



Name of Country and Jurisdiction:
Vermont, 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 Vermont, 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 Vermont 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?
Civil marriage, registered	Vermont	Marriage Equality Act (2009), 15 V.S.A. § 8.	Yes
Civil union	Vermont	Act Relating to Civil Unions (1999).	Now that the Marriage Equality Act is in force, Vermont no longer offers civil unions but continues to recognize those entered into prior to September 1, 2009.

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.

Q

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

A

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil marriage	Vermont does not have a residence requirement for marriage. 18 V.S.A. § 5131.
Civil union	No longer available.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Both parties must be of sound mind and at least 18 years old (or at least 16 with consent of a parent or guardian), must not be close relatives, and must not be already married or in a civil union. 18 V.S.A. § 5142; 15 V.S.A. §§ 1a, 4.
Civil union	No longer available.

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)	Civil unions are no longer available.
(b)	A couple in a civil union may legally marry and dissolve their civil union. Note that if a couple with an existing civil union marries, the marriage itself does not dissolve the civil union. The parties to the marriage may dissolve the civil union through a court order. Otherwise, a couple that entered a civil union before September 1, 2009, will remain joined in that civil union unless: (1) they dissolve the relationship through a court order; or (2) one of the members of the couple dies.
(c)	Not applicable.

Q

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A person who is already married or in a civil union with a living person may not marry, unless he or she is marrying the person with whom he or she is in a civil union. 15 V.S.A. § 4. A person may not marry his or her parent, grandparent, child, grandchild, sibling, sibling's child, or parent's sibling. 15 V.S.A. § 1a.
Civil union	No longer available.

Q

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Foreign same-sex marriages and civil unions are recognized in Vermont as long as they were legally entered into in the country/state of origin.
Civil union, registered	

Q

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

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	<p>The Vermont Superior Court, Family Division, in the county where at least one party resides can dissolve a civil union or marriage if certain grounds are met (e.g., a six-month separation). Additionally, the court in the county in which the marriage certificate was filed can dissolve a civil union or marriage of nonresidents, provided that grounds for divorce are met and that:</p> <ul style="list-style-type: none"> • There are no minor children of the marriage or union; • The couple lives in a state or states that do not recognize the marriage or union for purposes of divorce or dissolution; • Neither member of the couple is the subject of an abuse-prevention order; and • The couple has shared financial information and voluntarily signed an agreement resolving all issues related to the division of property, assets, debts, and alimony. <p>The parties must file a stipulation agreeing to these facts and agreeing that they understand that at least one party must meet residency requirements to litigate any issues related to the divorce in a Vermont court.</p>
Civil union	

■ Sources:

- Marriage Equality Act (2009), 15 V.S.A. § 8.
- Act Relating to Civil Unions (1999), 15 V.S.A. § 1201, et seq.
- 12 V.S.A. § 1696.
- 15 V.S.A. §§ 1a – 8, 551, 592–93.
- 18 V.S.A. §§ 5131, 5142.
- Vt. R. Civ. Pro. 44.
- *Obergefell v. Hodges*, 576 U.S. _____ (2015).
- Vermont Department of Health, *Vermont Vital Records*, available at http://healthvermont.gov/research/records/vital_records.aspx#marriage.
- Vermont Freedom to Marry, *FAQ for Couples Who Want to Marry*, available at <http://www.vtfreetomarry.org/faq-for-couples-who-want-to-marry.html>.
- Vermont Judiciary, *Instructions for Nonresident Divorce or Civil Union Dissolution*, available at <https://www.vermontjudiciary.org/eforms/InstructionsforFilingNonResidentCUDissolutionOrMarriage.pdf>.
- Vermont, *Guide to Civil Marriage*, available at <http://www.vermont.com/weddings-conferences/wedding-guide/civil-marriage-faq/#Split>.