



Name of Country and Jurisdiction:

## Connecticut, United States

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Connecticut, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Connecticut for an authority to grant a divorce/ dissolution?



### 1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Connecticut	Conn. Gen. Stat. § 46b-20a; the Act Implementing the Guarantee of Equal Protection Under the Constitution of the State for Same-Sex Couples (Conn. Public Act No. 09-13); <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015).	Yes.

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LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Civil union	Connecticut	Conn. Gen. Stat. § 46b-38bb (repealed Oct. 2010).	No.  Since Oct. 1, 2010, civil unions are no longer provided in Connecticut due to the legalization of same-sex marriage. Civil unions that existed as of Oct. 1, 2010, and whose parties were not engaged in proceedings for dissolution, annulment, or legal separation have been merged into marriages either by action of the parties or operation of law.

**NOTE:** On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio, and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions (in *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014)), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

**Q**

**2. What are the requirements to be able to enter into the above relationships?**

**A**

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There is no residency requirement for marriage in Connecticut, and nonresidents may obtain a marriage license so long as they are otherwise eligible.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Both parties to the marriage:</p> <ul style="list-style-type: none"> <li>• Must be at least 18 years of age, unless written consent is provided by a parent or guardian and is filed with the Registrar of Vital Statistics. If no parent or guardian is available, a judge in the minor’s district must provide written consent.               <ul style="list-style-type: none"> <li>• For minors under 16, a judge in the minor’s district must provide written consent.</li> </ul> </li> <li>• Must be free to marry, and neither party to the marriage can be married to, or in a civil union with, another person.               <ul style="list-style-type: none"> <li>• A prior marriage must have a finalized divorce, and a civil union must be formally dissolved, before another marriage may be entered into.</li> </ul> </li> <li>• May not be closely related by blood or marriage to the other party.</li> </ul> <p>Prior to getting married, the parties must obtain a marriage license from the town in which the marriage will be celebrated.</p> <ul style="list-style-type: none"> <li>• Anyone who joins a couple in marriage without a license will receive a monetary fine.</li> </ul> <p>All marriages must be solemnized by a person authorized to solemnize marriages in Connecticut.</p> <ul style="list-style-type: none"> <li>• Marriages performed by unauthorized justices of the peace will be valid if the justices represented themselves as qualified and the parties reasonably relied on the representation.</li> <li>• Each person who joins any person in marriage must certify a marriage license. The marriage license must be returned to the registrar of the town where the marriage took place within the first week of the month following the marriage.</li> </ul>



**3. If both marriage and civil unions exist:**

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

<b>A</b>	(a)–(c)	Not applicable. Until 2010, same-sex couples could enter into civil unions, but only a marriage between a man and a woman was recognized. Following the 2010 Act Implementing the Guarantee of Equal Protection, both same-sex and opposite-sex couples can now marry in the state. This Act provides same-sex couples married in Connecticut the same rights as opposite-sex married couples. Civil unions existing in 2010 could be merged into marriages by action of the parties until October 1, 2010, at which date all existing civil unions not subject to proceedings for dissolution, annulment, or legal separation were merged into marriages by default.
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**Q** 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

<b>A</b>	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	<p>If an individual is already married or in a civil union with another party, he or she may not marry again until the divorce is finalized or the civil union is formally and finally dissolved.</p> <p>If an individual is related to his or her intended spouse, they may not marry. Enumerated relationships include parents, grandparents, children, grandchildren, siblings, parent’s siblings, sibling’s children, stepparents, or stepchildren.</p>

**Q** 5. When a couple comes to Connecticut, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

<b>A</b>	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	A marriage or relationship entered into in another state or jurisdiction that provides substantially the same rights and benefits as a marriage between two people in Connecticut is recognized within Connecticut.



**6. How can each form of relationship be dissolved? What is the residency requirement or other link to Connecticut for an authority to grant a divorce/ dissolution?**



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Parties may file for divorce in Connecticut at any time after either party has established residency in the state.</p> <ul style="list-style-type: none"> <li>• Dissolution of a marriage or a grant of legal separation can be entered into if:               <ul style="list-style-type: none"> <li>(i) one of the parties has been a resident for at least 12 months prior to filing for divorce; (ii) one of the parties was domiciled in Connecticut when the parties were married and has returned with the intention of permanently remaining; or</li> <li>(iii) the grounds for divorce arose after either party moved into the state.</li> </ul> </li> </ul> <p>Grounds for divorce include:</p> <ul style="list-style-type: none"> <li>• Living apart due to incompatibility for at least 18 months;</li> <li>• Irretrievable breakdown of the relationship;</li> <li>• Adultery;</li> <li>• Fraudulent contract;</li> <li>• Willful desertion or total neglect of duty;</li> <li>• Seven years' absence;</li> <li>• Habitual intemperance;</li> <li>• Intolerable cruelty;</li> <li>• A sentence of life imprisonment;</li> <li>• Commission of an infamous crime involving violation of conjugal duty and punishable by imprisonment for a period in excess of one year; or</li> <li>• Legal confinement to a hospital or similar institution due to mental illness for at least five years.</li> </ul> <p>Marriages in Connecticut that are void or voidable may be annulled. Grounds for annulment include:</p> <ul style="list-style-type: none"> <li>• Bigamy;</li> <li>• Incest;</li> <li>• Fraud;</li> <li>• Physical or mental incapacity; or</li> <li>• Force or duress.</li> </ul>
Civil union	<p>Either party to a valid civil union that is performed in a foreign jurisdiction may bring an action for dissolution or annulment. The substantive law of Connecticut's general statutes applies to the dissolution of civil unions.</p>



## ■ Sources:

- Conn. Gen. Stat. § 46b-20a.
- Conn. Gen. Stat. § 46b-21.
- Conn. Gen. Stat. § 46b-22a.
- Conn. Gen. Stat. § 46b-24.
- Conn. Gen. Stat. § 46b-25.
- Conn. Gen. Stat. § 46b-28a.
- Conn. Gen. Stat. § 46b-29.
- Conn. Gen. Stat. § 46b-34.
- Conn. Gen. Stat. § 46b-35b.
- Conn. Gen. Stat. § 46b-38bb.
- Conn. Gen. Stat. § 46b-38pp.
- Conn. Gen. Stat. § 46b-38qq.
- Conn. Gen. Stat. § 46b-38tt.
- Conn. Gen. Stat. § 46b-40.
- Conn. Gen. Stat. § 46b-44.
- Conn. Public Act No. 09-13.
- *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015).
- Connecticut Judicial Branch Law Libraries, *Marriage in Connecticut* (2013–2014), <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/MarriageinCT/marriage.pdf>.
- Connecticut Judicial Branch Law Libraries, *Civil Unions in Connecticut* (2005–2014), <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/civilunions.pdf>.