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New civil unions law makes clerk's office busy place

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SPRINGFIELD — As many people waited outside the Cook County clerk's office this morning to apply for the state's first-ever civil union licenses, some lawyers were already taking advantage of Illinois' newest law.

"I always say divorce is one of the greatest benefits of marriage," said Richard A. Wilson, an attorney with Grund & Leavitt P.C. in Chicago.

While couples that obtained licenses today will have to wait until tomorrow to officially enter into a civil union, Wilson filed paperwork today to help at least a handful of his gay and lesbian clients dissolve their out-of-state marriages and civil unions that as of today, are now recognized in Illinois under the state's Religious Freedom Protection and Civil Union Act.

"It's a wonderful law," Wilson said. "The state is finally saying, 'We are going to treat everyone as spouses under Illinois law. We are going to give you the rights and respect we already give to married couples.'" Wilson wasn't the only one using the new law to file divorce papers today.

Chicago attorney Joshua P. Haid made the trek from the city to Peoria this morning to file a divorce petition for a client who wants to dissolve the same-sex marriage he and his partner entered into in Canada. "I filed at 8:30 a.m. so I think we're Illinois' first," Haid said, adding that divorce may not be the most-well known aspect of the new law, but that it's a very important legal protection.

The state's civil unions law, which was approved by lawmakers during this past veto session, provides same-sex couples with many of the rights that have long been afforded to heterosexual couples, like health-care benefits and emergency medical decision-making power, among others.

While many lawyers are happy there's finally something on the books to help them resolve issues for their gay and lesbian clients, most acknowledge that there's still a lot of things to work out.

Chicago lawyer Jill M. Metz, who was heavily involved in the passage of the law as the board president for the American Civil Liberties Union of Illinois, said the new law represents a huge change in Illinois law.

"It's 180 degrees different than we had before," Metz said. "I think everyone is working as fast as they can work to get all the pieces into place, but it will take time."

Though advocates say the new law, which makes Illinois one of a handful of states that recognize civil unions, provides much-needed equality, there are some groups that spent much of this past legislative session pushing measures that Metz compared to "attacks on civil unions."

Some religious-based groups pushed an amendment to Senate Bill 1123, which would have allowed adoption agencies supported by state tax dollars to deny adoptions by same-sex couples united by civil unions.

It didn't take long after lawmakers voted down the measure for some of these groups to deal with the issue outside the legislature. The Catholic Charities in the Diocese of Rockford announced late last week that it would cease its state-funded adoption and foster care services.

While it's safe to say the issue will not resurface this session as the General Assembly adjourned late last night, Metz and other advocates say there's a chance similar attacks on the civil unions law could be made in the fall veto session. "It wasn't an unexpected backlash," Metz said of the Catholic Charities' legislative attempt and decision to stop its services. "It was disturbing."

Anthony Martinez agreed. He is the executive director of The Civil Rights Agenda, which was one of several groups that worked to defeat the adoption amendment proposal. "We had expected attacks on the civil union bill, but we were not expecting them to be as aggressive as in terms of the adoption aspect," Martinez said, explaining that other states with civil unions laws have faced challenges as well.

Martinez said his group is ready to fight other attacks if they are made. In the meantime, however, Martinez said his biggest concern falls with the children who will be affected by the decision of the Catholic Charities in the Diocese of Rockford to cease its adoption and foster care services.

Benjamin S. Wolf, an attorney for the ACLU of Illinois, agreed. Wolf is the director of the group's Children and Institutionalized Persons Project and has been monitoring thousands of foster children as a result of a consent decree involving Catholic Charities, which stopped providing services in Cook County after it lost a judgment to a foster child represented by the Cook County public guardian's office.

Those children were transitioned to other agencies, which is what will happen when the Rockford-based agency ceases its services. He said the transition went smoothly and expects that will continue in Rockford.

"My preference though would have been that the Catholic Charities in Rockford stop discriminating," he said. "If you start bringing ideological baggage into that decision, in addition to trying to figure out what's in a child's best interest, you're inevitable going to do some harm to some kids."