

Nebraska Same-Sex Couple Seeking Divorce

The problem, though, is that the state doesn't recognize their marriage, performed in Iowa in 2009.

BY TRUDY RING | APRIL 01 2014 7:56 PM ET



Two Nebraska women who were married in Iowa in 2009 have petitioned for their home state to grant them a divorce, although Nebraska doesn't recognize their marriage.

Margie and Bonnie Nichols's case was dismissed in August by a Lancaster County judge, who said a divorce can't be granted if the marriage isn't recognized. Their case is now pending in the state Court of Appeals, although one of the women's attorneys has asked for the appeals court to be bypassed in favor of the Nebraska Supreme Court, reports *The Lincoln Journal-Star*.

The American Civil Liberties Union of Nebraska and Legal Aid of Nebraska last Thursday filed friend of the court briefs in support of the appeal, while Nebraska attorney general Jon Bruning filed one in support of the county judge's ruling.

Megan Mikolajczyk, Bonnie Nichols's attorney, pointed out that the lack of a divorce creates many problems for the women, related to responsibility for each other's debts, tax filings, retirement benefits, and the ability to remarry. An annulment, she said, wouldn't have the same effect as a divorce.

"They want to terminate this contract just as anyone else in our state has the right to dissolve their marriage," Mikolajczyk told the *Journal-Star*. "They both would like the opportunity to move on with their lives, and you can't really do that if other states and the federal government perceive them as still married."