
CHAPTER 16:
FAMILY AND RELATIONSHIP RECOGNITION



FAMILY AND RELATIONSHIP RECOGNITION

The government should value and support all families. As of this writing, the Supreme Court is about to rule on the constitutionality of remaining bans on marriage or marriage recognition for same-sex couples. For many families, a positive ruling could extend federal Social Security, veterans' and other benefits that are currently based on state-of-residence marriage rules. Even with nationwide marriage equality, it remains important to recognize all families, including domestic partners of all genders who cannot or choose not to marry. And discriminatory practices still exclude many LGBT families from fostering, adoption, or recognition of parent-child relationships.

Policy Advances

- The Department of Justice filed a Supreme Court brief arguing that state bans on same-sex marriages are unconstitutional. (2015)
- The Social Security Administration issued guidance on recognizing marriages involving a transgender spouse, instead of treating all such marriages as “suspect.” (2014)
- The Supreme Court overturned section 3 of the so-called Defense of Marriage Act (DOMA), allowing the federal government to honor state-recognized same-sex marriages; agencies move to implement the ruling. (2013-on-going)
- US Citizenship and Immigration Services issued guidance on recognizing marriages involving a transgender spouse for immigration purposes. (2012)
- The Department of Labor issued an interpretation recognizing in loco parentis relationships for workplace family leave. (2009)

Needed Policy Changes

- Congress should pass the Every Child Deserves a Family Act, which would prohibit discrimination in adoption and foster care placements based on gender identity and sexual orientation.
- Congress should pass the Respect for Marriage Act to establish clear and equitable rules for federal benefits for all married couples.
- All federal agencies that administer benefit programs in which marriage is a factor should clarify through internal guidance that they will recognize a marriage that was recognized as a valid marriage where and when it was entered into, regardless of a spouse's prior or subsequent gender transition.
- Congress and federal agencies should extend the same rights to married couples and domestic partners alike in key areas such as health benefits and family leave.