

Nos. 14-556, 14-562, 14-571 and 14-574

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IN THE  
**Supreme Court of the United States**

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JAMES OBERGEFELL, *et al.*,  
AND BRITTANI HENRY, *et al.*,

*Petitioners,*

*v.*

RICHARD HODGES, DIRECTOR,  
OHIO DEPARTMENT OF HEALTH, *et al.*,

*Respondents.*

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ON WRITS OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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**BRIEF OF *AMICUS CURIAE*  
LEGAL SERVICES NYC  
IN SUPPORT OF PETITIONERS**

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**INTEREST OF *AMICUS CURIAE*<sup>1</sup>**

Legal Services NYC (“LSNYC”) is the largest provider of free civil legal services to low-income people in the United States. It represents tens of thousands of low-income clients each year in a range of different civil legal areas, including housing, governmental benefits, family, immigration, foreclosure and bankruptcy. LSNYC is also a leader in advocating for low-income Lesbian, Gay, Bisexual and Transgender (“LGBT”) people, and has provided programs dedicated to the LGBT community for more than 25 years. Like all of LSNYC’s clients, the LGBT individuals it serves lack resources. But unlike other groups, this community is too often at the margins of the legal services community because they are LGBT, and of the mainstream LGBT movement because they are poor.

Marriage, and the security and protection it provides, affects all areas of LSNYC’s practice. Every day, LSNYC sees the desperate legal needs of people without means: the need for shelter, safety, food and security. LSNYC’s extensive experience in this area has revealed the tangible and profound effects that flow from the status of marriage—and the deep harm caused to low-income LGBT individuals and their families when they are denied the benefits, protections and presumptions associated with that status.

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1. Pursuant to Rule 37.6, *amicus curiae* certifies that no counsel for a party authored this brief in whole or in part, and that no person or party, other than *amicus*, its members or its counsel made a monetary contribution to the preparation or submission of this brief. Counsel of record for all parties have consented to the filing of this brief.

Since New York State enacted marriage equality in 2011, LSNYC has witnessed the improvements in the lives of low-income LGBT clients and their children that come with access to the many benefits, protections, and presumptions afforded to married couples. New York grants all of the marital advantages documented below. These advantages should not be subject to discrimination tied to sexual orientation when couples cross state lines, especially when that discrimination falls hardest on those most in need. LSNYC has a strong interest in securing and strengthening the marriages of its clients, and in securing those same rights for low-income LGBT individuals around the country.

### **INTRODUCTION AND SUMMARY OF ARGUMENT**

All Petitioners correctly submit that state laws confer a series of advantages upon married couples that are unavailable to those denied the status of marriage in states like Kentucky, Michigan, Ohio and Tennessee (“Respondents”). Indeed, the States have created a well-defined bundle of benefits, protections and presumptions flowing to those considered “married” under state law. Across a range of thirteen legal areas touching on (i) protecting the parent-child relationship, (ii) granting rights to economic benefits or property and (iii) providing access to justice, the States have spoken with a strong consistent voice to confer on married couples privileges that are unavailable to those the Respondents deny the status of being “married.”

As shown below, **all** fifty States and the District of Columbia have conferred on married couples at least

ten of thirteen advantages deemed important by the States. By choosing to distinguish between married and unmarried people across a range of benefits, protections and presumptions the States have conferred upon the institution of marriage something that goes beyond the status of marriage itself. The Respondents all make the married-unmarried distinction across at least ten of the thirteen advantages surveyed, but deny these advantages to same-sex couples. This imposes unique and foreseeable burdens on low-income LGBT couples and their families, who cannot afford the costs of stitching together the legal protections denied to them, and are particularly vulnerable to the consequences of benefits and rights unfairly denied.

### ARGUMENT

All Petitioners correctly submit that state laws confer a series of benefits, protections and presumptions upon married couples that are unavailable to those the Respondents deny the ability to be “married.” As the Obergefell Petitioners state:

Throughout our history, the fact of being married has brought with it a wide swath of protections, reflecting two spouses’ uniquely interdependent and enduring relationship. These range from rights in matters of sexual intimacy and reproduction, to marital presumptions of parentage shielding the marital family from intrusions even by a marital child’s genetic parent, to protection of marital confidences, regarded as so essential to the preservation of the marriage relationship, to access to government benefits ..., property rights ..., and other, less tangible benefits.

Br. for Obergefell Pet'rs at 37 (internal citations and quotation marks omitted); see also *id.* at 26-27; Br. for Bourke Pet'rs at 28-29; Br. for DeBoer Pet'rs at 24-27; Br. for Tanco Pet'rs at 4, 20. This bundle of benefits, protections and presumptions has profound effects on married couples and how they order their lives, providing security and predictability to the marital unit. These factors by their very nature have particular importance to low-income couples of the same sex and their families who, for example, cannot afford to hire lawyers and litigate or petition for the protections and presumptions provided automatically to married couples. As discussed below, the effect of denying these benefits is not abstract, but results in clear, foreseeable and profound human and economic costs.

The States have created a well-defined bundle of marital benefits. Across a range of thirteen legal areas touching on (i) protecting the parent-child relationship, (ii) granting rights to economic benefits or property and (iii) providing access to justice, all the States have spoken with a strong consistent voice to confer on married couples and their families privileges that are unavailable to those the Respondents deny the status of being “married.” As shown below, **all** fifty States and the District of Columbia have conferred on married couples at least ten of the thirteen advantages deemed important by all the States.

What is striking about the results set forth below and in Appendices A and B is the consistency with which the States have spoken. The States have overwhelmingly determined to provide married couples and their families with certain baseline protections—with all the States having granted some marital benefits in each of the three

areas listed above. Thus despite acting as individual “laboratories of democracy,” see New State Ice Co. v. Liebmann, 285 U.S. 262, 311 (1932), that determine “the incidents, benefits, and obligations” of marriage, United States v. Windsor, 133 S. Ct. 2675, 2692 (2013), all the States agree that laws should protect the parent-child relationship, grant economic benefits and provide access to justice to married couples. This is strong objective evidence, see Atkins v. Virginia, 536 U.S. 304, 312 (2002); see also Hall v. Florida 134 S. Ct. 1986, 1989 (2014), of the fundamental importance of these factors—benefits so widely conferred that they shape our understanding and expectation of what it means to be married in this country.<sup>2</sup> This evidence also highlights the value of these marital benefits and the tangible harm suffered when they are denied to couples of the same sex.

#### **A. Thirteen Factors By Which The States Favor Married Couples And Their Families**

By treating same-sex couples as legal strangers, the Respondents deny those couples a range of advantages, including thirteen distinct factors across three legal areas. These factors represent a bundle of benefits, protections and presumptions that on their face have tangible economic and social value.

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2. The remarkable unanimity among the States also correlates strongly with the well-documented evidence that happily married couples consistently come out ahead over time across a range of indicators, including economic, physical and mental wellbeing. See, e.g., Thomas A. Hirschl et al., Does Marriage Increase the Odds of Affluence? Exploring the Life Course Probabilities, 65 *J. Marriage & Fam.* 927, 932 (2003); Susan L. Brown, The Effect of Union Type on Psychological Well-being: Depression Among Cohabitors Versus Marrieds, 41 *J. Health & Soc. Behav.* 241 (2000).

Set forth below is a summary of the benefits, protections and presumptions surveyed. **Appendix A** is a chart showing which States have implemented which marital advantages. **Appendix B** contains three summary presentations of the data presented in Appendix A. **Appendix C** sets forth the source for each State and marital advantage.

*Laws Protecting the Parent-Child Relationship*

- **Adoption:** In **43 States and the District of Columbia**, a married couple may adopt a child jointly, allowing both partners to become the legal parents of the child simultaneously. See, e.g., Alaska Stat. § 25.23.020. Marriage automatically establishes a legal relationship between the child and both adoptive parents, which is a prerequisite to the many benefits and protections associated with the parent-child relationship (see Support and Termination below).
- **Parentage:** In **all but two of the States and the District of Columbia** (30 States) that have enacted such legislation, where a married couple conceives a child using a sperm donor, the woman's spouse is deemed the child's other legal parent. See, e.g., La. Civ. Code Ann. art. § 188.
- **Support:** In **all 50 States and the District of Columbia** children are entitled to support from both of their parents. See, e.g., Ga. Code Ann. § 19-7-2. This maximizes the resources available for the child's well-being while ensuring that the economic responsibilities of parenthood may be apportioned fairly.

- **Termination:** In all 50 States and the District of Columbia parents are protected from termination of the parent/child relationship except in exceptional circumstances. See, e.g., Cal. Fam. Code §§ 7820-23. These laws protect the integrity and autonomy of the family unit.

*Laws Granting Rights to Economic Benefits or Property*

- **Public Employee Benefits:** In 48 States and the District of Columbia the spouse of a public employee is automatically entitled to public employee benefits. See, e.g., Okla. Stat. tit. 74, § 918.
- **Intestacy:** In all 50 States and the District of Columbia, when one spouse dies without a will, the surviving spouse receives priority in the statutory scheme for distribution of the decedent's estate. See, e.g., Minn. Stat. § 524.2-102.
- **Spousal Allowance:** In 46 States and the District of Columbia, when one spouse dies, the other spouse is entitled to an allowance paid from the estate that takes priority over the claims of creditors. See, e.g., Ala. Code. § 43-8-10.
- **Taxes:** In all States and the District of Columbia that tax personal income (44 States) spouses may file joint returns with attendant tax benefits. See, e.g., Mont. Code Ann. § 15-30-2602.

*Laws Providing Access to Justice*

- **Consortium:** In 49 States and the District of Columbia spouses have a cause of action for loss of consortium damages if the other spouse is injured as a result of a third-party's negligence. See, e.g., Or. Rev. Stat. § 108.010.
- **Wrongful Death:** In 44 States and the District of Columbia spouses and children as a matter of right may receive compensation if the other spouse dies as a result of a third party's negligence. See, e.g., Tenn. Code Ann. § 20-5-106. (In the other five states, these damages are paid to the estate.)
- **Workers Compensation:** In all 50 States and the District of Columbia spouses and children receive workers compensation benefits when a working spouse is killed. See, e.g., S.C. Code Ann. §§ 42-9-110, -130.
- **Healthcare:** In 43 States and the District of Columbia spouses have the presumptive decision-making authority or priority to be appointed by a court to act as a decision-maker for each other's health decisions should one of them become incapacitated. See, e.g., Utah Code Ann. § 75-2a-108.
- **Evidence:** In all 50 States and the District of Columbia married people benefit from spousal privilege and cannot be compelled to testify about confidential marital communications. See, e.g., Wyo. Stat. Ann. § 1-12-104.

## **B. Denying Access To The Protections Of Marriage Causes Tangible Harm To Low-Income Couples And Their Families**

By denying same-sex couples the ability to marry, and in refusing to recognize valid marriages between persons of the same sex performed elsewhere, the Respondents deny the bundle of benefits, protections and presumptions described above. This denial falls particularly hard on low-income individuals and families.

*First*, several of the marriage protections surveyed have direct “dollars and cents” consequences tied to how the State treats a marriage as an economic unit for purposes of conferring benefits or protecting that marital unit. Certain factors also are designed to provide a broader and more stable child support regime should a relationship break down. Finally, some of the factors create a crucial economic safety net triggered upon the death of or injury to a parent or spouse—an economic shock that lands hardest on low-income families.<sup>3</sup>

*Second*, the certainty and relative simplicity of parentage and adoption protections provided by law to married couples avoids costly and burdensome legal

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3. Recent data suggests that low-income same-sex couples could gain meaningfully if given the advantages routinely afforded by the States to married opposite-sex couples; same-sex couples experience higher rates of poverty than married couples, a burden that particularly affects children. See generally M.V. Lee Badgett, Laura E. Durso & Alyssa Schneebaum, New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community, The Williams Institute, June 2013, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-poverty-update-june-2013>.

proceedings that families denied the status of marriage in the Respondent States must bear, and which low-income LGBT families often cannot afford to pursue. Similarly, by denying same-sex families the presumptions of parenthood, the Respondent States have created situations where those who have parented for years may be excluded from hospital rooms, apartments and the very lives of their children, even losing custody of those children and what had been the family home. While certain protections or presumptions provided to married couples may be managed by contract-like instruments (powers of attorney, healthcare proxies, wills), low-income LGBT couples who cannot retain counsel for advice on these issues, or pursue or petition for their rights in court, suffer foreseeable and tangible losses never imposed upon married couples. The Petitioners are correct that marriage as now understood by the States may not be denied to same-sex couples and their families.

**CONCLUSION**

The judgment of the United States Court of Appeals  
for the Sixth Circuit should be reversed.

Respectfully submitted,

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## **APPENDIX**

1a

**APPENDIX A**



2a

**APPENDIX B**



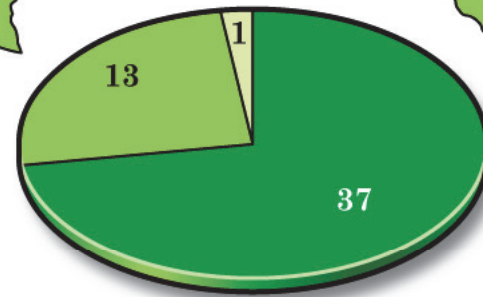
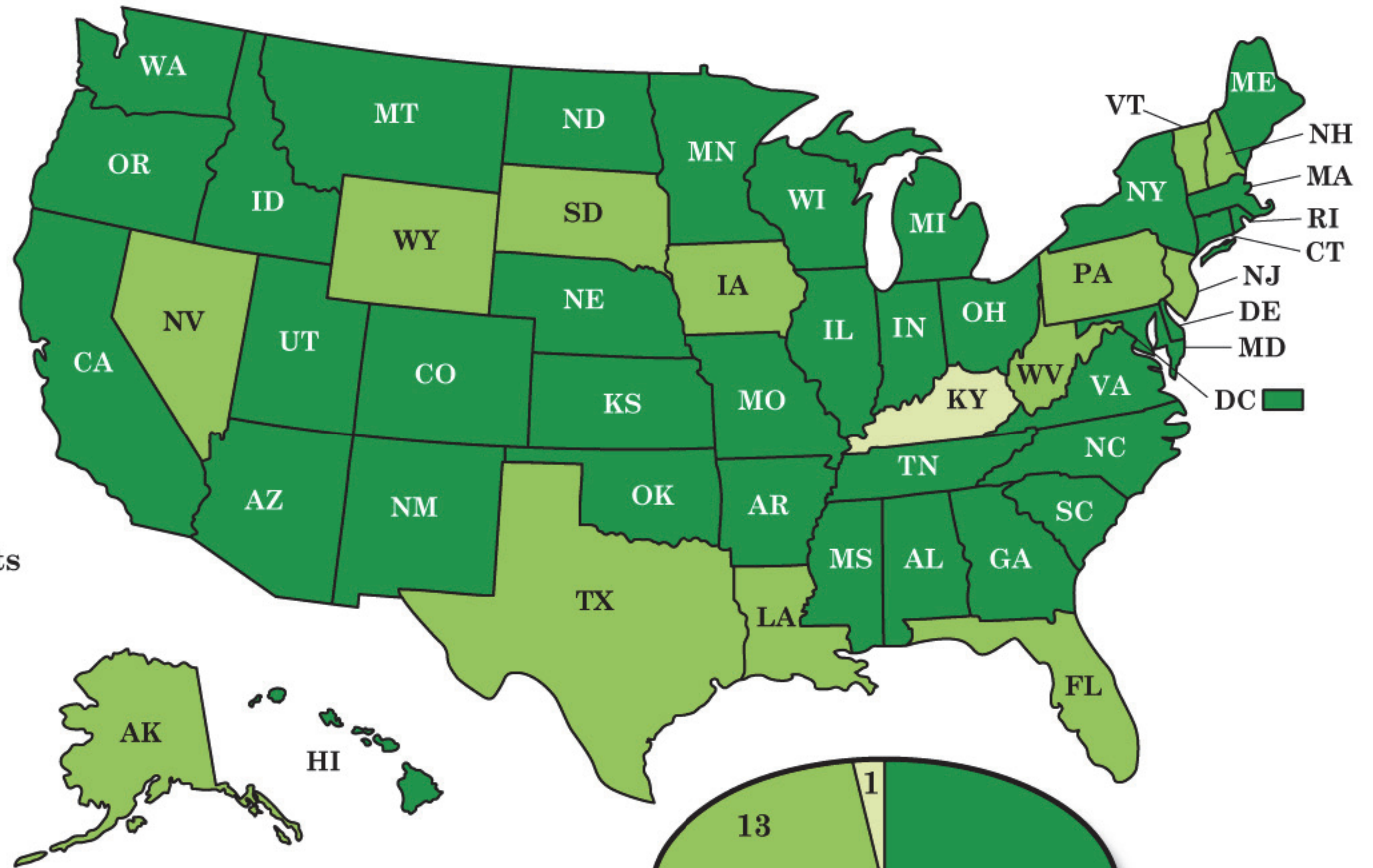
3a

**APPENDIX B**

# Laws Granting Economic and Property Rights

- Intestacy
- Spousal Allowance
- Taxes
- Public Employee Benefits

- All 4 Rights
- 3 Rights
- 2 Rights



Number of States (including DC)

4a

**APPENDIX B**



**APPENDIX C**Adoption

|                      |                                   |
|----------------------|-----------------------------------|
| Alabama              | Ala. Code § 26-10A-5              |
| Alaska               | Alaska Stat. § 25.23.020          |
| Arizona              | Ariz. Rev. Stat. Ann. § 8-103     |
| Arkansas             | Ark. Code Ann. § 9-9-204          |
| California           | Cal. Fam. Code §§ 8601, 8603      |
| Colorado             | Colo. Rev. Stat. Ann. § 19-5-202  |
| Connecticut          | Conn. Gen. Stat. Ann. § 45a-732   |
| Delaware             | Del. Code Ann. tit. 13, § 951     |
| District of Columbia | D.C. Code § 16-302                |
| Florida              | Fla. Stat. Ann. § 63.042          |
| Georgia              | Ga. Code Ann. § 19-8-3            |
| Hawaii               | Haw. Rev. Stat. § 578-1           |
| Idaho                | N/A                               |
| Illinois             | 750 Ill. Comp. Stat. 50/2         |
| Indiana              | Ind. Code § 31-19-2-4             |
| Iowa                 | Iowa Code Ann. § 600.4            |
| Kansas               | Kan. Stat. Ann. § 59-2113         |
| Kentucky             | Ky. Rev. Stat. Ann. § 199.470     |
| Louisiana            | La. Child. Code Ann. art. 1198    |
| Maine                | Me. Rev. Stat. tit. 18-A, § 9-301 |
| Maryland             | Md. Code Ann., Fam. Law § 5-331   |
| Massachusetts        | Mass. Gen. Laws Ann. ch. 210, § 1 |
| Michigan             | Mich. Comp. Laws Ann. § 710.24    |

*Appendix C*

|                |                                  |
|----------------|----------------------------------|
| Minnesota      | N/A                              |
| Mississippi    | Miss. Code Ann. § 93-17-3        |
| Missouri       | Mo. Ann. Stat. § 453.010         |
| Montana        | Mont. Code Ann. § 42-1-106       |
| Nebraska       | Neb. Rev. Stat. § 43-101         |
| Nevada         | Nev. Rev. Stat. Ann. § 127.030   |
| New Hampshire  | N.H. Rev. Stat. Ann. § 170-B:4   |
| New Jersey     | N.J. Stat. Ann. § 9:3-43         |
| New Mexico     | N.M. Stat. Ann. § 32A-5-11       |
| New York       | N.Y. Dom. Rel. Law § 110         |
| North Carolina | N.C. Gen. Stat. § 48-2-301       |
| North Dakota   | N.D. Cent. Code § 14-15-03       |
| Ohio           | Ohio Rev. Code Ann. § 3107.03    |
| Oklahoma       | Okla. Stat. tit. 10, § 7503-1.1  |
| Oregon         | N/A                              |
| Pennsylvania   | N/A                              |
| Rhode Island   | R.I. Gen. Laws Ann. § 15-7-4     |
| South Carolina | N/A                              |
| South Dakota   | N/A                              |
| Tennessee      | Tenn. Code Ann. § 36-1-115       |
| Texas          | Tex. Fam. Code Ann. § 162.002    |
| Utah           | Utah Code Ann. § 78B-6-117       |
| Vermont        | N/A                              |
| Virginia       | Va. Code Ann. § 63.2-1201        |
| Washington     | Wash. Rev. Code Ann. § 26.33.150 |
| West Virginia  | W. Va. Code Ann. § 48-22-201     |

*Appendix C*

|           |                            |
|-----------|----------------------------|
| Wisconsin | Wis. Stat. Ann. § 48.82    |
| Wyoming   | Wyo. Stat. Ann. § 1-22-104 |

Parentage

|                      |                                  |
|----------------------|----------------------------------|
| Alabama              | Ala. Code § 26-17-201            |
| Alaska               | Alaska Stat. § 25.20.045         |
| Arizona              | Ariz. Rev. Stat. Ann. § 25-501   |
| Arkansas             | Ark. Code Ann. § 9-10-201        |
| California           | Cal. Fam. Code § 7613            |
| Colorado             | Colo. Rev. Stat. Ann. § 19-4-106 |
| Connecticut          | Conn. Gen. Stat. Ann. § 45a-774  |
| Delaware             | N/A                              |
| District of Columbia | D.C. Code § 7-205                |
| Florida              | Fla. Stat. Ann. § 742.11         |
| Georgia              | Ga. Code Ann. § 19-7-21          |
| Hawaii               | N/A                              |
| Idaho                | Idaho Code Ann. § 39-5405        |
| Illinois             | N/A                              |
| Indiana              | N/A                              |
| Iowa                 | N/A                              |
| Kansas               | Kan. Stat. Ann. § 23-2302        |
| Kentucky             | N/A                              |
| Louisiana            | La. Civ. Code Ann. art. 188      |
| Maine                | N/A                              |

*Appendix C*

|                |                                   |
|----------------|-----------------------------------|
| Maryland       | N/A                               |
| Massachusetts  | Mass. Gen. Laws Ann. ch. 46, § 4B |
| Michigan       | N/A                               |
| Minnesota      | Minn. Stat. § 257.56              |
| Mississippi    | N/A                               |
| Missouri       | Mo. Ann. Stat. § 210.824          |
| Montana        | Mont. Code Ann. § 40-6-106        |
| Nebraska       | N/A                               |
| Nevada         | N/A                               |
| New Hampshire  | N.H. Rev. Stat. Ann. § 168-B:2    |
| New Jersey     | N.J. Stat. Ann. § 9:17-44         |
| New Mexico     | N.M. Stat. Ann. § 40-11A-703      |
| New York       | N.Y. Dom. Rel. Law § 73           |
| North Carolina | N.C. Gen. Stat. § 49A-1           |
| North Dakota   | N/A                               |
| Ohio           | Ohio Rev. Code Ann. § 3111.95     |
| Oklahoma       | Okla. Stat. tit. 10, §§ 551-52    |
| Oregon         | Or. Rev. Stat. § 109.243          |
| Pennsylvania   | N/A                               |
| Rhode Island   | N/A                               |
| South Carolina | N/A                               |
| South Dakota   | N/A                               |
| Tennessee      | N/A                               |
| Texas          | Tex. Fam. Code Ann. § 160.703     |
| Utah           | Utah Code Ann. § 78B-15-703       |
| Vermont        | N/A                               |

*Appendix C*

|               |                                  |
|---------------|----------------------------------|
| Virginia      | Va. Code Ann. § 20-158           |
| Washington    | Wash. Rev. Code Ann. § 26.26.101 |
| West Virginia | N/A                              |
| Wisconsin     | Wis. Stat. Ann. § 891.40         |
| Wyoming       | Wyo. Stat. Ann. § 14-2-501       |

Support

|                      |   |
|----------------------|---|
| Alabama              | <u>Ex parte M.D.C.</u> , 39 So. 3d 1117 (Ala. 2009) |
| Alaska               | Alaska Stat. § 25.20.030                            |
| Arizona              | Ariz. Rev. Stat. Ann. § 25-320                      |
| Arkansas             | Ark. Code Ann. § 9-14-106                           |
| California           | Cal. Fam. Code §§ 4000-02                           |
| Colorado             | Colo. Rev. Stat. Ann. § 14-10-115                   |
| Connecticut          | Conn. Gen. Stat. Ann. § 46b-215a                    |
| Delaware             | Del. Code Ann. tit. 13, § 501                       |
| District of Columbia | D.C. Code § 16-916.01                               |
| Florida              | Fla. Stat. Ann. §§ 61.29-30                         |
| Georgia              | Ga. Code Ann. § 19-7-2                              |
| Hawaii               | Haw. Rev. Stat. § 577-7                             |
| Idaho                | Idaho Code Ann. § 32-706                            |
| Illinois             | 750 Ill. Comp. Stat. 45/3                           |
| Indiana              | Ind. Code § 31-16-6-1                               |
| Iowa                 | Iowa Code Ann. § 598.21B                            |
| Kansas               | Kan. Stat. Ann. § 23-3001                           |

*Appendix C*

|                |                                   |
|----------------|-----------------------------------|
| Kentucky       | Ky. Rev. Stat. Ann. § 405.020     |
| Louisiana      | La. Civ. Code Ann. art. 227       |
| Maine          | Me. Rev. Stat. tit. 19-A, § 1652  |
| Maryland       | Md. Code Ann., Fam. Law § 12-204  |
| Massachusetts  | Mass. Gen. Laws Ann.ch. 208, § 28 |
| Michigan       | Mich. Comp. Laws Ann. § 722.3     |
| Minnesota      | Minn. Stat. § 518A.35             |
| Mississippi    | Miss. Code Ann. § 93-11-65        |
| Missouri       | Mo. Ann. Stat. § 452.340          |
| Montana        | Mont. Code Ann. § 40-4-204        |
| Nebraska       | Neb. Rev. Stat. § 42-364          |
| Nevada         | Nev. Rev. Stat. Ann. § 125B.020   |
| New Hampshire  | N.H. Rev. Stat. Ann. § 458-C:1    |
| New Jersey     | N.J. R. Ct. App. IX-A             |
| New Mexico     | N.M. Stat. Ann. § 40-4-11.1       |
| New York       | N.Y. Fam. Ct. Act § 413           |
| North Carolina | N.C. Gen. Stat. § 50-13-4         |
| North Dakota   | N.D. Cent. Code § 14-08-01        |
| Ohio           | Ohio Rev. Code Ann. § 3103.03     |
| Oklahoma       | Okla. Stat. tit. 43, § 112        |
| Oregon         | Or. Rev. Stat. § 109.100          |
| Pennsylvania   | 23 Pa. Cons. Stat. § 4321         |
| Rhode Island   | R.I. Gen. Laws Ann. § 15-9-1      |
| South Carolina | S.C. Code Ann. § 63-17-470        |
| South Dakota   | S.D. Codified Laws § 25-7-6.1     |
| Tennessee      | Tenn. Code Ann. § 36-5-101        |

*Appendix C*

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| Texas         | Tex. Fam. Code Ann. § 154.001    |
| Utah          | Utah Code Ann. § 78B-12-105      |
| Vermont       | Vt. Stat. Ann. tit. 15, § 654    |
| Virginia      | Va. Code Ann. § 20-61            |
| Washington    | Wash. Rev. Code Ann. § 26.09.100 |
| West Virginia | W. Va. Code Ann. § 48-13-103     |
| Wisconsin     | Wis. Stat. Ann. § 767.501        |
| Wyoming       | Wyo. Stat. Ann. § 14-2-204       |

Termination

|                         |                                  |
|-------------------------|----------------------------------|
| Alabama                 | Ala. Code § 12-15-319            |
| Alaska                  | Alaska Stat. § 47.10.088         |
| Arizona                 | Ariz. Rev. Stat. Ann. § 8-533    |
| Arkansas                | Ark. Code Ann. § 9-27-341        |
| California              | Cal. Fam. Code §§ 7820-23        |
| Colorado                | Colo. Rev. Stat. Ann. § 19-3-604 |
| Connecticut             | Conn. Gen. Stat. Ann. § 17a-111a |
| Delaware                | Del. Code Ann. tit. 13, § 1103   |
| District of<br>Columbia | D.C. Code §§ 16-2353-354         |
| Florida                 | Fla. Stat. Ann. § 39.806         |
| Georgia                 | Ga. Code Ann. §§ 15-11-310-11    |
| Hawaii                  | Haw. Rev. Stat. § 571-61         |
| Idaho                   | Idaho Code Ann. § 16-2005        |
| Illinois                | 705 Ill. Comp. Stat. 405/1-2     |

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| Indiana        | Ind. Code § 31-35-2-4               |
| Iowa           | Iowa Code Ann. §§ 600A.2, 600A.8    |
| Kansas         | Kan. Stat. Ann. §§ 38-2269, 38-2271 |
| Kentucky       | Ky. Rev. Stat. Ann. § 625.090       |
| Louisiana      | La. Child. Code Ann. art. 1015      |
| Maine          | Me. Rev. Stat. tit. 22, § 4055      |
| Maryland       | Md. Code Ann., Fam. Law § 5-525.1   |
| Massachusetts  | Mass. Gen. Laws ch. 119, § 26       |
| Michigan       | Mich. Comp. Laws Ann. § 712A.19b    |
| Minnesota      | Minn. Stat. §§ 260.012, 260C.301    |
| Mississippi    | Miss. Code § 93-15-103              |
| Missouri       | Mo. Ann. Stat. § 211.447            |
| Montana        | Mont. Code Ann. § 41-3-609          |
| Nebraska       | Neb. Rev. Stat. § 43-292            |
| Nevada         | Nev. Rev. Stat. Ann. § 128.105      |
| New Hampshire  | N.H. Rev. Stat. Ann. § 170-C        |
| New Jersey     | N.J. Stat. Ann. § 30:4C-15          |
| New Mexico     | N.M. Stat. Ann. § 32A-4-29          |
| New York       | N.Y. Soc. Serv. Law § 384           |
| North Carolina | N.C. Gen. Stat. § 7B-1111           |
| North Dakota   | N.D. Cent. Code § 27-20-44          |
| Ohio           | Ohio Rev. Code Ann. § 2151.414      |
| Oklahoma       | Okla. Stat. tit. 10A, § 1-4-904     |
| Oregon         | Or. Rev. Stat. § 419B.500           |
| Pennsylvania   | 23 Pa. Cons. Stat. § 2511           |

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| Rhode Island   | R.I. Gen. Laws Ann. § 15-7-7     |
| South Carolina | S.C. Code Ann. § 63-7-2570       |
| South Dakota   | S.D. Codified Laws § 26-8A-26    |
| Tennessee      | Tenn. Code Ann. § 36-1-113       |
| Texas          | Tex. Fam. Code Ann. § 161.001    |
| Utah           | Utah Code Ann. § 78A-6-503       |
| Vermont        | Vt. Stat. Ann. tit. 15A, § 3-504 |
| Virginia       | Va. Code Ann. § 16.1-283         |
| Washington     | Wash. Rev. Code Ann. § 13.34.132 |
| West Virginia  | W. Va. Code Ann. § 49-6-5        |
| Wisconsin      | Wis. Stat. Ann. § 48.415         |
| Wyoming        | Wyo. Stat. Ann. § 14-2-309       |

Intestacy

|                         |                                   |
|-------------------------|-----------------------------------|
| Alabama                 | Ala. Code § 43-8-41               |
| Alaska                  | Alaska Stat. § 13.12.102          |
| Arizona                 | Ariz. Rev. Stat. Ann. § 14-2102   |
| Arkansas                | Ark. Code Ann. § 28-9-214         |
| California              | Cal. Prob. Code § 6401            |
| Colorado                | Colo. Rev. Stat. Ann. § 15-11-102 |
| Connecticut             | Conn. Gen. Stat. Ann. § 45a-437   |
| Delaware                | Del. Code Ann. tit. 12, § 502     |
| District of<br>Columbia | D.C. Code § 19-302                |
| Florida                 | Fla. Stat. Ann. § 732.102         |

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| Georgia        | Ga. Code Ann. § 53-2-1                    |
| Hawaii         | Haw. Rev. Stat. § 560:2-102               |
| Idaho          | Idaho Code Ann. § 15-2-102                |
| Illinois       | 755 Ill. Comp. Stat. 5/2-1                |
| Indiana        | Ind. Code § 29-1-2-1                      |
| Iowa           | Iowa Code Ann. §§ 633.211-12              |
| Kansas         | Kan. Stat. Ann. § 59-504                  |
| Kentucky       | Ky. Rev. Stat. Ann. § 391.010             |
| Louisiana      | La. Civ. Code Ann. art. 880               |
| Maine          | Me. Rev. Stat. tit. 18-A, § 2-102         |
| Maryland       | Md.Code Ann., Est. & Trusts § 3-102       |
| Massachusetts  | Mass. Gen. Laws Ann. ch. 190B,<br>§ 2-102 |
| Michigan       | Mich. Comp. Laws Ann. § 700.2102          |
| Minnesota      | Minn. Stat. § 524.2-102                   |
| Mississippi    | Miss. Code Ann. § 91-1-7                  |
| Missouri       | Mo. Ann. Stat. § 474.010                  |
| Montana        | Mont. Code Ann. § 72-2-112                |
| Nebraska       | Neb. Rev. Stat. § 30-2302                 |
| Nevada         | Nev. Rev. Stat. Ann. § 134.040            |
| New Hampshire  | N.H. Rev. Stat. Ann. § 561:1              |
| New Jersey     | N.J. Stat. Ann. § 3B:5-3                  |
| New Mexico     | N.M. Stat. Ann. § 45-2-102                |
| New York       | N.Y. Est. Powers & Trusts Law<br>§ 4-1.1  |
| North Carolina | N.C. Gen. Stat. § 29-14                   |

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| North Dakota   | N.D. Cent. Code § 30.1-04-02     |
| Ohio           | Ohio Rev. Code Ann. § 2105.06    |
| Oklahoma       | Okla. Stat. tit. 84, § 213       |
| Oregon         | Or. Rev. Stat. §§ 112.025,035    |
| Pennsylvania   | 20 Pa. Cons. Stat. § 2102        |
| Rhode Island   | R.I. Gen. Laws Ann. § 33-1-3     |
| South Carolina | S.C. Code Ann. § 62-2-102        |
| South Dakota   | S.D. Codified Laws § 29A-2-102   |
| Tennessee      | Tenn. Code Ann. § 31-2-104       |
| Texas          | Tex. Estates Code Ann. § 201.002 |
| Utah           | Utah Code Ann. § 75-2-102        |
| Vermont        | Vt. Stat. Ann. tit. 14, § 311    |
| Virginia       | Va. Code Ann. § 64.2-200         |
| Washington     | Wash. Rev. Code Ann. § 11.04.015 |
| West Virginia  | W. Va. Code Ann. § 42-1-3        |
| Wisconsin      | Wis. Stat. Ann. § 852.01         |
| Wyoming        | Wyo. Stat. Ann. § 2-4-101        |

Spousal Allowance

|            |                                   |
|------------|-----------------------------------|
| Alabama    | Ala. Code § 43-8-110              |
| Alaska     | Alaska Stat. Ann. § 13.12.402     |
| Arizona    | Ariz. Rev. Stat. Ann. § 14-2402   |
| Arkansas   | Ark. Code Ann. § 28-39-201        |
| California | Cal. Prob. Code §§ 6540, 11420    |
| Colorado   | Colo. Rev. Stat. Ann. § 15-11-403 |

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| Connecticut          | Conn. Gen. Stat. Ann. § 45a-435  |
| Delaware             | Del. Code Ann. tit. 12, §§ 2105, 2308  |
| District of Columbia | D.C. Code § 19-101.2   |
| Florida              | Fla. Stat. Ann. §§ 732.402-03  |
| Georgia              | Ga. Code Ann. § 53-3-1   |
| Hawaii               | Haw. Rev. Stat. Ann. § 560:2-402   |
| Idaho                | Idaho Code Ann. § 15-2-403   |
| Illinois             | 755 Ill. Comp. Stat. Ann. 5/15-1   |
| Indiana              | Ind. Code Ann. § 29-1-4-1  |
| Iowa                 | N/A  |
| Kansas               | Kan. Stat. Ann. § 59-401   |
| Kentucky             | N/A  |
| Louisiana            | N/A  |
| Maine                | Me. Rev. Stat. tit. 18-a, § 2-401  |
| Maryland             | Md. Code Ann., Est. & Trusts § 3-201, <u>Shimp v. Huff</u> , 556 A.2d 252 (Md. 1989) |
| Massachusetts        | Mass. Gen. Laws Ann. ch. 190B, § 2-404   |
| Michigan             | Mich. Comp. Laws Ann. § 700.2403   |
| Minnesota            | Minn. Stat. Ann. § 524.2-403   |

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| Mississippi    | Miss. Code Ann. § 91-7-135, <u>Thomas v. Bailey</u> , 375 So.2d 1049 (Miss. 1979), <u>overruled on other grounds Clark v. Neese</u> , 131 So.3d 556 (Miss. 2013) |
| Missouri       | Mo. Rev. Stat. § 474.250; <u>Glenn v. Gunn</u> , 88 Mo. App. 442 (1901)  |
| Montana        | Mont. Code Ann. § 72-2-412   |
| Nebraska       | Neb. Rev. Stat. Ann. § 30-2324   |
| Nevada         | Nev. Rev. State. Ann. §§ 146.010, 040  |
| New Hampshire  | N/A  |
| New Jersey     | N/A  |
| New Mexico     | N.M. Stat. Ann. § 45-2-402   |
| New York       | N.Y. Est. Powers & Trusts Law § 5-3.1; <u>In re Di Prato's Estate</u> , 180 N.Y.S.2d 396 (N.Y. Surr. Ct. Westchester Cnty. 1958)                                 |
| North Carolina | N.C. Gen. Stat. Ann. § 30-15   |
| North Dakota   | N.D. Cent. Code Ann. § 30.1-07-02 (2-404)  |
| Ohio           | Ohio Rev. Code Ann. § 2106.13; <u>Norwood-Hyde Park Bank &amp; Trust Co. v. Howard</u> , 32 Ohio N.P. (N.S.) 191 (Ohio Com. Pleas 1934)                          |
| Oklahoma       | Okla. Stat. Ann. tit. 58, § 311  |
| Oregon         | Or. Rev. Stat. Ann. §§ 114.015, 075  |
| Pennsylvania   | 20 Pa. Cons. Stat. §§ 3121, 3392   |

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| Rhode Island   | R.I. Gen. Laws Ann. §§ 33-1-6, 33-12-11  |
| South Carolina | S.C. Code Ann. § 62-3-807  |
| South Dakota   | S.D. Codified Laws § 29A-2-402   |
| Tennessee      | Tenn. Code Ann. § 30-2-201, <u>Yoe v. Sansom</u> , 48 S.W. 317 (Tenn. Ch.1898) |
| Texas          | Tex. Estates Code Ann. § 102.004   |
| Utah           | Utah Code Ann. § 75-2-402  |
| Vermont        | N/A  |
| Virginia       | Va. Code Ann. § 64.2-309   |
| Washington     | Wash. Rev. Code Ann. §§ 11.54.010, .060  |
| West Virginia  | N/A  |
| Wisconsin      | Wis. Ann. Stat. §§ 861.25, .41   |
| Wyoming        | Wyo. Stat. Ann. §§ 2-5-103, 2-7-503  |

Taxes

|            |                                   |
|------------|-----------------------------------|
| Alabama    | Ala. Code § 40-18-5               |
| Alaska     | N/A                               |
| Arizona    | Ariz. Rev. Stat. Ann. § 43-309    |
| Arkansas   | Ark. Code Ann. § 26-51-801        |
| California | Cal. Rev. & Tax. § 18501(b)       |
| Colorado   | Colo. Rev. Stat. Ann. § 39-22-107 |

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| Connecticut             | Conn. Agencies Regs.<br>§ 12-702(c)(1)-1 |
| Delaware                | Del. Code Ann. tit. 30, § 1162           |
| District of<br>Columbia | D.C. Code § 47-1805.01                   |
| Florida                 | N/A                                      |
| Georgia                 | Ga. Code Ann. § 48-7-27                  |
| Hawaii                  | Haw. Rev. Stat. § 235-93                 |
| Idaho                   | Idaho Code Ann. § 63-3031                |
| Illinois                | 35 Ill. Comp. Stat. 5/502(c)             |
| Indiana                 | Ind. Code § 6-3-4-2                      |
| Iowa                    | Iowa Code Ann. § 422.13                  |
| Kansas                  | Kan. Stat. Ann. § 79-32,115              |
| Kentucky                | Ky. Rev. Stat. Ann. § 141.180            |
| Louisiana               | La. Rev. Stat. Ann. § 47:101             |
| Maine                   | Me. Rev. Stat. tit. 36, § 5221           |
| Maryland                | Md. Code Ann., Tax-Gen. § 10-807         |
| Massachusetts           | Mass. Gen. Laws Ann. ch. 62C, § 6        |
| Michigan                | Mich. Comp. Laws Ann. § 206.311          |
| Minnesota               | Minn. Stat. § 290.06                     |
| Mississippi             | Miss. Code Ann. § 27-7-31                |
| Missouri                | Mo. Ann. Stat. § 143.491                 |
| Montana                 | Mont. Code Ann. § 15-30-2602             |
| Nebraska                | Neb. Rev. Stat. § 77-2732                |
| Nevada                  | N/A                                      |
| New Hampshire           | N.H. Rev. Stat. Ann. § 77:5-a            |

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| New Jersey     | N.J. Stat. Ann. § 54:8A-44     |
| New Mexico     | N.M. Stat. Ann. § 7-2-2        |
| New York       | N.Y. Tax Law § 651             |
| North Carolina | N.C. Gen. Stat. § 105-152      |
| North Dakota   | N.D. Cent. Code § 57-38-31     |
| Ohio           | Ohio Rev. Code Ann. § 5747.08  |
| Oklahoma       | Okla. Stat. tit. 68, § 2361    |
| Oregon         | Or. Rev. Stat. § 316.122       |
| Pennsylvania   | 72 Pa. Cons. Stat. § 7331      |
| Rhode Island   | R.I. Gen. Laws Ann. § 44-30-11 |
| South Carolina | S.C. Code Ann. § 12-6-5000     |
| South Dakota   | N/A                            |
| Tennessee      | Tenn. Code Ann. § 67-2-104     |
| Texas          | N/A                            |
| Utah           | Utah Code Ann. § 59-10-503     |
| Vermont        | Vt. Stat. Ann. tit. 32, § 5861 |
| Virginia       | Va. Code Ann. § 58.1-324       |
| Washington     | N/A                            |
| West Virginia  | W. Va. Code Ann. § 11-21-51    |
| Wisconsin      | Wis. Stat. Ann. § 71.03        |
| Wyoming        | N/A                            |

Public Employee Benefits

|         |                             |
|---------|-----------------------------|
| Alabama | Ala. Code § 36-27-16        |
| Alaska  | Alaska Stat. § 39.35.490(a) |

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| Arizona              | Ariz. Rev. Stat. Ann. § 38-762              |
| Arkansas             | Ark. Code Ann. § 21-5-708                   |
| California           | Cal. Gov't Code § 21350(a)                  |
| Colorado             | Colo. Rev. Stat. Ann. § 24-51-909           |
| Connecticut          | Conn. Gen. Stat. Ann. § 5-165               |
| Delaware             | Del. Code Ann. tit. 29, § 5528              |
| District of Columbia | D.C. Code § 1-621.07                        |
| Florida              | Fla. Stat. Ann. § 121.091                   |
| Georgia              | Ga. Code Ann. § 47-2-121                    |
| Hawaii               | Haw. Rev. Stat. § 88-84                     |
| Idaho                | Idaho Code Ann. § 59-1361                   |
| Illinois             | 40 Ill. Comp. Stat. 5/14-128                |
| Indiana              | Ind. Code § 5-10-8-2.2                      |
| Iowa                 | Iowa Code Ann. § 97B.44                     |
| Kansas               | Kan. Stat. Ann. § 75-6501                   |
| Kentucky             | N/A   |
| Louisiana            | La. Rev. Stat. Ann. § 11:471.1              |
| Maine                | Me. Rev. Stat. tit. 5, § 17953              |
| Maryland             | Md. Code Ann., State Pers. & Pens. § 21-602 |
| Massachusetts        | Mass. Gen. Laws Ann.ch. 32, § 12B           |
| Michigan             | Mich. Comp. Laws Ann. § 38.27               |
| Minnesota            | Minn. Stat. §§ 43A.27, 352.115              |
| Mississippi          | Miss. Code Ann. § 25-11-114                 |
| Missouri             | Mo. Ann. Stat. § 104.395                    |

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| Montana        | Mont. Code Ann. § 19-2-802                   |
| Nebraska       | Neb. Rev. Stat. §§ 42-1107, 84-1317, 84-1323 |
| Nevada         | Nev. Rev. Stat. Ann. § 286.541               |
| New Hampshire  | N.H. Rev. Stat. Ann. § 100-A:1               |
| New Jersey     | N.J. Stat. Ann. § 43:16A-12.1                |
| New Mexico     | N.M. Stat. Ann. §§ 10-11-14.5, 10-11A-7      |
| New York       | N.Y. Civ. Serv. Law § 164                    |
| North Carolina | N.C. Gen. Stat. § 135-17                     |
| North Dakota   | N.D. Cent. Code § 54-52-17(6)                |
| Ohio           | Ohio Rev. Code Ann. § 145.45                 |
| Oklahoma       | Okla. Stat. tit. 74, § 918                   |
| Oregon         | Or. Rev. Stat. § 238A.190                    |
| Pennsylvania   | N/A  |
| Rhode Island   | R.I. Gen. Laws Ann. § 36-10-18               |
| South Carolina | S.C. Code Ann. § 9-8-110                     |
| South Dakota   | S.D. Codified Laws § 3-12-94                 |
| Tennessee      | Tenn. Code Ann. § 8-36-109                   |
| Texas          | Tex. Gov't Code Ann. § 804.051               |
| Utah           | Utah Code Ann. § 49-11-609                   |
| Vermont        | Vt. Stat. Ann. tit. 3, § 631                 |
| Virginia       | Va. Code Ann. § 51.1-162                     |
| Washington     | Wash. Rev. Code Ann. § 41.05.050             |
| West Virginia  | W. Va. Code Ann. § 5-16-13                   |
| Wisconsin      | Wis. Stat. Ann. § 40.02                      |

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| Wyoming | Wyo. Stat. Ann. § 9-3-209 |
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Consortium

|                      |   |
|----------------------|---|
| Alabama              | <u>Swartz v. U.S. Steel Corp.</u> , 304 So. 2d 881 (Ala. 1974)                  |
| Alaska               | Alaska Stat. § 09.55.580(a), (c)  |
| Arizona              | <u>City of Glendale v. Bradshaw</u> , 503 P.2d 803 (Ariz. 1972)                 |
| Arkansas             | <u>Hisaw v. State Farm Mut. Auto. Ins. Co.</u> , 353 Ark. 668 (2003)            |
| California           | Cal. Civ. Code § 1431.2(2)  |
| Colorado             | <u>Draper v. DeFrenchi-Gordineer</u> , 282 P.3d 489 (Colo. App. 2011)           |
| Connecticut          | Conn. Gen. Stat. Ann. § 52-555a   |
| Delaware             | <u>Stenta v. Leblang</u> , 185 A.2d 759 (Del. 1962).                            |
| District of Columbia | <u>Crowley v. N. Am. Telecomms. Ass'n</u> , 691 A.2d 1169 (D.C. 1997)           |
| Florida              | <u>Gates v. Foley</u> , 247 So.2d 40 (Fla. 1971)                                |
| Georgia              | <u>Mears v. Gulfstream Aerospace Corp.</u> , 484 S.E.2d 659 (Ga. Ct. App. 1997) |
| Hawaii               | <u>Doi v. Hawaiian Ins. &amp; Guar. Co.</u> , 727 P.2d 884 (Haw. Ct. App. 1986) |
| Idaho                | <u>Rindlibaker v. Wilson</u> , 519 P.2d 421 (Idaho 1974)                        |

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| Illinois      | <u>Malfeo v. Larson</u> , 208 Ill. App. 3d 418 (1990)                          |
| Indiana       | <u>Troue v. Marker</u> , 252 N.E.2d 800 (Ind. 1969)                            |
| Iowa          | <u>Huber v. Hovey</u> , 501 N.W.2d 53 (Iowa 1993)                              |
| Kansas        | Kan. Stat. Ann. § 60-1904  |
| Kentucky      | Ky. Rev. Stat. Ann. § 411.145  |
| Louisiana     | La. Rev. Stat. Civil. Code art. 2315   |
| Maine         | Me. Rev. Stat. tit. 14, § 302  |
| Maryland      | <u>Deems v. W. Md. Ry.</u> , 231 A.2d 514 (Md. 1967)                           |
| Massachusetts | <u>Feliciano v. Rosemar Silver Co.</u> , 514 N.E.2d 1095 (Mass. 1987)          |
| Michigan      | <u>Eide v. Kelsey-Hayes Co.</u> , 427 N.W.2d 488 (Mich. 1988)                  |
| Minnesota     | <u>Huffer v. Kozitza</u> , 375 N.W. 2d 480 (Minn. 1985)                        |
| Mississippi   | Miss. Code Ann. § 93-3-1   |
| Missouri      | <u>Shepherd v. Consumers Coop. Ass'n</u> , 384 S.W.2d 635 (Mo. 1964) (en banc) |
| Montana       | <u>Bain v. Gleason</u> , 726 P.2d 1153 (Mont. 1986)                            |
| Nebraska      | <u>Simms v. Vicorp Rests., Inc.</u> , 725 N.W.2d 406 (Neb. 2006)               |

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| Nevada         | <u>Gen. Elec. Co. v. Bush</u> , 88 Nev. 360 (1972)  |
| New Hampshire  | N.H. Rev. Stat. Ann. § 507:8-a  |
| New Jersey     | <u>Ekalo v. Constructive Serv. Corp. of Am.</u> , 215 A.2d 1 (N.J. 1965)                  |
| New Mexico     | <u>Romero v. Byers</u> , 872 P.2d 840 (N.M. 1994)   |
| New York       | <u>Millington v. Se. Elevator Co.</u> , 239 N.E.2d 897 (N.Y. 1968)                        |
| North Carolina | <u>Nicholson v. Hugh Chatham Mem'l Hosp., Inc.</u> , 266 S.E.2d 818 (N.C. 1980)           |
| North Dakota   | <u>Butz v. World Wide, Inc.</u> , 492 N.W.2d 88 (N.D. 1992)                               |
| Ohio           | <u>Clouston v. Remlinger Oldsmobile Cadillac, Inc.</u> , 258 N.E.2d 230 (Ohio 1970)       |
| Oklahoma       | <u>Middlebrook v. Imler, Tenny &amp; Kugler, M.D.'s, Inc.</u> , 713 P.2d 572 (Okla. 1985) |
| Oregon         | Or. Rev. Stat. § 108.010  |
| Pennsylvania   | <u>Hopkins v. Blanco</u> , 320 A.2d 139 (Pa. 1974)  |
| Rhode Island   | R.I. Gen. Laws Ann. § 9-1-41  |
| South Carolina | S.C. Code Ann. § 15-75-20   |
| South Dakota   | <u>Hoekstra v. Helgeland</u> , 98 N.W.2d 669 (S.D. 1959).                                 |

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| Tennessee     | <u>Tuggle v. Allright Parking Sys., Inc.</u> , 922 S.W.2d 105 (Tenn. 1996) |
| Texas         | <u>Whittlesey v. Miller</u> , 572 S.W.2d 665 (Tex. 1978)                   |
| Utah          | Utah Code Ann. § 30-2-11   |
| Vermont       | Vt. Stat. Ann. tit. 12, § 5431   |
| Virginia      | N/A  |
| Washington    | <u>Lund v. Caple</u> , 675 P.2d 226 (Wash. 1984)                           |
| West Virginia | W. Va. Code Ann. § 48-29-302   |
| Wisconsin     | <u>Kottka v. PPG Indus., Inc.</u> , 388 N.W.2d 160 (Wis. 1986)             |
| Wyoming       | <u>Gates v. Richardson</u> , 719 P.2d 193 (Wyo. 1986)                      |

Wrongful Death

|                      |                                   |
|----------------------|-----------------------------------|
| Alabama              | N/A                               |
| Alaska               | Alaska Stat. § 09.55.580(a)       |
| Arizona              | Ariz. Rev. Stat. Ann. § 12-612    |
| Arkansas             | Ark. Code Ann. § 16-62-102        |
| California           | Cal. Civ. Proc. Code § 377.60(a)  |
| Colorado             | Colo. Rev. Stat. Ann. § 13-21-201 |
| Connecticut          | N/A                               |
| Delaware             | Del. Code Ann. tit. 10, § 3724    |
| District of Columbia | D.C. Code § 16-2701               |
| Florida              | Fla. Stat. Ann. § 768.21          |

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| Georgia       | Ga. Code Ann. § 51-4-2                    |
| Hawaii        | Haw. Rev. Stat. § 663-3                   |
| Idaho         | Idaho Code Ann. § 5-311                   |
| Illinois      | 740 Ill. Comp. Stat. 180/2                |
| Indiana       | Ind. Code § 34-23-1-1                     |
| Iowa          | Iowa Code Ann. § 633.336                  |
| Kansas        | N/A                                       |
| Kentucky      | Ky. Rev. Stat. Ann. § 411.130             |
| Louisiana     | La. Civil. Code Ann. arts. 2315.2, 2315.5 |
| Maine         | Me. Rev. Stat. tit. 18-A, § 2-804         |
| Maryland      | Md. Code Ann., Cts. & Jud. Proc. § 3-904  |
| Massachusetts | Mass. Gen. Laws ch. 229, § 1              |
| Michigan      | Mich. Comp. Laws Ann. § 600.2922          |
| Minnesota     | Minn. Stat. § 573.02                      |
| Mississippi   | Miss. Code Ann. § 11-7-13                 |
| Missouri      | Mo. Ann. Stat. § 537.080                  |
| Montana       | N/A                                       |
| Nebraska      | Neb. Rev. Stat. § 30-810                  |
| Nevada        | Nev. Rev. Stat. Ann. § 41.085             |
| New Hampshire | N/A                                       |
| New Jersey    | N.J. Stat. Ann. § 2A:31-4                 |
| New Mexico    | N.M. Stat. Ann. § 41-2-3                  |

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| New York       | N.Y. Est. Powers & Trusts Law §§ 4-1.1, 5-4.4                       |
| North Carolina | N/A   |
| North Dakota   | N.D. Cent. Code § 32-21-03  |
| Ohio           | Ohio Rev. Code Ann. § 2125.02                                       |
| Oklahoma       | Okla. Stat. tit. 12, § 1053   |
| Oregon         | Or. Rev. Stat. § 30.020   |
| Pennsylvania   | 42 Pa. Cons. Stat. § 8301   |
| Rhode Island   | R.I. Gen. Laws Ann. § 10-7-2  |
| South Carolina | S.C. Code Ann. § 15-51-20   |
| South Dakota   | S.D. Codified Laws § 21-5-5   |
| Tennessee      | Tenn. Code Ann. § 20-5-106  |
| Texas          | Tex. Civ. Prac. & Rem. Code Ann. § 71.004                           |
| Utah           | Utah Code Ann. §§ 78B-3-105-06                                      |
| Vermont        | Vt. Stat. Ann. tit. 14, § 1492                                      |
| Virginia       | Va. Code Ann. § 8.01-53   |
| Washington     | Wash. Rev. Code Ann. § 4.20.020                                     |
| West Virginia  | W. Va. Code Ann. § 55-7-6   |
| Wisconsin      | Wis. Stat. Ann. § 895.04  |
| Wyoming        | <u>Butler v. Halstead ex rel. Colley</u> , 770 P.2d 698 (Wyo. 1989) |

Workers Compensation

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| Alabama | Ala. Code §§ 25-5-61-62  |
| Alaska  | Alaska Stat. § 23.20.370 |

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| Arizona              | Ariz. Rev. Stat. Ann. § 23-1064           |
| Arkansas             | Ark. Code Ann. § 11-9-527                 |
| California           | Cal. Lab. Code § 3501(b)                  |
| Colorado             | Colo. Rev. Stat. Ann. § 8-41-501          |
| Connecticut          | Conn. Gen. Stat. Ann. § 31-306            |
| Delaware             | Del. Code Ann. tit. 19, § 2330            |
| District of Columbia | D.C. Code §§ 32-1508-509                  |
| Florida              | Fla. Stat. Ann. § 440.16                  |
| Georgia              | Ga. Code Ann. § 34-9-13                   |
| Hawaii               | Haw. Rev. Stat. § 386-34                  |
| Idaho                | Idaho Code Ann. § 72-410                  |
| Illinois             | 820 Ill. Comp. Stat. 305/7                |
| Indiana              | Ind. Code § 22-3-3-18-19                  |
| Iowa                 | Iowa Code Ann. §§ 85.42-43                |
| Kansas               | Kan. Stat. Ann. § 44-510b                 |
| Kentucky             | Ky. Rev. Stat. Ann. § 342.075             |
| Louisiana            | La. Rev. Stat. Ann. § 23:1232             |
| Maine                | Me. Rev. Stat. tit. 39-A, § 215           |
| Maryland             | Md. Code Ann., Lab. & Empl.<br>§ 9-632    |
| Massachusetts        | Mass. Gen. Laws ch. 152, § 31             |
| Michigan             | Mich. Comp. Laws Ann.<br>§§ 418.321, .331 |
| Minnesota            | Minn. Stat. § 176.111                     |
| Mississippi          | Miss. Code Ann. § 71-3-25                 |
| Missouri             | Mo. Ann. Stat. § 287.240                  |

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| Montana        | Mont. Code Ann. § 39-71-723        |
| Nebraska       | Neb. Rev. Stat. § 48-122.03        |
| Nevada         | Nev. Rev. Stat. Ann. § 616C.505    |
| New Hampshire  | N.H. Rev. Stat. Ann. § 281-A:2, 26 |
| New Jersey     | N.J. Stat. Ann. § 34:15-13         |
| New Mexico     | N.M. Stat. Ann. § 52-1-17          |
| New York       | N.Y. Worker's Comp. Law § 33       |
| North Carolina | N.C. Gen. Stat. § 97-39            |
| North Dakota   | N.D. Cent. Code § 65-05-12.2(9)    |
| Ohio           | Ohio Rev. Code Ann. § 4123.59      |
| Oklahoma       | Okla. Stat. tit. 85A, § 47         |
| Oregon         | Or. Rev. Stat. § 656.204           |
| Pennsylvania   | 77 Pa. Cons. Stat. § 561           |
| Rhode Island   | R.I. Gen. Laws Ann. § 28-33-12     |
| South Carolina | S.C. Code Ann. §§ 42-9-110, 130    |
| South Dakota   | S.D. Codified Laws § 62-4-8        |
| Tennessee      | Tenn. Code Ann. § 50-6-210         |
| Texas          | Tex. Lab. Code Ann. § 408.182      |
| Utah           | Utah Code Ann. § 34A-2-414         |
| Vermont        | Vt. Stat. Ann. tit. 21, § 632      |
| Virginia       | Va. Code Ann. § 65.2-515           |
| Washington     | Wash. Rev. Code Ann. § 51.08.020   |
| West Virginia  | W. Va. Code Ann. § 23-4-10         |
| Wisconsin      | Wis. Stat. Ann. § 102.51           |
| Wyoming        | Wyo. Stat. Ann. § 27-14-403        |

*Appendix C*Healthcare

|                      |   |
|----------------------|---|
| Alabama              | Ala. Code § 22-8A-11                              |
| Alaska               | Alaska Stat. § 13.52.030(c)                       |
| Arizona              | Ariz. Rev. Stat. Ann. § 36-3231                   |
| Arkansas             | Ark. Code Ann. § 20-6-105                         |
| California           | Cal. Prob. Code § 4717                            |
| Colorado             | Colo. Rev. Stat. Ann. §15-18.5-103                |
| Connecticut          | Conn. Gen. Stat. Ann. § 19a-570-71                |
| Delaware             | Del. Code Ann. tit. 16, § 2507                    |
| District of Columbia | D.C. Code § 21-2210                               |
| Florida              | Fla. Stat. Ann. § 765.401                         |
| Georgia              | Ga. Code Ann. § 31-9-2                            |
| Hawaii               | N/A   |
| Idaho                | Idaho Code Ann. § 15-5-311                        |
| Illinois             | 755 Ill. Comp. Stat. 40/25                        |
| Indiana              | Ind. Code § 16-36-1-5                             |
| Iowa                 | Iowa Code Ann. § 144A.7                           |
| Kansas               | Kan. Stat. Ann. § 65-4974                         |
| Kentucky             | Ky. Rev. Stat. Ann. § 311.631                     |
| Louisiana            | La. Rev. Stat. Ann. § 40:1299.53                  |
| Maine                | Me. Rev. Stat. tit.18-A, § 5-805                  |
| Maryland             | Md. Code Ann., Health-Gen. § 5-605                |
| Massachusetts        | <u>Shine v. Vega</u> , 709 N.E.2d 58 (Mass. 1999) |

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| Michigan       | Mich. Comp. Laws Ann.<br>§§ 333.5653, .5655 |
| Minnesota      | Minn. Stat. § 524.5-309                     |
| Mississippi    | Miss. Code Ann. §41-41-211                  |
| Missouri       | N/A   |
| Montana        | Mont. Code Ann. § 50-9-106                  |
| Nebraska       | N/A   |
| Nevada         | Nev. Rev. Stat. Ann. § 449.626              |
| New Hampshire  | N.H. Rev. Stat. Ann. § 137-J:35             |
| New Jersey     | N/A   |
| New Mexico     | N.M. Stat. Ann. § 24-7A-5                   |
| New York       | N.Y. Pub. Health Law § 2994-d               |
| North Carolina | N.C. Gen. Stat. § 90-322                    |
| North Dakota   | N.D. Cent. Code § 23-12-13                  |
| Ohio           | Ohio Rev. Code Ann. § 2133                  |
| Oklahoma       | N/A   |
| Oregon         | Or. Rev. Stat. § 127.635                    |
| Pennsylvania   | 20 Pa. Cons. Stat. § 5461                   |
| Rhode Island   | N/A   |
| South Carolina | S.C. Code Ann. § 44-66-30                   |
| South Dakota   | S.D. Codified Laws § 34-12C-3               |
| Tennessee      | Tenn. Code Ann. § 68-11-1806                |
| Texas          | Tex. Health & Safety Code Ann.<br>§ 166.039 |
| Utah           | Utah Code Ann. § 75-2a-108                  |
| Vermont        | N/A   |

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| Virginia      | Va. Code Ann. § 54.1-2986       |
| Washington    | Wash. Rev. Code Ann. § 7.70.065 |
| West Virginia | W. Va. Code Ann. § 16-30-8      |
| Wisconsin     | Wis. Stat. Ann. § 50.06         |
| Wyoming       | Wyo. Stat. Ann. § 35-22-406     |

Evidence

|                      |                                   |
|----------------------|-----------------------------------|
| Alabama              | Ala. R. Evid. 504                 |
| Alaska               | Alaska R. Evid. 505               |
| Arizona              | Ariz. Rev. Stat. Ann. § 13-4062   |
| Arkansas             | Ark. R. Evid. 504                 |
| California           | Cal. Evid. Code §§ 970-71         |
| Colorado             | Colo. Rev. Stat. Ann. § 13-90-107 |
| Connecticut          | Conn. Gen. Stat. Ann. § 54-84a    |
| Delaware             | Del. R. Evid. 504                 |
| District of Columbia | D.C. Code § 14-306                |
| Florida              | Fla. Stat. Ann. § 90.504          |
| Georgia              | Ga. Code Ann. § 24-5-501          |
| Hawaii               | Haw. Rev. Stat. § 626-1           |
| Idaho                | Idaho R. Evid. 504                |
| Illinois             | 725 Ill. Comp. Stat. 5/115-16     |
| Indiana              | Ind. Code § 34-46-3-1             |
| Iowa                 | Iowa Code Ann. § 622.9            |
| Kansas               | Kan. Stat. Ann. § 60-428          |
| Kentucky             | Ky. R. Evid. 504                  |

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| Louisiana      | La. Rev. Stat. Code Evid. arts. 504-05   |
| Maine          | Me. R. Evid. 504                         |
| Maryland       | Md. Code Ann., Cts. & Jud. Proc. § 9-106 |
| Massachusetts  | Mass. Gen. Laws Ann. ch. 233, § 20       |
| Michigan       | Mich. Comp. Laws Ann. § 600.2162         |
| Minnesota      | Minn. Stat. § 595.02                     |
| Mississippi    | Miss. R. Evid. 504                       |
| Missouri       | Mo. Ann. Stat. § 546.260                 |
| Montana        | Mont. Code Ann. § 26-1-802               |
| Nebraska       | Neb. Rev. Stat. § 27-505                 |
| Nevada         | Nev. Rev. Stat. Ann. § 49.295            |
| New Hampshire  | N.H. R. Evid. 504                        |
| New Jersey     | N.J. Stat. Ann. § 2A:84A-22              |
| New Mexico     | N.M. R. Evid. 11-505                     |
| New York       | N.Y. C.P.L.R. 4502                       |
| North Carolina | N.C. Gen. Stat. § 8-56                   |
| North Dakota   | N.D. R. Evid. 504                        |
| Ohio           | Ohio R. Evid. 601                        |
| Oklahoma       | Okla. Stat. tit. 12, § 2504              |
| Oregon         | Or. Rev. Stat. § 40.255                  |
| Pennsylvania   | 42 Pa. Cons. Stat. § 5913                |
| Rhode Island   | R.I. Gen. Laws Ann. § 9-17-13            |
| South Carolina | S.C. Code Ann. § 19-11-30                |

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| South Dakota  | S.D. Codified Laws § 19-13-13   |
| Tennessee     | Tenn. Code Ann. § 24-1-201      |
| Texas         | Tex. R. Evid. 504               |
| Utah          | Utah R. Evid. 502               |
| Vermont       | Vt. R. Evid. 504                |
| Virginia      | Va. Code Ann. § 8.01-398        |
| Washington    | Wash. Rev. Code Ann. § 5.60.060 |
| West Virginia | W. Va. Code Ann. § 57-3-4       |
| Wisconsin     | Wis. Stat. Ann. § 905.05        |
| Wyoming       | Wyo. Stat. Ann. § 1-12-104      |