

Out in the Mountains

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Adoption Reform Hearings

Deborah Lashman

On Thursday March 25th, the Senate Health and Welfare Committee held the first public hearings on legislation proposed by the Adoption Reform Task Force. Chaired by Senator Jan Baccus, the committee heard testimony from over 50 people on a variety of issues. Other members of the Committee are Helen Riehle, Peter Shumlin, Sam Hudson and Susan Sweetser. Most of the testimony concerned provisions for "open" adoptions, counseling for birth mothers considering giving up their child for adoption and a waiting period after making that decision.

Of particular interest to the gay and lesbian community is language in the proposed legislation that would make it illegal for two unmarried people to jointly adopt a child. Six people, gay and straight, testified against that language, pointing out that the institution of marriage is no guarantee of a good home. Only one person testified in favor of the language, Michele Morin, a member of the Adoption Reform Task Force and of Vermont Right to Life (an anti-choice organization). Contrary to other testimony and to numerous studies, she said the only stable situation in which to raise children is one in which the parents are married. Also of concern a change in language saying that the "best available option" should be used. In past the language has been to consider the "best interests of the child" in determining who shall adopt.

Following consideration by the Senate Health and Welfare Committee, the legislation will go to the Senate Judiciary Committee. After that it will be reviewed by House Committees and any differences will be worked out in conference. A final bill will not come before the legislature until next year. ▼

Domestic Partnership Legislation Proposed in Montpelier

Paul Olsen

In response to the broadening social definition of family, landmark legislation that would have recognized domestic partners was proposed in Montpelier. While some cities and municipalities have domestic partnership ordinances, if passed, Vermont would have become the first state in the nation to recognize life partners. As both bills addressing domestic partnerships failed to make crossover neither will become law this session. However, a discussion of both bills is appropriate to prepare for legislative debate in the future.

H.248 and H.471 both called for the recognition of domestic partnerships. Introduced by Burlington Representatives Sandy Baird, Thomas Fleury, and Mary Sullivan, and Richmond Representative Gary Bressor, H.248 would have required that municipal clerks record same sex and opposite sex domestic partnerships. To qualify as domestic partners, when filing a statement of domestic partnership, couples must declare under penalty of perjury that they are not related by blood, are not married, are competent to enter a contract, share a primary residence, are age 18 or older, are responsible for each other's welfare, and that neither person has declared that he or she has a different partner. Representative Sandy Baird explained that H.248 was introduced to address heterosexual privilege attained through marriage and to honor Ron Squires who originally drafted the bill. According to Representative Dean Corren, H.471 (introduced by Burlington Representatives Terry Bouricius, Nancy Chioffi, and Corren) was modeled after Hollywood's domestic partnership ordinance and was intended to create a registration process that would ultimately treat domestic partnerships the same as marriages in all respects. While originally assigned to General & Military Affairs, Representative Thomas Fleury stated that both bills are currently in the Judiciary Committee which he describes as "friendly".

If passed, domestic partnership legislation has potential implications in the areas of employee benefits, visitation rights, housing, and the courts. H.248 specifically outlaws discrimination on the basis of a domestic partnership and calls for partner visitation rights. Representative Corren felt that H.471 was more comprehensive in that it would have amended Vermont's marriage statutes to treat domestic partnerships the same as marriages. However, as an amendment to marriage statutes, questions regarding whether H.471 would have applied to same sex couples remain unanswered and apparently would have to be addressed through the judicial system.

After passage of the gay rights bill, domestic partnership legislation is seen by many as critical to Vermont's lesbian and gay community. Co-liaison Keith Goslant says the Vermont Coalition of Lesbians & Gay Men supports the concept of domestic partnership legislation but has concerns with both bills. "Competency to enter a contract" requires a higher standard of domestic partnerships compared to heterosexual marriages. According to Goslant, the bigger question is whether lesbian and gay couples want to be treated as heterosexual married couples under Vermont law. On the heel of Peter Clavelle's mayoral defeat, Goslant was not surprised at failure to meet crossover this session and is pleased the lesbian and gay community will now have an opportunity to fully explore this issue before it is reintroduced in the legislature.

While unique on the state level, domestic partnership legislation is sure to become increasingly popular in the future. Recognizing that domestic partnerships are not harmful and are qualitatively similar to marriages, domestic partnership legislation is seen by many as a first step in granting lesbian and gay couples the economic and personal benefits vital to their welfare. While it did not pass this session, introduction of both bills has begun the educational process and paved the way for passage in the future. ▼

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