

Maine's Law Court Lifts Bar on Two Women Adopting Together

Maine's Law Court issued a unanimous ruling today that opens the door to two siblings in foster care to be jointly adopted by the two women who have raised them for the past six years.

Ann Courtney and Marilyn Kirby of Portland are no longer barred from forming a permanent, legal parental relationship with their foster children, 10-year-old "M" and her brother, six-year-old "R". The children were not named in court documents to protect their identities.

"We're ecstatic," said Ann. "We love these kids, and their well-being means everything to us. Our daughter and son can now know that we are a family, and we'll always be a family."

Attorney Mary Bonauto of Gay & Lesbian Advocates & Defenders (GLAD), who represented the couple, said, "This decision is in the best interest of the children, who have flourished under Ann and Marilyn's care. The court wisely listened to the experts who knew this family well – everyone from the state's adoption workers to the children's guardian to the social worker who completed the home study."

The children were removed from their home in 2001 when their biological parents were no longer able to care for them. They were placed with Ann, an attorney, and Marilyn, a counselor, who quickly re-organized their lives to address the children's multiple emotional, learning, and developmental problems.

"A joint adoption assures that in the event of either adoptive parent's death, the children's continued relationship with the surviving parent is fixed and certain," the Court said. "A joint adoption also enables the children to be eligible for a variety of public and private benefits...Most importantly, a joint adoption affords the adopted children the love, nurturing, and support of not one, but two parents."

At issue was whether courts have the power to consider a joint petition for adoption by two women rather than just one. The couple applied to adopt M and R in 2002, and filed adoption petitions in Cumberland County Probate Court in May 2006. The judge denied their petition, interpreting current Maine adoption law to allow only one unmarried person or a married couple to adopt. The appeal reached the Law Court in September and was officially considered in February 2007.

GLAD
equal justice under law

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