



ACLU Secures Return of Seven-Year-Old to Lesbian Mother in Georgia

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ATLANTA – After almost three months, a seven-year-old girl has been reunited with the woman in whose care she'd thrived for almost a year before being sent to live in a crowded foster home. The child had been held in foster care by the Wilkinson County Division of Family and Children Services (DFCS) since February 20, when a judge took her away from her home after he learned that she was being raised by a lesbian.

“Emma and I missed each other so much while we were separated, and I hope she can put this painful experience behind her quickly. But I'm grateful to DFCS for recognizing that Emma's biological mother always had her best interests at heart in wanting her to live with me,” said Elizabeth Hadaway, a 28-year-old paramedic who first took in the little girl when the child's biological mother asked her to raise and adopt Emma. “Emma and I are just so glad she's finally home.”

Although Emma's biological mother told the court that she wished for the child to be raised and adopted by Hadaway, Wilkinson County Superior Court Judge John Lee Parrott ordered that the child be taken away from her home when he learned that Hadaway is a lesbian. DFCS agreed that the biological's mother's wishes should be honored, and Emma was reunited with Elizabeth on Friday.

“The law serves families best when focused on the needs of children, rather than the prejudices or assumptions of adults,” said Gerry Weber, Legal Director of the ACLU of Georgia, who represents Hadaway. “We're pleased to have given a helping hand to reuniting this family, but no child should be torn away from a loving home because her parent is lesbian or gay in the first place.”

“We're glad that DFCS agreed that it must honor the decision of the biological mother to allow Elizabeth to raise Emma,” said Ken Choe, a senior staff attorney with the ACLU's national Lesbian Gay Bisexual Transgender Project. “Children like Emma shouldn't have to fear being torn away from their homes and families just because their parents are gay.”

Hadaway has been caring for Emma for almost a year and the child calls her “Mommy.” Their predicament came after several months of legal proceedings in which Hadaway fought to keep her. The little girl's biological mother, who had sole custody, asked Hadaway to raise and adopt the child after struggling for years to care for her in spite of a variety of problems that included financial hardships and a difficult life on the road as a truck driver. With the biological mother's blessing, Hadaway was granted legal custody in 2006. Under Hadaway's care, the child began making great strides in her schoolwork, self-confidence, and emotional well-being.

Several months later, Wilkinson County Superior Court Judge John Lee Parrott was on the verge of granting Hadaway's request to permanently adopt Emma when he noticed in the home study that Hadaway was living at the time with her partner of seven years and abruptly changed his mind. In January of this year, Parrott denied the adoption, ordering that Emma be sent back to her biological mother. Hadaway complied and met with the biological mother at a truck stop to hand over the girl. After accepting custody, thus satisfying Parrott's order, the biological mother saw how distraught Emma was at being taken from Hadaway and again insisted that Hadaway should raise the girl.

Hadaway, who had moved with Emma to Bibb County in late December, again applied for custody in her new home county with the biological mother's full consent. Shortly after that, Parrott ordered the little girl be taken from her home to live in foster care on February 20 in spite of the biological mother's wishes. In early April a Bibb County judge then granted custody of the child to Hadaway, after hearing evidence from an expert commissioned by Wilkinson County DFCS to study Emma in her foster home. The expert found that the little girl was unable to get the individualized attention she needs in her foster home and was experiencing emotional trauma because of the separation from Hadaway.

In spite of all this, Parrott found Hadaway and her attorney in contempt of court, and sentenced them to jail time and a fine. On May 21, the ACLU argued that Wilkinson County DFCS must allow Emma to return home. The ACLU will brief the appeal of Judge Parrott's contempt order in the Georgia Court of Appeals on Wednesday of this week.

Hadaway is represented by Weber and Maggie Garrett of the ACLU of Georgia, Choe and James Esseks of the ACLU's national LGBT Project, and cooperating counsel Dan Bloom of Pachman Richardson, LLC in Atlanta and Amy Waggoner of Aussenberg Waggoner, LLP in Alpharetta.

More information on the case, *Hadaway v. Fowler-Dennard*, can be found online at <http://www.aclu.org/lgbt/parenting/29566res20070502.html>.

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