
Gay marriage now legal in AZ, 'easier' for gay couples to adopt?

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PHOENIX (CBS5) - Same sex couples can legally tie the knot now in Arizona but there are still a lot of questions about death and birth rights. One of the big ones: Will gay couples have the same access to adoption as straight couples?

"A same-sex married couple should have the exact same rights to adopt a child or to adopt their spouses child, which is called a step parent adoption, as heterosexual couples were allowed before Oct. 17," said Claudia Work, an attorney with Campbell Law Group in Phoenix.

Kevin Patterson and his husband David Larence-Patterson were the first same-sex couple in the state to marry Oct.17.

Thursday night they were celebrating five years since their commitment ceremony and it's an anniversary they wanted to celebrate with their adopted daughters.

"Tomorrow's Halloween," the family could be heard saying while eating dinner at restaurant in the Biltmore area. "You know what that means!"

Legally, Kevin is the only one listed on the kids birth certificates.

"If we are a married couple I have the parental rights to adopt these children," David said.

And after being apart of the movement to legalize gay marriage, they are now working to have David's name added to the girl's birth certificates.

The long process to adopt the 4-and-8-year-old biological sisters took two years of losing out a lot of the time to straight, married couples.

"Because we weren't identified in a legal marriage only one parent can adopt," Kevin said.

At the state level, the AZ Department of Health Services has already said it will now issue death certificates for a spouse regardless of gender. But what about birth certificates?

"The hospitals and the state are trying to figure, logistically, how that's going to work," Work said.

And when it comes to adoption, Work said marriage is marriage.

"A same-sex married couple can adopt a child that's not legally related to them," she said. "A member of a same-sex married relationship can now adopt the child that their spouse came into the marriage with."

Work predicts the next big battle when it comes to same-sex adoptions will be businesses, and possibly private adoption agencies in the state, claiming a religious exemption due to opposition to same-sex marriage.

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