

BY CYNTHIA POTTS

"Every day, over 100 children statewide are in foster care, waiting to be adopted," the newscaster declares. Over 100 children?

Your girlfriend is smart, caring, nurturing – perfect mom material. You're not too shabby either, and with two professional careers, the two of you could easily offer any child a warm, loving home that includes a little more than the basic necessities.

After long heart-to-heart discussions, hand-in-hand you head to your ob-gyn for information on sperm donors, or to the nearest adoption agency for an interview and an eventual home study. You're ready to become the latest pair of mommies on the block.

So now what happens? How do you make sure that both of you "count" equally as parents?

If you live in Vermont, you're in luck, legally speaking, thanks in large part to Deborah Lashman. A family-law attorney herself, Lashman's own precedent-setting adoption case was heard by the Vermont State Supreme Court in 1993.

"At that time, Vermont's adoption laws had been unchanged since the 1940s," Lashman explained during a phone interview. "The court considered the issue of same-sex adoption, and returned with a very positive opinion. That opinion became codified, encompassed in specific law."

"The Adoption Reform Act of 1995 opened the doorway to joint adoption by gay and lesbian couples," said attorney Beth Robinson. "Civil union legislation simply reinforces that decision."

"With civil unions," Lashman explained, "the law presumes that both partners are the natural parents of the child in question. However, because other states may not recognize a civil union, I counsel my clients to legally adopt their children."

"There are an awful lot of unanswered questions about civil unions, marriage, the DOMA

Rosie Tabachnick, 7, has three parents.

BABY MAKES THREE

The Gaybies are Booming, Despite Obstacles

There's no consistent national policy on gay adoption – which means that your home address determines whether you should start painting the nursery.

law," Lashman concluded. "It will take years to sort them all out."

Beyond the Borders

You and your girlfriend don't live in Vermont? The legal picture grows infinitely more complicated.

A majority of states require *couples* to be married before they're allowed to adopt, effectively prohibiting gay partners from forming families. The current drive toward equal marriage rights is propelled in large part by the desire of gay and lesbian couples not only to create

families, but to protect existing ones.

Gay and lesbian *individuals* can adopt in most states, provided that they, like any potential adoptive parent, can prove to a judge's satisfaction that the proposed living arrangements are in the child's best interest. There's no consistent national policy – which means that your home address determines whether you should start painting the nursery.

In Florida, no dice.

Despite the recommendations of several well-respected organizations – including the American

Academy of Pediatrics and the North American Council on Adoptable Children – the Sunshine State absolutely prohibits adoption by gay and lesbian individuals or couples.

Mississippi prohibits same-sex couples from adopting, although they recently agreed to revise a birth certificate to reflect the adoption of a Mississippi child by two Vermont lesbians.

But 24 other states have granted same-sex second-parent adoptions. A so-called "second-parent" adoption occurs when one partner, through biology or adop-

tion, already has legal custody of the child. The second partner then petitions the court using the same adoption process any stepparent would. This procedure streamlines the legal proceedings, eliminating procedural steps like home studies, statutory waiting periods, and formal accounting of adoption expenses.

If you and your girlfriend aren't in a civil union or married, it'll make second-parent adoption more difficult, if not impossible. For example, Pennsylvania only recently revisited a law that required the legal parent to relinquish all parental rights to the child being adopted – *unless* the child was being adopted by a spouse. If there's no spousal standing, there's no advantage to adoption.

In a frightening number of states, adoptions are granted on a case-by-case basis. Potential parenthood can depend on the political leanings or religious views of an individual judge. Determined parents keep trying, and are slowly turning the tide toward wide-spread acceptance of same-sex adoption.

Other Arrangements

Queer folk are famous for creating their own families, making 'chosen families' both a watchword and a goal. No one exemplifies this better than Northampton residents Jane Fleishman and her partner, Joan Tabachnick.

"I had entered into an agreement with a gay man to have a child," Jane explained.

"Originally I just wanted a sperm donor, and I was going to have this baby on my own. But Irwin wanted to have a role in the baby's life. And when I was four months pregnant, I met Joan."

A wistful tone floated across the phone wires as Jane continued. "We had the most amazing courtship. She's just so wonderful, and we fell in love. A few months later, Ezra was born."

Ezra, now 11, and younger sister Rosie, 7, have two sets of parents – similar, but still a little different from children whose divorced parents have remarried. Joan explained: "Jane