

Good afternoon Chairmen and members of the Committee. My name is Daniel Avila and I'm the Associate Director of Policy & Research at the Massachusetts Catholic Conference and a licensed attorney. The Catholic Conference will be submitting written testimony today from our Executive Director Gerry D'Avolio that opposes the various domestic partnership bills before this committee. I will raise four points verbally and briefly.

First point: The domestic partnership bills seek to change the meaning of the term spouse so as to include unmarried persons by automatic association. The bills dictate in more than 30 places that when the current law refers to a spouse, the words "or domestic partner" must be added. Thus, the bills would establish as a matter of public policy that domestic partners and married spouses are relationships equal in legal status.

Second point: The bills link eligibility for public benefits to the substantive content of the relationship involved, and not according to financial need. Domestic partners are to be considered eligible if their relationship exhibits marriage-like qualities, such as sharing a household, exclusive commitment, mutual support, sufficiently unrelated by blood, not married to anyone else, etc. The bills anticipate that a domestic partner would not be married to the state employee, and hence is not a spouse, but would have to be treated exactly like a spouse based on the substantive content of the relationship involved.

Third point: This approach differs from the approach taken in the current law in the case of parents. To be eligible, parents must prove that they are financially dependent on the employee for over one half of the parent's annual maintenance and support. Why did the drafters of the domestic partnership bills not pursue this same approach? It would certainly meet concerns about financial equity without raising an entirely new set of concerns about the definition of spouse and, by necessary implication, the definition of marriage. It's one thing to treat all *equally needy* persons the same; it's another thing altogether to establish as a matter of law that "domestic partners" and married spouses are *equal relationships* in terms of their substantive content.

Fourth point: In light of these facts, it is clear to me that the domestic partnership bills are marriage redefinition bills crafted as health care legislation. The definitional scheme they incorporate, if enacted, would place the legal meaning of spouse into doubt as a public policy matter, serve as the precedent for treating cohabitating couples as spouses in other public policy contexts, and blur the line between marriage and cohabitation generally. Thus, the bills would put the Legislature on record as favoring the controverted proposition that, in terms of its substantive content, marriage is not unique.

For these reasons, on behalf of the Catholic Conference, I urge this Committee to recommend that the domestic partnership bills ought not to pass.