

# Same-Sex Marriages, Civil Unions, and Domestic Partnerships

---

With the U.S. Supreme Court decision striking down the federal Defense of Marriage Act (DOMA) in *United States v. Windsor*, and subsequently ruling it unconstitutional for any state government to deny same-sex couples the right to marry in *Obergefell v. Hodges*, many issues have surfaced over the impact these rulings have on the status of civil unions and domestic partnerships in the state of New Jersey.

Effective in 2004, the New Jersey Domestic Partnership Act (DPA) granted certain rights and benefits to couples registered as domestic partners, such as: the right to claim the other partner as a dependent on state tax returns, the right to make health care decisions on behalf of the other and the right to receive certain public employee benefits. Under the original DPA, same-sex couples who were 18 years of age or older and opposite-sex couples who were 62 years of age and older meeting eligibility requirements under the DPA had the right to register as domestic partners.

In 2007, the New Jersey Civil Unions Act took effect establishing “civil unions” for same-sex couples in New Jersey. N.J.S.A. § 37:1-28 et seq. The Act granted same-sex couples the same benefits and protections given to married couples, including equal rights regarding children, divorce, property division and spousal support. The Civil Unions Act also amended the State’s Domestic Partnership Act to require that both same-sex and opposite couples must be age 62 or older to register as Domestic Partners.

## Important Differences Exist Between Marriages, Civil Unions and Domestic Partnerships

At this point in time, civil unions are not recognized by the federal government which means that a civil union couple is not entitled to the same federal benefits married couples receive. Moreover, domestic partnerships, while still valid, do not afford couples many of the rights and protections afforded either

through marriage or a civil union.

If you have previously entered into a civil union or domestic partnership in New Jersey, you do not have to dissolve it prior to getting married as long as you are marrying your current civil union/domestic partner. However, it is important to understand that your civil union or domestic partnership will not automatically convert into marriage - you must obtain a marriage license and engage in a marriage ceremony to receive a marriage certificate in New Jersey.

## Questions? The Family Law Attorneys at Einhorn Barbarito Can Help

If you have questions related to alimony claims and cohabitation, we encourage you to discuss your situation with one of the many excellent New Jersey divorce attorneys in our firm. If you have questions about the rights and responsibilities that come with these types of legally recognized relationships you should speak with a knowledgeable attorney skilled in family law matters. The lawyers at Einhorn Barbarito have years of experience assisting same-sex and opposite sex couples throughout the state of New Jersey with all types of family law issues. Contact us today at 973-627-7300 to schedule a consultation with a matrimonial or New Jersey LGBT family lawyer in our Family Law Practice Group.