



Name of Country and Jurisdiction:
Michigan, 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 Michigan, 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 Michigan 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	Michigan	MCLS §§ 551.1–551.5; <i>Obergefell v. Hodges</i> , 576 U.S. ____ (2015)	Yes ¹

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¹ 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 (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 the state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Domestic partnership, registered	Cities of Ann Arbor, Detroit, East Lansing, Kalamazoo; counties of Ingham, Washtenaw, Wayne	City/county ordinances; Michigan Constitution; <i>Nat'l Pride at Work v. Gov. of Michigan</i>	State law prohibits recognition, but the cities of Ann Arbor, Detroit, East Lansing, and Kalamazoo, as well as the counties of Ingham, Washtenaw, and Wayne, allow registration.

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

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(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	There are no geographic restrictions, but an additional fee applies to nonresidents of Michigan applying for a marriage license.
Domestic partnership	Domestic partnership is available only in certain cities to their city residents.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	The parties cannot be closely related by blood. Each party must be 18 or older, except that parties 16–17 may marry with parental consent.
Domestic partnership	Requirements vary by city. In general, partners must be 18 or older, have shared a common residence for at least six months, be unmarried and not in an existing domestic partnership, be not closely related by blood, and share financial arrangements and living expenses.

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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.).

A	(a)	Depending on the city or county jurisdiction, domestic partners must live together for six months prior to registering. There is no similar requirement for marriage.
	(b)	Being in a domestic partnership does not prevent a person from marrying, but being married prevents a person from entering into a civil union or a different marriage.
	(c)	Not applicable, as the State of Michigan does not recognize unions other than marriage, and registration of domestic partnerships is limited to the cities and counties cited above.

Q 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	If a person is already married, he or she cannot marry again.
	Domestic partnership	If a person is already married or in a domestic partnership, he or she cannot enter into a domestic partnership.

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

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	Under <i>Obergefell v. Hodges</i> , Michigan must recognize same-sex marriages lawfully licensed and performed out-of-state.

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

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	A court can grant a divorce provided that one party has resided in the state for 180 days immediately before the filing of the complaint for divorce.
	Domestic partnership	Generally, a domestic partnership ends if either party marries or if the domestic partners file a certification of termination of the domestic partnership.

■ Sources:

- Const. 1963, art. 1, § 25.
- Michigan Compiled Laws Service §§ 551.1–551.5.
- Michigan Compiled Laws Service §§ 551.271–551.272.
- Michigan Compiled Laws Service § 552.9.
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).
- *DeBoer v. Snyder*, 973 F. Supp. 2d 757 (E.D. Mich. 2014).
- *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014), available at <http://www.ca6.uscourts.gov/opinions.pdf/14a0275p-06.pdf>.
- Public Act 297 (2011), Public Employee Domestic Partner Benefit Restriction Act, available at [http://www.legislature.mi.gov/\(S\(yjonbc55upmwlo45xyz5ms45\)\)/mileg.aspx?page=GetObject&objectname=mcl-act-297-of-2011](http://www.legislature.mi.gov/(S(yjonbc55upmwlo45xyz5ms45))/mileg.aspx?page=GetObject&objectname=mcl-act-297-of-2011).
- Ann Arbor, Michigan, Code of Ordinances § 9:85, et seq.
- Detroit, Michigan, Code of Ordinances § 27-8-1, et seq.
- Detroit, Michigan, Code of Ordinances § 2-6-3.
- East Lansing, Michigan, Code of Ordinances § 22-51, et seq.
- Wayne County, Michigan, Code of Ordinances § 40-3.
- Washtenaw County, Michigan, Resolution Authorizing the Implementation of Domestic Partner Benefits (Nov. 30, 2000), available at http://www.ewashtenaw.org/government/boc/agenda/bd/year_2000/2000-11-30bd/bc_00-11-30bd1.pdf.
- About.com, *How to Get Married in Michigan*, available at <http://marriage.about.com/cs/mariagelicense/p/michigan.htm>.