



## **Colorado Civil Union Act Frequently Asked Questions**

### **What is a civil union?**

A civil union is a form of state-level relationship recognition that provides committed gay and lesbian couples with the critical legal protections they need to be able to take care of each other.

### **What protections are provided through a civil union?**

Civil unions provide a couple state-level legal benefits, protections, and responsibilities, including:

- Responsibility for financial support of a partner
- Responsibility for decisions relating to medical care and treatment
- Responsibility as priority conservator, guardian, or personal representative for a partner
- The ability to inherit real and personal property from a partner without a written will
- The ability to protect exempt property from attachment, execution, or garnishment during a family's financial crisis
- The ability to designate a partner automatically as a beneficiary to retirement
- The ability to adopt a child of a partner
- The ability to insure a partner
- Hospital visitation
- Eligibility for family leave benefits
- Survivor benefits under workers compensation laws and state or local government pensions

Civil unions also provide an orderly process for the dissolution, legal separation, or declaration of invalidity of a civil union.

### **Will civil unions impact federal benefit programs and protections?**

Civil unions only provide state-level protections and benefits. They will only impact benefit programs of the State of Colorado at this time. The federal Defense of Marriage Act (DOMA) currently prevents the federal government from recognizing same-sex spouses for federal purposes such as Social Security survivor benefits, federal income and estate taxes, and immigration. It is unclear whether that will change due to litigation underway now.

### **Will civil unions impact clergy, churches and other houses of worship?**

Clergy, churches and other faith-based institutions will not be affected by civil unions; they will retain religious freedom to marry or bless unions based on their religious beliefs. No houses of worship or members of the clergy will be required to perform a union against their will or by compulsion of the government. The civil unions law will protect religious freedom for all houses of worship.

### **What if I have a marriage or civil union in another state – will it be recognized in Colorado?**

A marriage, civil union, domestic partnership or substantially similar legal relationship between two persons that was legally created in another jurisdiction will be recognized as a civil union in Colorado.

**What if I have a marriage or civil union entered in another state years ago but we never legally dissolved the relationship. Can I get a civil union in Colorado?**

To obtain a civil union in Colorado, you may not currently be in a marriage or civil union with another person. If you have previously been married or party to a civil union, the application for a Colorado civil union will require that you provide the name of the spouse or other party and either the date, place and court in which the marriage or civil union was dissolved or declared invalid, or the date and place of death of your deceased spouse or deceased party to a civil union.

If you currently have a Designated Beneficiary Agreement in Colorado, it will be considered revoked upon your getting a civil union.

**How do civil unions affect transgender Coloradans?**

Civil unions are available regardless of the gender of either party.

**Can a civil union be converted into a marriage after someone's gender marker has been changed?**

No. You cannot convert a civil union into a marriage. You would have to dissolve the civil union and then get married.

**Are dissolution (divorce), maintenance (alimony), child support, and child custody for parties to a civil union handled the same way as in marriage?**

Yes. Generally speaking, dissolution, maintenance, child support and child custody are handled the same for civil unions and marriage.

**Will civil unions provide access to state worker programs for state employees in a civil union?**

The Colorado Civil Union Act will provide access to the following benefits for state employees in a civil union: right to designate a party to a civil union as a beneficiary under the state public employees' retirement system, survivor benefits under local government firefighter or police pensions, and group benefit plans for state employees.

**How will civil unions impact access to insurance?**

For insurance policies issued, delivered or renewed on or after January 1, 2014, the Colorado Civil Union Act will allow parties to a civil union to cover their partner as a dependent in life insurance, health insurance and other insurance policies that provide coverage relating to joint ownership of property.