

What's The Difference?

Marriage: Equality

- 1,400+ state and federal rights.
- Recognized worldwide.

Civil Unions: Separate and Unequal

- 300+ state benefits and protections.
- No federal protection.
- No guarantee of protection outside the state that granted the union.

	MARRIAGE	CIVIL UNIONS*	NO MARITAL STATUS
Portability of rights	Automatically recognized in all 50 states	Recognition not guaranteed outside the state that grants it	Some of the documents named below must be carried at all times to ensure they are enforced.
Medical decisions/ Emergencies	A spouse or family member may make decisions for an incompetent or disabled person unless contrary written instructions exist, and can generally visit their partner in the hospital	Partner's right to visitation and medical decision-making may not be recognized out of state	A health care proxy is required to convey decision-making authority
Gift and property transfer tax	May make unlimited transfers and gifts to each other without paying taxes	Large gifts and transfers are subject to federal tax.	Must pay federal tax and state tax in many states for large gifts and transfers
Inheritance	Automatic right to inherit without a will; inheritance not taxed at the state or federal level	Not taxed at the state level; fully taxed at the federal level; not automatic outside granting state	No automatic inheritance; must be designated in will and is fully taxable; without a will, relationship is invisible
Income tax	Can file taxes jointly, which works to the advantage of couples when one earns much more than the other, but creates a penalty when their incomes are similar	Can file only state returns jointly; federal returns must be filed as single	Must file individually
Social Security and Veteran Death Benefits	Married people receive Social Security and veteran benefit payments upon the death of a spouse	None	None
Retirement Savings	Married people receive payment from retirement savings upon the death of a spouse and can roll over savings for continued tax deferral	Benefits are immediately taxed, if retirement savings plan even allows non-spouse to be named as beneficiary	Benefits are immediately taxed, if retirement savings plan even allows non-spouse to be named as beneficiary
Divorce	Divorce provides legal structure for couples to dissolve their marriages and divide property equitably	No such system can be guaranteed for the dissolution of civil unions outside of the state where the union is granted	Relationship contract dictating property division in advance may be enforced upon dissolution of relationship
Child or spousal support	Criminal penalties are imposed on spouses who abandon a child or a spouse	Outside granting state, partners have no legal obligation to support their partner or partner's children; second parent adoption possible in some states to create an obligation to the child	Unmarried partners have no legal obligation to support their partner or partner's children; second parent adoption possible in some states to create an obligation to the child
Immigration Benefits	US citizens and legal permanent residents can sponsor their spouse and other family members for immigration	None	None
Cost to Establish	License fees – under \$100	License fees – under \$100	Each document requires attorney fees. Can total thousands of dollars for piecemeal protection in limited areas
Religious Freedom	Religious institutions are free to decide what marriages to perform or recognize	Religious institutions are free to decide what civil unions to perform or recognize	Some religions perform commitment ceremonies; convey no legal protection
The Word	Marriage is the ultimate expression of love and commitment; people understand and respect it	Civil unions are unfamiliar; people don't understand them or know how to treat them	None