

November 2, 2007

Honorable Tom Little, Chair
c/o Rosalind Daniels
Vermont Commission on
Family Recognition and Protection
Vermont Statehouse
Montpelier, Vermont 05609

Dear Mr. Little:

Thank you for your efforts to consider whether Vermont should amend our laws to recognize marriage between same sex couples.

I am one of the officials responsible for providing information to individuals who have questions about civil unions in Vermont. From my experience over the past seven years, it is my belief that individuals who have obtained a civil union in Vermont do not experience the same benefits as those individuals who have a Vermont marriage. Specifically, a couple who leaves the state often end up in legal limbo.

When the legislature adopted the civil union law in 1999 it gave the Secretary of State's office a role in implementing the new rules. We provided information and training to Vermont's justices of the peace and town clerks, and we also provided town clerks with an informational pamphlet about civil unions to hand out to people who wished to enter into a civil union. The pamphlet explains the benefits, protections and responsibilities of a civil union and that Vermont residency may be required for dissolution of a civil union in Vermont. 18 V.S.A. § 5160(f). Because of this publication and our role in implementation of the civil union law, my office has become a place that people who have entered into civil unions come to when they have a problem or question about Vermont law.

Over the years we have had a growing number of calls and e-mails about the validity of civil unions in other states; and many question about whether individuals who were not resident of Vermont could dissolve their Vermont civil unions. I have attached some samples of e-mail correspondence I have received over the past year. For example, one individual writes "My Partner and I had our Civil Union in Vermont approximately 5 1/2 years ago. I understand in order to dissolve a civil union that one of the parties must reside in Vermont. My question is whether there is any way around this? I have court documentation regarding the custody of our children which makes is clear that we are

indeed separated. The documentation I have are permanent orders regarding custody, child support, visitations, health and medical insurance etc. Would this documentation prove enough to get our Union dissolved? I am not allowed to relocate to another state with my children in order to accomplish this. I also am engaged again and would like to make arrangements for a marriage in Massachusetts, where I reside.” If this couple had married in Vermont the Massachusetts court could issue a divorce decree.

A Maryland resident wrote, “This has become a dangerous legal situation, as this piece of paper sits in your state without resolution. . . . Whatever the reason for this union not working, like any other union that does not work out, we have the right, as any decent human beings do, to resolve the situation. . . . Again, if out-of-state residents do not have the same right to termination that in-state residents have, then the out-of-state unions should be null and void.” Another person wrote, “I hold great respect for the laws of this country and the institution of the civil union. My question is there any alternative way of dissolving the civil union with both us living in Indiana? My state does not recognize the civil union, so they will not dissolve it. I am eager to move on in my life, but will not commit until the union is dissolved.”

As you can see, unlike a person who has been married in Vermont, a person who has obtained a civil union here leaves the state and enters into a legal limbo that has meaningful consequences for the individuals and their families..

Feel free to contact me if you would like additional information.

Sincerely,

Deb Markowitz
Secretary of State