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Legal Issues Post Marriage Equality- A Snapshot
Issues re: Adoption:

• Stepparent Adoption v. more cumbersome Second Parent Adoption?
Issues re: Surrogacy:

• Commissioning couple- have to contact before implementation
Real Estate Titling post Marriage:

- JTROS or TBA- traditionally marriage alone not enough to create TBE. Must be explicitly stated as well.
Issues in Probate:

• Legitimacy of Marriage- was there capacity to enter into the marriage?

Dissolution Issues:

- Can you dissolve a civil union form another state? Recent uncontested Palm Beach case says yes. Massachusetts case says yes but many others say no.

- Jurisdictional Fights- Where are divorces allowed?
Equitable Distribution: Duration of marriage and other factors. Fla Stat. 61.08(4)

- Alimony: Length of Marriage Fla. Stat. 61.08(2)(j) gives rise to equity but 61.08(4) gives rise to presumption.
Other Issues:

• Pension/IRA plans requiring spouse approval before transfer - what if the horse is out of the barn?
• Intraspousal gifts prior to marriage
Legitimacy of children- see ratification statute Fla. Stat. 742.091:

- If the mother of any child born out of wedlock and the reputed father shall at any time after its birth intermarry, the child shall in all respects be deemed and held to be the child of the husband and wife, as though born within wedlock, and upon the payment of all costs and attorney fees as determined by the court, the cause shall be dismissed and the bond provided for in s. 742.021 shall be void. The record of the proceedings in such cases shall be sealed against public inspection in the interests of the child.
Timesharing/Custody:

- What if one has a biological connection to child and the other does not- how does this affect custody?
Special Considerations for Transgendered Clients:

- Name Changes with Criminal Backgrounds – very few limits on changing a name other than misleading law authorities and creditors.
- Transitioning and Timing of Documents – usually name change with gender change,
- then change federal documents, then state documents

(See also attached info re name changes for veterans and soldiers)