

Judges Rule In Favor Of Lesbian Partner as "Dad"

Law.com reported on July 2, 2004, that a Los Angeles appeals court has ruled that a lesbian can be a co-parent if she is presumed to be a dad under the state's Uniform Parentage Act.

According to 2nd District Judge H. Walter Croskey, "That statute, when read in a gender-neutral manner, provides that a woman is presumed to be a parent of a child if [she] receives the child into [her] home and openly holds out the child as [her] natural child."

Croskey continued, "Though the act is predicated on determining legal 'motherhood' and 'fatherhood' ... the statutory language does not restrict the parent-child relationship based on gender to a mother and father. The act requires that we read it in a gender-neutral manner."

In a related story out of Denver, Colorado, Judge John Coughlin has ruled that a lesbian woman involved in a custody case became the "psychological parent" to a Chinese infant adopted by her former lesbian partner.

Dr. Cheryl Clark, a psychiatrist, had adopted the child while in a relationship with psychologist Elsey McLeod. Clark renounced her lesbian lifestyle three or four years ago and said that she had returned to her Christian roots. Judge Coughlin has ordered Clark to protect the child from "homophobic" remarks when in her household.

The American Civil Liberties Union and the Gay, Lesbian, Bisexual and Transgender Community Center of Colorado have both hailed this as a significant victory for gays. ■