<sup>18</sup> Although the domestic partnership law went into effect on June 11, 1992, Congress prevented the District of Columbia from spending funds to implement the law until 2002. Originally, the law only granted a few rights to domestic partners, but these rights have expanded considerably. Registered domestic partners may marry without paying the required fee; marrying automatically converts the domestic partnership into a marriage.<sup>19</sup>

## ***Hawaii***

On January 1, 2012, Hawaii will begin allowing same-sex and different-sex couples to enter into civil unions with all the rights and responsibilities of marriage under Hawaii law.<sup>20</sup> The Hawaii legislature passed a bill establishing civil unions in February 2011, and the Hawaii governor signed the bill into law on February 23, 2011. Under the law, similar relationships from other jurisdictions, including marriages between same-sex couples, will be recognized as civil unions in Hawaii.<sup>21</sup>

Hawaii grants limited rights to unmarried couples who register as “reciprocal beneficiaries.” While a lawsuit over the constitutionality of denying same-sex couples licenses to marry was pending,<sup>22</sup> the Hawaii legislature passed the reciprocal beneficiaries law in 1997.<sup>23</sup> The reciprocal beneficiaries law allows any two single adults who are not eligible to marry under state law<sup>24</sup> access to some of the rights, benefits, and responsibilities of marriage, including the right to sue for wrongful death, the right to inherit intestate, the right to hospital visitation, the right to make medical decisions, and some property rights.

## ***Illinois***

Illinois has allowed same-sex and different-sex couples to enter into civil unions with all the rights and benefits of marriage since June 1, 2011.<sup>25</sup> The legislature passed this law in 2010, and the bill was signed by the Illinois governor in early 2011.<sup>26</sup> Illinois recognizes similar relationships from other jurisdictions, including marriages between same-sex couples, as civil unions.<sup>27</sup>

## ***Iowa***

Same-sex couples have been able to marry in Iowa since April 27, 2009. In 2005, Lambda Legal filed a case on behalf of six same-sex couples challenging the constitutionality of the Iowa statute that limits marriage to one man and one woman. On April 3, 2009, the Iowa Supreme Court unanimously struck down the 1998 state ban on marriage for same-sex couples.<sup>28</sup> The Court recognized that the constitutional guarantee of equal protection requires that same-sex couples have “full access to the institution of civil marriage,” and that civil unions and domestic partnerships could not provide full equality under the constitution.<sup>29</sup>

## ***Maine***

Maine has recognized domestic partnerships since July 30, 2004. The law provides a handful of rights to domestic partners, including the right to intestate succession, the right to elect against the will, the right to make funeral and burial arrangements, the right to receive victim’s compensation, and preferential status to be named as guardian and/or conservator in the event of the death of a domestic partner.<sup>30</sup> Domestic partnerships in Maine are available to same-sex or different-sex couples if they are both

unmarried adults who have lived together in Maine for at least 12 months and are not registered as domestic partners with anyone else.

On May 6, 2009, the Maine Legislature passed a law allowing same-sex couples to marry that was signed into law by the state's governor.<sup>31</sup> That law was overturned in a voter referendum on November 3, 2009.

### ***Maryland***

While Maryland does not permit same-sex couples to marry, Maryland's attorney general issued an opinion on February 23, 2010 concluding that under existing state law, the state government must recognize valid marriages between same-sex couples entered into in other jurisdictions.<sup>32</sup> Governor O'Malley announced in response that he expects all state agencies to work closely with the attorney general's office to ensure compliance with the law.<sup>33</sup>

Maryland has recognized domestic partnerships with a few limited rights since July 1, 2008.<sup>34</sup> Domestic partners in Maryland have the right to visit each other in the hospital, make certain decisions about healthcare and funeral arrangements, and are exempt from taxes on certain property transfers between partners. Same-sex and different-sex couples who are over the age of 18 not closely related to each other may be domestic partners in Maryland.<sup>35</sup>

### ***Massachusetts***

Same-sex couples have been able to marry in Massachusetts since May 17, 2004. On November 18, 2003, in *Goodridge v. Department of Public Health*,<sup>36</sup> the Massachusetts Supreme Judicial Court held that denying marriage and its protections to same-sex couples is unconstitutional under the equality and liberty provisions of the Massachusetts Constitution. The Court said:

The marriage ban works a deep and scarring hardship on a very real segment of the community for no rational reason. The absence of any reasonable relationship between, on the one hand, an absolute disqualification of same-sex couples who wish to enter into civil marriage and, on the other, protection of public health, safety, or general welfare, suggests that the marriage restriction is rooted in persistent prejudices against persons who are (or who are believed to be) homosexual. "The Constitution cannot control such prejudices but neither can it tolerate them. Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect." *Palmore v. Sidoti*, 466 U.S. 429, 433, 104 S. Ct. 1879, 80 L.Ed. 2d 421 (1984) (construing Fourteenth Amendment). Limiting the protections, benefits, and obligations of civil marriage to opposite-sex couples violates the basic premises of individual liberty and equality under law protected by the Massachusetts Constitution.<sup>37</sup>

The court then directed the legislature to comply with the court's opinion.<sup>38</sup>

In January 2004, the Massachusetts State Senate asked the court to issue an advisory opinion on whether a law allowing same-sex couples to enter into civil unions would comply with the court's opinion in *Goodridge*. In February 2004, the court sent an advisory opinion to the Senate stating unequivocally that civil unions would *not* provide full equality to same-sex couples as mandated by the Massachusetts constitution.<sup>39</sup> The court explained that having a separate institution just for same-sex couples compounds, rather than corrects, the constitutional infirmity. Establishing a separate "civil union" status for same-sex couples "would have the effect of maintaining and fostering a stigma of exclusion that the Constitution prohibits," the court explained.<sup>40</sup> "The history of our nation has demonstrated that separate is seldom, if ever, equal."<sup>41</sup>

Initially, Massachusetts did not allow non-resident same-sex couples to marry if their home states prohibited marriage between same-sex couples.<sup>42</sup> Massachusetts removed this restriction on July 31, 2008, and any same-sex couple may now marry in Massachusetts regardless of where they live.<sup>43</sup>

### ***Nevada***

Nevada has allowed same-sex and different-sex couples to register as domestic partners with all of the rights and responsibilities of marriage under Nevada law since October 1, 2009.<sup>44</sup> Governor Gibbons initially vetoed the bill, but the legislature overrode the veto on May 31, 2009. Couples may register as domestic partners with the Nevada Secretary of State's Office. Forms and other information can be found at: <http://sos.state.nv.us/licensing/securities/domesticpartnership.asp>.

### ***New Hampshire***

New Hampshire has allowed same-sex couples to marry since January 1, 2010.<sup>45</sup> After the legislature passed a marriage equality bill in April 2009, Governor Lynch agreed to sign it only if it were amended to include a number of provisions regarding religious organizations, including that clergy may choose which marriages to solemnize. The legislature passed those amendments, and Governor Lynch signed the marriage bill into law on June 3, 2009.

New Hampshire previously allowed same-sex couples to enter civil unions between January 1, 2008 and December 31, 2009.<sup>46</sup> All existing New Hampshire civil unions were automatically converted into marriages on January 1, 2011.<sup>47</sup> New Hampshire recognizes civil unions and comprehensive domestic partnerships from other states as marriages.

### ***New Jersey***

New Jersey has allowed same-sex couples to enter into civil unions since February 19, 2007. In *Lewis v. Harris*,<sup>48</sup> the New Jersey Supreme Court held that committed same-

sex couples in New Jersey must be given the same rights as different-sex married couples. The court allowed the legislature to determine whether to allow same-sex couples to marry or to create a separate status such as civil unions. On December 21, 2006, New Jersey passed legislation allowing same-sex couples to enter into civil unions.<sup>49</sup> The law provides parties to a civil union with the same benefits, protections, and responsibilities as spouses in a marriage.<sup>50</sup>

In 2010, the group that brought the original *Lewis v. Harris* case asked the New Jersey Supreme Court to hold that full marriage equality is required by the state's constitution and that the state's civil union law was an insufficient remedy. The court dismissed that direct petition without prejudice to the plaintiffs' refiling the case in Superior Court for fact-finding.<sup>51</sup>

Before it passed civil union legislation, New Jersey allowed same-sex couples to enter into domestic partnerships, which had fewer rights and responsibilities than civil unions. Beginning July 10, 2004, New Jersey recognized domestic partnerships between same-sex couples and different-sex couples over the age of 62.<sup>52</sup> After February 19, 2007, only couples over the age of 62 may enter into domestic partnerships.<sup>53</sup> New Jersey continues to recognize the domestic partnerships of all couples who registered as domestic partners before February 19, 2007, and who have not terminated their partnerships.

### ***New Mexico***

While New Mexico does not currently permit same-sex couples to marry, New Mexico's Attorney General issued an opinion on January 4, 2011 concluding that under existing state law, the state government must recognize valid marriages between same-sex couples entered into in other jurisdictions.<sup>54</sup>

### ***New York***

Same-sex couples will be able to marry in New York beginning on July 25, 2011. The New York legislature passed the Marriage Equality Act on June 24, 2011, and Governor Cuomo signed the bill into law the same day.<sup>55</sup>

New York also already recognizes the marriages of same-sex couples who validly married in another state or country that allows same-sex couples to marry. Numerous courts have held that the state of New York must recognize marriages entered of same-sex couples validly entered into in other jurisdictions.<sup>56</sup> Based on these decisions, Governor Patterson has directed all agencies to revise their policies to recognize marriages between same-sex couples in other states and countries that allow same-sex couples to marry.<sup>57</sup> In November 2009, the New York Court of Appeal affirmed that state agencies and local governments have the authority to recognize marriages between same-sex couples from other jurisdictions, although it did not reach the question of whether the state government is required to recognize those marriages.<sup>58</sup> In May 2010, New York's high court held that the state will recognize civil unions from other states for



purposes of determining the legal parentage of a child born to a same-sex couple in a civil union.<sup>59</sup>

New York has also extended a few rights to same-sex domestic partners by statute, including hospital visitation,<sup>60</sup> the right to make decisions about disposition of a partner's remains,<sup>61</sup> and a supplemental burial allowance for partners of veterans killed in combat.<sup>62</sup>

### ***Oregon***

Oregon grants domestic partners nearly all the rights and responsibilities of marriage under state law.<sup>63</sup> Domestic partnerships in Oregon are only available to same-sex couples. Oregon's law establishing domestic partnerships was signed by the governor on May 9, 2007. The law went into effect on February 4, 2008.

### ***Vermont***

Same-sex couples have been able to marry in Vermont since September 1, 2009. Vermont was the first state to enact a marriage equality law without a court mandate. On April 7, 2009, the Vermont legislature voted in favor of the marriage equality law, overriding Governor Douglas's earlier veto. The law went into effect on September 1, 2009.<sup>64</sup>

Vermont currently recognizes civil unions entered in Vermont before September 1, 2009, but same-sex couples may no longer enter into new civil unions. Vermont was the first state to allow same-sex couples to enter into civil unions,<sup>65</sup> following the Vermont Supreme Court's 1999 ruling in *Baker v. State*.<sup>66</sup>

### ***Washington***

Washington allows same-sex couples and different-sex couples over the age of 62 to register as domestic partners with all of the rights and responsibilities of marriage under state law.<sup>67</sup> The Washington legislature passed a bill in 2009 to significantly expand the rights and responsibilities available to domestic partners in Washington. That expanded version of the domestic partnership law was approved by voters in a November 2009 referendum, and went into effect on December 3, 2009. Washington has recognized domestic partnerships with many of the rights of marriage under state law since July 23, 2007.

Washington recognizes similar relationships entered into in other jurisdictions as domestic partnerships, including civil unions and comprehensive domestic partnerships.<sup>68</sup> Beginning July 22, 2011, Washington will also treat marriages between same-sex couples entered in other jurisdictions as domestic partnerships.<sup>69</sup>

## Wisconsin

Wisconsin began recognizing domestic partnerships with limited rights and responsibilities on August 3, 2009.<sup>70</sup> Same-sex couples may register as domestic partners if they are over the age of 18, share a common residence, are not married or registered as domestic partners with a different person, and are not closely related. Domestic partners receive some rights and responsibilities, including hospital visitation and some medical decision-making, inheritance, the right to sue for wrongful death, and immunity from testifying against the other partner in court.

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### Endnotes

<sup>1</sup> In 2004, the U.S. General Accounting Office identified 1,138 federal rights and responsibilities that turn on marital status. See U.S. GEN ACCOUNTING OFFICE, GAO-04-353R, DEFENSE OF MARRIAGE ACT: UPDATE TO PRIOR REPORT 1 (2004) (*available at* [www.gao.gov/new.items/d04353r.pdf](http://www.gao.gov/new.items/d04353r.pdf)).

<sup>2</sup> A.B. 205, 2003-2004 Reg. Sess. (Cal. 2003) (enacted). For more information about A.B. 205 and related legislation, see [www.nclrights.org](http://www.nclrights.org).

<sup>3</sup> A.B. 26, 1999-2000 Reg. Sess. (Cal. 1999) (enacted).

<sup>4</sup> *In re Marriage Cases*, 43 Cal.4th 757, 183 P.3d 384 (Cal. 2008).

<sup>5</sup> *Strauss v. Horton*, 46 Cal.4th 364, 207 P.3d 48 (Cal. 2009).

<sup>6</sup> *Perry v. Schwarzenegger*, 704 F.Supp.2d 921 (N.D. Cal. Aug. 4, 2010), *order stayed pending appeal*, 2010 WL 3212786 (9th Cir. Aug. 16, 2010).

<sup>7</sup> CAL. FAM. CODE § 308(b)-(c) (West 2010), S.B. 54, 2009-2010 Reg. Sess. (Cal. 2009). For more information about this law, see [www.nclrights.org/SB54FAQ](http://www.nclrights.org/SB54FAQ).

<sup>8</sup> COLO. REV. STAT. ANN. § 15-22-101, *et seq.* (West 2009). For more information about designated beneficiaries in Colorado, visit [www.designatedbeneficiaries.org](http://www.designatedbeneficiaries.org).

<sup>9</sup> *Kerrigan v. Dep't of Pub. Health*, 289 Conn. 135, 957 A.2d 407 (Conn. 2008). For more information about marriages in Connecticut, visit the website for Gay & Lesbian Advocates & Defenders at [www.glad.org](http://www.glad.org).

<sup>10</sup> *Id.* at 262-63.

<sup>11</sup> CONN. GEN. STAT. § 46b-38aa to -38pp (2009).

<sup>12</sup> CONN. GEN. STAT. § 46b-38rr (2010).

<sup>13</sup> *Id.* at Section 1.

<sup>14</sup> S.B. 30, 146<sup>th</sup> Gen. Assem., Reg. Sess. (Del. 2011) (to be codified at 13 Del. C. § 201, *et seq.*).

<sup>15</sup> *Id.* at § 213.

<sup>16</sup> D.C. CODE § 46-401 (passed as B18-482, 2009-2010 Council, 18th Period (D.C. 2009)).

<sup>17</sup> D.C. CODE § 46-405.01 (passed as B18-0010, 2009-2010 Council, 18th Period (D.C. 2009)).

<sup>18</sup> D.C. CODE §§ 32-701 to -710 (passed as B18-0066, 2009-2010 Council, 18th Period (D.C. 2009)).

<sup>19</sup> D.C. CODE § 32-70 (passed as B18-482, 2009-2010 Council, 18th Period (D.C. 2009)).

<sup>20</sup> S.B. 232, 2011 Leg., Reg. Sess. (Haw. 2011).

<sup>21</sup> *Id.* at § 10.

<sup>22</sup> *Baehr v. Miike*, 87 Hawai'i 34, 950 P.2d 1234 (Haw. 1997).

<sup>23</sup> HAW. REV. STAT. § 572C-6 (2008).

<sup>24</sup> HAW. REV. STAT. § 572C-4 (2008).

<sup>25</sup> 750 ILL. COMP. STAT. 75/1 *et seq.*

<sup>26</sup> Illinois Religious Freedom Protection and Civil Union Act, 2010 Ill. Legis. Serv. 96-1513 (West).

<sup>27</sup> 750 Ill. Comp. Stat. 75/60.

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- <sup>28</sup> *Varnum v. Brien*, 763 N.W.2d 862 (Iowa 2009). For more information about marriage in Iowa, visit Lambda Legal's website at [www.lambdalegal.org](http://www.lambdalegal.org).
- <sup>29</sup> *Id.* at 907.
- <sup>30</sup> See ME. REV. STAT. ANN. tit. 22, § 2710 (2008).
- <sup>31</sup> L.D. 1020, 124th Leg., 1st Reg. Sess. (Me. 2009).
- <sup>32</sup> 95 Op. Md. Att'y Gen. 3 (2010), available at <http://www.oag.state.md.us/Opinions/2010/95oag3.pdf>.
- <sup>33</sup> See <http://www.governor.maryland.gov/pressreleases/100224.asp>.
- <sup>34</sup> S.B. 566, 2008 Reg. Sess., 425th Leg. (Md. 2008) (codified as 2008 Md. Laws 4597); S.B. 597, 2008 Reg. Sess., 425th Leg. (Md. 2008) (codified as 2008 Md. Laws 4649).
- <sup>35</sup> MD. CODE ANN. HEALTH-GEN. § 6-101 (West 2008).
- <sup>36</sup> *Goodridge v. Dep't of Pub. Health*, 440 Mass. 309, 798 N.E.2d 941 (Mass. 2003). For more information about marriages in Massachusetts, visit the website for Gay & Lesbian Advocates & Defenders, at [www.glad.org](http://www.glad.org).
- <sup>37</sup> *Id.* at 341-42.
- <sup>38</sup> *Id.* at 344.
- <sup>39</sup> *Opinions of the Justices to the Senate*, 440 Mass. 1201, 802 N.E.2d 565 (Mass. 2004).
- <sup>40</sup> *Id.* at 1208.
- <sup>41</sup> *Id.* at 1206.
- <sup>42</sup> Law of 1913, MASS. GEN. LAWS ch. 207, §§ 11-13, 50 (2005) (repealed 2008).
- <sup>43</sup> S. 800, 185th Gen. Court Reg. Sess. (Mass. 2008).
- <sup>44</sup> NEV. REV. STAT. ANN. 122A.010, *et seq.* (passed as S.B. 283, 2009 Leg., 75th Sess. (Nev. 2009)).
- <sup>45</sup> N.H. REV. STAT. § 457:1, *et seq.* (West 2009)
- <sup>46</sup> N.H. REV. STAT. § 457:46 (West 2009)
- <sup>47</sup> During 2010, couples were able to convert their civil unions into marriages by marrying each other, or by applying to the county clerk to designate their civil unions as marriages.
- <sup>48</sup> *Lewis v. Harris*, 908 A.2d 196 (N.J. 2006).
- <sup>49</sup> N.J. STAT. ANN. §§ 37:1-28 to 1-36 (West 2009).
- <sup>50</sup> N.J. STAT. ANN. § 37:1-31 (West 2009).
- <sup>51</sup> *Lewis v. Harris*, 997 A.2d 227 (N.J. 2010).
- <sup>52</sup> N.J. STAT. ANN. §§ 26:8A-1 to 8A-13 (West 2009).
- <sup>53</sup> N.J. STAT. ANN. § 26:8A-4.1 (West 2009).
- <sup>54</sup> N.M. Att'y Gen. Op. No. 11-01 (2011), available at <http://www.nmag.gov/Opinions/Opinion.aspx?OpID=1131>.
- <sup>55</sup> A.B. 8354, 234th Gen. Assem., Reg. Sess. (N.Y. 2011).
- <sup>56</sup> See, e.g., *Beth R. v. Donna M.*, 19 Misc.3d 724 (N.Y. Sup. Ct. 2008) (holding that a divorce action may be brought to dissolve a Canadian marriage between a same-sex couple); *Martinez v. County of Monroe*, 50 A.D.3d 189 (N.Y. App. Div. 2008) (holding that a community college employee's same-sex spouse was entitled to health care benefits based on their marriage in Canada).
- <sup>57</sup> Memorandum from David Nocenti, Executive Chamber Legal Counsel to All Agency Counsel (May 14, 2008), available at [data.lambdalegal.org/in-court/downloads/exec\\_ny\\_o\\_20080514\\_governer-directive-same-sex-marriage.pdf](http://data.lambdalegal.org/in-court/downloads/exec_ny_o_20080514_governer-directive-same-sex-marriage.pdf).
- <sup>58</sup> *Godfrey v. Spano*, 13 N.Y.3d 358, 920 N.E.2d 328 (N.Y. 2009).
- <sup>59</sup> *Debra H. v. Janice R.*, 14 N.Y.3d 576, 930 N.E.2d 184 (N.Y. 2010).
- <sup>60</sup> N.Y. PUB. HEALTH LAW § 2805-q.
- <sup>61</sup> N.Y. PUB. HEALTH LAW § 4201.
- <sup>62</sup> N.Y. EXEC. LAW § 354-b.

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<sup>63</sup> OR. REV. STAT. ANN. § 106.300, *et seq.* (passed as H.B. 2007, 74th Leg., 2007 Reg. Sess. (Or. 2007)).

<sup>64</sup> VT. STAT. ANN. tit. 15 §§ 1a, 8 (passed as S. 115, 2009 Gen. Assem., 2009-2010 Legis. Sess. (Vt. 2009)).

<sup>65</sup> VT. STAT. ANN. tit. 15 § 1204 (2008).

<sup>66</sup> *Baker v. State*, 170 Vt. 194, 744 A.2d 864 (Vt. 1999).

<sup>67</sup> WASH. REV. CODE ANN. § 26.60.010, *et seq.*

<sup>68</sup> WASH. REV. CODE ANN. § 26.60.090.

<sup>69</sup> H.B. 1649, 62nd Leg., 2011 Reg. Sess. (Wash. 2011).

<sup>70</sup> WIS. STAT. ANN. § 770.001, *et seq.* (passed as A.B. 75, 2009 Reg. Sess., 99th Legis. Sess. (Wis. 2009)).