



Wrongs in Our Rights

Think
our families
are protected by
discrimination laws?
Think again.

by Ellen Pocast

When writer and former attorney Brettle McWhorter Sember began research for her latest book, *Gay & Lesbian Rights: A Guide for GLBT Singles, Couples and Families* (Sphinx Publishing, 2003), she assumed she was reasonably aware of the legal issues facing GLBT families and individuals. Like many Americans, she believed we were getting ahead with regard to discrimination protection and equality under the law. Some of the things she learned in the course of writing the book saddened her, many surprised her and some shocked her.

"I think a lot of people have the impression that discrimination laws protect GLBT individuals, when that is not usually the case," says Sember, author of nine legal books. She knew there wasn't a lot of legal protection for gays but had no idea

just how spotty that protection was. The extent of legally protected discrimination took Sember by surprise, as did the complex steps gay parents must take to ensure the familial rights that heterosexual parents take for granted.

Those who are familiar with the legal landscape for GLBT individuals and families are all too aware that discrimination tends to reveal itself in higher insurance premiums, estate taxes and obstacles to adoption. Watchdog organizations are constantly working on these kinds of top-line issues. But there are others simmering away on the back burner as well.

"One of the issues that we've been talking a lot about lately is Social Security," says Kim Mills, education director of the Human Rights Campaign (HRC), the largest national gay and lesbian advocacy organization. Mills cites the hypothetical ▶

2003 | September/October

77

78 ◀ WRONGS IN OUR RIGHTS

to still more inequities when and if that couple splits up. "If parents weren't allowed to marry, the law doesn't assume that they both need to be in court, with a judge overseeing their separation and ascertaining if one or the other should pay child support," Pizer says. "The lack of marriage has a direct, harmful impact on children when there ought to be child support obligations. But there is none because the court didn't recognize that family unit and didn't recognize the parents' relationship."

In the absence of legal recognition, Sember points out that co-parenting agreements are essential. "A co-parenting agreement sets out not only how you will share your child's time, but also how you will share your parenting responsibilities," she says. "Even if you are no longer life partners, you will be parenting partners for the rest of your lives."

Writing *Gay & Lesbian Legal Rights*, Sember says, has given her "a greater understanding of and respect for the difficulties faced by GLBT families." She dedicated the book to the memory of her Uncle Gary, who, she says, "gave a girl from the quiet and conservative suburbs of Buffalo in the 1970s a wonderful first glimpse into the community." But when Sember speaks about the impact of unequal rights on GLBT families, she, like Pizer, becomes passionate.

"With every book I write or issue I look at, I always think about the kids. My bottom line is, how does it affect the children?" she says. "I think there's a really huge effect on kids living in GLBT families that are not recognized by the state, that are not respected by most people. I think it's a difficult life for children. I'm not saying it isn't a great life, because having two loving parents is wonderful, and it doesn't matter what their sexes are. I just think it's a shame that we can't offer these kids a little bit more—a little bit more respect, a little bit more room, more space in the community."

25 ◀ FAMILY TRIPS THAT TEACH

Art (MOCHA) in Oakland, California, drop-in weekend workshops include such alluring projects as sculpture and figure making, mural painting, cartoons and puppet shows. Call your favorite art museum to find out what particular brand of family fun it has to offer.

singing in the rain

"The winds will blow their own freshness into you, and the storms their energy, while cares will drop off like autumn leaves," wrote the nineteenth-century naturalist John Muir. Yes, the outdoors continues to exist even after Labor Day, even in the rain. Exploring local flora and fauna with an autumn hike reveals a world very different from the summer scene. It also gives us the opportunity to teach our children not to fear the outdoors in inclement weather.

and fauna reveals a world very different from the summer scene.

The Sierra Club organizes hikes and other free outings perfect for families in every state in the US and in almost every province of Canada. The Florida chapter offers a variety of outdoor experiences to both members and non-members of the Sierra Club. Trips include canoeing, kayaking, hiking, bike riding, backpacking, birding and many other activities led by experienced, trained and certified guides. The Atlantic chapter (covering New York State) offers day trips and weekend outings featuring hikes, moonrise walks (September 9), restoration opportunities, monarch butterfly walks (September 21), wildflower walks (September 28), and later, cross-country skiing and snowshoeing.

76 ◀ WHY VOTE?

T-shirts that read, "I love my mommies."

She believes her children helped put a personal face on the proposed legislation and emphasized that state-recognized same-sex marriage ultimately protects the children of such partnerships.

McWilliams has faith that her efforts will make a difference in Connecticut law and have a lasting impact on her children. "I hope that they gain an understanding that one can make a difference in the world by standing up and being counted," she says.

Bennett notes that not all parents are comfortable with this level of activism, and she encourages individuals to join larger organizations. Getting straight family members and friends involved also helps. "When there is someone perceived to be a neutral voice, it makes a difference," she says.

In some states, rights for GLBT families seem like pie-in-the-sky dreams. It may be an uphill battle, but there is little doubt that times are changing. Notes Bennett, "There is no question that things are moving in the right direction." ☐

Laura Laing is a Virginia mom and freelance writer. She lives in Hampton Roads with her partner of sixteen years and their three-year-old daughter.

64 ◀ UNEXPECTED GRANDPARENTS

Warner remembers. "He said he had to think of what was best for her. I told him, 'At some point you're going to be a great dad, but this isn't the point.'"

Joey, who has pictures of his newborn daughter hanging in his bedroom, graduated from high school last spring, works full time and is attending a technical college. He and his girlfriend, who has started her senior year of high school, are still together.

For Warner, there was some good that came from the upheaval. "Part of this process brought the (adoptive) couple so much joy," he says, noting that twice previously the couple had attempted to