



**For immediate release:**  
*August 30, 2007*

**Contact: Alison Cashin**  
(617) 426-1350 / [acashin@glad.org](mailto:acashin@glad.org)

## **Maine's Law Court Lifts Bar on Two Women Adopting Together**

Maine's Law Court issued a unanimous ruling today that opens the door to two siblings in foster care to be jointly adopted by the two women who have raised them for the past six years.

Ann Courtney and Marilyn Kirby of Portland are no longer barred from forming a permanent, legal parental relationship with their foster children, 10-year-old "M" and her brother, six-year-old "R". The children were not named in court documents to protect their identities.

"We're ecstatic," said Ann. "We love these kids, and their well-being means everything to us. Our daughter and son can now know that we are a family, and we'll always be a family."

Attorney Mary Bonauto of Gay & Lesbian Advocates & Defenders (GLAD), who represented the couple, said, "This decision is in the best interest of the children, who have flourished under Ann and Marilyn's care. The court wisely listened to the experts who knew this family well – everyone from the state's adoption workers to the children's guardian to the social worker who completed the home study."

The children were removed from their home in 2001 when their biological parents were no longer able to care for them. They were placed with Ann, an attorney, and Marilyn, a counselor, who quickly re-organized their lives to address the children's multiple emotional, learning, and developmental problems.

"A joint adoption assures that in the event of either adoptive parent's death, the children's continued relationship with the surviving parent is fixed and certain," the Court said. "A joint adoption also enables the children to be eligible for a variety of public and private benefits...Most importantly, a joint adoption affords the adopted children the love, nurturing, and support of not one, but two parents."

At issue was whether courts have the power to consider a joint petition for adoption by two women rather than just one. The couple applied to adopt M and R in 2002, and filed

adoption petitions in Cumberland County Probate Court in May 2006. The judge denied their petition, interpreting current Maine adoption law to allow only one unmarried person or a married couple to adopt. The appeal reached the Law Court in September and was officially considered in February 2007.

Their petition was supported by professional organizations including the American Psychological Association, the Child Welfare League of America, and the Maine Chapter of the American Academy of Pediatrics.

Attorney General Steven Rowe also filed a friend of the court brief, arguing that prohibiting this adoption would be counter to the letter and purposes of Maine's Adoption Act, which seeks to protect the best interest of each adoptive child.

Maine currently has 2,286 children in foster care, according to the Central Office Adoption Manager at the Department of Health and Human Services. At least 530 of those children have a goal of adoption.

Adoptions of this type are expressly permitted in a dozen other states, including the New England states of Connecticut, Vermont, and Massachusetts.

In addition to GLAD, the couple was represented by Patricia Peard of Bernstein, Shur, Sawyer & Nelson, and Judith M. Berry of Gorham.

Gay & Lesbian Advocates & Defenders is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, gender identity and expression, and HIV status. GLAD is active in all six New England states.