

The Vermont Statutes Online

Title 15: Domestic Relations

Chapter 23: CIVIL UNIONS

§ 1201. Definitions

As used in this chapter:

- (1) "Certificate of civil union" means a document that certifies that the persons named on the certificate have established a civil union in this state in compliance with this chapter and 18 V.S.A. chapter 106.
- (2) "Civil union" means that two eligible persons have established a relationship pursuant to this chapter, and may receive the benefits and protections and be subject to the responsibilities of spouses.
- (3) "Commissioner" means the commissioner of health.
- (4) "Marriage" means the legally recognized union of one man and one woman.
- (5) "Party to a civil union" means a person who has established a civil union pursuant to this chapter and 18 V.S.A. chapter 106. (Added 1999, No. 91 (Adj. Sess.), § 3.)

§ 1202. Requisites of a valid civil union

For a civil union to be established in Vermont, it shall be necessary that the parties to a civil union satisfy all of the following criteria:

- (1) Not be a party to another civil union or a marriage.
- (2) Be of the same sex and therefore excluded from the marriage laws of this state.
- (3) Meet the criteria and obligations set forth in 18 V.S.A. chapter 106. (Added 1999, No. 91 (Adj. Sess.), § 3.)

§ 1203. Person shall not enter a civil union with a relative

- (a) A woman shall not enter a civil union with her mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister.
- (b) A man shall not enter a civil union with his father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother.
- (c) A civil union between persons prohibited from entering a civil union in subsection (a) or

(b) of this section is void. (Added 1999, No. 91 (Adj. Sess.), § 3.)

§ 1204. Benefits, protections and responsibilities of parties to a civil union

(a) Parties to a civil union shall have all the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, policy, common law or any other source of civil law, as are granted to spouses in a marriage.

(b) A party to a civil union shall be included in any definition or use of the terms "spouse," "family," "immediate family," "dependent," "next of kin," and other terms that denote the spousal relationship, as those terms are used throughout the law.

(c) Parties to a civil union shall be responsible for the support of one another to the same degree and in the same manner as prescribed under law for married persons.

(d) The law of domestic relations, including annulment, separation and divorce, child custody and support, and property division and maintenance shall apply to parties to a civil union.

(e) The following is a nonexclusive list of legal benefits, protections and responsibilities of spouses, which shall apply in like manner to parties to a civil union:

(1) laws relating to title, tenure, descent and distribution, intestate succession, waiver of will, survivorship, or other incidents of the acquisition, ownership, or transfer, inter vivos or at death, of real or personal property, including eligibility to hold real and personal property as tenants by the entirety (parties to a civil union meet the common law unity of person qualification for purposes of a tenancy by the entirety);

(2) causes of action related to or dependent upon spousal status, including an action for wrongful death, emotional distress, loss of consortium, dramshop, or other torts or actions under contracts reciting, related to, or dependent upon spousal status;

(3) probate law and procedure, including nonprobate transfer;

(4) adoption law and procedure;

(5) group insurance for state employees under 3 V.S.A. § 631, and continuing care contracts under 8 V.S.A. § 8005;

(6) spouse abuse programs under 3 V.S.A. § 18;

(7) prohibitions against discrimination based upon marital status;

(8) victim's compensation rights under 13 V.S.A. § 5351;

(9) workers' compensation benefits;

(10) laws relating to emergency and nonemergency medical care and treatment, hospital visitation and notification, including the Patient's Bill of Rights under 18 V.S.A. chapter 42 and the Nursing Home Residents' Bill of Rights under 33 V.S.A. chapter 73;

- (11) advance directives under 18 V.S.A. chapter 111;
 - (12) family leave benefits under 21 V.S.A. chapter 5, subchapter 4A;
 - (13) public assistance benefits under state law;
 - (14) laws relating to taxes imposed by the state or a municipality;
 - (15) laws relating to immunity from compelled testimony and the marital communication privilege;
 - (16) the homestead rights of a surviving spouse under 27 V.S.A. § 105 and homestead property tax allowance under 32 V.S.A. § 6062;
 - (17) laws relating to loans to veterans under 8 V.S.A. § 1849;
 - (18) the definition of family farmer under 10 V.S.A. § 272;
 - (19) laws relating to the making, revoking and objecting to anatomical gifts by others under 18 V.S.A. § 5240;
 - (20) state pay for military service under 20 V.S.A. § 1544;
 - (21) application for early voter absentee ballot under 17 V.S.A. § 2532;
 - (22) family landowner rights to fish and hunt under 10 V.S.A. § 4253;
 - (23) legal requirements for assignment of wages under 8 V.S.A. § 2235; and
 - (24) affirmance of relationship under 15 V.S.A. § 7.
- (f) The rights of parties to a civil union, with respect to a child of whom either becomes the natural parent during the term of the civil union, shall be the same as those of a married couple, with respect to a child of whom either spouse becomes the natural parent during the marriage. (Added 1999, No. 91 (Adj. Sess.), § 3; amended 2001, No. 6, § 12(a), eff. April 10, 2001; 2001, No. 140 (Adj. Sess.), § 19, eff. June 21, 2002.)

§ 1205. Modification of civil union terms

Parties to a civil union may modify the terms, conditions, or effects of their civil union in the same manner and to the same extent as married persons who execute an antenuptial agreement or other agreement recognized and enforceable under the law, setting forth particular understandings with respect to their union. (Added 1999, No. 91 (Adj. Sess.), § 3.)

§ 1206. Dissolution of civil unions

The family court shall have jurisdiction over all proceedings relating to the dissolution of civil unions. The dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of

marriage in accordance with chapter 11 of this title, including any residency requirements. (Added 1999, No. 91 (Adj. Sess.), § 3.)

§ 1207. Commissioner of health; duties

(a) The commissioner shall provide civil union license and certificate forms to all town and county clerks.

(b) The commissioner shall keep a record of all civil unions. (Added 1999, No. 91 (Adj. Sess.), § 3.)
