LGBT Relationships: The New Family and Out-of-Court Dispute Resolution

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Introduction

What do you hope to learn in this session?

Historical Overview of Federal Laws and Supreme Court Rulings

Out-of-Court Dispute Resolution (OOCDR) Options

- Mediation
- Parenting Coordination
- Direct Negotiations
- Cooperative Practice
- Collaborative Practice

When Does This Apply?

- Dissolution of marriage or relationship, parenting matters, shared business, prenuptial/postnuptial agreement, partnership agreement, marriage planning, etc.

How Are OOCDR Processes Different for LGBT Clients?

What were/are special legal considerations for same sex relationships?

- Financial Affidavits – Husband/Wife
- Forms that say Husband/Wife
- Alimony v. Lump Sum Payments
- Two Parties may want to restore last name
- Do the same divorce laws and traditional marital presumptions apply?
- Civil Unions and Domestic Partnership Registries – Additional Steps
- Differences in LGBT relationships that may be relevant
- Length of Relationship or Length of Marriage?
Experiential Differences

- Biases and barriers that may exist or be perceived to exist
- Language
- Forms
- Assuming Gender of Spouse
- Anxiety about President or Supreme Court overturning same-sex marriage

How Can OOCDR Processes Best Serve LGBT Clients?

What Can We as Professionals Do to Be Most Helpful to LGBT Clients?

- Focus on similarities more than on differences, but recognize that differences do exist
- Recognize the role of LGBT parents and adoptive parents
- Understand and respect why many same-sex couples choose not to marry
- Offer a welcoming environment to overcome fear of judgment
- Consider factors relating to the professional being LGBT or straight

What is Still Unclear Under the Law?

Are same-sex marriages recognized for all purposes?

- Divorce (difference between in-state marriage and out-of-state marriages?)
- Adoption
- Paternity
- Birth Certificate
- Etc.

How Florida Law Has Evolved

Questions and Answers