



Same-Sex Unions Across the United States

Mark Strasser

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While members of the lesbian, gay, bisexual, and transgender (LGBT) community live throughout the United States, only some states offer legal recognition of or protection for LGBT families. To make matters even more complicated, our society is extremely mobile, whether because individuals are crossing state lines to go on vacation or in search of employment. At least one question posed by this very uncertain state of affairs involves the conditions, if any, under which one state may or must recognize a family relationship that was formed in another state. This book attempts to clarify a number of issues regarding LGBT partners and their families. While two chapters discuss federal equal protection and privacy guarantees and argue that the United States Constitution, properly understood, requires all states to recognize same-sex marriage, the rest of the book assumes that those guarantees do not impose such a requirement. Different chapters examine both the Federal Defense of Marriage Act and individual state Defense of Marriage Acts, explaining some of the ways that they may impact families involving cohabitating, unmarried adults. The Constitution's full faith and credit guarantees are often misunderstood; here, they are explained with respect to marriage and divorce recognition as well as to child custody and visitation orders. The right to travel is a separate right protected under the United States Constitution, and its possible ramifications for LGBT families are explored. Finally, one chapter critically evaluates the proposal that legislation should be passed to protect individuals who object to LGBT families as a matter of conscience.

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