

Legislative Brief

Same Sex Marriage - U.S. Supreme Court

Oct. 17, 2014

U.S. Supreme Court Declines to Review Same-Sex Marriage Appeals

Quick Facts:

- On Oct. 6, 2014, the U.S. Supreme Court declined to review same-sex marriage appeals involving cases from Virginia, Utah, Oklahoma, Indiana and Wisconsin.
- Same-sex marriage may take place in these states, effective immediately.
- This decision may affect six other states that currently do not permit same-sex marriage.

On Oct. 6, 2014, the U.S. Supreme Court announced that it will not review lower court decisions that had struck down state laws prohibiting same-sex marriages in in **Utah, Oklahoma, Virginia, Wisconsin and Indiana**. Same-sex marriages were put on hold in these states while the cases were being appealed. However, because the Supreme Court has decided not to hear any appeals in these cases, the lower court rulings stand.

This means that same-sex marriages are permitted in the affected states, effective immediately.

SAME SEX MARRIAGE CASES

Following the Supreme Court's June 2013 ruling invalidating part of the federal Defense of Marriage Act (DOMA), a number of state and federal courts addressed same-sex marriage. Several courts ruled that state bans on same-sex marriage were unconstitutional, clearing the way for same-sex marriages to be permitted in those states.

These rulings were stayed—or put on hold—pending future appeals. Several of these rulings were appealed to the U.S. Supreme Court, although some are still pending in lower courts. In addition to the states noted above that are impacted by the Supreme Court's decision on Oct. 6, **Michigan**, Arkansas, Florida, Idaho, and Texas also have cases pending.

IMPACT OF SUPREME COURT DECISION

The Supreme Court's decision not to weigh in on the same-sex marriage debate was unexpected. While there has not yet been disagreement between federal appellate courts, it was widely expected that the Court would hear cases on this issue.

Because the rulings from the federal appellate courts stand, the U.S. Supreme Court's decision not to intervene will impact a number of other states located in the federal circuits overseen by those appellate courts. This includes the 4th Circuit (covering Maryland, Virginia, West Virginia, North Carolina and South Carolina), the 7th Circuit (covering Illinois, Indiana and Wisconsin) and the 10th Circuit (covering Colorado, Kansas, Oklahoma, Utah, Wyoming and New Mexico). Lower courts in these states must follow the ruling from their appeals court regarding same-sex marriage. Some of these states already specifically permit same-sex marriage. With this action, the Supreme Court has currently declined to address the issue of same-sex marriage on a nationwide basis.

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