

Angela L. Haas:

People will take separation agreements offline and they'll fill in the blanks and then they think that's okay, and they don't understand what it is they're signing. They don't understand it. They'll just assume that the law is a certain way and they'll act in accordance, and it's not. If you had known what the law was, you could have been much better off than what you did based on your decision.

There's a lot of issues in the LGBT community that aren't addressed by laws, so it's really just trying to figure out a workaround solution for those situations or find the right law that fits the situation. We have recognition of same-sex marriages. If they've been married, it's the same, but they may be married now, but how long have they been married legally? Because normally if, let's say someone comes in, a heterosexual couple, and they've been married 20 years, we have this process. But with the LGBT community, they'll come in, they've been married for two, but they've been together for 20. How are you going to handle that? So the law says, "Well, we're only going to split the property for the two years," and everything else, there's no law for it. It really depends on the length of the marriage.

If they have children, if it's a female couple, one of them probably gave birth and it was probably her egg, but not necessarily. It could have been the other person's egg, and then they transferred it into the one who gave birth. Then if it's a male and male couple whose sperm was used for the child, did the other parent adopt the child? Again, establishing parentage. That's probably the biggest thing with the LGBT community in terms of children and then length the marriage is the big thing with titling property and things like that. They may have bought property when they were legally married in one state, but then came back to North Carolina, bought property together, but because the marriage wasn't recognized, the title of the property is titled as if they weren't married, and then they go to split up and it has ramifications, especially when you're talking about an equitable argument. It makes a huge difference.

So you have to know where they are in the evolution of their relationship and what the laws were at that time. There's tons of nuances you've got to pay attention to. There's a lot of education involved in educating other attorneys and judges in terms of this is how these relationships have been handled and how they've been seen by the parties.

I'm part of a national organization called Family Law Institute. It's a faction of the LGBT Bar, National Bar. There's CLEs that we go to. There's conferences every year, and just paying attention to what other people are doing across the nation and how they're handling the issues. We'll use that to better construct how we're handling issues here. And I understand the dynamics of the relationships in the community. I know what they're going through. I know what they've been through. I understand what they're saying when they say, "I'm married," when they're not married. I've lived it. Divorces are not fill-in-the-blank. Families aren't fill-in-the-blank. Every family is different. Every separation is different. The provisions that you need are tailored to your situation.