

collectively “End of Life Organizations” -- hereby request permission to file an *amicus curiae* brief in support of Respondents Andersen and Christian, et al. and Plaintiffs Castle and Bauer, et al.

II. IDENTITY OF *AMICI*

A. Compassion In Dying of Washington

Compassion In Dying of Washington (“CID WA”) is a non-profit organization in Washington State, founded in 1993, that provides advocacy, counseling, and emotional support to individuals who desire a peaceful, humane death. Through education, advance planning, consultation with caregivers, case management services, and patient advocacy and empowerment, CID WA upholds patients’ rights to excellent end-of-life care, effective pain and symptom management, and, for qualified, terminally ill adults, information and counseling about the many ways to avoid needless, intolerable suffering. CID WA works with many same-sex couples where one of the partners is dying.

B. Compassion & Choices

Compassion & Choices (“C&C”), a national organization headquartered in Oregon and Colorado, provides national leadership for client service, legal advocacy, and public education to improve pain and symptom management, increase patient empowerment and self-

determination and expand end-of-life choices for terminally-ill, mentally-competent adults. C&C currently oversees six Compassion In Dying affiliates and 90 End of Life Choices chapters in 35 states. C&C works with many same-sex couples where one of the partners is dying.

C. Rosehedge AIDS Housing and Healthcare

Rosehedge AIDS Housing and Healthcare operates three adult family homes in Seattle to provide high quality, cost-effective compassionate healthcare to persons living with HIV/AIDS and other chronic terminal illnesses. Rosehedge opened in 1998 and was the first 24-hour housing and healthcare housing program in Washington State and has served more than 450 people since its opening. Rosehedge serves numerous same-sex couples where one or both of the partners has AIDS.

D. Lifelong AIDS Alliance

Lifelong AIDS Alliance is committed to preventing the spread of HIV, providing practical support services and advocating for those whose lives are affected by HIV and AIDS. Lifelong AIDS Alliance is the largest provider of HIV/AIDS services in the Pacific Northwest. Lifelong provides food support to more than 500 people every month in King County. Lifelong administers a statewide insurance continuation program making health care accessible for more than 900 low-income people in Washington every month.

Highly active anti-retroviral therapy has prolonged life for people with HIV and AIDS, but AIDS is still a fatal disease. Death comes after prolonged struggles with opportunistic infections. The course of AIDS includes multiple hospitalizations and multiple points of care decision-making over years. In Washington State, the majority of known cases of HIV and AIDS occur in gay men. Lifelong AIDS Alliance serves many same-sex couples where one or both of the couples has HIV or AIDS.

III. INTEREST OF *AMICI*

The *amici* End of Life Organizations believe that it is important that long-term, committed partners, whether straight or gay, have the right to visit dying loved ones and make appropriate healthcare decisions for their dying partners. Additionally, decisions about property disposition after death and disposition of remains are important components for the peace of mind desired by the terminally-ill and their partners. The rights and privileges concerning these issues given by Washington statutes now to only opposite-sex couples can be truly equal to the rights given to same-sex couples only if the same-sex couples are permitted by law to marry.

IV. FAMILIARTY WITH ISSUES

The End of Life Organizations work with many same-sex couples where one of the partners is dying. The *amici* have considerable

experience working with same-sex couples who deal with healthcare decisions for a dying partner and the ability of a healthy partner to visit and care for his or her dying partner. The *amici* have knowledge about the issues facing same-sex couples when one of them is dying, which knowledge is important for this Court to consider. The *amici* will bring a unique perspective to the attention of the Court.

V. ISSUES TO BE ADDRESSED BY *AMICI*

The *amici* will show that Washington law currently disadvantages same-sex partners at a time of medical crisis in terms of the right to designate a proxy decision-maker and the right of access to the patient in a healthcare facility. Washington law also disadvantages same-sex partners regarding decision-making about disposition of remains when one of the partners dies. Finally, the *amici* will address the issue of how Washington law disadvantages same-sex partners concerning decisions about property disposition after death.

VI. WHY *AMICI* BRIEFING WILL ASSIST THE COURT

The End of Life Organizations believe that their experience in working with dying partners involved in same-sex relationships and their knowledge of the difficulties and discrimination faced by surviving partners in those relationships will assist the Court in deciding the present

case. The *amici* are able to provide examples of how Washington law discriminates against and disadvantages same-sex partners concerning the right to make medical decisions for an incapacitated partner. The *amici* will also be able to provide examples of how Washington law causes problems for same-sex partners concerning disposition of the remains of a deceased partner. Finally, the *amici* will be able to show how same-sex partners have serious concerns and worries about property disposition after death and how Washington law disadvantages those same-sex partners.

The *amici* End of Life Organizations therefore urge this Court to grant them leave to file an *amicus curiae* brief pursuant to RAP 10.6.

RESPECTFULLY SUBMITTED this 2nd day of February,
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