

Court Rules that Same Sex Parent can Move Forward with Discrimination Suit Against the State of Idaho

Boise, ID – In an important step in securing equal rights for same-sex couples, a federal court ruled yesterday that Ms. Adela Ayala, an unmarried, lesbian mother can continue her fight to be recognized as the parent of her five year old daughter.

Adela and her partner had been together for years before they decided to have a child. The couple had hoped to be married when they had their child but were prevented at that time by Idaho's ban on same sex marriages. Adela is the child's primary caregiver and an active and loving mother. However, Idaho does not recognize Adela as a parent by preventing her from being placed on her child's birth certificate.

In November 2016, Idaho Legal Aid Services filed a lawsuit in the United States District Court on behalf of Adela and her daughter. The suit contended that Idaho's Paternity Act, Vital Statistics Act, and Artificial Insemination Act unlawfully discriminates against same-sex parents and their children by not including both parent's names on the child's birth certificate.

On August 24, 2017, the Court determined that "the State of Idaho's past unconstitutional acts have led to 'continuing conditions of inequality' for same sex couples who desired to marry but were unconstitutionally denied that right . . ." The Court found that Adela would have been married to the child's biological mother at the time of her daughter's birth and that if it wasn't for Idaho's same sex marriage ban, Adela would have been named on her daughter's birth certificate.

"We are pleased that the Court recognized the importance of protecting the relationship between a parent and her child. We are hopeful that this preliminary ruling will provide same-sex couples the rights and responsibilities of all other Idaho

families.” said Statewide Advocacy Attorney, Jennifer A. Giuttari.

“The Court’s decision affirms Ms. Ayala’s challenge of Idaho’s denial of her the right to be entered as a parent on the child’s birth certificate because she was prohibited from being married when her daughter was born and her efforts to receive the same parental rights as other couples using artificial insemination to conceive a child,” said Howard A. Belodoff, Associate Director for Idaho Legal Aid Services.

Last updated on August 25, 2017.

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