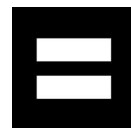


TO HAVE AND TO HOLD? MAYBE NOT.

True Stories from Same-Sex Couples Denied the Protections
of Marriage in Life and Death

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Introduction

What difference does the right to marry — or not to marry — make in the lives of real Americans?

It depends, of course, who you ask. For those who oppose extending the right to marry to same-sex couples, it is often said to be this: If same-sex couples are permitted to marry, it will harm heterosexual marriages.

But this, of course, is merely speculation — something people say might happen, not something that has happened, nor something for which there is any reliable evidence to suggest will happen. The very notion even fails persuade many happily married heterosexual couples. How, after all, has anyone else's marriage ever affected one's own?

For same-sex couples, however, the difference is something that is both factual and observable. Sometimes it is evident in small things, such as being forced to write “single” on a medical form even when one has lived with a partner for 40 years. Sometimes it is more dramatic. Indeed, the lack of marriage protections tends to be most clearly seen in the difficult times of life — times of sickness, accidents, old age and death.

This report presents a sampling of real stories from same-sex couples nationwide who have been denied the protections of marriage in life and death.

In Sickness and in Health

While people enter marriage in a spirit of celebration, its significance is often felt in some of the most unexpected and difficult times, such as medical emergencies. The following stories illustrate what has happened to same-sex couples who were denied family health insurance (or domestic partner benefits). They also illustrate what has happened to families when one partner ends up in a car wreck, is hospitalized for surgery or faces a serious diagnosis, such as cancer.

Going without health insurance

Unable to extend coverage to partner in school

While I was in graduate school, I quit my job and relied solely on my partner, Chris, for support. I was able to receive health insurance through his work since Kaiser Permanente recognizes domestic partners. Both of us are healthy, but it was a relief not to have to worry about health insurance and focus on three years without having to work.

I am now a certified registered nurse anesthetist, and my partner is in graduate school to become a family nurse practitioner. But, unfortunately, my employer's health insurance does not recognize domestic partners and, therefore, Chris cannot quit work entirely. ... So he's working 24 hours a week *and* going to school full-time.

I'm upset that I can't do for my partner what he did for me while I was in school. Any other [married] couple could receive health care benefits while one is furthering their education.

Jamie Mattingly, Kansas City, Mo.

Did You Know?

Many public and private employers provide medical coverage to the spouses of their employees, but most employers do not provide coverage to employees' same-sex partners. As a result, many same-sex partners are forced to go without health insurance.

Unable to extend coverage to parent at home

Like many couples, my partner of 14 years and I have made the decision for one of us to work and the other primarily to care for our children. But my work will cover only a married spouse and since we cannot legally marry, she cannot get insured through my employer.

At the same time, she cannot get private health insurance due to pre-existing health problems and she cannot get insured through the state public aid system because my income is too high.

This leaves us in a double bind. Despite my high income, a severe health problem requiring hospitalization would be devastating financially to our entire family.

Amy Harrison, Oak Park, Ill.

Did You Know?

Because second-parent adoption laws in many states are unfriendly to GLBT families, some same-sex couples have trouble providing health insurance for their children if only one parent is insured.

Taxed on domestic partner benefits

Two years ago, we planned and succeeded in getting my partner, Jenn, pregnant. Today, we have a 3-month-old son. We filed domestic partnership a short while ago in order to begin the adoption process so that I can also be a legal guardian to Caden. When Caden was born, he was, of course, added to Jenn's insurance plan through her work — pre-tax. She works at a hospital and they are very supportive of their employees with domestic partners. So today, Jenn added me to her medical plan. We were told that because she had



Samantha, Jenn and Caden

filed for domestic partnership, the IRS would not allow her to deduct Caden's medical costs pre-tax.

If she had married a man, however, Caden's medical benefits would still be deducted from Jenn's paycheck pre-tax. But because she filed for domestic partnership, she has to pay federal tax on that money every month. Why? What difference does it really make? He's still her son, still her dependent!

M. Samantha Romaine, Santee, Calif.

Did You Know?

Married couples are not taxed on the insurance benefits their employers give to cover their spouses. Employees who receive health coverage for their same-sex partners, however, must pay federal income taxes on the value of the insurance.

Isn't There Any Federal Legislation That Could Help?

Under federal law, legally married employees do not pay taxes on their employers' contributions for their spouses' health insurance benefits, but employees with same-sex partners do. In addition, because employers must pay taxes on their employees' incomes, employers who provide domestic partner benefits are taxed at a higher rate. The **Tax Equity for Health Plan Beneficiaries Act** currently under consideration in the U.S. House of Representatives and the **Domestic Partner Health Benefits Equity Act** under consideration in the Senate would amend the Internal Revenue Code of 1986 to end taxation of health insurance benefits for domestic partners, treating them as family members.

Required to pay \$400 per month extra

I am a 39-year-old male who has been in a committed relationship with the same wonderful man for the past 20 years. ... But Jessie works for a local bank and they do not offer domestic partner rights and benefits, such as medical insurance. I am, therefore, forced to pay almost \$400 monthly for out-of-pocket insurance premiums.

Brian Ahern, Bridgeport, Conn.

Weighing whether to get necessary care

My place of employment does not allow same-sex partner benefits. Therefore, I am covered under my insurance policy while my partner of three years, Adam, is not. I must watch him debate whether or not he should go to the hospital based on the fact that he does not have insurance. ...

We are in a committed relationship and want to share every facet of our lives. This becomes increasingly hard to do when we have to individualize every legal and personal aspect of our lives.

Corey D. Stevens, Ottumwa, Iowa

Foregoing CAT scans

Even though we here in Hawaii have what is called the “reciprocal beneficiary” [law, which gives limited rights to same-sex partners], I still can’t get my partner on my medical insurance. I am a state employee with pretty good coverage, but my partner, who desperately needs to get some CAT scans and other procedures, can’t because we can’t afford it. She has to pay more than \$200 a month for self-employed medical insurance, which is already steep for our budget, and that only covers 50 percent of any medical procedures, lab tests, mammograms, etc.

If I could put her on my insurance as my spouse, we’d save about \$150 per month in insurance payments and she could get whatever tests she needs done.

Reka Domokos, Honolulu

Diagnosed with cancer: Net insurance cost: \$2,650 a month

When my partner, Tracey, and I decided on Valentine’s Day to formally recognize our commitment to each other, little did we know what lay ahead of us. Just three weeks before completing my work as a second-career student in the Wake Forest University Divinity School, I was diagnosed with breast



Cheryl and Tracey

cancer. After countless procedures, exams and radiologist evaluations, I underwent a partial mastectomy during the last week of classes.

While my health care providers and family were very understanding and accepting of Tracey’s voice in my health care decisions and her presence by my side at every procedure, we often found ourselves holding our breath. We walked into each medical facility armed with my health care power of attorney and durable power of attorney. Our glove compartments contain those documents, as well as one assigning Tracey the right to make medical decisions for my children on my behalf. The reality

that my will can be overridden by the slightest whim of a distant relative or my children’s father stays in the back of our minds. We remain vigilant at a time when our energies are best spent on healing.

But health care decision-making is the tip of the iceberg. After examining the fine print on my student health insurance policy, I was able to extend my coverage temporarily. Tracey has health insurance, but it is not offered to domestic partners. Nor, as second-career students, could we afford the stiff tax penalty that goes with so-called benefits. So what would have cost about \$150 per month to those who are eligible for family coverage will cost me \$2,800 per month when my current coverage expires.

Cheryl Snider Garrison, Greensboro, N.C.

Your son has leukemia. Better declare him indigent

When my son was diagnosed with leukemia, we had to declare him indigent. My partner, Jean, had insurance at the time — and her insurance could have taken care of a lot of Artie's medications, hospital stays, etc. But Jean [my partner of 21 years] was not even allowed to come and see Artie in the hospital some of the time.

Donna Taylor, Everett, Wash.

Saddled with \$30,000 in medical bills

Two years ago, I suffered a heart attack and am now faced with more than \$30,000 in medical bills. My lifemate is retired from the civil service. I have no medical insurance. He is fully covered. If he were married to a woman, she would be fully covered under his insurance. But I have to seek welfare to cover my medical costs. ... I am a veteran of the Vietnam War. Yet while I protected my country, my country fails to protect me.

Fread J. Loane, Tulsa, Okla.

Having a partner in the hospital and being told only 'family' can visit**Kept from partner at the scene of an accident**

When I was eight weeks pregnant, the pharmaceutical company I worked for laid off all their employees in the United States branch. My partner, Leslie, and I just continued to be thankful for the blessing growing inside of me. Then, in February 2003, Leslie was diagnosed with Hodgkin's lymphoma. This was her second round with this exact same rare cancer. Seven years earlier at age 30, she had undergone radiation treatments and kicked the disease.

Five days later, I was driving home from an appointment with my OB-GYN to pick Les up to drive her to her CAT scan when a 17-year-old girl sped through an intersection and slammed into my driver's side door. I was injured but conscious enough to be able to give a Good Samaritan our phone number and ask her to tell Les where I was. The accident occurred less than five miles from our home.

When Les arrived at the scene, she was not allowed to approach what was left of our car, to see me or even to ride with me to the hospital because, as a lesbian partner, she had no rights. Imagine what was going through her mind while I was being extricated from the wreckage of our car, pregnant with her baby, and she had to follow behind the ambulance — terrified and shaking so hard she could hardly drive.

The whole ordeal was a nightmare. Once again, abundantly blessed, our child was not seriously affected by the accident that could have taken both of our lives. Kelsey was born full-term at 38 weeks after many, many hospitalizations and complications for me before and since her birth. Leslie was undergoing her own fight for life, enduring full-blown chemotherapy treatments every other week.

After my accident, Leslie and I had done what we could to ensure that Les would have guardianship privileges should I die or become unable to care for Kelsey. I had legal papers drawn up by an attorney, which gives Les full rights to Kelsey to provide her with medical care, enroll her in school, etc. I required that the papers be drawn up to show Les and her family and the world in general that my intentions are that she be an equal partner in the raising of our child. But in my state, if people

wanted to, they could contest these documents. The truly sad thing is that Leslie doesn't have any real legitimate legal rights in this state to her own child, a child that wouldn't even exist without her.

It is because of our great love and devotion for each other that we decided to have a baby, and it is her love for me and our baby that gave her the strength to survive cancer for the second time. As for me, my two girls are what keep me going. I have just finished my second back surgery since the accident. With any luck, I should be able to return to the work force in another five or six months. Now I can begin to try to find a job that offers domestic partner benefits to same-sex couples.

Name Withheld

Partners hospitalized together, but denied information about each other

My partner, Kevin, and I met in college in 1983, and have been together ever since. In 1993, days after returning from a vacation celebrating our 10th anniversary, we were both injured in a automobile accident. In the emergency room, we had become separated as we were each being treated. Kevin's injuries were quite serious and emergency surgery was necessary.

As I lay on a hospital gurney, I tried to find out his condition. Finally, I overheard the doctor who was handling his case mention his name. I called the doctor over and asked about his condition. He immediately



Thomas and Kevin

asked me who I was and what my relationship was to his patient. As many other "unmarried" gay and lesbian people can attest, there isn't any perfect label. I referred to Kevin as my "lover." With a huff and a curt reply the doctor said, "I can't talk to you. I need to talk to a 'family member.'" Before I could get another word in or plead my case, he was gone.

I do not have the words to express the frustration and fear I felt that night, but I will remember those feelings for as long as I live.

Thomas P. Mannix, Asbury Park, N.J.

Did You Know?

Married couples have the automatic right to visit each other in the hospital. GLBT Americans, however, can be denied the right to visit a sick or injured partner in the hospital or even get information about their partners' conditions.

Partner forced to call out-of-state relatives for information on partner's condition

Three years ago, my partner, Kelli, and I were involved in a head-on collision with a drunk driver. I was transported, in serious condition, to the local trauma center while my partner was able to walk away from the wreck uninjured.

At the hospital, she was tasked with having to notify my family. But all that she could tell them was that we were in an accident. The hospital would not give her any information because she was not considered a family member.

My mother and father, who were 400 and 150 miles away, respectively, were both left working the phones to contact the hospital to find out my status. They then had to relay the information to my partner who was in the waiting room 100 feet from me!

Teri Hendrickson, Las Vegas

Prohibited from visiting partner after bringing her to the hospital

A little more than a year ago, I came home from work to find my 8-year-old running to me screaming that my partner, Danielle, was really sick. I rushed into the house, and there she was, passed out. I rushed her to the hospital, where I was not allowed to sign her in. The [hospital employees] apologized for any inconvenience and rushed her to the emergency room.

Then they came back to me and asked about next of kin. I told them the situation — Danielle and I had been together for five years — but they said they could not give me any information. My children were there crying because they could find nothing out about the lady they considered their other mother.

After getting her stabilized, they transported Danielle to another hospital. At this hospital, they rushed her to [the intensive care unit]. Now mind you, things are touchy enough with ICU patients but this situation was going to be worse. I left our two daughters with some friends and went to the hospital. I was mature and waited until she was stable, then asked to speak with the doctor.

He said, “You are not family. I cannot give you any information and you cannot go into the ICU.”

All I could say was, “Watch me.”

This was my life partner, my spouse, my heart, and I was tired of it all. I raised so much hell, so to speak, that another doctor became involved. She understood, and the rest of Danielle’s stay was wonderful. I got a cot in her ICU room. When she went to another floor, I got a bed there. Our children came to visit. And I stayed by her side for 10 days until she was released. Needless to say, there were a few nurses quite against it but I no longer cared.

When she came home, I went to where I worked and tried to explain why I was off. I was told the Family and Medical Leave Act did not apply to me, and I lost my job. But I found another one. Nothing was going to ruin me for long.

I tried to put Danielle on my insurance. Well, that was a joke. So I got her on Medicaid disability. I’m sorry, but if the state won’t let me take care of her, then let them pay for those prescriptions and doctor bills.

She and I are still together, still in love and someday we will get married. But until we can, I will fight each and every time I must to be with her and be treated fairly.

Tina Wysong, Dunkirk, Ind

Blocked from being with partner in emergency room

My partner and I have been together 14 years but never took the steps to make up wills, etc., because we assumed that [nothing] would ever happen to us. Our families knew we were important to each other, and that was the biggest hurdle. Or so we thought.

Did You Know?

Civil unions and domestic partnership registries only provide couples with state-level benefits. Same-sex couples are still denied more than 1,100 benefits provided by the federal government, even if they’re in a civil union or domestic partnership.

About two years ago, my partner required surgery. Nothing life-threatening, but she would have to stay in the hospital overnight. No problem. The floor nurses were great about letting me stay after hours, respecting me as family and so on. We made plans for my partner to go to her parents' house during the day while I was at work so she could have someone to help her while she healed. So far, so good.

The day after she went home, I went to work as usual. Halfway through the day, I received a "911" page from her mother. She left a voicemail saying that they were in an ambulance on the way to the hospital but there were no details. Frantic, I left work and headed to the hospital emergency room.

When I arrived, I could see her father's back in the doorway of one of the rooms. But as I went to enter, I was stopped by a nurse. I was flustered and tried to explain why I was there. As I did, the nurse informed me that since I wasn't family, I couldn't enter and would have to wait. I tried to explain that they had called me, that they wanted me to be there. Could she please ask them because they were standing right there. She became more hostile, refusing to help. I was left in the lobby feeling completely helpless and trying not to panic.

Fortunately, about 20 minutes into this, my partner's father came out to look for me. I was able to go in and see that my partner was all right. Everything worked out in the end. But I learned a valuable lesson. Even in the fourth-largest city in the country, in one of the most well-known hospital districts, rules and people can still be backward.

Lisa Wannemacher, Houston

Isn't There Any Federal Legislation That Could Help?

Same-sex couples can enter into legal arrangements that theoretically provide them with the right to visit each other in the hospital — but, because in 49 states they cannot legally marry, same-sex partners are often considered strangers under the law and can be turned away at the hospital door. HRC is working to ensure that same-sex couples are guaranteed the same respect and dignity as opposite-sex couples. We are exploring federal solutions based on public funding to hospitals — so that, in order to receive federal funding, a hospital would have to allow same-sex partners access on the same basis as married spouses.

Stopped from seeing partner after surgery

Last year, Stacey was in the hospital having her appendix removed. Right before she was going into surgery, the doctor asked me if I wanted to wait in the waiting room or back in the recovery room for her. Because the procedure was going to last more than an hour, I decided I couldn't handle sitting idle for that long in the recovery room.

I chose to watch TV, hoping it would calm me down. Then I saw the nurses wheel her bed into the recovery room. The doctor came out and told me all was fine but she would need to be watched for the next hour or so. He said to go ahead and sit with her.

But as I walked past the desk, the nurse stopped me. I explained who I was and that the doctor said I could join her after the procedure was complete. She said it didn't matter and that I would have to wait until she returned to her room, which would be in about an hour or so. I became so upset.

I could see her, sleeping there in the bed, but I couldn't go to her. I was so frustrated. The nurse repeatedly stated, "You are not family. Only family is allowed back there." And she wouldn't tell me anything about her status, even though when Stacey went into the operating room, she was in danger of appendix eruption. I called my brother, who was home watching our son, Matthew. I was yelling and screaming out of fear and frustration.

It was only after the doctor called down to check on Stacey and informed the nurse she was to allow me in the recovery room that I was let down there. The nurse, however, made sure I knew it was not her decision to allow me there. I was, after all, "not family."

If we were married, the nurse would have to respect that. In fact, we are family in the eyes of everyone close to us.

Karen, Serra, Mass.

Forced out of hospital room

In 2002, my partner's mother, who had been living with us for more than two years, was admitted several times to Brackenridge Hospital in Austin, Texas. She had a failing liver and we knew when she moved in with us that she only had a few years to live.

My partner was distraught and having a very difficult time communicating with the doctors and nurses. The first time "Ma" was admitted, they asked who I was, and I honestly told them I was the partner of nine years of the patient's daughter and her primary caregiver. I was immediately escorted out of the room, and the nurses and doctors were instructed not to tell me anything about her condition, leaving my partner alone to deal with the doctors.

The next time she was admitted, I did not make the same mistake. I was forced to lie to doctors and nurses, telling them I was also Ma's daughter, in order to gain access to her condition and so help my partner deal with the eventuality of her mother's death. Ma went along with the lie since she called me her daughter anyway. And we had to continue to tell this lie until Ma's death.

If we had told the truth to the doctors and nurses, I would not have been able to visit the woman I called Ma, whom I had taken care of for more than two years prior to her death. And I would have been unable to be at my partner's side for the support she needed during her mother's illness and subsequent death.

Meredith Doty, Austin, Texas

Isn't There Any Federal Legislation That Could Help?

Currently, federal employment benefits favor married workers — while unmarried workers with committed partners are left without coverage for their loved ones. Denial of health and other benefits to same-sex partners is a significant form of employment discrimination against GLBT people. HRC is working to remedy this inequality by passing the **Domestic Partner Benefits and Obligations Act** to ensure that federal employees receive equal compensation for equal work. This bill would grant same- and opposite-sex domestic partners of federal employees the benefits that are now only available to legal spouses.

It's OK to visit now, but be prepared to leave if 'real' family shows

Two months ago, my partner, Dan, was in a car accident. I raced to the hospital and beat him and the ambulance there. When I arrived, I had to identify myself and who I was in relation to Dan. I was told that if no one else showed up, I could see him when he arrived. But if any two blood-related family members — no matter how distant — arrived, I would have to leave his side.

Fortunately, his injuries weren't life-threatening. But if a cousin and uncle arrived, I would have been kicked out of the emergency room where he was. Every day I almost cry, because if he had been injured so severely that he was to die, I wouldn't have been able to hold his hand as he passed. ...

And if I get stung by a bee and the Epi-Pen fails and two of my family members, including the sister who I don't want there, show up, Dan might not be able to hold my hand.

We deserve dignity and respect as two people whose lives have been intertwined in love, birth and the death of a parent on each side. We should have the right to be together for all things, just like our heterosexual friends.

Kenneth H. Stark Jr., Schenectady, N.Y.

Together 18 years, still 'just friends' to doctors – and other facts of life

You have cancer. Get a lawyer!

Ten years ago, I was diagnosed with breast cancer. During the week between my diagnosis and surgery, I did the usual things: research into breast cancer and its treatments, various and sundry tests, etc.

But I also had to fit attorney visits in between my doctor visits because I needed a durable power of attorney and will to ensure that my partner would have the right to make decisions if I became incapacitated, would retain a legal right to our jointly purchased belongings and could visit me in the hospital should my family dispute her right to be there.

Ironically, the hospital could have refused to accept the power of attorney, and my family could have disputed my will in the event of my death. And, if I had died, the Internal Revenue Service would have assumed that our home, purchased by both of us and held in joint tenancy, was paid for entirely by me, and she would have had to pay taxes on the entire value of the house.

No one should have to face a life-threatening illness or major surgery with these kind of worries. No one facing surgery should have to be more concerned about their attorney's skills than their surgeon's.

Marie Valenzuela, Westminster, Colo.

Did You Know?

Married spouses have the right to make medical decisions for each other in the event of an emergency. Same-sex partners, however, do not automatically receive this right, and decisions often go to the legal "next of kin," regardless of that person's relationship to the injured partner.

Discovering that the relative who hates you could make your medical decisions

My partner and I have been together for five years. Recently, I was hospitalized and found that I was in a position where, if it were life-threatening, one of the people who would make life-or-death decisions for me would be my relative who told me my family would be better off if I were dead — just because I was gay.

The person who knows me loves me, and knows what I would want to happen in the event that someone needs to decide for me wouldn't even be allowed in the room. We are "not" next of kin.

For these and many other reasons I would like to have the outward sign that we are married. We are already married in our hearts.

Nathan Trombley, Pinconning, Mich.

Sony your partner has cancer. But you can't take family leave.

I am a self-employed woman who has been with my same-sex partner for more than 20 years. In 2002, I was diagnosed with rectal cancer and faced many months of radiation, colostomy surgery and chemotherapy.

My partner and caregiver works for the U.S. Postal Service and needed to take at least four weeks of medical leave to care for me after my surgery and could not take Family and Medical Leave because we are not married. (She had more than 800 hours of sick leave saved, so she is not one who has ever abused this leave.)

This added much stress to our lives at a time when more stress was the last thing we needed. My partner had to go to her doctor to have a stress-related illness documented on her in order to get the time off to take care of me. She had to claim it was an illness of her own, or her leave would have been documented against her record for sick-leave abuse.

Elaine Stevenson, Lunenburg Mass.

Did You Know?

Married workers are legally entitled to unpaid leave from their jobs to care for an ill spouse. Workers in same-sex relationships are not entitled to family leave to care for their partners.

Isn't There Any Federal Legislation That Could Help?

The Family and Medical Leave Act has helped 35 million Americans take up to 12 weeks of unpaid leave to care for their new babies or sick family members or to recover from their own serious illnesses. Many GLBT people cannot take advantage of these benefits because their partners are not recognized under federal law. HRC is working with Congress to pass the **Family and Medical Leave Inclusion Act** to cover employees who need to care for their same-sex partners with serious health conditions.

You need to be hospitalized again. But we can't call your partner.

I have lupus and have been hospitalized on several occasions with life-threatening complications. I always list my life partner, Jessie, whom I have been living with since 1995, as an emergency contact person, as well as my mother. But the hospitals that I have been admitted to over the years have all refused to call my life partner, choosing only to notify my mother. They claim that Jessie is not a relative.

Michael D. Dowdy, Rolla, Mo.

Together 18 years, but still 'just friends' to doctors

I have been with my partner for 18 years. She has multiple sclerosis and is unable to work. I am also unable to provide health insurance benefits for her, as my employer will not offer same-sex partner benefits.

It is often difficult to discuss health issues with my partner's physicians because even though they are aware of our relationship, they still consider me "just a friend" and don't give me the respect they would give a spouse.

My employer, although basically supportive, does not understand, nor does she support me when my partner is ill and I need some consideration with my employment responsibilities.

Even my family sometimes does not understand or respect the commitment that my partner and I have for each other. It's like we're invisible in the world of married heterosexuals.

Roberta Schaber, Metamora, Mich.

To Have and to Hold

In matters of love, whether for a partner or children, whether early in life or late, “to have and to hold” is a universal human desire. But despite their best intentions, some people find that they cannot do so – or cannot do so without considerable struggle – for the law steps in the way of the relationships gay, lesbian, bisexual and transgender people form. The following stories illustrate what happens to Americans who fall in love with someone from another country, parents and children who meet opposition instead of support for their family bonds, and elderly same-sex couples who anticipate what might happen when one leaves the other behind.

Binational couples forced to leave

More rights in France

I moved to France three years ago to follow my dream. The last thing I expected was to fall in love. Although we’re happy here and France has recognized us as in the equivalent of a civil union, I would love to return with my husband to the U.S. I have work authorization here. But there is no way that I could sponsor my partner for a green card because the [Immigration and Naturalization Service] refuses to accept my love as equal to that of heterosexuals. ...

Did You Know?

Americans in binational relationships are not permitted to petition for their same-sex partners to immigrate. As a result, they are often forced to separate or move to another country.

At a time when the U.S. is facing a critical teacher shortage, I could teach four languages. But I’m forced to choose between my country and my husband. The latter obviously being my choice, I can’t help but question why I would want to live in a country that treats me as a second-class citizen. I think it’s very sad that I have more rights in a foreign country as a foreigner than I do in my homeland.

Brad Evans, Poitiers, France

Next stop, Canada

My girlfriend and I have been together for nearly four years. Our relationship is built on the same principles as any other: trust, friendship, commitment and support. ... We also live 6,470 miles away from each other. We are a binational, same-sex couple where neither of our two countries, Hong Kong and the U.S., gives our relationship equal status under law.

We have spent thousands of dollars on traveling to visit each other and phone bills. My home is full of letters, cards and photographs of our happy memories. My watch is always 16 hours ahead of my local time. Every day before she goes to sleep, she calls me to tell me about her day while I am just waking up to start a new day. In the last four years, we have given support to each other in both times of good fortune and hardships. I am often the first to hear about and see her projects in her work as a graphic designer, and she is happy to hear of my successful grant applications for my university studies. ...

If we were a heterosexual couple, I could sponsor her as my spouse to come and immigrate to the U.S. But due to the Defense of Marriage Act passed in 1996, we have no such recourse. We have considered all our options, but the simple fact is that immigration to the U.S. is a very difficult process. For us, like many other binational gay and lesbian couples, it is simply not a possibility under the current laws. In our case, we are dealing with one of the few options left: both of us immigrating to a third country like Canada.

I have spent four years dealing with the fact that I am treated as a second-class citizen in my own country. Like most Americans, I had never thought before that I would need to leave my country. But at this point in time, I feel that I have no other choice. My relationship with my girlfriend is such a joyful and important part of my life, I am willing to make the sacrifices to pursue happiness and have a life together with her. I am one of the thousands of people who are facing a similar dilemma. Being at the early stages of my career I wonder what I could accomplish and what contributions I could offer to my field in the U.S. I also wonder how many other talented people are leaving the U.S. because of this inequality.

Alissa Harrison, Seattle

Goodbye, Nebraska

In 1999, I moved to Santiago, Chile, where I started teaching for a private school and met the love of my life. We've been doing our best to maintain our relationship across the miles, but it's been increasingly more and more difficult. He was able to spend six months in the U.S. last year on an expensive extended tourist visa and was able to meet my family and do some traveling. My parents were immediately charmed and understand why we're so much in love.

At the end of his visa, he returned to Santiago and began applying for another visa. ... He reapplied at the embassy in Santiago a few months ago. But much to our surprise, he was turned down for not having enough reasons (read: property and/or money in the bank) to return to Chile. We're trying so hard to do the right thing, but at every corner there seems to be another wall. ...

I'm saying goodbye to Omaha, Neb., and heading south to be with my partner. Sadly, I leave behind a school system in dire need of male teachers and role models, but I look forward to finally starting my new life together with Italo. And although I'll miss my family in Oklahoma, they've promised to come for a visit as soon as they can.

Bruce Jones, Omaha, Neb.

Married in the Netherlands

I moved to the Netherlands for my work in 1997 as a cross-cultural educator to U.S. university students studying abroad. I have met my life partner here and now am keenly aware of our unequal rights to return together to the U.S. as a recognized partnership.

If my present work calls me to return to the U.S., or if I chose another position within the U.S., my partner would have to stay behind. She would only be allowed to visit me on tourist visas for a three-month period. Although we can be married in the Netherlands and be recognized as a married couple here, our relationship would not be recognized or acknowledged as such [in the United States].

I teach American students every day about social justice. Yet I am a citizen of a country whose government causes some of the gravest injustices of all, mostly to her own people.

Ginni Fleck, Amsterdam, Netherlands

Did You Know?

In 1997, the U.S. Congress passed the Defense of Marriage Act, which defines marriage as "a legal union between one man and one woman as husband and wife." As long as that law is in effect, the federal government will not recognize marriages between same-sex couples, even if the marriage is legal in the state or country where it was performed.

Unable to live together ‘in the land of the free’

I am an American citizen, born and raised in Denver. For the past four years, I have lived in Scotland. It was there that I met my partner, Christina. Christina is German.

[As a same-sex couple], we will enter into a registered life partnership in Germany, which, unfortunately, we have been told in no uncertain terms is not a marriage; and, as in the United States, it does not afford us many of the rights given to married couples. It will, however, allow us to live together — in Germany (and possibly in other European countries, as well). For this I am incredibly grateful.

What I feel very, very sad about, however, is that I must make a choice between my homeland and my partner. Because immigration falls under federal jurisdiction, there is no recognition of same-sex binational couples. Unless and until the Defense of Marriage Act is repealed and just legislation is enacted, we will be unable to live together in the “land of the free” — my homeland.

I choose to live my life in love and, therefore, choose to live in a country other than my own in order to honor my partner and my partnership.

Debbie Dinsmoor, Kassel, Germany

Binational couples required to live apart ... or on edge

‘I put the person I love ... on a plane back to Taiwan’

My partner, Ian, came to this country in the fall of 1999 to study, and went on to earn his second master’s degree in teaching English. Upon graduation, he began the difficult process of trying to find a job. At each attempt, he was rejected for not being certified, which requires U.S. citizenship.

So he began to look for a job in forestry, the topic of his bachelor’s and first master’s degrees. He was hired at a recycled paper company and began the very difficult and expensive process of applying for a work visa. ... He was rejected for many reasons ... basically, they told him he was overqualified for the position he was holding.

On July 14, 2002, I put the person I love and with whom I have shared a committed relationship on a plane back to Taiwan, unsure of when we could see each other again. ...

My partner came to this country, like many of our relatives, in pursuit of a better life. Now he may never be able to come back.

Bill Iaccarino, East Islip NY

A mail-order bride would be legal, but not the love of my life

Do you know that in about 15 minutes on the Web I could find a mail-order bride from another country — someone who is a complete stranger to me — and it would be legal for me to bring her here? But I can’t live with the love of my life, someone who was here [from Argentina] and forced to leave because his visa expired and we can’t get another.

I’m a citizen of this country, and I used to actually feel like it But not anymore. I get to pay taxes but I don’t get to live with the person I love.

Stefan

‘Why should we ... be forced to separate?’

I am an Australian. My partner is American. In Australia, we are accepted and she can live there without hassles. Here [in the United States], I cannot. But my partner missed her family too much so we decided to return here. Unfortunately, although we have been married (in England) for five years, this means nothing to the American government. I cannot stay here; and, in fact, this last time in Los Angeles, I was grilled for more than seven hours as to my status in this country and told that I will not receive any further extensions to my visa after my six months are up.

This is devastating to us and we really do not know what to do. ... Why should we, as a couple, be *forced* to separate? We are not children — I am 50 and my partner is 53 — so why should we be treated as such? Our only way to live together now, as a couple, is for me to get sponsorship or a green card, for which we have been applying for the past five years. Unfortunately, Australia is not one that gets many of the successful lottery draws.

Jacki and Linda Fox, Fostoria, Ohio

Isn't There Any Federal Legislation That Could Help?

Currently, U.S. immigration law does not allow citizens or permanent residents to petition for their same-sex partners to immigrate, as opposite-sex spouses are allowed to do. Each year, the law forces thousands of same-sex couples to separate — or live in constant fear of deportation. The **Permanent Partners Immigration Act** would provide same-sex partners the same immigration rights legal spouses of U.S. residents enjoy.

‘Our relationship of 24 years means nothing in the eyes of the law’

My partner, Hans, came to the U.S. from the Netherlands on a student visa in 1980 and was able to keep his status legal until April 1996, when his last work visa expired. Hans received a National Interest Waiver [a waiver the Immigration and Naturalization Service grants to individuals thought to contribute to this nation's best interests] because he is highly and uniquely qualified for his work with HIV and psychotherapy with severely emotionally disturbed children and their families. ...

But in November 1998, Hans was told by the INS that he had to leave the country immediately because he was HIV-positive. Until 1996, we had hoped to make use of a Suspension of Deportation. In all likelihood, he would have met all the requirements: He has been in the country for more than seven years, he is of good moral character and it would be an extreme hardship for both of us if Hans were deported. However, Congress destroyed our hope by requiring that the hardship be suffered by a family member who is a U.S. citizen — and the family member must be a child, parent or spouse.

The irony is that it is exactly his “good moral character” for which we seem to have been punished. Hans always wanted to do everything legally. Early on, Hans had the opportunity to enter into a sham marriage. He chose not to and continued to be here legally as a student paying high amounts of foreign student tuition. Because Hans was legal all the time, he did not qualify for the Amnesty Program of 1986; had Hans been illegal at the right time, he would have qualified.

With everything else being equal, we are discriminated against either by the fact that Hans is HIV-positive, or by the fact that we are gay. If Hans were HIV-negative, the National Interest Waiver would enable him to stay here. The HIV exclusion is waived through marriage with a U.S. citizen, but we cannot get married. Our relationship of 24 years means nothing in the eyes of the law.

Mel Terry, Oakland, Calif.

Parents and children — met with obstacles instead of support

Want to become a parent? First, you move.

My partner and I have been together for six years and, in 2001, we had our union ceremony in Virginia. We had all the legal papers drawn up: power of attorney, medical power of attorney, wills, etc.

We are now reaching a time in our life together where we want to have children. My partner and I have always lived in Virginia and do not want to move. However, if we both want to be legal parents — no matter if one of us gives birth or if we adopt — we have to sell or rent our home and move to another state, such as Maryland. There is nothing wrong with other states. It's just that Virginia is our home and we don't want to uproot our lives.

We decided that having children is important enough and will be worth the move. But that doesn't make it right. The laws need to be changed so that we can live wherever we want and have children.

Dawn, Turton, Va.

Forced to leave a family legacy behind

My father's family is a Virginia family dating back to the 1700s. ... And like my father's family, I love Virginia and wished to continue to make it my home.

On Aug. 30, 2003, however, I moved from my Arlington, Va., residence to a house I purchased in Rockville, Md. I was deeply saddened to leave Virginia, but knew that I did not have a choice. My domestic partner for more than 10 years, Meghan, a Virginia attorney, and I want to start a family, and, unfortunately, sadly, our family would not be protected by the laws in Virginia. In Virginia, there are no legal means for us to marry or adopt a child. If one of us had a biological child, Virginia would not recognize the other as a legal parent.

Did You Know?

The military's "Don't Ask, Don't Tell" policy prohibits gay, lesbian and bisexual members of the armed forces from revealing their sexual orientation at the risk of losing their jobs — forcing their families to remain closeted.

In order to be legally recognized as parents, we were forced to literally uproot and move to Maryland.

Lori Nicely, Rockville, Md.

Want to see your baby born? Don't end up at a military hospital.

I have a friend who is in the U.S. Navy and just got back from Iraq. She and her wife [partner] are having a baby.

Now her biggest struggle is how to make sure that the delivery of their child happens in a civilian hospital, instead of a naval hospital, so that her wife [partner] can be in the delivery room, and they can show some type of affection when their first child is born.

This is something that even unmarried couples have the right to do.

Karen MacKay, Winchester, Va.

Want to be a stay-at-home parent? Check the insurance policy first.

My family consists of my partner; our beautiful, smart almost 3-year-old son; and hopefully a new baby on the way very soon. ...

Our goal is for my partner to stay home with the children to raise them, and I will work to support everyone, which includes having medical insurance for all of us.

But this is currently not possible. My employer is exploring the possibility of a non-discrimination policy and same-sex partner medical benefits. We hope and pray that they can see that we, as a family, need their help.

Kristie Gregar-Skillman, Hobart, Ind.

What's the effect of uncertain adoptions? Ask a big sister.

I am a stay-at-home mom with three adopted children. Our two eldest are my partner's biological children that we planned together. Our youngest was a surprise, out-of-the-blue adoption. All three children have special needs so I am plenty busy. Still, being Mom is the single most important job in my life. I am blessed that my partner, Kate, can support us so our kids can have a mom at home. Kate and I have been together 14 years, and had a commitment ceremony at our church 13 years ago. ...

Did You Know?

In a number of states, it is legal for GLBT individuals to adopt children, but illegal for same-sex couples to adopt together.

I adopted our eldest daughter at 18 months and was plenty nervous! By the second adoption four years later, the Pennsylvania Superior Court had a pending case on lesbian and gay adoption. The judge in our county did not want to grant that adoption, and we sat in the courtroom worrying the adoption would fail. Our daughter, then 5, worried the judge was going to take away her baby brother! It was horrible — still, we were lucky. We were the last co-parent adoption in our county for almost four years.

Our last adoption was an endless nightmare. One judge was willing to grant the adoption jointly by a technicality, thus voiding the then-standing Superior Court ruling that gays and lesbians could not co-adopt. That judge, however, was dying of cancer. He never granted the adoption.

We waited 20 months before the court finally severed birth parent rights, and waited [even longer] until the Pennsylvania Supreme Court ruled that yes, gays and lesbians can adopt. ...

Obviously, marriage rights would have meant far less worry and heartache not only for ourselves but for our children. It was terrible trying to reassure our eldest daughter that the court would not take her brother away, even if they did not grant my adoption. It was terrible watching friends lose children while we waited to adopt our youngest daughter, knowing that the birth parents could change their mind at any moment. ...

Today, we are blessed that each child is legally related to each of us. Of course, my partner and I are still not related to each other! And as a stay at-home mom, I have no health insurance and would receive no Social Security benefits should my partner die. My partner can't claim me on her income tax return as a spouse. And we continue to spend thousands of dollars on legal forms to guarantee the legal rights heterosexual couples receive the minute they marry.

Just the other day our son, now 5, asked me why Kate and I can't get married. Because it's not fair, I told him.

Claudia S. Neely, Pittsburgh

When your son's teacher tells him, 'You cannot have two moms.'

Like any parents, when Michael was a baby, my partner, Sonya, and I looked into several day cares in the area and chose one particular day care because of the way it was presented to us. We were told it was a "nondenominational Christian day care that celebrated diversity." How perfect is that? We went to look at the school and really liked what we saw. We saw children of all races and ethnic backgrounds. ... The teachers were kind and loving, from what we saw in the interview. Most of the teachers were from African Methodist Episcopal churches. ... We felt we had made a good decision in placing Michael in this school. However, we made one grave mistake.

We did not come out to the school. We felt it was best, since he was just a baby and could not communicate with us yet, that we present me as the single mom with "my angel of a roommate" who helped in raising Michael. That way, we would ensure that if someone did not like our relationship, they couldn't take it out on him. Wow, did that backfire!

When Michael was 2, he started calling me "Mommy" and he called Sonya "Mom." We worried that he may get hurt for calling us that and thought about correcting him. Then we realized that it was a wonderful thing that he was acknowledging that he had two parents and making the distinction that Sonya was not just Sonya but his mom. So we left him alone and didn't encourage him or discourage him. When Michael turned 3, he called us only by "Mommy" and "Mom" and evidently, unbeknownst to us, this just did not go over very well with his day care teachers.

We had started to notice some behavior problems but didn't think much of them until one day when Sonya picked Michael up from day care, he told her, "I hate you and I want you to leave." This was anything but normal. Since Michael was 1 year old, he has been Sonya's sidekick. They are truly inseparable. Michael is more like Sonya than he will ever be like me. Michael was the apple of Sonya's eye and he worshipped the ground she walked on. When she tried to talk to him about this, he started kicking, screaming and crying. Needless to say, Sonya was heartbroken. She dropped him off at home with me, explained briefly what had happened and went for a drive.

Michael just looked at me and very calmly told me that he had asked Sonya to leave but wouldn't tell me why. I finally got it out of him that he had mentioned his "Mom" and "Mommy" to his teachers at school and his teachers had told him he was wrong. He "could not have two mothers and everybody has one mother and one father." Two of his teachers then proceeded to tell him that he

had a father, but his father simply wasn't there. These teachers told him, at the tender age of 3, the biological process of having children and read from the Bible to him "the God-spoken truth" ...

I went to the school that afternoon and withdrew him as well as having a nice little discussion about Christianity and diversity with the school's assistant director. She argued adamantly that it was impossible to have two mothers and that everybody has a father. ... She repeated the conversation almost word for word that my son had already told me about. She told me that she spoke to him the "God-spoken truth" and that I was not a Christian. I informed her that our views on what constituted a "Christian" were very different and she did agree about that. ...

Since then, my partner and I have spent a lot of time talking about organized religion and what does and does not constitute a "Christian" person or family. ... Although we do not attend a church or claim an organized religion, Sonya and I consider our home to be a loving, Christian home in which we raise our son. We have tried and tried to find a church that will accept us as a family here in our area. We have found several that have told us we were welcome to attend but that they would openly state that homosexuality was a sin. How could we attend a church that taught our son that we were sinners? So now we have stopped looking.

However, I still believe that we raise our son in a Christian home. Sonya and I were both raised in different faiths with one common belief. We were taught to believe that God is a loving God. God does not hate or condemn anyone. Today, we carry with us the beliefs that were taught to us more through our families with some help from the church. In our beliefs, the word "Christian" would be defined as someone who is kind and giving to others, as someone who is willing to help a friend or even a stranger in a time of need. A Christian treats all people equally and does not judge others for being different, but instead embraces and learns from diversity. These are the beliefs that we teach our son.

Fortunately, a friend told us about a new day care about a half-hour away ... She told us that the director of Hunters Ridge was white, married to an African-American man. Here in South Carolina, a biracial relationship faces much of the same prejudice as we do. We went straight there and asked for the director. We ran in so quick, we probably came close to knocking her over when we met her. With desperation in my voice, I asked for Heidi Arnold, the director of the day care. When she came up, "I am told that you understand discrimination?" was the first thing I said to her. She smiled and said, "Yes, I do. How can I help you?" We told her about our family and what our values were. As we told Heidi the story of what had just happened to Michael her mouth dropped in disbelief, and I knew we were in the right place. ...

Michael started school there with a bang. He was so angry at the world, especially at adults, he colored on walls, spit at teachers, screamed, kicked — all of these things that were not habits of our son. We worried so much that he would never return to the way he once was. All it took was love and strong limits. His amazing new day care did just that. Heidi and his teacher, Lanie Masburn, loved him until he couldn't hate anymore. They set limits that he could not cross and he spent many days in "time out" for crossing those limits. However, he was always assured that he was loved and praised for doing well. Most importantly for Michael, they consistently and to this day recognized us as a family and related to him that his family was OK. Within a year, our loving son returned. I hope that he will never remember his fourth year of life. I know we will never forget.

Did You Know?

Judges make custody and visitation decisions on a case-by-case basis. In same-sex couples, the law often recognizes only one parent — the biological or adoptive one — as a legal parent. As a result, judges may grant custody or visitation solely to the legal parent in the event of a breakup, no matter how close and committed both adults' relationship to the child may be.

Carol Stenger, Conway, S.C.

The grief of losing a child

I am a lesbian mom who has been fighting to remain a mother to my little girl for almost four years. My ex-partner and I had Olivia together in 1994. [My then-partner] gave birth to our daughter, and I left my full-time job to stay home with her. Olivia called both of us “Mommy.” We hyphenated our last names and were generally very upfront about being lesbians, because we felt it was important for our family. Our extended families, friends and the community in which we lived supported us. Olivia’s pediatrician was especially sensitive to the ways in which our family was different — and just like any other family in his practice.

My daughter was 4 1/2 years old when my partner and I split up in 1998. At first, my ex-partner honored our co-parenting agreement, but after five months, she cut off all visitations. She could do this because, at the time, the law in Connecticut would not allow me to be my daughter’s legal parent. [Editor’s note: Second-parent adoption is now available throughout Connecticut.]

My little girl suffered, not only from the dissolution of her family, but from having lost all contact with her primary caregiver for more than a year.

We went to court and — after fighting for one and a half years — I was granted visitation. I was ecstatic. A year later, my ex-partner again cut off all visits. It is hard to understand why someone would have so little regard for a small child’s heart. Unfortunately, given the acrimony that’s common with divorce, I’m afraid this would be a frequent outcome for heterosexual families if legal parent status were routinely denied to one parent.

The whole thing was and still is a nightmare. I can’t begin to describe the grief of losing a child. My little girl has been mistreated, undergone every evaluation possible and dealt with so much loss in her young life. She has been through four lawyers/guardians, five therapist evaluations, a family court study and an investigation. Olivia’s new lawyer has ordered yet another psychological evaluation. In the most humiliating manner possible, I have had to prove over and over again that I am her mother.

No one has ever suggested I am anything but a loving and responsible parent. But I have to tell you, it is exhausting to prove this again and again. It is unbelievable to consider that your child might be better off without you. But I am coming to believe that I can no longer submit my little girl to this prolonged conflict.

Lisa LaSpina-Williams, Branford, Conn.

How do you explain being unable to marry to your children?

I have three biological children. But if you ask Chris, my significant other, she will tell you they are hers. Our children have two parents who love them with all their hearts and have built a healthy and safe world for them to grow up in. The father of the children, by his own choice, has not been a part of their lives for more than five years. I do not receive child support and seldom do I get a break. But Chris has been right beside me to care for, support and make decisions for our children.

The oldest of the three has constantly asked me, “Mommy, why don’t you have Chris’s last name?” or “Mommy, can I have Chris’s last name?” How do you explain to a child that the land of the free does not allow us to be free to be a legal family? How do you break it to a child that the love that her parents have for one another is not recognized?

Cara Wilson, Lancaster, Ohio

What your family will lose in Social Security if you die: \$1,431 a month

I'm in a committed, 14-year relationship with my husband [partner]. We have twin 2-1/2-year-old girls who are the center of our universe.

Years ago, I signed up with the Social Security Administration to receive an annual report of the Social Security taxes that I had paid during my working life, as well as my projected benefits. My latest statement indicated that if I were to die today, our children would be eligible for \$1,431 per month in survivor benefits, and my "spouse" would also be eligible for \$1,431 per month in survivor benefits.

However, because I am not considered legally married in the U.S., our children would be denied the additional money that should be paid to my spouse. In addition to being unfair, this penalizes our children, who would benefit from the income that I am entitled to. I am a law-abiding, tax-paying citizen. I've paid more than \$50,000 in Social Security taxes so far in my career and will likely pay much more in the future. Yet my children would be harmed by this country's discriminatory laws should I die today. ...

Did You Know?

In 36 states, GLBT people can be fired or denied a promotion based on their sexual orientation or gender identity, leaving their families financially vulnerable.

Marriage to me is about obtaining the legal rights and obligations that the government and society give and expect from two people who are in a committed, interdependent, exclusive relationship. My family is the center of my universe and discrimination will not reduce my commitment to them one bit. However, it's time for my government to do the right thing and make us first-class citizens, too.

Randall Tarpey-Schwed, Mill Valley, Calif.

Aging couples denied peace of mind

Denied Long-Term Care

My partner Barbara and I have been together since 1977. Now I'm 53 and she's 64. We've been taking care of one another — through major surgeries and the deaths of two of our parents and one of our children — for nearly 28 years.



Beth and Barbara

We wanted to get long-term care insurance for our senior years, but the company assumes that married people are more likely to take care of one another at home and, hence, less likely to need out-of-home care than “single” people. How insulting is that?

We would have to pay \$1,151 more every year than married couples would have to pay for the most minimal long-term care insurance package. We can't afford the higher premiums and are waiting in hopes that we will be allowed to marry.

Beth Reis, Seattle

Left with no ties as family

I'm a 58-year-old grandmother [and mother of two] from Dewitt, Mich. I work at the state Capitol in Lansing for the Family Independence Agency.

I have been with my partner, Kris, for almost 15 years now, and she is known as “Nana” to my three grandchildren. We have joint credit, have owned a house together for 13 years and have made many major purchases together. ... We have been loving, generous parents, helping both daughters with education and purchasing homes, and supporting grandchildren until the girls' families got on their feet. ...

But looking ahead, our struggle is not all behind us. We have health care and property issues facing us, in addition to all those older American citizens' difficulties of retirement in precarious economic times. I am also eight years her senior and after I'm gone, she'll have no legal ties to the only family she's known in the last years of her life.

Jacqueline Stamper, Dewitt, Mich.

The cost of dying

We have lived together in a committed relationship now for 34 years. Many years ago in a small church in Burford, England, we made a lifetime commitment to one another, reading from the Book of Ruth, claiming the joining of our two lives as one. Now some 34 years later, we have officially married in Victoria, British Columbia [although this marriage is not recognized in the United States.]

Did You Know?

Laws protect married seniors from being forced to sell their homes to pay high nursing home bills. Seniors in same-sex couples, however, have no such protection.

We have worked hard. But now we are faced with a huge estate tax issue as we are unable to leave our assets, as heterosexual couples do, to one another without the second [survivor] being heavily taxed. This causes us a great deal of stress and made it necessary for us to buy large life insurance policies just to ensure that one of us will not be forced to sell our assets on the death of the other.

Carol Kerley, Aptos, Calif.

For the peace of mind

I am approaching 75 years of age. A couple of years ago, I fell in love with a wonderful woman, also more than 60 years old, and we decided we wanted to live together. She moved from almost 2,000 miles away to be with me. We are in a loving, committed, monogamous relationship for our lifetimes. For most of our respective lives, we had been either in bad marriages, or single after a bad marriage. We each have children and grandchildren.

I met with a great deal of angst and anger from my family members, who continue to welcome their drugged-out kids into their homes, or forgive daughters who get pregnant out of wedlock, or those who are bad parents — but they can't deal with a mother who is a lesbian! My church no longer welcomes me, but that was for the best, so I have no animosity toward them, except for their efforts to stop gays and lesbians from getting married.

It would mean everything to us if we could become legally married, both for the practical reasons of insurance, survivor's benefits, hospital visitations, etc., but mostly for the peace of mind that would come to us. We know we will always be together, but at our age, you would think no one would have any objection to a couple of old ladies being given the respect due us as good members of the community, as good neighbors and simply as good people.

Susan, California

Till Death Do Us Part

It is almost unimaginable that a couple could be separated at the time of death – and yet, as the stories below illustrate, this is what can happen when marriage protections are denied to same-sex couples in families where blood relatives feel antagonistic toward the couple. They also show what happens when one surviving partner is left to grieve and move on without the basic security net that marriage provides.

Being kept away at the bitter end

Your partner is dying. You can visit after hours only.

When my partner was dying of bone cancer, her family denied me access to her hospital room. Fortunately, she was a member of the hospital staff. They knew her wishes, and they looked the other way when I sat with her after hours. This time was precious as she only lived for four days after being admitted.

Otter Berry, Cazenovia, N.Y.

Your pregnant partner was in a fatal crash. But her family stops you at the door.

Six and a half years ago, I met the person I love. We did all of the things that young people do when they fall in love. We dated, we argued, we made up, we moved in together, we were married and we decided to raise a family. Using invitro fertilization, my partner became pregnant. There was just one problem with this: Our marriage was not legal because both of us were female. Still, we started a life together and began to plan for the future.

Three years ago, it all came to an abrupt end. My partner, Sarah, was hit by a drunk driver. She was five months pregnant. Sarah's parents were called. Unfortunately, her parents did not approve of our relationship so they chose not to call me.

Several hours after the accident, the news trickled down to someone who realized that I didn't know and was willing to call me. I rushed to the hospital. But before I made it to the room she was in, her family stopped me. It didn't matter that Sarah and I had been through a marriage ceremony. It didn't matter that we had lived together for three and a half years. It didn't matter that she was carrying our first child. It didn't matter that Sarah had asked for me several times. Because her family didn't want me to see her, the hospital staff refused to let me in.

About 15 minutes after I arrived at the emergency room, Sarah and our daughter slipped away. I never got the chance to tell that I loved her. I missed our last hug. I never had the opportunity to say goodbye. Instead of spending the last few minutes of her life holding her hand and supporting her, I spent them defending our relationship and arguing for our rights. Sarah had always wanted to be an organ donor. I knew this and would have asked the hospital to arrange it. Sarah's parents did not approve of organ donation, so they said no when approached about it.

Three days after her death, her parents, armed with a lawyer, took everything that I had left of Sarah. Sarah and I had been young and stupid. All of the paperwork, such as the wills, had never been written up. We had written up health care proxies and powers of attorney. But the ER staff chose to honor the parents' right over ours. There wasn't enough time to argue with them, and they were too busy trying to save Sarah's and our daughter's lives to deal with it.

Did You Know?

Many children of same-sex couples are permitted to have only one legal parent of each sex. As a result, if one parent dies, his or her partner may not be able to continue raising their children.

Straight couples can get a marriage certificate that protects them. Lesbian couples can only hope that the situation never arises.

Elizabeth, Denville N.J.

23 years and still 'longtime friends'

The first time I felt that we really do need to have the right to marry was when my partner of over 23 years' mother died, and the family that I thought had totally accepted us as a couple suddenly wanted to call me a "longtime friend" of my partner when listing the surviving family in the obituary. They were afraid to list me as her life partner, which we had asked for, let alone spouse, which would have been our true choice.

This would never have been an issue if we were legally spouses, and it hit us like a ton of bricks that we just have no way to prove that we are family.

Robin Meyer

Going to the funeral home? Bring an attorney.

On Aug. 16, 2003, my life partner and I moved to Lincoln, Neb. Our dream was to grow old together, watch the children grow up and share our love. However, on Sept. 4, 2003, Elsa was diagnosed with colon cancer. She had her first chemo treatment Sept. 24 and passed away Oct. 24, 2003.

In our state, we have a statute that allows people to name the person that they wish to have oversee disposition of their body. We had drawn up such a document. As Elsa's family did not accept our relationship, the document was necessary at the funeral home. The funeral director, unfamiliar with this Nebraska statute, was addressing Elsa's family about arrangements.

It took my attorney coming to the funeral home and talking with the funeral home attorney — only then did I finally get my position to mirror that of a spouse.

D. Moritz, Lincoln, Neb.

After 18 years and \$1,400 in legal fees, in the end, you're still not 'family'

Until his death Nov. 5, 1994, Jerry and I had lived together in a committed and loving relationship for 18 years. Because we are two men, nowhere in this country were we allowed to be legally married — our utmost desire. At the time, a marriage certificate [in our state] cost \$31.

In our diligent attempt to secure the same provisions and protections that a marriage certificate affords to take care of each other through life and death, we spent more than \$1,400 in legal fees for the following:

1. Declaration of Domestic Partnership (Travis County, Texas, Oct. 22, 1993)
2. Last Will and Testament
3. Statutory Durable Power of Attorney
4. Durable Power of Attorney for Health Care
5. Directive to Physician
6. Disclosure Statement for the Durable Power of Attorney for Health Care

7. Appointment of Agent to Control Disposition of Remains

Throughout Jerry's fatal illness, I was at his side every moment in the hospital. I was making, as he had insisted, the all-too-excruciating medical decisions. What would the hospital or physicians have done if Jerry's parents or family had intervened or objected? Would they have honored our attorney-drafted directives or acquiesced to the demands of the family? (We were, indeed, fortunate in that Jerry's family deeply honored, respected and even admired our relationship.) With Jerry rapidly dying, even a brief legal battle over medical directives might have lost us our final and most meaningful moments together.



Steve and Jerry

On Sunday morning, Nov. 6, I had the misfortune of having to make funeral arrangements for the love of my life. Until you lose someone so close, you will never fathom the heartache. When I discussed the disposition of Jerry's body with the funeral director, I was told that the funeral home would require Jerry's parents to authorize any disposition — because Jerry died a "single" man in the state of Texas.

I produced the document, "Appointment of Agent to Control Disposition of Remains," declaring that Jerry wished me to be the agent.

The funeral director said that this was not a tested document in the state of Texas, and that they did not intend to be the first to test such a document. Therefore, they would not allow me to authorize the disposition of the remains of my spouse. With great humiliation, I was forced to ask Jerry's parents to sign the authorization for me.

Is this just a little thing, a formality? I was denied the dignity to arrange for the burial of my love. I was disallowed the one final act on his behalf.

So, what did our \$1,400 worth of certificates buy?

- A Declaration of Domestic Partnership with no legal standing during life or death, not worth the paper it is written on.
- A Durable Power of Attorney for Health Care that may or may not be accepted by the hospital.
- An Appointment of Agent to Control Disposition of Remains that was not acknowledged by a prominent funeral home.

Nor was I entitled to receive Jerry's Social Security death benefit to help me pay for his burial expenses — because we were not married.

Steve Kubenka, Austin, Texas

Your baby has died, with no record of you as her parent

My partner, Jenny, and I have been together for 18 years. We are high school sweethearts. She is the one and only love for me. We also have a 6-year-old daughter we have been raising since she was 3 days old. She is my paternal niece. My brother and his wife were unable to care for her due to a long struggle with drugs on his part and child abuse on her part. Jenny quit her job to take care of the baby full-time because we believe that small children need to have a parent at home to care for them.

This past year, we were so excited to welcome a new baby into our home. Jenny had a perfect pregnancy and our daughter was ready to be a big sister. She couldn't wait to teach the new baby everything about bugs and princesses.



Maribel, Jenny and Sierra

But our new little baby girl died a few hours before she was to be born. Nothing was found to be wrong with the pregnancy or our baby girl.

The following Sunday was Easter. We met with the funeral director that day, and because there was no legal bond between Jenny and me, my name is completely absent from any documentation regarding the birth and death of our daughter.

Maribel Costa, Montgomery Village, Md.

Before your partner's body can be released ...

I was with my lover for 10 years. But when he died, I could not release the body from the hospital. I had to wait three days for his sister to arrive from Germany. If we had the legal rights of any other married couple, this would not have happened. In their concern for the sanctity of marriage, people forget what love and commitment two people can have for each other.

George Bieniek, St. Louis, Mo.

Did You Know?

Because adoption laws often limit the ability of same-sex couples to jointly adopt, children of same-sex couples may be ineligible for Social Security survivor benefits when one of their parents dies.

Mourning without a safety net



Ann

Death in the family? Use vacation time

In the past eight years, my partner lost two brothers, her mother and her father. My company grants three days of funeral leave upon the death of a brother-in-law, sister-in-law, mother-in-law or father-in-law. But I was denied funeral leave four times ... and had to use vacation time in order to get the days off to attend the funerals of my in-laws.

Ann Jakel, Sun Prairie, Wis.

Bereavement leave? You're not a family

My father died after a very long illness in January 1999. Linda, my partner of 10 years, gallantly flew out with me to attend his funeral, bless her heart. ...

When she returned to work after a few days' absence, she put in for bereavement leave from her employer. It was denied. She confronted her manager, who said that Linda and I did not constitute a family, in his view, and bereavement benefits were for families only.

In fact, he felt compelled to note, he would deny Linda bereavement leave if I died!

Ann Podolske, Florence, Mass.

Condolences on your loss. Now send back that SSDI check.

My lover, David Artim, and I met in 1977 in San Francisco. One week after meeting, I moved in and we never separated until his death in 1994. ...

My mother, who was my last close family member, died in September 1993. David and I had just returned to the Bay Area to share what time was left for us. Although his [Social Security Death Index] was paltry, it certainly helped pay the rent. When his check arrived for August 1994, I deposited it in his account and used it to help with his share of the rent.

He died Aug. 26. I was forced to return the entire month's SSDI amount to the government in spite of the fact that he had lived 26 of the 31 days of August.

At a time of profound grief, without the support of family, and with almost no peer support (we had just returned to San Francisco after a 12-year absence), I was unexpectedly required to relinquish money which had already been paid out for his share of costs. ...

My mother, on the other hand, was allowed to collect my father's Social Security from the time of his death in 1973 until her death in 1993 in spite of the fact that they were divorced in 1959.

Rell Sanderson, San Francisco, Calif.

Did You Know?

Married people receive Social Security payments upon the death of a spouse. Despite paying payroll taxes, same-sex partners receive no Social Security survivor benefits.

Did You Know?

A married person automatically inherits all the property of his or her deceased spouse without paying estate taxes. Taxpayers in same-sex relationships are forced to pay estate taxes on property inherited when a partner dies.

Lose a partner — and half your home

When my partner of 11 years died, the home we bought together and shared was only half mine, because I had to share half of the sale of the house with his relatives.

Jerry Zafer, Hometown withheld

After 16 years, 'family' takes all

I had a love I lost to HIV/AIDS, and after 16 years of a loving relationship, the family came in and took *everything*. The will we had had no meaning. Now I am still trying to get ahead and it is very hard.

Bill Thurman, Las Vegas

After 30 years in the military, no pension for partners

My partner, Col. Kenneth J. Wittenberg, died in 1988. We had been partnered for 17 years. Kenneth had served 30 years in the U.S. Army, including two tours in Vietnam. We had met a month before I got out of the Army. Since we could not be married, or even have a domestic partnership, it was unthinkable that I could apply for widow [surviving spouse] benefits. Had I been a legal spouse, I would have received his pension and benefits until my death. As it is, I, another Vietnam vet, receive nothing.

Kary Walker, Gaithersburg, Md.

Isn't There Any Federal Legislation That Could Help?

In recognition of their service, the Department of Veterans Affairs Home Loan Guaranty Program assists eligible veterans in financing the purchase of a home. A veteran may obtain a one-time guaranty for a home loan provided by a participating private lender. The guaranty may take the place of a down payment or otherwise serve as security against the risk of loss to the lender, helping veterans who might not otherwise qualify for a loan. However, even if the Veterans Administration approves a joint loan with a non-spouse borrower, current law prevents a veteran from receiving real benefit from a joint application. HRC is working to expand the program to include the income and credit history of a single non-spouse co-borrower (selected by the veteran) to the same extent that they are taken into account for legal spouses. This would grant unmarried veterans improved access to the guaranty program — and the resulting home ownership opportunities — by allowing them to apply for the guaranty with a person of their choosing.

What happens when there is no cushion

I lost my partner of 10 years after a long battle with AIDS. He passed away March 4, 2003. His Social Security was deposited March 3 and taken back out March 5. This caused his account to be overdrawn.

When I checked into his Social Security death benefits, I was denied because we were not married. Not only were these two items a blow to me, but I had taken the past six months off from my business to take care of him and because of this, my business had to close. It was a small business, and it could not take this kind of blow and survive. Now I have had to keep the creditors off my back and am faced with the possibility of losing my apartment and being on the street.

I feel if we were married, we could have had some of the benefits in place to protect us from this kind of lost income. I loved my partner with all my heart and gave everything I worked for up to help him through until the end. Now tell me, what should I do to carry on with my life?

Did You Know?

Married couples have the right to inherit property when their spouse dies without leaving a will. Same-sex couples must will their property to each other or risk losing their shared property when one partner dies.

Arnold Moore, Seattle