

LGBT 2009 Outline

I. History of LGBT movement in New York

- A. Braschi Case
- B. Hernandez vs. Robles
- C. 2008 Martinez v. The County of Monroe
- D. 2008 Beth R. v. Donna M.
- E. LGBT divorces and other rights in New York
- F. September 2008 Queens County Surrogates Court
- G. February 2008 New York County Surrogates Court

II. Legislative Action

- A. In May 2008 New York State Governor David Patterson ordered state agencies to recognize legal marriages between same sex couples conducted out of state as equal to New York marriage. The decision was upheld in the case of Lewis vs. New York State Department of Civil Service.
- B. On April 16, 2009 New York State Governor David Patterson introduced a marriage equality bill to the New York Assembly and Senate.
- C. States that have passed LGBT marriage laws.
- D. LGBT community - rights deprived.

III. DOMA - Defense of Marriage Act

- A. DOMA became effective September 21, 1996
“In determining the meaning of any Act of Congress, or of any ruling, regulation or interpretation of the various administrative bureaus or agencies of the United States, the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife.”

Signed into law by Bill Clinton.

“No State Territory or possession of the United States or Indian Tribe, shall be required to give affect to any public act, record or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same-sex that is treated as a marriage under the laws of such other State,

territory, possession, or tribe, or a right or claim arising from such relationship.”

DOMA suspends full faith and credit.

B. Discussion of DOMA and pending litigation which challenge DOMA.

IV. Matrimonial Law - Effect LGBT rights may have on current law.

A. Equitable Distribution

B. Grounds

C. Pensions

D. Enhanced earning capacity

V. Tax Matters

VI. Adoption