



# Marriage Equality in Georgia

## Frequently Asked Questions

Please note: This document offers general information only and is not intended to provide guidance or legal advice regarding anyone's specific situation. More detailed information about some of the questions below, and many others, is available at [www.MarriageEqualityFacts.org](http://www.MarriageEqualityFacts.org). This is an evolving area of law, and we will be working closely with the community to ensure equal treatment for same-sex couples and their families.

If you have encountered difficulty obtaining appropriate recognition of your married status, or are looking for contact information for private attorneys who might advise you, contact Lambda Legal's Help Desk at 404-897-1880, ext. 240, or online at [www.lambdalegal.org/help](http://www.lambdalegal.org/help). To help fight for greater anti-discrimination protections for Georgians, contact Georgia Equality at 404-523-3070, or [www.georgiaequality.org](http://www.georgiaequality.org).

### WHO CAN GET MARRIED IN GEORGIA?

Two people are eligible to marry in Georgia if they are:

- Over 18 years old (or meet the requirements for an exception)
- Have no living spouse of a previous undissolved marriage
- Not closely related to each other
- Legally competent to enter into a civil contract

### WHEN CAN I GET MARRIED TO MY SAME-SEX PARTNER?

Georgia officials can and should let same-sex couples marry immediately, but it may take time in some places. The Supreme Court's decision invalidated marriage bans from Ohio, Michigan, Kentucky, and Tennessee. The same principles apply to Georgia, although some officials may wait until a federal court orders them to comply. We expect that every official will comply as quickly as possible, since a failure to follow the Supreme Court's decision on a reasonable time frame could subject officials to personal liability and attorney's fees. But if you encounter officials who will not act until ordered to do so by a court, contact Lambda Legal.

Additionally, how quickly a couple marries can have significant implications for some benefits (such as Social Security, Veterans benefits, and retirement benefits), which may require couples to be married before one retires, or for a specific length of time, before they are eligible for benefits. For more information, visit [www.MarriageEqualityFacts.org](http://www.MarriageEqualityFacts.org).

### HOW DO I OBTAIN A MARRIAGE LICENSE, AND WHERE CAN I GET MARRIED?

Marriage licenses are available through Georgia's probate courts. Both parties must appear in person to fill out an application for a license. Georgia residents may seek a marriage license in any county's probate court; non-residents must apply in the county where the marriage ceremony will be held.

The cost of applying for a marriage license varies by county, but is reduced if you have a certificate of completion for a qualifying premarital education program in the last 12 months. Some counties require payment in cash only. Bring a form of identification with you, such as a driver's license, birth certificate, military ID, or passport. If you have previously been divorced, you should bring a certified copy of your divorce decree.

The marriage must be solemnized, which can be done by any judge, city recorder, magistrate, or minister. Some courts may offer wedding ceremonies by magistrate judges on site, while others do not. Check the relevant probate court website for further details.

For more information about county requirements, premarital education resources, and officiants, visit [www.georgiaequality.org/issues/marriage-relationships/day-of-decision](http://www.georgiaequality.org/issues/marriage-relationships/day-of-decision).

### CAN A PROBATE COURT REFUSE TO ISSUE A MARRIAGE LICENSE?

No. Government officials must perform their duties without discriminating between same-sex and different-sex couples. If

you are denied a marriage license because you are a same-sex couple, contact Lambda Legal.

### **IF WE ALREADY LAWFULLY MARRIED IN ANOTHER JURISDICTION, DOES GEORGIA HAVE TO RECOGNIZE THE MARRIAGE?**

If you lawfully married in another jurisdiction, Georgia cannot refuse to recognize your marriage simply because you are a same-sex couple. If you encounter disrespect for your marriage by the government, contact Lambda Legal.

### **WHAT IF WE ALREADY REGISTERED AS DOMESTIC PARTNERS OR ENTERED INTO A CIVIL UNION IN ANOTHER STATE?**

Georgia does not recognize these statuses as a marriage, and most federal protections and benefits are not available to those in domestic partnerships or civil unions. You should confirm whether the state where you registered has since passed laws that converted those statuses to marriages, and whether you should be recognized as already having a valid marriage.

### **CAN ONE OR BOTH SPOUSES CHANGE THEIR NAMES WITH THE MARRIAGE?**

Yes, but it requires several steps. The marriage license application allows you to designate a new last name. After you have married, you should obtain a certified copy of your marriage certificate (either from Georgia, or if you got married out-of-state, from the jurisdiction where you married), and use that document to update your records with government agencies and businesses to reflect your new name. Georgia requires that your driver's license be updated within 60 days. Check the Georgia Department of Driver Services website for additional instructions and requirements. You also will need to obtain an updated Social Security card. Instructions for that process can be found on the Social Security Administration's website.

### **DOES MY EMPLOYER HAVE TO OFFER ME SPOUSAL EMPLOYMENT BENEFITS SUCH AS SPOUSAL HEALTH COVERAGE, BEREAVEMENT LEAVE, AND FAMILY MEDICAL LEAVE?**

Spousal benefits should be offered to employees with a same-sex spouse on the same terms that they are offered for different-sex spouses. If you have been denied any workplace benefits for your spouse, contact Lambda Legal.

### **WHAT DOES MARRIAGE MEAN FOR PROTECTING OUR PARENTAL RIGHTS?**

The answer to this question may depend upon several circumstances. More detailed information is available at [www.MarriageEqualityFacts.org](http://www.MarriageEqualityFacts.org).

### **ARE THERE REASONS WE MIGHT NOT WANT TO GET MARRIED?**

You may not want to get married if you:

- Depend on public assistance
- Wish to adopt from a country that disapproves adoption by same-sex couples
- Are a foreign national without permanent legal status in the U.S.
- Do not wish to assume the responsibilities and rights that accompany marriage

### **WHERE CAN WE FIND MORE INFORMATION ABOUT PARENT-CHILD RELATIONSHIPS, SOCIAL SECURITY SPOUSAL BENEFITS, VETERANS SPOUSAL BENEFITS, RETIREMENT BENEFITS, AND TAXES?**

For more information, visit [www.MarriageEqualityFacts.org](http://www.MarriageEqualityFacts.org).

#### **For more information:**

##### **Georgia Equality**

1530 DeKalb Avenue NE, Suite A  
Atlanta, GA 30307  
404-523-3070  
[www.georgiaequality.org](http://www.georgiaequality.org)

##### **If you believe you have experienced discrimination, contact:**

##### **Lambda Legal**

730 Peachtree Street, NE, Suite 1070  
Atlanta, GA 30308  
404-897-1880 ext. 240  
[www.lambdalegal.org/help](http://www.lambdalegal.org/help)

