

Bulletin - Tuesday, July 28, 2015
Same-Sex Marriage Ruling



ORT Bulletin

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This **Bulletin** is being issued to address underwriting issues that have been raised in light of the **June 26, 2015** decision of the United States Supreme Court on same-sex marriage case captioned, *Obergefell, et al v. Hodges, Director, Ohio Dept. of Health, et al*. The Court held that the refusal of a state to license a marriage between two people of the same sex or to recognize a marriage between two people of the same sex that is lawful and valid in another state, violates both the Due Process and Equal Protection clauses of the Fourteenth Amendment. This ruling eliminates the state-by-state treatment of same-sex marriage and invalidates existing state and federal laws that prohibit same-sex marriages. Accordingly, for underwriting purposes, same-sex couples that are validly married in any state in the United States are now recognized as a married couple in all states, regardless of any law to the contrary.

Two immediate title insurance underwriting issues have arisen as a result of this decision...

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