

Seeking Equality: Family Portraits

When New Jersey passed a civil union law in 2006, lesbian and gay couples were told their unions would be equal to marriage. They aren't. Meet the brave families fighting for marriage equality in the Garden State.

Lambda Legal is once again fighting for justice in the New Jersey courts. In 2002, Lambda Legal represented seven Garden State couples in the fight for marriage equality. Four years later the case reached the state's high court, which ruled unanimously that same-sex couples must be provided all the benefits and responsibilities of marriage, and gave the state legislature 180 days to provide equality. The legislature hastily passed a civil union law in December 2006 and began issuing civil union licenses to lesbian and gay couples in February 2007.

However, civil unions are a broken promise. In December 2008 the Civil Union Review Commission, created by the legislature itself, issued a report showing the many ways civil unions failed to bring equality to gay couples. Legislative efforts followed, and Lambda Legal plaintiffs were among those who testified on behalf of a subsequent marriage equality bill, which New Jersey legislators failed to pass. In 2010, Lambda Legal filed to reactivate the 2002 case, but the New Jersey Supreme Court wanted development of more of a record. This summer we launched our current suit, led by Deputy Legal Director Hayley Gorenberg, on behalf of seven same-sex couples and their children as well as Garden State Equality. Relegating same-sex couples to an inferior civil union status violates both the New Jersey and the federal Constitutions. It also, as our plaintiffs share here, harms families and children.



"THAT WAS THE FIRST TIME IT HIT ME SMACK-DAB IN THE CHEST, 'WHOA, THIS IS NOT THE SAME AS MARRIAGE.'"

◀ **ERICA BRADSHAW, ACTOR, AND TEVONDA BRADSHAW, DISABILITY ANALYST, BOTH 36, NORTH PLAINFIELD, NJ**

In April 2011, Tevonda Bradshaw went into labor. The love of her life, Erica Bradshaw, rushed with her to the hospital for the birth of the couple's first child. As Tevonda's civil union partner, Erica was entitled to be at Tevonda's side and be recognized as their son's parent. However, hospital officials told Erica she had to go home to retrieve Tevonda's wallet and identification (forgotten in the excitement of labor), rather than recognizing Erica as Tevonda's civil union partner and mother of their baby. "That was the first time it hit me smack-dab in the chest," Erica said. "Whoa, [a civil union] is not the same as marriage." Fearing that their relationship would not be recognized, Erica undertook a second-parent adoption of their son, Teverico, during which she was investigated and fingerprinted "like a criminal," she recalled. To shore up their civil union status, Tevonda and Erica have spent a significant sum

on additional legal documentation in the event of an accident or other unforeseen circumstances. Still, their fears have not gone away. "We have our civil union license, we have all the right paperwork, we've done everything right," Erica says. "And still, who do you send home when their spouse is in labor?"

► **JOHN GRANT, FORMER CONTROLLER AT A NON-PROFIT, AND DANNY WEISS, IMMIGRATION LAWYER, BOTH 46, ASBURY PARK, NJ**

In October 2010, John Grant was crossing a street in New York City when he was hit by a car, shattering his skull. John's partner of four years, Danny Weiss, rushed to the hospital to be with him. There, doctors told Danny they weren't sure whether John would live, and they and hospital officials did not recognize John and Danny's civil union, at one point demanding that a blood relative come instead of Danny. "No one was interested in our civil union certificate," Danny said. "It was a worthless piece of paper, because no one understood it." After John survived the accident, the couple decided to wed in Connecticut, even though New Jersey considers their marriage a civil union. The additional shock and distress of that fateful night might never have happened if Danny and John had been simply allowed to say they were married.



"NO ONE WAS INTERESTED IN OUR CIVIL UNION CERTIFICATE. NO ONE UNDERSTOOD IT."

► **MARCYE NICHOLSON-MCFADDEN, 47, AND KAREN NICHOLSON-MCFADDEN, 45, PARTNERS IN THEIR OWN EXECUTIVE RECRUITMENT FIRM, ABERDEEN, NJ**

Marcy and Karen Nicholson-McFadden are veterans in the fight for marriage equality in New Jersey, having participated in Lambda Legal's 2002 lawsuit in the state. Together for 21 years, they started a business together, which they run out of their home, and are raising a son, Kasey, and a daughter, Maya. Kasey, who testified before a state senate committee hearing on marriage equality when he was 10, sums up his moms' inability to marry this way: "It feels like my family is seen as less than my friends' families. It would be a lot simpler for everyone—and easier for my friends to understand—if my parents had the benefit of marriage."



◀ **ELENA QUINONES, 33, BANK EMPLOYEE, AND LIZ QUINONES, 45, POLICE SERGEANT, PHILLIPSBURG, NJ.**

Elena Quinones and Liz Quinones have been together for nine years and are raising four children: Desiree, 17; Justine, 15; Patrick, 12 and Eli, 2. They got engaged in Puerto Rico in 2006 and entered a civil union in February 2007, on a day filled with hope in the new system. Since then, they've found that the reality of civil union status has not lived up to the promise, having had to spend time and money drafting legal documents to further protect their relationship. They carry papers, such as proof of adoption and their civil union license, wherever they go, fearing their relationship won't be recognized. "It seems like we

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have to take extra steps to protect ourselves," says Liz. "Because even if the law says one thing, you never know who you are going to meet on any given day."



◀ **CINDY MENEGHIN,**
WEB SERVICES DIRECTOR,
AND **MAUREEN KILIAN,**
CHURCH ADMINISTRATOR,
BOTH 53, BUTLER, NJ

Cindy Meneghin and Maureen Kilian have always said that they hope to get married before their children—Josh, 18, and Sarah, 16—do. But what began as a joke may become reality as Josh and Sarah grow older and their parents, who started out as high school sweethearts, are still denied the right to marry. Cindy and Maureen, who also stood up for marriage equality in Lambda Legal’s 2002 suit against New Jersey, experienced firsthand the shortcomings of civil unions when Cindy landed in the emergency room with appendicitis. Hospital staff didn’t understand what Maureen meant when she said she was Cindy’s civil union partner. “How many years have we been in this civil union hell in New Jersey?” Cindy said. “They say, ‘It’s just a matter of everyone getting used to it.’ I don’t think so. When we say we’re in a civil union, everyone says, ‘Is that like marriage?’ It’s marriage *light*.”

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STANDING WITH NJ

WHEN LAMBDA LEGAL ANNOUNCED ITS NEW JERSEY CASE, LETTERS OF SUPPORT, VIA OUR WEBSITE, POURED IN FROM ACROSS THE STATE, THE COUNTRY AND THE GLOBE.

“When my husband of 13 years passed away in 2005, I didn’t even have the right to decide what happened to his body or be listed in his obituary. Fight guys, fight hard and never give up. Our love is just as real and valid.”
—David Salisbury, Salisbury, NC

“Greetings John & Danny—and to all who are taking part in this fight for equality. It was a heartening start to our day in Sydney to watch your video. Know that you have our support, be it from afar.”
—Matthew & Ayumu, Sydney, Australia

“We’re behind you, alongside you, and all around you in your fight! We also have a civil union ... but are waiting for the day that we can stand toe to toe with ALL married couples!”
—Phyl and Ilene

► **MARSHA SHAPIRO, THERAPIST, 56, AND LOUISE WALPIN, NURSE, 57, MONMOUTH JUNCTION, NJ**

Marsha and Louise have been together for 22 years, raising four children. Two of their sons—Scott and Aaron—were born with disabilities, and in 2008, Aaron died just short of his 21st birthday. “Even at the funeral home, we had to explain we were civil unioned and what that meant,” Marsha said.



Compounding the pain of this loss was the enormous debt the family took on to pay for their sons’ care. After civil unions went into effect, while searching for a new job, Louise had to ask every potential employer if it offered civil union benefits—in effect, outing herself to complete strangers. Although the health care plan offered by Louise’s employer covers her whole family, it is only available on a year-to-year basis, and the family remains uncertain about their ability to pay their bills in the future. “No parent should ever, ever endure burying their child,” Marsha said. “Yet, not only did our relationship survive, we grow stronger and stronger. If this isn’t a marriage, what is?”



◀ **KEITH HEIMANN, 52, ASSISTANT PROFESSOR AT A COMMUNITY COLLEGE, AND TOM DAVIDSON, 49, VISUAL DESIGNER, SHREWSBURY, NJ**

Keith Heimann and Tom Davidson have been together for almost 25 years, registering as domestic partners and eventually entering into a civil union. Though they married in California, in their home state of New Jersey, their bond holds the lesser status of a civil union. Keith and Tom adopted two girls from China, Grace and Marie. Because the state of New Jersey provides health benefits to families of state employees, including civil union partners, Keith was able to provide health coverage to Tom and their children through his job. However, during a state-wide audit of state employee insurance beneficiaries, the contractor demanded to see Keith and Tom’s marriage certificate. Because their marriage was only considered a civil union in New Jersey, Tom and their daughters were removed from Keith’s health coverage. Fear gripped the couple when Marie fell off a chair in their back yard and hit her head. “The first thing that flashed through my mind was: We don’t have health insurance,” Keith said. The policy was reinstated after months of emails, letter-writing, and even pleading by

their state legislator. The entire ordeal would never have occurred if Keith and Tom were able to marry in their home state. “We believed the state of New Jersey when it said that a civil union was going to be the exact same thing as marriage,” Keith said. “It’s not. It’s not even close.” L

“WE BELIEVED THE STATE OF NEW JERSEY WHEN IT SAID THAT A CIVIL UNION WAS GOING TO BE THE EXACT SAME THING AS MARRIAGE. IT’S NOT. IT’S NOT EVEN CLOSE.”

GARDEN STATE EQUALITY

Founded in 2004, Garden State Equality is New Jersey’s largest LGBT civil rights organization. It organizes grassroots activism as well as public education, which have been instrumental in the passage of laws protecting LGBT New Jerseyans. Among its many notable campaigns, Garden State Equality successfully advocated for justice for late police officer Laurel Hester, whose partner was denied death benefits (their story was the subject of an Academy Award-winning documentary, *Freeheld*); transgender teacher Lily McBeth, whose school district tried to bar her from the classroom; Andre Jackson, whose high school tried to remove a yearbook photo showing him kissing his boyfriend; and Bob Angelini, a high school theater director who encountered resistance in producing *The Laramie Project*. Thoroughly familiar with the myriad harms which the denial of marriage equality causes to same-sex couples and their children as well as LGBT youth, Garden State Equality is proud to join Lambda Legal’s suit as a plaintiff. To learn more, visit www.gardenstateequality.org

FOR MORE INFORMATION ABOUT TAKING LEGAL STEPS TO PROTECT YOURSELF, YOUR PARTNER AND YOUR FAMILY—WHATEVER YOUR RELATIONSHIP STATUS—VISIT www.lambdalegal.org/take-the-power