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Can same-sex couples currently get married in Utah?

No. Although many same-sex couples married after the district court's in *Kitchen* struck down Utah's marriage bans as unconstitutional, the Supreme Court stayed that decision while it is being appealed by Utah later this year before the 10th Circuit Court of Appeals. This means that Utah's prohibition on marriage for same-sex couples was put back into place and that additional marriage licenses will not be issued to same-sex couples while the appeal is being heard.

More information regarding *Kitchen v. Herbert* and its ongoing appeal can be found [here](#).

What are the benefits that generally come from marriage?

There are a variety of federal and state benefits that are accorded to married couples. There are 1,138 benefits, rights, and protections provided on the basis of marital status in federal law. Federal benefits for married couples the individuals in those marriages include benefits in social security, taxes, immigration, federal employee benefits, and many others. Benefits that come from state recognition of marriages include adoption rights, property rights, inheritance rights, employment benefits, and others.

I was married in Utah between December 20, 2013 and January 6, 2014. Am I now eligible for federal benefits?

Yes. On January 10, 2014, the Justice Department announced that the marriages performed in Utah "will be recognized as lawful and considered eligible for all relevant federal benefits on the same terms as other same-sex marriages." Therefore, you are able to file joint federal income tax returns and are eligible for other spousal benefits in areas such as bankruptcy, immigration, student aid, and veteran benefits.

For an overview of many of the federal benefits that have been accorded to married same-sex couples following the decision last year in *Windsor v. United States*, see the fact sheets located [here](#).

I was married in Utah between December 20, 2013 and January 6, 2014. What state benefits am I eligible for in association with that marriage?

Utah has announced that they are placing "on hold" the recognition of marriages of same-sex couples performed in Utah. This means that they are currently withholding benefits associated with marriage from those marriages until they reach a final resolution in the *Kitchen* litigation. All benefits that were completed before the Supreme Court issued the stay on January 6, 2014 will still be recognized by Utah. However, any future benefits will not be granted or honored for those marriages. An exception to this is that the Utah Tax Commission will recognize same-sex couples who

were married before December 31, 2013 as being eligible to file a joint state tax return for the 2013 tax year.

There is currently ongoing litigation in *Evans v. Utah* challenging Utah's refusal to recognize these marriages. More information on this litigation and its progress can be found [here](#).

As part of a married same-sex couple, can I file a joint state income-tax return?

It depends. If you were married as of December 31, 2013 (the close of the 2013 tax year), you may file a joint 2013 Utah Individual Income Tax return. This applies to both couples that were married in Utah or in other states, as long as you are eligible to file a joint federal income tax return. If you were married after December 31, 2013, then you may not file a joint state tax return in Utah. This only applies to the 2013 tax year and the tax commission will provide information regarding filing for future years.

I married my same-sex partner in a state other than Utah. Will my marriage be recognized in Utah?

No. At this time, Utah is not recognizing any marriages of same-sex couples that were performed in other states. However, this could be changed if the courts decide to uphold the decision of *Kitchen*, which held that this ban on recognizing marriages of same-sex couples was unconstitutional.

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