



A QUIET MOVEMENT IN THE HEARTLANDS

Laura Fefchak and Nancy
Robinson are raising their son
Ian with the blessing of Iowa's courts.

BY CATHERINE DIETZ-KILEN AND JIM DIETZ-KILEN

"I have a favorite joke," Laura says. "Where's the first place two lesbians go when they want to have a baby? ■ "Their attorney." ■ A few years ago, when Nancy and Laura decided to have a baby, that's exactly where they went. Once they had wills, powers of attorney and a parenting contract, they began exploring how they could legally co-parent. ■ They had heard that gay couples in other states had adopted children together and knew that was what they wanted to do. They could not, however, find a case in Iowa, their home state, where one gay partner had achieved legal standing without wiping out the other's parental rights. A gay couple's child in Iowa was only able to have one legal parent. ■ "It was important for us that we both have legal rights as Ian's parents," Nancy says. Laura is a Canadian citizen and we frequently travel over the international border. If I ever had to take Ian over the border, we didn't want there to be any questions or problems." Nancy now has the legal document she needs to alleviate her concern: a birth certificate listing both of his mothers as parents. ■ The border wasn't the only place of concern. They both wanted Nancy to do typical "parent things" like enrolling Ian in school or authorizing medical care for him. They did

not want Laura to be the only one with financial responsibility. And they wanted Ian to know that they were equal partners in his parenting. "We didn't want him to always be trying to figure out which mommy could do what," Laura says.

And there was one other, very important, reason. "As a lesbian couple, you can choose or not choose to let people know the nature of your relationship," Laura says. "However, when you have a child, you can never lie about that again, because you don't want them to think that there is anything shameful about their family." Laura and Nancy knew that it would be a terrific stamp of legitimacy if a judge said okay. "I find it very interesting that legal relationships can be created from children," Laura adds, "but not independently of them — that gay couples can legalize their relationships through adoption."

A court's prime consideration in any adoption case is "the best interest of the child." Based on that legal standard, courts have almost universally determined that having two adults legally responsible for a child is better than one.

If a trial judge agreed, they would be fine. If the trial judge disagreed, they could appeal to the state's highest court. If they won there, trial court judges throughout the state would be required to allow same-sex second parent adoptions by other gay couples. They thought it might be worth looking for a trial judge who would deny their request in order to have an opportunity to "make new law" on this question.

On the other hand, if the appellate court said "no," the state's trial courts could not allow any future second parent adoptions by gay couples in Iowa; the only way would be through legislation changing the state's adoption statute, which did not seem likely.

Iowa's current legislature is pretty conservative. Some members have introduced bills that could be characterized as anti-gay. Laura and Nancy knew that there were some lawmakers who would be outraged if the courts were granting second parent adoptions to gay couples and would do their best to make such a practice illegal.

An appellate case involving a second parent adoption by a lesbian couple would be likely to catch their attention. If such adoptions were outlawed, the courtroom option would be lost to same-gender couples who wished to adopt in the future. Iowa Governor Tom Vilsack might be willing to veto such a bill, but he would pay a high political cost.

Nancy and Laura decided it wasn't time to make new law in Iowa. They would simply ask a trial court judge to allow the adoption, and then quietly spread the word, to let other people know that second parent adoptions can be done.

Judge Eliza Ovrum granted their adoption in June of 2000. "She was a fairly new judge," Nancy says. "I had heard she was very meticulous. I was



sure there would be no loose ends. Which made me feel good. I just like someone who's thorough, and who looks at the issue and makes a decision."

"And I feel she was very courageous to do what she did," Laura adds. "We say if we ever have a girl, we'll name her Eliza."

Since then, more than a dozen gay families have completed second parent adoptions in central Iowa alone. Nancy and Laura have formed a social support group. "Rainbow Moms" started when, just after we had Ian, we met two other couples who were pregnant," Laura says. "So we had a threesome. One couple knew someone else and our midwife told us about a couple — we decided to get together so that our children could see that there are other families just like theirs. We now have close to 30 families. Our church has been very gracious in letting us have them there. We have a potluck and we bring toys and the kids have a big area where they can play and it's been a ball."

Nancy and Laura believe that with each family that goes through a second parent adoption, the danger of a legislative ban is diminished. "By just living our lives openly, I think we create change," says Laura. "The more we engage with people in meaningful relationships, the more people see that we are more alike than we are different. As parents, we have lots more in common with our straight friends than we ever did."

As their social networks expand, Laura, Nancy and Ian are also looking forward to a more personal addition. Laura is pregnant again. There's no word yet on whether the baby's name is likely to be Eliza. ♦

Here are a list of websites that offer more information on same-sex second parent adoptions.

Human Rights Campaign Family Net www.hrc.org/familynet
National Center for Lesbian Rights www.nclrights.org
Lambda Legal Defense and Education Fund www.lambdalegal.org
Gay & Lesbian Advocates & Defenders www.glad.org
American Civil Liberties Union www.aclu.org
Family Pride Coalition www.familypride.org
Children of Lesbians and Gays Everywhere www.colage.org