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## Suit filed to allow same-sex marriages in Arizona



by 3TV

Video report by Jared Dillingham

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PHOENIX (AP) -- Four couples have filed a class-action **lawsuit** seeking to make same-sex marriage legal in Arizona.

The suit filed Monday claims a voter-approved ban on gay marriage is unconstitutional. It seeks to allow same-sex couples to be married and recognize same-sex marriages conducted in other states.

"I think most people expect that this issue will eventually be decided by the U.S. Supreme Court," said attorney Shawn Aiken, who filed the suit.

"It would make our lives better and simpler and easier," plaintiff Mason Hite told 3TV.

Hite and his husband, Chris Devine, were married in California, but have lived together in Phoenix for more than a decade.

They fostered several children, and adopted a son, Ricky, who is now 8 years old. Their section of the lawsuit focuses on Ricky.

Arizona law strongly favors heterosexual adoptions, and allows for only husband-and-wife couples to jointly adopt. The men say they were forced to choose one to be Ricky's "legal" father. Mason Hite is Ricky's "legal" father, but he and Chris Devine share parenting equally.

They call Arizona law discriminatory, and say it makes it difficult or complicated for Devine to sign permission slips, pick Ricky up from school, take him to medical appointments, and travel with him.

Devine also worries Ricky would not be eligible for his survivor death benefits.

"Winning this lawsuit would cut all that red tape," Hite said.

The suit names Gov. Jan Brewer and Attorney General Tom Horne among the defendants. There was no immediate response Monday night from either Brewer's or Horne's offices.

The lawsuit claims certain rights and benefits are denied to gay couples because Arizona doesn't recognize their marriages.

Aiken said the suit involves three male couples and one female couple. All are long-time Arizona residents and two of the couples have adopted children, he said.

According to Aiken, there are about 25 lawsuits filed in 15 states that are seeking the legalization of gay marriage.

Should the plaintiffs win the case, Arizona would become the 19th state to recognize same-sex marriages.

New Mexico and Utah legalized gay marriage last month. However, the U.S. Supreme Court put a hold on same-sex marriage in Utah on Monday.

Click [here](#) to read the lawsuit

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