

THE CURRENT LEGAL STANDING OF SAME-SEX RELATIONSHIPS*

This I-PRO report summarizes state laws regarding the licensing and recognition of same-sex relationships. Presently, two states license same-sex marriage, four states license civil unions, five states license domestic partnerships and one state, Hawaii, licenses reciprocal beneficiary relationships. In addition, New York grants recognition of same-sex marriages licensed in other jurisdictions. Currently, under code 595.2.1, Iowa law states that, “Only a marriage between a male and a female is valid.” Iowa does not license or recognize marriages, civil unions, domestic partnerships or reciprocal beneficiary relationships for same-sex couples.¹

The only relevant federal legislation regarding this issue is the federal Defense of Marriage Act (DOMA) which was passed by Congress in 1996. DOMA bars recognition of same-sex marriages on the federal level and allows states to choose not to recognize the marriage of a same-sex couple that was performed in another state.²

Same-sex Marriage

Currently, Massachusetts and California are the only states to license same-sex marriage. Married same-sex couples in these states receive the same rights and benefits at the state level as married heterosexual couples. However, these marriages are not awarded any of the 1000+ federal benefits heterosexual marriages receive.³

Civil Unions

A civil union is a legal arrangement between same-sex couples similar to marriage. Vermont, Connecticut, New Hampshire and New Jersey license civil unions and grant same-sex couples the same state rights and benefits granted to heterosexual marriages. However, civil unions are not identical to marriage. States that license civil unions choose which rights to award. There is no requirement that a civil union provide any rights that are guaranteed to couples who enter into marriage. However, civil unions in these four states provide almost all the same benefits as same-sex marriage in Massachusetts and California, simply because the states chose to make them so.⁴

Domestic Partnerships

Maine, Maryland, Washington State, the District of Columbia and Oregon license domestic partnerships to same-sex couples. Domestic partnerships are defined as a relationship between

¹ Iowa Code, Retrieved February 22nd, 2008.

<http://www.legis.state.ia.us/IACODE/1999/595/2.html>

² Ibid

³ The Human Rights Campaign, Retrieved October 1st, 2008. www.hrc.org

⁴ Allen, Foy, Pawelski, Perrin, et, Al, 2006. *The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-Being of Children*. Retrieved February 23rd, 2008.

<http://pediatrics.aappublications.org/cgi/content/full/118/1/349>

*As of September, 2008

two individuals who live together and support each other. Couples who enter into these partnerships can usually make mutual decisions involving property, finances, inheritance and health care. Although the number of rights varies from state to state, domestic partnerships usually award fewer benefits to same-sex couples than do civil unions. Oregon's domestic partnership laws are among the most expansive and provide partners with rights and benefits similar to civil union states.⁵

Reciprocal Beneficiary Relationships

Hawaii has enacted legislation known as the Reciprocal Beneficiaries law, which provides state rights to same-sex couples through reciprocal beneficiary relationships. Specifically, Hawaii provides over 160 rights to married couples and extends approximately 60 of those rights to individuals in reciprocal beneficiary relationships. Under Hawaii law, any two individuals can apply to become reciprocal beneficiaries. Examples include, but are not limited to, two siblings, a widow and child or homosexual partners.⁶

New York

The state of New York does not license same-sex marriages, civil unions, domestic partnerships or reciprocal beneficiary relationships. However, it does recognize same-sex marriages licensed in other states. This means that any same-sex marriage licensed in another state is awarded the same rights and benefits a heterosexual married couple receive in New York.⁷ Any other form of relationship recognition licensed outside New York is not recognized.

This report was prepared in September, 2008 by the Iowa Policy Research Organization (IPRO), a non-partisan public policy undergraduate research group at the University of Iowa. For additional research on this or other issues, please visit our website at <http://www.uiowa.edu/~ipro>.

⁵ See Footnote 3

⁶ Partners Task Force, *Reciprocal Beneficiaries: The Hawaiian Approach*, 2006. Retrieved February 22nd, 2008. <http://www.buddybuddy.com/d-p-hawa.html>

⁷ See Footnote 3