



## From Here to Paternity

When people think about Lambda Legal's docket of parent-child cases, they frequently think about litigation involving lesbian mothers. But Lambda Legal also maintains a healthy docket of cases involving both gay and HIV-positive fathers. We are proud of the ways we have overcome sexual orientation and HIV bias to vindicate the rights of men who have become fathers.

*Some of our cases have involved men who had children in previous marriages.* In Maryland and Virginia, we battled court orders that threatened to deny divorced fathers visitation with their children so long as the father was living with a same-sex partner. In another case in Maryland, we are representing a father living with HIV whose deceased wife's mother has sought custody of his three children, outrageously arguing that his HIV status makes him unfit as a parent.

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*Other cases have involved litigation between two fathers.* We recently helped resolve a parenting dispute between a gay couple who had separated. Kevin McManamon's former partner had moved from Michigan to California with the couple's two children, whom only he had adopted. With the assistance of Jeffrey Erdman of the Los Angeles firm of Bennett & Erdman, we filed a lawsuit seeking joint custody and visitation on behalf of Kevin. After we won temporary visitation for Kevin, the parties agreed to share joint custody and worked out a visitation schedule.

*We have represented men who have jointly adopted their children.* In the *Finstuen v. Edmondson* case, we represented a number of couples, including Ed Swaya and Gregory Hampel from Washington State, and convinced a federal appellate court to strike down the Adoption Invalidation Law, an Oklahoma statute that refused to respect adoptions obtained by same-sex couples in other states.

We are currently handling a similar case in Louisiana on behalf of a gay couple living in California.

*We have even represented men facing discrimination as they seek to become fathers.* We are working on a case in Florida on behalf of a man whose doctor refused him medical assistance with a surrogacy procedure. The doctor wrongly thought that because our client is gay, FDA regulations designed to prevent transmission of HIV automatically applied, preventing his sperm from being used to father a child.

Given that about 20 percent of gay male couples have children — and the number is on the rise — and that a recent survey showed nearly 30 percent of men living with HIV want to have children, we are likely to see increasing numbers of legal disputes involving fathers who are gay or living with HIV. As those cases arise, Lambda Legal will be there to make sure that the law develops in ways that respect the rights of men in our communities who have taken on the awesome responsibility of raising our nation's next generation. We admire these men — including several Lambda Legal staff members — who frequently have to fight against stereotypes about gay men and about families. As their lives and their families become more visible, more Americans learn that regardless of gender, sexual orientation, age or social status, good parents are loving parents. Period.

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