

Patterns of Relationship Recognition for Same-Sex Couples: Divorce and Terminations



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Now that same-sex couples have the ability to marry or enter some other form of legal relationship in many states, we also see that couples sometimes dissolved those legal relationships. Administrative data from two states shows that same-sex couples end their marriages at a rate of 1.1% annually, on average, and an average of 1.6% of couples dissolve their legal relationships if a broader set of states is included. This rate is slightly lower than the annual rate of divorce among married different-sex couples.

States that offer legal recognition to same-sex couples vary in how recognized couples can dissolve their legal relationships. Where marriage is allowed, same-sex couples can end their relationships through divorce. In the case of marriage-like statuses, such as civil unions and broad domestic partnerships, couples must generally go through a dissolution proceeding similar to a divorce. For limited recognition statuses, couples can usually terminate their relationship by filing a notice of dissolution with the state. Administrative agencies in some states maintain records of divorces and terminations by same-sex couples.

In early 2014, the Williams Institute collected administrative data on marriages, civil unions, and domestic partnerships of same-sex couples in the 23 states that offered these statuses at the time data collection began. Two states provided data on divorces: New Hampshire and Vermont. Six states provided data on civil union and domestic partnership terminations: California, D.C, New Hampshire, New Jersey, Washington, and Wisconsin.

The table presents data collected from New Hampshire and Vermont and shows that a total of 5.4% of New Hampshire couples and 3.6% of same-sex couples in Vermont divorced in the first four years or so of marriage equality. That corresponds to an average rate of 1.1% annually for the two states. This is slightly lower than the annual rate of divorce among different-sex couples, which is about 2% annually.¹

Analyses of data on dissolution of civil unions and domestic partnerships also find lower overall rates when compared to the rate of divorce among different-sex couples. The average dissolution rate for non-marital relationships was 1.7% annually across the six states that provided such data.

Overall, the average for any kind of legal relationship was 1.6% per year in these eight states.

Total Dissolutions by State

Type of Relationship Status	State	Total Dissolutions	Total Dissolution Rate ²	Avg. Annual Dissolution Rate ³	Years of Data
Marriage	New Hampshire	151	5.4%	1.4%	4
	Vermont	132	3.6%	0.8%	4.33
Civil Union/Broad Domestic Partnership	California	9,465 ⁴	12.8%	1.0%	13
	D.C.	118	9.3%	1.2%	8
	New Hampshire	100	12.7%	2.1%	6
	New Jersey (CU)	51	0.7%	0.5%	1.5
	New Jersey (DP)	648	12.6%	1.3%	9.5
	Washington	3,611	32.7%	5.0%	6.5
Limited Domestic Partnership	Wisconsin	86	4.0%	1.1%	3.5

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The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website.

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Endnotes

¹ The U.S. divorce rate for different-sex couples was determined by using the rate per 1000 of the total population provided by the Centers for Disease Control, National Center for Health Statistics, National Vital Statistics System, available at http://www.cdc.gov/nchs/nvss/marriage_divorce_tables.htm. That rate was applied to the total U.S. population to calculate the total number of divorces. The total number of divorces was divided by the total number of marriages to determine the divorce rate of different-sex married couples.

² To calculate the total dissolution rates, we divided total dissolutions for same-sex couples in each state by the total number of same-sex couples' marriages, civil unions, or domestic partnerships that occurred in the state.

³ To calculate average dissolution rates, we divided the total dissolution rate by the number of years for which we had data.

⁴ A substantial number of California's domestic partnership dissolutions are likely due to a change in the state's domestic partnership law that took place in 2003. On September 19, 2003, the legislature passed a bill which significantly expanded the state's domestic partnership status. Previously, the status had provided for only limited, enumerated rights. The 2003 bill conferred all of the benefits and burdens of marriage on domestic partners, including community property rights and other financial obligations. The change went into effect on January 1, 2005. The California Domestic Partner Rights and Responsibilities Act of 2003, A.B. 205, 2003-2004 Leg., Reg. Sess. (Ca. 2003).

In 2004, 2,513 California couples dissolved their relationships-- 27% of all domestic partnership dissolutions that occurred in the state from 2000 through 2013. Had the law not changed the scope of domestic partnership in the state, the total number of dissolutions in California may have been much smaller.