

SAME-SEX MARRIAGE

If I am currently in a civil union and wish to enter into marriage, do I have to dissolve my civil union prior to entering into marriage?

You will not have to dissolve your civil union in order to enter into marriage so long as you are marrying your current civil union partner. However, if you wish to marry someone other than your civil union partner, then you must have your civil union dissolved before you can enter into marriage with someone else.

If I am currently in a civil union and subsequently enter into a marriage with my current civil union partner, what happens to my civil union?

Civil unions remain valid. Your civil union will remain intact and will still be on file with the Office of Vital Statistics and Registry after you enter into marriage with your civil union partner.

Will my New Jersey Civil Union automatically convert to a marriage or must I receive a marriage license and thereafter engage in a marriage ceremony in order to be married in New Jersey?

Civil Unions will not automatically convert to marriages. Civil unions remain valid and couples may continue to enter into civil unions if those so choose. A civil union couple will have to apply for and receive a marriage license and thereafter engage in a marriage ceremony in order to receive a marriage certificate.

Can same-sex couples continue to apply for and enter into civil unions?

Yes. The Civil Union Act remains in full force and effect.

If a same-sex couple is already legally married in another state and wishes to enter into marriage in New Jersey, would the couple be entering into a marriage or a remarriage?

The couple would be entering into a remarriage. Any couple married outside of the State that wishes to renew their marriage commitment in New Jersey may do so by applying for and receiving a remarriage license and thereafter engage in a remarriage ceremony, as set forth at N.J.S.A. 37:1-7. The 72 hour waiting period does not apply to remarriages.

If I am currently in a civil union and applied for a marriage license with my current civil union partner, must I wait 72 hours before receiving my marriage license?

Yes. All individuals, including those already in a civil union, who apply for marriage licenses must comply with the 72 hour waiting period unless a New Jersey Superior Court Judge enters an order waiving the wait period due to emergency circumstances.

If I am currently in a civil union and wish to enter into marriage with my current civil union partner, should I apply for a remarriage license or a marriage license?

Couples who are currently in a civil union and have not entered in a valid marriage outside of this State must apply for a marriage license, not a remarriage license, and must wait 72 hours before receiving their marriage license.