

RAISING THE BAR
DECATO LAW OFFICE NEWSLETTER

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SAME-SEX MARRIAGE - FACTORS TO
CONSIDER

Same-sex marriage is a marriage between two people of the same gender, which demands all of the rights and privileges of opposite sex marriages. The state in which you live has the authority to decide who is allowed to marry, and the legality of same sex marriage differs from state to state. Same sex couples living in Massachusetts, Connecticut, Iowa, Vermont, and Maine (on May 6, 2009, the New Hampshire legislature passed legislation allowing same-sex marriage, but it is unclear if Governor John Lynch will sign the bill) now have a decision to make that same sex-couples have never had to make before: the decision whether marriage is right for them. Here are some factors for the same-sex couple to consider as they structure their relationship.

Property - Marital property rules vary by state. However, in most situations your property is jointly owned, regardless of who paid for it and, absent a prenuptial agreement, is an efficient way of establishing a property merger. By contrast, if you are not married, your property is co-owned only if you have an agreement. The same is true for debts and obligations.

Taxes - For tax purposes, the federal government does not recognize same-sex relationships even if state law recognizes same-sex marriage.

Children - Both partners in a marriage have the same rights and responsibilities to raise and support the children of the relationship, and in a divorce both can seek visitation and custody. Additionally, if one parent dies, the other steps in as the primary legal parent. It is difficult to make these sorts of arrangements absent a legal marriage or an adoption.

Government Benefits - In this area, marriage can confer important benefits, including Social Security, health care, and military benefits, as well as qualification for unpaid leave from your job under the Family Leave Act.

For the same-sex couple who is considering whether same-sex marriage is the right decision, it may be well worth your while to visit with Decato Law Office and speak to one of our attorneys regarding the legal issues involved. For those couples who have already tied the knot, you may consider visiting with us to discuss how you can provide for your family long-term through estate planning.

Updates/Reminders:

Happy Mother's Day and Father's day: Let our office help you or your loved one create a simple will or estate plan and you will provide your family with a unique gift for which they will be grateful, for the rest of their life. Call us to schedule an appointment between now and June 30, 2009 and receive 25% off a simple will or estate plan.

Go Green with Decato Law Office: Have your billing statement e-mailed to you. Call us or e-mail us krobbins@decatolaw.com to sign up for this. Please put Go Green with DLO in the subject line.

FOR NEW MATTERS ONLY beginning May 2009: Any sums not received by Decato Law Office on or before the due date, shall accrue interest at the rate of 1.5% per month.