

Talking About Politics

[GO](#)[Login](#) | [Register](#)

View Article

[Current Articles](#) | [Categories](#) | [Search](#) | [Syndication](#)

De Facto Parents

State Senator Julia Boseman, North Carolina's only openly gay legislator, has sued her former partner Melissa Jarrell. She wants joint custody of Jarrell's five-year old son. (News and Observer; 2-4-07).

According to Senator Boseman's lawsuit there is no doubt Ms. Jarrell is the child's natural mother; Boseman and Jarrell were involved in a long-term relationship when Jarrell was artificially inseminated in 2002. There is no question about Ms. Jarrell's rights as the child's parent. The question is: *What are the rights of her former-gay partner?*

Senator Boseman argues she has a right to custody because she adopted Ms. Jarrell's son. But the problem is the adoption may not stand up to legal scrutiny under North Carolina law. So Senator Boseman is also arguing that she has "parental rights as a de facto parent" because of a "deep emotional bond with the child."

But what if another woman forms 'a deep emotional bond' with Ms. Jarrell's child? Does that give her a right to custody too? Does it give her the legal authority to try to take away the birth mother's rights?

In a way this may seem logical to Senator Boseman and other advocates of gay marriage. If their bond to their spouses is the same as a husband's to his wife, then their rights as a parent should also be the same as a father or mothers.

All this may seem unusual to say the least, but in case you think it's a hypothetical argument, its not. Recently in a similar case in Durham, Irene Dwinell's gay partner Joellen Mason sued her for joint custody of Dwinell's son – and won.

For years the Democratic leaders in the General Assembly have avoided social issues like the plague. They've kept a bill defining marriage as the union between a woman and man bottled up in committee for years, saying it's not necessary under North Carolina law. But Ms. Dwinell's case and Senator Boseman's case are signs the law may not be as clear-but as legislators say. It's time the General Assembly took a stand that a mother shouldn't have to fight a lawsuit with her gay spouse to keep custody her child.

[Click Here](#) to discuss and comment on this and other articles in our Forum.

posted @ Tuesday, April 17, 2007 11:16 AM by Carter Wrenn

[Previous Page](#) | [Next Page](#)

[Home](#)[About Us](#)[Contact Us](#)[Sign - Up](#)[Share a Story](#)[Comment & Discussion Forum](#)

Copyright (c) 2009 Talking About Politics : Powered By [PointClick](#) : [Terms Of Use](#) : [Privacy Statement](#)