



## **THE ECONOMICS OF EQUAL MARRIAGE FACT SHEET**

The struggle for Equal Marriage is a feminist, LGBT and social justice issue! Women will not achieve equality until every woman can pursue her dreams free from all forms of discrimination.

### **ECONOMIC BENEFITS OF MARRIAGE:**

There are 1,049 economic and tax benefits and protections that married heterosexual couples have that LGBT couples do not.

What follows is a partial list of ways in which heterosexual couples benefit from civil marriage that LGBT couples do not:

- Spouses inherit each others' estates without the need for intricate and expensive wills and estate plans;
- Spouses may cohabitate in public housing units;
- Divorce laws protect both members of the relationship and minimize the power of one partner to keep the other in a abusive situation;
- The spouse of a U.S. citizen may obtain residency in the United States without a long legal battle;
- Married people may adopt the children of their spouses easily and cheaply, which also increases the financial security of the children;
- Dependent health benefits are tax-free for a married couple, whereas an unmarried couple is taxed on the value of the benefits;
- By filing jointly, married couples in which one partner has a much higher income pay significantly less tax than similarly situated unmarried couples;
- Taking family leave to care for your partner during an illness;
- Taking bereavement leave if your partner or one of your partner's close relatives dies;
- Accessing Social Security after a spouse's death, disability or retirement;
- Making medical decisions for your partner if s/he becomes incapacitated and unable to express wishes for treatment;
- Living together in assisted-living facilities and nursing homes;
- Making burial or other final arrangements.

To download a complete copy of the General Accounting Office report that details the benefits denied to LGBT people log onto: <http://www.thetaskforce.org/community/marriagecenter.cfm>

### **THE IMPACT ON LGBT PEOPLE AND THEIR FAMILIES:**

Marriage is the least expensive option couples have to gain access to these economic benefits. LGBT couples do not have the option of marrying and, therefore, have to create a complex set

of legal documents and contracts used to secure some measure of economic and legal protection for themselves and their families. However, this is an expensive and time consuming project that does not ensure full marriage equality. In addition, the legal services needed to complete this project are often expensive and, therefore, inaccessible to poor and working class same-sex couples.

For all of these reasons and more, unequal and unjust marriage laws have a significant economic impact on the lives of LGBT people and their families. What follows is a list of some of the ways that LGBT people are economically impacted by a lack of access to benefits:

- **Medical emergencies** –Requirements for living wills and powers of attorney vary from state to state, and they can be expensive. And if you move to a new state, your will or powers of attorney may have to be redrafted. Doctors can leave same-sex partners out of critical decision-making processes without these documents. Marriage eliminates the need for any legal documents because spouses are not only allowed, but indeed expected, to make these important decisions for one another.
- **Divorce** – Unmarried partners do not have the benefits of divorce court to "wind-up" their relationships. Even without substantial assets to divide, issues of child support, childcare, and partner support need to be resolved in the best interest of the family.
- **Social Security Benefits**–Social Security protects married couples and their families, including spouses and children, against a variety of risks including disability, death of a working spouse or parent, death of a retired spouse and retirement with insufficient personal savings or pension coverage among others. Yet, no survivor benefits, including spousal benefits and disability benefits, are available to same-sex couples and their children. Also, same-sex partners cannot draw on the Social Security of their deceased partner. For the average wage earner, Social Security insurance benefits are equivalent to a \$322,000 life insurance policy or \$233,000 in disability insurance.
- **Housing Benefits** – Same-sex couples can not sign up for joint home insurance policies and joint rental leases with automatic renewal rights if a spouse dies or leaves.
- **Immigration Benefits** – A foreign-born national has a right to a green card when married to an American citizen or legal permanent resident. The spouse may then obtain a work permit and eventually become a U.S. citizen. Spouses of U.S. citizens and lawful permanent residents also face a far shorter waiting period than other immigrants. These spousal rights even trump the United States' ban on immigration for HIV+ individuals. Same-sex partners are denied the family respect that otherwise governs immigration law.
- **Children and Families**- Marriage protects the economic interests of children by providing an economic safety net. The children have automatic and undisputed access to the resources, benefits and entitlements of both parents, such as employer- provided dependent health care. Married couples do not have to incur any expenses, legal or otherwise, to ensure that both parents have the right to make important medical decisions for their children in case of emergency.
- **Death of a Spouse**- Spouses, in most states, receive automatic inheritance. This means that if one of the parents dies in a heterosexual marriage, the law provides some financial security not only for the surviving spouse, but for the children as well, by ensuring eligibility to all appropriate entitlements, such as social security survivor benefits. If a

same sex-couple does not have a will, the inheritance most likely will go to a distant relative or to the state. This means that the same-sex partner will be treated as a stranger.

Much of this information comes from “For Richer, For Poorer: Same-Sex Couples and the Freedom to Marry as a Civil Right” written by Evan Wolfson, Executive Director of the Freedom to Marry Coalition. For the full article log onto:  
<http://www.drummajorinstitute.org/plugin/template/dmi/55/1693>

### **SOME STEPS FEMINISTS CAN TAKE:**

- Educate yourself about how the institution of marriage has been used to deny women, people of color and LGBT people equal protection and access.
- Your NOW chapter could join local efforts to organize and lobby for equal marriage rights in your community;
- Your NOW chapter could join local organizing and lobbying efforts to stop amendments to your state constitution that would ban equal marriage;
- Work with your NOW chapter to organize a teach-in, speak out, or town meeting on equal marriage at your local community college, library or community center to highlight the economic and social impact unequal marriage has on LGBT people and their families;
- Wear a Marriage Equality sticker or pin (available at <http://www.now.org/store/>)

For more information on action steps visit: <http://www.now.org/issues/marriage/index.html>

### **RESOURCES:**

The National Organization for Women: [www.now.org](http://www.now.org)

Pride at Work: [www.prideatwork.org](http://www.prideatwork.org)

Freedom to Marry: [www.freedomtomarry.org](http://www.freedomtomarry.org)

The National Gay and Lesbian Task Force: [www.nglftf.org](http://www.nglftf.org)

The Human Rights Campaign: [www.hrc.org](http://www.hrc.org)

Parents, Families and Friends of Lesbians and Gays: [www.pflag.org](http://www.pflag.org)

Family Pride Coalition: [www.familypride.org](http://www.familypride.org)

Children of Lesbians and Gays Everywhere (COLAGE): [www.colage.org](http://www.colage.org)