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## New York Divorce and Family Law Blog

### [New York's Highest Court Up-holds Same Sex Marriage](#)

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The New York Court of Appeals narrowly upheld same sex marriage in New York.

The Court, in a [4-3 decision](#) did not settle the question of whether same-sex marriages performed in other states should be recognized. Judge Eugene F. Pigott Jr., writing for the majority, expressed “hope that the Legislature will address this controversy.”

The three judges in a concurring decision, said that the court should have addressed the wider issue because New York law already allows for the recognition of marriages that are considered legal elsewhere.

In her concurring opinion, Judge Carmen Beauchamp Ciparick, wrote “that the orders under review should be affirmed on the ground that same-sex marriages, valid where performed, are entitled to full legal recognition in New York under our state’s longstanding marriage recognition rule.”

The two case evolved out of the policy of the Department of Civil Services, extending health insurance benefits to the partners of state and local workers who were married out of state and a similar policy in Westchester County.