



Name of Country and Jurisdiction:
Iowa, 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 Iowa, 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 Iowa 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	Iowa	Chapter 595 of the Code of Iowa; <i>Obergefell v. Hodges</i> , 576 U.S. _____ (2015)	Yes
Common-law marriage	Iowa	Court precedent and 701-73.25	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.

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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
Statutory marriage	Iowa has no residency requirement.
Common-law marriage	Iowa has no residency requirement.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Statutory marriage	Partners must show that: (1) they are at least 18 or, if under 18 but at least 16 years old, they have parental or guardian consent and the consent is approved by a judge of the district court; (2) they are not closely related by blood (i.e., immediate family members or first cousins); and (3) they do not have a living spouse.
Common-law marriage	Partners must show: (1) their present intent and agreement to be married; (2) their continuous cohabitation; and (3) that they declare or hold themselves out to the public as married.

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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. Iowa does not recognize civil unions and treats opposite-sex and same-sex couples the same regarding both statutory and common-law marriage.
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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
Statutory marriage	If you are currently married to the same person or a different person, then you cannot marry again. Otherwise, anyone who meets the requirements of Section 2 can marry.
Common-law marriage	If you are currently married to the same person or a different person, then you cannot marry again. Otherwise, anyone who meets the requirements of Section 2 can marry.

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5. When a couple comes to Iowa, 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	Iowa recognizes validly formed foreign marriages.
Civil union	It is unclear whether Iowa recognizes validly formed foreign civil unions.

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

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A court can grant a no-fault divorce, provided either spouse resided in Iowa for at least a year.
Common-law marriage	A court can grant a no-fault divorce, provided either spouse resided in Iowa for at least a year.

Sources:

- Iowa Code ch. 595 – Marriage.
- Iowa Code ch. 598 – Dissolution of Marriage and Domestic Relations.
- *Obergefell v. Hodges*, 576 U.S. ____ (2015).
- *Varnum v. Brien*, 763 N.W.2d 862, 862 (Iowa 2009).
- *In re Estate of Fisher*, 176 N.W.2d 801, 805 (Iowa 1970).
- <https://www.legis.iowa.gov/docs/central/guides/marriage.pdf>.
- Iowa Legal Aid – Common Law Marriage in Iowa, available at <http://www.iowalegalaid.org/resource/common-law-marriage-in-iowa?ref=D1y5G>.

