

# Court Redefines Who Is a Parent

By SARA RANDAZZO

New York's highest court Tuesday upended how the state legally defines parenthood, reversing course on a 25-year-old ruling that blocked many same-sex couples from seeking the court's help in custody disputes.

Until now, New York only recognized as parents those with a clear adoptive or biological tie to a child, shutting out those who may have played a key role in a child's upbringing.

Tuesday's decision by the New York Court of Appeals said society has changed and families formed by gay couples need to be protected.

The court ruled that going forward, a partner can seek visitation and custody if it is shown "by clear and convincing evidence that the parties agreed to conceive a child and to raise the child together." The court recognized some people could even deserve custody if they came into a child's life after the birth.

Gay-rights advocates cheered the decision, saying it moves New York into the modern day alongside dozens of other states that already have a broader scope of parenthood.

Opponents argued such expanded rules can lead to abusive partners or anyone claiming ties to a child to drag a biological parent into court for bogus legal challenges.

The decision from New York,

which has been one of the largest states to still have such narrow definition of parenthood, could influence courts in other states. A decision is expected soon from Massachusetts in a case challenging how that state recognizes parents.

Tuesday's decision stemmed from appeals of two custody disputes. In one, a woman sought visitation rights to a young boy she said she helped raise alongside the biological mother, who underwent artificial insemination while the two were dating. The ruling means the woman can now go to a lower court to try to prove she deserves legal rights. The biological mother and her attorney didn't return a request for comment Tuesday.

In the other, a woman sought to keep her ex-partner from seeing her child, even though a court had earlier said the other woman was considered a parent for purposes of child support. Christopher Chimeri, the biological mother's attorney, said while his client is disappointed, he welcomes the decision for the certainty it provides families going forward.

The decision, written by Judge Sheila Abdus-Salaam, said the court was wrong in 1991 decision involving a lesbian couple in setting a "needlessly narrow" rule limiting the scope of parenthood to biology and adoption.



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