

Lesbian Couple Says Custody Award Catches D.C. Up

By Patrice Gaines-Carter
Washington Post Staff Writer

A lesbian couple recently granted joint custody of two children said the groundbreaking decision is simply a case of jurisprudence catching up with reality.

"There are a lot of alternative families out there," said one of the Northeast Washington women, 41. "The reality is it's no longer an Ozzie and Harriet world."

Nonetheless, the decision by D.C. Superior Court Judge Geoffrey M. Alprin giving the children two legal mothers is a first in the Washington area. The sealed decision, handed down Aug. 30, is expected to encourage more gay couples to seek joint custody of children.

The District already has an established policy of allowing gay individuals to adopt children. But Alprin's decision makes the city one of only six jurisdictions nationwide to grant joint parental rights to gay couples. The ruling was supported by the Department of Human Services and the Mayor's Office.

The children, ages 5 and 2, have lived with the two women as a family

for years. The women, who asked that their names not be used, said that although the arrangement initially may confuse some people, the children have adjusted with ease.

"The children address both of us as mommie," said one of the women. "If we both answer, the child says mommie so-and-so."

The women have lived together in a house they own since 1983, the year they participated in a "ceremony of commitment to each other." Both are teachers who work with learning disabled and emotionally disturbed children.

They wanted children and decided "that we would bring children into our family in the way each of us wanted to," one of the mothers said in an interview.

One, now 39, chose artificial insemination from an unknown donor and gave birth to a daughter in 1985. The other adopted a baby girl in Nicaragua in 1989.

Each child has the same hyphenated last name, which combines the last names of the mothers. Their first names were chosen to honor their respective grandparents.

Although the four have functioned as a family for some time, the women were worried about complications from a lack of joint parental rights. For instance, the death of one woman would leave one child orphaned. The women also worried about what would happen if one child needed medical treatment and the legal mother was unavailable.

The Department of Human Services, under the previous administration, had denied the petition for joint custody. A local statute at that time was interpreted as requiring parents to give up their rights before an adoptive parent could be named. Because one of the women is the biological mother of one of the children, that interpretation prevented awarding custody to both women.

But Mayor Sharon Pratt Dixon's office got involved in the case last spring, and her legal staff decided that the statute was open to another reading.

The Dixon administration's "representation to the court was that the court should decide this using the legal standard 'what is in the best

interest of the children,'" said Constance Spheeris, special assistant to the mayor. "It is an expression of her support through policy for the rights of lesbian and gay families."

The family passed a home study by a Department of Human Services social worker, and the children were determined to be "happy and well-adjusted." The older child "has shown, above average academic progress in kindergarten," the judge wrote. In his decision, the judge said that both women "are appropriate parents, and granting their petitions would serve the best interests of each child."

Similar decisions have been made in Alaska, Washington, Oregon, Minnesota and California.

Chuck Donovan, staff director at the Family Research Council in Washington, said yesterday that his organization does not think the home is a good environment for the children. "Any step toward legal recognition of a family model that is not based on the heterosexual model is a step in the wrong direction," Donovan said.

The decision, however, was applauded by gay-rights groups.