

Second Parent Adoption

(Cont from page 1)

job in Washington, DC in 1987, Deborah left her job in Boston so that Jane could take advantage of the opportunity. At around the same time, they began to discuss their plans to raise a family together.

Jane became pregnant and both women attended childbirth classes together. Their first son was born in November, 1988. They attended to a number of things such as wills, medical power of attorney, guardianship agreements and an agreement to raise jointly their son and any other children they might have.

After some time in DC, they sought a more attractive environment for their child rearing. As both Deborah and Jane have roots in New England, they explored the area and bought the house with the porch in Burlington. Jane's family was nearby, and Deborah's father was in Boston. Their children would be closer to their grandparents, which made everyone happy.

In 1991, while she was pregnant with their second son, Jane was laid off from her job. Deborah put the boys on her health insurance, but was told by her boss that she couldn't do that. Unless the boys were legally her children, the insurance policy her company had at that time would not allow her to insure them. The two women decided to pursue adoption, and they contacted an attorney. They met with David Curtis and Julie Frame to discuss their options. At that time a related case was pending in Middlebury. They hoped for a positive decision which would set a precedent, thus helping to pave the way for their own adoption petition.

Their second son was born in August of that year; the (favorable) Addison County decision came out in December, and Jane and Deborah filed their adoption petitions with the Chittenden County Court in January.

They approached the adoption process matter-of-factly, each of them confident that this was something that should happen, and that it was what was best for the children. "It just felt like something that needed to be done," said Jane. They agreed that they wanted to have Deborah's parental status legally recognized for a number of reasons, most of them related to legal, financial, or custodial issues. Deborah's father had revised his will to include the two boys equally along with his other grandchildren. They wanted to be certain that health insurance would not be a problem, and that both women would be recognized as authorized to make various decisions for the children regarding school, medical care or other issues.

As part of the adoption process, a home study, was ordered, consisting of three visits with a social worker and a written report. The hearing in front of the probate judge took place in June of 1992. "until we got to the hearing," said Deborah, "at least for me, there wasn't a lot of emotional stuff going on. It was pretty routine kinds of things." Jane interjected, "It was exciting. We were excited about it." Deborah agreed, "But there was a lot of sitting around waiting for things to happen."

The reality of the probate court hearing altered their matter-of-fact perspective slightly. Jane wasn't nervous about having to present their case, "Because it was so clear that it was what should happen." But, she said, "We were definitely nervous when we got there." Deborah offered that talking about their lives to a judge was a bit different from sharing it in a written brief. Additionally, their expert witness, Donald Hillman, Ph.D., a well known VT child psychologist, raised a number of issues regarding step parents who haven't adopted their partner's children. "There's something about adoption",

said Deborah, "That makes this very real and very final. It's a commitment on the part of the other parent."

Right up until that time, they were optimistic about the outcome. "We thought we were going win! People were winning all over the country!", Jane said. Deborah agreed, "Especially after what happened in Middlebury." But it didn't happen in Washington County Probate Court. Even after favorable testimony from their expert witness, and the recommendation from the social worker that the adoption was in the best interests of the children, Judge Belcher ruled that since Jane and Deborah could not marry, Deborah could not adopt.

Although they had discussed with their attorneys the possibility of an appeal in the event that the adoption petitions were denied, three weeks later, when Judge Belcher issued his decision, the abstract became reality. It was frustrating. "It felt like we had to keep going with this", Jane said.

Between June and November 1992, the lawyers were hard at work. The appeal was filed in November, and an amicus curiae (friend of the court brief) was filed by Paula Etlebrick and Susan Murray on behalf of Lambda Legal Defense Fund, GLAD and the National Center for Lesbian Rights. Jane indicated that it was a thrill to meet Etlebrick, but that they realized that they were perceived as a vehicle (The Case) rather than individuals. "At the probate level," said Deborah, "it was different, because it was much more personal." Jane noted that at the Supreme Court level, "It's bigger than you."

"And then you wait," said Deborah. "And then we waited and waited". Things actually moved with relative speed. The appeal was filed in No-

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