

## Virginia court awards lesbian custody of son, 2

By Laurie Kellman  
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The Virginia Court of Appeals yesterday ordered a 2-year-old boy returned to his mother, saying the Richmond woman's homosexuality did not make her unfit to raise a child.

"A parent's private sexual conduct, even if illegal, does not create a presumption of unfitness," said Judge Samuel W. Coleman III, writing for the unanimous, three-judge panel.

The decision overturned a lower-court ruling awarding custody of the boy to the woman's mother.

"The fact that a mother is a lesbian and has engaged in illegal sexual acts does not alone justify taking custody of a child from her and awarding the child to a non-parent," Judge Coleman wrote.

Conservative activists quickly decried the ruling.

"I think it's more than an embarrassment; it's a slap in the face to pro-family people, and it weakens the fabric of society," said Walt Barbee, president of the Springfield-based Family Foundation. "We know the family is the building block of society."

In September, a Henrico County

Circuit Court judge ruled that the boy's mother, Sharon Bottoms, 24, had violated Virginia's "crimes against nature" law by engaging in oral sex with her live-in lover, April Wade, 28.

Within six hours, Miss Bottoms was forced to surrender her son, Tyler Doustou, to her own mother, Kay Bottoms, 43, who was awarded custody. Miss Bottoms was granted visitation.

Miss Bottoms and the boy's father, Dennis Doustou, are divorced. Mr. Doustou has not been involved in Tyler's rearing.

Miss Bottoms is unemployed. She depends financially on Miss Wade, who works in a health food store.

When Miss Bottoms heard about yesterday's ruling in her favor, she "screamed and cried and was really happy," she said. "I'm just grateful it's over — for now."

But many conservative activists, cheered in November by the election of Virginia's first Republican governor in 12 years, consider the appeals court ruling a travesty.

"It's just another slap at the family values that Virginians believe in," said Patrick Mullins,

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chairman of the Fairfax County Republican Committee. "Those values don't include homosexual parents raising kids."

Richard Ryder, an attorney for Miss Bottoms' mother, said an appeal is likely.

"Of course, I disagree with the opinion and I think it's a tragedy as far as the boy, Tyler, is concerned to put him back in that environment," Mr. Ryder said.

Homosexual-rights groups and some civil-rights leaders hailed the decision as a landmark.

"We applaud the ability of the appeals court to reject the homophobic ruling of the trial court," said Paula Ettelbrick, director of public policy for the National Center for Lesbian Rights.

"The court's decision follows what is logical in this particular case and most lesbian custody cases, and that is the unrefuted evidence that sexual orientation does not make a parent unfit," she said.

Conservatives took another blow yesterday from the Virginia Housing Development Authority, which provides low-income housing loans.

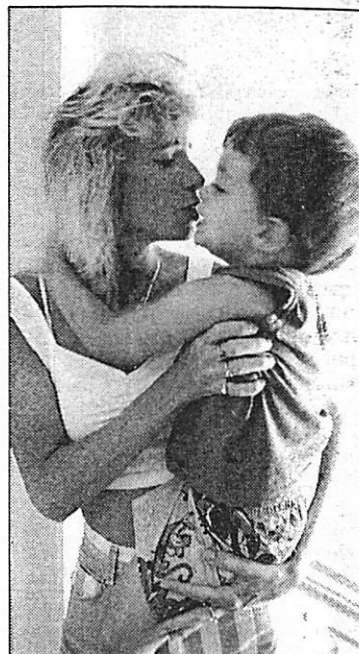
Six of the seven members present voted to provide the loans to "nontraditional" households, including those set up by homosexual couples. The six who voted for the key change in language — from "family" to "household" — are all appointees of one of Gov. George Allen's immediate predecessors, either Republican Gerald Baliles or Democrat L. Douglas Wilder.

"Together, the two decisions send the message that the homosexual agenda is alive and well," Mr. Barbee said.

"It all sends a very disappointing message to the rest of the country," said Beth LaRock, Virginia state representative of Concerned Women for America.

Homosexual and civil rights advocates contend that the state's political leaders have a long way to go toward tolerance, and that decisions like yesterday's are a good start at turning the tide of public opinion.

Last year, for example, suppo-



Sharon Bottoms gives son Tyler Doustou a kiss after winning his legal custody yesterday.

ers of homosexual rights chastised state Sen. Warren Barry of Fairfax County and Oliver North, now the GOP's nominee for U.S. Senate, for making fun of homosexual stereotypes during public remarks at a dinner held by county Republicans.

Mr. Wilder, the nation's first elected black governor and a longtime civil rights advocate, was assailed by fellow Democrats last year for feigning a lisp and limp wrist during an on-the-record talk with reporters.

Miss Bottoms' attorney, Donald K. Butler, said the new court order will go back to the Henrico County judge within 14 days. The custody transfer will take place after the judge signs the order.

Meanwhile, Miss Bottoms' visitation schedule — from 10 a.m. Monday until 6 p.m. Tuesday — remains in effect. She would not say yesterday whether she would allow her mother to visit the boy.

"I'll do what's in Tyler's best interests," Miss Bottoms said.

• This article is based in part on wire service reports.