

Gay and Lesbian Activists Alliance

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Testimony on Bill 20-793, "Civil Marriage Dissolution Equality Clarification Amendment Act of 2014"

Delivered before the Committee on Judiciary and Public Safety
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Good morning, Chairman Wells. I am Rick Rosendall, President of the Gay and Lesbian Activists Alliance, which has fought for LGBT equality in the District since 1971.

Bill 20-793, the "Civil Marriage Dissolution Equality Clarification Amendment Act of 2014," amends the D.C. Code to clarify that the mechanism for the dissolution of marriage includes divorce and legal separation. We thank Chairman Mendelson for introducing it. We support the bill with a recommended change.

We agree with Professor Nancy Polikoff that the bill should be amended to make it clear that the court can decide matters of property division and spousal support. As she explained in an email on May 7, "[F]or a same-sex couple married in DC but domiciled in a non-recognition state, there is no other place that will determine a division of property and an award of spousal support if appropriate because those laws apply only to married couples and the state of domicile does not consider them married."

If District judges think they cannot divide property or award spousal support in such cases, it is best to be explicit. We will leave the amendatory language to Professor Polikoff. We thank her for lending her expertise, which has been invaluable in helping the District navigate its journey to equality for same-sex couples and their families. The greatest challenge, as in this case, has stemmed from the confusion and gaps in legal protection caused by differences in family law from state to state. We cannot be governed by speculation as to when the U.S. Supreme Court may end all such confusion by establishing marriage equality nationwide. So let us clarify our law this year.

Thank you.