

Same sex divorce mode for nys

[Law](#)



July 08, Same Sex Divorce Mode for NY Homosexual marriage will be legalized in New York from July 24, 2011 and a bill to this effect has already been passed on June 24, 2011. The law will not only allow residents of the city but also people from other states to marry in New York. There is no doubt that the city will see a lot of marriages happening there. However, on the flipside is the problem that inevitably, a lot of divorces are also likely to ensue. But the major issue in this case is that if a person from another state, where same sex marriage is not allowed, comes to New York and marry here, the person cannot get a divorce in his home state and will have to return to New York for obtaining divorce, that too, as per law will be possible only after a stay of three months. “ A couple who marry in New York and seek a divorce in Texas could find themselves fighting not just each other but also Texas’ attorney general, Greg Abbott. He has tried to intervene in two same-sex divorces, arguing that if the state does not recognize the marriage it won’t recognize the divorce, either” (Schwartz 2). The same sex divorce has been first documented in New York, in 2008. This is the sixth and most heavily populated US state to allow same sex marriage. Homosexuality is an accepted lifestyle these days, as in most cases the orientation comes due to biological reasons. Same sex marriage also comprises the question of financial settlement that relates to heterosexual marriage. Besides, there are many negative aspects for same sex marriage. Almost all religions believe that homosexuality is sin. This lifestyle should not be encouraged, because many researches proves that it would lead to lower life expectancy, mental disorders and many other problems. This is against the nature; it is actually weakening the meaning and value of the marriage, which is natural. “ New York’s same-sex marriage law does not require residency to wed, but the

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state does require residency of at least 90 days to obtain a divorce. A stay like that is out of the question for most people" (Schwartz 3). The same sex marriage laws have many limitations, as the people involved in the marriage can move to another state or country, where the same sex marriage is not legally approved, to avoid a partner. There is nothing to prevent such people from entering a normal in that state and the partner will find it difficult to take any action. The same sex marriage has been legally approved in the year 2004 in some of the states but the laws regarding this are new in New York society. So there would be some loopholes in the new laws. Marriage of this type needs to be discouraged mainly because it preempts the couple from procreation, which is the primary purpose of a conjugal relationship. The government authorities of various states should think about this in a more constructive manner and should try to find out the negative aspects, before giving license to such marriages. The present divorce law in New York should not require to be changed to accommodate divorce of the same-sex marriage. The divorce laws of the New York should apply similarly to marriages between same sex as to heterosexual marriages, and as the majority of the divorce laws are already declared in gender-neutral words, they should not require to be changed at all. At present, divorce laws of the New York do not refer to the words " husband and wife," but as an alternative it refers to " spouse." additionally, spousal support laws refer to the " monied" and " non-monied partner," while kid care laws speak of the " custodial" and " non-custodial" blood relation or parent. All judgments associated to kid custody matters will still be prepared based on what is most excellent the interest of the kid. Marriage through same-sex in New York does not need residency, but at the same time it mandates a minimum

90 days stay for obtaining a divorce. If a person marries in another state, he or she can marry with same sex in New York State also. Similarly a female who enters into a homosexual marriage in New State can avoid the marriage by simply moving into another state where same sex marriage is not accepted. This nullifies the sanctity of same sex marriages in New York because an aggrieved spouse has now immunity or protection from law in such cases. In *Beth R. v. Donna M.*, No. 350284/07, N. Y. State Supreme Court Justice Laura E. Drager, N. Y. County, citing *Martinez v. Monroe County*, 2008 N. Y. Slip Op 909 (4th Dep't 2008), today (Feb. 25, 2008) denied the defendant's motion to dismiss a divorce action on the ground that a same-sex marriage contracted in Canada is void in New York. Susan Sommer of Lambda Legal served as lead counsel for Beth R. The Raoul Felder law firm represents Donna M., and announced that they would appeal to the First Department, Appellate Division" (Leonard 1). Thus, any law passed to provide a framework for divorce will need to consider these aspects and regulations need to be passed accordingly. . Works Cited Leonard, Arthur, S. Same-Sex Divorce in New York. New York Law School. 2008. Web. 7 July 2011. . Schwartz, John . When Same-Sex Marriages End. The New York Times. 2011. Web. 7 July 2011.