



Out & About

News and notes for LGBT-parented families

MAY 2014



Love Wins! Marriage Equality Comes to PA!

On the afternoon of Tuesday, May 20, U.S. District Court Judge John Jones issued a ruling that found the ban on same-sex marriages in Pennsylvania to be unconstitutional. The following day, Gov. Corbett announced that he would not appeal the ruling.

This excerpt from the decision says it all:

"Same-sex couples who seek to marry in Pennsylvania may do so, and already married same-sex couples will be recognized as such."

In Philadelphia, the Register of Wills started issuing marriage licenses immediately after the ruling. Long-time couple Kerry Smith and Rue Landau received the first marriage license in the state after the ruling's announcement. (Pictured here with their son. Photo courtesy of the ACLU of PA.)

Rallies around the state were held on Tuesday evening in Pittsburgh, Erie, Harrisburg and Philadelphia. Hundreds of jubilant same-sex couples and allies gathered at City Hall in Philadelphia.

The crowd listened to speeches from the plaintiffs in the case, attorneys and other leaders in the community.

A rainbow flag was raised to mark the occasion and the Anna Crisus Choir and Philadelphia Gay Men's Chorus combined their efforts followed by the Philadelphia Freedom Band in a musical celebration.

Wendy Forbes, PFP member and long-time board member, spoke at the rally on behalf of The Summit. (Pictured with her son. Photo courtesy of the ACLU of PA)

PFP Community Coordinator Stephanie Haynes and Board Member David D'Amico attended the rally with their families and ran into many other PFPers.



aclupa.org/marriage



Couples began to get married on Friday after the mandatory 72-hour waiting period. Local judges officiated weddings for couples on Friday and Saturday at City Hall. There will also be a group wedding ceremony during the Philly Pride parade on June 8, officiated by openly gay Judge Dan Anders. If you are interested in participating, e-mail Franny Price at PhillyGayPride@aol.com.

Philly Family Pride would like to extend a huge "thank you" to the plaintiffs and the [ACLU of Pennsylvania](#) for representing them in this case.

Finally, congratulations to all of those same-sex couples whose marriages are now recognized in Pennsylvania and those who are now getting married! Please e-mail Stephanie at stephanie@phillyfamilypride.org so that we can include your weddings in the "Member Milestones" section of upcoming newsletters.

For more information, **scroll down to the bottom of this e-mail to read attorney Tiffany Palmer's marriage equality questions and answers about what this means for our families, adoptions, those in civil unions, and more.**



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Spring Fun with PFP

In addition to celebrating marriage equality, PFP has been busy with other fun activities this spring.

On May 3, PFP sponsored a panel on **"Adoption Options" as part of Equality Forum**. Vice-Chair Sandra Telep led the group which included Tiffany Palmer and parents Grant Mundell and Ray Murphy.

The next day was **SundayOUT at the Piazza** (pictured). PFP's Stephanie Haynes, Robin Matthews and David D'Amico greeted the crowds (after the rain finally stopped!), sold t-shirts, gave away magnets and signed up a lot of new folks to our list.



PFP families headed to the Poconos on Sunday, May 9 for a getaway at **Great Wolf Lodge**. A few families had dinner together on Friday night and hung out on Saturday at the water park. Since then, board member and trip leader Andrea Sanders reports families have gotten together with play dates for the kids. We love when PFP families make connections like



love when my families make connections like that!

Finally, the New Hope Pride parade on May 17 was a symbolic walk from Lambertville, NJ across the bridge to New Hope to bring marriage equality to PA. How prophetic! PFP was proud to march in the parade. Thanks to board member Bryan Berchok for leading the PFP contingent. (Pictured, above.)



Member Milestone

♥ Congrats to members Nancy Golumbia and Susan Eachus on their wedding at Philadelphia's City Hall on Saturday, May 24, pictured here with their son.



If you have a milestone you'd like included in next month's newsletter, please reply to this message with the details and a photo. Thanks!



UPCOMING EVENTS

Saturday, May 31: Meet up with other families at the [Color Me Mine](#) in Montgomeryville to decorate pottery! Great chance to make a gift for Dads, Pops and Grandpas ahead of Father's Day!

Sunday, June 8: Ride the PFP trolley in the [Philly Pride parade](#) and then visit PFP's Family Zone at the Festival at Penn's Landing. (Last year's trolley pictured above.)



Saturday, July 12: Join PFP for one of our biggest events of the year, our annual [Summer Picnic](#), again this year at the Elmwood

Park Zoo in Norristown. Free for members, \$10/person for non-members. Thanks to sponsor [Delaware Valley Legacy Fund](#) for supporting this event.

Keep an eye on our [Facebook](#) page and [Twitter](#) feed for more upcoming events.



Marriage Equality Questions and Answers by Attorney Tiffany Palmer

If we married in another state prior to May 20, 2014, will our marriage be recognized in Pennsylvania?

Yes. If you married in another state, your marriage will be recognized in Pennsylvania and you will have all the rights and obligations of married couples under Pennsylvania law. You do not need to "re-marry" in Pennsylvania. In fact, re-marrying may create problems if there is ever a divorce because the length of the marriage is one of the most important factors in determining alimony and division of property.

What date should I list as the date of my marriage on documents and forms?

The date of your marriage is the date that you actually married, not the date that Pennsylvania first recognized your marriage. Therefore, if you married on May 1, 2007, that is the date you should list as the date you were married.

If we entered a civil union or domestic partnership in another state prior to May 20, 2014, will our civil union or domestic partnership be recognized in Pennsylvania?

Probably not. Pennsylvania law makes no reference to civil unions or domestic partnerships; therefore, it is unclear what, if any, recognition will be given to these legal statuses. If you and your partner wish to have the rights and benefits afforded to married couples, you should marry.

Additionally, the federal government does not recognize civil unions or domestic partnerships as the equivalent of marriage for federal tax purposes. Therefore, if you have a civil union or domestic partnership, you will need to get married in order to file your taxes as "married filing jointly" or "married filing separately" and to obtain many other federal rights and benefits.

My wife and I are having a child using a sperm donor. My wife will give birth to our child. At the hospital, will we be able to put both of our names on the birth certificate?

Uncertain. At the time of the birth of your child, you will have to complete forms at the hospital or birth center in order to receive a birth certificate for your child. If you have a same-sex marriage from Pennsylvania or another jurisdiction, you may list yourself as "married" on any forms. However, the Department of Health has not issued a directive or information as to whether that Department will permit a woman to be listed as "father" to appear on the original birth certificate.

Will a birth certificate issued in the names of a married couple confer parental rights even if one parent is not genetically related to the child?

No. A birth certificate is a document issued by the Bureau of Vital Statistics, which records information including who is reported as being a parent. Even if a child born to married same-sex spouses will be able to have both spouses' names appear on the original birth certificate as parents, this does not constitute a legal finding of parental rights. Therefore,

a birth certificate alone leaves the child and the parents vulnerable in a number of areas and circumstances.

Is it necessary for me to adopt a child born to my spouse to create parental rights?

Yes. There is no parentage statute in Pennsylvania for children conceived through assisted reproduction. Without an adoption, the non-biological parent's rights could be challenged in the future. Additionally, because same-sex marriages are still not recognized by the majority of states, a child may not be legally recognized as the child of a parent to whom they are not biologically related. This is because the child's relationship to their non-biological parent is based on the marriage of their parents. If a family moves to or travels to a state in which the relationship is not recognized, there could be dramatic consequences for the children of that relationship. In an emergency medical situation, for example, the non-biological parent may be unable to access a child and may be prohibited from providing consent to treatment.

The child's relationship with his or her non-biological parent could also be jeopardized if the parents separate and a custody dispute ensues. In some cases, biological parents have challenged the parental rights of their former same-sex partners and even moved to a state that is hostile to the rights of same-sex couples in hope of denying the non-biological parent a continuing relationship with their child. This has resulted in interstate and international parental kidnapping cases and the loss of custody by the non-biological parent.

While many states may not recognize a parent-child relationship that is based on a birth certificate or same-sex marriage alone, every state must recognize an adoption decree. Adoption decrees are given full faith and credit under the United States Constitution in all 50 states.

How do I adopt a child born to my spouse?

Step-parent adoption is the adoption of a child by the spouse of a biological parent or adoptive parent. A step-parent adoption allows a spouse to adopt a child without the other parent losing any parental rights. While step-parent adoptions are not available to same-sex parents in every state, Pennsylvania will allow a parent to adopt their spouse's child and this adoption will be recognized in every state regardless of whether the state would have allowed the adoption to be completed within its borders.

Once the adoption is complete, the adoptive parent will have exactly the same rights as the biological parent. The step-parent adoption creates a legal parent-child relationship with the second parent, bringing with it hundreds of rights and benefits including inheritance, custody, child support and medical decision-making.

For more questions and answers, visit Jerner & Palmer's web site at <http://jplaw.com/same-sex-marriage-questions.html>.

The above contains legal information, not legal advice. If you have specific about marriage, estate planning and adoption, you may contact Jerner & Palmer, P.C. at 215-843-6000 or info@jplaw.com for an individual consultation or another LGBT family law attorney.



Suggestions for what else we should include in our newsletter? Want to sponsor our next issue?

Contact Stephanie Haynes, PFP Community Coordinator at stephanie@phillyfamilypride.org.

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