

A Brief Q&A About Marriage For Same-Sex Couples in Connecticut

(Created October 14, 2008)

On October 10, 2008, Connecticut's Supreme Court ruled that the state can no longer bar gay and lesbian couples from marrying. Connecticut now becomes the third state, after Massachusetts and California, where same-sex couples will be able to wed.

This decision was the result of a lawsuit, *Kerrigan & Mock v. Connecticut Dept. of Public Health*, which GLAD filed on August 25, 2004 on behalf of eight gay and lesbian Connecticut couples who were denied marriage licenses. The plaintiff couples, who have been in committed relationships for between 10 and 30 years, many of them raising children, contended that only marriage would provide them with the protections and benefits they need to live securely as a family.

This is a brief Q&A of what we know at this time. There are still many unanswered questions on which Connecticut officials will undoubtedly provide further guidance in the coming weeks. GLAD will also soon have a more detailed publication, *How to Marry in Connecticut*, on its website, www.glad.org.

**If you have questions or need additional information,
contact GLAD's Legal InfoLine at 800-455-GLAD (4523)**

When will same-sex couples be able to marry in Connecticut?

The decision of the Supreme Court will shortly be remanded to the New Haven Superior Court, where the case was first filed. As soon as that court enters judgment in accordance with the decision, any two people regardless of gender will be able to legally marry in Connecticut, provided they meet the marriage requirements of the state. GLAD anticipates that will be shortly after November 7, 2008.

Can non-resident couples marry in Connecticut?

Yes, any couple from any state can marry in Connecticut provided they meet the marriage requirements.

What are the requirements for marriage in Connecticut?

- You must be 18 or older (people under 18 can only marry with the approval of a parent, guardian or district judge)
- Not be married or in a civil union with anyone else
- Not be closely related by blood or marriage
- Have approval if under conservatorship

Where do we go to get a marriage license?

Both of you must go in person to a town hall and fill out a marriage application (although you do not have to go together). If one of you is a Connecticut **resident**, you must either go to the town hall where you reside or where you will have the ceremony. After the ceremony, the person who officiates at your wedding must return the marriage license to the town where the ceremony took place, so it may simplify matters if you do the entire process there. For **non-resident couples**, you must apply for the marriage license in the town where you will have the ceremony.

After you submit the application, the town clerk will provide you with a marriage license. You may be able to pick up the marriage license the

same day you complete the application, but it is best to plan that the town clerk may not have it ready for you until the following day.

What should we bring with us?

You should bring a photo id (either a driver's license or passport), proof of age, and money (approximately \$30 but check with the town clerk for the exact amount) to pay for processing the application and marriage license.

What do we do after we get our marriage license?

You have 65 days from the day you applied for the marriage license to have a wedding ceremony that is officiated by a person who is authorized to marry couples in Connecticut. There is no requirement that there be any witnesses, although, if you have a religious wedding, you should check whether your religious doctrine requires witnesses.

Who can officiate at the wedding ceremony?

- Judges and retired judges from any state who are authorized to solemnize marriages
- All justices of the peace, family support magistrates and state referees
- Ordained clergy from any state

Where will my marriage be respected?

Your marriage will be completely respected by the states of Connecticut, Massachusetts, California and New York. In New Hampshire and New Jersey it will be respected as a civil union. In some other states, it will be respected for certain purposes and not others. Unfortunately, many states will refuse to recognize the marriages of same-sex couples, but even in these states there is nothing to prevent private companies and organizations from respecting your marriage

The federal Defense of Marriage Act (DOMA) passed in 1996 defines marriage as only between a man and a woman for all federal purposes. Therefore, same-sex married couples will not have access to the 1138 federal provisions that pertain to marriage.

How does the Connecticut Supreme Court's decision affect Connecticut's Civil Unions?

The decision by the Supreme Court did not overturn Connecticut's Civil Union Law. Rather, it stated that the Constitution requires that the state grant marriage licenses to same-sex couples. Civil unions remain valid and available. It is likely at some point that the legislature will address the *Kerrigan* decision by altering the civil union law. For more information about Connecticut civil unions, see GLAD's publication, *Connecticut Civil Unions*.

Can we marry in Connecticut if we already have a civil union from Connecticut, Vermont, New Hampshire or New Jersey or a comprehensive domestic partnership from California or Oregon?

Yes, provided you marry the **same** person. If you wish to marry a **different** person, you must dissolve your civil union or comprehensive domestic partnership first. Otherwise, you could be charged with bigamy.

Can we marry in Connecticut if we already have a domestic partnership from a town or county or from Maine, Washington or the District of Columbia or are registered as reciprocal beneficiaries in Hawaii?

Any non-comprehensive governmental domestic partnership status you have should pose no problem to entering a marriage with the **same** person. However, if you are entering a marriage with a **different** person, GLAD recommends that you consult an attorney to determine whether you should formally terminate the domestic partnership first.

If we already married in Massachusetts, California or a foreign country can we marry again in Connecticut?

Regardless of where you legally married, your marriage will be respected in Connecticut. Remarrying the same person will most likely have no legal significance.

Although there is no explicit provision in Connecticut law that prohibits a person from remarrying the same person, as a practical matter, clerks may not process your application since the forms you must fill out to apply for a marriage license require you to state if you have previously been married, and if so, how that marriage ended.

What are some things to consider when entering a marriage?

- Nearly all international adoptions will be unavailable
- For bi-national couples getting married will not help the immigration status of the non-citizen and in fact may be harmful.
- Getting married violates the military's "Don't Ask, Don't Tell" policy
- Getting married may not guarantee your access to spousal health insurance benefits

Is marriage for same-sex couples in Connecticut secure?

There are at least two ways in which the opponents of marriage equality may try to take away the right of same-sex couples to marry in Connecticut. The first is a question on the November 4, 2008, ballot which if passed would convene a constitutional convention. Although there is nothing about marriage in this ballot question, its proponents want to use the constitutional convention as a way to ban marriage for same-sex couples. Even if a constitutional convention were held, that doesn't mean it would produce an amendment overturning the Kerrigan decision. Second, even if this convention question is defeated, there is still a process in Connecticut by which the constitution can be amended through the legislature. Such an amendment must be approved by either three fourths

of the membership of each house in one legislative session or a majority of the membership of each house in two consecutive legislative sessions. The amendment must then be ratified by a majority vote of the people.

What can I do to preserve marriage equality in Connecticut?

Support the VOTE NO (www.ctvoteno.org) initiative and the efforts of Love Makes A Family (www.lmfct.org) and GLAD to protect this newly won right.

This publication is based on the information we have at this time. GLAD anticipates that Connecticut officials will provide further guidance as the Supreme Court's decision is implemented. We urge you to check GLAD's website, www.glad.org, frequently for updated information. GLAD strongly recommends that you consult a Connecticut attorney before acting on any information in this publication. GLAD's Legal InfoLine can provide you with attorney referrals.

If you have questions about this publication or need information about LGBT/HIV legal issues in Connecticut or anywhere in New England, contact GLAD's Legal InfoLine at 800-455-GLAD (4523).



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