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Ohio appellate court considers second-parent adoption case

by Peg Byron
Special to Q-Notes

CHICAGO—An Ohio appellate court is considering its first lesbian second-parent adoption case which could provide better protections for an eight-year-old girl and eventually for children of many other lesbian and gay parents, Lambda Legal Defense and Education Fund said.

On November 10, the Ohio Court of Appeals heard arguments for *In re Adoption of Jane Doe*. Patricia Logue, managing attorney of Lambda's Midwest Regional Office argued on behalf of the mothers, "Trish Smith" and "Marcia Jones."

"The child will benefit from the added security that legal recognition of a parental relationship provides, including both mothers having full authority to make medical decisions and giving their daughter many other legal, financial and health protections," she added. Trish, Marcia and Jane Doe are the names the mothers and daughter are using in the case.

Second-parent adoptions allow a person to adopt the biological or adoptive children of his or her partner without terminating the first parent's legal status as a parent. Such adoptions are available to non-gay stepparents, and in an increasing number of states, to lesbian, gay and other unmarried couples as well. In 1995, Lambda won similar second-parent adoption cases in courts in Illinois and New York.

Trish and Marcia, who have been in a committed relationship since 1981, jointly planned to bring their daughter Jane into the world via alternative insemination. Responsibility for raising Jane, now eight, has been shared by both women since her birth.

In 1996, Trish and Marcia filed a petition to adopt and brought a declaratory judgment action in the Summit County Court of Common Pleas asking that Trish be able to adopt Jane while allowing Marcia, the biological mother, to remain a legal parent as well. A court-appointed representative for the child told the court that Jane would benefit from the adoption and her home appeared stable, but argued against the adoption because she thought the law did not allow it.

The trial court agreed with the representative and denied the requested relief, saying that the Ohio Adoption Act requires termination of Marcia's parental status before Trish could adopt. Lambda's brief on the appeal argues that the court does have the power under many previously decided cases to grant a second-parent adoption without disturbing the ongoing parent-child relationship between Marcia and Jane.

"We hope the appeals court rules in our favor so that children of lesbian and gay couples in Ohio can receive the same protections for their families that other children take for granted," said Logue. "The court can protect Jane's family and we hope it does."

Lambda's co-counsel in the appeal, Peter T. Calhoun, of Buckingham, Doolittle and Burroughs, and Ohio attorney James B. Chapman, represented Trish and Marcia in the trial court. Susan Becker of Cleveland is counsel for amici National Association of Social Workers, American Academy of Adolescent and Child Psychiatry, Ohio Human Rights Bar Association, Ohio Psychological Association, and the Lesbian/Gay Community Service Center of Greater Cleveland, who filed a brief in support of the adoption. ▼

Ad opposes animal HIV experiments

by Wanda Pico
Special to Q-Notes

LOS ANGELES, CA—British gay rights and AIDS activist Peter Tatchell joined Linda Blair and other celebrities at a recent Hollywood gala for the launch of a new advertising campaign denouncing health organizations that fund animal experiments.

At the event, Tatchell charged that animal-based research is "scientifically flawed" and "hindering the fight against AIDS."

The ad campaign is sponsored by People for the Ethical Treatment of Animals (PETA) and features a green-eyed, head-spinning Linda Blair along with the caption: "Animal Experiments Make My Head Spin" — a reference to her Oscar-nominated role in *The Exorcist* which is being re-released to coincide with the 25th anniversary of its original launch in 1973.

The advertisement was unveiled at a pre-Halloween PETA gala screening of *The Exorcist* at the world famous Mann's Chinese Theatre on Hollywood Blvd.

Blair and Tatchell were joined at the unveiling by gothic horror queen Elvira and Joaquin Phoenix — brother of the late River Phoenix and one of Hollywood's hottest new stars.

Tatchell asserted, "Animal experiments are

undermining — not helping — the fight against AIDS. Protease inhibitor drugs have prolonged the lives of many people with HIV. The availability, however, of these life-saving treatments was delayed for four years after test trials resulted in the death of laboratory animals. During this four-year delay, tens of thousands of people with HIV — who could have benefited from protease inhibitors — died. Many might be alive now if researchers had not made the mistaken assumption that data taken from animal studies can be applied to humans."

Animal-rights advocates claim that "HIV is a uniquely human disease" and "all the key breakthroughs in AIDS treatment have been based on the interaction of HIV with human cells, not the cells of other species." They argue that some of the nation's top AIDS researchers now concede that animal studies have little or no relevance to the understanding of HIV in people.

"Animal experimentation is bad science. Research findings with other species cannot be generalized to humans, because animals and people are very different biologically, as evidenced by the way protease inhibitors can kill dogs and rats, but save the lives of people with AIDS," said Tatchell. ▼



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