

Montana Supreme Court Denies Same-Sex Couples Benefits

The Montana Supreme Court on Monday denied a request by **same-sex couples** to order the state to provide them the same protections and benefits as married couples, but the gay couples will continue their legal challenge.

Six same-sex couples in 2010 sued Montana in state District Court over laws they said deprived them of equal protection and other rights guaranteed by the state constitution. The couples asked the court to force the state legislature to pass a set of laws that would ensure gay couples were treated the same as married couples in such areas as death benefits and bereavement leave from work.

In the 4-3 decision, Montana justices agreed with the lower court that the challenge brought by the couples was too broad and a request to force the legislature to retool 340 state statutes would violate the constitutional separation of powers between the legislature and the judiciary.

But the justices reversed the lower court's denial of the couples' request to amend the lawsuit to address the issue of broadness.

Writing for the majority and referring to claims by the couples that they have suffered discrimination because of the state's failure to recognize their relationships, Chief Justice Mike McGrath wrote, "These are important issues and should be decided only after the statutes involved are specifically identified and specifically analyzed in district court proceedings."

Amy Cannata, a spokeswoman for the American Civil Liberties Union of Montana, which represents the couples, said on Monday that the couples will file a revised lawsuit at a future date.

“We’ll keep moving ahead with this until same-sex couples get the legal protection they need here in Montana,” she said.

Writing for the dissent, Montana Justice James C. Nelson chided the majority for failing to find for same-sex couples alleging unequal treatment.

“I have never disagreed more strongly with this Court as I do in this case,” he wrote. Nelson added that the decision “wrongly deprives an abused minority of their civil rights.”

The lawsuit did not seek to legalize gay marriage.

Montana voters in 2004 approved a constitutional amendment that defined marriage as a union between a man and a woman.

Editing by Corrie MacLaggan and Lisa Shumaker.

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