

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 Senate Bill Number 1449, An Act Concerning The Recognition Of Legal Unions From Other States And Jurisdictions.

My spouse, Jason Kelliher, and I have been in a committed relationship for six and a half years. We were legally married in Massachusetts on June 26, 2004. We were residents of Massachusetts at that time and met all of the requirements to enter into a legally binding marriage. In August of 2004 we relocated to Connecticut for work.

Since moving to Connecticut, the legal status of our marriage has been in question. When we first moved to Connecticut, it was unclear to us how to complete paperwork for our employers, which request that we indicate our marital status. At the time, we believed that Connecticut would recognize our marriage because of Connecticut's longstanding tradition of fair treatment of gays and lesbians.

We continued to believe that our marriage would be recognized under Connecticut law until September 20, 2005. The Attorney General's Opinion of that dated concluded that Connecticut would not recognize marriages of same-sex couples that were valid in the jurisdiction where they were contracted. Ironically, the Opinion was interpreting the Civil Union legislation, which extended the protections of marriage to same-sex couples. The Opinion, however, interpreted that legislation to take away the rights of marriage from couples that were already legally married.

The Attorney General's Opinion also concludes that same-sex couples that have married in other jurisdictions may enter into a civil union in Connecticut. Entering into a civil union, however, is not a sufficient remedy. There are several novel legal issues that would arise if Jason and I took steps to enter into a civil union while being legally married. Moreover, even if we entered into a civil union, a Connecticut Court would not have the authority to dissolve our marriage, if we chose to end our marriage, unless the marriage was recognized under Connecticut law.

Regardless of the legal implications, Jason and I have no intention of entering into a civil union. Marriage is the only effective vehicle for a committed couple to share the bundle of legal rights, protections and responsibilities that accompany marriage. Marriage, unlike civil unions, has a longstanding history and tradition that make it an integral institution in society. For Jason and me, the day of our marriage was the happiest and proudest day of our lives. We have no desire to enter into a civil union and we believe that our marriage should provide us with the same rights, protections, and responsibilities that other couples' marriages provide.

Since marrying in June of 2004, Jason and I have faced many challenges together. Most significantly, in December of 2004 I was diagnosed with testicular cancer, a diagnosis that required surgery and on-going treatment. In addition to considering the medical advice of my doctors, I also consulted with attorneys to consider which jurisdiction would provide Jason with the full protections of a spouse, should there be complications with my surgery or treatment. We

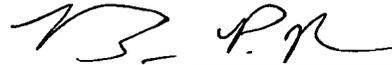
selected to have my surgery in New York and I continue to receive my treatment there, in part because we believe that the State of New York recognizes our marriage.¹

Being diagnosed with cancer and not knowing the full extent of my illness was a very scary experience. The experience, however, was made more terrifying because we did not know how Jason would be treated by my medical providers if there were complications with my surgery and we did not know whether the laws of Connecticut would provide Jason with the legal protections that he deserves as my spouse if my medical condition was serious. Fortunately, we were not faced with a true medical emergency and we had a short time to take steps in an effort to protect our rights. Nonetheless, this experience would have been less terrifying if we had the comfort of knowing that Connecticut recognized our marriage.

Instead, we are reminded every April that Connecticut does not recognize our marriage because, unlike other married couples, we are required to file our Connecticut income taxes separately.

Despite this unequal treatment, we will not enter into a civil union. For me, it was my dream was to marry the man I love. That dream has come true. All I ask is that the State honors the commitment that Jason and I made to each other by affording us the same rights, protections, and responsibilities that are afforded other married couples.

Thank you for the opportunity to present this testimony.



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

¹ See State of New York Attorney General Informal Opinion, No. 2004-1 (Mar. 3, 2004); Godfrey v. Spano, 2007 WL 749692 (N.Y. Sup. Ct. Mar. 12, 2007).