

Supreme Court reverses Alabama court that denied lesbian woman's adoption

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WASHINGTON — The Supreme Court on Monday unanimously reversed an Alabama court's refusal to recognize a same-sex adoption.

The justices upheld a challenge brought by an Alabama woman after her state's highest court refused to recognize the adoption she and her former lesbian partner were granted in Georgia.

The couple never married and have since split up. But the case presented a test of an issue that crops up occasionally in state and federal courts since the Supreme Court struck down state bans on same-sex marriage: Can gays and lesbians be denied adoption rights?

The case was brought by "V.L.," as she is identified in court papers, against her former partner "E.L.," who gave birth to three children between 2002-04 while the couple was together. To win adoption rights for V.L., they established temporary residency in Georgia.

Now that they have split, E.L. agreed with the Alabama Supreme Court, which ruled in September that Georgia mistakenly granted V.L. joint custody. E.L.'s lawyers argued that "the Georgia court had no authority under Georgia law to award such an adoption, which is therefore void and not entitled to full faith and credit."

Not so, the Supreme Court ruled. "A state may not disregard the judgment of a sister state because it disagrees with the reasoning underlying the judgment or deems it to be wrong on the merits," its reversal said. Rather, Alabama must give "full faith and credit" to the Georgia court's decision.

The high court previously had blocked the Alabama court's action while considering the case, temporarily restoring V.L.'s visitation rights.

Adoption rights for same-sex couples are among the issues remaining in the wake of the high court's June decision legalizing same-sex marriage. About 30 states grant "second-parent adoptions" to gay and lesbian couples by law or lower court rulings. Such adoptions benefit adults who do not share a biological connection, while ensuring that children have two legal parents — particularly in case one dies or is incapacitated.

Lawyers for V.L., including the National Center for Lesbian Rights, said the case has broad implications for any gay or lesbian adoptive parents who travel or move to Alabama.

"The Supreme Court's reversal of Alabama's unprecedented decision to void an adoption from another state is a victory not only for our client but for thousands of adopted families," Cathy

Sakimura, the center's family law director, said. "No adoptive parent or child should have to face the uncertainty and loss of being separated years after their adoption just because another state's court disagrees with the law that was applied in their adoption."

The case could affect other states that challenge or deny same-sex adoptions, according to a brief submitted by adoption and child welfare agencies.

"While at least 30 states have permitted second-parent adoptions, almost all of them have done so under statutory frameworks that, like Georgia's, do not expressly embrace the concept," the brief says. "As a result, the number of children who could be adversely affected by the Alabama Supreme Court's decision is large."

The lawyers told the justices in court papers that same-sex adoptions "have been granted since at least the mid-1980s, long before same-sex couples could marry." They estimated that hundreds of thousands of such adoptions now exist.

The most recent statistics from the Williams Institute at UCLA indicate an estimated 65,000 adopted children live with a lesbian or gay parent.