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THE FOLLOWING editorial appeared here on April 22, 2007. Three and a half years later, our opinion on the civil unions bill currently before the legislature — still called the Religious Freedom Protection and Civil Unions Act — has not changed, though we hope the political climate has changed sufficiently to allow its passage.

As we did then, we emphasize today that we support the civil unions bill as a matter of fundamental fairness and legal practicality. We don't believe a significant segment of the state's population should be excluded from the protections of its laws because of their sexual orientation. The state should not force its courts to cobble family law on the fly, as is happening today, by clinging to a strict definition of "family" that does not fit the case at hand.

We are keenly aware of the moral issue homosexuality presents for some religions. This law would not encroach on those teachings. Nor will it force religious organizations to sanction lifestyles to which they object. It will, as we note below, prevent many Illinoisans from being pushed outside the protective umbrella of Illinois law in many important areas.

TWO YEARS AGO, Illinois — after many years of trying — banned discrimination against gays and lesbians in areas such as housing, employment and lending.

Though the law merely extended common protections already long-defined in Illinois, it was considered a milestone. "This legislation sends a clear message that we will not allow our citizens to be discriminated against," said Gov. Rod Blagojevich.

It's time for the General Assembly to send another message, one that will not just provide a blanket of protection from discrimination, but will bring thousands of Illinoisans into the protective umbrella of the state's laws.

The Illinois Religious Freedom Protection and Civil Unions Act, would allow couples — both same sex and opposite sex — to enter into civil unions that would give them the same legal protections and responsibilities as married couples. This bill would rescue thousands of people — men, women and children — from the legal limbo that they often must navigate under current state law.

More than anything, this bill recognizes one fundamental and undeniable reality in Illinois: The nature of

“family” in our society has changed to a point that leaves too many people outside the purview of some of our most basic laws. Faced with issues like child support or custody, division of property, health coverage or even disposition of the remains of a loved one, members of nontraditional families in Illinois, and their lawyers, often must create a patchwork of family law that they hope can address their situation.

As in divorce cases, children often are caught in the middle. Unlike divorce cases, there often is no defined law or precedent for lawyers to follow or judges to apply.

When, for example, a lesbian couple with children and a jointly owned home splits up, there is no provision in Illinois law for ownership of the home or custody and support of the children. “In a heterosexual divorce situation, all of those things — property, child support, issues of the child — would be decided in one division of the courtroom in one lawsuit,” says Jill Metz, a Chicago attorney who specializes in family law for same-sex couples. “In same-sex couple relationships it’s really decided in two lawsuits because the law doesn’t provide for domestic relations law which would decide children’s issues.”

A separate lawsuit is required for resolving those issues, though under Illinois law there is no means of deciding who stays in the house or leaves because no court has jurisdiction. That requires a third lawsuit, sometimes using an order of protection against one party as a means of maintaining residence in the house. That leads to more acrimony and court time.

A state-recognized civil union would allow Illinois divorce laws to take effect in such cases. Likewise, a civil union would grant spousal death benefits to a surviving partner, aid in estate planning, allow elderly same-sex couples to share nursing home rooms and, basically, grant legal standing in dozens of places where now there is none.

It also would allow same-sex couples to publicly declare their love and have their relationship and household recognized by the society in which they live.

And here is what the act would not do: It would not force any religious institution to sanction a union it opposes. It would have no bearing on marriage, either in a church or before a judge, as it now exists. It would not denigrate marriage in any way, just as passage of the anti-discrimination law two years ago did not “deprecate families in this state,” as one critic said it would.

It will save needless legal headaches and emotional pain for many, many people while putting Illinois on record as a state that does not allow law-abiding, productive citizens to be pushed to society’s margins based on their sexual orientation.

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