

Idaho Legal Aid Sues to Stop Discrimination Against Same-sex Parents

Boise, ID – Idaho Legal Aid Services filed a civil rights complaint in the United States District Court on behalf of Ms. Adela Ayala and her four year old daughter challenging the constitutionality of Idaho's Paternity Act, Vital Statistics Act, and Artificial Insemination Act because the statutes unlawfully discriminate against same-sex parents and their children. Ms. Ayala seeks an order directing the Director of Idaho's Department of Health and Welfare and the Administrator of the Bureau of Vital Statistics to recognize the rights of same-sex parents and Ms. Ayala's parent-child relationship by issuing a birth certificate naming her as the parent of her four year old daughter.

"All Idahoans regardless of their sexual orientation have a fundamental right, free of governmental interference, to decide to have a family and to raise and care for a child. Idaho statutes send a message of inequality and second class status to same-sex parents and their children. Private disapproval cannot justify public injustice." said Howard Belodoff, Associate Director for Idaho Legal Aid Services.

In 2011, Ms. Ayala and her same-sex finance decided to conceive a child by artificial insemination. The couple selected the donor, attended prenatal classes, chose the doctor and hospital where she was born and chose the baby's name. Ms. Ayala was not permitted to have her name listed as a parent on the birth certificate after the birth. When her daughter was born Idaho denied same-sex couples the right to marry and did not recognize marriages performed in other states. Ms. Ayala has cared for, provided a home and financial support for her daughter since she was born. Idaho does not recognize the parental status of children conceived by artificial insemination who have same-sex parents. As a consequence, Ms. Ayala, as the non-biological parent, is unable to obtain any legal rights, including the right to custody and visitation and to make decisions regarding medical care and education, for her daughter.

“Adela cares for her daughter day in and day out. Yet, this mother and child are treated as strangers. Under the U.S. Constitution this family deserves the same dignity, respect, and protection that is afforded to opposite-sex parents and their children,” said Idaho Legal Aid’s Statewide Advocacy Attorney, Jennifer A. Giuttari.

###

Last updated on November 17, 2016.

Files

[Ayala Press Release 11/17/2016](#)

How helpful do you find the information on this page?

- ☐ Not helpful
- ☐ Somewhat helpful
- ☐ Very helpful

Save

Please tell us why this page wasn't helpful

- ☐ N/A
- ☐ Not related to my issue
- ☐ Not enough information
- ☐ Unclear information

Comment

[About text formats](#)

Plain text

- No HTML tags allowed.
- Lines and paragraphs break automatically.
- Web page addresses and email addresses turn into links automatically.

This question is for testing whether or not you are a human visitor and to prevent automated spam submissions.

Save

Print

Table of Contents

NEWS

News & publications

The news about recent activities for needed peoples.

[More News](#)

25 Aug 2017

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

In an important step in securing equal rights for same-sex couples, a federal court ruled yesterday that an unmarried, lesbian mother can continue her fight to be recognized as the parent daughter.

[Continue Reading](#)

17 Jan 2017

ILAS receives funds to help seniors from Idaho National Laboratory

IDAHO LEGAL AID RECEIVES \$1,440 GRANT Idaho National Laboratory, on behalf...

[Continue Reading](#)

Our Partners

LSC's support for this website is limited to those activities that are consistent with LSC restrictions.

LSC

America's Partner
for Equal Justice

LEGAL SERVICES CORPORATION

