



THE AMERICAN MILITARY PARTNER ASSOCIATION

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Top 5 Needs of Same-Gender Military Spouses and their Families

Submission to the Department of Defense (DoD) Military Family Readiness Council
Meeting on October 18, 2013

1. Protection for Our Military Families Stationed in Non-Marriage Equality States

While the Supreme Court ruled Section 3 of the Defense of Marriage Act (DOMA) unconstitutional on a federal level, states are still permitted to choose whether or not they will recognize same-gender marriage on a state level. Our same-gender military spouses and their families often have little or no choice on where they are stationed, and many are in states that **DO NOT** recognize their marriage or grant them equal protection as their heterosexual counterparts. Aside from this causing our same-gender military spouses and their families extra expenses incurred from traveling to a marriage equality state in order to marry so they can receive due military benefits (i.e., TRICARE, with dependent-rate pay/allowances, etc.), this has far reaching implications including, but not limited to:

- **Military Spouse Residency Relief Act**
 - Due to lack of marriage equality, many states will exclude same-gender military spouses from the protections of the Military Spouse Residency Relief Act. This has residency, voting, taxes, and property rights implications.
- **Adoption to same-gender couples**
 - Many states do not permit second parent adoption and ban gay parent adoption. This has far reaching implications on the ability of our military families to properly care for and protect their children.
- **In-state tuition/education costs**
 - Same-gender military spouses may not be afforded in-state tuition rates, causing further financial hardships.
- **Qualification for various state public programs**
- **State taxes and joint filing**

For the sake of military family readiness, what is the DoD Family Readiness Council doing to ensure our same-gender military spouses and their families stationed in non-marriage equality states have the same protection and support as opposite-gender military spouses and their families?

2. Status of Forces Agreements (SOFA) and OCONUS Command Sponsorship

While the Department of Defense has extended most benefits and support to all military spouses, regardless of sexual orientation, our same-gender military spouses and their families still face hardships and challenges while living with their service members in locations outside of the United States. Until SOFA agreements are updated with host nations, the same-gender military spouses of service members stationed in these locations are not “command sponsored” and face ongoing challenges dealing with:



- Short term “tourist” visas
- Funding for travel of the spouse to the new duty station
- Denial of ration cards for access to base commissaries
- On and off base housing
- Recognition of U.S. military dependent status by host nations through SOFA agreements
- Employment

For the sake of military family readiness, what is the DoD Family Readiness Council doing to encourage the DoD and the Department of State to urgently work on updating SOFA agreements with host nations or look for solutions?

3. Discrimination by the National Guard in Four States

Despite the Supreme Court ruling on DOMA and direction by the Secretary of Defense that all military spouses be treated equally, regardless of sexual orientation, the National Guard in four states (Texas, Mississippi, Louisiana, Oklahoma) have announced they will not comply and will refuse to process same-gender military spouses for military benefits. Additionally, the Texas National Guard has indicated they will not process same-gender military spouses for official membership in Family Readiness Groups or attendance to Strong Bonds events (marriage enrichment events). This has major implications for military family readiness and the ability of our service members to focus first on the mission, especially while deployed. The last thing they need to be worrying about is whether their family back home is being properly supported and cared for.

For the sake of military family readiness, what is the DoD Family Readiness Council doing to ensure that ALL military spouses and families are being supported, including those who serve in the National Guard?

4. Military Chaplain Support

On August 31st, 2013, the North American Mission Board (NAMB) of the Southern Baptist Convention announced that NAMB endorsed chaplains are prohibited from ministering to same-gender military families. With around 1,400 chaplains endorsed by the NAMB, this has major implications for our military families in accessing military chaplain support, especially for those located in places with limited numbers of chaplains. Combined with Roman Catholic chaplains who were also recently prohibited from ministering to same-gender military couples, nearly 25% of chaplains have been placed in unethical positions by their endorsing agencies and are unable to fulfill their oath to serve all service members and their families. The NAMB has specifically prohibited their endorsed chaplains from:

- Performing pastoral counseling of a same-gender married couple.
- Assisting or supporting contractors or volunteers leading same-gender relational events.
- Offering any kind of relationship training, on or off a military installation, which would give the appearance of accepting the “homosexual lifestyle or sexual wrongdoing.”
- Conducting a service jointly with a chaplain, contractor or volunteer who personally practices or affirms a “homosexual lifestyle” or such conduct.

For the sake of military family readiness, what is the DoD Family Readiness Council doing to promote the principle that ALL military families should have equal access to chaplain support?



5. Non-Discrimination Policy Based on Sexual Orientation for Uniformed Service Members

While the Department of Defense (DoD) has included sexual orientation in the non-discrimination policy for civilian DoD employees, it has not done so for uniformed service members. Due to this lack of protection, this greatly impacts our families, many of which express a fear of discrimination, the ability to report it, and have confidence that it will be properly dealt with. Our service members, their spouses, and their children deserve the same protection from discrimination as their civilian counterparts. This lack of protection exposes our service members' careers to the prejudice of bigoted viewpoints and provides a roadblock to our same-gender military spouses and their families from fully integrating and accessing benefits and support services available to them without fear of discrimination. This can easily be corrected by policy changes. We humbly ask for the DoD Family Readiness Council to advocate for such policy changes.

For the sake of military family readiness, what is the DoD Family Readiness Council doing to ensure our service members and their families are protected from discrimination based on sexual orientation?

For more information, please contact:
Lori Hensic, PharmD, BCACP, AAHIVP
Director of Educational Affairs
The American Military Partner Association
(202) 695-AMPA (2672)
lori@militarypartners.org