February 21, 2005

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SB 485

Testimony in support of SB 485

Mr. Chairman, Members of the Committee:

For the record, my name is Eric Schiedermayer. I represent the Montana Catholic Conference, the voice for Montana's two Roman Catholic bishops in the state legislature, who in turn are the spiritual leaders of over 140,000 Montanans.

Our law offers special protection and assistance to the institution of marriage. And well it should, for society has a vital interest in the procreation and formation of future generations.

However, it is a simple fact that not everybody belongs to a family like that of Ward and June Cleaver. We live in a mobile, dynamic society. Like it or not, many families are scattered, fragmented or estranged. People die. Stuff happens. Even in close-knit families. Many adults – through an endless variety of circumstances, often not of their own choosing and beyond their control – find themselves unmarried and perhaps without any close living blood relatives.

One of the unintended side effects of our law's support for marriage is that an unmarried adult can often feel marginalized by that very law. Some very important things which happen automatically for married people don't happen for them. Sometimes, some very *unexpected* and *undesirable* things happen instead. The next of kin registry is a mechanism for addressing some of these issues.

It's possible that some will oppose this bill out of a fear that that it indirectly undermines marriage or obscures a moral truth about the human person. I understand that argument. As you know; I have opposed several bills before this committee out of that same concern. But I am convinced that argument does NOT apply to the next of kin registry.

This mechanism has nothing to do with sex or romantic relationships. This bill is very clear in describing the relationship established by the next of kin registry. It does not use vague or open-ended terminology. Even the most cautious of my politically conservative friends can be comfortable with this bill.

I personally find analogies very useful. Next of kin arrangements are *not* analogous to marriage. The language of the bill avoids the use of spousal terminology or comparisons. Instead, these arrangements can be likened to adopting a brother or sister. In other words, in certain situations where the courts would automatically decide things based on the court's "next of kin" formulas, which are based on blood relations, this mechanism can be used by two individuals to override those formulas.

The list of rights which accompany the next of kin designation is very specific and concise. Cautious individuals need not worry about encroachment upon sacred ground. True, the list of enumerated rights might be expanded, and I believe that it should, but the tone and direction of those rights is firmly established by this bill.

I am convinced that the next of kin registry is an idea whose time has come, and I urge you to pass this bill.

Respectfully submitted,

Eric Schiedermayer
Executive Director, Montana Catholic Conference