

# ZAVOS JUNCKER ■ LAW GROUP, PLLC

## ZAVOS JUNCKER LAW GROUP, PLLC

E-Newsletter, Vol. 2, No. 1

*Updates to the law in the DC Metro Area*

**ZAVOS JUNCKER  
LAW GROUP, PLLC**  
is a comprehensive family  
law practice that provides  
legal services to all types of  
families.

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**Our Practice Areas:**

Family Law Litigation  
Divorce and Dissolution  
Custody and Visitation  
Adoptions of all types  
Estate Planning, including Wills and Powers  
of Attorney  
Probate  
Mediation  
Collaborative Law  
Surrogacy  
Assisted Reproductive Technology  
Parenting Agreements

*We are also happy to make referrals  
for other areas of law.*

### **We're back! Welcome to our Firm's third E-newsletter!**

The past year has seen even more changes in laws affecting same-sex couples in the Washington metropolitan area. As before, these changes have implications for you, your family, and your friends. We have listed a summary of those changes below.

#### **DISTRICT OF COLUMBIA**

##### ***Marriage in DC***

As you surely know, same-sex couples may now marry in the District of Columbia. You don't need to be a resident of the District to marry in DC. If you have a civil or domestic partnership in another jurisdiction, we strongly recommend that you check that jurisdiction's laws to see if you need to dissolve that union or partnership before getting married, particularly if the union or partnership is with another person! To get a DC marriage you must:

- Submit an application and fee for the marriage license at the Marriage Bureau (if you already have a DC domestic partnership, the \$35 fee is waived). You must know who will perform your marriage when you submit your application.
- After three days you'll receive your license, and your ceremony must take place in the District of Columbia.
- Have the person performing the ceremony fill out the required area on the license and send it back to the Marriage Bureau, where the clerk will register your marriage.



- To get all of the information you need about marrying in DC, visit

[www.dccourts.gov/dccourts/superior/family/marriage.jsp](http://www.dccourts.gov/dccourts/superior/family/marriage.jsp)

If you need a list of judges who will perform same-sex marriages in the District, please contact us. The waiting time to obtain a marriage date through the DC Marriage Bureau can be significant, but a judge or other celebrant can perform a marriage as soon as the three-day waiting period has ended.

Michele spoke on NPR regarding same-sex marriage in the District of Columbia. [Listen to her interview!](#)

### ***Divorce in DC***

Since same-sex couples may marry in DC, couples may also get divorced. In order to be divorced in DC, one member of the couple must have lived in DC for at least six months, and the couple must be separated for at least six months if the divorce is mutual and voluntary, or at least one year if it is not. Our Firm has already successfully represented clients in both divorces and civil union dissolutions in the District.

### ***DC Marriage Law will not be subject to a referendum***

The DC Court of Appeals held in *Jackson v. District of Columbia Board of Elections and Ethics*, that the marriage law passed by the DC City Council is not subject to a popular vote. This means that unlike in California, where Proposition 8 overturned a law passed by the state legislature, the DC marriage law will stand as is, unless the DC City Council, the Supreme Court, or Congress changes the law. Republicans in Congress have indicated that they may attempt to change a number of DC policies, including same sex marriage.

### ***DC Final Arrangements Law***

Eva N. Juncker successfully represented a chosen family attempting to obtain the body of their loved one from the DC Medical Examiner. After a trial in the Superior Court of the District of Columbia, the Court found that an electronic signature used in an e-mail expressing a decedent's last wishes was valid for the purposes of releasing his remains to the family he specified in the e-mail. This was the first case interpreting DC's final arrangements statute and determining that an e-mail signature was legitimate.

*In re Estate of Z.R., B.G. and N.G., Petitioners*, 138 DWLR 1757 (May

21, 2010)(Long, J.)(Sup. Ct. D.C.)

### ***DC Parentage Act***

Under the DC Parentage Act, children born to lesbian mothers are the legal children of both mothers. (As surrogacy is illegal in the District, this law does not apply to gay fathers.) However, it is unclear whether a DC determination of parentage will be recognized outside of DC. Our Firm is currently representing clients in three cases where we are attempting to have a Declaration of Parentage issued in the Superior Court. We believe the Declaration would be recognized outside of DC under the full faith and credit clause of the U.S. Constitution, thus establishing parentage in all U.S. jurisdictions. We still recommend that couples obtain a second-parent adoption where possible.

[Please click here to view our previous e-newsletter for a more comprehensive description of the DC Parentage Act.](#)

## **MARYLAND**

### ***Same Sex Marriage Benefits***

Maryland Attorney General Douglas Gansler issued an Opinion stating that he believed Maryland would recognize same-sex marriages from other jurisdictions if the Maryland Court of Appeals (Maryland's highest court) considered the issue.

An Attorney General's opinion is not law; however, it may be an indication of how issues arising from same-sex marriages performed outside of Maryland will be analyzed by a Maryland court. To read the Attorney General's Opinion, [click here](#).

Governor O'Malley announced that same-sex spouses of state employees can now be signed up as dependents of those employees. This will make spouses eligible to receive health care and other benefits that once belonged only to opposite-sex married couples.

If you are interested in learning more about these laws, or have specific questions about your own marriage, civil union, or domestic partnership, please call our offices to set up an appointment.

### ***Birth Certificates in Maryland***

Birth certificates for children born to a married lesbian couple will list both parents on the birth certificate. (This new policy does not apply to gay men.) However, we strongly recommend that lesbian couples obtain a second-parent adoption, as birth certificates DO NOT

conclusively establish legal parentage.

### ***Recognition of Out-of-Jurisdiction Marriage***

Our Firm is currently representing Jessica Port in Port v. Cowan. Jessica and Virginia Cowan sought a divorce in Prince George's County, but the divorce was denied by Judge Michael Chapdelaine, who found that Maryland does not recognize out-of-state marriages between same-sex couples. The case is set to be heard in the Maryland Court of Special Appeals, Maryland's intermediate appellate court.

For more information on this case, visit the [WAMU website](#) for an NPR [interview](#) with Michele Zavos, as well as a [Daily Record Article](#) regarding the case.

### ***Affidavit of Domestic Partnership***

Maryland has a limited domestic partnership law. As there is no registry, we recommend that couples execute an Affidavit of Domestic Partnership.

### ***New Financial Power of Attorney Requirements***

Maryland has changed its requirements for Financial Powers of Attorney. We recommend updating these forms to comply with the new statute.

### **Virginia**

#### ***Birth certificates for children of same sex couples***

Same-sex couples who jointly adopt a child outside of Virginia, or obtain a second-parent adoption outside of Virginia, can now have the child's Virginia birth certificate changed to reflect both legal parents, as parent and parent instead of mother and father.

### **News from around the country**

#### ***New York***

New York began allowing same-sex marriages on July 24, 2011. There is no residency requirement for getting married in New York. There is a one-day waiting period after receiving a marriage license.

#### ***States Pass Civil Union laws***

Delaware and Hawaii passed laws providing Civil Unions for same sex

couples. These laws go into effect January 1, 2012.

Illinois established Civil Unions as of June 1, 2011.

The Rhode Island legislature just passed a Civil Unions law. Governor Lincoln Chafee signed the bill legalizing same-sex civil unions in Rhode Island on Saturday, July 2, 2011.

Washington State established Civil Unions in 2007. This measure withstood a voter referendum in 2009.

### ***Federal Benefits for Same Sex Couples***

The US Department of Labor has issued a new interpretation of the Family and Medical Leave Act (FMLA) to extend to employees who act in *loco parentis*, which means an adult who acts like a parent to a child, even if the adult is not legally or biologically the child's parent. The new interpretation makes a point to say this includes children of same-sex couples. This new development will allow such individuals to be eligible for up to 12 weeks unpaid leave from work to bond with a child who is just born or placed in the home. Additionally, that parent can also take time off for the medical needs of that child. This does not, however, extend any benefits to same-sex partners as spouses.

President Obama also signed a memo that extends health and other fringe benefits to same-sex partners of federal employees. Last year the President ordered a review of which federal agencies could extend other benefits, such as gym memberships and homeowners insurance to same-sex couples, and now a limited number of agencies will provide those services. None of this applies to military personnel.

The IRS, for the first time ever, has recognized same-sex couples for tax purposes. This recognition, however, applies only to California residents who have a domestic partnership. Still, it is a major development from 2007, when the IRS refused to recognize same-sex couples. Currently, this will not affect how same-sex couples outside of California will file federal taxes.

### ***Identity Document Update - Federal Transgender Recognition in Passports***

The State Department announced a new policy in June 2010 regarding the issuance of passports that reflect an individual's current gender when either a previous passport or other personal documentation presented by an applicant states a different gender. The new policy provides that individuals may obtain an updated passport reflecting their gender change if they have received clinical treatment determined by their doctor to be appropriate to designate gender transition. If

individuals have just begun transition yet need to travel abroad, they may receive a two-year provisional passport (a "limited validity passport") which serves the same purpose as a regular passport, but is only valid for two years. Once both the patient and their doctor agree that all clinical treatment appropriate for their specific case has been completed, then the individual may obtain a regular passport. A physician's certification is only required if the documents required to obtain a passport do not reflect the correct gender.

[Click here to read the actual policy language.](#)

### **Additional Resources**

For additional resources and information, visit [Keen News Service](#), the [National Center for Lesbian Rights](#), [Equality Maryland](#) and [Lambda Legal](#).

### **Firm News**

Michele Zavos and Eva N. Juncker have become law partners and changed the Firm name to the ZAVOS JUNCKER LAW GROUP, PLLC.

Michael McHugh has joined the Firm as Of Counsel. Michael is a member of the Bars of Virginia and the District of Columbia, and concentrates his practice in Collaborative Law.

Due to the growth of our Firm, we have opened a satellite office in Virginia and doubled our office space in Maryland.

### **Our Staff**

Michele is a partner and founder of the Firm. She works primarily in the areas of adoption, assisted reproductive technology, estate planning, family mediation, and probate. Her practice is particularly focused on developing legal protections for families, including families headed by same-sex couples. She has 30 years of legal experience and has been a pioneer in the development of legal protections for LGBT families. Michele is an elected Fellow of both the American Academy of Adoption Attorneys and the American Academy of Assisted Reproductive Attorneys. She is a member of the National Center for Lesbian Rights National Family Law Advisory Council and the Board of Rainbow Families D.C. She has been given many awards for her service to the LGBT community. She graduated at the Catholic University of America (Columbus School of Law) in 1979.

Eva is a partner with the Firm, and heads the Firm's litigation practice. She has over 12 years of experience litigating divorce, custody, and dissolution issues. She was named a Virginia Rising Star by Super Lawyers. Eva graduated cum laude from George Mason University School of Law in 1999. She has served on the Board of Directors of the National Gay and Lesbian Lawyers Association and as an affiliate member to the Young Lawyers Division of the ABA. She is also a member of the National Center for Lesbian Rights National Family Law Advisory Council. Eva is a qualified Virginia Guardian Ad Litem.

Adrianna Vlacich-Ceppetelli is an associate attorney with the Firm. She graduated from the University of the District of Columbia, David A. Clarke School of Law in 2008, where she earned the Dean's Cup for outstanding legal service for her work after Hurricane Katrina. Adrianna clerked for Associate Judge Juliet McKenna of the Superior Court of the District of Columbia prior to joining the Firm.

Judith del Cuadro-Zimmerman is a May 2011 graduate of American University Washington College of Law in Washington, D.C. She has received a J.D. Distinguished Legal Fellowship to work at the Firm.

Lisa Szustak is the Firm's litigation paralegal. She comes from Condo, Kelly & Byrnes, P.C. She previously worked as a paralegal at Montana Legal Services Association, Legal Assistance of Western New York, and was an advocate for victims of domestic violence at the Women's Resource Center.

Timothy Compton is a paralegal with the Firm. He works with adoptions, estate planning, and probate. He comes to the firm from Capsalis, Bruce & Caulkins, PLLC. He also previously worked for Spriggs & Hollingsworth, LLC.

Kate Ference is the Firm's office manager. She received her B.A. from the University of Virginia in May 2010, where she double-majored in Sociology and Studies of Women & Gender.

Mary Katherine Szustak is the Firm's assistant paralegal and marketing assistant. She studied Fine Art at Alfred University in New York and is currently continuing her education.

Rebecca Dellen is the Firm's assistant paralegal. She recently received her B.A. in Government and Environmental Science from the University of Virginia.

#### **Firm Updates**

- Eva was just named a "Best LGBT Lawyer Under 40" by the National Lesbian and Gay Law Association.
- Michele was appointed to the D.C. Child Support Guidelines Commission by the City Council, and served as a Co-Chair for the Mautner Project Gala in 2011.
- Michele spoke to the U.S. Department of Veteran's Affairs on LGBT family issues as part of its LGBT Pride Month Commemoration. To hear her remarks, [click here](#). She also made presentations on LGBT family law in the metro area to the DC Affairs Section of the DC Bar, the Family Law Section of the DC Bar, the Estates, Trusts and Probate Law Section of the DC Bar, the Federal Trade Commission, and was a panelist for the ABA and for Strafford Publications in webinars regarding Estate Planning Strategies for Same-Sex and Unmarried Partners.
- Eva Juncker has been actively involved in the Virginia Bar's Special Committee on Access to Justice and the Diversity Council of the Virginia State Bar.
- The Firm was recently recognized for its contributions to the Diversity Council's Conference, which advocates diversity in admission to the Bar and professional realm and helps ensure that the legal system of Virginia is reflective and responsive to the changing legal needs of the people of Virginia.

IF YOU WOULD LIKE ONE OF OUR ATTORNEYS TO TALK TO  
YOUR GROUP, PLEASE CONTACT US.

Interested in learning more about the legal services offered by  
the ZAVOS JUNCKER LAW GROUP, PLLC? Please visit us on the  
web at <http://www.zavosjunckerlawgroup.com>

### Quick TIP

Take some time for a review of your personal affairs. Be sure you have a will,  
beneficiary forms, and other personal planning documents, and that they are up to  
date, particularly if you have recently been married.

**Please stop by and visit us!**

[Click here to schedule an appointment with our office.](#)

*This newsletter is provided for informational purposes only. While every effort  
has been made to ensure accuracy, the contents of the Newsletter should not  
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