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To: Members of the Judiciary Committee

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Good afternoon. My name is Julian Ferholt. It is a privilege to be invited to speak here today. I have been in the private practice of child psychiatry in New Haven for the past for 31 years. I am the President of the Connecticut Council of Child and Adolescent Psychiatry, which is the state regional organization for the American Academy of Child and Adolescent Psychiatry. I am currently an Associate Clinical Professor and the past Director of the Child Development Unit at the Yale Child Study Center. My academic work has been centered on the causes, consequences and treatment of defects in the parent child relationship in the context of the family structure. I have been asked to present my opinion about the social benefits and costs of eliminating the exclusion of same sex domestic partners from civil marriage.

The policy question, as I understand it, that is before this committee is as follows:

1) Should the State of Connecticut continue to exclude same sex domestic partners from civil marriage? 2) If the State should continue to exclude them from marriage, is it best to offer them legal recognition that is less than marriage in the form of a Civil Union that insures all the statutory benefits and protections of marriage?

Marriage is designed by the State to promote, support and sustain a committed ongoing domestic partnership in order to achieve three goals: the well being of the partners, the well being of any children who are living with them, and the support of important social values of caregiving and civic responsibility.

My special expertise is in clinical knowledge of children, their parents, the parent child relationship, the marital relationship and the family unit. My opinion about the benefits and costs of eliminating the exclusion of same sex partners from marriage is based primarily on such clinical knowledge, informed by empirical medical and social science research, rather than on empirical research alone. It is also based on well established clinical principles.

The benefits of eliminating the exclusion of same sex partners from marriage fall into two broad categories: the benefit of marriage for same sex partners and their children, and the benefit that is derived from relieving the suffering that results from being excluded. It is my conclusion that marriage will achieve the same benefits for same sex domestic partners and their children that it does for heterosexual domestic partners and their children. Connecticut has granted same sex domestic partners second parent adoption rights and six important protections to help them manage emergencies, old age and death. However, they are still excluded from almost all of the over 550 legal rights associated with marriage including many important benefits regarding

inheritance, taxes, pension plans, family leave policies, and eligibility for public assistance and housing programs. They are also excluded from all the other non-statutory benefits that are conferred by marital status, including a broad structure of opportunity, health insurance benefits, and family discounts for such things as car insurance, museums, gyms and pools. Depriving them of these benefits is a significant stressor in their lives.

The second category of benefits has not received sufficient emphasis in the social policy debate. The greatest benefits for same sex parents and their children will most likely result from no longer being excluded from the opportunity to marry, whether or not they elect to utilize that opportunity. The diminished social status that such arbitrary exclusion entails, causes intense suffering and moral harm because it undermines the sense of self for parents and their children. A child who knows that his parents are excluded from marriage, experiences himself as part of a family that is not fully legitimate and tends to think of himself as less than a legitimate person.

My opinion about the benefits of extending marriage to same sex partners is based on a consensus in my profession. The consensus is that same sex domestic partners are not different from heterosexual domestic partners in any way that is relevant to the benefits of marriage. They do not differ as competent moral adults, as partners in committed relationships, or as parents, and their children have equally good mental and physical development, including sexual orientation and identity. This expert consensus is based on expert clinical knowledge and principles, and takes into account the best available findings from empirical medical and social science research.

There is overwhelming evidence that exclusion from marriage causes an ongoing level of suffering and moral harm that is similar to the suffering experienced by individuals who face racial, ethnic and other forms of discrimination. In fact, the only risk factor that is unique to the children of same sex parents is the discrimination and stigma which they and their parents experience, a stigma which is greatly intensified by the legally sanctioned exclusion from marriage based on sexual orientation. Psychiatrists are uniquely qualified among the experts upon whom policy makers depend to detect suffering and moral harm, based on our intimate and detailed knowledge about the mental lives of individual children and their particular families. We are often confronted with children and adults who suffer silently. Sometimes these patients are the most competent members of their families. As a result, we are often aware of significant mental problems that are not readily detected by the standardized methods used in medical and social science research. In fact, the life-long suffering associated with social policy that violates individual dignity is always harmful, even though it often does not cause symptoms of psychiatric disorder or social maladjustment.

The greatest cost of eliminating the exclusion of same sex domestic partners from marriage, like the greatest benefit of its elimination, stems from the symbolic and emotional aspects of marriage. These symbolic and emotional aspects are so closely tied to dignity and identity, that allowing same gender individuals to marry causes suffering for those heterosexual individuals who strongly view of marriage as exclusively heterosexual. Although these heterosexual individuals may be very upset by a policy change which eliminates the exclusion of

an open democratic society.

In conclusion, I recommend that the State of Connecticut pass legislation which eliminates the exclusion of same sex domestic partners from civil marriage. The material and moral benefits by far outweigh the costs. I see no justification for continuing this discrimination against same sex partners based on the claim that the institution of marriage would be irreparably weakened by such action. To the contrary, there is reason to believe that elimination of discrimination will strengthen the moral standing of marriage and extend its benefits to many more of our citizens. This reform must be instituted, however, in a manner that actively addresses the concerns of those who are upset by the change associated with it.

Civil union is not a morally acceptable alternative to marriage, because it deprives same sex partners and their children of full status. It also fails to insure any of the important non-statutory benefits of marriage and it is much more vulnerable to nullification in other states. I believe that Civil union is only acceptable as a political compromise in the context of a clear declaration by the legislature that equal opportunity for marriage is the ultimate goal.

The Connecticut Council of Child and Adolescent Psychiatry endorses same sex marriage in the best interest of children as does the American Psychoanalytic Association. The American Psychiatric Association and the American Psychological Association support the legal recognition for same sex domestic partnerships and their associated legal rights, benefits and responsibilities.