

Gay Divorce Case Could Undermine Marriage Laws

A gay divorce case in Indiana could undermine that state's marriage laws.

Donald Schultz Lee is seeking a divorce from his husband, Justin. The men were married in 2009 in Massachusetts, where same-sex marriage is legal, but they are no longer residents there.

Consequently, Schultz's attorney, Kathy Harmon, filed the petition in Indianapolis, where marriage is defined as a union between a man and a woman. This case could test that law.

"Of course the Supreme Court decision last week is going to create some situations I think all around the state of Indiana that many of us are not used to handling," Marion County Clerk Beth White said.

Harmon said, "If we're successful, my client gets a divorce which is what he's seeking. If that makes new law, then that makes new law."

Some attorneys predict that same-sex divorce may become legal in states like Indiana even if same sex marriage remains illegal.

"Our federal government is certainly heading in a different direction and that may lead eventually to mandating that the states head in a different direction also," Melissa Avery, a local family law attorney, said.