

Good afternoon Committee Co-Chairs, Senator McDonald and Representative Lawlor, and honorable Committee Members.

My name is Brian Rice, and I am a resident of Stamford. I am testifying today in support of Bill Number 699, An Act Concerning Recognition of Foreign Contracts.

My spouse, Jason Kelliher, and I have been together for five years and a half years. We were fortunate to be residents of Massachusetts in May of 2004, when marriage for same-sex couples became legal. We were married in Massachusetts in June of 2004 and relocated to Connecticut in August in order for me to begin a new job with a law firm.

Jason and I began discussing whether we should get married shortly after the Goodridge decision. It was not until my trusts & estates class in the spring of 2004 that I fully recognized how important the institution of marriage is in our society. Marriage is the only effective vehicle for a committed couple to share the bundle of legal rights, protections and responsibilities that accompany marriage and to have the community's recognition of their relationship. Marriage is a clear demonstration of the love and commitment that a couple shares. For us, getting married cemented our already strong relationship and has helped us to overcome the challenges that have we have faced since our marriage. Sadly, many of the challenges that we have faced and continue to face are a direct result of our legal status as a married couple.

I was first confronted with the complications of our legal status when I was trying to complete the paperwork for my new job. I did not know how to properly complete my tax forms or health insurance forms, or any of the other forms that required information regarding my marital status. Because the law regarding the recognition of our marriage is so unsettled and uncertain, none of the lawyers that I consulted could definitively advise me on our legal status. The general consensus was that Connecticut, a state that ordinarily honors marriages validly performed in Massachusetts and that provides significant protections to gays and lesbians, should honor our marriage.

In December of 2004 the uncertainty of our legal status hit home. At that time, I was diagnosed with testicular cancer, a diagnosis that requires surgery and on-going treatment. In consulting with my medical providers, I asked them where I should have my surgery and treatment. In responding, none of them thought to consider the legal implications of my marriage. It was an issue that did not present itself with their other patients. I had to consult with attorneys and do my own legal research to ensure that I received treatment in a jurisdiction that was most likely to honor our marriage and treat Jason as my spouse through the course of my treatment. Based on the New York Attorney General's Opinion, dated March 3, 2004, and the high quality of the medical providers in New York, I decided to receive treatment in New York.

Being diagnosed with cancer and not knowing the extent of my illness was a very scary experience. The most terrifying part was not knowing how Jason would be treated by my medical providers if there were complications with my surgery and not knowing whether the laws of Connecticut would provide Jason with the legal protections that he deserves as my spouse if my medical condition was truly serious. I feel fortunate that we were not faced with a dire medical emergency requiring immediate care and that instead I was diagnosed with an

illness that allowed us a short time to take steps to make sure that our marriage was recognized. Nonetheless, this terrible experience would have been significantly easier if we had the comfort of knowing that Connecticut recognized our marriage.

The uncertainty of the status of our marriage is also reinforced each spring because we are required to file our Connecticut income taxes separately, instead of as a married couple.

Most troubling, however, is the Attorney General's Opinion dated, September 20, 2005. In the Opinion, the Attorney General asserts that, pursuant to the language of the civil union legislation, Connecticut will not honor lawful marriages between same-sex couples from other jurisdictions. As a voting citizen of the State of Connecticut, I am shocked that any Connecticut official would assert that my marriage is not valid in Connecticut. The conclusion reached by the Opinion is not required by law and was likely influenced by some extralegal factor.

Moreover, the Opinion twists the intent of the civil union legislation, legislation that was intended to provide limited rights to same-sex couples, to reach the conclusion that some same-sex couples should be deprived of the very rights and liberties afforded by the legislation. This deprivation is not rectified by permitting married couples to obtain civil unions, which is prohibited by the express language of the statute. A married couple cannot, in good faith, assert that they are not married in order to obtain a civil union.

For me, I would not disavow my marriage to enter into a civil union. My dream was to marry the man I love. That dream has come true. All I ask is that the State honor the commitment that Jason and I made to each other, just as the State honors any other legal and valid marriage.

Thank you for the opportunity to present this testimony.



Brian P. Rice, Esq.
150 Southfield Ave.
Stamford, CT 06902