



Adoption Questions & Answers

November 2011

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Introduction

Adoption is a process by which an adult seeking to be a parent can establish a legal parental relationship to a child. Adoption provides LGBT individuals and couples with a critical way to ensure or create family relationships, whether (1) by bringing unrelated children into the family or (2) by securing the legal relationship of a second parent to the child of his or her partner or spouse. Though some terminology overlaps in these separate contexts, this publication addresses these two scenarios separately.

Adoption of Unrelated Children

Why Consider Adoption?

Many people want to form families with children and a ready pool of children exists who lack permanent homes. Through the process of adoption, a person may adopt a child (a) who is in the legal custody of a state agency, or (b) who has been placed with a private child welfare agency, or (c) who is secured as the result of a private agreement. (NOTE: Massachusetts and Rhode Island do not allow adoption by private agreement).

The children in state custody and eligible for adoption are often living in foster homes until they are adopted. In many states, there is a shortage of adoptive parents, although federal law has spurred states to move children into permanent homes more quickly.

Do I Have A Right To Adopt A Child?

First and foremost, adoption is about securing the best interests of children and not about the rights of parents. No one has the “right” to be an adoptive parent. Although each state’s adoption process differs, the common thread among all is that an adoption proceeding asks whether a child’s adoption by a particular person or family is in that child’s best interests. These decisions are made by judges, often with the input of parents and child welfare professionals, and almost always after a home study by either a state agency or agency approved of by the state.

What Are The Legal Consequences Of Adoption?

When a person or family adopts a child, the adopting family is substituted legally for the child’s birth family. The child is then the child of the adopting parents, and the birth certificate is amended to reflect that fact. The new parents have the obligation to support and

care for the child, and the child is protected in terms of inheritance or social security disability if a parent dies.

The legal relationship between the birth parents and the child ends upon adoption, and the adoptive family becomes the child's legal family. In some states, courts may allow an "open adoption" in which the adoptive family provides some information to or access to the child to the birth family.¹

What Is A Single Parent Adoption?

A single parent adoption is when a person adopts a child as an individual, even if other adults live in the home of the adoptive parent. After the adoption, the child has one legal parent. It is not at all uncommon for gay and lesbian people *as individuals* to adopt children. This now happens in every New England state.

What Is A Joint Adoption?

A joint adoption is when a couple (gay, lesbian or heterosexual) together adopts a child who was not previously the legal child of either member of the couple.² After the adoption, the child has two legal parents. Joint adoptions by gay and lesbian couples now happen in every New England state, but in some circumstances are tied to whether the couple has a legal status like a civil union or marriage.³

¹ The adoption laws for each New England state can be found as follows: Conn. Gen. Stat. tit. 45a, ch. 803; Maine Rev. Stat. Ann. tit. 18-A, § 9-101 et seq.; Mass. Gen. L. ch. 210; N.H. Rev. Stat. Ann. ch. 170-B; R.I. Gen. L. 15-7-2 et seq.; and Vt. Stat. Ann. tit. 15A, § 1-101 et seq.

² The ability of a same-sex couple to seek a joint adoption of an unrelated child is different from, although in some ways legally related to, joint petitions for second parent adoption, in which one member of a couple becomes the legal parent of his or her partner's child through the adoption process. Second parent adoption is discussed in Part II below.

³ Joint adoptions have been allowed in Maine, Massachusetts, and Vermont regardless of the parents' legal status as a couple. See Adoption of M.A., 930 A.2d 1088 (Me. 2007); Adoption of Tammy, 619 N.E.2d 315 (Mass. 1993); Adoption of Susan, 619 N.E.2d 323 (Mass. 1993); In re B.L.V.B. & E.L.V.B., 628 A.2d. 1271 (Vt. 1993). In Rhode Island, the question of joint adoption by an unmarried couple is not addressed expressly by the state adoption statutes or by any authoritative ruling by the state supreme court. Despite this, joint adoptions have been routinely granted at the Family Court level. Feel free to contact GLAD for more information. Joint adoptions have only been allowed, and are, in fact required, in Connecticut and New Hampshire if the couple has a civil union. See Conn. Gen. Stat. Ann. § 45a-732 (spouses must adopt together); N.H. Rev. Stat. Ann. 170-B:4 (spouses must adopt together absent certain circumstances). See also 15A V.S.A. § 1-102.

Are There Anti-Gay Laws Concerning Adoption?

Yes. Although gay people can adopt as individuals or couples in every New England state, it was not always that way. In the wake of mid-1980's AIDS hysteria, New Hampshire passed a ban on adoption and foster care by gay people. Although upheld by the courts,⁴ the legislature repealed the laws in 1998 by large margins, citing the ability of gay people to be good parents.⁵ At one time, Massachusetts regulations also forbade gay people from being foster parents, but after litigation, the Commonwealth changed its policies in 1991.⁶

Utah and Mississippi limit adoption options for same-sex couples.⁷ More states may follow with attempts to restrict or prohibit gay parenting.⁸ The idea behind these anti-gay, anti-adoption laws is that children must have a mother and a father, and that gay people do not make good parents. These specious claims are easily refuted. *See* ACLU, Too High a Price: The Case Against Restricting Gay Parenting (2d ed. 2006),

⁴ Opinion of the Justices, 530 A.2d 21 (N.H. 1987)(state's interest in ensuring that children in its custody have proper role model justified ban on gay parenting); Stuart v. State, 597 A.2d 1076 (N.H. 1991)(upholding regulation restricting foster parenting to people who would certify that no gay people would visit their home).

⁵ Kevin Landrigan, Bill Passed Easing Adoption for Gays, Nashua Telegraph, March 19, 1999; Pamela M. Walsh, Gays Gain Parental Rights: House Votes to Repeal 12-Year Bans, Concord Monitor, March 19, 1999.

⁶ GLAD and the ACLU of Massachusetts challenged 1985 regulations of the Executive Office of Human Services which effectively prohibited the Commonwealth from licensing gay people as foster parents. *See Babets v. Governor of Massachusetts*, Civ. Act. No. 81083, Complaint (Mass. Super. Ct., Suffolk County 1985). For more detailed information, contact GLAD, or *see* Wendell Ricketts, Lesbians and Gay Men as Foster Parents 67-87 (National Child Welfare Resource Center). The only reported decision from the case involved a ruling that documents sought by the plaintiffs were not protected by executive privilege. *See id.*, 526 N.E.2d 1261 (Mass. 1988). The policy was repealed in 1991.

⁷ Mississippi bans adoptions by same-sex couples, and Utah bans adoptions by unmarried cohabiting couples, thereby effectively excluding same-sex couples. *See* Miss. Code Ann. § 93-17-3; Ut. Code §78-30-1(3)(b). Multiple lawsuits challenging the Florida law have been unsuccessful. *See, e.g., Lofton v. Kearney*, 157 F. Supp. 2d 1372 (S.D.Fla 2001), affirmed sub nom Lofton v. Sec., Dep't of Children and Families, 358 F.3d 804 (11th Cir. 2004), rehearing en banc denied, 377 F.3d 1275 (11th Cir. 2004), cert. denied, 543 U.S. 1081 (2005); Cox v. Fla. Dep't of Health and Rehab. Servs., 656 So.2d 902, 903 (Fla. 1995).

In addition, Oklahoma passed a law in 2004 prohibiting recognition of adoptions by same-sex couples in other states. A federal appeals court affirmed a ruling that the law is unconstitutional. *See Finstuen v. Crutcher*, 496 F.3d 1139 (10th Cir. 2007).

⁸ *See* Andrea Stone, Drives to Ban Gay Adoption Heat Up, USA Today, Feb. 21, 2006, at 1A ("Social conservatives view family makeup as the next battleground after passing marriage amendments in 11 states in [November] 2004."). *See also* Julian Sanchez, All Happy Families: The Looming Battle over Gay Parenting, Reason, Aug. 1, 2005, at 30 ("Just four months into 2005, lawmakers in seven states--Alabama, Arkansas, Indiana, Oregon, Tennessee, Texas, and Virginia--had introduced bills that would restrict the parenting rights of gay couples and individuals.").

available at

http://www.aclu.org/images/asset_upload_file953_24098.pdf.

Can I Adopt From A Foreign Country?

It depends on the country, as well as whether you have a partner or spouse. Individual gay or lesbian applicants have generally been able to adopt internationally, but for more information about specific countries, contact an agency that specializes in foreign adoptions.

No foreign countries that have children available for adoption permit an openly gay or lesbian couple to adopt, so gay and lesbian applicants must proceed as individuals. Even simply having a partner may be an obstacle under some circumstances. If you are married or in a civil union, international adoption may not be possible. Agencies specializing in working with gay and lesbian individuals seeking to adopt internationally can help navigate the process.

Does The Federal Government Play A Role In International Adoptions?

Not particularly. In 2000, the United States government passed a law implementing the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.⁹ Most of this legislation is geared toward ensuring basic protections for children and standardizing the adoption process among countries. Although some members of Congress had wanted to add a prohibition on gay people adopting, those amendments were defeated.

Additionally, international adoption does involve interacting with federal immigration authorities to obtain appropriate visas and to have your child naturalized and establish his or her U.S. citizenship once he or she is home. Most international adoption agencies will help navigate those processes.

⁹ PL 106-279, October 6, 2000, 114 Stat 825.

How To Get Started

Where Can I Turn If I Am Interested In Adopting A Child?

If you are interested in adopting a child, the following are the state agencies that could help you get started. Some private agencies are also listed for informational purposes only.

Connecticut

Dep't of Children & Families
Office of Foster and Adoptive Services
505 Hudson Street
Hartford, CT 06106
(888) 543-4376
http://www.state.ct.us/dcf/FASU/FASU_index.htm

Maine

Dep't of Health & Human Services
35 Anthony Avenue
Augusta, ME 04330
(800) 452-1926
<http://www.adoptuskids.org/states/me/>

International Adoption Service Centre, Inc.
432 Water St.
PO Box 56
Gardiner, ME 04345
(207) 582-8842
<http://www.adoptioninternational.org>

Massachusetts

Dep't of Social Services
24 Farnsworth St.
Boston, MA 02210
(617) 748-2400, 1-800-KIDS-508

DSS-Info@State.MA.US.

<http://www.mass.gov/?pageID=eohhs2subtopic&L=4&sid=Eeohhs2&L0=Home&L1=Consumer&L2=Family+Services&L3=Adoption>

Alternative Family Matters
PO Box 390618
Cambridge, MA 02139
(617) 576-6788

<http://www.alternativefamilies.org>

A Red Thread Adoption Services
681 Washington St., Suite 12
Norwood , MA 02062
(781)762-2428

<http://www.redthreadadopt.org/>

New Hampshire

Dep't of Health & Human Services
Div. for Children, Youth & Families
Foster Care & Adoption Programs
129 Pleasant St.

Concord, NH 03301-3857
(603) 271-4711

<http://www.dhhs.nh.gov/DHHS/FCADOPTION/default.htm>

Rhode Island

Dep't of Children, Youth & Families
101 Friendship Street
Providence, RI 02903-3716
(401) 222-5220
<http://www.dcyf.ri.gov/adoption.htm>

Adoption Rhode Island
500 Prospect Street
Pawtucket, RI 02860
(401)724-1910
adoptionri@ids.net
<http://www.adoptionri.org/>

Vermont

Dep't for Children & Families
Family Services Division
Project Family
103 So. Main St.
Waterbury, VT 05671
(802) 241-2131 or (800) 746-7000
<http://www.dcf.state.vt.us/fsd/>
<http://www.projectfamilyvt.org/>

Do not be surprised if you are asked to go through a screening process or take a course to evaluate your suitability as an adoptive parent before the legal adoption process even begins!

Second Parent Adoptions

What Is Second Parent Adoption?

These adoptions, also known as co-parent adoptions, refer to a legal process in which a child who is already the child of one member of an unmarried couple (gay, lesbian or heterosexual) is adopted either through a joint petition by both members of the couple (even though one of them is already the child's parent)¹⁰ or through an individual petition by the member of the couple who is not yet the child's parent, depending on the procedures of the state. After the adoption, the child has two legal parents.

How Did Second Parent Adoption Come To Be And Where Can I Get One?

In the mid-1980's, the Lesbian Rights Project of San Francisco (now the National Center for Lesbian Rights) pioneered a strategy whereby lesbian couples used the stepparent adoption process. These cases involved lesbians adopting the biological child of one of the women, or a child who had previously been adopted by one of the women.

Though laws about adoption by stepparents might seem unrelated to unmarried couples, in fact, they provide a helpful template. As a general matter, state laws permit the new spouse of a child's parent to also become that child's parent through adoption. Some states, like Maine, require both the parent and stepparent to petition to adopt the child.¹¹ Other states, like Vermont, require only the stepparent to petition.¹² The legal rights of the birth parent who is not joining the petition are saved by a provision of the law which avoids a "cut-off" of

¹⁰ The ability of a same-sex couple to jointly petition for the adoption of the child of one member of the couple is different from, although in some ways legally related to, joint adoptions by a same-sex couple of a child unrelated to either adult. Joint adoption of unrelated children is discussed in Part I above.

¹¹ 18-A M.R.S.A. § 9-301.

¹² 15A V.S.A. § 4-101 et seq.

rights when the adopting parent is a stepparent. Either way, the child has two legal parents at the end of the process.

Courts allowed the same principles to apply to same-sex couples: just as in a stepparent adoption, the non-legal parent would petition to be a parent, and when that petition was granted, the child had two legal parents -- the birth parent or initial adoptive parent, and the second adopting parent.

After working its way through the west in states like Oregon, California, Alaska and Washington, the idea came east. Vermont became the first eastern state to approve of second parent adoption. Even more importantly, it did so through a decision of its state supreme court, marking the first time that a state appellate court approved of second parent adoption. In a frankly worded opinion, the Court stated:

This is not a matter which arises in a vacuum. Social fragmentation and the myriad configurations of modern families have presented us with new problems and complexities that cannot be solved by idealizing the past. [O]ur paramount concern should be with the effect of our laws on the reality of children's lives. It is not the courts that have engendered the diverse composition of today's families.... But it is the courts that are required to define, declare and protect the rights of children raised in these families ...¹³

Just a few months after the Vermont Supreme Court's historic ruling, the Massachusetts Supreme Judicial Court approved of joint adoption petitions by unmarried petitioners, including lesbian parents. In the two cases decided, Massachusetts approved of a procedure whereby both parents (birth/adoptive parent and co-parent) petitioned to adopt the

¹³ *In re B.L.V.B. & E.L.V.B.*, 628 A.2d. 1271, 1276 (Vt. 1993). This quote borrows from a lower court decision in New York, *In the Matter of the Adoption of Evan*, 583 N.Y.S.2d 997, 1002 (N.Y.Sup. Ct. 1992). One of the Vermont moms later wrote about her experience in the case. See Deborah Lashman, *Second Parent Adoption: A Personal Perspective*, 2 Duke J. Gender, Law & Pol'y. 227 (1995).

child together without the legal parent losing any rights. Again, at the end of the process, the child has two legal parents.¹⁴

Although second parent adoptions are not possible in some states, currently in all the New England states there is a way to get legal protections for the non-biological parent through either a second parent or stepparent adoption. Second parent adoptions have been approved by higher court decisions in Maine, Massachusetts and Vermont, lower court judges in Rhode Island and some counties in New Hampshire,¹⁵ and through legislative action in Connecticut.¹⁶ In addition, stepparent adoptions are available for same-sex married couples in Massachusetts, Connecticut, New Hampshire and Vermont and for civil union couples in Connecticut, New Hampshire, Vermont and Rhode Island.

Why Should A Court Allow Second Parent Adoption?

Although the legal issues about the precise meaning and scope of adoption laws can be difficult, from a public policy standpoint, second parent adoption is a no-brainer. It is a classic example of a win-win situation. By providing a child with two legal parents, there are two people who are both morally and legally obligated to support and care for the child. As the Massachusetts SJC explained,

[A]doption will permit Tammy to preserve her unique filial ties to Helen [her other mother] in the event that Helen and Susan [her birth mother] separate, or Susan predeceases Helen. . . . [W]hen the functional parents of children born in circumstances similar to Tammy separate or one dies, the children often remain in legal

¹⁴ Adoption of Tammy, 619 N.E.2d 315 (Mass. 1993); Adoption of Susan, 619 N.E.2d 323 (Mass. 1993).

¹⁵ See GLAD, Bibliography of Adoption Cases, at <http://www.glad.org/rights/AdoptionCaseBibliography.pdf>; Jane S. Schachter, Sexual Orientation, Social Change, and the Courts, 54 Drake L. Rev. 861 (2006); discussion in Report of the American Bar Association, Resolution 109B, at 10-11 & nn. 20, 24 (Feb. 8, 1999).

¹⁶ In the 2000 legislative session, the Connecticut legislature overruled In re Adoption of Baby Z, and created a mechanism whereby a legal parent can consent to his or her partner's adoption of the child. An Act Concerning the Best Interest of Children in Adoption Matters, 2000 Conn. Legis. Serv. P.A. 00-228 (S.H.B. 5830)(West) amending Conn. Gen. Stat. sec. 45a-724 (1993). Colorado amended its adoption statutes to allow second parent adoption in 2007. See Colo. Rev. Stat. § 19-5-203 et seq.

limbo for years while their future is disputed in the courts....In some cases, children have been denied the affection of a functional parent who has been with them since birth, even when it is apparent that this outcome is contrary to the children's best interests. Adoption serves to establish legal rights and responsibilities so that, in the event that problems may arise in the future, issues of custody and visitation may be promptly resolved by reference to the best interests of the child within the recognized framework of the law.¹⁷

Consistent with the common sense approach, the American Bar Association resolved in 1999 to "support the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interests of the child."¹⁸ The nation's pediatricians also strongly endorsed second parent adoption in a 2002 policy statement.¹⁹

Why Should Married Or Civil Union Couples Who Have A Child Born Into The Relationship Still Go Through The Adoption Process For That Child?

Adoption is a court judgment creating a parent-child relationship and should be respected by other states, even if those states are otherwise hostile to same-sex couples or parenting. While a child born to a married same-sex couple or to a couple in a civil union is presumed to be the child of both members of the couple and both should be listed as parents on the birth certificate, another state might not respect that presumption if the couple moves or if they separate and one party relocates.

¹⁷ Adoption of Tammy, 416 Mass. 205, 215 (1993). GLAD's briefs, and the briefs filed in other cases, are available upon request. For other publications making the arguments as to children's best interests, see e.g. Report of the American Bar Association, Resolution 109B, at 2-4 (Feb. 8, 1999); Suzanne Bryant, Second Parent Adoption: A Model Brief, 2 Duke J. Gender and Pol'y 233 (1995).

¹⁸ Report of the American Bar Association, Resolution 109B (adopted by House of Delegates, Feb. 8, 1999).

¹⁹ American Academy of Pediatrics, Comm. on Psychological Aspects of Child and Family Health, Coparent or Second Parent Adoption by Same-Sex Parents, 109 Pediatrics 339-40 (2002).

- *Miller-Jenkins Sidebar*

Relying on a partner's good will, or even on the fact that a child was born into a marriage or civil union, is not the best way to ensure ongoing parental rights of both parents if a couple later separates. A case in point is *Miller-Jenkins v. Miller-Jenkins*. This case has been in litigation since 2004, has involved two state Supreme Courts (Vermont and Virginia), and has already made several trips to the U.S. Supreme Court. Proceedings are ongoing.

In that case, Janet and Lisa had a child, Isabella, while they were in a civil union. Janet did not adopt. After the couple separated, Lisa moved to Virginia and used both the lack of an adoption, and Virginia's laws hostile to same-sex relationships to thwart Janet's contact with their daughter. Finally, however, the Virginia courts agreed that the Vermont courts had the authority to make custody and visitation decisions.

After many attempts to get Lisa to allow Janet visitation rights, in November, 2009, the Vermont Family Court issued an order granting Janet responsibility for the day-to-day care of Isabella while granting Lisa liberal visitation rights. The transfer of custody was to have taken place on January 1, 2010. However, Lisa failed to appear at the appointed time, and an arrest warrant was issued. Lisa and Isabella still have not been found.

GLAD and local counsel represent Janet in the Vermont proceedings. For more information about the case, go to <http://www.glad.org/work/cases/miller-jenkins-v-miller-jenkins>.

Second Parent Adoption Law in New England

● Connecticut

Connecticut statutes set forth a process for second parent adoption whereby an existing parent (biological or adoptive) may agree to the adoption of the child by another person “who shares parental responsibility for the child.”²⁰ The passage of this law in 2000 effectively overturned an earlier ruling²¹ that had denied the joint petition of a lesbian couple to adopt the biological child of one of women based on previously existing adoption statutes.

Additionally, couples in a marriage or civil union may use the process for stepparent adoption to secure the legal relationship between the second parent and a child born or adopted before the parents entered into a marriage or civil union.²²

● Maine

In 2007, the Maine Law Court ruled that a lesbian couple could jointly adopt from the state the foster children they had been raising for six years.²³ Although the case involved adopting from the state, the Court’s ruling broadly stated that Maine adoption law allows joint petitions by unmarried couples, whether adopting from the state or forming a legal relationship between the child and the second parent.²⁴ For more information see *Maine Joint Adoption Procedure and Practice* at <http://www.glad.org/uploads/docs/publications/me-joint-adoption-practice-and-procedure.pdf>.

²⁰ C.G.S.A. § 45a-724 (a)(3).

²¹ *Adoption of Baby Z.*, 724 A.2d 1035 (Conn. 1999).

²² C.G.S.A. § 45a-724 (a)(2).

²³ *Adoption of M.A.*, 930 A.2d 1088 (Me. 2007)

²⁴ *Id.* at 1093.

● Massachusetts

In 1993, the Supreme Judicial Court of Massachusetts affirmed the granting of the joint petition of a lesbian couple to adopt the biological child of one of the women.²⁵ The court held that the law²⁶ allows adoption by two unmarried cohabitants, including adoption by the child's biological parent and her partner, regardless of sexual orientation. The court further held that the parent's rights are not terminated by the adoption. In a companion case,²⁷ the court held that the Probate and Family Court has jurisdiction to consider a joint petition of a lesbian couple to adopt the biological child of one of the women.

● New Hampshire

The question of joint or second parent adoption by a same-sex couple has not been addressed expressly by the New Hampshire statutes on adoption or by any authoritative ruling by the state supreme court.²⁸ Second parent adoptions have been granted at the lower court level in some counties, but denied in others.²⁹

However, same-sex couples who are married or in a civil union have a clear avenue to second parent adoption through the stepparent adoption process.³⁰

²⁵ In re Tammy, 619 N.E.2d 315 (Mass. 1993).

²⁶ M.G.L. c. 210.

²⁷ Adoption of Susan, 416 Mass. 1003 (1993).

²⁸ The New Hampshire Supreme Court rejected a petition to jointly adopt by a divorced heterosexual couple in 1987, a decision read by some as also likely blocking joint or second-parent adoptions by same-sex couples. See In Re Jason C., 129 N.H. 762, 533 A.2d 32 (1987). The court read the absence of any procedure for custody determinations within the adoption process to indicate that the legislature did not intend to grant adoptions under these circumstances. The court's determination also turned on the fact that allowing a divorced couple to adopt jointly would not further the legislature's intent to limit adoption to applicants who would most likely provide a unified and stable household for the child—an intent that would be fulfilled by a committed same-sex couple seeking to adopt together.

²⁹ AnnMarie Timmins, Adoption Law Is Up For Interpretation, Concord Monitor, Apr. 10, 2006, at www.concordmonitor.com/apps/pbcs.dll/article?AID=/20060410/REPOSITORY/604100308.

³⁰ N.H. Rev. Stat. 170-B:4(IV).

● Rhode Island

The question of second parent adoption by an unmarried couple is not addressed expressly by the Rhode Island statutes on adoption or by any authoritative ruling by the state supreme court. Despite this, second parent adoptions have been routinely granted at the Family Court level. In addition, now that civil unions are available in Rhode Island, civil union couples have a clear avenue to second parent adoption through the stepparent adoption process.³¹

● Vermont

The Vermont Supreme Court has granted the joint petition of a lesbian couple to adopt the biological children of one of the women, holding that “[W]hen the family unit is comprised of the natural mother and her partner, and the adoption is in the best interests of the children, terminating the natural mother’s rights is unreasonable and unnecessary.”³² This ruling firmly establishes that unmarried couples may petition for second parent adoption. The Vermont Legislature subsequently rewrote the adoption laws to conform to this court ruling.³³

³¹ RI ST 15-7-5.

³² In re B.L.V.B. and E.L.V.B. 628 A.2d 1271, 160 Vt. 368 (1993).

³³ 15A V.S.A. § 1-102.

Additional Legal Literature

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Nancy D. Polikoff, This Child Does Have Two Mothers: Redefining Parenthood to Meet the Needs of Children in Lesbian-Mother and Other Nontraditional Families, 78 Geo L.J. 459 (1990).

Jane S. Schacter, Constructing Families in a Democracy: Courts, Legislatures and Second-Parent Adoption, 75 Chi.-Kent L. Rev. 933 (2000).

Marcus C. Tye, Lesbian, Gay, Bisexual and Transgender Parents, 41 Fam. Ct. Rev. 92 (2003).

Gay & Lesbian Advocates & Defenders (GLAD) is the leading legal rights organization in New England dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression. Through impact litigation, education and public policy work, GLAD seeks to create a better world that respects and celebrates diversity—a world in which there is equal justice under law for all.

GLAD's Legal Infoline and publications are provided *free of charge* to all who need them. We hope that those who are able will make a contribution to ensure that GLAD can continue the fight for equal justice under the law.

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Thank You!



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