

# Civil Unions in Colorado

## What is a civil union in Colorado?

In March 2013, Colorado Governor John Hickenlooper signed into law the Colorado Civil Union Act, which legalized civil unions.

A civil union is a form of state-level relationship recognition for couples, regardless of gender, that entitles them to receive benefits and protections and be subject to the responsibilities of spouses. You may not enter into a civil union with an ancestor or descendent (such as a parent or offspring), sibling, aunt/uncle, or niece/nephew.

On June 26, 2015, the United States Supreme Court decided *Obergefell v. Hodges*, 576 U.S. \_\_ (2015). In this landmark decision, the court held that there is a fundamental right to marry, regardless of the gender of the two spouses. This decision has opened up the option of marriage to same-sex couples in all states. However, the Colorado statute authorizing civil unions has not been either struck down or repealed and remains valid. People may still, if they would like to, enter into a civil union.

## What if I want to merge my civil union into a marriage in Colorado?

- Under the Colorado Civil Union Act, parties to a civil union may decide to merge into a marriage with the same partner and are not required to separately dissolve their civil union status.
- Parties to a civil union must apply to a county clerk and recorder for a marriage license. Then you must enter into a marriage within 30 days, before the license expires.

- Certain persons may solemnize a marriage, such as a judge, tribe official, clergy member, or religious official. The person who solemnized the marriage must complete the marriage certificate form, which must be forwarded to the county clerk and reporter within 60 days of the ceremony.
- Please check with your local county clerk and recorder's office for specific information about merging a civil union into a marriage.

## **What benefits and protections do civil unions provide?**

In general, being in a civil union gives you the rights, benefits, protections, duties, obligations, and responsibilities under Colorado law that are granted or imposed to spouses, such as (these are a few examples):

- Responsibility for financial support of a partner
- Prohibitions against discrimination based upon spousal status
- Law of domestic relations including legal separation, dissolution, child custody, allocation of parental responsibilities, parenting time, child support, and property division
- Rights and abilities concerning transfer of real or personal property
- Probate laws relating to estates, wills, trusts, and intestate succession (inheritance without a will), including the ability to inherit real and personal property from a party in a civil union under the probate code
- Workers' Compensation benefits

- Right to designate party to civil union as a beneficiary under the state public employees retirement system
- Laws, policies, and procedures for emergency and non-emergency medical care and treatment and hospital visitation and notification
- Responsibility for decisions related to medical care
- Ability to adopt the child of a partner
- Family leave benefits
- Ability to protect exempt property from attachment, execution, or garnishment
- Dependent coverage for life and health insurance plans, as well as other insurance plans related to the ownership of property

## **What about federal benefits and protections? Do civil unions provide any?**

Currently, parties to a civil union in Colorado do not have any of the rights of a married couple under federal law (such as federal income tax filing, survivor benefits of federal pensions, and social security).

The federal Defense of Marriage Act (DOMA) defines marriage as a union between a man and a woman. Even though the U.S. Supreme Court overturned parts of DOMA that barred federal benefits to legally married same-sex couples, the U.S. Supreme Court decision only applied to marriages and not civil unions.

## **How do I enter into a civil union in Colorado?**

To enter into a civil union, you must apply to a county clerk and recorder for a civil union license. Then you must enter into a civil union within 35 days, before the license expires.

Certain persons may certify a civil union, such as a judge, tribe official, clergy member, or religious official; however, religious officials are not required to certify a civil union. After the civil union is certified, the officiant (the person who certified the civil union) files the civil union certificate with the county clerk and recorder.

Please check with your local county clerk and recorder's office for specific information about entering into a civil union.

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

A same-sex marriage that was legally entered into in another state will be recognized in Colorado.

A civil union, domestic partnership, or other similar legal relationship that was legally entered into in another state will also be recognized as a civil union in Colorado.

## **What if I enter into a civil union in Colorado and leave the state?**

If you enter into a civil union in Colorado, Colorado retains jurisdiction for the purpose of any action relating to the civil union (such as dissolution) even if one or both parties have left the state.

## **What if I already have a Designated Beneficiary Agreement in Colorado?**

A Designated Beneficiary Agreement allows two unmarried people to share certain legal rights, benefits, and protections, such as making health care and property decisions for one another.

If you enter into a civil union in Colorado, your Designated Beneficiary Agreement will be considered revoked upon getting a civil union. Please visit the Colorado Bar Association's website [by clicking here](#) for more information on Designated Beneficiary Agreements, including revoking the agreement.

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

To be in a civil union in Colorado, you cannot currently be in a civil union or marriage with another person. You must first dissolve the previous civil union or marriage.

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

In general, dissolution, maintenance, child support, and child custody issues in civil unions are handled the same for both civil unions and marriages.

Also, please note that entering into a civil union will terminate any alimony currently being received.

## **Where can I find information about the dissolution or legal separation of civil unions?**

For dissolution or legal separation of a civil union without children, please visit the Colorado Judicial Branch website [by clicking here](#).

## **Where can I find information about converting the legal separation of a civil union to the dissolution of a civil union?**

Please visit the Colorado Judicial Branch website [by clicking here](#).

## Where can I find information about filing an annulment of a civil union?

An annulment declares that the civil union was never a real union, as opposed to a dissolution (divorce), which simply declares the union over. For information about Annulment [click here](#). For more information, please visit the Colorado Judicial Branch website [by clicking here](#).

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Reviewed January 2023

Last updated on January 10, 2023.

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