

DILWORTH UPDATE

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LEGAL DOCUMENTS EVERY GAY AND LESBIAN COUPLE SHOULD HAVE

by Holly R. Rogers, Esquire

Pennsylvania law does not recognize same-sex relationships. This is true despite such recognition - be it in the form of marriage, civil union, or domestic partnership - in California, Connecticut, Hawaii, Maine, Massachusetts, New York, New Jersey, New Hampshire, Oregon, Vermont, and Washington.

Notably, while same-sex couples are not able to marry in New York, that state recognizes same-sex marriages performed elsewhere. Unlike its New York neighbor, however, Pennsylvania does not recognize same-sex marriages performed outside the Commonwealth. In other words, Pennsylvania law recognizes a heterosexual couple's elopement in Vegas, but does not recognize a same-sex couple's marriage in Boston.

What does all this mean for same-sex couples residing in Pennsylvania? Simply put, it means same-sex couples must create legal rights for themselves. If same-sex couples do not create their own legal rights, their biological families or the courts - rather than their partners - will make all important decisions for them.

Same-sex couples should not wait

for an emergency to arise to create legal protections for their relationships. At that point, it may be too late, or at the very least, a considerable headache on top of an already stressful situation.

Here are some legal documents every same-sex couple should have:

- Living Will
- Medical and Financial Powers of Attorney
- Last Will and Testament

Some of the benefits these documents provide are:

- The right to visit one another in the hospital.
- The right to decide who else may visit in the hospital room.
- The right to make medical decisions for each other.
- The right to make financial decisions for each other, e.g. pay bills or make withdrawals.
- The right to decide who will raise minor children.
- The right to decide what happens to one's body after death, e.g. organ donorship.
- The right to decide what happens to one's belongings after death.



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