



Name of Country and Jurisdiction:
Oregon, 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 Oregon, 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 Oregon 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	Oregon	Oregon Revised Statutes governing marriage, ORS 106.010–106.220; <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes
Domestic partnership, registered	Oregon	Oregon Family Fairness Act of 2007	Yes (not available to opposite-sex couples)

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

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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.

Forthcoming changes	On July 1, 2015, Governor John Kitzhaber signed HB 2478, which applies “gender neutral language” to various provisions of Oregon law concerning marriage. The amended provisions become effective on January 1, 2016.
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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 geographic requirement.
Domestic partnership	At least one party must be a resident of Oregon.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A couple must obtain a marriage license and pay a fee of \$25 upon application. Both parties must be at least 18 years of age or receive written parental consent.
Domestic partnership	A couple must file a notarized Declaration of Domestic Partnership. Both parties must be of the same sex and must be at least 18 years of age (or otherwise legally capable of consenting). The parties may not be first cousins or closer kin. The couple must pay a \$25 registration fee.

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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)	Marriage is currently available to both opposite-sex and same-sex couples, while domestic partnerships are available only to same-sex couples.
	(b)	The interaction between marriage and domestic partnership if both are in effect is unclear, because the right of same-sex couples to marry is a recent development with no legislative analysis.
	(c)	Couples in a domestic partnership receive all of the obligations and protections of a married couple, with one exception: domestic partners are not entitled to receive private-employer health insurance benefits equal to those of married couples.

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

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	Neither party can have a living wife or husband at the time of entering into the marriage. Parties who are first cousins or any more closely related are prohibited from marrying one another.
	Domestic partnership	Neither party can have a living partner, wife, or husband at the time of registering for a domestic partnership. Parties who are first cousins or any more closely related are prohibited from entering into a domestic partnership.

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

A	FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
	Marriage	Oregon recognizes foreign marriages of both same-sex and opposite-sex couples.
	Domestic partnership	Oregon law is unclear as to whether the state will recognize pre-existing domestic partnerships or civil unions entered into in another state. Because the domestic partnership statute requires at least one party to the partnership to be an Oregon resident, there may be some obstacle to immediate recognition of foreign domestic partnerships.

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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Marriages may be dissolved through either divorce or annulment. A marriage may be annulled because either party was incapable of consenting to the marriage or if either party's consent was obtained by force or fraud. Parties may divorce because of irreconcilable differences. Judicial order is required to grant the filed petition for annulment or divorce, and the court may provide for custody and support of children, spousal support, and division of property (among other things) in the judgment.</p> <p>If the marriage was performed in Oregon or either party is a resident of Oregon, a suit for annulment or divorce may be based on either party having a living spouse at the time of marriage, the fact that the parties are closely related, or the above-stated grounds for annulment. If the marriage was not performed in Oregon or if other grounds form the basis for the divorce action, at least one party must be a resident or be domiciled in Oregon for a period of six months prior to filing for annulment or divorce. One of the parties also must be a resident of or domiciled in Oregon in a suit for separation.</p> <p>A marriage may be dissolved by a summary dissolution procedure if the following requirements are met: the marriage is not more than 10 years old; there are no minor children or outstanding debts totaling more than \$15,000; neither party has any interest in real property; the total personal property value of either spouse is less than \$30,000; and the spouse seeking summary termination agrees to waive any right to spousal support and knows of no other pending case regarding the dissolution of the marriage.</p>
Domestic partnership	<p>Domestic partnerships must be terminated through the same court proceedings used by married couples to obtain a divorce or nullity.</p> <p>Domestic partners can also terminate their partnership by filing a Petition for Summary Dissolution in the same manner as a married couple.</p>

Sources:

- Oregon Revised Statutes governing marriage, ORS 106.010-106.220, available at <http://www.oregonlaws.org/ors/106.010>.
- Oregon Family Fairness Act of 2009, ORS 106.300–106.340, available at <http://www.oregonlaws.org/ors/106.300>.
- *Obergefell v. Hodges*, 576 U.S. ____ (2015).
- *Geiger v. Kitzhaber*, 994 F. Supp. 2d 1128 (D. Or. 2014).
- <http://www.oregonlaws.org/>.
- <https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/HB2478>.