

## **New York Divorce and Family Law Blog**

# **Same Sex Couple Ordered To Pay Child Support**

Posted by [Daniel Clement](#) on August 06, 2010

As [Above the Law](#) points out, it is ironic that on the day a federal judge in struck down California's ban on same sex marriage, a New York appeals court ruled that a same-sex partner may be liable for child support.

In the case [H.M. v. E.T.](#), the Court ruled that the when the

partner of a child's biological mother consciously chooses, together with the biological mother, to bring that child into the world through [artificial insemination,] and where the child is conceived in reliance upon the partner's implied promise to support the child, a cause of action for child support . . .has been sufficiently alleged . . .

As Linda McClain, a Boston University law professor who specializes in family law, noted in the [WSJ Law Blog](#), the ruling "is very much in keeping with the notion that it's better for children to have two parents, than one, and why deprive a child of a source of parental funds?"

This decision also serves as reminder that marriage is more than a celebratory party; it is a relationship that creates legal obligations and responsibilities.

In New York same sex couples can now divorce and be ordered to pay child support; they just can't wed.