



Name of Country and Jurisdiction:

Rhode Island, 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 Rhode Island, 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 Rhode Island 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	Rhode Island	Act Relating to Domestic Relations—Persons Eligible to Marry; <i>Obergefell v. Hodges</i> , 576 U.S. ____ (2015)	Yes ¹
Marriage, common-law	Rhode Island	Common law	Yes

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.

¹ Before same-sex marriage was recognized, Rhode Island offered civil unions. Civil unions now may be merged into marriage, and the option to enter into a civil union is no longer available.

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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, registered	There are no geographic requirements for marriage. A resident of Rhode Island may apply for a license in the city or town of residence. If neither party resides in the state, a license can be applied for in the city or town where the marriage will take place.
Marriage, common-law	No geographic link is required; however, if the parties leave the state or seek recognition in another state, the common-law marriage may not be recognized.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	A person may not marry if still a party to a previous marriage; or if the other party is of a close familial or marriage relationship. Persons can marry who are 18 years of age or older and not under the care of a guardian, or who are at least 16 years of age (or older but have a guardian) and obtain written consent from a parent or guardian, or who obtain a written order from the court if under 16.
Marriage, common-law	Common-law marriage requires: (1) serious intent to be married; and (2) conduct that leads to a reasonable belief in the community that the couple is married—by inference from cohabitation, declarations, reputation, or other circumstances.

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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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Not applicable. Because same-sex marriage is available in Rhode Island, persons can no longer enter into civil unions. Same-sex couples already in civil unions may merge their civil union into a marriage. Previously, parties to a civil union had the same benefits as those in a marriage, but religious organizations were allowed to choose not to recognize the union.



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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	If you are already married to a different person, you cannot marry. Additionally, you may not marry a sibling, parent, grandparent, child, grandchild, stepparent, grandparent's spouse, spouse's child, spouse's grandchild, sibling's child, or parent's sibling.

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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Persons who entered into a valid legal union in another state that provides substantially the same rights, benefits, and responsibilities as a marriage in Rhode Island will be afforded the same rights, benefits, and responsibilities as a valid marriage in Rhode Island.

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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	If the couple meets one or more of the enumerated grounds for divorce, divorce is granted by a court. A person must be domiciled in the state for at least one year before filing for divorce, unless the other spouse is domiciled in Rhode Island. Divorce must be filed for in the county in which the person filing resides, or in which the other spouse resides, or in Providence County.
Civil union	A family court can grant dissolution of civil unions. Dissolutions are governed by the same requirements as those for divorce.

■ Sources:

- R.I. Gen. Laws § 15-1-1 – § 15-1-9.
- R.I. Gen. Laws § 15-2-1 – § 15-2-13.
- R.I. Gen. Laws § 15-3.1-1 – § 15-3.1-13.
- R.I. Gen. Laws § 15-5-12 – § 15-5-13.
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).
- *DeMelo v. Zompa*, 844 A.2d 174 (R.I. 2004).