

Florida upholds gay adoption ban

LGBT groups and individuals express outrage

by Brian Smith

TAMPA, Fla. — Gays and lesbians nationwide are outraged over a court ruling that allows Florida's gay adoption ban to continue. LGBT political action group Equality Florida is calling on the Florida legislature to repeal Florida's anti-gay adoption law.

"This is a terrible decision. The court's ruling is not only bad news for gay Floridians, it is bad news for children who will be denied good homes," said Nadine Smith, executive director for Equality Florida. "While the legal fight continues to unfold, we believe it is past time for the legislature to repeal this state-sanctioned bigotry."

Equality Florida and local community groups across the state are organizing community meetings and rallies to respond to a court opinion legal scholars describe as outrageous and inconsistent.

Four gay foster parents seeking to adopt children in their care lost a federal challenge Jan. 27. The ruling by the 11th U.S. Circuit Court of Appeals allows Florida to remain the only state with a complete ban on adoption. The law passed in 1977 at the height of Anita Bryant's anti-homosexual campaign.

Florida argued the state has a right to legislate its "moral disapproval of homosexuality" and its belief that children need

a married parent for healthy development. That argument contradicts the state's own policy that allows gay foster parents and single parent adoptions.

"If single people can adopt in Florida, if gay people can be foster parents and legal guardians and if there are thousands of children languishing in foster care, there can be no justification for Florida's ban on gay adoptions other than impermissible prejudice and hostility toward gay people," said Howard Simon, executive director of the Florida ACLU.

The ACLU expects to take a short time before deciding how to proceed. It could ask the full appeals court to consider the issue.

Edward Schiappa, a University of Minnesota law professor who follows gay issues, believes the case is destined for Supreme Court review next year. He believes the state will have a hard time defending the law there because of its inconsistent policy allowing gay foster parents while banning gay adoptive parents.

The Family Pride Coalition also expressed their deep disappointment with the ruling in the Florida adoption case.

"This decision is a crushing blow, not only to the plaintiff families, but to gay and lesbian parents all over the country," said Aimee Gelnow, executive director of the Family Pride Coalition. "The judges in this case didn't just rule against gay dads and lesbian moms. They ruled against every gay and lesbian person in Florida who has

considered adoption, but thought it not possible in their home state. They ruled against existing gay- or lesbian-headed families in Florida where only one parent has legal ties to their children, leaving countless numbers of families vulnerable. They ruled against thousands and thousands of Florida children who need stable and loving homes. It is appalling, unconscionable and even negligent to turn their backs on the thousands of children in Florida who need loving homes such as the ones provided for years by these plaintiff families."

"We are living in dangerous times," said Rosie O'Donnell, who, along with her partner, Kelli, is a member and supporter of the Family Pride Coalition. O'Donnell has been a vitally important spokesperson against the Florida ban, coming out in a 2002 "Primetime Live" interview to shed light on the case. "The struggle for civil rights continues. It is my hope this case will be heard by the Supreme Court, where this absurd discriminatory decision will be reversed. What a sad day for all Americans."

Matt Coles, the director of the ACLU's Lesbian and Gay Rights Project, has stated that the ACLU intends to do all it can to make sure none of the children involved in this case are removed from their homes, and will explore the available legal options



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for this case.

The Human Rights Campaign also issued a statement voicing their displeasure with the ruling.

"Anyone who truly cares about children knows that subjecting them to a series of temporary homes and no real sense of family cannot possibly be in their best interest, especially when there are loving and capable same-sex parents ready to open their homes and hearts to them," said HRC President Cheryl Jacques. "This ruling places a higher premium on antiquated and discriminatory assumptions about gay and lesbian people than on the best interests of the state's children and families."

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