



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Frequently Asked Questions About Same-Sex Marriages

On October 28, 2008, the Connecticut Supreme Court's decision in *Kerrigan et al. v. Commissioner of Public Health et al.*, was released. In its decision, the court found that the state's public policy that limited marriage between a man and a woman violated the equal protection principles of Connecticut's constitution.

In accord with this decision, local registrars of vital records will issue marriage licenses to same-sex couples so long as the parties to the marriage meet the requirements set out in Connecticut General Statutes §§ 46b-21 through 46b-35.

Following are answers to some of the most frequently asked questions that the department has received regarding this new state policy:

What are the requirements for entering into a same-sex marriage?

The requirements for entering into a same-sex marriage are the same for those entering into an opposite-sex marriage. Connecticut General Statutes §§ 46b-21 through 46b-35 govern the requirements for marriage, and shall apply equally to all marriages.

What is the status of civil unions in Connecticut? Is it still an option available for same-sex couples?

The Connecticut Supreme Court's decision does not address the status of civil unions. Therefore, unless the legislature acts to repeal the civil union laws, a civil union remains a valid option for same-sex couples.] Entering into a civil union will remain an option for same-sex couples until September 30, 2010. After this date, the civil union laws will be repealed and no civil union license may be filed in Connecticut. Furthermore, all civil unions entered into in Connecticut will convert into a marriage on October 1, 2010, unless a proceeding for annulment, dissolution, or legal separation is pending on October 1, 2010.

If a couple has entered into a civil union, must the civil union be dissolved prior to entering into a marriage?

As long as a person is marrying his or her current civil union partner, dissolution of the civil union will NOT be required prior to entering into marriage.

Do the age restrictions that prohibit persons under 18 from entering into civil unions also apply to same-sex marriage?

The age restrictions for civil unions do NOT apply to same-sex marriage. Nothing in the Connecticut marriage statutes distinguish between same-sex and opposite-sex marriage applicants, thus persons under 18 years of age may enter into a same-sex marriage with the proper consent.

Will out of state same-sex marriages be recognized in Connecticut?

A same-sex marriage entered into in Massachusetts will be recognized in Connecticut, so anyone who is already married in Massachusetts CANNOT enter into a Connecticut marriage. A same-sex marriage entered into in California during the period in which same-sex marriages were legal in that state (6/16/08 through 11/4/08) will also be recognized in this state so entering into a Connecticut marriage will not be permitted.] A marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, between two person entered into in another state or jurisdiction and recognized as valid by such other state or jurisdiction shall be recognized as a valid marriage in this state, provided such marriage or relationship is not expressly prohibited by statute in Connecticut.

Can a person authorized to perform marriages refuse to marry a same-sex couple?

Connecticut law does not impose a duty on persons authorized to perform marriages to officiate a ceremony for any particular couple or establish a right for a couple to have a marriage ceremony performed by a particular authorized person. However, as is currently the case, public officials who have been authorized to perform marriages, may not refuse to perform a marriage for discriminatory reasons, in violation of the Connecticut Constitution.

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