

Michigan Same-Sex Marriage Ban Faces Federal Test in October

A challenge to Michigan's constitutional ban on same-sex marriage brought by a suburban Detroit couple could be decided as early as October, a federal judge in Detroit said on Wednesday.

April DeBoer and Jayne Rowse, who have lived together for more than six years and have three adopted children, are challenging the ban along with a state law that prevents them from jointly adopting their children.

DeBoer adopted a 3-year-old girl and Rowse has two adopted boys, now 3 and 4 years old. Each was barred by state law from adopting the other's children. If they were a married, heterosexual couple, state law would have allowed them to jointly adopt the children.

Across the country, 29 states have constitutional amendments defining marriage as a union between one man and one woman, while 12 states allow same-sex couples to wed.

In the wake of last month's ruling by the U.S. Supreme Court's throwing out a key part of the Defense of Marriage Act, which barred same-sex couples from federal marriage benefits, gay couples in several states that do not allow same-sex marriage have brought fresh legal challenges in federal courts.

At a hearing on Wednesday, U.S. District Court Judge Bernard Friedman scheduled oral arguments in the case for October 1 and told the lawyers he would likely issue a written opinion soon after on the challenge to the constitutional ban, which Michigan voters adopted in 2004.

Friedman denied a state motion to dismiss the case last week and in a written decision said the couple was “entitled to their day in court and they shall have it.”

The judge cited the Supreme Court’s ruling, saying the justices’ concern that refusing to recognize same-sex marriage would impair the rights of children now being raised by same-sex couples “is exactly the type of harm plaintiffs seek to remedy in this case.”

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