



Frequently Asked Questions for Same Sex Couples Planning to marry in the State of Maryland

ANY couple contemplating marriage should consider speaking to an attorney to ensure they are aware of all of the implications of their decision to marry.

What happens now?

The law permitting same sex couples to marry will take effect on January 1, 2013.

When can we get married?

Clerks can begin accepting marriage license applications immediately, and began issuing licenses on December 7, 2012. The licenses issued will be effective for marrying on January 1, 2013 onwards. Couples that submit a marriage license application after January 1, 2013 will have the standard two day waiting period.

What are the implications of choosing to get married?

The implications are potentially significant. First, ask yourself a few questions. Are you ready for this legal commitment? Do you want to bind your lives together with significant financial and other familial consequences? Marriage is a serious commitment with big responsibilities, and only you and your partner can answer these very personal questions for yourselves. For example, if you and your spouse later divorce, the court will make determinations about property distribution, alimony, or other responsibilities. Depending on your circumstances it might make sense to have a pre-marital agreement, which can customize your obligations and benefits.

For same sex couples, the implications are even more significant, since a couple may have a legally recognized marriage in our state, but not by the federal government. There may be tax consequences, issues around adoption (some states and countries allow adoptions by single parents but not by same sex couples), immigration (for information on impacts, go to <http://www.immigrationequality.org/issues/couples-and-families/should-we-marry/>), needs-based public benefits (spousal income and assets may be counted as part of determining your eligibility), and other areas impacted by federal law.

How do we get married?

Go to the Circuit Court in the county you will be getting married in, not the county you live in, and apply for a marriage license. If you get married at The Maryland Zoo in Baltimore, you would apply for your marriage license at Baltimore's City Hall. The process normally takes about 15 minutes. There is a 48 hour waiting period between when you receive your license and when it becomes valid. After it becomes valid, you can conduct your marriage ceremony. There is an application fee, which may vary by jurisdiction. Check with your local Circuit Court to determine the amount and their accepted methods of payment. Maryland does not require a blood test or witnesses. Once a marriage license is issued, it is valid for six months. If you do not conduct your marriage ceremony within that time, you will need to get a new license.

The required application information will include the names, address, and ages of both parties, whether the parties are related, the marital status, if either party was previously married (and additional information if yes), and social security numbers (if applicable). Individual Circuit Court web pages and contact information are available at <http://www.courts.state.md.us/circuit/directory.html>

Will the Court marry us?

If you want to have the Court conduct a civil ceremony, you will need to make arrangements with the individual Circuit Court. The hours, location and fees vary by court.

What if we had a religious ceremony or another non-legally recognized commitment ceremony?

If you wish to be married, then you will need to obtain a marriage license and have a religious or civil marriage ceremony.

What if we have a civil union or registered domestic partner status from another state or we have an Affidavit of Domestic Partnership in Maryland?

As long as you wish to marry the same person that you entered into the civil union or domestic partner registry with, you can proceed with obtaining a marriage license in Maryland. Having marital status will provide stronger legal protections for your family. If you need to dissolve previous civil unions with other partners, you should contact an attorney on how to proceed.

If we already were married somewhere else, do we need to remarry in Maryland?

No, your marriage, as long as it was validly entered into in another state of the United States or in another country, is validly recognized here. You are legally married, and cannot seek to legally remarry.

Can I register my out-of-state or other country marriage?

You do not need to register your foreign marriage in order for it to be recognized in Maryland.

If we aren't residents of Maryland, can we marry there?

Maryland does not have a residency requirement. Generally, you will need to obtain a marriage license in the county you plan to marry in, and wait 48 hours for the license to become valid. A word of caution, there are some states that impose criminal penalties on their residents if they enter a marriage outside the state that would have been prohibited in the state, and these may be interpreted to apply to marriages of same sex couples who live in those states. It's a good idea to check your local state laws. Additionally, if you choose to marry in Maryland as a non-resident, it might present issues for you in the future if you ever decide to divorce, depending on what state you reside in.

Will my marriage be recognized by other states?

Your marriage will be recognized by states that provide recognition to same sex marriage (for example, the states that have same sex marriage). It will not be recognized in the states that specifically do not recognize same sex marriage. For a summary of state recognition, visit <http://www.lambdalegal.org/publications/lambda-legals-safety-scale>. As of printing Nine (9) states: Connecticut, Iowa, Massachusetts, New Hampshire, New York, Maine, Maryland, Vermont, and Washington, in addition to the District of Columbia and two Native American tribes have all legalized same sex marriage. With the passage of Proposition 8 in California, gay and lesbian couples who were married between June and November 2008 are still legally married, but no new legal marriages can be performed. It is hoped that the Supreme Court will rule Proposition 8 unconstitutional in their next session.

Will my marriage be recognized for federal purposes?

As a result, the 1,138 benefits that the federal government provides to married couples will continue to be denied to same-sex married couples, even though you will have all the state rights according to your marriage in Maryland.

Once we're married, are we fully legally protected?

Unfortunately, no. Because of DOMA and the non-recognition of same-sex marriages by many states, it will continue to be necessary to take extra steps to make sure your family is protected. Families are also more likely to confront challenges such as family hostility so that the necessity for careful estate planning is especially necessary. You still should do your estate planning documents – a will, durable power of attorney, and a health care advanced directive. If you plan to have children, it's essential to obtain a second parent adoption. A birth certificate is not sufficient protection. It is also extremely difficult for a non-biological/de facto parent to be protected without a second parent adoption.

Information gathered from several print and internet resources, including Equality Maryland; www.lesbianlife.about.com ; www.freedomtomarry.org/states .