

**Testimony of Maureen M. Murphy before the Judiciary Committee  
On March 24, 2006  
In Support of Bill no. 699, An Act Concerning Recognition of Foreign Contracts**

Dear Committee Co-Chairs Sen. Andrew McDonald and Rep. Michael Lawlor, and Honorable committee Members:

Thank you for this opportunity to address you today. My name is Maureen M. Murphy and I am a partner in the law firm of Murphy, Murphy and Nugent in New Haven, Connecticut where my practice focuses on civil rights and family law. A large part of my practice is devoted to representing gay and lesbian clients and their children in family matters in family and probate court and representing same sex couples in their efforts to protect their relationships to the extent allowed by law.

Since the passage of P.A. 05-10, I have been actively involved in educating the community and the bench and bar on the new civil union statute. I am legal counsel to Love Makes a Family, and in that role I spoke all over the state last summer at Love Makes a Family organized events entitled "Civil Union 101", attended by over 500 people. Also over the summer I, along with a number of members of the bench and bar, organized two all day Continuing Legal Education programs for lawyers and judges. The first CLE was held on September 9, 2005, sponsored by the New Haven County Bar Association and the second was held on September 30, 2005, sponsored by the Connecticut Bar Association. Over three hundred lawyers and judges attended the CLEs. In addition, I wrote an article for Connecticut Lawyer Magazine entitled: Connecticut's Civil Union Law: A Look Forward, that appeared in the October issue. I have continued to be a guest speaker on Civil Union law at a number of events, including the Hartford Bench Bar dinner in November. These experiences have placed me in a unique position to address the necessity of this legislation and the impact of the Attorney General's Opinion.

Prior to the issuance of the Attorney General's Opinion on September 24, 2005, I had informed my audiences that if they had entered into a same sex marriage in another jurisdiction with one person, they could not enter into a Civil Union with a different person in Connecticut. My colleagues and the judges I spoke with agreed. When I informed the audience at the CLE on the 30<sup>th</sup> of September of the Attorney General's Opinion, an audible groan filled the hall. The judges on the panel at the end of the day reminded the audience that the Attorney General's Opinion was not binding on the courts and had no precedential effect. Nonetheless, his Opinion is binding on state agencies and because of that Opinion, applicants for a civil union license are being told by the town clerk that a previous marriage to a person of the same sex has no legal significance. Individuals who have entered into a lawful and binding contract of the highest order are being told that it means nothing. Thus, a party to a civil union potentially could have two legal spouses which is not only a criminal act, but also a nightmare for the administration of marital protections. For example, such an individual could have an enforceable foreign judgment against his or her property and a conflicting enforceable judgment against the same property in Connecticut.

In addition to the chaos that faces applicants, there are a number of other serious consequences of the Attorney General's Opinion that must be rectified. Under the Attorney General's Opinion, if a couple was united in Vermont in a Civil Union or in California in a Domestic Partnership and are temporarily in this state or have moved to this state, they will be accorded all of the rights and benefits of a spouse under Connecticut law. However, if a same sex legally married couple from Canada or Massachusetts is temporarily in this state, they will be viewed as legal strangers. The result: if one is rushed to the hospital, they have no right to make medical decisions for their legal spouse, may be prevented from visiting in the ICU, and could be prevented from getting custody of their spouse's body to be transported home.

I believe that the Attorney General was incorrect in his legal analysis for a number of reasons and I am happy to provide the Committee with a legal analysis of his Opinion. However, even if the Attorney General's Opinion were the correct analysis, the result of the Attorney General's Opinion is confusion that can lead to chaos, not only for applicants for a Civil Union License and individuals from outside the state, but also for the Courts. Clearly, it was the intent of the civil Union legislation to provide same sex couples with the benefits, protections and responsibilities that their married counterparts have long enjoyed. Raised Bill No. 699 corrects the serious flaw created by the Attorney General's opinion, and I urge you to pass this legislation in furtherance of this body's clear intent in the passage of P.A. 05-10.