



Name of Country and Jurisdiction:
Nevada, 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 Nevada, 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 Nevada 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	Nevada	Nevada Const. art. 1, § 21 Nev. Rev. Stat. §§ 122.001–122.270	Yes
Domestic partnership, registered	Nevada	Nev. Rev. Stat. §§ 122A.001–122A.510	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. Because the Nevada state constitution provides that the state and its subdivisions recognize marriages and issue marriage licenses regardless of gender, the Supreme Court’s decision did not have an effect on the status of same-sex relationship rights in this state.

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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:

FORMS OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	No geographic link required. Persons wanting to be married in Nevada must obtain a marriage license from the clerk of any county in the state.
Domestic partnership	No geographic link required. Persons wanting to enter into a domestic partnership must obtain a Certificate of Registered Domestic Partnership from the Office of the Secretary of State.

(ii) Other substantive eligibility criteria:

FORMS OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> • Both persons must be at least 18 years of age (or 16 years old with the consent of either parent or a legal guardian); • The persons cannot be nearer of kin than second cousins or cousins of the half blood; • Neither person is married already; and • The marriage must be solemnized (with at least one witness).
Domestic partnership	<ul style="list-style-type: none"> • The persons must share a common residence; • Neither person is married or a member of another domestic partnership; • Both persons are at least 18 years of age; • The persons cannot be nearer of kin than second cousins or cousins of the half blood; and • Both persons are competent to consent to the domestic partnership.

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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. Nevada law does not provide for civil unions.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

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FORMS OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<ul style="list-style-type: none"> 1) A kin relationship as second cousins, cousins of the half-blood, or nearer. 2) One party is (or both are) already married.
Domestic partnership	<ul style="list-style-type: none"> 1) A kin relationship as second cousins, cousins of the half-blood, or nearer. 2) One party is (or both are) already married or in a domestic partnership.

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

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FORMS OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Yes
Domestic partnership	<p>Yes</p> <p>For a legal union that was validly formed in another jurisdiction to be recognized as a valid domestic partnership in Nevada, the parties desiring such recognition must register the relationship and pay a reasonable filing fee with the Office of the Secretary of State.</p>

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

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FORMS OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>Divorce may be obtained due to: (1) a spouse's insanity existing for two years prior to the commencement of the divorce action; (2) the spouses living separate and apart for one year without any cohabitation; or (3) incompatibility.</p> <p>Unless the cause of action occurred within the county while the parties were actually domiciled there, no court has jurisdiction to grant a divorce if neither party has been a resident of the state for a period of at least six weeks preceding the commencement of the action.</p> <p>If this condition is met, a divorce may be obtained from the district court of any county: (1) where the cause accrued; (2) where the respondent resides or may be found; (3) where the petitioner resides; (4) where the parties last cohabitated; or (5) if the petitioner resided six weeks in the state before the suit was brought.</p>
Domestic partnership	<p>Unless a domestic partnership qualifies for "simplified termination proceedings," domestic partners who wish to terminate a registered domestic partnership must follow the same procedures used for the dissolution of marriage. NRS §§ 122A.300(1), 125 et seq.</p> <p>A domestic partnership qualifies for "simplified termination proceedings" if all of the following conditions are met: (1) the domestic partnership has been registered for five years or less; (2) there are no minor children of the parties born before or during the domestic partnership or adopted by the parties during the domestic partnership, no female members of the domestic partnership are pregnant, or the parties have executed an agreement as to the custody of any children and setting forth the amount and manner of their support; (3) there is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community property; (4) the parties waive any rights to support or the parties have executed an agreement setting forth the amount and manner of support; and (5) the parties waive any right to the conduct of more comprehensive proceedings under the applicable state statute.</p> <p>If eligible for "simplified termination proceedings," domestic partners may terminate the domestic partnership by: (1) filing a signed and notarized state-prescribed form stating that both parties have chosen of their own free will to terminate the domestic partnership; and (2) paying a filing fee.</p>

Sources:

- Nevada Constitution, art. 1, § 21.
- Nev. Rev. Stat. §§ 122.001–122.270.
- Nev. Rev. Stat. §§ 122A.001–122A.510.
- Nev. Rev. Stat. §§ 125.005–125.440.
- *Obergefell v. Hodges*, 576 U.S. ____ (2015).
- *Sevcik v. Sandoval*, No. 12-17668 (9th Cir. Oct. 09, 2014).