

Summary of SC94101, *In re the Marriage of: M.S. v. D.S.*

Appeal from the St. Louis County circuit court, Judge John N. Borbonus III
Argued and submitted December 3, 2014; opinion issued February 10, 2015

Attorneys: M.S. was represented by Drey A. Cooley, Daniel R. Sokol, Sheila Greenbaum and Stephen G. Davis of Capes, Sokol, Goodman & Sarachan PC in St. Louis, (314) 721-7701. D.S. did not file a brief or participate in arguments.

A number of organizations filed briefs as friends of the Court. The American Civil Liberties Union of Missouri Foundation; KC LEGAL; Professor Annette R. Appell, director of the Washington University Law School Child & Family Advocacy Clinic; the American Civil Liberties Union; and the Lambda Legal Defense and Education Fund were represented by Anthony E. Rothert and Grant R. Doty of the American Civil Liberties Union of Missouri Foundation in St. Louis, (314) 652-3114, and Gilliam R. Wilcox of the American Civil Liberties Union of Missouri Foundation in Kansas City, (816) 470-9938. PROMO was represented by Denise D. Lieberman, a solo practitioner in St. Louis, (314) 780-1833. The American Academy of Matrimonial Lawyers was represented by Alan E. Freed of Paule, Camazine & Blumenthal PC in St. Louis, (314) 727-2266.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A circuit court dismissed, for lack of subject-matter jurisdiction, a petition to dissolve a same-sex marriage. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court of Missouri – without reaching or deciding any other issues – reverses the judgment and remands (sends back) the case because the state constitution grants the circuit court jurisdiction over civil matters such as dissolution petitions.

Facts: This appeal arises from the circuit court’s judgment dismissing, on its own motion, a petition seeking to dissolve a same-sex marriage, on the grounds that it lacked subject-matter jurisdiction.

REVERSED AND REMANDED.

Court en banc holds: The constitution gives the circuit court subject-matter jurisdiction. Article V, section 14 of the Missouri Constitution provides that Missouri circuit courts have jurisdiction over all civil cases and matters. Nothing in article I, section 33 of the Missouri Constitution purports to limit this grant of jurisdiction. A petition for dissolution of marriage is a civil case or matter falling within the circuit court’s jurisdiction. This Court expresses no opinion as to the merits of any other aspect of this case, including the circuit court’s constitutional authority to dissolve a same-sex marriage.