

Keeping Up

WITH KINNEY MASON



Family Law for Same-Sex Couples

Marriage equality may have felt like a big leap forward, and in many ways, it was, but we still have a long way to go before same-sex couples can enjoy true legal equality in family matters. Just like any other couple, same-sex couples often wish to get married, start families, and live their lives with a healthy dose of peace and happiness. Unfortunately, certain legal issues and longstanding prejudice can stand in the way of family life for the LGBTQ community.

In advance of Pride Month, Kinney Mason wanted to highlight some of the more common family law issues for same-sex couples.

Adopting a Child

Same-sex couples hoping to adopt often have fewer options than heterosexual couples. Whereas heterosexual couples can adopt through nearly any agency, many U.S. adoption agencies close their doors, so to speak, to same-sex couples. Numerous adoption agencies reserve the right to refuse children to gay couples based on their religious views and those of the biological mother giving up the child for adoption. In other words, gay couples face discrimination and are given fewer options to adopt than other couples.

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Custody of Biological Children

Many same-sex couples choose to have a child by one spouse to become parents. The biological parent is automatically granted full parental rights. However, the non-biological parent might not be granted parental rights, even if his or her name is also on the birth certificate. In cases like these, the non-biological parent may have to go through a second parent adoption, also called a co-parent adoption, to secure parental rights. Even if you're granted non-biological parents' rights without this adoption, your parental rights may not be honored in the same way. If, for example, you leave the state for a vacation and your child is injured, you might not be able to gain access to your child in the hospital without having parental rights according to that state's laws. A legal adoption, on the other hand, is honored in any state.

Also, if the biological parent were to die, the other parent may not be able to retain parental rights if they were not legally established through biology or legal adoption. And, if another family member wishes to adopt the child, it may come down to a legal battle for custody.

Another important factor to consider is custody of your child should you and your same-sex spouse or partner ever separate or divorce. If you are not the biological parent, you might not be granted the same rights in a child custody agreement, leading to costly legal fees and, potentially, a drawn-out court battle. If you obtain a legal adoption, however, it will be easier to establish your parental rights in the event of a divorce or separation, this way you can seek joint custody.

Estate Planning

Same-sex couples may face issues with protecting one partner after the death of the other, as well as significant tax consequences, without a properly established estate plan. While legally married couples (same-sex or not) have an easier time retaining their rights as a spouse, same-sex couples (especially if not legally married) should create an estate plan. Estate planning documents, which may include wills, trusts, guardianship of minor children, and power of attorney, are necessary to protect the ones you love in case the worst should happen. It is the best way to ensure your assets are distributed in the way you wish them to be and your children are entrusted to the person you choose.

Healthcare Issues

Establishing your partner or spouse as your medical and/or financial power of attorney can be very beneficial, especially when it comes to healthcare. In a health emergency, there may be circumstances where only a spouse will be permitted, and sometimes same-sex partners face discrimination from healthcare staff and nurses when asked to establish such a connection. Whereas healthcare staff may take heterosexual couples at their word when they say they are the spouse of the ill or injured person, they may ask to see legal proof from a same-sex couple. This discrimination is unfair, certainly, but establishing power of attorney can protect both of you, legally, and can provide you with access to one another in a medical emergency.

For these and other family law needs, Kinney Mason is here to support you.



**Kinney Mason proudly serves
the LGBTQ community.**

**If you need help with a family
law or estate planning issue,
we're here for you.**

Volunteer Lawyers Project: Equal Access to Justice for Low-Income Nebraskans



Bridging the Justice Gap

In the United States, there is a huge gap between the millions of people who need legal services and those who can afford them. In fact, the number of people who need pro bono legal help is on the rise.

In partnering with the Nebraska State Bar Association's Volunteer Lawyers Project, Kinney Mason strives to be part of the solution, taking on pro bono or reduced fee family law cases and helping bridge the gap.

The Volunteer Lawyers Project was created by Nebraska lawyers with a common passion – an unwavering commitment to pursue equal justice under the law for Nebraskans who, because of social and economic barriers, cannot access the courts and our system of justice.

A Win-Win Partnership

While Kinney Mason can, and does, give back to the community in a variety of ways, perhaps the most impactful and personally rewarding is by leveraging our legal skills to directly impact the less fortunate and unrepresented in our state. In that way, our work with the Volunteer Lawyers Project is a win-win.

Managing Partner John Kinney opened the door to our partnership with the Volunteer Lawyers Project last year, taking on two pro bono divorce cases. Now, our associate attorney, Samantha Robb, has taken the reins.

Honing Her Craft

Samantha, who received her J.D. from Creighton Law in 2020, says working with the Volunteer Lawyers Project is a way to give back to her community while gaining experience and building her skill sets.

"I first learned about the Volunteer Lawyers Project in law school," Samantha says. "Creighton does a great job promoting it and encouraging young lawyers to get involved in pro bono work. With my law degree, I recognize I'm in a privileged position. If I have the opportunity to do this, if I possess this knowledge, the least I can do is help those who aren't able to navigate the law on their own and can't afford to hire someone."

Samantha has closed one divorce case through this partnership so far, and says her client was very appreciative.

"People shouldn't be denied access to legal services," Samantha adds. "I'm happy to help close the justice gap."

KINNEY MASON IN THE *Community*



Welcome, Mark

Kinney Mason is pleased to welcome paralegal Mark Barta to our team! An Omaha native and proud member of the LGBTQ community, Mark served the Fourth Judicial District Court for nearly six years, most recently as Bailiff for the Honorable Gary B. Randall. He is well-versed in the areas of civil, domestic, and criminal law and has fostered strong working relationships with the judiciary and other legal professionals in Omaha. Follow Mark on Facebook, Instagram, and YouTube @lgbtq_today.



Celebrating Pride

June 1 marks the beginning of Pride Month, an annual celebration to commemorate the 1969 Stonewall uprising that helped launch a movement to outlaw discriminatory laws and practices against LGBTQ Americans.

Kinney Mason joins in this celebration and stands in solidarity with the LGBTQ community. In recognition of Pride, the firm's logo has been changed to rainbow colors for June.



Do Good Week

Kinney Mason participated in SHARE Omaha's first-ever Do Good Week April 19-24. Taking the place of Omaha Gives, Do Good Week is dedicated to meeting the cash, volunteer, and in-kind needs of nonprofits in the Omaha area.

In addition to spreading the word on social media, Kinney Mason donated nearly 200 gently used binders to NorthStar, an organization that guides North Omaha's young men throughout the critical transitions into middle school and high school.

Find us on social media!



[Facebook.com/KinneyMason](https://www.facebook.com/KinneyMason)



[@KinneyMasonLaw](https://www.instagram.com/KinneyMasonLaw)

KINNEY'S *Kitchen*



Ingredients

- 1-2 lbs. firm white fish (tilapia, mahi-mahi, snapper, black cod, catfish)
- 4-6 inch flour tortillas

Spice Rub:

- 1 1/2 teaspoon chili powder
- 1 teaspoon cumin
- 1 teaspoon coriander
- 1 teaspoon granulated garlic
- 3/4 teaspoon kosher salt
- 1/4 teaspoon chipotle powder

Cabbage Slaw:

- 1 pound thinly sliced cabbage
- 1/2 teaspoon kosher salt, more to taste
- 1/4 cup thinly sliced red onion, more to taste
- 1/2 cup chopped cilantro
- 1/4-1/2 of a jalapeño, finely chopped
- 1/4 cup fresh lime juice, more to taste
- 2 Tbsp olive oil
- 1/4-1/2 cup mayonnaise

Sauce Options: chipotle mayonnaise, Peruvian green sauce, cilantro crema, avocado sauce

Optional Garnishes: lime wedges, avocado slices, Cotija cheese, grilled scallions, cilantro

Fish Tacos with Cilantro Lime Slaw

Instructions

1. Preheat grill to medium-high heat.
2. Prep the fish: Rinse and pat dry fish. In a small bowl, coat fish with spice rub. Set aside.
3. Make the slaw: Place shredded cabbage in a medium bowl. Toss with salt. Add the onions, cilantro, jalapeño, lime juice, olive oil, and mayonnaise and toss well. Adjust lime, salt, jalapeño, and mayonnaise to taste—you want this to taste tangy and flavorful.
4. Sauce: Make any accompanying sauces. We recommend chipotle mayonnaise (simply combine mayonnaise and chipotles in adobo sauce in a food processor, adding chipotles to your desired heat level).
5. Grill: Grease the grill well before placing fish on it. Turn heat to medium. Grill each side a few minutes, letting grill marks develop and use a metal spatula to flip. Cook until the desired doneness and squeeze with lime juice.
6. Quickly grill the tortillas, brushing them with olive oil if you prefer.
7. Assemble tacos: Place fish in the warm tortillas, top with the cabbage slaw and garnishes. Drizzle with the chipotle mayonnaise if you like.
8. Serve immediately.



Ingredients

- 1/2 ounce freshly squeezed lime juice
- 1 teaspoon sea salt flakes
- 2 ounces 100% agave silver tequila
- 12 sprigs fresh thyme, leaves removed and roughly chopped
- 6 ounces blood-orange soda (such as San Pellegrino)
- Ice

Blood Orange Thyme Paloma

Warm summer afternoons call for refreshing cocktails.

Try this blood-orange twist on the classic Paloma!

Instructions

1. Remove thyme leaves from stem and roughly chop. Combine the chopped thyme with the sea salt on a small plate. Crush the mixture until well mixed.
2. Press half of a squeezed lime along the rim of a highball glass and roll in the thyme salt.
3. Add a few ice cubes and a pinch of the thyme-salt mixture to the glass. Top with the tequila, lime juice and soda. Stir and then serve immediately.



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