

## Colonel Ron Ray

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Today's Newsday

## Iowa Judge Grants Lesbian Divorce

By **DAVID PITT**  
Associated Press Writer

December 12, 2003, 7:28 PM EST

DES MOINES, Iowa -- An Iowa judge's divorce decree for two women has sparked a legal challenge that could help decide whether some states can bar same-sex unions while others permit it.

Gay rights activists say the divorce between Kimberly J. Brown, 31, and Jennifer S. Perez, 26, does not open the door to recognition of same-sex relationships, but a conservative group said Friday it will ask the Iowa Supreme Court to overturn the decree.

"We believe the judge exceeded his authority," said Chuck Hurley, president of the Iowa Family Policy Center, a family advocacy group.

Hurley and other conservatives fear the judge's decree, which refers to the union as a marriage, could be a step toward legitimizing same-sex unions, which are not permitted under an Iowa law passed in 1997.

Brown and Perez, both of Sioux City, entered into a civil union in Vermont in March 2002. Their divorce was granted Nov. 14 in Woodbury County District Court.

Brown's attorney, Dennis Ringgenberg, did not immediately return a phone call seeking comment Friday. Perez was not represented by an attorney. A listed telephone number for her could not be located.

"I don't think this case sets the basis up for a challenge to Iowa's refusal to marry same sex couples," said Matt Coles, director of the American Civil Liberties Union Lesbian and Gay Rights and AIDS projects. "What the judge did here was he effectively said for the purposes of sorting this out and letting people go their ways, we'll recognize the relationship and end it in an orderly way."

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Judge Jeffrey Neary, a district judge for Woodbury County, signed the decree without a hearing and has said he did not initially realize he was granting a divorce to two women. Neary has said he had the opportunity to change his mind but decided against it because a constitutional clause requires states to recognize laws of other states.

Neary did not immediately return a call Friday seeking comment.

State Sen. Jeff Lamberti, chairman of the Senate Judiciary Committee, said the case could set the stage for a federal court ruling on same-sex marriages.

"This one has the potential of kicking it off maybe quicker than people would have thought. It's kind of interesting the way it happened that it would potentially have so much significance, but it may," Lamberti said.

Article IV of the U.S. Constitution established full faith and credit laws that require states to honor the laws of others. However, 37 states have passed laws recognizing only marriages between men and women so they are not forced to accept same-sex unions.

The courts have made some exceptions to the full faith and credit laws. States have been permitted, for example, to set their own age at which marriage is allowed, Lamberti said.

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On the Net: Iowa Family Policy Center: <http://www.iowaprofamily.org>

American Civil Liberties Union: <http://www.aclu.org>

Federal Marriage Amendment: <http://www.allianceformarriage.org>

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