

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



Office of The Attorney General  
**State of Connecticut**

**TESTIMONY OF  
ATTORNEY GENERAL RICHARD BLUMENTHAL  
BEFORE THE JUDICIARY COMMITTEE  
MARCH 24, 2006**

I appreciate the opportunity to speak on Senate Bill 699, An Act Concerning Recognition of Foreign Contracts.

This legislation would explicitly provide parties to a valid same sex marriage performed in another state or country with at least the same benefits, protections and responsibilities as parties to a civil union in Connecticut.

Uncertainty plagues this issue. Last year, I issued an opinion on whether Connecticut courts would recognize out-of-state civil unions, same-sex marriages or same-sex domestic partnerships. Under current law, Connecticut courts would likely -- but not certainly -- recognize out-of-state civil unions and same sex domestic partnerships. The courts almost certainly would not recognize same-sex marriages. I have attached that opinion.

Under the United States Constitution's Full Faith and Credit Clause, one state must recognize and apply another state's laws unless those laws violate its public policy. As repeatedly articulated by our statutes such as Conn. Gen. Stat. § 45a-727a, "current public policy of the state of Connecticut is now limited to marriage between a man and a woman". A court could be expected to conclude that recognition of a same sex marriage from another jurisdiction is against this stated public policy and therefore not entitled to full faith and credit. By contrast Connecticut courts probably would recognize as a valid civil union any type of legal relationship as long as the rights and responsibilities of the parties were similar to our civil union.

Public policy is for the legislature to establish, as in Senate Bill 699. This amendment would provide clarity and certainty to that policy.

The committee should be aware that our statutes do not specifically provide for recognition of any civil union or domestic partnership performed in other states. I suggest that if the committee is willing to favorably consider Senate Bill 699, the committee should consider an amendment that extends the scope of the law to include "any civil union or other form of legal partnership according substantially similar benefits, protections and responsibilities as a civil union in this state".