

## Law

## Legal Primer *(from preceding page)*

to court they can become very public and very messy. Arbitration cases are not public, and in arbitration there is no need to bring in the nature or quality of the relationship between the parties.

The legal issues can be especially thorny where children are concerned. Gay people have children in a variety of ways. One of the most common is to bring children from a previous marriage into the new relationship. The issue here is one of maintaining a parental relationship with the child after a divorce.

Wishik spoke primarily about lesbian custody cases in this respect. Vermont laws governing custody provide some protection to the lesbian mother once her sexual orientation is known. Under Vermont laws the primary caregiver receives extra weight in custody decisions, and this is especially helpful for lesbian mothers. Evidence of

parental conduct cannot be brought in unless it has an impact on the child. If the former spouse fails to prove that a client's lesbianism is harmful to the child, then the judge cannot hear it under the statute.

Wishik feels that on the whole Vermont custody laws are good and Vermont judges have been reasonable when lesbian custody cases have gone to court. Nevertheless, it is important to educate the judge in every one of these cases.

Vermont is very sympathetic to gay people as foster parents, but adoption statutes are less clear and are not gender-specific. Gay people have been able to adopt children in Vermont; that is, one of the partners can legally adopt the child. There have been a few cases in California where two women or two men have legally adopted a child, but this has not happened in Vermont or elsewhere yet.

Another means of having children is through artificial insemination. The Women's Health Center and the Vermont Medical Center, both in Burlington, have been receptive to lesbians wishing to have children through artificial insemination.

In most gay parenting situations, there is a legal relationship between the child and one of the two parents, but not the other. If the partnership breaks up, the non-biological, non-adoptive parent has no legal standing if he or she seeks visitation rights, no matter how long he or she has lived with the child. Most legal decisions on this issue in

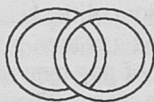
other states have been negative. Wishik recommends that a gay couple raising a child together make a co-parenting agreement which includes arbitration for dispute resolution.

Agreements concerning children are not binding; nevertheless, they can help to document original intent—that is, that at the outset both partners agreed to share responsibility for parenting. Such an agreement can also help induce couples to resolve conflicts on their own and stay out of court.

It is critically important that gay parents designate guardianship of their children in their wills. There is a well-known case in Vermont in which two women were co-parenting a child. The biological mother died in a car crash, and though she had named her partner as the child's guardian in her will, the parents of the biological mother sued for custody of the child. The parents' claim was not recognized in probate court because of the guardianship designation, and as of now, the non-biological mother still has custody of the child.

Though gay men and lesbians still have less recourse to the law than heterosexuals in terms of family and parenting issues, there are still a number of options available to them which can make certain decisions and situations more easily negotiated. Becoming knowledgeable on these matters now could save a great deal of trouble and pain later on.

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## Fifth Annual Golden Threads Celebration Planned

The Fifth Annual Golden Threads Celebration will take place on June 28-30, 1991 at the Provincetown Inn in Provincetown, Massachusetts. Lesbians from all over the United States, many from Canada and other countries, will converge in Provincetown to celebrate who they are and their age, whatever it is.

Entertainment will be provided by Janice Perry, a.k.a. Gal. A banquet will be followed by dancing, with our own DJ playing the oldies. Rap sessions are also planned for the gathering.

In existence since 1985, Golden Threads is a worldwide social network of Lesbians over 50, and women who are

interested in older women — no lesbian is excluded.

A contact publication, *Golden Threads*, is published four times a year. It lists many self-descriptions of lesbians, resources, book reviews and an editorial, all addressing the interests and concerns of the older lesbian.

For more information on the organization, please contact: Christine Burton, *Golden Threads*, P.O. Box 3177, Burlington, VT 05401-0031.