

Supreme Court No. 75934-1

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

HEATHER ANDERSEN and LESLIE CHRISTIAN, et al., Respondents,

v.

KING COUNTY, et al., Appellants,
and

CELIA CASTLE and BRENDA BAUER, et al., Plaintiffs,

v.

STATE of WASHINGTON, Defendant.

v.

SENATOR VAL STEVENS, et al
Appellant (Intervenor)

MOTION OF AMERICAN PSYCHOLOGICAL ASSOCIATION FOR
PERMISSION TO FILE BRIEF AS AMICUS CURIAE

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COME NOW the American Psychological Association and the Washington State Psychological Association and move that the Court grant leave to file an amicus curiae brief pursuant to RAP 10.1(e), 10.2, and 10.6 for the hearing set on the above-entitled action.

I. Applicants' Identity and Interest

The American Psychological Association (hereinafter "APA") is a nonprofit scientific and professional organization, founded in 1892. The APA has more than 155,000 members and affiliates, including most psychologists who hold doctoral degrees from accredited American universities. The APA has an interest in the issue presently before this Court because one of the Association's major purposes is to increase and disseminate knowledge regarding human behavior, as well as to foster the application of psychological learning to important human concerns. A substantial number of APA members, as researchers or clinicians, are professionally concerned with human sexuality and familial relationships.

The APA adopted the following resolution in July 2004: "the APA believes that it is unfair and discriminatory to deny same-sex couples legal access to civil marriage and to all its attendant benefits, rights, and privileges." The APA further resolved that "there is no scientific evidence that parenting effectiveness is related to parental sexual orientation:

lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children.”

The Washington State Psychological Association (hereinafter “WSPA”) is a nonprofit scientific and professional organization founded in 1947. WSPA represents more than 800 members and affiliates, including the majority of psychologists holding doctoral degrees from accredited universities. More than half of the licensed psychologists practicing in Washington belong to WSPA.

RCW 18.83.010(1) defines the “practice of psychology” to mean:

the observation, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures for the purposes of preventing or eliminating symptomatic or maladaptive behavior and promoting mental and behavioral health.

As a result, the mission of WSPA is to support, promote and advance the education, science and practice of psychology in the public interest. Indeed, WSPA is recognized at the national level of psychology for its dedication to promoting the public interest. Whenever WSPA attempts to promote the public interest, it relies upon the most recent scientific evidence to establish what actions would enhance the mental and behavioral health of Washington citizens. As the leadership of WSPA reviewed the scientific evidence regarding same gender relationships and the parenting by same-gender relationships, we found compelling

evidence that corroborates the health of the people within these relationships. As a matter of public interest, WSPA has signed on to this amicus brief to document why discrimination of same gender relationships must end.

The APA and WSPA are uniquely situated to inform the Court concerning scientific research about the nature of human sexuality and familial relationships that will assist the Court in addressing the legal issues presented in this case.

II. Applicants' Familiarity With the Issues and Scope of the Review

The APA and WSPA are familiar with the above-entitled case and with the issues being presented. The APA and WSPA are intimately familiar with clinical research and scientific issues pertaining to the question of same-sex marriage. The APA and WSPA are eager and well qualified to concisely and expertly brief this Court on these important scientific issues as they relate to the framework of modern psychological thought, social stigma, familial dynamics, and human health.

III. Issues to Which the Amicus Curiae Brief Will Be Directed

The proposed amicus brief to be submitted by the APA and WSPA is attached. The brief presents relevant scientific information concerning sexual orientation, same-sex relationships, and child-rearing by gay and lesbian persons. The APA and WSPA anticipate that this authoritative

scientific information will assist the Court in addressing the legal arguments put forward by the parties and other amici in this case.

IV. Reasons That Additional Argument Is Necessary

The APA and WSPA are uniquely qualified to assist the Court in understanding the social science framework that should inform its ruling on the State's same-sex marriage ban. Although the parties in this matter are providing argument and authority, the APA and WSPA respectfully submits that their briefing will provide additional and important insight to this Court.

V. Applicants' Request for Relief From Length Recommendations of RAP 10.4(b)

The APA and WSPA respectfully request relief from the length recommendations provided in RAP 10.4(b): "an amicus curiae brief, or answer thereto, should not exceed 20 pages." The proposed attached amicus brief is the result of painstaking efforts to present a concise brief to this Court. In order to provide an accurate, complete, and authoritative description of the relevant scientific authority, however, the APA and WSPA respectfully request relief from the length recommendations of RAP 10.4(b). In order to avoid repetition of aspects of the other briefs in this case, the APA and WSPA have refrained from submitting their own statement of the case. *See* RAP 10.3(e). The APA and WSPA respectfully

request leave to file a brief that exceeds the suggested page limit by approximately 35 pages—for a total of approximately 55 pages.

Dated this 4 day of February, 2005.

Respectfully submitted,

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