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## Georgia recognizes same-sex couples, but in negative way

by Lisa Keen

The governor of Georgia on Tuesday, April 5, signed a bill which recognizes same-sex couples in a uniquely negative way.

Gov. Zell Miller, a Democrat, signed legislation amending the state's "Live-in Lover Statute," to enable an ex-spouse to stop alimony payments if the other spouse is cohabitating with a same-sex lover.

The measure recognizes Gay relationships as being equivalent to marriages for the purpose of denying alimony but does not grant any of the benefits of marriage, noted a number of Gay legal observers.

This unusual turn of events came about when a disgruntled ex-husband wanted to stop making alimony payments to his ex-wife who is now living with her female lover.

The husband, Philip Van Dyck (pronounced "dike"), sued to stop alimony payments, noting that the state "Live-in Lover" statute stipulates that alimony requirements can be modified if the spouse receiving the alimony is voluntarily cohabitating with a third party. Ironically enough, the case was titled *Van Dyck v. Van Dyck*.

While the lower court agreed with the husband, the Georgia Supreme Court ruled on Feb. 8 that the law doesn't apply to same-sex couples. That's because the live-in lover law defines cohabitation as "dwelling together continuously and openly in a meretricious relationship with a person of the opposite sex."

So Mr. Van Dyck took his complaint to the state legislature and got the law amended. The new law states that the "meretricious relationship" can be with "another person, regardless of the sex of the other person."

Tom Coleman, a Gay activist attorney who has done considerable work in this field, said the new law is "a real tool for harassment, especially in states with sodomy laws," like Georgia. Coleman said that the law makes it possible for any person paying alimony to an ex-spouse to claim that person is in a same-sex relationship and use the laws governing the procurement of evidence to inquire, on the record, about the specific nature of any live-in relationship.

Coleman also noted that the term "meretricious" generally has a negative connotation, likening the relationship to one involving a prostitute.

Martha Kuckleburg, the attorney representing Van Dyck's ex-wife, said that since the new law doesn't take effect until July, the ex-husband may try to appeal the case to the U.S. Supreme Court, arguing that the original form of the law — applied in his case — violates his right to equal protection. Kuckleburg said that some courts have also interpreted the term "meretricious" to mean "akin to marriage." That interpretation might represent a step toward recognizing same-sex relationships on the same footing with legal marriages. ▼