Appellate Case No. DO 37871
San Diego County Superior Court Case No. A46053

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE

In the Matter of the Adoption Petition of ANNETTE F.

SHARON S., Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO, Respondent.

On Petition For Writ of Mandate and/or Prohibition from
the Superior Court of the State of California for the County of San Diego
The Honorable Susan D. Huguenor, Judge.

BRIEF OF *AMICI CURIAE* CHILDREN OF LESBIANS AND GAYS EVERYWHERE, FAMILY PRIDE, et al., IN SUPPORT OF NEITHER PARTY

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I. INTERESTS OF *AMICI CURIAE*

Amici are organizations that provide social, legal and other services to lesbian and gay couples who are raising children and who wish to provide the greatest possible degree of security to their children. *Amici* have extensive knowledge of the legal bases for and practical benefits to families of second-parent adoptions.[1] Statements of interest for each amicus curiae are attached hereto in Appendix A.

II. INTRODUCTION AND SUMMARY OF THE ARGUMENT

This brief provides a straightforward reading of the California adoption statutes that underscores why "second-parent" adoptions are permissible as a matter of California law. Second-parent adoptions are directly analogous to the stepparent adoption practice that has been common in California for more than 75 years, both before and after any express acknowledgment of stepparent adoption in the code. Because the purpose, language and authoritative interpretations of the state's adoption laws support second-parent adoptions, *amici* urge the Court to affirm that this reasonable, child-protective process is valid.

This brief also discusses the California statute in the national

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[1] *Amici* use the term "second-parent adoption," as it is commonly used in the growing literature and case law on this subject, to mean an adoption that creates a second, legal parent-child relationship for children being raised by an unmarried couple, only one of whom was a legal biological or adoptive parent prior to the proceeding.

context, comparing the California statutory scheme to the schemes in states in which appellate courts have held second-parent adoptions to be permissible. Although this brief focuses on one legal question of statutory interpretation, that question should not be considered in a vacuum, separated from its immense importance to children and families in California. This state's adoption law always must be interpreted liberally and consistently with its policy goal of securing legal and emotional relationships between children and adults who raise them. Second-parent adoption has provided enormous practical and emotional stability for countless California children, to the benefit of the state as a whole.

Amici ask the Court to deny the requested writ and direct the trial court to proceed in the usual manner to consider all the relevant evidence bearing on whether this particular adoption petition should be granted.

III. STATEMENT OF THE CASE

Petitioner Sharon S. and Real Party In Interest Annette F. lived together in a committed domestic relationship for more than a decade. (Petition For Writ Of Mandate And/Or Prohibition ("Petition"), at ¶ 3.) Sharon became pregnant through donor insemination in 1996. (Petition at ¶ 6.) Sharon and Annette's first son, Zachary S., was born in October 1996. (*Id.*) With Sharon's consent, Annette sought a second-parent adoption of Zachary, which was granted in June 1997. (*Id.*) Zachary is

now five years old.

The child who is the subject of this proceeding, Joshua S., also was conceived by donor insemination, and was born to Sharon in June 1999. (*Id*. at ¶ 7.) With Sharon's consent, Annette filed a petition to adopt Joshua in September 1999. (*Id*. at ¶¶ 8-18.) While the petition was pending, however, Sharon and Annette separated and Sharon asked the court to postpone action on Annette's adoption petition. (*Id*. at ¶¶ 22-24.) At Sharon's request, Annette moved out of the family's residence in August 2000. (*Id*. at ¶ 26.) Both women describe their relationship as having been emotionally charged and difficult; each alleges that she was mistreated by the other. (Petition at ¶¶ 22-23, 30; Exhibits in Support of Petition For Writ, Exhibit ("Exh.") 15.)

Sharon and Annette have had difficulty agreeing to interim visitation arrangements concerning the children since their separation. (Petition at ¶ 31; Exh. 15, at 230-36.) The San Diego County Department of Health and Human Services has twice recommended that Annette's petition to adopt be granted. (Petition at ¶¶ 19, 35; Exh. 2, at 14-18; Exh. 14, at 204-07.)

In October 2000, Annette filed a motion for order of adoption with respect to Joshua. (Exh. 7.) Sharon moved to dismiss Annette's adoption petition in December 2000, challenging *inter alia* the authority of California courts to grant second-parent adoptions. (Exh. 25, Exh. 47 at 4-

5.) After the superior court denied her motion to dismiss, Sharon applied to this Court for a writ of mandate or prohibition. (Exh. 60.)

IV. ARGUMENT

A. California Law Permits Second-Parent Adoptions.

For roughly fifteen years, superior courts across the state have been interpreting California's adoption laws as permitting second-parent adoptions.[2] This practice is consistent with well-settled principles that have long governed California's adoption laws, requiring that they be construed liberally to protect the welfare of children. (*Dept. of Social Welfare v. Sup. Ct. of Contra Costa Cty.* (1969) 1 Cal.3d 1 [81 Cal.Rptr. 45, 459 P.2d 897]; *Reeves v. Bailey* (1975) 53 Cal.App.3d 1019 [126 Cal.Rptr. 51, 75].[3]) Accordingly, courts in this context have not construed the language

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[2] It is difficult to know precisely how many second-parent adoptions have been granted over the years, or to verify all the courts within which they have been granted, because adoption proceedings generally are confidential. Through their work on behalf of communities of persons for whom these adoptions are especially desirable, however, *amici* are aware that at least hundreds, if not thousands, of such adoptions have taken place since the mid-eighties. *See* Eskridge & Hunter (1997) Sexuality, Gender and the Law, 866. *See generally* Lambda Legal Defense and Education Fund (1996) Adoption By Lesbians And Gay Men: An Overview of the Law in the 50 States, at 3, and 1999 Overview, at 9 (available at http://www.lambdalegal.org/ sections/library/adoption.pdf).

[3] *See also In re Johnson's Estate* (1893) 98 Cal. 531, 536 [33 P. 460] ("In determining what provisions of the [adoption] law are essential, and therefore mandatory, the statute is to receive a sensible construction, and its intention is to be ascertained, not from the literal meaning of any particular word or single section, but from a consideration of the entire statute, its spirit and purpose.").

providing for termination of birth parent(s)' rights (Fam. C. § 8617[4]) strictly, and have not insisted that this language must be given literal effect. To do so would frustrate the overriding statutory purpose of the adoption laws – to serve the best interests of individual children – by severing relationships that children depend upon and that the parties intend should remain intact.

In 1925, the California Supreme Court permitted a stepparent adoption, with no termination of the birth parent's rights, despite the absence of any express statutory authorization to do so, and despite the literal language of the predecessor statute to Section 8617. (*Marshall v. Marshall* (1925) 196 Cal. 761 [239 P. 36].) Although the adoption statutes now acknowledge stepparent adoptions (Fam. C. §§ 9000-9007), the Legislature has never found it necessary to codify an explicit exception to the termination-of-rights process either in those sections or in Section 8617, even though literal application of Section 8617 still requires termination of the biological parent's rights in stepparent adoption cases.

The same principles apply to second-parent adoptions, which also are well within the traditional authority and discretion given to California courts under the adoption statutes. In effecting these adoptions, the

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[4] Section 8617 provides: "The birth parents of an adopted child are, from the time of the adoption, relieved of all parental duties towards, and all responsibility for, the adopted child, and have no right over the child."

provision for termination of a birth parent's rights need not be enforced literally. The rule of construction remains in effect in California that "[t]he literal meaning of the words of a statute may be disregarded to avoid absurd results or to give effect to manifest purposes." (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1335 n.7 [283 Cal.Rptr. 893, 813 P.2d 240] (citations omitted).) It would be absurd to require a birth parent to terminate her parental rights in a case like this; such a construction would defeat the parent's intent and the best interests of thousands California children. That goal is equally defeated by making it impossible for a child's second parent, who often has acted as such since birth, to secure legally the relationship on which her child has come to depend. (*See also Dowling v. Zimmerman* (4th App. Dist. 2001) 85 Cal.App.4th 1400, 1427 [103 Cal.Rptr.2d 174] ("plain meaning rule" does not bar inquiry into whether "'literal meaning of a statute comports with its purpose'"; court must "'avoid an interpretation that would lead to absurd consequences.'") (citations omitted).)[5]

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[5] Petitioner has taken the position that the sexual orientation and marital status of real-party-in-interest constitute additional bars to the second-parent adoption sought in this case. *See* Reply to Opposition to Motion to Dismiss Adoption Petition, Exh. 47, at 4 ("there is no precedent case law in California that allows the adoption statutes to apply to same-sex partners in a homosexual relationship."); Memorandum in Support of Petition for Writ of Mandate and/or Prohibition, at 41 (citing Family Code § 308.5, which concerns recognition of non-California marriages of same-sex couples). In light of the approach to statutory interpretation that California law dictates for this case, petitioner's argument is not sound. It is settled law that California courts do not base decisions about the legal

For these reasons, the Court should reject that portion of the writ petition asserting that second-parent adoptions may never be granted under California law.

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relationships between parents and their children upon the parents' sexual orientation. *See, e.g., Nadler v. Superior Court* (1967) 255 Cal.App.2d 523, 525 [63 Cal.Rptr. 352] (homosexuality not grounds per se to deny primary parent custody of children); *In re Marriage of Birdsall* (1988) 197 Cal.App.3d 1024, 1031 [243 Cal.Rptr. 287] (fact that father was gay was not grounds for restricting visitation rights). *Accord In re Brian R* (1991) 2 Cal.App.4th 904 [3 Cal.Rptr.2d 768, 774] (lesbian couple was not in any way disqualified by their sexual orientation from adopting the foster child in their care). *See also Nancy S. v. Michele G.* (1991) 228 Cal.App.3d 831, 841 n.8 [279 Cal.Rptr. 212] (explaining that "[w]e see nothing in these provisions that would preclude a child from being jointly adopted by someone of the same sex as the natural parent," and citing *Marshall*, 196 Cal. at 766-67).

Discrimination based on marital status is similarly inappropriate, as explained in the informational letter of the California Attorney General's Office's to the Court. Letter of the California Attorney General to Presiding Justice Kremer (August 13, 2001), at 2, 8-9. The State's position is supported by the plain language of the Family Code. Section 8600 code provides that "[a]n unmarried minor may be adopted by an adult." Section 8542 defines "prospective adoptive parent" simply as "a person who intends to file a petition to adopt a child who has been placed in that person's physical care," without any mention of the prospective parent's marital status. In addition, Section 10 of the code states that "[t]he singular number includes the plural, and the plural, the singular." Thus, in one proceeding, two unmarried "adults" can adopt the same child simultaneously, whether or not they are married; likewise, more than one "minor" can acquire the same adoptive parent(s) at the same time.

B Other States With Adoption Laws Similar To California's Allow Second-Parent Adoptions For Reasons That Are Persuasive Here.

States, including California, long have had an interest in securing vital parent-child relationships for all the young people within their borders, and thus have crafted and interpreted their adoption laws broadly toward that end. With widespread variations in family structures, each child presents unique needs. Application of the liberal construction rule to adoptions assures that those laws can meet the needs of every child, regardless of whether the legislature has specifically addressed her particular family structure.

The number of states in which second-parent adoptions are taking place has grown consistently over the last two decades. More than half the states, including five states and the District of Columbia by appellate court decisions cited here, have approved second-parent adoptions. (*See, e.g., In the Matter of Jacob / In the Matter of Dana* (1995) 86 N.Y.2d 651 [660 N.E.2d 397, 636 N.Y.S.2d 716]; *In the Matter of the Adoption of Two Children by H.N.R.* (N.J. App. Div. 1995) 285 N.J. Super. 1 [666 A.2d 535]; *In re Petition of K.M. and D.M. to Adopt Olivia M.* (1995) 274 Ill. App. 3d 189 [653 N.E.2d 888, 210 Ill. Dec. 693]; *In re M.M.D. & B.H.M.* (D.C. App. 1995) 662 A.2d 837; *Adoption of Tammy* (1993) 416 Mass. 205 [619 N.E.2d 315]; *Adoptions of B.L.V.B. and E.L.V.B.* (1993) 160 Vt. 368

[628 A.2d 1271].)[6] As noted previously, California courts, with no statutory obstacle in the way and the interests of its children at stake, have granted thousands such adoptions.[7]

The appellate decisions of other states contain common themes that are usefully considered here due to the similarities between the statutes they examine and California's law. One predominant theme is a recognition of the many ways that second-parent adoptions benefit children, in keeping with the laws' overall purposes. The Supreme Judicial Court of Massachusetts summarized these benefits as follows:

> Adoption will not result in any tangible change in Tammy's daily life; it will, however, serve to provide her with a significant legal relationship which may be important in her future. At the most practical level, adoption will entitle Tammy to inherit from Helen's family . . . and from Helen . . ., to receive support from Helen, who will legally be obligated to provide such support, to be eligible for coverage under Helen's health insurance policies, and to be eligible for social security benefits in the event of Helen's disability or death.
>
> Of equal, if not greater significance, adoption will enable Tammy to preserve her unique filial ties to Helen in the event that Helen and Susan separate, or Susan predeceases Helen. As the case law and commentary on the subject illustrate, when the functional parents of children born in circumstances similar to Tammy separate or one dies, the children often remain in legal limbo for years while their

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[6] *See generally* Jane S. Schacter (2000) *Constructing Families in a Democracy: Courts, Legislatures and Second-Parent Adoption*, 75 Chi.-Kent L. Rev. 933.

[7] *See* notes 2 and 5, *supra*.

> future is disputed in the courts. . . . Adoption serves to establish legal rights and responsibilities so that, in the event that problems arise in the future, issues of custody and visitation may be promptly resolved by reference to the best interests of the child within the recognized framework of the law.

(*Adoption of Tammy*, 619 N.E.2d at 320-21 (internal citations omitted); *see also Jacob/Dana*, 660 N.E.2d at 339-400 (listing the "advantages" that accrue to children by adoption, including financial and practical concerns, as well as emotional security).)

A second theme is that courts should not judge or penalize children for the circumstances of their parents. The Vermont Supreme Court explained that it was "furthering the purposes of the statute as was originally intended" by allowing children whose parents are lesbian or gay to have the security of a legal relationship with both of their actual parents. (*Adoptions of B.L.V.B. and E.L.V.B.*, 160 Vt. at 375.) As the court observed, "[t]he intent of the legislature was to protect the security of family units by defining the legal rights and responsibilities of children who find themselves in circumstances that do not include two biological parents." (*Id.* at 373.) Noting that it had not been "called upon to approve or disapprove" of the parents' relationship (*id.* at 376), the Vermont court stressed that its "paramount concern should be with the effect of our laws on the reality of children's lives." (*Id.*) This principle has long been

respected by California courts in adoption cases. (*See, e.g., In re De Leon* (1924) 70 Cal.App. 1, 6-7 [232 P. 738] (mother cannot be denied right to withhold consent to adoption, or denied custody of minor, based on literal reading of statute taking such right from parent guilty of adultery and "cruelty" to her former spouse).)

A related theme, consistent with *Marshall*, 196 Cal. 761, and other cases cited above, is to avoid elevating literal language over substantive goals. Thus, the highest court in New York determined that the state's provision regarding termination of parental rights did not erect a barrier to second-parent adoption when read with the rest of the statute and in historical context (just as sections 8612(c) and 8617 of the California Family Code should be read). The *Jacob/Dana* court concluded that it would be "anomalous" to give the termination provision "an unnecessarily literal reading" that would defeat the intentions of intact families. (660 N.E.2d at 401-05.) In the court's words, "it is clear that [the termination provision], designed as a shield to protect new adoptive families, was never intended as a sword to prohibit otherwise beneficial intrafamily adoptions by second parents." (*Id*. at 405.)

Massachusetts likewise ensures that the existing parent's pre-existing rights are not terminated despite the statutory text. *Adoption of Tammy* holds:

> the Probate Court has jurisdiction to enter a decree on a joint adoption petition brought by the two petitioners when the judge has found that joint adoption is in the subject child's best interests. We further conclude that, when a natural parent is a party to a joint adoption petition, that parent's legal relationship to the child does not terminate on entry of the adoption decree.

(619 N.E.2d at 321) (construing a statute that defines who may adopt similarly to California).

The Vermont Supreme Court arrived at the same conclusion, reasoning this way:

> the termination provision "anticipates that the adoption of children will remove them from the home of the biological parents . . . The legislature recognized that it would be against common sense to terminate the biological parent's rights when that parent will continue to raise and be responsible for the child, albeit in a family unit with a parent who is biologically unrelated to the child."

(*B.L.V.B. and E.L.V.B.*, 160 Vt. at 372-73.) The Vermont court concluded that it would be an "unreasonable and irrational result" to read the statute so narrowly that adoptions which comport with the statute as a whole and are "indisputably in the best interests of children" necessarily must be defeated. (*Id.* at 373. *See also In re M.M.D. & B.H.M.*, 662 A.2d at 860 (under District of Columbia case law, courts should not interpret statutory language "in a way that imposes 'absurd results' and 'obvious injustice.'")

(citation omitted).)[8]

The Wisconsin decision relied upon by petitioner was based upon a threshold jurisdictional requirement in the Wisconsin statutes that does not exist in California law. Specifically, Wisconsin law provides that, in order to be "eligible for adoption," the child, at the time the adoption is initiated, must have no legal parents. *(In the Interest of Angel Lace M.* (1994) 184 Wis.2d 492, 508-509 [516 N.W.2d 678] (construing Wis. Stat. § 48.81(1), which bars consideration of an adoption petition unless the minor's "parental rights have been terminated.").) California and most other states do not have a threshold eligibility requirement of this type that prevents consideration of an adoption petition unless all the child's parental relationships already have been severed.[9]

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[8] The Illinois Appellate Court, reaching the same conclusion after observing that the plain language of the statute permitted the adoption and that the state had no bar to adoptions by lesbians and gay men, noted simply that its role was not to "infer limitations or exceptions. . . . Presumably the General Assembly could have written the language more restrictively if it had wanted to." *In re Petition of K.M. and D.M.*, 274 Ill.App.3d at 194-95, 204.

[9] Wisconsin's jurisdictional threshold regarding "eligibility for adoption" is not entirely unique. Colorado and Connecticut also have declined to permit second-parent adoptions based on similar requirements. *Adoption of Baby Z.* (1999) 247 Conn. 474, 514 [724 A.2d 1035] (discussing the limitation in Conn. Gen. Stats. §§ 45a-727 and 45a-724 that, except for stepparent and blood relative adoptions, an adoption application may only be filed by a "statutory parent" who was appointed because the minor had no legal parents); *Adoption of T.K.J. and K.A.K.* (Colo. Ct. 1996) 931 P.2d 488, 491 (interpreting Colo. Rev. Stat. § 19-5-203, which defines children who are "available" for adoption as those for whom all parental rights have been terminated; Colorado courts are not permitted to ignore statutory text).

In addition to the Wisconsin decision, which was based on a statutory scheme very different from California's, petitioner also relies on a Pennsylvania intermediate appellate court decision rejecting second-parent adoptions. *(In re Adoption of C.C.G. and Z.C.G.* (2000) 2000 Pa. Super. 338 [762 A.2d 724].) Since petitioner filed her writ petition and brief, that decision has been accepted for review by the Pennsylvania Supreme Court. (Petition for Allowance of Appeal granted August 8, 2001 (order available at http://www.courts.state.pa.us/OpPosting/Supreme/out/731-732wal2000.pdf).)

V. CONCLUSION

More than a century ago, the Supreme Court of California described the approach that should be taken when a technicality of the adoption laws appears to conflict with the laws' stated purpose, admonishing practitioners and courts "to keep always in view the general scope, object, and purpose of the law rather than the mere letter." (*In re Johnson's Estate*, 98 Cal. at 536.) The Court explained that slavish adherence to literal language

> will often defeat a remedy or destroy a right which it was the principal intention of the legislature to create or provide. Where the statute directs an act to be done in a certain way, or at a certain time, and a strict compliance as to time or form does not appear to the judicial mind to be essential, the proceedings are held valid, though the command of the statute has been disregarded.

(*Id.* at 539.)

For all the foregoing reasons, *amici* submit that the Court should deny the requested writ, confirm that California's Family Code permits second-parent adoptions, and direct the trial court to proceed in the usual manner to consider the range of evidence bearing on whether or not the adoption petition should be granted in this particular case.

Dated: August 22, 2001

Respectfully submitted,

CHILDREN OF LESBIANS AND GAYS EVERYWHERE, FAMILY PRIDE COALITION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SAN DIEGO AND IMPERIAL COUNTIES, AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTHERN CALIFORNIA, LAMBDA LEGAL DEFENSE AND EDUCATION FUND AND THE NATIONAL CENTER FOR LESBIAN RIGHTS

By: _____
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Attorney for *Amici Curiae*

APPENDIX A

Amici Curiae are Children Of Lesbians And Gays Everywhere, Family Pride Coalition, American Civil Liberties Union Foundation of San Diego and Imperial Counties, American Civil Liberties Union Foundation of Southern California, Lambda Legal Defense and Education Fund and the National Center for Lesbian Rights.

Children Of Lesbians And Gays Everywhere ("COLAGE") is a national and international organization dedicated to supporting young people with gay, lesbian, bisexual, and transgender parents. Founded in 1990 and now with over 30 national and international chapters and affiliates, COLAGE provides diverse educational and support services, fosters youth leadership, and engages in many forms of advocacy against sexual orientation- and gender-based discrimination. COLAGE's strives to build a strong sense of community for its members and their families, while enhancing their public visibility in order to dispel prejudice. COLAGE believes its members are the living proof that it is love, caring and commitment that makes for strong, healthy families.

Family Pride Coalition ("Family Pride") is a national organization devoted to providing support to and advocacy for families with lesbian, gay, bisexual, and transgender (LGBT) parents. With offices in San Diego, Chicago and Washington, D.C., Family Pride is a membership-based coalition of 178 parenting groups and over 4,000 individual members across the country. In California, Family Pride works with twelve separate parenting groups representing more than 1,200 families. Family Pride seeks to advance the well-being of LGBT parents and their families by enhancing their sense of belonging and security, and by advocating for their protection within the legal system. Second-parent adoption has been one of the primary vehicles for this protection, allowing families to establish legal bonds that afford children and adults a form of security similar to the protections other families enjoy through marriage. These are not special rights, but civil rights that support the healthy development of every family in this country.

American Civil Liberties Union Foundation of San Diego and Imperial Counties ("ACLU-SD") is a nonprofit, nonpartisan organization with approximately 3,500 members dedicated to the promotion and protection of civil rights and personal liberties under the United States Constitution, the California Constitution, and federal and state laws. It is a

regional affiliate of the American Civil Liberties Union, a nationwide organization with approximately 300,000 members dedicated to the same purposes. The ACLU-SD has participated, as direct counsel and as *amicus curiae*, in numerous civil liberties cases in the federal and state courts of California involving the legal rights and vulnerabilities of lesbians and gay men, including those with children.

American Civil Liberties Union Foundation of Southern California ("ACLU-SC") is an affiliate of the American Civil Liberties Union, a national organization formed to advocate for individual rights and equal justice, and guard against abuse of government power. The ACLU-SC is one of the largest ACLU affiliates in the country, with over 25,000 individual members throughout central and southern California. The ACLU-SC seeks to extend constitutional rights to groups that have historically been denied them. Specifically, the ACLU has advocated in numerous cases and *amicus briefs* for equal protection and familial privacy rights for non-traditional families, including families headed by gay and lesbian couples.

Lambda Legal Defense and Education Fund ("Lambda") is the nation's oldest and largest non-profit legal organization working to secure full civil rights for lesbians and gay men. Founded in 1973, Lambda has expertise in all substantive areas of law involving issues of sexual orientation discrimination. In particular, Lambda has appeared as counsel or as *amicus curiae* in scores of cases involving the protection of parent-child bonds in families established by lesbians or gay men, including numerous cases addressing whether the laws of particular states permit second-parent adoptions. Lambda is headquartered in New York and has regional offices in Los Angeles, Chicago and Atlanta.

The National Center for Lesbian Rights ("NCLR") is a national non-profit legal organization dedicated to protecting and advancing the civil rights of lesbians and their families. Since its founding in 1977, NCLR has played a leading role in ensuring that the increasing number of children in families headed by lesbian or gay parents have the same legal protection and support enjoyed by children in non-gay-parent families. NCLR has served as counsel for petitioners in numerous second-parent adoption proceedings throughout the country, as well as in a broad range of custody and visitation disputes concerning the ability of lesbian or gay parents to maintain strong legal and emotional bonds with their children.

Amici are familiar with the questions involved in this case and the scope of their presentation, *see* CRC 14(c), and believe there is necessity for additional argument on those matters. As set forth in the foregoing brief, the second-parent adoption procedures challenged in this proceeding are of particular concern to *Amici* and the children whose interests they represent, and fall squarely within *Amici's* areas of expertise.

Amici seek to place this case in a broader national context to underscore both that second-parent adoptions are fully consistent with California law, and that they are essential for strengthening thousands of families in the state. Without such adoptions, many children would be left in the vulnerable position of having a binding legal relationship with only one of their parents. By offering them greater security, second-parent adoptions significantly advance the welfare of California's children. *Amici* are all too familiar with the contentious and lengthy litigation, and the harmful disruption in children's parental bonds, that can arise when the safeguard of a second-parent adoption is not available. Because they represent a great many people whose personal and family security may be adversely affected by the Court's decision in this case, *Amici* wish to assist the Court in its consideration of this important legal question.