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PRESS RELEASE

DON'T BOOK THE WEDDING HALL QUITE YET

California Says Yes but Aisle to Altar Strewn with Obstacles

SAN DIEGO, May 27, 2008 – On Friday, May 16, Ellen DeGeneres announced that she plans to marry longtime girlfriend Portia de Rossi. The big news was revealed during a taping of her show on Thursday. The announcement was made immediately following news that California's Supreme Court had struck down laws banning gay marriage. Sure to follow in their path are many other gay couples, some already bound by civil unions. While same-sex marriage brings a new twist to the statute, it also brings with it the same (and possibly more) legal consequences that affect heterosexual marriages.

The state Supreme Court decision striking down California laws banning same-sex marriage was an epic legal victory for gay and lesbian civil rights advocates and opens the way for same-sex marriages to begin. So, the question is, "What's next?"

Domestic Partnerships

Although the California's Supreme Court declared that same-sex couples in the nation's biggest state can marry, the decision is stayed for 30 days until it becomes final. After that, same-sex couples that have not registered as domestic partners can begin getting married.

But, it could take longer to get married if same-sex partners are already registered as domestic partners, depending on how the state interprets the existing Domestic Partner Registration law.

The Problem

“Many same-sex couples may want to begin planning their wedding, but what they may not know is that it could take a significant amount of time and energy to get to the altar,” said Charles Wesley Kim Jr., Of Counsel to Yelman & Associates. “Registered domestic partners may be required to terminate or dissolve their registered domestic partnership before getting married, which normally takes six months. Once the partnership is terminated or dissolved, the couple is free to get married – unless opponents of gay marriage push through a Constitutional amendment banning same-sex marriage, which could happen in November.”

Is there a way around the 6 month waiting period? Maybe. The State might interpret the law to mean that a registered domestic partner who wishes to re-register or marry their existing registered domestic partner does not have to file a obtain a termination or dissolution of the existing registered domestic partnership. Or it might say that the 6 month waiting periods apply. No one really knows yet.

The California Secretary of State must also advise the Counties on which interpretation applies. The answer could have broad-ranging implications for registered domestic partners contemplating marriage. Those who choose to file for Termination or Dissolution know that at the end of the six month time period, they can get married. If the law is interpreted in a way that allows them to by-pass the waiting period, then they're no worse off. Those who wait may find themselves out of luck.

Other Issues

Federal law does not recognize same-sex marriages. Same-sex couples remain ineligible for Federal benefits, including Social Security benefits for spouses, and they cannot file joint income tax returns. Most states do not recognize same-sex marriages, which can create problems if the couple moves to another state.

First Comes Love, Then Marriage...Then Divorce?

If same-sex couples are to marry, then some of these unions will invariably end in divorce – considering the current statistic that approximately 50% of all marriages end in divorce. With an increase in marriages in a different segment of society, it is apparent that more individuals will end up in divorce court, causing a strain on our legal system.

We invite you to talk with Charles Wesley Kim, Jr., Of Counsel to the law firm of Yelman & Associates regarding this topic. Mr. Kim is a Vice-President of the San Diego County Bar Association and member the Tom Homann Law Association, the GLBT lawyers association in San Diego.

WHO: Charles Wesley Kim, Jr. of Yelman & Associates

WHAT: Gay Marriage – On the cusp of marriage season, what many gay couples may not have considered when planning their now-legal wedding.

WHEN: Immediately & Ongoing

WHERE: In-studio, On-location or By phone

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About Yelman & Associates

Yelman & Associates, founded in 1995, has a strong reputation for experience and skill in handling California divorce, separation and annulment cases involving child custody and visitation, child and spousal support, division of community property, protection of separate property and interstate custody matters.

Yelman & Associates five Family Law attorneys also handle stepparent adoptions, paternity actions, prepare prenuptial and marital agreements, handle domestic violence / civil harassment / stalking matters and Registered Domestic Partnerships for clients with cases based in San Diego County. They also assist clients located outside of California with cases pending or initiated in San Diego, California.

Attorneys at Yelman and Associates have served as San Diego County Family Law Attorneys, are members of the San Diego County Bar Association Family Law Section, and are members in good standing with the State Bar of California. Charles Wesley Kim, Jr. has been appointed by the Court to serve as Minor's Counsel in high conflict cases, serves on the San Diego Stalking Strike Force and is a former Adjunct Professor of Law. For more information, visit www.yelman.com.