



Gay & Lesbian Advocates & Defenders

Kerrigan & Mock et al. v. Connecticut Dept. of Public Health

Questions & Answers



What is this lawsuit all about?

Gay & Lesbian Advocates & Defenders (GLAD), in conjunction with a strong team of Connecticut-based cooperating attorneys, filed this case on behalf of seven loving, committed couples who sought marriage licenses and were denied the right to marry in Madison, CT. Relying on state constitutional guarantees of equality and due process, GLAD filed this suit in New Haven Superior Court asking that it declare unconstitutional any law denying marriage rights to gay and lesbian couples and ordering public officials to issue licenses to the couples in the case.

GLAD's legal team includes Maureen M. Murphy of Murphy, Murphy & Nugent in New Haven, Kenneth J. Bartschi of Horton, Shields & Knox in Hartford and Annette M. Lamoreaux of the Connecticut Civil Liberties Union.

Who are the plaintiffs?

The plaintiff couples have been in committed, loving relationships between 10 and 28 years. They live and work throughout the state. Five of the seven couples are raising young children.

Who is being sued and why?

The suit names the State of Connecticut's Department of Public Health and its Commissioner because they supervise the marriage registration process. The Acting Town Clerk of Madison is also a defendant because she was required to deny the couples marriage licenses under the present interpretation of state marriage laws.

What arguments will you make on behalf of these couples?

The two main arguments are of equality and due process of law. The suit claims that the equality provisions of the Connecticut Constitution forbid the state from denying marriage rights to gay and lesbian couples, and that the plaintiffs must be treated equally under the law. Because marriage is a deep, personal commitment that the law acknowledges is a fundamental right, the suit argues that the plaintiff couples cannot be denied the right to marry the person of their choice simply because that person is of the same sex.

Why is this suit being filed now?

These couples and thousands of others throughout the state have been taking on all the

These couples and thousands of others throughout the state have been taking on all the responsibility and obligations of being in a committed, loving relationship without the benefit of the full protections of marriage. Just in this case alone, some families face acute aging and health issues, and others want to secure the fullest protections for themselves and their children.

What outcome do you seek?

The plaintiffs in this case seek marriage licenses that will provide them the full panoply of rights as well as the social and personal recognition that comes along with being married.

What's the timeline of the case?

While this case is likely to be ultimately decided by the Connecticut Supreme Court, it must first be heard by the trial court level which could take up to a year. Whatever the trial court decision, the case will proceed to a mid-level appeals court, although there is the possibility it could go directly to the high court. As a result, we expect the process to take at least three years.

Will allowing same-sex couples to marry in Connecticut force religions to marry gay and lesbian couples?

No. Because the U.S. and Connecticut Constitutions both protect the freedom of religion, each faith remains free to decide who it will marry and on what terms. The plaintiffs in this case seek civil marriage, not religious marriage. No court decision could force a faith tradition to perform a marriage. Just as civil divorce laws do not require religions to recognize dissolutions of marriage, neither can civil marriage laws require religious faith traditions to recognize or issue marriages.

Why should a court get to decide this issue?

Gay and lesbian people take on all the obligations and responsibilities of family and of citizenship. It harms them and their children to be denied marriage rights. Both the courts and the legislature can end this discrimination, and the legislature may do so before a final court ruling. It is the role of the courts to say when a group of people is being denied basic human rights, and that is what the plaintiffs are asking the court to consider.

Shouldn't the people get to decide a policy issue of such significance?

In our system of government, the Connecticut Supreme Court and the lower courts have the responsibility to say what the constitutional guarantees of equality and due process mean. That is their job. If the people - through the legislative process - also wish to consider the issue, they may. Recent polling in Connecticut suggests that over 45 percent of voters support marriage, with majorities favoring civil unions. We believe once CT voters fully understand that only marriage brings the full protections and security every family needs, that they will support marriage in larger numbers.

What is the relationship between this case and the legislation to be filed that would allow same-sex couples to marry?

Even as the court considers the denial of marriage rights, the legislature will as well. The Legislature is well positioned to fulfill its role of protecting all of the families in Connecticut. GLAD and the entire legal team in this case will continue to work with Love Makes a Family to ensure that Connecticut law explicitly provides for equal marriage rights whether through legislative or judicial action.

Aren't children better off living in a home with a married mother and father?

Children are best off in the home of loving parents whose relationship is honored and strengthened by existing laws. Like the children of the couples in this case, thousands of children throughout Connecticut have two parents who are of the same sex. These children need and deserve the same protections as those born to two parents of a different sex. Every credible, scientific study has established that what children need to thrive is the stable love and nurturance of their parents, regardless of their gender. The leading child welfare authorities have adopted formal policies reflecting this position.

What is Gay & Lesbian Advocates & Defenders?

Founded in 1978, Gay & Lesbian Advocates & Defenders (GLAD) is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression. Providing litigation, advocacy, and educational work in all areas of gay, lesbian, bisexual and transgender civil rights and the rights of people living with HIV, GLAD has a full-time legal staff and a network of cooperating attorneys across New England.

Is this the first time GLAD has been involved in Connecticut?

GLAD has a proud history of working on legal issues in Connecticut, including the cases of *Boy Scouts of America v. Wyman*, in which GLAD helped secure an appellate court ruling supporting the state comptroller's decision to exclude the Boy Scouts in the state charitable campaign because of their anti-gay policy; *Brett et al. v. Town of West Hartford*, in which GLAD successfully challenged a town pool's membership policy that discriminating against families formed by gay and lesbian couples, and *In Re John/Jane Doe*, in which GLAD helped secure an administrative ruling clarifying that transgender people are covered by the state non-discrimination law.

'Freedom to Marry Rings' image upper right © H. Mitchell.

Gay & Lesbian Advocates & Defenders (GLAD) is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression.

[[About GLAD](#) || [Rights & Resources](#) || [Hotline](#) || [GLAD Cases](#) || [Marriage](#) || [News Room](#) || [Join Us](#) || [Events](#) || [Donate to GLAD](#)]
[[Home](#) || [GLAD en Español](#) || [Contact GLAD](#) || [Site Map](#)]