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New York Divorce and Family Law Blog

Same Sex Marriage Leads to Same Sex Divorce and a Boom to the New York Economy

Posted by Daniel Clement on May 19, 2011

The old adage, “Be careful what you wish for, you may get it” is particularly true in the case of same sex marriage.

Though same sex couples cannot marry in New York, New York courts have recognized, as valid, marriages performed in jurisdictions where same sex marriages are legal. Same sex marriages are, however, no more immune from marital discontent, infidelity, or the other problems that doom marriages than their heterosexual counterparts. Inevitably, there is same sex divorce.

As reported in the [Fort Greene-Clinton Patch](#), if New York were to enact a law permitting same sex marriage:

“21,309 gay and lesbian couples in New York would get married during the first three years the law is put into place. With New York’s current divorce rate of 8.4 percent, that would mean 1,790 of these couples could potentially split up.”

Even in the absence of a law permitting same sex marriage, I have been

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representing same sex litigants in divorce actions. Same sex divorces are no different than heterosexual divorces. The issues of equitable distribution, spousal maintenance, and child support and access (parenting time or custody and visitation), permeate a divorce case without regard to sexual orientation; same sex couples suffer the same misery and costs as divorcing heterosexual litigants.

The New York economy, however would certainly benefit from same sex marriage.

“In light of the recent report published by the State Senate's Independent Democratic Conference, which showed marriage equality in New York would generate \$391 million over the first three years it is put into law, local lawyers have been considering that gay divorce could potentially bring in tens of millions of dollars for the state economy.”