

**New Jersey Civil Union Review Commission**  
Division on Civil Rights-6th Floor  
Walter Lucas Commission Conference Room  
140 East Front Street, Trenton, NJ

**Meeting Minutes: August 15, 2007**

**PRESENT:** Chairperson Frank Vespa-Papaleo; Vice Chair Steven Goldstein; Secretary Stephen Hyland. Commissioners: Barbara G. Allen, Charles Blustein-Ortman, Barbra Casbar Siperstein, Patrick De Almeida, Sheila Kenny, Joe Komosinski, Kevin E. Taylor.

**STAFF:** Commission Liaison: Benn Meistrich, MIS Ralph Menendez, and Legal Liaison Estelle Bronstein.

**CALL TO ORDER:**

**Chairperson Vespa-Papaleo** called the meeting to order at 1:00 p.m. in compliance with the Open Public Meetings Act. Present at the Call to Order were: Vice Chair Steven Goldstein and Secretary Stephen Hyland. Commissioners: Barbara G. Allen, Barbra Casbar Siperstein, Patrick DeAlmeida, Charles Blustein-Ortman, Sheila Kenny, and Joe Komosinski, Kevin E. Taylor.

**FLAG SALUTE**

**APPROVAL OF AGENDA:**

**Chairperson Vespa-Papaleo** asked for a motion to approve the Agenda for the August 15, 2007 meeting of the Civil Union Review Commission. Commissioner Hyland moved to adopt the agenda as presented. Commissioner Casbar Siperstein seconded the motion. The motion passed unanimously.

**APPROVAL OF MINUTES:**

**Chairperson Vespa-Papaleo** asked for a motion to approve the minutes of the July 18, 2007 meeting of the Civil Union Review Commission. Commissioner Hyland moved to adopt the minutes as presented. Commissioner Casbar Siperstein seconded the motion. The motion passed unanimously.

**CHAIRPERSON'S REPORT:**

**Chairperson Vespa-Papaleo** reported that the web page was up and running. Agendas, minutes, and meeting dates will all be posted. In addition to announcing the Civil Union Public Hearings on the web, notices have been sent to various newspapers and the Attorney General will be sending out a press release. For the convenience of residents throughout New Jersey, the public hearings have been scheduled in Essex, Middlesex and Camden County and will be accessible to people with disabilities.

Additionally, the Chairperson reported that the Division on Civil Rights had five open investigations involving civil union discrimination and two involving domestic partnership discrimination. The latest civil union discrimination suit alleges denial of membership to a public

accommodation.

Finally, the Chairperson reported that he had been sued in his official capacity as Director of the Division on Civil Rights by the Ocean Grove Camp Meeting Association regarding the powers of the agency to investigate whether or not property owned by the Association falls under the statute of the New Jersey Law against Discrimination.

**Vice Chairperson Goldstein reported** that Garden State Equality is about to release polling results on the six-month anniversary of the Civil Union Law. In summary: 62.5% of people polled are fine with gay couples having the same right to marry as heterosexual couples; 61.2 agreed that same sex couples would have the right to marry in a couple of years any way; 71.8 said nothing would happen to legislators who voted on the issue because there were more pressing issues. Another interesting result was that 35% of people polled said they would be less inclined to do business with companies that did not provide equal benefits to employees who are gay or civilly unionized.

Additionally, he reported on a complaint Garden State Equality received from a member of the U.S. Military who lives in New Jersey and wants to enter into a civil union to protect his/her partner. Unfortunately, because of the don't ask/don't tell policy he/she is thoroughly intimidated. If marriage were available, then no explanations would be forthcoming on the gender of the partner.

**Secretary Hyland** found that the Social Security Administration is accepting New Jersey civil union certificates as proof of a name change; however, the State Department will not accept the same document to change name on passports. Secretary Hyland suggested an expedited procedure, such as civil union couples going to the county courts for a state judgment of name change, might be helpful for these situations.

**COMMISSIONERS' REPORTS:**

**Commissioner Komosinski's Report**

<b>Civil Unions</b>	<b>Reaffirmations</b>	<b>Domestic Partnerships</b>
955 F/F 559 M/M <b>1514 Total</b>	7 Massachusetts 28 Vermont 13 Canada 1 Amsterdam <b>49 Total</b>	2832 in 2004 1068 in 2005 943 in 2006 96 in 2007 (14 are 62+) <b>4939 Total</b>

**Commissioner Komosinski** reported that California and Connecticut were not collecting information on residency or gender so were not able to say how many couples may have been from New Jersey. Hawaii has four reciprocal beneficiary relationships that indicated one was a resident of New Jersey. Maine is working on their report. Massachusetts is working on getting authorizations to release their data to New Jersey. Vermont has had 280 individuals that one or both were residents in New Jersey; within their first year there were 242 couples, over the following 3 years, 38; in 2007 zero. As for Canada, there were no responses from several territories; Manitoba and Nova Scotia don't collect residency data and British Columbia had 18 during the four

year period indicating that they were from New Jersey.

**Commissioner Hyland** asked Commissioner Komosinski whether New Jersey would be recognizing domestic partnerships from other states and whether some of the domestic partnerships that offer benefits parallel to civil unions would be recognized as civil unions.

Good question that needs further study.

**Commissioner Allen** reported on the question of whether Medicaid coverage was available for civil-unionized couples. She read the rules into the record:

“The Federal Defense of Marriage Act of 1996 limits the definition of spouse to a person of the opposite sex who is a husband or a wife. It is that definition which applies to the Medicaid Program. On February 19, 2007, New Jersey Law 2006, Chapter 103, which legalizes same-sex unions, becomes effective. However, given that parties to a civil union are not married and are not of opposite genders, they do not meet the federal laws’ definition of spouse and thus services provided to these couples under the Medicaid Program would not qualify for federal matching funds.

Although the civil union legislation will not have much of an impact on New Jersey Family Care, it will on other Medicaid programs, in that if the State decides to cover these individuals, it will have to do using State funds only.

The following is a brief outline of the program impacts: The community Medicaid, including Medicaid only, New Jersey Care, special Medicaid Programs and Supplemental Security Income. If Medicaid determines that one member of a civil union is eligible for one of the above programs using the current spousal methodology, the State will have to pay for that person’s services using state funds only.

Institutional Medicaid, including home and community based services. Institutional Medicaid allows a community spouse to protect assets through a variety of financial arrangement so that the community spouse does not become impoverished. However, these protections would not be available for a partner in a civil union to use

New Jersey Family Care-New Jersey Administrative Code 10:78 defines an eligible adult as a parent, either natural or adoptive, or a caretaker of children up to the age of 19. Because Medicaid covers caretakers without regard to the caretaker relationship with another adult, the fact that a parent entered into a civil union would not be relevant to an eligibility determination.”

In conclusion, Commissioner Allen reported that Family Care is the only program not affected by civil union.

**Commissioner DeAlmeida** reported that Governor Corzine wrote the CEO of UPS asking the company to change its policy. UPS now offers health benefits to civil union partners in New Jersey.

Additionally, he reported that the Appellate Division issued a decision on Quarto v. Adams. The issue was whether a couple married in Canada in 2003 could file a joint tax return in 2006 in New Jersey. The Division of Taxation’s position was that joint filings are effective from tax year 2007 and forward. Previous tax years were not open for joint filing. The Appellate Division agreed on that very narrow issue. The court agreed to limit its holding to a question of the 2006 year and not other areas of the law that may be affected by retroactive status.

Discussion ensued on what other companies might be discriminating against civil union couples by not giving them the same benefits married couples are awarded. People have complained to Garden State Equality and Lambda Legal defense fund that DHL and FedEx don’t give benefits.

**Commissioner Kenny** had no report to give this month.

## **NEW BUSINESS:**

### **Polling Presentation:**

**Chairperson Vespa-Papaleo** introduced Patrick Murray, Director of the Monmouth Polling Institute to discuss the services offered by the Institute.

Mr. Murray suggested that a sample of 400 civil union couples be interviewed to determine whether or not access to benefits received by married couples was equally accessible to civil union couples. Cost was entirely dependent on what methodology was used to gather information, length of the questionnaire and topics that would be covered. Of course, to do a direct comparison an equal cohort of married couples would need to be interviewed; these would be preferably matched by age range, location, income levels, etc.

Mr. Murray was questioned on the best and most expedient method for collecting information. By telephone was the response. However, Commissioner Komosinski states that vital statistics does not get phone numbers. Commissioner Komosinski also added that perhaps vital statistics could invite civil unions to participate in the survey and then gather contact information for the polling service. Mr. Murray stated that then civil union couples would self-select for the purposes of the survey and it would skew the results.

Commissioner DeAlmeida asked Chairperson Vespa-Papaleo what time frame he was envisioning for the survey and the response was soon after the first report. This question was followed by more discussion on how to gather information without compromising privacy or skewing survey results.

Commissioner Hyland asked to what extent the State, through the Commission, had right to obtain the information versus asking for the information from volunteers. Commissioner DeAlmeida said that it was a legal issue he would have to research.

Commissioner Allen asked if there were any ethics issues around accepting money from an outside group for conducting the poll. Chairperson Vespa-Papaleo stated that the Commission could not accept outside funds. However, that does not preclude an outside organization from conducting a poll and reporting the results to the Commission. Chairperson Vespa-Papaleo is going to check with an ethics officer to determine whether the Commission can run a joint venture with an organization to fund the poll.

### **Public Hearings:**

The format for the public hearings was discussed. It was decided that people wanting to address the Commission would have to sign in and that they would be called up to the microphone in the order that they sign in. It was decided that people giving testimony would be given five minutes, the time will be monitored by a time-keeper and the Chairperson has the option to override the timekeeper.

Additionally, it was decided that the Division on Civil Rights would have an intake investigator available in case any one addressing the Commission wanted to make a formal

complaint.

The Commissioners decided to arrive half an hour before the hearings to sort whatever needed sorting.

**ADJOURNMENT:**

**MOTION:** Commissioner Blustein-Ortman moved to adjourn the meeting at 2:55 p.m. Commissioner Casbar Siperstein seconded the motion. Motion passed unanimously.

**NEXT MEETING: December 18, 2007 1 PM**  
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