

ON THE DOCKET, IN THE FIELD

Out of Home, In Our Care

Lambda Legal Youth in Out-of-Home Care Project Staff Attorney Flor Bermudez has been facilitating workshops across the country addressing lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in out-of-home care — foster care, juvenile justice and homeless systems of care. Recently, Bermudez has presented her work in Denver, Chicago, Washington, D.C., and Dayton Beach, FL, at various conferences and universities. Bermudez's workshops provided participants with basic information about the disproportionately high numbers of LGBTQ youth in the child welfare system and the best practices that guide culturally competent work.



FLOR
BERMUDEZ

IMPACT: Lambda Legal's Youth in Out-of-Home Care Project, which helps educate child welfare practitioners, brings the struggles of LGBTQ youth to the attention of service providers — ensuring competency so that service providers advocate for all youth.

Electric Youth

Supervising Community Educator Monroe France has been conducting trainings and workshops aimed at empowering lesbian, gay, bisexual, transgender and questioning (LGBTQ) students. Recently, France conducted a training session that was designed to empower middle school students, presenting models with which to work for social justice in their schools and communities. France led another workshop focused on the cyberbullying of LGBTQ youth. The workshop provided students with the best responses to cyberbullying and helped develop action plans that would empower them and others to take a stand against harassment and discrimination. Leslie Gabel-Brett, Director of Education and Public Affairs, recently conducted a training aimed at empowering LGBTQ students and administrators for the True Colors Conference held at the University of Connecticut.

IMPACT: Protecting and empowering LGBTQ youth in schools is an essential part of Lambda Legal's work. Our efforts to protect LGBTQ youth is twofold — through our groundbreaking litigation and our community education. Lambda Legal is setting the standard for fair and equal treatment of LGBTQ youth across the country.



MONROE
FRANCE

Antigay Agency Out of Business



ROSARIO GENNARO
& ALEXANDER
GARDNER

In March, New York Attorney General Andrew Cuomo announced that the antigay Arizona-based Adoption Profiles, LLC and Adoption Media, LLC stopped doing business in New York. This follows a complaint filed by Lambda Legal on behalf of a New York gay couple barred from posting their on-line adoptive-parent profile by the companies in question solely because they are a same-sex couple. Lambda Legal clients Rosario Gennaro and Alexander Gardner knew for a long time that they wanted to have children and that adoption was the way to make it possible. The couple wanted to post their profile on ParentProfiles.com and seek a match with a birth parent. However,

the website's eligibility requirements only allow a "qualifying husband and wife couple" that are "one male husband and one female wife" to use the service, thus discriminating against same-sex couples on the basis of sexual orientation and marital status.

IMPACT: In 2003, Adoption Profiles, LLC and Adoption Media, LLC were sued in California and are no longer doing business there for violating that state's antidiscrimination law. This recent announcement from New York's attorney general sends a clear message to all businesses that antigay discrimination will similarly not be tolerated in New York, where state laws also prohibit discrimination based on sexual orientation.

Assistance Denied

Dr. Robert Franke, a 75-year-old retired university administrator, sought assisted living at a facility operated by the Parkstone Living Center, known locally as Fox Ridge, in North Little Rock, Arkansas. Dr. Franke filled out and submitted all necessary paperwork for residency — including submitting medical forms from a local physician that indicated that Dr. Franke had HIV. After administrators learned he was living with HIV,

he was told to leave — just a day following his move into the facility. Dr. Franke did not require any special medical attention from the facility beyond daily medication and regular checkups with a physician. Lambda Legal filed a lawsuit on behalf of Dr. Franke and his daughter, alleging that he was illegally denied the basic services that this institution offers simply because he has HIV.

IMPACT: A growing number of seniors living with HIV often face discrimination either during the application process or while under the care of assisted-living facilities. A victory in this case would affirm the rights of seniors living with HIV and reinforce federal and state antidiscrimination laws as they relate to housing and other services.

California Set Back

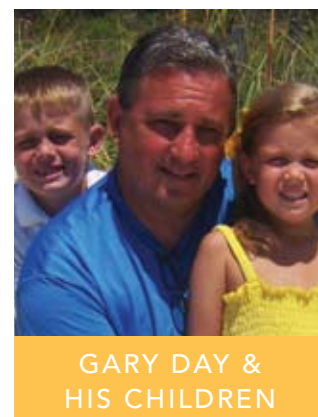
In a 6-1 decision, the California Supreme Court in *Strauss v. Horton* recently upheld the validity of Prop 8 — the statewide antigay ballot measure passed in 2008 that bars same-sex couples from marriage. Lambda Legal and our co-counsel at NCLR and the ACLU filed a lawsuit on behalf of numerous same-sex couples and Equality California before the California Supreme Court, urging it to hold Prop 8 invalid in light of constitutional guarantees of equal protection. The court opted to defer to majority voting power and uphold the ballot measure that, for the first time in California history, withdrew a basic right selectively from a minority group singled-out in a legally suspect manner. The Court did uphold the rights of same-sex couples who are already married in California — a position that Lambda Legal and our partners fought for to protect them from losing the legal rights and expectations they have since getting married.

IMPACT: The ruling that Prop 8 is valid is a setback for same-sex couples and all Californians, although the presence of thousands of married same-sex couples promises to boost Prop 8 repeal efforts significantly. In response to the ruling, Lambda Legal is launching Marriage Watch: California, a legal resource and education campaign designed to inform and assist same-sex married couples who encounter discrimination or disrespect for their married status. Visit <http://www.lambdalegal.org/take-action/marriage-watch> for more information.

Day Break

After submitting all the necessary paperwork to receive child insurance benefits for his children, Gary Day, a disabled gay father of two, waited patiently for an official response. Day expected a response from the Social Security Administration (SSA) in the standard 45 days. But one year later, Day still did not have a response. He contacted Lambda Legal and we wrote a letter on his behalf, urging the SSA to take action. The SSA eventually did respond, but cited “policy concerns” and continued to delay their final decision on Day’s application. In May 2008, more than two years after completing the application for children’s benefits, Lambda Legal, along with co-counsel from McDermott Will & Emery LLP, filed suit against the SSA, compelling the agency to act on Day’s application and urging the SSA to recognize Day as a legal parent of the children. The SSA denied the request for benefits, determining that Gary’s children “were not his children for purposes of child insurance benefits.” After amending our lawsuit and appealing the decision in April 2009, the SSA reversed their determination, finally providing Day’s children coverage — nearly three years after Day’s initial application.

IMPACT: The SSA and other government bodies designed to help families must not prevent access to funds and services to those in need, regardless of their sexual orientation or the manner in which a same-sex couple becomes parents. The decision on this case helps to ensure that the SSA treats same-sex couples equally, all the while ensuring that the Day family receives the benefits they need.



GARY DAY &
HIS CHILDREN