



Name of Country and Jurisdiction:

Minnesota, 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 Minnesota, 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 Minnesota 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	Minnesota	Minn. Stat. § 517; <i>Obergefell v. Hodges</i> , 576 U.S. ____ (2015)	Yes
Domestic partnership, registered	CITY-BASED	CITY ORDINANCES	
	Crystal	City of Crystal, Municipal Code, § 340	
	Duluth	City of Duluth, Municipal Code §§ 29D-1 to 29D-5	
	Eagan	City of Eagan, Municipal Code, § 2.82	
	Eden Prairie	City of Eden Prairie, Municipal Code, § 5.73	
	Edina	City of Edina, Municipal Code, §§ 2-778 to 2-784	
	Falcon Heights	City of Falcon Heights, §§ 2-150 to 2-154	
	Golden Valley	City of Golden Valley, Municipal Code, § 2.22	

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LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Domestic partnership, registered	CITY-BASED	CITY ORDINANCES	Yes
	Maplewood	City of Maplewood, Municipal Ordinance, § 2-191	
	Minneapolis	City of Minneapolis, Municipal Code, §§ 142.10 to 142.70	
	Northfield	City of Northfield, Municipal Code, §§ 2-11 to 2-16	
	Red Wing	City of Red Wing, Municipal Code, § 2.15	
	Richfield	City of Richfield, Municipal Code §§ 120.01 to 120.11	
	Robbinsdale	City of Robbinsdale, Municipal Code, § 1015	
	Rochester	City of Rochester, Municipal Code, §§ 81.01 to 81.06	
	Saint Paul	City of St. Paul, Municipal Ordinances, §§ 186.01 to 186.05	
	Shorewood	City of Shorewood, Municipal Code, § 110	
St. Louis Park	City of St. Louis Park, Municipal Code, § 5		

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 (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.

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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	No legal residency requirement.

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Domestic partnership	Crystal, Eagan, Eden Prairie, Edina, Falcon Heights, Golden Valley, Northfield, Red Wing, Richfield, Robbinsdale, Shorewood, and St. Louis Park have a legal residency requirement, where at least one party must reside in the city.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	The parties must declare, in the presence of a person authorized to solemnize marriages and two witnesses, that each takes the other as a spouse.
Domestic partnership	General requirements: <ul style="list-style-type: none"> • Not blood-related; • Not married; • Are jointly responsible to each other for the necessities of life; • Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status; • Do not have any other domestic partner(s); and • Premarital education is required and a waiver of a portion of the marriage license fees to couples who complete a 12-hour premarital education course. According to Minn. stat. § 517:18, the course must use a premarital inventory, teaching about communication skills and conflict management skills.

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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.).

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(a)	Marriage is available statewide. Domestic partnerships are available based on local ordinances.
(b)	Being in a domestic partnership does not prevent a person from marrying, but being married prevents a person from entering into a domestic partnership or a different marriage.

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(c)	Registering for domestic partnership does not confer any privileges, benefits, or responsibilities available to married couples under state or federal laws. A domestic partnership does, however, generally provide for visitation rights in health care facilities and strengthens the ability to secure benefits or protections that businesses, hospitals, or other entities voluntarily provide.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> • If you are already married and have not yet dissolved the marriage, you may not marry. • Marriages between an ancestor and a descendant or between siblings are prohibited. • Marriages between an uncle or aunt and a niece or nephew or between first cousins are prohibited.
Domestic partnership	<ul style="list-style-type: none"> • Being married or having another domestic partner makes a party ineligible to register for a domestic partnership. • Being blood relatives prohibits registration as a domestic partnership.



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Same-sex marriages performed outside Minnesota are recognized.
Domestic partnership	Generally, to obtain recognition, parties must produce valid, government-issued documentation of a domestic partnership registered with a governmental body pursuant to state, local, or other law. Parties do not have to re-register if they move to a city that recognizes domestic partnerships.



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> A court can grant a divorce provided that: (1) one of the parties has resided in the state, or has been a member of the armed services stationed in the state, for at least 180 days immediately preceding divorce filing; or (2) one of the parties has been a domiciliary of the state for at least 180 days immediately preceding the divorce filing. However, a Minnesota court may grant a divorce for nonresidents if: (1) the marriage was performed in the state; and (2) neither party lives in a jurisdiction that will maintain an action for divorce because of the sex or sexual orientation of the parties.
Domestic partnership	<p>Either person in a domestic partnership may terminate a domestic partnership. Either party can initiate termination procedures by submitting written notification to the appropriate official (generally the city clerk). A domestic partnership terminates when: (1) one of the partners dies; or (2) one of the parties sends or receives written notice of the termination.</p>

Sources:

- Minn. Stat. §§ 517, 518.
- Obergefell v. Hodges*, 576 U.S. ____ (2015).

City Ordinances of:

- Crystal
- Duluth
- Eagan
- Eden Prairie
- Edina
- Falcon Heights
- Golden Valley
- Maplewood
- Minneapolis
- Northfield
- Red Wing
- Richfield
- Robbinsdale
- Rochester
- Saint Paul
- Shorewood
- St. Louis Park

Secondary Source:

- Same-Sex Marriage in Minnesota*, Minnesota Legislative Reference Library (July 2015), <http://www.leg.state.mn.us/lrl/issues/issues.aspx?issue=gay#internet>.