



Name of Country and Jurisdiction:

New Hampshire, 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 New Hampshire, 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 New Hampshire 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	New Hampshire	N.H. Rev. Stat. Ann. § 457:1-a	Yes
Marriage, <i>de facto</i>	New Hampshire	N.H. Rev. Stat. Ann. § 457:39	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. 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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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	<ul style="list-style-type: none"> Parties must not be married to another person or closely related by blood. For example, a person cannot marry his father's brother or his mother's brother's daughter. To enter into an opposite-sex marriage, males must be at least 14 and females must be at least 13. For a same-sex marriage, males and females must be at least 18. If any party to a marriage is under the age of 18, the party must request permission from the superior court judge or probate court judge in the county in which the party resides, and the judge must grant his or her permission.
Marriage, <i>de facto</i>	New Hampshire recognizes common-law marriages under a limited set of circumstances. Generally, common-law marriage is used to prove that a marriage existed after a party has died and the surviving party is claiming specific benefits.

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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. Civil unions are not available in New Hampshire because all citizens are able to be married. The civil union statute was repealed, effective January 1, 2010. Civil unions from other jurisdictions are recognized as marriages in New Hampshire, and any couples who had a civil union prior to January 1, 2010, were able to apply for and receive a marriage license. As of January 1, 2011, all civil unions that had not been dissolved automatically converted to marriages.
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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, registered	Anyone of legal age can marry, but a person is not allowed to be married to more than one person.

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5. When a couple comes to New Hampshire, 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, registered	A civil union or any legal union, other than a marriage, that provides substantially the same rights, benefits, and responsibilities as a marriage and that is legally contracted outside New Hampshire is recognized as a marriage in New Hampshire.



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



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	<p>A court has jurisdiction to grant a divorce only if: (1) both parties were residents of New Hampshire when the divorce was commenced; (2) the plaintiff is a resident of New Hampshire and the defendant was personally served with process within the state; or (3) the plaintiff was a resident of New Hampshire for one year preceding the time when the divorce was commenced. Reasons for granting a divorce include:</p> <ul style="list-style-type: none"> • Impotency; • Adultery; • Extreme cruelty by one party against the other; • Conviction for a crime with longer than a one-year sentence and actual imprisonment for the crime; • Treatment by one party that would seriously injure the health or endanger the reason of the other party; • One party is absent for two or more years and has not been heard from; • One party has been a habitual drunkard for at least two years; • One party, having joined a religious sect that doesn't believe in marriage, has refused to cohabit with the other party for at least six months; or • One party has abandoned or refused for two years to cohabit with the other party without sufficient cause and without consent. <p>A court can grant an annulment, provided that the marriage was entered into in New Hampshire, even if neither party has been a resident. Annulments are granted in limited circumstances, such as if the parties to the marriage were too closely related, making the marriage unlawful, or if either of the parties was under the age of consent.</p>

Sources:

- N.H. Rev. Stat. Ann. §§ 457:1–46, 458:3, 6.
- 2013 N.H. S.B. 394.
- *In re Estate of Buttrick*, 34 N.H. 675, 677 (1991).
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).

