

**Same Sex Marriage  
Recognition and Divorce Update**

Presented by  
David N. Horowitz, Esq.  
May, Potenza, Baran, & Gillespie, P.C.  
Phoenix, Arizona

---

---

---

---

---

---

---

---

**WHEN LAST WE SPOKE**

- The lawyers for the petitioners, who are arguing in support of same-sex marriage, had until February 27 to file their briefs with the Court.
- The states involved had until March 27 to file their briefs that support the argument that their state measures against same-sex marriages are constitutional.
- Final legal briefs were due on Friday April 17 at 2:00 p.m.
- SCOTUS heard oral arguments at the end of April.
- SCOTUS decision is expected in late June.
- And on June 26, 2015, *Obergefell v. Hodges* (in a 5-4 decision) held that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the 14<sup>th</sup> Amendment.

---

---

---

---

---

---

---

---

***The Cases***

**Kentucky: *Bourke v. Beshear*, 996 F.Supp.2d 542 (2014).**

**Ohio: *Obergefell v. Hodges*, 135 S. Ct. 1039 (2015).**

**Michigan: *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir.)**

**Tennessee: *Tanco v. Haslam*, 7 F.Supp.3d 759 (2014)**

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

Questions for the Now

- Is the battle for same-sex marriage over, or will the right to same-sex marriage continue to be debated like abortion?
- Should supporters of same-sex-marriage initiate new efforts to enact state laws or amend state constitutions to legitimize same-sex marriages?

---

---

---

---

---

---

---

---

Questions for the Now

- Can protections for sexual orientation and gender identity be successfully balanced with religious exemptions?
- Date of marriage questions

---

---

---

---

---

---

---

---

Questions for the Now

- Impact of Civil Unions and Domestic Partnerships
- Long Pre-Marital Relationships Coupled With Short Marriages

---

---

---

---

---

---

---

---

Questions for the Now

- Post-Nuptial Agreements
- Adoption/Children
  - Step-Parent Adoption

---

---

---

---

---

---

---

---

Questions for the Now

- Tax Implications
- Estate Planning

---

---

---

---

---

---

---

---

Same-Sex Divorce: Recent Developments in  
Same Gender Marriage and Custodial Issues -  
David Horowitz

Questions?

Contact:  
David N. Horowitz, Esq.  
May, Potenza, Baran, & Gillespie, P.C.  
602-774-3574  
[dlhorowitz@maypotenza.com](mailto:dlhorowitz@maypotenza.com)

---

---

---

---

---

---

---

---