

Delaware to see legal same-sex unions start on Jan. 1

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By Monica Scott, Staff Reporter

Most people at some point dream about getting married. Once they find the person they believe they'll spend the rest of their life with, they want to celebrate that love with their family and friends in an official ceremony recognized by the state and/or their place of faith. And now, starting Jan. 1, that extends to all people in Delaware, regardless of who they love.

Delaware joins a handful of states that recognize same sex unions legally and those that enter into such agreements "will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware."

Earlier in 2011, Governor Jack Markell signed the landmark legislation.

"This bill is about a new energy and excitement," Markell said this past May. "It's about a moment in our history that came about because people came together to work for it, because it became clear that Delaware's LGBT community is in fact part of every Delaware community. The greater good is served when we speak out and fight hard when we see that bias, prejudice or even outdated laws attempt to lessen any one of us."

Douglas Marshall-Steele, an advocate for equality and webmaster of towardequality.org, said, while the civil union law is a "great thing on the state level, it has grave limitations when you look at it on the federal level."

He said it has been said that there are about 1,138 rights, responsibilities and responses to accrue to federally recognize same sex marriage.

"While there is no difference [state-wise] between a civil union and a state recognized marriage, there is long way to go on the federal level."

He said the state rights that accrue are in the "hundreds," and while he and his partner exchanged vows in front of guests in 1995, it did not have any legal significance. They plan on having another ceremony in January to be able to benefit from all the legal aspects.

"They include employee [health] benefits, adoptions. They are significant. My partner Corey and I estimate that we have lost tens of thousands of dollars over the 16-and-a-half years we have been together had we been able to be married. There are rights that we will have that are very much significant on a pragmatic level, as well as a romantic level — very real rights."

Sussex County Clerk of the Peace George Parish, who testified on the state senate and house floors against civil unions and campaigned against them in 2004 and 2008, said while he had mixed feelings, his office will be performing civil unions.

"I told people I would be reviewing my legal, political and administrative options and found it behooves elected officials to comply with the rule of law. It would be wrong not to comply."

Parish said he thought about resigning but said, "if I did, there is a provision in the code that says liberal Jack Markell could appoint my successor. And that would be a betrayal of trust of the voters, who have the complete opposite view of the governor."

He said he will remain in his current term through 2012 but will not seek re-election, saying it would be "unacceptable" for him to resign and "unfair" to the voters.

He also said he is a strong supporter of initiative and referendum where voters could have a more direct say on such controversial topics, although Delaware is not one of the states that has it. Regardless, he will continue his duties as Clerk of the Peace through his term.

"Notwithstanding my political and personal convictions, we open our doors in January 2012 and are prepared to issue licenses for marriages and civil unions. And we will treat everyone with dignity and respect and we'll continue to do that."

Marshall-Steele was pleased with Parish's response to the legislation.

"I am very glad whenever an elected official in Sussex County chooses to obey the law."

For instructions on how to obtain a civil union in Sussex County, visit sussexcountype.gov online.