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Gay marriage gone wrong creates Catch-22

U.S. women took vows in Toronto, but can't get divorce on either side of the border

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DANIEL DALE
STAFF REPORTER

Trapped in a bad marriage?

Sorry, really. But you've got nothing on Larissa Chism and Tara Ranzy, a divorce-seeking Indiana couple doomed to live unhappily ever after and after and after by a legal Catch-22.



IVONNE WIERINK/SHUTTERSTOCK

Two brides at a lesbian wedding day.

Chism, a psychiatrist, and Ranzy, an educator, wed in Toronto in January 2005. In March of this year, they filed a divorce petition.

In many respects, their case was rubber-stamp simple. They had no children; they had already divided their property; neither was pregnant. Unfortunately, an eagle-eyed court employee noticed the one complicating fact in their one-page joint submission: Larissa and Tara are both women's names. Indiana does not grant or recognize same-sex marriages.

And so, a court there ruled Sept. 4, Chism and Ranzy cannot end their marriage because their marriage does not exist.

Nor can they simply return to Toronto to obtain a quickie divorce here, as one prominent Indiana social conservative suggested to the *Indianapolis Star*. Ontario, like same-sex-marriage-granting Massachusetts, requires one spouse to be a resident for a year or more before a divorce can be approved.

"There's no way in this world that people can do that," said David Eppley, a Boston divorce lawyer with homosexual clients who co-chairs the Massachusetts Lesbian and Gay Bar Association.

In 2007, the Supreme Court of Rhode Island, a state that does not grant same-sex marriages, denied divorce to a lesbian couple married in Massachusetts.

Even American same-sex couples actually allowed divorce do not have the same rights as heterosexuals: rules covering alimony and other financial matters are comparatively punitive.

Denied fairness in divorce, Eppley said, same-sex couples do not have true marriage equality even if they are permitted to wed.

"Divorce," he said with a chuckle, "is one of the great benefits of marriage."

For Chism and Ranzy, who did not respond to requests for comment yesterday, the road forward is murky. Ranzy's lawyer, Karen Jensen, said Ranzy does not plan to appeal; Jensen declined to discuss the couple's plans for the future.

If the two women seek to marry again, said Janson Wu, an attorney at the New England legal organization Gay & Lesbian Advocates & Defenders (GLAD), their inability to terminate their marriage will pose serious problems: a second marriage with the first still on the books would make them law-violating bigamists.

In his ruling on the Indiana case, Marion Superior Court Commissioner Jeffrey Marchal appeared to acknowledge the apparent absurdity of the situation.

"As the state of Indiana has chosen to prohibit same-sex marriage as a matter of public policy," he wrote, "it might logically follow that Indiana would have a policy interest in granting same-sex divorce. However, the General Assembly has not enacted a statute which confers upon the courts the authority to dissolve same-sex marriages in the same manner as marriages between a man and a woman."

Sympathetic to the practical difficulties the ruling would cause the couple, Marchal then declared the marriage "null and void." He hoped, apparently, that those three words would make life easier for Chism and Ranzy outside Indiana.

Eppley scoffed at this suggestion. Courts in other jurisdictions, he said, would not consider such a declaration binding.

"Thank you so much for telling me my relationship is `null and void,'" he said sarcastically.

"That solves my problem. Yes, thank you, appreciate that."