



Name of Country and Jurisdiction:

Wyoming, 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 Wyoming, 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 Wyoming 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	Wyoming	Wyo. Stat. Ann. § 20-1-101; <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes ¹

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 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	There is no residency requirement to be able to enter into a marriage in Wyoming.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>The parties to a marriage must be at least 16 years of age at the time of the marriage unless a judge of a court of record in Wyoming authorizes the issuance of a marriage license to them. If either party to the marriage is under 18, a parent or guardian must provide consent.</p> <p>Before solemnizing the marriage, the parties must obtain a marriage license from a Wyoming county clerk. Following the marriage, a marriage certificate must be transmitted to the county clerk so that it may be recorded.</p> <p>It is a misdemeanor for a person to perform a marriage with knowledge that he or she is not legally authorized to do so or that there are any legal impediments to the proposed marriage.</p>

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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)–(c)	Not applicable (no civil unions available).
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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	<p>A person is ineligible to marry if that person has a spouse living at the time.</p> <p>Furthermore, two parties are prohibited from entering into a marriage if the parties stand in relation to each other as parent and child, grandparent and grandchild, brother and sister (half or whole blood), uncle and niece, aunt and nephew, or first cousins.</p>

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>All marriage contracts that are valid according to the laws of the country in which the marriage was performed are recognized as valid in Wyoming. Therefore, Wyoming will recognize same-sex marriages that were legally formed in any foreign jurisdiction.</p>



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>A married couple may obtain a divorce in Wyoming in the district court of the county in which either party resides upon grounds of irreconcilable differences in the marital relationship. However, no divorce shall be granted unless the plaintiff has resided in Wyoming for at least 60 days prior to the time of filing the complaint, or unless the marriage was solemnized in Wyoming and the plaintiff has resided there from the time of the marriage to the filing of the complaint.</p> <p>A marriage can be annulled in Wyoming if either party files a petition in the district court of the county where at least one of the parties to the marriage resides. Upon due proof, the marriage may then be declared void.</p> <p>When grounds for a divorce exist, the aggrieved party to the marriage may institute a proceeding in the same manner as if the petitioner were seeking a decree of divorce, but he or she may instead be allowed to obtain a legal separation. In such a situation, the petitioner will be allowed to live separate and apart from the offending party.</p> <p>The Supreme Court of Wyoming, in <i>Christiansen v. Christiansen</i>, unanimously reversed a district court decision and granted a divorce to a lesbian couple who had married in Canada. This decision makes it clear that Wyoming will grant a divorce to same-sex couples whose marriages were contracted in a foreign jurisdiction.</p>

Sources:

- Wyo. Stat. Ann. § 20-1-101 et seq.
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).
- *Christiansen v. Christiansen*, 253 P.3d 153 (Wyo. 2011) (holding that Wyoming may grant a divorce to same-sex couple whose marriage was contracted legally in a foreign jurisdiction).