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Gay Adoption Case Gets to Heart of Family Matters

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If you tried to concoct a more impressive couple to test this state's laws on homosexuals adopting children, you'd be hard-pressed to come up with one more formidable than Dr. Susan Love, world-renowned breast cancer expert, and Dr. Helen Cooksey, formerly a Mount Auburn Hospital surgeon and faculty member at Harvard Medical School.

At a press conference Saturday on the decision allowing them to jointly adopt the daughter Love conceived with Cooksey's cousin's sperm, the pair presented a picture of matronly, middle-aged common sense and reserve.

Nothing of lusty lesbian fantasies here. It was hard to think of these distinguished professionals in terms of anything sexual, or in terms of the "sexual orientation" that thrust their family into the headlines.

Among their equally formidable lineup of witnesses testifying that they are near-perfect parents were a nun and priest - Roman Catholics. Their 5-year-old was baptized a Catholic, in fact, at the Paulist Center where both doctors have been active parishioners. One wonders: Was the Vatican apprised?

"Once in a lifetime the perfect case walks through your door," says a triumphant Katharine Triantafillou, who represented the pair. But this case, as she and others point out, goes far beyond gay urban professionals getting their due, or beyond simple gay rights. It gets to the evolving social question of what "family" should mean today.

Bio mommy and bio daddy, for better or worse, through batterings and abuse or abandonment? Or functioning, responsible adults who form a family that loves a little girl, comforts her, teaches her, tucks her in and reads her stories?

The Massachusetts Supreme Judicial Court, at least in this decision, seems to have chosen the latter definition. It has recognized the rights of any worthy unmarried couple, gay or straight, to adopt. And unusual in this day of Baby Jessicas and Baby Petes (and of the Bottoms lesbian case in Virginia last week), the SJC has looked less at parents' rights and more at children's rights and needs or, to put it in terms of the now-clichéd phrase, at "the best interests of the child."

In Virginia, a court again ignored the child's needs and granted grandmother Kay Bottoms custody of her 2-year-old grandson simply because Bottoms' daughter Sharon, 23, lives with her lesbian lover.

During the custody trial, Sharon Bottoms testified she left her mother's home at 18 because Kay Bottoms' live-in boyfriend of 17 years had sexually abused her.

"Immoral," the judge termed Sharon's behavior. It said nothing about the mother's live-in relationship, once outlawed in many states and considered "immoral" by many still. It said nothing about sexual abuse, either, or about the wisdom of returning a 2-year-old to a home in which it may have occurred.

The Virginia case could not happen here, where a parent cannot lose custody solely because of sexual orientation. But the Bottoms case is hardly unusual, says Mary Bonauto of the Gay & Lesbian Advocates & Defenders. "Missouri, Pennsylvania, Tennessee and North Dakota are just some states you don't want to live in if you're a lesbian mom. What made this case unusual was a grandmother after her own daughter."

Ironically, many in the religious right constantly screaming about "family values" and now opposed to the Love/Cooksey decision, apparently value so little the mother/child bond that they'd snatch this child from Love, the mother who gave her life, and from both she and Cooksey, the "only family she has ever known," as we put it in the DeBoers case. This despite that by every measure available, she is thriving in this home.

Neither Love, Cooksey, nor Maureen Brodoff, a local attorney also petitioning for her lesbian partner's adoption of her 4-year-old biological child, pretend that life for their children will be as simple as it is depicted in such books as the controversial "Heather Has Two Mommies."

But as Brodoff says, without adoption her child, should she die, would be in legal limbo. Who would get custody - some blood relative the child has never met, or her partner, the woman who has raised the child since birth? Would their child even be covered under her partner's medical insurance?

"We know there'll be difficulties," says Brodoff of her child's upbringing. "But that's true in everyone's life, and we'll be there to try to protect her. I have this Pollyanna-ish view that if you have a strong family and two parents who care, you get the inner strength to deal with tough times."

Children growing up without such support and strength - that's the problem we're all fretting about, isn't it?