

MISSOURI SUPREME COURT HEARS ORAL ARGUMENT IN SAME-SEX DIVORCE CASE

Posted on December 4, 2014 by Capes Sokol

Category: [Representation](#)

Tags: [Dan Sokol](#), [Sheila Greenbaum](#)



Capes Sokol ("CSGS") attorneys presented arguments to the Missouri Supreme Court in *In re the Marriage of: M.S. v. D.S.*, in which a man sought a divorce from his same-sex spouse, and the St. Louis County Circuit Court dismissed his petition based upon Missouri's Defense of Marriage ("DOMA") provisions, which prohibit recognition of same-sex marriages. With respect for the two marital partners involved in this action, they are not identified and will remain anonymous. They do not have children.

Missouri Supreme Court Hears Oral Argument in Same-Sex Divorce Case

The Missouri Supreme Court heard the appeal of M.S., a man who sued in January for a divorce from the man he lawfully married in Iowa in 2012. Presently, there is no statewide standard for same-sex marriage or divorce in Missouri, resulting in inconsistent treatment of same-sex marriages and divorces across the State.

CSGS suggested to the Court that Supreme Court action is necessary to resolve these inconsistencies, citing lower court cases that have granted same-sex couples the right to get married in St. Louis City and Jackson County, while same-sex couples have been denied the right to get married in most other counties. Similarly, the lower courts in a few counties have granted same-sex couples divorces, while others have refused.

CSGS said, "This has resulted in a great deal of uncertainty and confusion regarding whether or not the marriages and divorces that have been granted will receive full legal recognition."

CSGS states that, "it has been reported in the local media by a 'spokesperson' for an organization supporting same-sex marriage that these lower court decisions from two counties are binding across the state. They are not, and have no precedential value except in those two counties."

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As a result, the status of those Missouri same-sex couples who have already been granted divorces or marriage licenses is in question until the Supreme Court resolves this issue.

CSGS offered to the Court that it could provide access to divorce for same-sex couples without overturning DOMA, although he expressed the hope that the Court would take this opportunity to finally determine whether or not DOMA is to be enforced in Missouri.

Attorneys from Capes Sokol Challenge Missouri's Defense of Marriage Laws

The Capes Sokol attorneys brought this matter before the Missouri Supreme Court as part of the firm's commitment to pro bono service to the community.

For more information, please read the [opinion](#) issued by from Honorable John N. Borbonus III of the Supreme Court of Missouri.

Updates: *In re the Marriage of: M.S. v. D.S.*

- [CSGS Presents Oral Argument to the MO Supreme Court on Same-Sex Partner Divorce Action](#)
- [Missouri Supreme Court Hears Oral Argument in Same-Sex Divorce Case](#)
- Trial Court Issues Judgment of Dissolution on Same-Sex Marriage

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