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Testimony of Maureen M. Murphy before the Judiciary Committee On March 6, 2009

In Support of Bill no. 899, An Act Implementing The Guarantee Of Equal Protection Under The Constitution Of The State For Same Sex Couples.

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 I practice primarily in the area of family law. I am a member of the Family Commission (formerly Workgroup on Family Rules) which is responsible for, among other things, proposing revisions to the Family Court Practice Book Rules. I am also co-founder of the New Haven Academy for Child Advocacy, and a member of a workgroup on the development of a curriculum for training *Guardian ad Litem*s for family court, and I am often appointed by the family court to serve as a *Guardian ad Litem* in highly contested custody cases. In addition, I have presented numerous CLE's on civil unions and the right to marry for same sex couples, and annually, Judge Lynda Munro and I train the Family Relations officers on the legal issues of civil unions/marriages for same sex couples.

For the last twenty years, a large part of my practice has been 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. I am very proud to say that I was one of the Connecticut counsel in Kerrigan. Since the morning of October 10, 2008, I have witnessed an overwhelming expression of joy and gratitude from my many clients and heartfelt congratulations from judges, court personnel, colleagues, and many others who share in the joy of knowing that same sex families are accorded the same respect and dignity that all families need and deserve.

There are countless poignant stories of how the Kerrigan decision has changed the lives of many—more than a few times I have had to wipe back the tears from my eyes as I have sat across my desk from a glowing couple relating how much this means to them as they plan their long-awaited wedding—but the most moving are the children, those old enough to know and understand that their moms or their dads can now be married just like their friends' parents are.

Along with the joyful calls, there have been many questions from couples, lawyers, even judges about what to do with civil unions and what to do about current provisions in the

Connecticut statutes that are contradictory to the Kerrigan decision. Bill 899 resolves those many questions that are surfacing. Thousands of couples, lawyers, and judges need clarity. There must be one marital status for all couples. Most couples in my practice entered into a civil union to provide their family all of the protections available under Connecticut law, however, they passionately wanted to be married. This bill affords those couples the ability to have their civil union converted into marriage, while at the same time affording due process to that small number of couples who may not want their civil union converted into a marriage, by giving them a year from the enactment date to dissolve that union. Sections one and two of the bill are necessary to address the different states' development of recognition of same sex relationships and to provide clarity to courts as to how to address those relationships. Without such provisions, the family courts are likely to face significant and needless litigation on recognition issues.

Similarly, repeal of §46a-81r of the Connecticut General Statutes avoids needless litigation. More importantly, Kerrigan mandates its repeal by specifically pointing to this statute as discriminatory. The demise of the badge of discrimination enacted with the gay rights bill is long overdue. Connecticut is not a state that can any longer tolerate singling out individuals for disparate treatment or disfavored status simply because of who that individual is. Nor is there any validity to the arguments of the opponents of the repeal of this section that the repeal would force public schools to alter their curriculum or mandate how homosexuality is addressed in the classroom. Section 46a-81r did not prevent schools from addressing homosexuality in the classroom in a positive light, nor does its repeal demand that the issue be addressed in any manner at all. The law is clear that local school districts have broad discretion in their teaching material and arguments to the contrary are simply without merit.

The one overriding theme that I have heard continuously since October 10, 2009 from couples and colleagues is that we are so fortunate and proud to live in Connecticut. I am exceedingly proud to be a lawyer in this state and to be here before you. I applaud you for this bill and I urge you to pass this legislation in furtherance of this body's continued recognition of the civil rights guaranteed to the citizens of this state by its constitution.