

Over the years, there have been only a handful of family law court cases that have had a major impact across the country. Certainly, the U.S. Supreme Court's June 26, 2015 decision in *Obergefell v. Hodges*, the same-sex marriage case, is one of them. Tomorrow is the seven-month anniversary of the landmark case. Enough time has passed to gain a perspective on the social and legal impact of this decision.

According to a research brief published by the William's Institute from the University of California's School of Law, the social impact of the *Obergefell* decision has been substantial. The rate of same-sex marriages has increased dramatically. Same-sex marriages in the U.S. began in 2004 when Massachusetts became the first state to permit such unions. By 2013 approximately 230,000 same-sex couples had married. This represented 21% of all same-sex couples.

In 2013, the Supreme Court decided the *Windsor v. United States* case. In *Windsor*, the Court ruled that the federal government had to recognize same-sex marriages performed in states where they were legal and to provide these couples with the same federal benefits provided married opposite-sex couples. There are over 1,000 federal benefits linked to marriage. For example, married couples can file joint tax returns which can substantially decrease their tax liability, putting more money in their pockets. If one spouse dies the other spouse is eligible to receive Social Security benefits. Also, a person married to a federal employee can be included under his or her spouse's health insurance policy.

With these added incentives in mind, many same-sex couples who had been considering marriage decided to move forward. These included same-sex couples living in states where such marriages were prohibited. They simply crossed state borders and got married in a state where they could wed. When they returned home, they could at least enjoy the federal benefits guaranteed them under the *Windsor* decision even if they couldn't receive state benefits.

As a result, between 2013 and June 2015, when *Obergefell* was decided, an additional 160,000 same-sex couples married. Calculations indicate that this represented 38% of all same-sex couples.

The *Obergefell* decision added fuel to the fire. In the four months following the decision, an additional 96,000 same-sex couples married, bringing the total to approximately 486,000. This is 45% of all same-sex couples. Undoubtedly, today the number tops well over a half-million same-sex marriages throughout the 50 States and territories. When I checked with our Vital Statistics office in November, thirty-seven same-sex couples had applied for marriage licenses.

The impact of the *Obergefell* decision has other social consequences. For example, the William's Institute report also reveals that 25% of same-sex married couples are raising children under 18. Same-sex couples are 10 times more likely to adopt children than are heterosexual couples. The authors noted that "[I]ncreases in marriage among same-sex couples mean that

more American children, particularly adopted children who are among the nation's most vulnerable, will have access to the economic benefits and stability that having married parents can bring." I certainly have witnessed this first-hand.

There are other social effects brought about by the Supreme Court's decisions in the Windsor and Obergefell cases. These include a growing nationwide acceptance for same-sex marriages. Back in 2001, 57% of Americans opposed same-sex marriages. Today, the approval rate is over 60%. The authors of the Williams Institute report conclude that "Clearly, support for marriage equality has not yet peaked and as more American encounter and interact with married same-sex couples, support will most likely continue to grow."

Of course, as we've learned from America's struggles with race and gender equality, bigotry never dies easily. There are forces throughout the country attempting to use the legal system to undermine the impressive gains made toward marriage equality. The Kim Davis case serves as a prime example. Davis, the clerk of the Rowan County, Kentucky, made headlines shortly after the Obergefell decision when, because of her objections to same-sex marriages, she refused to issue marriage licenses to any couple, either opposite or same-sex. She argued that she was acting "under God's authority." Her refusal landed her in jail for several days.

Just last week Davis' lawyers took her fight to the U.S. Court of Appeals and dubbed her a "prisoner of conscience." Her supporters argue that government and private employees and business owners should be able to refuse to perform certain functions that violate their religious beliefs. As with the struggle for race and gender equality, I have no doubt that justice will eventually win out.

The legacy of the Obergefell decision is a growing social acceptance of the lesbian, gay, bisexual, transsexual (LGBT) community and a leveling of the legal playing field over the community's struggle for equal rights. The momentum towards LGBT equality may occasionally be stalled, but it will never be stopped!