

## **CWEALF Publications: LGBT brochure**

This brochure addresses some common questions about lesbian, gay men, bisexual and transgender rights in Connecticut. For a complete guide to legal rights and resources for the LGBT community, or to speak to a staff person about a legal concern, contact CWEALF's Information and Referral Service at the number listed on the back of this brochure.

### **What legal protections are there for people in a same-sex relationship?**

Currently, Vermont is the only state that offers "marriage like" benefits and responsibilities to same-sex couples through Civil Unions. If you and your partner go to Vermont to get a Civil Union, please understand that it is unclear if this will be honored in Connecticut. Recently, a Connecticut court would not "dissolve" the civil union between two Connecticut residents (i.e., grant a divorce).

In 2002, Connecticut legislature made amendments to extend certain protections to same-sex couples. Some of these rights include: the right to designate your partner to make medical decisions; private nursing home visits; ability to make decisions at a partner's death; notice from an employer when they receive an emergency phone call concerning an employee's domestic partner; coverage as immediate family members under the crime victim statutes; to just list a few. Under this statute and any subsequent statute couples will need to have a document that verifies that they have designated their partner as the person who gets to make these decisions. In addition to the new law, couples can make individual contracts to ensure protections both during and following a relationship.

Until Connecticut recognizes same-sex relationships, such as Vermont's Civil Unions, here are some steps you may take to protect your rights in your relationship with your partner.

### **Cohabitation contracts**

Same-sex couples can write contracts to clarify expectations, define responsibilities, anticipate difficulties and provide alternatives to court-ordered dispute resolution. Items you may want to include in a contract are: property issues (keep in mind what you brought into the relationship as well as purchased during the relationship), what will happen to things you own together if you separate, and parenting responsibilities.

### **Wills**

You should write a will if you want to control what happens to your possessions, property, and money when you die. In Connecticut, if you die without a will (i.e., intestate) your partner has no legal right to your property under these circumstances.

### **Power of Attorney**

Power of attorney, or attorney-in-fact, allows another person to act on your behalf in matters involving: real estate transactions; personal property and goods transactions; bond; share and commodity transactions; banking transactions; business operating transactions; insurance transactions; estate transactions; claims and litigation; benefits from military services; records, reports and statements; and personal relationships and affairs. You can add other matters, including hospitalization decisions.

If you want your attorney-in-fact to have authority to act on your behalf if you become incapacitated or incompetent, you will need a durable power of attorney. Call CWEALF for a complete list contract options.

### **Funeral Arrangements**

Under Connecticut law your partner may be prevented from making your funeral arrangements, writing your obituary or planning a memorial service unless you have a document drawn up that designates your partner to make those decisions.

## Can my partner adopt my child?

Connecticut has amended its adoption statutes to allow second-parent adoption. This means that your partner can adopt your child, or if a same-sex couple wants to adopt a child, one person may adopt the child first and then the other partner would initiate proceedings to also adopt the child.

Second-parent adoption is allowed regardless of whether or not the first parent is the biological parent of the child. Since this law passed, many second-parent adoptions have occurred in Connecticut. Contact CWEALF if you would like more information about the adoption process.

## I'm getting a divorce, will I be able to get custody of my children if the judge finds out I'm gay?

If you are getting divorced and there are children involved, understand that judges have tremendous discretion in awarding custody. However, most courts now agree, at least in theory, that a parent's sexual orientation by itself is not a central, deciding factor in custody cases. It is important to talk to an attorney who is experienced in lesbian, gay and bisexual custody cases.

Call CWEALF for more information about previous court cases involving gay parents in the state and for referrals to gay-friendly attorneys.

## Civil Rights

### Can I get fired because I'm gay?

Lesbians, gay men, and bisexuals may challenge discrimination in the workplace. Under C.G.S. § 46a-81c an employer may not:

- refuse to hire or employ;
- discharge; or
- otherwise discriminate against an individual in determining salary and other terms, conditions or privileges of employment “because of the individual's sexual orientation.” Exceptions are made for bona fide occupation qualifications (BFOQ), religious entities, and ROTC programs. Call CWEALF for more information about these exceptions.

### Is there anything I should know about housing laws protecting LGB people?

Connecticut has laws against refusing to rent or sell a dwelling to an individual because of that person's sexual orientation. There are exceptions for people who rent a room or rooms in a dwelling in which the owner also lives; or people who rent a unit in a dwelling containing no more than four units, if the owner lives in one of the other units. (See C.G.S § 46a - 81e)

### Are transgender people protected from discrimination in the workplace?

A recent decision by the CT Commission on Human Rights and Opportunities, ruled that “transgender” should be included in the legal definition of “sex” and “gender” in Connecticut laws. While this ruling has not been tested, it may offer protections to a transgender person under our sex discrimination laws.

### What can I do if someone threatens me because I'm gay?

A “hate crime,” or “bias crime,” occurs when a person intimidates or harasses another person because of the actual or perceived race, religion, ethnicity or sexual orientation of another person; harms the other person; or damages property. “Threatening” harm or damage can also be a hate crime if there is reasonable cause to believe it will actually occur. Local and State Police are required by law to record all hate crimes. If you or someone you know is a victim of a hate crime, ask to fill out a “bias crime report.” CWEALF works with people who have been victims of LGBT hate crimes. Contact our Information & Referral Program listed on the back of this brochure to talk to an LGBT sensitive advocate.

### My partner is abusive, what help is there for me?

Relationship violence does occur in same-sex relationships. Connecticut has many shelters and domestic violence programs that help people in abusive relationships. There are safe houses for women; unfortunately, there are not any such houses for men at this time. However, there are staff and volunteers to offer support, advocacy, and make further referrals. There is a toll-free statewide number that will put you in contact with your local program. Please see the resources listed on this brochure.

Other publications available from CWEALF:

Child Support in Connecticut

\*Divorce in Connecticut

How to Choose an Attorney

Legal Rights of Older Women

\*Pregnancy, Family and Medical Leave in Connecticut

\*Sexual Harassment in Schools

\*Sexual Harassment in the Workplace

Women and Credit

Women, Work and Sex Discrimination

\*Title IX Gender Equity in Sports

Pridelink

\*Information available in Spanish.

## Resources:

Connecticut Commission on Human Rights and Opportunities (CHRO)

Administrative Office

21 Grand St.

Hartford, CT 06106

1-800-477-5737

Waterbury Office:

Rowland State Government Center

55 West Main Street, Suite 210

Waterbury, CT 06702-2004

Bridgeport Office:

1057 Broad Street

Bridgeport, CT 06604

Norwich Office:

100 Broadway

Norwich, CT 06360

Statewide Domestic Violence Hotline:

1-888-774-2900

CT Sexual Assault Crisis Services:

Toll-free: 888-999-5545; en español: 888-568-8332

This publication is made possible through funding by the Office of Victim Services, Superior Court Operations Division, State of Connecticut Judicial Branch, Victims of Crime Act Victim Assistance Act Grant Program.