

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.

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Last updated on November 17, 2016.

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