# CAPTION: IN RE: L.E.S., E.S., N.S.

**01-19-24**

APPEAL NOS.: C-220430

 C-220436

TRIAL NO.: F12-728Z

KEY WORDS: PARENTAGE — CONSTITUTIONAL LAW/CIVIL — DUE PROCESS — EQUAL PROTECTION — R.C. 3111.95(A) — MARRIAGE

SUMMARY:

The trial court erred in failing to consider whether the parties would have been married at the time of the child(ren)’s conception—absent Ohio’s unconstitutional ban on same-sex marriage— before finding that the same-sex consenting partner of a woman subject to nonspousal artificial insemination could not be recognized as a legal parent of the child(ren) under Ohio law.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by ZAYAS, P.J.; WINKLER and KINSLEY, JJ., CONCUR.