Civil Unions in Vermont

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Effective July 1, 2000, Vermont became the first state to statutorily recognize same sex marriages. Public Act 91, an Act relating to Civil Unions, sanctions this relationship in Vermont. Currently, 36 states have statutes prohibiting such unions.

Under the Act, the General Assembly finds that “the state has a strong interest in promoting stable and lasting families, including families based upon a same-sex couple. Without the legal protections, benefits and responsibilities associated with civil marriage, same-sex couples suffer numerous obstacles and hardships. Granting benefits and protections to same-sex couples through a system of civil unions will provide due respect for tradition and long-standing social institutions, and will permit adjustment as unanticipated consequences or unmet needs arise.”

The statutory purpose of the Act relating to Civil Unions is “to provide eligible same-sex couples the opportunity to obtain the same benefits and protections afforded by Vermont law to married opposite-sex couples as required by the Vermont Constitution.”

The meaning of the term “civil union” under the Act is “that two eligible persons have established a relationship, and may receive the benefits and protections and be subject to the responsibilities of spouses.”

In order for a civil union to be established in Vermont, it is necessary that the parties satisfy all of the following criteria: be 18 years or older; not be a party to another civil union or a marriage; and be of the same sex and therefore excluded from the marriage laws Vermont. In addition, the parties to a civil union must meet all the criteria and obligations necessary to record and license a civil union in the state. Close relatives cannot enter into either civil unions or marriages with each other.

Parties to a civil union have all the same benefits, protections and responsibilities under law as are granted to spouses in a marriage. The terms, conditions, or effects of a civil union can be modified by the parties by agreement. This agreement can spell out any particular understandings with respect to their union.

Civil unions can be dissolved in the Family Court. The dissolution of a civil union follows the same procedures and is subject to the same substantive rights and obligations that are involved in the dissolution of a marriage, including any residency requirements.

Under the Act, civil unions can be certified by a judge, a justice of the peace, or by a member of the clergy residing in the state. A certificate of civil union is defined under the Act as “a document that certifies that the persons named on the certificate have established a civil union in Vermont in compliance with the Civil Union Act.”

Finally, the Act establishes the Vermont Civil Union Review Commission for a two-year term. The duties of this Commission include: collecting information about the implementation, operation, and effect of the Act; collecting information about the recognition and treatment of Vermont civil unions by other states and jurisdictions; evaluating the impact and effectiveness of the Act; and exploring and proposing methods and techniques to complement the judicial system for the appropriate resolution of questions or disputes that may arise concerning the interpretation, implementation and enforcement of the Act.

This pioneering social experiment will be interesting to track as a body of case law.