

LAW OFFICES OF  
**MATUSZEWICH, KELLY & MCKEEVER, LLP**

453 Coventry Lane, Suite 104  
Crystal Lake, Illinois 60014  
(815) 459-3120 Telephone  
(815) 459-3123 Facsimile

The Illinois Religious Freedom Protection and Civil Union Act (“the Act”) will take effect on June 1, 2011. Basically, the Act provides that a party to a civil union must receive the same treatment as a spouse would under Illinois law. The term spouse in any Illinois state law will be extended to include a partner in a civil union. The Act also protects the rights of religious institutions, Indian Nations or Tribes or Native Groups to choose whether or not to solemnize or officiate a civil union.

First, the Act defines a civil union as a legal relationship between two persons, of either the same or the opposite sex, established in accordance with the Act. *A civil union is available to any couple, same sex or opposite sex, 18 years or older, in a committed relationship, and not in an existing marriage or civil union.* A couple wishing to enter into a civil union must obtain a license, exchange vows before a secular or willing religious official and register the union with the county clerk. The provisions of the Illinois Marriage and Dissolution of Marriage Act will apply to the dissolution or declaration of invalidity of a civil union. Accordingly, all current procedures and rules applicable to annulment, divorce and property division will apply to partners in a civil union. *Moreover, a marriage between persons of the same sex, a civil union, or a substantially similar legal relationship other than a common law marriage, legally entered into in another jurisdiction, must be recognized in Illinois as a civil union.*

Second, the Act ensures that all couples – same sex and opposite sex – who have entered into a civil union will have the protections and benefits afforded or recognized by the law of Illinois to Illinois spouses. Among the protections and benefits to be enjoyed by partners in a civil union are the following:

- Emergency medical decision making power
- Access to state spousal benefits, namely:
  - Workers’ compensation
  - Spousal pension coverage
  - Privilege of sharing a nursing home room
- Access to domestic relations laws and procedures, including:
  - Annulment/invalidity
  - Separation
  - Divorce and dissolution
  - Disposition of property

- Access to civil actions dependent on spousal status, including wrongful death actions and tort actions for emotional distress
- The right to acquire and own property jointly
- Wills, trusts and estates
- Tax relief at the state and municipal level, but **not** at the federal level
- Domestic violence protection
- Spousal testimonial privilege
- Right to control disposition of remains

It is important to note, however, that the Act only applies to benefits conferred by Illinois law. Because the Federal Defense of Marriage Act prohibits civil union partners from receiving any of the federal benefits of marriage, partners in a civil union will not, for example, have immigration rights or be able to claim federal tax exemptions or collect federal benefits like social security.

If you have any questions or need any further information, please contact one of our attorneys.

Very truly,

**MATUSZEWICH, KELLY & MCKEEVER, LLP**

**CONFIDENTIALITY NOTICE:** This communication, including any attachments, may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure that is intended exclusively for the individual to whom it is addressed. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by return email and delete all copies of this message. This message is protected by applicable legal privileges and is confidential.