PLACER LAW GROUP, APC

Elise S. F. Baker, Esq.

P. O. Box 1282 ~ Rocklin, CA 95677-7282
Tel: (916) 632-1930 ~ Fax: (916) 200-1907

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Dear friends and clients,

Our joy in celebrating Pride month was damaged by the expected yet distressing decision overruling Roe v. Wade.

Even more so, the situation was inflamed by Justice Thomas' extraneous comments that the court next consider overruling the marriage equality victory, the right to access to contraception, and protections of same sex intimacy.

Not surprisingly, clients and colleagues are calling, emailing, and writing asking if their marriage is at risk. They also worry that their ability to create family through IVF may be compromised.

Here is what I think:

- If you live in California, your right to terminate a pregnancy, your right to create family through IVF and other means of assisted reproduction, your right to marry, and your right of sexual privacy remain intact. California laws protect these rights. Your rights are not dependent on a US Supreme Court ruling.

- If you leave the state and if you have a judicial order confirming your parentage (either by way of an adoption or by way of a Judgment of Parentage), then you can travel and move without concern. That judicial order is subject to respect under the full faith and credit clause of the US Constitution. A birth certificate alone does not confer these rights. A birth certificate is not proof of parentage. Trying to prove parentage through a birth certificate is, at best, problematic. Unlike a judicial order, a birth certificate is not subject to respect by another state or a government agency.

- In the remote possibility that the US Supreme Court overrules its marriage equality decision, if you are married, your marriage will not be revoked. If you are in California, you can continue to marry whomever you want, no matter their sex or gender. The right to marry in California was determined to be protected by the California Constitution prior to the US Supreme Court determining that marriage equality was federally protected. In other words, the right to marry in California is not dependent on a US Supreme Court ruling.

- You should make sure that any non-genetic, non-gestational parent has their parental rights confirmed through a judicial order – again, whether by an adoption or by obtaining a Judgment of Parentage. California has enacted various laws making judicial confirmations of parentage easy to get. A judgment will protect your child in numerous ways, including making them eligible for government benefits and securing their ability to inherit through intestacy. It will enable your family to freely travel and move.

- Every family needs the protection of updated wills and other planning documents. If you have a college bound child, consider having them sign an Advance Health Care Directive in case they become hospitalized and you want the right to have access to medical records and make decisions. Once a child turns 18, they are an adult, and your parental rights recede.

- In California, we do not need new laws on these issues. That said, we are working on other advances for our community. For example, several groups in California are cooperating on legislation to extend mandated medical insurance coverage for single people and same-sex couples to create family through medically-assisted reproduction.

- It is our community and friends in hostile states and areas who will need help. We should explore developing means for them to gain access to the benefits of our laws. We need to support candidates in those states who will fight for the human dignity and right of privacy for every person in every state.

It is a scary time. Those of us in California remain protected for now. We need to work hard – by protesting, voting, donating, and any other means we can think of – to make sure that same protection exists for all of us in the United States and abroad.

Remain strong, remain brave.

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Elise S. F. Baker, Esq.
Elise.Baker@PlacerLaw.net