



National Association of Social Workers

220 West Exchange Street, Suite 007

Providence, Rhode Island 02903

Telephone ■ 401-274-4940

Facsimile ■ 401-274-4

rhodeislandnasw@gmail.com

www.rinasw.info

DATE: June 2, 2011
TO: Senate Judicial Committee
RE: Testimony in Opposition to H – 6103 & 2Sub A as Amended (Civil Unions)

The National Association of Social Workers – Rhode Island Chapter, as it has in the past, is in opposition to civil unions. We do not believe a civil union is equal to a civil marriage. This position is based on the premise that “separate is not equal”. Although we appreciate the sentiment of the sponsors and intent of this bill to provide legal protection for same gender couples, we believe that the passage of this legislation would actually impede the progress toward true **marriage equality**.

As long as we do not fully recognize the rights and privileges of any specific group within our community, we are supporting institutional discrimination. Civil unions are not an inclusive concept and can only result in segregation in the hearts and minds of Rhode Islanders. It is our belief that by utilizing such procedures as civil unions to try to ensure equality results in confusion by the public (especially our young citizens) and negatively impacts the understanding of fairness and civil rights in Rhode Island. No community can truly be healthy until it rids itself of such practices.

In addition, we strongly oppose many portions of section 15-3.1-5 as follows:

15-3.1-5. Conscience and religious organizations protected: (a) Notwithstanding any other provision of law to the contrary, no religious or denominational organization, no organization operated for charitable or educational purpose which is supervised or controlled by or in connection with a religious organization, and no individual employed by any of the foregoing organizations, while acting in the scope of that employment, shall be required:

(1) To provide services, accommodations, advantages, facilities, goods, or privileges for a purpose related to the solemnization, certification, or celebration of any civil union.

(2) To solemnize or certify any civil union.

(3) To treat as valid any civil union; if such providing, solemnizing, certifying, or treating as valid would cause such organizations or individuals to violate their sincerely held religious beliefs.

(4) No organization or individual as described in subsection (a) above who fails or refuses to provide, solemnize, certify, or treat as valid, as described in subdivision (a)(1), (a)(2) or (a)(3) above, persons in a civil union, shall be subject to a fine, penalty, or other cause of action for such failure or refusal.

We feel this provision is far too broad and may result in same gender union couples being denied critical services in particular situations, confusion to the public, and negate some of the most important civil rights aspects of the original civil union proposal. For example, if a nonprofit religious entity, such as a hospital, does not recognize the right for one spouse's medical decisions gained through a civil union, the entity would not have to follow the directives of the competent spouse of a same gender union when the other spouse is incapacitated. Other areas may include: recognition of parental decision making; housing; employment benefits; decisions around burial and other areas not conceived at this point. There is no doubt in my mind that interpretation differences resulting from this broad amendment may result in litigation as is the case when the scope of the law is set ambiguously and broad.

We urge that the members of this committee and the sponsors of this legislation focus their efforts to pass a true marriage equality bill which allows same gender marriage.

Respectfully submitted by:

Rick Harris, LICSW
Executive Director