

National News Notes

by David Stout . Q-Notes staff

Court ruling returns foster child

CHARLESTON, W.V. — The Supreme Court of Appeals of West Virginia ruled June 5 that a foster child should be returned to her lesbian foster parents, Kathryn Kutil and Cheryl Hess, reversing an anti-gay lower court ruling that sought to remove the child on the basis that her placement was not with a "traditional family."

"The West Virginia high court has done the right thing in ruling in the best interests of this child. We applaud them for rejecting the prejudice that would have removed her from the only home she ever knew," said Greg Nevins, Supervising Senior Staff Attorney in Lambda Legal's Southern Regional Office in Atlanta. "Children in West Virginia need parents to love and care for them and that's what the state should want, too."

Lambda Legal filed a friend-of-the-court brief on Feb. 19 on behalf of several West Virginia foster care agencies urging the reversal of a trial court order removing the then one-year-old girl from the home of Kutil and Hess.

Administration wrong on DOMA

WASHINGTON, D.C. — A coalition of six leading LGBT advocacy groups released a joint statement June 12 denouncing the egregious language and reasoning used by the Department of Justice in a brief seeking to dismiss a challenge to the federal *Defense of Marriage Act*. The coalition was comprised of The National Center for Lesbian

Rights, Lambda Legal, The American Civil Liberties Union, The Human Rights Campaign, Gay & Lesbian Advocates & Defenders, and The National Gay and Lesbian Task Force.

The statement begins, "We are very surprised and deeply disappointed in the manner in which the Obama administration has defended the so-called *Defense of Marriage Act* against *Smelt v. United States*, a lawsuit brought in federal court in California by a married same-sex couple asking the federal government to treat them equally with respect to federal protections and benefits. The administration is using many of the same flawed legal arguments that the Bush administration used."

Rea Carey, executive director of NGLTF, said, "Unfortunately, the malicious and outrageous arguments and language used in the Department of Justice's marriage brief are only serving to inflame and malign the humanity of same-sex couples and our families. This is unacceptable. This ugly chapter in our nation's history must come to an end now with the repeal of DOMA."

Hospital bias prompts rebuke

FRESNO, Calif. — On June 15, the American Civil Liberties Union and the National Center for Lesbian Rights sent a letter to a local hospital urging that it adopt policy changes respecting same-sex relationships after multiple members of hospital staff barred a lesbian from visiting her partner and giving advice about her treatment during an emergency visit.

Teresa Rowe and her partner of four years, Kristin Orbin, were walking in a gay marriage

rally when Orbin, who suffers from epilepsy, collapsed in a seizure. At Community Regional Medical Center, Rowe asked numerous hospital employees to allow her to see Orbin and talk to a physician about her care but was refused. She volunteered to have Orbin's legal paperwork naming Rowe as her health care agent faxed to the hospital but was told that it wouldn't do any good. Rowe also cautioned that Orbin should not be given the drug Ativan and was told the message would be conveyed. If the message was delivered, it was ignored because Orbin was given the drug, which causes her pain.

The letter sent by the ACLU and NCLR charges that it was a violation of state law for the hospital to discriminate against the couple based on their sexual orientation, as well as to refuse to recognize Rowe's legal authority, authorized by Orbin's advance health care directive.

Study: Couples marry for love

BOSTON, Mass. — Married same-sex couples statewide report positive effects of marriage on their families, according to a new study released by the Williams Institute. The report reveals that marriage has enhanced same-sex couples' commitment to each other and has improved the lives of their children. Families and communities have also responded positively to same-sex couple's marriages, giving gay and lesbian couples and their children a

sense of security and legitimacy.

Some observers expected same-sex couples to marry purely for the economic benefits of marriage. However, the new "Health and Marriage Equality in Massachusetts" survey of 558 people in married same-sex couples suggests a very different story.

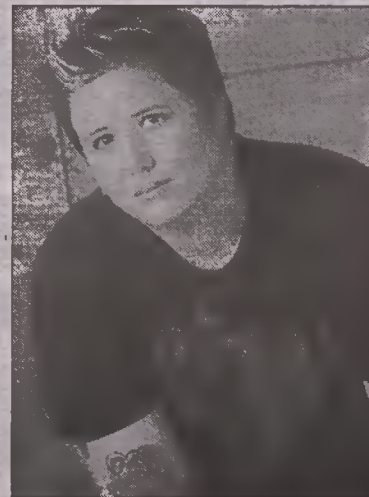
"This survey gives us a new view into who got married and why," notes co-author

Christopher Ramos. "Almost all couples — 93 percent — reported that they got married to express love and commitment. After getting married, they felt more committed to their partners and greater acceptance of their relationships."

Chaz Bono announces transition

LOS ANGELES, Calif. — In a June 11

statement from his publicist, Chaz (formerly Chastity) Bono, the child of Cher and Sonny Bono and a longtime advocate for LGBT equality, announced that he was transitioning from female to male. Chaz has long been active in the fight for LGBT equality, including serving as a "National Coming Out Day" spokesperson for the Human Rights Campaign. Bono came out to his celebrity parents as a lesbian at age 18. The story was recounted in his 1998 memoir, "Family Outing." ▀



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