

MARK LEWIS, et al.,

Plaintiffs-Appellants,

v.

GWENDOLYN L. HARRIS, et al.,

Defendants-Appellees.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 58,389
CIVIL ACTION

**AFFIDAVIT OF
CINDY MENEGHIN**

State of New Jersey)
 : ss.
County of Morris)

Cindy Meneghin, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit, and I submit this affidavit in support of the Plaintiffs' Motion in Aid of Litigants' Rights.
2. I am in a committed relationship of over 35 years with Maureen Kilian, who has also submitted an affidavit.
3. Maureen and I entered our civil union on February 24, 2007.
4. I am 52 years old, and I am the director of web services for Montclair State University.

As I wrote in my earlier affidavit for this case, I met Maureen in 1973 at De Paul Roman Catholic High School in Wayne, New Jersey. We became high school sweethearts, later became Eucharistic Ministers in our Catholic church, and have been a committed couple for over 35 years. To this day I can still remember when I first saw her on a bleacher in the gymnasium. Now we're growing old together, and I feel blessed to have her in my life.

5. We were both brought up to value the life goal of settling down by getting married and

raising children, and we embraced that dream just as our siblings did. A big part of that dream is to have a wedding, with both families and all the friends there to bear witness to the marital commitment and share in the joy. Those beliefs and values are also a part of our faith. We had a service at our church for our civil union, with three priests, traditional hymns and readings, but since we weren't getting married, we could not refer to our marriage or spouse during the ceremony. Instead we said "wedded partner." There were more than 300 people present. We also had a big reception, with more than 200 people present. We decided to cater the reception ourselves so we could save the money for our children's college fund, and we spent the day before the reception preparing the food.

6. We nonetheless believed that it was important to obtain a civil union, because we hoped it would protect our family. But our experiences have shown that our civil union has not delivered everything that was promised.

7. Despite the civil union, we still feel very vulnerable when we experience crises such as health care problems. I have now had two serious medical situations involving trips to the emergency room, one before and one after our civil union. Our experiences interacting with the medical staff did not change after the civil union. For instance, before our civil union I once came down with meningitis and required emergency care. As I described in my initial affidavit, I was terrified enough as it was. But then as the medical staffers were wheeling me into the emergency room, they were blocking Maureen from being with me. For all I knew, once I lost consciousness, I'd be totally alone, with the doctors assuming they could do anything without talking to the person who mattered most to me. I called out that she was my partner, and did it again, but it wasn't working. So I finally yelled "she's my power of attorney," and that worked.

I'll never forget that feeling of terror on top of terror. It was dehumanizing. Yelling out the name of a legal paper told them that there was some bare legal connection to Maureen; what I needed to be able to say was the magic word "married," which would tell them that Maureen was the key person above all others to help me emotionally and otherwise, the person whose presence and access should never be questioned, so I could better handle the plain old terror of a serious illness without the added terror of not having my soul mate involved in the decision-making. For the hours after my admission, especially when there was a shift change, staff would challenge Maureen's right to be there, so we had to keep re-establishing her importance to me.

8. Even though we now have a civil union, this same fear and frustration continues. On our thirty-fifth anniversary of becoming a couple, August 28, 2009, I went to the doctor because I was not feeling well. The doctor told me I should go to the hospital immediately, because he was worried that I had appendicitis. When I arrived at the emergency room, I tried to let everyone at the hospital know that Maureen was coming in and that she was my partner in a civil union. I wanted them to know that she had the right to see me and speak for me if I couldn't; but, so many of the hospital employees just gave me blank stares when I told them this, and some of them never even responded to me. When I repeated the civil union information to a nurse, she responded that she did not understand what I meant when I said "partner in a civil union." I told her that it was the legal terminology we have to use. I told her that in New Jersey people in civil unions are supposed to be treated the same as people in marriages. She kept repeating, "But it's not marriage, right?" I was extremely scared, and I was fearful that Maureen wouldn't be able to see me or make decisions on my behalf if I couldn't do that for myself. Even though we now have the civil union status, I still don't have the magic word of "marriage" that everyone would

understand and acknowledge.

9. Even educating people about what civil unions are doesn't help the problem. Oftentimes people simply respond that it's not the same as marriage. We have often been told by health care staff that they don't want to violate privacy rules by sharing information with both of us. For instance, they have asked me if I can give them a "blood relative," a sibling or parent, instead of Maureen. This all happened again last August when I was hospitalized, despite everything we've done to protect our relationship. The people are not necessarily trying to be rude or disrespectful, but they want to protect themselves. Our civil union relationship simply doesn't match up with what they are comfortable with from a legal standpoint. We feel at the mercy or whim of whoever wants to deal with us.

10. We have two children, Josh and Sarah. Josh was born in 1992, and is 17 years old. Sarah was born in 1994, and is 15 years old. I gave birth to Josh, and Maureen gave birth to Sarah, with both children conceived through assisted insemination, with anonymous donors. I am "mamma" and Maureen is "mommy." Each child's last name is "Kilian-Meneghin," a hyphenation of Maureen's and my last names. They are now a junior and a sophomore in high school, and we worry about things like any other family, such as how we can afford for them to go to college.

11. We continue, as we have since our case started, to be active in our children's education and after-school activities. We took turns being class moms and attending PTA meetings, we actively participate in their school lives by being chaperones for class trips, and we attend all their sporting activities. Josh has lettered in track; he does shot put and discus and has attended many State meets. Sarah is a guard on the field hockey team. We are active in our church, the Episcopal Church of the Redeemer in Morristown. We've served in many ways: Maureen and I

have served on the Vestry, Josh was an usher, and for the past seven years, all four of us have been members of the soup kitchen team.

12. We understood from the beginning that our children have much in common with children in other families that are different in some way from people in the majority in this country, and that we had to prepare them in age-appropriate ways for bias and discrimination. They understand that a family is a group of people who live together and love each other. They understand that grownups often choose to become lifetime couples because they love each other, and sometimes those grownups are a man and a woman, or a man and a man, or a woman and a woman, and that when the two grownups in a couple are the same gender they are called gay, or lesbian like us. They know other kids with a dad and a mom, or two moms, or two dads, or one parent. But they also know that their family does not have a mom and a dad, and that words can be used to hurt them in the same way that they are used to hurt other kids because of something that is different, whether race or religion or clothes or weight or whatever. We teach them that when other kids use words hurtfully, it reflects on those children, not Josh or Sarah. With our discussion and the mantra, "it's their problem, not mine," we hope they are equipped to handle these difficult challenges.

13. I could tell that both of our children felt defeated when the legislature decided to enact civil unions instead of marriage. Both of them say that there is no difference between their parents and their friends' parents, and they do not understand why they are not able to say that their parents are married. During the legislative process that resulted in civil unions, they were disturbed by hearing legislators describe the relationship between their parents as being less important or less good. We are frustrated that they feel this way, especially because we are also

very grateful that they have spent so much time and effort with us to be a part of this lawsuit and the political process, such as when we have attended hearings or public events relating to the case or the legislature's consideration of marriage equality.

14. After one of these events, Josh wrote to the governor, asking, "Why won't you let my parents get married?" To this day, he wants a response. He wants to know why his family is being treated differently and unequally. He has said to me, "No one is giving us a real, honest answer for why they have the right to deny us our right as a family." What am I supposed to say to him?

15. On October 24, 2007, Maureen, Joshua, Sarah and I all appeared at a public hearing of the Civil Union Review Commission. Though my employer, Montclair State University, has extended benefits to me, personnel have been confused about what our civil union means. They have, on many occasions, turned to me to try to understand the terminology. I explained to the Commission that most couples in New Jersey do not have to explain themselves or their relationship on an everyday basis, because they are married. They do not have to work to convince their employers to extend benefits to their partner or recognize that partner as a legal spouse. I talked about how even though I felt that we do the normal things that many families do, like volunteer at church, celebrate birthdays and holidays, sit up nights with sick kids, care for elder parents, save and plan for our children's futures, we still feel extremely vulnerable as a family, because we are not allowed to say that we are married, and many people do not understand or recognize what a civil union is.

16. We are proud that our children are learning the skills to understand and handle the wrong of bias and discrimination from other human beings, including other kids, but we are very

concerned about them facing discrimination from our own government, especially the message that their parents' relationship is unworthy. I believe that the decision to call our relationship a "civil union" instead of a marriage continues to scream that message.

17. Even after getting a civil union, we still spend a lot of time explaining the status of our relationship when we should be more focused on the important things that all families have to worry about. Often the explanations start because of the forms that need to be filled out in our everyday lives: every new form at doctors' offices, for us or our kids, forms for track or dance class or other after-school activities, or forms at the beginning of the school year or at the motor vehicle department, or goodness knows what this week or next. We routinely have to scratch lines out on forms so that they can accurately say we are both parents. More often than not, we have to explain that we are in a civil union and are mothers of our children and can speak for the kids and sign their forms. We have never even seen a form that had a box to check for "civil union." This need always to explain is a struggle. And even if a form did have "civil union" on it that would still point out that a civil union is not the same thing as a marriage. To see "married," "civil union," "divorced," "widowed," "single" speaks volumes about how "civil union" is just as different from "married" as all the rest of the list. When it's not called "married," it means it is *not* "married," no matter how much you say it is the same. Even after our civil union, we are getting this constant message that our family doesn't count, or isn't legitimate, and that is insulting and very demeaning to us. We work hard enough to be good parents, good employees, and good tax-paying citizens, and we should not have the extra work of explaining ourselves all the time, as if we are unworthy and as if our family is a fraud.

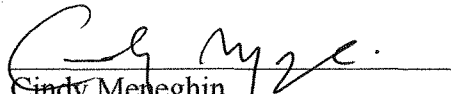
18. As I indicated when we began our case, Maureen and I have lived through a lot together in

35 years, including my bout with cancer and my heart problems. We shared a lot of joy and pain, big things like raising children and fighting cancer and small things like saving coupons or grocery receipts to get a free turkey at Pathmark. Two different-sex people who meet in Las Vegas and get married on the spot have automatic respect for their commitment, but after 35 years of commitment, responsibility, and love, even after trying to protect ourselves with a civil union, our relationship still isn't considered as worthy.

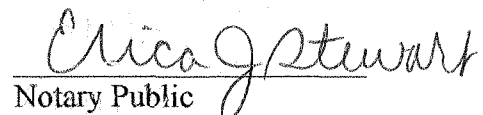
19. Sometimes it saddens me to attend weddings of other people. Weddings are such important rituals for us as human beings. Everyone looks at the newly married couple very differently, because they have made their vows, taking on all sorts of very serious legal obligations. Everyone knows that we have to treat such a married couple differently, because now the law and society treat them as a unit that should be helped and respected. That's a very important thing. At a particular wedding I was at, everyone was beaming at the couple, and there was so much joy; and though I tried as hard as I could to participate in that so the moment was everything it should be for the couple, I felt so empty in my gut, and such a deep ache in my chest. I get that same feeling at events when the issue of how long people have been married comes up. Maureen and I might be able to say we've been together for 35 years and are in a civil union, but everyone knows we're still not married, and we see in their reactions that they think we are less than they are, that our 35 years does not mean that much, that all the hard work and responsibility and love does not mean that much, just because we can't use the word "married."

20. Attached to this affidavit is a true and correct copy of a photograph of my family.

21. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.


Cindy Meneghin

Sworn to me this 16th
day of March 2010.


Notary Public

ERICA J. STEWART
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 6/27/2010



Kilian-Meneghin Family