IN THE EUROPEAN COURT OF HUMAN RIGHTS

CASE OF
HÄMÄLÄINEN v. FINLAND

(Application No. 37359/09)

REQUEST FOR REFERRAL TO THE GRAND CHAMBER ON BEHALF OF THE APPLICANT

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Introduction

Transgender Law Center, Gay & Lesbian Advocates & Defenders, the National Center for Lesbian Rights, and the Transgender Legal Defense & Education Fund (together, "Intervenors") are four non-governmental organizations based in the United States, largely dedicated to advancing the rights of gay, lesbian, bisexual, and transgender people, primarily through civil rights litigation and legislative advocacy.

Intervenors seek to assist this Court's analysis by describing the approach of the United States with respect to the preexisting legal, different-sex marriages of transgender people who subsequently seek legal recognition of their affirmed gender—i.e., a transgender person's gender identity rather than the gender the person was assigned at birth. In the United States, much like in Europe, there is a strong public policy to "foster and promote the marriage relationship or institution of marriage." In re Marriage of Haines, 33 Cal.App.4th 277, 287 (1995); see also Peden v. State, 930 P.2d 1, 15 (Kansas 1996) (recognizing a public policy interest in "fostering, protecting, and encouraging marriage"). Protecting the "permanency and continuity" of the marital relationship is a "vitally important" state interest. In re Peterson's Estate, 365 P.2d 254, 256 (Colorado 1961).

In general, U.S. law disfavors the dissolution of an existing marriage unless the marriage is dissolved through divorce or death of one of the parties. See id. As a result, while nearly every U.S. state permits a transgender person to obtain legal recognition of a change in gender, no state or federal law requires or allows the automatic dissolution of a valid different-sex marriage simply because one spouse pursues or obtains a legal gender change during the marriage. That is so even in those jurisdictions that have express strongly-held policies against recognizing same-sex marriages. Indeed, no state or federal court has ever held that a valid, existing, and intact different-sex marriage can be retroactively invalidated simply because one spouse takes legal steps to recognize a gender transition.

Thus, Intervenors first provide a summary of two recent United States decisions involving a married spouse who has undergone gender transition. In neither was there any mention of any law or policy requiring dissolution of the marriage upon transition. Second, a survey of statutory law of various jurisdictions within the United States shows that while nearly all states provide mechanisms for a transgender person to obtain legal recognition in his or her affirmed gender, none requires that a person seeking such recognition must be single or divorce an existing different-sex spouse. Furthermore, in every U.S. jurisdiction, the law is clear that a marriage that is valid when it is entered into remains valid until the death of one of the spouses or dissolution of the marriage, regardless of subsequent changes such as one spouse's gender transition or loss of competency. Third, and finally, Intervenors explore the public policy rationales for United States laws and court decisions

that buttress their position that a married spouse's gender transition should neither be preconditioned on nor require the dissolution of the couple's marriage.

In re Burnett Estate* and *In the Case of K.L.

Two recent U.S. decisions, one from a Michigan appellate court, and the other from the United States Social Security Administration, are of particular relevance to the issue presented here.

1. In re Burnett Estate, 300 Mich.App. 489 (2013) (Copy attached as Ex. A)

In April 2013, the Michigan Court of Appeals upheld a divorce decree that a trial court had granted by way of a petition filed by the guardians of a plaintiff-wife against her defendant-husband, who during the marriage had undergone gender reassignment to become legally a woman. At the time of the petition's submission, the plaintiff-wife was 79 years old and suffered from dementia. Because Michigan does not recognize same-sex marriages—recognizing only different-sex marriages under the state's Constitution, Mich. Const. 1963, art. I, § 25—the defendant-husband argued unsuccessfully that upholding the trial court's grant of the divorce petition would impermissibly sanction a same-sex marriage, in violation of the state Constitution. Id. at 492-93.

The Court of Appeals' opinion contains no mention of any statutory, constitutional, or common law that required the defendant-husband to obtain dissolution of the marriage before obtaining legal recognition of her gender change or that automatically dissolved the parties' existing marriage. See generally id. at 497-98. Indeed, the presumption of the parties, and the Court's holding, was that after the husband's gender reassignment, the marriage was still valid and recognized by the state, despite the prohibition on same-sex marriage. It was the validity of that marriage that thus required a divorce decree to dissolve it. This was so even though Michigan's constitutional provision prohibiting recognition of same-sex marriages is one of the strongest in the United States, and would ordinarily prohibit recognition of same-sex marriages for any purpose whatsoever, even the limited purpose of granting a divorce. See National Pride at Work, Inc. v. Governor of Michigan, 481 Mich. 56 (2008) (holding that the Michigan constitutional amendment barring recognition of same-sex marriages prohibited the government from offering health insurance benefits to same-sex domestic partners of state employees); In re Marriage of J.B. & H.B., 326 S.W.3d 654 (Texas App. 2010) (under similar state constitutional provision barring recognition of same-sex marriages, holding that Texas courts lack jurisdiction to consider divorce petition filed by a same-sex couple legally married in another state).

The *Burnett* Court concluded that Michigan law continued to recognize the parties' marriage as valid despite the husband's gender transition. The Court found it significant that there was "no dispute that when the parties entered into their marriage contract defendant was a man and plaintiff was a woman." Id. at 499. Therefore, the Court concluded, "the marriage was valid and enforceable under Michigan law at the time it was

entered." Id. The Court held that one party's subsequent act—there, the husband's gender reassignment—could not "unilaterally" alter the legal status of a valid marriage, noting that "there are only certain limited circumstances under which a Michigan marriage can be annulled, and the circumstances presented by this case do not fall within those narrow circumstances." Id. at 500 (citing MCL 552.1 (party lacks capacity to marry, i.e. bigamous marriage), MCL 552.2 (party was underage or consent obtained by fraud or duress)). As a result, the Court held, the trial court's decision to recognize the marriage as valid, and to grant the requested divorce, was correct. Id.

Burnett makes clear that even in a state that prohibits same-sex marriage, the marital relationship is not automatically terminated upon one spouse's gender transition and that a different-sex marriage that is valid when established continues to be such even after gender transition.

2. In the Case of K.L. (Soc. Sec. Admin. Decision, Dec. 1, 2003), aff'd by Soc. Sec. Admin. Appeals Council (Jan. 26, 2004) (Copy of Social Security Decision and Appeals Council affirmance attached as Ex. B)[1]

In 2003, the Social Security Administration Office of Hearings and Appeals adjudicated a similar matter, with the Administrative Law Judge ruling that a married spouse is entitled to Social Security benefits (benefits provided by the federal government to elderly or disabled people) even after one spouse undergoes gender reassignment, despite state and federal laws that, at the time, unanimously prohibited recognition of same-sex marriage. The Judge's decision was affirmed on appeal by the Social Security Administration Appeals Council.

In this case, a woman, Kikue L., had married her husband, Kurt L. in 1963 in Michigan—where, as noted previously, same-sex marriage is not recognized or permitted. In 1986, Kurt started hormone treatments as a first step to gender reassignment as a female. In 1994, Kurt legally changed his name to Karen. Finally, in 1997, Karen underwent surgical intervention and obtained a revised birth certificate reflecting her legal sex as female. At no point in their relationship did either Kikue or Karen seek to terminate their marital relationship. Id. at 1-2.

After Karen, the transgender spouse, became disabled, the Social Security Administration awarded Kikue spousal benefits as the wife of a disabled wage earner. Kikue received such benefits from April 1999 through November 2000. Id. at 7. The Social Security Administration then challenged these benefits, however, on the ground that Kikue was not entitled to them as a "wife" because she was not married to a "man." Id.

[1] Consistent with filing practices before the Social Security Administration in the United States, all personal identifying information, notably the applicant's Social Security numbers, has been redacted for privacy purposes.

The Administrative Law Judge hearing the case rejected the Administration's contention, ruling that Kikue "has been and continues to be the 'wife' of the insured wage earner" and was therefore entitled to spousal benefits. Id. Both Michigan and federal law at the time clearly prohibited recognition of same-sex marriages. See M.C.L.A. § 551.1 ("A marriage contracted between individuals of the same sex is invalid in this state."); Defense of Marriage Act, 28 U.S.C. § 1738C ("DOMA") ("the word 'marriage' means only a legal union between one man and one woman as husband and wife."). Nonetheless, the Judge concluded that the parties' marriage remained valid.

The Judge noted first that "[t]he evidence is undisputed that the claimant and her husband (in respect of whom there was no question as to gender at the time) were validly married in 1963," and "[t]he subject marriage has not been terminated by any judgment of a Court of competent jurisdiction." Id. at 2. Furthermore, the Judge found, all evidence pointed to the fact that both the state and federal government continued to recognize the marriage as valid: for instance, even after Karen's transition, the United States Navy continued to grant Kikue benefits as the spouse of a disabled veteran, and the federal government continued to accept income tax filings from the spouses under the tax status of "married, filing jointly." Id. at 3.

The Judge then examined the legislative history of the Defense of Marriage Act, the federal law that prohibited recognition of same-sex marriages, and noted that there was "no suggestion that it was intended to apply to any circumstance other than that wherein two persons of the same sex, who hold themselves out as being members of the same gender, attempt to marry each other." Indeed, the Judge said, "[t]he legislative history . . . does not give voice to the act's application to any other circumstance." Id. In particular, the Judge held that "it most assuredly, neither refers to nor contemplates the circumstance wherein two persons of the opposite sex enter into a valid marital relationship; establish themselves as the spouse of each other and, thereafter one of the parties undertakes to change their sexual identity." Id.

The Judge concluded, therefore, that "[t]he circumstance of gender reassignment, legal name change, and issuance of a new birth certificate identifying the wage earner as female, does not invalidate the claimant's marriage as a same-sex union." Id. at 7. The Judge thus ruled that "notwithstanding the unilateral action of the claimant's husband, and considering that that claimant has done nothing to bring the subject marriage to an end, it must be found that with respect to the State of Michigan the parties' heretofore valid marital relationship has continued to the present." Id. at 6.

K.L. thus recognized the validity of a marriage even after one spouse's gender reassignment, and even in the face of Michigan and federal law, both of which prohibited recognition of same-sex marriages in very strong terms. The decision thus stands for the proposition that under United States law, a marriage that the parties validly enter into need

not be dissolved, even in a jurisdiction that prohibits same-sex marriage, merely because at some point after marriage the spouses become the same legal gender.

Survey of Statutory and Constitutional Law

As in Europe, nearly every U.S. state provides some mechanism for a transgender person to obtain legal recognition of his or her affirmed gender. In the United States, however, none of those laws or regulations require the person seeking legal recognition of his or her change of gender to be single or, if married, to divorce. This is the case even in the 36 states–the vast majority of United States jurisdictions—that do not permit same-sex couples to marry.[2] No state or federal law provides for or permits the dissolution of a marriage simply because one spouse undergoes gender transition. Intervenors attach, as Appendix A, a chart listing each state's laws and regulations that provide for recognition of a transgender person's affirmed gender, none of which, as noted, include any requirement or limitation as to the person's marital status.

Additionally, in all United States jurisdictions, the law is clear that the validity of a marriage is determined at the time the parties enter into the marital relationship. While the states in the U.S. have different standards for what constitutes a legal and valid marriage, taking into consideration the genders of the potential spouses, the age of the participants, their mental capacity, and other relevant criteria, in all states, subsequent acts by either party cannot have any bearing on the validity of a marriage that was valid when entered into. In all states, therefore, the validity of a marriage under laws that forbid recognition of same-sex marriage is determined by the legal gender of the parties at the time of marriage.

In all U.S. states, a marriage that is valid at the time it is entered, remains valid until divorce, dissolution, or annulment. See, e.g., California Family Code § 310; Texas Family Code § 1.102; Wisconsin Family Code § 762. For example, a spouse who loses mental competency after marriage is still legally married, even if such lack-of-competency at the time of marriage would have rendered the spouse incapable of consenting to marriage. Vitale v. Vitale, 147 Cal.App.2d 655, 656 (1957). Similarly, when one spouse in a legal different-sex marriage undergoes gender transition, the transition does not invalidate that existing marriage. This is the case even under federal and state laws that do not recognize same-sex marriage. As a result, to Intervenors' knowledge, no state or federal court has ever dissolved or forced the dissolution of a marriage on the ground that one spouse has undergone gender transition.

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[2] Legally recognized same-sex marriages are a relatively new phenomenon in the United States. The first state to permit same-sex couples to marry, Massachusetts, only began allowing such marriages to take place in May 2004. See Pam Belluck, "Massachusetts Arrives at Moment for Same-Sex Marriage," *N.Y. Times* (May 17, 2004). Before that date, no U.S. jurisdiction allowed same-sex couples to marry, yet no court decision or law required dissolution of a marriage in which one spouse obtained legal recognition of a gender change.

Intervenors include, as Appendix B, a chart that specifies the constitutional or statutory provisions that set forth the requirements for a legal marital relationship in each state of the United States. These provisions all require that the parties' capacity to marry, including requirements related to the spouses' gender, be considered solely at the time of marriage, regardless of any post-marriage changes that might have affected their capacity to marry in the first instance.

Public Policy Interests

There is very little American case law regarding challenges to the validity of a different-sex marriage where one spouse has subsequently undergone gender transition. The absence of such case law is likely due to the fact that, as noted, U.S. states assess the validity of a marriage by examining all the elements of capacity to marry, including gender, at the time of marriage, and not later. This is not surprising, as the states overwhelmingly hold that the "[p]reservation of a marital relationship is a fundamental public policy." Rogers v. Webb, 558 N.W.2d 155, 157 (Iowa 1997); see also Watson v. Watson, 319 S.C. 92, 460 S.E.2d 394 (So. Carolina 1995) ("It is well-settled that South Carolina's public policy is to foster and protect the marriage relationship"; holding valid grounds for divorce permit dissolution); Pickston v. Dougherty, 109 So.2d 577, 577 (Florida Dist. Ct. App. 2d Dist. 1959) ("The state has a vital interest in the marriage relation"; permitting annulment where evidence establishes grounds).

In fact, in support of this interest, courts in the United States strongly encourage preserving the marital relationship whenever possible, even against attacks claiming that the marriage should be subsequently voided for some alleged infirmity. For example, the Arizona Supreme Court held that a common-law marriage entered into in another state should be recognized, despite Arizona's law prohibiting common-law marriages:

> Both the law and public policy favor matrimony and when it is once shown that a marriage has been celebrated, the contract, the parties' capacity to enter into it, and in fact every act necessary to its validity, will be presumed, in the absence of proof to the contrary. The presumption that it was legal and valid in all respects is one of the strongest known to the law[.]

Roy v. Industrial Commission, 97 Ariz. 98, 100, 397 P.2d 211, 213 (1964). See also, e.g., Corning v. Carriers Ins. Co., 88 Wis. 2d 17, 23, 276 N.W.2d 310, 313 (Wisconsin App. 1979) (widow was a proper "surviving spouse" in wrongful death action, even though she married decedent before her first marriage officially dissolved; "[p]ublic policy favors upholding marriage attacked as void by third party as surely as it favors upholding marriage attacked by party to the marriage."); In re Peterson's Estate, 148 Colo. 52, 55, 365 P.2d 254, 256 (Colorado 1961) ("It is the policy of the law to encourage the permanency and continuity of a marriage and to look with disfavor upon its dissolution"; applying policy to common law marriage).

This strong public policy in favor of supporting and affirming the validity of marriages appears throughout United States case law across a variety of contexts. See, e.g., Peden, supra, 261 Kan. at 260 ("The public policy relating to marriage is to foster and protect it, to make it a permanent and public institution, to encourage parties to live together and to prevent separation"; holding differential tax rates for married persons not discriminatory); Ranney v. Ranney, 219 Kan. 428, 431, 548 P.2d 734, 737 (Kansas 1976) ("Public policy relating to marriage is to foster and protect it, to make it a permanent and public institution, to encourage the parties to live together and to prevent separation"; inadequate prenuptial agreement unenforceable); Wilkinson v. Wilkinson, 323 So. 2d 120, 124 (La. 1975) ("It is Louisiana's public policy that every effort must be made to uphold the validity of marriages"; same).

This strong and universal policy preserves parties' expectations, existing relationships, and intact families. If the law suddenly invalidated a marriage valid when entered into by the occurrence of an event such as lack of capacity of one of the spouses, financial and familial obligations, rights of inheritance, and parental rights could be placed in jeopardy willy-nilly. The certainty that a marriage valid when celebrated remains valid until dissolved by death or judicial decree fosters the order that a society based on rule of law needs to function effectively.

The institution of marriage is a fundamental feature of American society which the state and federal governments have protected vigorously. Though many states have limited access to marriage by same-sex couples, once a marital relationship has been validly formed, the courts vigilantly preserve it. This likely explains why, to our knowledge, no state has interfered with a married individual's right to remain married even after undergoing gender transition. The scarcity of court decisions addressing this issue is likely due to the absence of any attempt by legislators and jurists to impose such interference.

In the United States, the predominant perspective finds that "[t]he union of two people in marriage has been the ultimate expression of commitment and love throughout this nation's history and has been the bedrock upon which our society has built and continues to build upon. Accordingly, public policy looks unfavorably on restraints to marriage." Jordan v. Jordan, 117 Ohio App. 3d 47, 50, 689 N.E.2d 1005, 1007 (Ohio App. 4th Dist. 1996). Thus, once a couple has met the statutory requirements for marriage, legislatures and courts have taken painstaking steps to ensure that those couples are free from intrusive and disruptive interference.

Conclusion

In summary, to our knowledge, no federal, state, or local law in the United States mandates the dissolution of a valid marriage merely because one spouse pursues or obtains gender reassignment during marriage. In fact, to the contrary, United States courts continue to recognize a marriage that is valid when celebrated as continuing to be valid after one

spouse undergoes a legal gender transition.

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Respectfully submitted,

TRANSGENDER LAW CENTER

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APPENDIX A

State	Provisions Addressing Issuance of Amended Birth Certificates Reflecting Proper Sex After Reassignment
Alabama	Ala. Code § 22-9A-19(d)
Alaska	Alaska Stat. § 18.50.290; Alaska Admin. Code, tit. 7 §§ 05.895, 05.900
Arizona	Ariz. Rev. Stat. § 36-337 (A)(3)
Arkansas	Ark. Code Ann. § 20-18-307(d)
California	Cal. Health & Safety Code § 103425
Colorado	Colo. Rev. Stat. § 25-2-115(4)
Connecticut	Conn. Gen. Stat. § 19a-42
Delaware	Del. Code Ann. Tit. 16 § 3131(a); 40 700 049. Reg's for Title 16, Chapter 31 Relating to Vital Statistics Reg. 10.9(d)
Dist. of Colum.	D.C. Code Ann. § 7-217 (d)
Florida	Fla. Stat. Ann. § 382.016; Fla. Admin. Code Ann. r. 64V-1.003(1)(f)
Georgia	Ga. Code Ann. § 31-10-23(e)
Hawaii	Haw. Rev. Stat. Ann. § 338-17.7(a)(4)(B)
Idaho*	Idaho Code § 39-250; Idaho Admin. Code § 16.02.08.201
Illinois	410 Ill. Comp. Stat. 535/17(1)(d)
Indiana	Ind. Code Ann. § 16-37-2-10(b)
Iowa	Iowa Code Ann. § 144.23(3)
Kansas	K.A.R. § 28-17-20 (b)(1)(A)(i)
Kentucky	Ky. Rev. Stat. Ann. § 213.121(5)
Louisiana	La. Rev. Stat. Ann. § 40:62
Maine	Me. Rev. Stat. Ann. tit 22, § 2705
Maryland	Md. Code Ann, [Health – Gen.] § 4-214(b)(5)
Massachusetts	Mass Gen. Laws Ann. ch. 46, § 13(e)
Michigan	Mich. Comp. Laws Ann. § 333.2831(c)
Minnesota	Minn. Stat. Ann. § 144.218; Minn. Rules 4601.1100
Mississippi	Miss. Code Ann. § 41-57-21; Code Miss. R. 12 000 052, Rules 31-32
Missouri	Mo. Ann. Stat. § 193.215(9)
Montana	Mont. Code Ann. § 50-15-204; Admin. R. Mont. 37.8.106(6)
Nebraska	Neb. Rev. Stat. § 71-604.01
Nevada	Nev. Admin. Code. Ch. 440, § 130
New Hampshire	N.H. Code Admin. R. He-P 7007.03(e)
New Jersey	N.J. Stat. Ann. § 26:8-40.12

New Mexico	N.M. Stat. Ann. § 24-14-25(D)
New York	N.Y. Comp. Codes R. & Regs. Tit 10, § 35.2; 24 RCNY Hlth. Code § 207.05(a)(5) [New York City keeps separate vital records from the state.]
North Carolina	N.C. Gen. Stat. §§ 130A-118(b)(4), (e)
North Dakota	N.D. Cent. Code § 23-02.1-25; N.D. Admin. Code § 33-04-12-02
Ohio*	Ohio Rev. Code § 3705.15
Oklahoma	63. Okl. Stat. Ann. § 1-321; Okla. Admin. Code 310:105-3-3
Oregon	Or. Rev. Stat. § 432.235(4)
Pennsylvania	35 Penn. Stat. § 450.603
Rhode Island	R.I. Gen. Laws § 23-3-21; R.I. Code R. 14 170 001 §§ 35-37
South Carolina	S.C. Code Ann. § 44-63-150; S.C. Code Ann. Regs. 61-19
South Dakota	S.D. Admin. R. 44:09:05:02
Tennessee*	Tenn. Code Ann. § 68-3-203(d)
Texas*	Tex. Health & Safety Code Ann. § 192.011
Utah	Utah Code Ann. § 26-2-11
Vermont	18 Vt. Stat. 5112
Virginia	Va. Code Ann. § 32.1-269(E); 12 Va. Ad. Code § 5-550-320
Washington	[No provision on this issue; Dept. of Health issues amended birth certificate upon receipt of letter from requestor's physician stating requestor has undergone appropriate treatment.]
West Virginia	W. Va. Code § 16-5-25; W. Va. Code St. R. § 64-32-12
Wisconsin	Wis. Stat. Ann. § 69.15
Wyoming	Wyo. Stat. Ann. § 35-1-424; WY Rules and Regulations HLTH VR Ch. 10 s 4(e)(iii)

*Idaho, Ohio, Tennessee, and Texas do not issue amended birth certificates based on gender reassignment. Only Tennessee statutorily forbids correction of sex designations on birth certificates for transgender people.

APPENDIX B

State	Legal Authority Requiring Evaluation of Capacity of Potential Spouses To Marry Solely at Time of Marriage
Alabama	A.L. Const. art. I, § 36.03; Ala. Code § 30-1-19
Alaska	A.K. Const. art. I, § 25; Alaska Stat. § 25.05.011; Alaska Stat. § 25.05.013
Arizona	Ariz. Rev. Stat. § 25-101; Ariz. Rev. Stat. § 25-901
Arkansas	A.R. Const. amend. LXXXIII, § 1; Ark. Code § 9-11-109
California	In re Marriage Cases, 43 Cal.4th 757 (2008); Cal. Fam. Code § 297
Colorado	C.O. Const. art. II, § 31; Colo. Rev. Stat. § 14-2-104
Connecticut	Conn. Gen. Stat. § 46b-20
Delaware	Del. Code tit. 13 § 101; Del. Code tit. 13 § 104; Del. Code tit. 13 § 201
Dist.Colum.	D.C. Code § 46-401
Florida	F.L. Const. art. I, § 27; Fla. Stat. § 741.212
Georgia	G.A. Const. art. I, § 4, ¶ I; Ga. Code Ann. § 19-3-3.1
Hawaii	Haw. Rev. Stat. § 572-1; Haw. Rev. Stat. § 572B-1; Haw. Rev. Stat. § 235-93.4
Idaho	I.D. Const. art. III, § 28; Idaho Code Ann. § 32-201
Illinois	750 Ill. Comp. Stat. § 5/201; 750 Ill. Comp. Stat. § 75/10; 750 Ill. Comp. Stat. § 5/212
Indiana	I.N. Const. art. I, § 38 [IN LEGIS P.L. 231]; Ind. Code § 31-11-1-1
Iowa	Iowa Code § 595.2 [But see Varnum v. Brien, 763 N.W.2d 862 (2009) (district court properly granted summary judgment finding statute violates the Iowa Constitution's equal protection guarantee.]
Kansas	K.S. Const. art. XV, § 16; Kan. Stat. Ann. § 23-2501
Kentucky	K.Y. Const. § 233A; Ky. Rev. Stat. Ann. § 402.005; Ky. Rev. Stat. Ann. § 402.020
Louisiana	L.A. Const. art. XII, § 15; La. Rev. Stat. Ann. § 9:272; La. Civ. Code Ann. art. 86; La. Civ. Code Ann. art. 89
Maine	Me. Rev. Stat. Ann. tit. 22, § 2710; Me. Rev. Stat. Ann. tit. 19-A § 701
Maryland	Md. Code, Fam. Law § 2-201; Md. Code, Health-Gen. § 6-101
Massachusetts	440 Mass. 309; 798 N.E.2d 941 (2003)
Michigan	M.I. Const. art. I, § 25; Mich. Comp. Laws § 551.1; Mich. Comp. Laws § 551.2; Mich. Comp. Laws § 551.3; Mich. Comp. Laws § 551.4
Minnesota	Minn. Stat. § 517.01; Minn. Stat. § 517.03
Mississippi	M.S. Const. art. XIV, § 263A; Miss. Code Ann. § 93-1-1

Missouri	M.O. Const. art. I, § 33; Mo. Rev. Stat. § 451.022
Montana	M.T. Const. art. XIII, § 7; Mont. Code Ann. § 40-1-401; Mont. Code Ann. § 40-1-103
Nebraska	N.E. Const. art. I, § 29
Nevada	N.V. Const. art. I, § 21; Nev. Rev. Stat. § 122.020; Nev. Rev. Stat. § 122A.100
New Hampshire	N.H. Rev. Stat. Ann. § 457:1; N.H. Rev. Stat. Ann. § 457:1-a
New Jersey	N.J. Rev. Stat. § 37:1-29; N.J. Rev. Stat. § 37:1-30
New Mexico	None
New York	N.Y. Dom. Rel. Law § 10-a
North	N.C. Gen. Stat. § 51-1; N.C. Gen. Stat. § 51-1.2
North Dakota	N.D. Const. art. XI, § 28; N.D. Cent. Code § 14-03-01
Ohio	O.H. Const. art. XV, § 11; Ohio Rev. Code § 3101.01
Oklahoma	O.K. Const. art. II, § 35; Okla. Stat. tit. 43, § 3.1
Oregon	O.R. Const. art. XV, § 5a; Or. Rev. Stat. § 106.010; Or. Rev. Stat. § 106.310
Pennsylvania	23 Pa. Cons. Stat. Ann. § 1102; 23 Pa. Cons. Stat. Ann. § 1704
Rhode Island	R.I. Gen. Laws § 28-48-1
South Carolina	S.C. Const. art. XVII, § 15; S.C. Code Ann. § 20-1-10; S.C. Code Ann. § 20-1-15
South Dakota	S.D. Const. art. XXI, § 9; S.D. Codified Laws § 25-1-1
Tennessee	T.N. Const. art. XI, § 18; Tenn. Code Ann. § 36-3-113
Texas	T.X. Const. art. I, § 32; Tex. Fam. Code Ann. § 2.001; Tex. Fam. Code Ann. § 6.204
Utah	U.T. Const. art. I, § 29; Utah Code Ann. § 30-1-2; Utah Code Ann. § 30-1-4.1
Vermont	Vt. Stat. Ann. tit. 15, § 8; Vt. Stat. Ann. tit. 15, § 1201 Vt. Stat. Ann. tit. 15, § 1202
Virginia	V.A. Const. art. I, § 15-A; Va. Code Ann. § 20-45.2
Washington	Wash. Rev. Code § 26.04.010; Wash. Rev. Code § 26.04.020; Wash. Rev. Code § 26.60.020; Wash. Rev. Code § 26.60.030
West Virginia	W. Va. Code § 48-2-104; W. Va. Code § 48-2-603
Wisconsin	W.I. Const. art. XIII, § 13; Wis. Stat. § 770.001; Wis. Stat. § 770.01; Wis. Stat. § 770.05
Wyoming	Wyo. Stat. Ann. § 20-1-101

EXHIBIT A

In re Burnett Estate, 300 Mich.App. 489 (2013)

EXHIBIT B

In the Case of K.L. (Soc. Sec. Admin. Decision, Dec. 1, 2003), aff'd by Soc. Sec. Admin. Appeals Council (Jan. 26, 2004)