

Families Under Attack



Real Stories about Michigan Families



www.aclumich.org

The Story Project

The people in this booklet are just a few of the families in Michigan's LGBT community, but their stories represent the many challenges faced by all LGBT families. These stories were gathered by the ACLU's LGBT Project. Thanks to the many people who responded through our website, by phone and by letter to share their stories.

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Why It Matters

Many assume lesbian, gay, bisexual and transgender (LGBT) families can obtain the same rights as heterosexual families by filling out a few legal forms. If only this were true.

In fact, without legal protection, LGBT families are often treated by the law as strangers – even if a couple has drafted documents to acknowledge their commitment to each other and their children. This puts the health and safety of these families at risk.

- Medical providers can prevent parents from authorizing emergency medical treatment for their children.
- LGBT partners are not automatically considered next of kin for the purpose of hospital visits or medical decisions.
- Employers can refuse to grant family medical or bereavement leave for an employee's partner or children.
- Employers may refuse to insure an employee's partner and children.
- Children of LGBT parents are not entitled to both parents' disability, pension or social security benefits.
- If a family is lucky enough to receive domestic partner benefits, federal and state taxes must be paid on their value.
- LGBT families have difficulty getting life insurance because a partner has "no insurable interest" in the other.
- Because they cannot marry, lesbian and gay couples cannot live together in government-subsidized senior housing

These are just a few examples of the benefits denied to same-sex families. The federal government alone grants over 1,100 rights and obligations to married couples and their children. Even when certain rights or obligations can be created contractually, private entities may refuse to recognize their validity.

LGBT families of color and lesbian families are particularly disadvantaged by the state's failure to recognize gay parents and families. Due in part to racism and sex discrimination, people of color and women often have lower earnings than white men, creating additional economic challenges throughout life and in retirement.

Many presume that civil unions or domestic partnerships would solve the problem. Unfortunately, neither would provide the same protections and obligations of marriage. Further, Michigan's lawmakers have not only failed to recognize civil unions, many have worked to pass laws that would impose greater restrictions on the rights of LGBT families. In November 2004, Michigan voters approved an amendment to the state constitution that prohibits same-sex couples from marrying and enjoying the legal recognition and protections of marriage.

With an emerging cultural climate hostile to LGBT families, it is even more important to acknowledge that marriage also brings social respect and legitimacy to families. There is no substitute for full equality.

Successful efforts to remedy discrimination and protect civil liberties flow not just from our national and state leaders – it flows from all of you, Michigan's concerned citizenry. In this booklet, you will see a few examples of ordinary families placed in extraordinary situations because of their sexual orientation or gender identity. We hope that their stories will serve as an inspiration to keep fighting for equality in your communities.

Daddy and Papa

Many kids are fortunate to have two parents. Three of these kids are Josh, who is developmentally disabled, Joey and Raul. Dennis and Tom are their proud adoptive parents and have been foster parents of six others. Tom only works part-time so that he can take care of Josh, whose disability requires a great deal of attention. If Dennis loses his domestic partnership benefits from the university where he is employed, much more will be lost than just health care.



As Daddy and Papa, they lead by example, talking to the boys openly about discrimination. They say that sometimes they tire of fighting the battles that gay couples must endure, but know that their kids would be the ones to suffer if they give up.



The Unknown Future

Deb and Chris have been together 8 years, and are each reaching an age where plans for retirement need to be considered. Living on a fixed income will soon become a reality. Like other gay and lesbian couples who are not allowed to marry, they face financial inequalities that heterosexual couples may

take for granted. Unlike heterosexual couples, Deb and Chris must pay taxes on the benefits they receive. They also won't be able to share their pensions or benefits should one of them die. And when they retire, their choice of residence could be limited by senior housing policies that prohibit same-sex couples.

Deb and Chris spend a great deal of time volunteering in their community. Now is the time for their community to support them in return.



Mentors Making Change

When Curtis met Willie at PrideFest, in Royal Oak, MI on June 6, 1999, it was love at first sight. Curtis, an HIV/AIDS service agency worker and Willie, a special education teacher for more than 20 years, are both dedicated activists within the African-American LGBT community. Together, they helped to form Kick, a non-profit advocacy and support services organization for

LGBT African-Americans. As a result of their drive to help the community, they have become mentors and father figures to a 17-year-old gay youth.

Curtis proposed to Willie on New Year's Day 2004 and is planning a wedding ceremony at their church with the support of their families. But, they know that in Michigan their relationship will not be legally recognized. Despite their commitment to each other and the community, they also know that without legal recognition of their marriage, they will not be afforded the more than 1,100 other state and federal rights and protections provided by legal marriage.

A Child's Security at Risk

Beth and Julia have a committed relationship and a beautiful 5-year-old son. Their concern for him has always been foremost in their minds. If only one of them were recognized as the legal parent, what would happen if the other died? Would he get health care? Would the surviving mom be able to afford to keep their home? Would a court consider him an orphan and make him a ward of the state?



Some of these concerns have been resolved because they were, fortunately, two of the lucky ones who were able to complete a second-parent adoption. But the court that recognized Beth and Julia no longer grant second-parent adoptions. Because these adoptions have been stopped, other families won't be as lucky and children will remain at risk.

Beth and Julia pay taxes, work, mow their lawn, are part of their religious community, and only want what is best for their child. So should everyone else.

Still Married After 30 Years?

After serving in the U.S. Armed Forces, George met Mary. Thirty years later, they are still together and lawfully married. But they have experienced considerable changes in their relationship in the last two years. George has begun to transition from male to female and is now GeorgiAnna. As a result, they have each had to struggle with their shifting roles.

GeorgiAnna and Mary are still very committed to each other and have no intention of separating or living their lives differently. But GeorgiAnna wonders if the state may no longer recognize their marriage or provide the benefits of marriage that heterosexual couples enjoy. Mary wonders if she is still eligible for Social Security spousal benefits. There is no clarity in the law about situations like this.

Says GeorgiAnna, "What does that say about the last 30 years... that it never happened?"



Lives in the Balance

Deb and Ann have been together for 10 years and have two children, both Deb's biological children through artificial insemination.

Unfortunately, no matter how good Ann is as a parent, she is not legally recognized as such in Michigan. They live in a very conservative community and are fearful of even trying to establish legal guardianship.

When one of their children needed to be hospitalized, hospital workers asked Ann if she was the child's mother. She could only answer, "Not technically."



Her response raised the question of whether or not her daughter would be treated, though eventually she was.

Going to a hospital is scary enough. Michigan's failure to recognize the parents who love and care for a child is even scarier.



Caretakers in the “Sandwich Generation”

Jerry and Arnold have taken care of people all of their lives. Arnold, in his traditional marriage, provided well for his four children and eleven grandchildren. Jerry has two kids and two grandchildren as a result of his traditional marriage.

When Arnold’s granddaughter was 11 months old, she came to live with them. They were pleased to find her teacher supportive of their gay family making what could have been an otherwise difficult transition for the child much easier. And like many in the “sandwich generation” they have also taken care of their mothers.

Jerry’s mom, Sonja (pictured with Jerry and Arnold), would like to tell every mom and dad blessed with a gay child that they need to give them total support.

Separate and Unequal

Elizabeth and Chrissy have thought about marriage, legally committing to one another. Watching friends who can make that choice has caused them both joy and pain. While they have made a spiritual commitment to each other, the social and contractual obligations that come with marriage are not rights they currently enjoy.



Elizabeth and Chrissy are at the beginning of what they hope will be a long commitment. They hope to fulfill their dreams like everyone else. Elizabeth and Chrissy should be able to look to the future knowing that their commitment is protected by law.

Barriers to Health Care

Nancy and Margo just celebrated their 30th anniversary, but worry about things that most couples do not. As professionals they are now both financially secure. It wasn't always that way. When Margo wanted to return to school she was not entitled to health care benefits, in spite of the fact that she and Nancy were in a committed long-term relationship. Since she could not be without them due to a chronic illness she was forced to buy an expensive, yet inadequate, health care policy.



Getting Their House in Order

Michael and Mark met at college 22 years ago and became the best of friends. After graduation, they came out and have been together for 15 years. In addition to sharing their love for entertaining, travel, culture and the arts, they are very active in the LGBT community. Mark is currently a board member in Metro Detroit's leading LGBT community center and Michael is on the AIDS Partnership Michigan Board.

Michael and Mark participated in a commitment ceremony at the 1993 Gay Rights March in Washington, D.C. Unable to legally marry in Michigan, they have had estate planning documents drafted (wills and Designation of Patient Advocate forms) to protect their relationship and property. Michael and Mark understand the importance of having these documents in order. Too often,

gay and lesbian families are not aware of how important it is to prepare legal documents in the absence of a legally recognized marriage.



In their own words...

Dahlia and Kathleen

(Together for 11 years)

Dahlia: "When our second child was born, I was the birth-mother. The pediatrician on staff at the hospital would not tell my partner, who is also a physician, the condition of our newborn son. The pediatrician said, 'I already told his real mother....'"

"We are a family with kids like all other families. We just want our kids to have the same protections as any others... the same benefits, the same rights, the same recognition."

Tommy and Tim

(Together for 10 years)

Tommy: "My nieces and nephews don't know a life without Uncle Tim. They love him as much as they love me. Tim has been totally integrated into my family. He helps take care of my elderly father and often drives him to his doctor's appointments. I reunited Tim with his family (who live out of state) and now we meet every Memorial Day for a family vacation. Everyone would like to see us legally married."

Stacey and Joelle

(Together for 7 years)

Stacey: "My partner had an emergency appendectomy and I was not given time off work under the Family Medical Leave Act (FMLA) to assist with her care. I ended up taking two days off from work and getting written up for it as a result."

"We don't practice any religion, but we do try to be the best people we can be and make sure we treat others with the respect that we wish to be treated."

Cristy and Terry

(Together for 5 years)

Cristy: "We work hard at our jobs, both of us giving to our community by working in non-profits. We own a home in our community, paying our taxes and participating in our civic responsibilities....Yet we're still not full citizens of the country we were both born in....We cannot marry each other, in spite of the fact

that our relationship is very stable, healthy and filled with the love and respect that is missing from many straight marriages. We have earned our place at the table of citizenship and respect.”

Rob and Ernest

(Together for 4 years)

Rob: “I served 20 years in the military. We own a home together and consider ourselves middle class, very normal like everyone else. I have a chronic illness and worry about the day when Ernest won’t be allowed to visit me in the hospital or have a say about my dying wishes.”

Chrystal and Crystal

(Together for 11 years)

Chrystal: “We both suffered discrimination while I was in the hospital for a bleeding ulcer and my partner was told by the nurse that she had to leave because she was visiting me during ‘family visitation,’ even after we explained to her that we were partners.

“My grandmother who was very ‘old school’ said as long as we loved each other and had God in our hearts that should have nothing to do with the government.”

Jennifer and Tracey

(Together for 7 years)

Jennifer: “My partner has a chronic illness that is difficult to manage, which results in my having absences from work that would be covered under FMLA if we were legally married.”

Stephen and Daniel

(Together for 17 years)

Stephen: “Because we are not legally married, I cannot be on Daniel’s health plan at the community college where he works. It is very expensive for us to insure me as an individual in Michigan....

“We want to have the same legal tools, the same resources, and the same rights and responsibilities held by legally married couples so that we can meet our responsibilities to each other, now and especially in our old age.”

Regina and Diane

(Together for 4 years)

Regina: "In April 2002, my partner and I attempted to do a second parent adoption of our daughter (my partner is the biological mother), but the Washtenaw Family Court was directed to reject any petitions for adoption by same-sex couples. I financially support my children equally with my partner and yet in the eyes of the law I am a stranger."

Tracey and Lisa

(Together for 7 years)

Tracey: "My partner and I have had a child together through the use of an anonymous sperm donor. Since Michigan is not currently allowing second-parent adoptions, my partner legally cannot be recognized as our daughter's parent. This affects every aspect of our child's life.

"We are an average suburbanite family in every way except one: our daughter is living with two moms. Our friends and neighbors are shocked to learn that we are denied a long list of rights allowed to heterosexual couples with children. My daughter has two loving parents, but when it comes to a legal issue, Michigan says she has only one parent. It is disgraceful."

John and Jerry

(Together for 23 years)

John: "During Jerry's last hospital stay, I was not kept informed about his condition/needs in spite of the Medical Power of Attorney I hold. I have had to stop working to care for him, because we don't qualify for any help."

Penny and Marilyn

(Together for 8 years)

Penny: "The age and class difference factors in our relationship insure that one of us will have failing health. One of us is older, one of us has asthma, one of us is the primary wage earner, one of us owns more than the other. Our lives without legal recognition are destined for inequities and downright discrimination."

How You Can Help

Give this booklet to a friend.

Tell them why you care about this issue and why LGBT families need legal protections. Better yet, send an e-mail to everyone in your address book and tell them why they should join in this struggle.

Get active in your community.

Whether working to defeat a discriminatory ballot proposal or working to adopt anti-discrimination laws, you can be a champion of civil liberties in your community. Talking to people about these important issues increases awareness and builds important grassroots support.

In politics and in life, all roads lead back to the community. Nowhere is this more true than in the fight to protect individual rights and to preserve civil liberties. Civil rights, LGBT equality, women's suffrage, the protection of privacy rights – all come from local, grassroots efforts by people like you.

Sign up for the ACLU Action Network.

At www.aclumich.org you can sign up to receive e-mail action alerts on key legislative issues, many affecting LGBT families. Members of the ACLU of Michigan Action Network have sent thousands of e-mails and played a key role in stopping dangerous legislation.

Be heard by your elected officials.

You can talk to federal and state representatives and other elected officials about your concerns. You can call them or meet with them when they are back in the district. Your outreach to these elected officials can have a significant impact on the issue of equality of LGBT families.

Help start the public dialogue.

Call into radio talk shows and write letters to the editor. When the local media keeps hearing about an issue, they know it is “hot” and will give it more attention.

Get involved with the ACLU.

Join the ACLU. You can work with your local ACLU branch to defend the rights of LGBT families. Affiliates work on a range of important issues affecting equal rights and individual liberty.

Resources

ACLU of Michigan

LGBT Project

www.aclumich.org

313-578-6812

ACLU National LGBT/HIV Rights Project

lgbthiv@aclu.org

212-549-2627

Affirmations Lesbian Gay Community Center

www.goaffirmations.org

248-398-7105

Coalition for Adoption Rights Equality (CARE)

www.secondparentadoption.org

734-646-8150

Fair Michigan Majority

www.fairmichiganmajority.com

Kalamazoo Gay and Lesbian Resource Center

www.kglrc.org

269-349-4234

Karibu House Community Center for LGBT Persons of Color

karibuhouseinc@aol.com

313-865-2170 ext 3

Lesbian and Gay Community Network of Western Michigan

www.the-lgbt-network.org

616-458-3511

Parents and Friends of Lesbians and Gays

www.pflag.org

Check website for local chapters

Pride At Work, AFL-CIO

www.prideatwork.org

pawmi2@aol.com

Ruth Ellis Center

www.ruthelliscenter.com

313-867-6936

Transgender Michigan

www.transgendermichigan.org

517-420-1544

Triangle Foundation

www.tri.org

313-573-3323

The ACLU of Michigan
works daily in the courts, legislature and
communities to defend and preserve the
individual rights and freedoms of all.

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Join the ACLU

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