



Name of Country and Jurisdiction:

## Missouri, 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 Missouri, 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 Missouri 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	Missouri	Missouri Revised Statutes Chapter 451 <i>Obergefell v. Hodges</i> , 576 U.S. ____ (2015)	Yes
Domestic partnership, registered	Certain cities and counties: City of Clayton, City of Columbia, Jackson County (civil union registry), City of Kansas City, City of Olivette, City of St. Louis, University City	Various city and county ordinances	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. Before *Obergefell*, a state trial court held in *Missouri v. Florida* that Missouri's ban on same-sex marriage violated the U.S. Constitution. That decision was on appeal when *Obergefell* was decided, effectively terminating the appeal.

**Q** 2. What are the requirements to be able to enter into the above relationships?

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Parties cannot be related by blood (including first cousins); cannot already be married; and must be 18 years old or older.
Domestic partnership	<p>Generally, parties must reside together and intend to reside together; parties share responsibility for necessities in life; cannot be related by blood (including first cousins); must be 18 years old or older; and cannot already be married or in another domestic partnership.</p> <p>In certain jurisdictions, both parties must reside in that city or county (City of Clayton, for six months; St. Louis, as of date of registration); in certain jurisdictions, both parties must have resided together for a certain period of time (City of Columbia, six months; Kansas City, one year); in certain jurisdictions, cannot have terminated another domestic partnership in the previous six months (St. Louis).</p> <p>In Kansas City, the parties must affirm that at least two specific types of joint expenses are shared between them – common ownership of real property or a leasehold interest, durable power of attorney for health care decisions; a joint bank or credit account; common ownership of a motor vehicle; designation as a beneficiary for life insurance or a will; or other proof to establish financial interdependency.</p>

**Q** 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)	In most jurisdictions that recognize domestic partnerships, the domestic partners must live together prior to registering the relationship. There is no analogous requirement prior to getting married.
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(b)	<p>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.</p> <p>In most jurisdictions, if a person who is in a domestic partnership marries, the marriage automatically dissolves the domestic partnership.</p>
(c)	<p>Domestic partners in Missouri cannot file joint tax returns, do not have obligations for spousal support/maintenance, and do not become successors when a domestic partner dies without a will; for the most part, their property rights are not affected.</p>

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	If you are already married, you cannot marry again.
Domestic partnership	If you are already married, you cannot register a domestic partnership.

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A foreign-formed marriage, is recognized for both same-sex and opposite-sex couples.
Domestic partnership	In order to be recognized, domestic partners must register in jurisdictions that allow such registrations.

**Q**

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

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A court can grant a divorce provided that one of the parties is and has been a resident in the state for 90 days. Thirty days must elapse following the petition before a judgment of dissolution can be entered by a court. A court will dissolve a marriage if there is no reasonable likelihood that the marriage can be preserved and therefore the marriage is irretrievably broken.
Domestic partnership	Generally, a domestic partnership terminates automatically when a domestic partner enters into a marriage or, alternatively, a civil union or domestic partnership with someone else. In some jurisdictions, a domestic partnership can also be terminated by filing a notice of termination of domestic partnership with the city or county.

**Sources:**

**Statutes and Ordinances:**

- Missouri Revised Statutes §§ 451.010 through 451.300 (Marriage)
- Missouri Revised Statutes §§ 452.010 through 452.430 (Dissolution of Marriage)
- Clayton, Mo., Code of Ordinances, tit. II, § 225.200, et seq.
- Columbia, Mo., Code of Ordinances, 12-71, et seq.
- Kansas City, Mo., Ordinance No. 031027
- Olivette, Mo., Code of Ordinances, tit. II, § 245.010, et seq.
- St. Louis, Mo., City Ordinance 64401
- University City, Mo., Ordinance 6892

**Cases:**

- *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015)
- *Lawson v. Kelly*, Case No. 14-0622-cv-W-ODS (W.D. Mo. Nov. 7, 2014)
- *Missouri v. Florida*, Case No. 1422-CC09027 (Mo. Circuit Ct. Nov. 5, 2014), Order & Judgment, available at: <http://www.freedomtomy.org/page/-/files/pdfs/Missouri%20Order.pdf> (last visited Sept. 16, 2015)

**Other Materials:**

- City of Clayton, *City of Clayton Approves Domestic Partnership Registry to Improve Access, Enhance Quality of Life* (Jan. 25, 2012), available at [http://www.claytonmo.gov/Government/News/City\\_of\\_Clayton\\_Approves\\_Domestic\\_Partnership\\_Registry\\_to\\_Improve\\_Access\\_\\_Enhance\\_Quality\\_of\\_Life\\_s2\\_p1734.htm](http://www.claytonmo.gov/Government/News/City_of_Clayton_Approves_Domestic_Partnership_Registry_to_Improve_Access__Enhance_Quality_of_Life_s2_p1734.htm)
- Jackson County Recorder of Deeds, *Civil Union Registry*, <http://www.jacksongov.org/content/3310/3356/3358/5669.aspx>
- Kansas City, Missouri, Office of the City Clerk, *Kansas City Domestic Partnership*, available at <http://cityclerk.kcmo.org/liveweb/content/content.aspx?id=9>
- City of St. Louis, *Domestic Partnership Registry*, <https://www.stlouis-mo.gov/government/departments/register/domestic-partnership-registry.cfm>
- University City, Mo., *Domestic Partnership Registry*, available at <http://www.ucitymo.org/index.aspx?nid=576>
- State of Missouri, *Marriage & Divorce*, <http://www.mo.gov/home-family/marriage-divorce/>