

# CIVIL UNIONS IN VERMONT

## QUESTIONS & ANSWERS TO HELP YOU PLAN YOUR VERMONT CIVIL UNION

BY The Vermont Department of Health  
802-863-7275 or 800-439-5008

A civil union is a legal relationship that provides same-sex couples in Vermont all the benefits, protections and responsibilities under law as are granted to spouses in a marriage.

**Who can form a civil union?** Both parties to a civil union must be of the same sex and therefore ineligible for marriage. Both parties must be at least 18 years of age, of sound mind, and not already in a marriage or another civil union. Vermont also does not allow a civil union between most close relatives. You cannot enter a civil union with a parent, grandparent, sister, brother, child, grandchild, niece, nephew, aunt or uncle. Anyone under guardianship must have the guardian sign an affidavit consenting to the union. You do not have to be Vermont residents to form a civil union in Vermont.

**Do we need a license? Do we need blood tests?** You will need a license, but you do not need blood tests, and there is no waiting period.

**Where do we get a civil union license and how much does it cost?** Licenses are issued by Vermont town clerks. If both parties are Vermont residents, you may go to the town clerk in either of your towns of residence. If just one of you resides in a Vermont town, you must buy the license in that town. **The license costs \$23**, and is valid for 60 days from the date it is issued. During that time period, you must have the union certified by an authorized person - otherwise, the license is void.

**What if we are not Vermont residents?** If neither party is a Vermont resident, you may get the license from any town clerk in the state.

**What information must we provide to get a civil union license?** Besides basic information about yourselves (names, towns of residence, places and dates of birth), you must also provide your parents' names, including your mothers' maiden names, and their places of birth. (A certified copy of your birth certificate can supply most of this information.)

Vermont law requires that at least one of you sign the license in the presence of the town clerk, certifying that all the information you provided is correct. However, most town clerks prefer to see both of you in person before issuing your license. The law requires that town clerks satisfy themselves that you are both free to form a civil union under Vermont laws. Therefore, they may ask to see legally documented proof of your statements (birth certificates, divorce decrees, death certificates, etc.).

You will also be asked to provide information about your race, the highest grade you completed in school, and the number of previous marriages or civil unions and how they ended. This information is confidential and does not become part of the civil union certificate.

**What if either of us has been married or in a civil union before?** If your husband, wife, or civil union partner has died, you are free to form a civil union. The clerk will ask the date your spouse

or civil union partner died. If you are divorced, you may form a civil union after the date on which your previous marriage or civil union was legally dissolved.

**Can a license be issued through the mail? Can we form a civil union by proxy.** No. A civil union license cannot be issued through the mail, and you cannot form a civil union by proxy.

**Where can we have our civil union certified?** With a valid Vermont license, your civil union can be certified anywhere in Vermont, but only in Vermont.

**Who can certify our civil union? Do we need witnesses?** A supreme court justice, a superior court judge, a district judge, a judge of probate, an assistant judge, a justice of the peace or an ordained or licensed member of the clergy residing in Vermont can certify your civil union. A clergy person residing in an adjoining state or country can certify your civil union if his or her church, temple, mosque, or other religious organization lies wholly or partly in Vermont. A clergy member residing in some other state or in Canada can certify your civil union if he or she first obtains a special authorization from the probate court in the district where the certification will take place. Vermont law does not require witnesses, but, if you are planning a religious ceremony, check to see if the religion's tenets require witnesses.

**What do we do with the license? What happens to it after the ceremony?** By law, you must deliver the license to the person who will certify your union (officiant). After the ceremony, the officiant will complete the sections concerning the date, place and officiant information, and sign your license. At that point, the license becomes a civil union certificate. The officiant must return the certificate to the town clerk's office where it was issued **within 10 days** of the certification, so that your union can be officially registered. The certificate is not a complete legal document until it has been recorded in the town clerk's office where it was purchased.

**How do we get a copy of our civil union certificate?** When you buy your license, you can arrange with the town clerk to mail you a certified copy of your certificate as soon as it is recorded. The cost is \$30.00 (\$23 for the license and \$7 for the certified copy).

Two weeks or more after the certification, you can request, in person or in writing, a copy from the town clerk's office where you bought your license.

**OR-** Six or more weeks after the certification, you may request, in person or in writing, a certified copy from the Vermont Department of Health, Vital Records Unit. **Either way, the fee is \$7.00,** and you will receive a copy of the original certificate, embossed with the town or state seal and signed and dated by the appropriate official. This is accepted in Vermont for all legal purposes as proof of a valid civil union.