



April 28, 2014

To: Pregnancy Assistance Fund Grantees

From: Evelyn Kappeler, Director, Office of Adolescent Health

Subject: OAH Grantee Guidance, PAF 2014-1: Recognition of Same-Sex Spouses and Marriages

PURPOSE

This guidance is to advise you of an important change in Department policy regarding recognition of same sex spouses and marriages. As you may know, on June 26, 2013, the Supreme Court, in *United States v. Windsor*, struck down section 3 of the Defense of Marriage Act (DOMA), which prohibited federal recognition of same-sex spouses and marriages. On August 8, 2013, the Secretary of the U.S. Department of Health and Human Services (HHS) issued a memo that directed each HHS Agency to actively and diligently work to extend equal treatment to same-sex spouses in its programs to the greatest extent reasonably possible.

SUMMARY

The Department has adopted a policy treating same-sex marriages on the same terms as opposite sex-marriages to the greatest extent reasonably possible. Any same-sex marriage legally entered into in a U.S. jurisdiction that recognizes their marriage, including one of the 50 states, the District of Columbia, or a U.S. territory or in a foreign country so long as that marriage would also be recognized by a U.S. jurisdiction will be recognized. This policy applies regardless of whether or not the couple lives in a jurisdiction that recognizes same-sex marriage. However, this policy does not apply to registered domestic partnerships, civil unions or similar formal relationships recognized under state law as something other than a marriage.

The Department plans to include recognition of same sex marriages/spouses in the terms and conditions of all future grants. In the meantime, the Department encourages current grantees to immediately recognize same sex marriages/spouses in programs supported by Department grants. The Office of Adolescent Health provides grant funds for Pregnancy Assistance Fund (PAF) programs to support expectant and parenting teens, women, fathers, and their families. In instances where the PAF Program references "families or family member" or "spouse," grantees are encouraged to afford same-sex marriages the same services and support as opposite-sex marriages to the greatest extent possible. Families include, but are not limited to spouses, partners, and children. In addition, where the PAF Program references co-parenting and marriage, same-sex marriages should also be afforded the same services and support as opposite-sex marriages, regardless of the state of residence or the state in which the program operates.

In any PAF program activity under an existing grant, the program's eligibility criteria may permit inclusion of individuals in or interested in same-sex marriages to the same extent that it permits inclusion of individuals in or interested in opposite-sex marriages. When conducting enrollment and permitting participation in activities, programs are encouraged not to distinguish between persons who are in, or interested in, same- or opposite-sex marriages.

Thank you in advance for your cooperation. If you have any questions about this guidance, please contact your OAH Project Officer.

Sincerely,



Evelyn Kappeler