



# THE CASE FOR INCLUSION

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## Marriage Roadblocks Still Linger After Obergefell

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Before same-sex marriage became legal, couples across the United States searched for ways to protect their bond from the often harsh results of a lack of recognition. One of the ways couples achieved some recognition of their relationship and protection for their partners was through legal adoption. The older member of the couple adopted the younger member in order to ensure that they would be recognized as family. Adoption gave the couple inheritance rights, ensured that they would not be denied entry to (or forcibly removed from) a hospital room, gave partners a voice in the event of a medical emergency or death, and created a mechanism that allowed couples to share health insurance, among other things. Although an imperfect solution, adoption did the trick for many legal obstacles same-sex couples faced prior to legalization of same-sex marriage. Read about the details and history of same-sex adult adoption [HERE](#).

Now that same-sex marriage is legal throughout the United States, some couples face a new hurdle. Because they underwent adoption to ensure a familial recognition of their relationship, it is now illegal for them to marry without first annulling their adoption. Although adoption afforded couples more legal rights and recognition than they would otherwise have had, legal marriage is a better option for couples because it offers more benefits, including some tax advantages. Additionally, same-sex couples deserve the benefit of legal recognition that accurately reflects the nature of their relationship.

In many states, a parent may face jail time for marrying an adoptive child, and roadblocks exist to prevent the severance of legal parent-child relationships. While annulments were successful in other courts, one Pennsylvania couple was denied annulment by a lower court judge, who based the decision on his own inability to annul adoptions in the absence of fraud. That judge has requested guidance from the appellate court on the issue, and the couple has appealed the Court's decision. The case is still pending. Read more about the case [HERE](#).

The Supreme Court's decision to legalize same-sex marriage across the country marked clear progress for LGBTQ rights in the United States. However, the corresponding policy U-turn necessitated by the decision in many states has resulted in situations where prior actions taken by same-sex couples to achieve legal protections now hinder their

ability to actually marry. Indeed, Obergefell has facilitated marriage for same-sex couples going forward, but for those involved in long-standing relationships, accessibility to matrimony remains tied up in state courts.