

Out in the Mountains

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Vermont Supreme Court Hears Adoption Appeal

On February 3, 1993 the lesbian parents of two children presented their adoption petition to Vermont's highest court. As stated in the brief presented to the Supreme Court, "the boys were deprived of a second legally recognized parent when the Probate Court (Judge George Belcher) denied Deborah's request to adopt the two boys."

In addition to the brief presented by the attorneys for the couple, several national organizations filed an amicus brief in the case. Lambda Legal Defense and Education Fund, Gay and Lesbian Advocates and Defenders, and The National Center for Lesbian Rights joined in the precedent setting case. This is the first time the issue of second parent adoption has been heard by a state supreme court.

A packed courtroom listened for over half an hour as attorneys Julie Frame and David Curtis of Burlington and Paula Ettlbrick of Lambda Legal Defense Fund argued the case. Frame pointed out the need to consider the best interests of the children in considering adoptions, and that even the State of Vermont, through a court ordered home study, had concluded that the adoption should take place. She also highlighted the contradictory language of the adoption statutes in Vermont and suggested that the justices consider second parent adoptions in the same light as step-parent adoptions.

Ettlbrick summarized the history of similar cases around the country and described the lengths parents in these circumstances go to in order to protect their children and families. She pointed out that even these efforts can not provide the protection of adoption. In a Florida case when Joan Pearlman died after a long illness leaving her partner of 13 years and their 5 year old daughter, Joan's parents successfully obtained custody of the child and later adopted her without notifying the surviving parent. Eventually the adoption was overturned, but not until the child had suffered extreme anxiety from removal from her surviving parent.

The Justices asked numerous questions touching on everything from whether constitutional questions applied to whether there was a limit to the number of parents a child might have. While there is no limit to the time the court can take to render a decision, it is expected that they will do so before recessing for the summer. ▼

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Adoption Reform Task Force Releases Recommendations

The day after a precedent setting hearing on second parent adoption before Vermont's Supreme Court, the state's Adoption Reform Task Force ended three years of work by releasing its recommendations for changes to Vermont's adoption statutes. The 21 person Task Force, established by an act of the legislature in 1990, had the mandate to review adoption law and policy. In releasing its recommendations, the Task Force stated they were not addressing the issue of gays and lesbians adopting. However, one of the recommendations would make it impossible for any such adoptions. The Task Force recommended that "unless they are married, two people may not adopt one person."

One of the members of the Task Force, Probate Judge George Belcher, ruled against the adoption petition of a lesbian couple last June, giving their inability to legally marry as the reason for his denial. Another, Representative Timothy Corcoran (D) Bennington, voted against the civil rights bill last April

The Task Force recommendations now go to the Health and Welfare and Judiciary Committees of the legislature for consideration. ▼

Granting of Domestic Partner Rights to City Employees Leads to Larger Concerns

Cleland E. Selby

The discussions generated by the process which lead to the decision by the Burlington City Council to grant health benefits to domestic partners has also lead to more focus upon the definition of "family" and the role of the State as well as churches and synagogues in the lives of homosexual people wishing to be acknowledged as "family." On the 11th of January, the Burlington City Council in a 9 to 4 vote made the historic decision to provide "domestic partners" of city employees with the same health care benefits as married partners currently receive. In so doing, Burlington joined the handful of cities in the United States that provides such benefits to their employees. It is the only Vermont municipality to have done so. All five Progressive and the one Independent Councilor (Cushor, Bailey, Clark, Nolfi, Pine, and Fornbluh) voted in favor of the proposal. The two Republicans, Dianne Deforge and Peter Brownell (who subsequently announced his candidacy for mayor), voted against it. The four Democrats were evenly divided on the issue with Mahoney and

Continued on Page 10