

Karen Thompson: Still Fighting to Bring Sharon Kowalski Home

Sage Russell

Karen Thompson made her first visit to Vermont on November 15, as the guest of the Vermont Lesbian and Gay Pride Committee, speaking at Christ Church in Montpelier on "Protecting Your Relationships." To drive her point home, she told in vivid and powerful detail the story of her own long and so far unsuccessful fight to obtain guardianship of and proper medical care for her partner Sharon Kowalski, who

was seriously injured in an automobile accident on November 3, 1983. Thompson spoke with passion and urgency, using the force of her own experience to try to help others avoid a nightmare like the one she has lived through since then.

The outlines of this story are well known. The guardianship petition pitted Thompson against Sharon's parents in a protracted legal battle. Guardianship was awarded to Donald Kowalski in July 1985, whereupon he immediately moved Sharon from St. Cloud, Minnesota, where she had lived with Karen, to a nursing home in the northern part of the state, and obtained a legal order preventing Karen from seeing Sharon.

Three and a half years passed before Thompson was able to see Sharon again. During this time she traveled and spoke out on the case extensively, and wrote a book about it called *Why Can't Sharon Kowalski Come Home?*

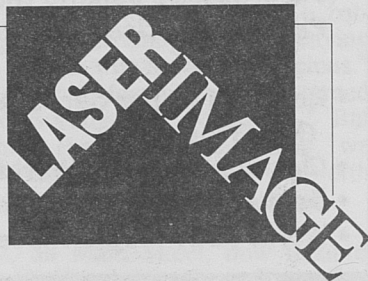
Karen Thompson knows why Sharon Kowalski can't come home. In her talk she explained clearly and convincingly how sexism, ableism and homophobia have worked together to keep Sharon institutionalized. Thompson feels that these three factors, particularly homophobia, have obscured the fundamental fact: that this is a human rights issue. Sharon Kowalski has been denied her basic civil rights, especially her right to recover to her fullest potential. She has not received appropriate medical and rehabilitative care and has been unable to participate in decisions affecting her own life -- decisions she is well able to make.

The case finally caught the attention of the mainstream media, and this publicity in turn attracted some support from local and national politicians. Disability rights

groups began to see it as a disability rights case and not solely as a gay rights issue, and they finally began to get involved too. Thompson believes the combination of these factors broke the case open, and led to the limited progress that has been made since then.

In September 1988, Sharon was tested for competency for the first time, even though under Minnesota law she should have been tested every year since the accident. The testing demonstrated clearly that she was able to understand, communicate and express her own wishes. Sharon was moved to a nursing home near St. Cloud where she could receive rehabilitative care. Karen finally saw her again in February 1989. Since then, Sharon has been able to spend two weekends a month at home with Karen. The other two weekends she remains at the nursing home in case her parents want to visit her. In a three year period they have seen her five or six times.

The latest round in the legal battle began in August 1990 when Thompson once again petitioned for guardianship. Hearings were held in December, and for the first time Sharon was present in a courtroom where her future was being decided. The decision was announced in April. The judge denied Thompson's petition, primarily because Karen intended to bring Sharon home, and he awarded guardianship to a "neutral" third party who had not even filed a petition as required by law. This decision went against the unanimous opinion of 16 court-appointed experts -- doctors, nurses, psychologists, social workers and the like -- that it was in Sharon's best interest to go home, "home" defined as being with Karen, and that there was no medical reason why she could not be cared for there.



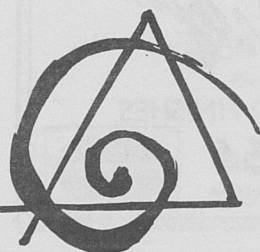
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