



## FREQUENTLY ASKED QUESTIONS

### About the Decision in *Whitewood v. Wolf*

#### UPDATED May 21, 2014

On May 20, 2014, Judge Jones ruled in favor of the plaintiffs in *Whitewood v. Wolf*, striking down Pennsylvania's law against marriage for same-sex couples. His order directs the commonwealth to allow same-sex couples to marry and to recognize valid out-of-state marriages. On May 21, 2014, Governor Corbett announced that he will not appeal Judge Jones' decision.

#### ***Is Judge Jones' ruling final? Is the Whitewood case over now?***

Yes! The commonwealth has announced that it will not appeal Judge Jones' decision. Judge Jones' order directing the commonwealth to allow same-sex couples to marry and to recognize valid out-of-state marriages is law.

#### ***When can my same-sex partner and I get married?***

You can apply for a marriage license immediately. In Pennsylvania, the first step to getting married is for the couple to show up in person at a Register of Wills/Orphans Court in any county to submit a marriage license application (in some counties you can begin but not complete the application online). Under Pennsylvania law, there is a three-day waiting period after the application is submitted before the Register of Wills can issue a marriage license. The three-day waiting period includes weekends, so couples who apply on a Thursday or Friday will receive a marriage license on Monday. Marriage licenses can be mailed or picked up in person (some Register of Wills offices give out marriage licenses on the day of application but mark them as not valid until three days after the filing of the application).

#### ***Is it possible to get a waiver of the three-day waiting period for a marriage license?***

You can ask a judge to grant you a waiver if there are exceptional circumstances that make it urgent for you to get married right away. The Registers of Wills who issue marriage licenses cannot waive the waiting period on his or her own; only a court can do this.

#### ***How do I ask Pennsylvania to recognize my out-of-state marriage?***

Pennsylvania does not have a process to register or otherwise track out of state marriages. Instead, you simply start filling out forms as "married" when you have reason to file them. This applies to both state and local government forms, as well as private companies – like insurance companies – that offer different products or rates depending on whether you are married. You should consult a



tax advisor about whether Pennsylvania will allow you to amend past years' taxes to claim any benefit that might have been available to you as a married couple.

Because the governor has announced he will not appeal, your out-of-state marriage should be recognized in every way immediately. This is true even if the government office with which you are dealing does not yet have a form that deals with marriage in a gender-neutral way.