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Legal Resources for Georgia Gay and Lesbian Families

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Research Guides

Legal Resources for Georgia Gay and Lesbian Families

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Introduction

This website was designed to provide access to general information regarding the legal implications faced by gay and lesbian families Georgia. While many of the resources contained herein may be useful for residents of any state, this site was created to specifically address the law as it affects Georgia residents. The information contained below may provide a starting point for Georgia gay and lesbian couples, their attorneys, and anyone else hoping to gain a basic understanding of the issues implicated when gay and lesbian couples seek to raise children.

Overview

The law involving same-sex couples is a cutting-edge area of practice and changes sometimes by the day from state to state. Legal protections afforded to gay and lesbian couples are often amorphous, uncertain, and dynamic. This research guide is designed to provide gay and lesbian couples and their families definitive resources in order to understand and maneuver through the current state of the law within, and as it affects, Georgia. The list of resources contained herein is by no means exhaustive, but has been selected as that which may most noticeably affect gays and lesbians residing in Georgia. As always, it is crucial to consult a licensed attorney before making any legal desicions.

About the Author

Ryan Finch is a 2005 candidate for J.D. at Georgia State University College of Law in Atlanta, Georgia. He is an active member of the Lesbian & Gay Law Student Association, the student division of the Stonewall Bar Association, and a staff writer for the GSU College of Law newspaper.

Scope

While much of the information contained herein includes resources generally applicable to many gays and lesbians, family law is largely determinative based on the decisions and actions of each state's lawmakers. This website attempts to address the law as it affects Georgia families, with primary focus afforded to gay and lesbian parenthood, including adoption, foster parenting, and custody issues.

Disclaimer

This research guide is a starting point for a law student or an attorney to research the doctrine of inequitable conduct and its intersection with attorney-client privilege. This is a very active area of federal law, and it is imperative to Shepardize or KeyCite all cases and statutes before relying on them. This guide should not be considered as legal advice or as a legal opinion on any specific facts or circumstances. If you need further assistance in researching this topic or have specific legal questions, please contact a reference librarian in the Georgia State University College of Law library or consult an attorney.

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Primary Sources

Constitutions

i. United States Constitution

The United States Constitution has been used as a shield for gays and lesbians and their families against hostile legislation through three main tools: the Equal Protection Clause, the Full Faith and Credit Clause, and the Privileges and Immunities Clause.

- The Equal Protection Clause of the Fourteenth Amendment guarantees that "no State shall . . . deny to any person within its jurisdiction the equal protection of laws."
- The Full Faith and Credit Clause under Article IV, section I, requires each state to recognize the public acts, records, and judicial proceedings of every other state.
- The Privileges and Immunities Clause of the Fourteenth Amendment provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

A free annotated version of the United States Constitution is available through Findlaw.

ii. Georgia Constitution

The Constitution of the State of Gerogia provides similar protections extended by the federal Constitution.

- Georgia's Equal Protection Clause, Article I, section I, paragraph II, also promises its citizens that no one may be denied equal protection under the law.
- Article I, section I, paragraph VII instructs that the Georgia General Assembly must enact such laws that will protect the full enjoyment of the rights, privileges and immunities afforded all United States citizens.
- On November 2, 2004, 85% of Georgia voters approved a state constitutional amendment (section IV, paragraph I) that defines marriage as the union between a man and a woman, and that no union of persons between the same sex will be recognized by the State of Georgia as entitled to any of the benefits of marriage.

The Constitution of the State of Georgia can be accessed through the Georgia Secretary of State's webpage.

Statutes

i. Federal

-
  - Marriage: In 1996, Congress passed President Bill Clintonsigned the Defense of Marriage Act (DOMA), defining marriage for federal purposes as being between one man and one woman.
  - Adoption: There are currently no federal statutes that prohibt gay men and lesbians from serving as adoptive or foster parents, nor are there any federal laws that prohibit custody of children by their gay or lesbian parents.

ii. Georgia

-
  - Marriage.

O.C.G.A. § 19-3-3.1(a)	Same-sex marriages prohibited as against public policy.
O.C.G.A § 19-3-3.1(b)	Same-sex marriages or unions granted in foreign states or countries void in Georgia.

-
  - Adoption. There is no statutory ban preventing gay men and lesbians in Georgia from adopting children. However, the literal wording of Georgia's adoption statutes does not allow for step-parent adoption, which effectually prevents adoption by same-sex partners jointly.

O.C.G.A. § 19-8-3	Qualifications needed in order to adopt.
O.C.G.A. § 19-8-12	State's interest and authority to place adoptive children in stable homes.
O.C.G.A § 19-8-17	Suitability of the home to the child.
O.C.G.A. § 19-8-19	Adoption as termination of all legal relationships except with regard to legal spouse of petitioner; prevents same-sex joint adoption.

-
  - Foster parenting. There is no statutory ban in Georgia that prevents gay men and lesbians from serving as foster parents to children.

Cases

i. United States Supreme Court

Romer v. Evans, 517 U.S. 620 (1996)	Invalidated the Colorado legislature's attempt to prevent any state laws from passing that might offer protection to individuals based on their sexual orientation. A law declaring that it shall be more difficult for one group of citizens than for all others to seek aid from the government is a denial of equal protection.
Lawrence v. Texas, 539 U.S. 558 (2003)	No state legislature may attempt to draft laws that criminalize intimate consensual adult homosexual adult.

ii. Eleventh Circuit Court of Appeals

Lofton v. Dep't of Children & Family Services, 358 F.3d 804 (11th Cir. 2004)	Florida state legislature could have reasonably believed that prohibiting adoption into homosexual environments would further state interest in placing adoptive children in homes that will provide them with optimal developmental conditions.
Williams v. Attorney General of Alabama, 378 F.3d 1232 (11th Cir. 2004)	There is no free-standing fundamental right to sexual privacy.

iii. Georgia Supreme Court

Buck v. Buck, 238 Ga. 540, 233 S.E. 2d 792 (1977)	Lower court did not abuse its discretion in awarding child to mother who admitted to a past lesbian relationship and to current friendships with gay and lesbian person.
Van Dyck v. Van Dyck, 262 Ga. 720, 425 S.E. 2d 853 (1993)	The plain language of O.C.G.A.§19-6-19(b) (the "live-in lover" statute) does not permit the modification of alimony when a former spouse is living in a meretricious relationship with a person of the same sex.
Powell v. Georgia, 270 Ga. 327, 510 S.E. 2d 18 (1998)	Invalidated Georgia's 182-year-old sodomy law as unconstitutional based on the right to privacy guaranteed by the Georgia Constitution.

iv. Georgia Court of Appeals

In the Interest of R.E.W., 220 Ga. App. 861, 471 S.E. 2d 6 (1996)	The primary consideration in determining custody and visitation issues is not the sexual mores or behavior of the parent, but whether the child will somehow be harmed by the conduct of the parent. Visitation rights must be determined with reference to the needs of the child rather than the sexual preferences of the parent.
Burns v. Burns, 253 Ga. App. 600, 560 S.E. 2d 47 (2002)	Any marriage entered into by persons of the same sex pursuant to a marriage license issued by another state or foreign jurisdiction shall be void in Georgia. The state is not required to give full faith and credit to same-sex marriages or unions of other states by virtue of 28 U.S.C. 1738.
In re E.C., 2004 WL 2903808 (Ga. App. 2004)	Lesbian relationship should not be a determining factor of juvenile court's decision on parental custodial rights, unless evidence shows that the children have been or might be harmed by the mother's lifestyle.

v. Other Georgia Courts

In re Favre, 186 B.R. 769 (U.S. Bankruptcy Court for the N. Dist. of Georgia, Atlanta Div. 1995)	In order for two debtors to qualify as a debtor and spouse within the meaning of 11 U.S.C. 302, they must be legally marriad; restriction of eligibility to file joint bankruptcy petition to parties legally married does not violate homosexual couple's equal protection or due process rights.

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Secondary Sources

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2. Books
3. Law Review Articles
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7. American Law Reports (A.L.R.)
8. Legal Encyclopedias
9. Forms & Practice Aids

10. Law Reviews
11. Newsletters
12. Looseleaf Services

Books

All books located in the Georgia State University College of Law Library unless otherwise noted.

Hayden Currey, Denis Clifford, & Frederick Hertz, A Legal Guide For Lesbian and Gay Couples (Nolo 12th ed. 2004). Call Number KF538 .C87 2004.	Includes information for lesbian and gay couples concerning how to obtain domestic partner benefits, make medical and financial decisions for each other when needed, leave property to each other, and having and/or raising children through adoption, donor insemination, surrogacy or foster parenting. New edition scheduled for release on April 30, 2005.
Lavender Law IV (National Lesbian and Gay Law Association, 1992). Call Number KF4754.5. A75 C66 1994.	Though somewhat dated, contains relevant information and analysis of the law and its implications for gay and lesbian couples and parents.
William B. Rubenstein, Cases and Materials on Sexual Orientation and the Law: Lesbians, Gay Men, and the Law (American Casebook Series, West Pub. Co., 2d ed. 1997). Call Number KF4754.5.A7 L48 1997.	Includes information and analysis on the the Hawaii marriage decision (Baehr v. Lewin), the St. Patrick's Day Parade case (Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston), and the Colorado ballot initiative case (Romer v. Evans).
Joan M. Burda, Estate Planning for Same-Sex Couples (American Bar Association, 2004). Call number KF750 .B87 2004.	Creative estate planning that protects both parties, their children and their future. Includes information on Domestic Partnership Agreements, Shared-Parenting Agreements, and Guardianship.
Tim J. Watts, Gay Couples and the Law: A Bibliography (Vance Bibliographies, 1990). Call Number Z7164 .S42 W38 1990.	A bibliography on legal concerns of gay and lesbian couples, including information on same-sex marriage, child custody, foster parenting and adoption, partnership agreements, and immigration.
Yuval Merin, Equality For Same-Sex Couples: The Legal Recognition of Gay Partnerships in Europe and the United States (University of Chicago Press, 2002). Call Number K699 .M37 2002 .	Comparative study of various legal protections to same-sex couples in the United States and Europe. Includes information on the parental rights of same-sex couples in the United States.
Suzanne M. Johnson and Elizabeth O'Connor, The Gay Baby Boom: The Psychology of Gay Parenthood (New York University Press, 2002). Call Number HQ75.27 .J64 2002.	Reports the findings of The Gay and Lesbian Family Study, the largest national assessment of gay and lesbian headed families.
Jennifer M. Lehmann, The Gay & Lesbian Marriage & Family: Analyses of Problems and Prospects for the 21st Century (University of Nebraska Press, 2001). University Library General Collection, Call Number HQ76.3 U5 G368 2001.	A collection of articles covering legalized marriage and cohabitation, parenting and co-parenting, child custody and adoption, and living in stepfamilies.
Gay and Lesbian Parenting (Deborah F. Glazer, et al. eds., Haworth Medical Press, 2001). University Library General Collection Call Number: HQ75.28.U6 G39 2001.	Examines concerns and offers positive suggestions and ideas for dealing with the difficulties unique to gay and lesbian parenting.
Issues In Gay and Lesbian Adoption: Proceedings of the Fourth Annual Pierce-Warwick Adoption Symposium (Ann Sullivan, ed., Child Welfare League of America, 1995). University Library General Collection, Call Number HV8755.55 .P45 1994.	Resource guide for gay men and lesbians seeking to adopt.
D. Merilee Clunis and G. Dorsey Green, The Lesbian Parenting Book: A Guide To Creating Families and Raising Children (Seal Press, 1995). University Library General Collection Call Number: HQ75.53 .C58 1995.	Presents detailed, chapter-by-chapter information on each stage of parenthood and child development. Includes information on legal hoops for non-custodial parents.
Laura Benkov, Reinventing the Family: The Emerging Story of Lesbian and Gay Parents (Crown Publishers, 1994). University Library General Collection Call Number: HQ76.3.U5 B46 1994.	Thorough investigation of the issues facing lesbian and gay men who are choosing to be parents.
April Martin, The Lesbian and Gay Parenting Handbook: Creating and Raising Our Families (Harper Perennial, 1993). University Library General Collection Call Number: HQ76.3.U5 M36 1993.	Addresses many questions and issues associated with lesbian and gay parenting, including details on adoption, gay men having children, co-parenting, and other legal issues.
Lesbians and Child Custody: A Casebook (Dolores J. Maggiore, ed., Garland Pub., 1992). Call Number: HQ75.53 .L47 1992.	A collection of 16 articles addressing the issues of lesbians and child custody from a legal, psycho-social, and humanistic perspective.
Gay and Lesbian Parents (Frederick W. Bozett, ed., Praeger, 1987). University Library General Collection Call Number: HQ76.3.U5 G37 1987.	Deals with contemporary issues concerning parenting by gay men and lesbians.
Lesbian Parenting: Living with Pride and Prejudice (Katherine Arnup, ed. Gynergy Books/Ragweed Press, 1995). Available from Amazon.com.	Compendium of lesbian parenting with diverse contributions.
Suzanne M. Johnson and Elizabeth O'Connor, For Lesbian Parents: Your Guide to Helping Your Family Grow Up Happy, Healthy and Proud (The Guilford Press, 2001).	Offers help on explaining homosexuality to children and explores what lesbian parents can do to help children explain their family situation to their peers.
Kevin McGarry, Fatherhood for Gay Men: An Emotional and Practical Guide to Becoming a Gay Dad (Harrington Park Press, 2003). Available from Amazon.com.	Personal account of a single gay man's struggle to become a father; looks at the adoption process (domestic and international) from the inside, providing unique insight into costs (fees and expenses), what countries allow men to adopt, alternatives to adoption, life as a new parent, online resources, and a state-by-state review of adoption laws.
Lee Varon, Adopting On Your Own: The Complete Guide to Adoption for	Includes sections on the legal rights of gays and lesbians to adopt, and the evolving attitudes of

Single Parents (Farrar, Straus and Giroux, 2000). Available from Amazom.com.	agencies and social workers toward single-parent adoptions.
Arlene Istar Lev, The Complete Lesbian & Gay Parenting Guide (Berkley Publishing Group, 2004). Available from Amazon.com.	Prepares gay parents-to-be with everything they need to know and everything they can expect while raising children.
Stephanie A. Brill, The Queer Parent's Primer: A Lesbian and Gay Families' Guide to Navigating Through a Straight World (New Harbinger Publications, 2001). Available from Amazon.com	Topics include creating a healthy family, coming out for good, finding culturally sensitive childcare and schools, and making decisions about spirituality and family celebrations. Also covered are single parenting, breaking up, and the legal aspects of protecting these special families.
Susan Golombok and Fiona L. Tasker, Growing Up in a Lesbian Family: Effects on Child Development (The Guilford Press, 1998). Available from Amazon.com.	Presents a study of 25 children raised in lesbian mother families, and a comparison group raised by single heterosexual mothers; examines the developmental effects of growing up in a same-sex household and confronts a range of myths and stereotypes.
Gerald P. Mallon, Gay Men Choosing Parenthood (Columbia University Press, 2003). Available from Amazon.com.	Study of gay parenthood using case studies and interviews to examine the factors that contribute to the changes in gay men's lives once they become parents and explores issues such as the initial reactions to bringing a new child home, community responses to gay dads and gender politics. Also provides insight into the emotions common to gay men who choose to become parents.

Manuals

Nan D. Hunter, Courtney G. Joslin, and Sharon M. McGowan, The Rights of Lesbians, Gay Men, Bisexuals, and Transgender People: The Authoritative ACLU Guide To A Lesbian, Gay, Bisexual, or Transgender Person's Rights (4th ed., Southern Illinois University Press, 2004). Call Number KF4754.5.Z9 H86 2004.	Contains a section on gay relationships and gay parenting.
Gay Rights Skills Seminar Manual. Sexual Orientation and the Law (National Lawyers Guild, Anti-Sexism Committee of San Francisco Bay Area Chapter; Roberta Achtenberg, ed.). Call Number KF4754.5 .S49.	Based partly on the Gay Rights Skills Seminar Manual. Includes bibliographical references and index

Videotapes

Choosing Children (Women's Educational Media, Inc., 1985). Call Number: Library South 2 Call Number: Video Tape HQ75.53 .C46 1985.	Provides an intimate look at the issues faced by women who become parents after coming out as lesbians. Six families share experiences with donor insemination, nonbiological motherhood, adoption, and other issues.

Legal Encyclopedias

16B Am. Jur. 2d Constitutional Law § 850 (2004). Homosexuality.

8 Ga. Jur. Family Law § 2:12.5 (2005). Same-sex Marriage.

Newsletters

Lambda Update. Call Number KF4755. A15l25X	Discusses cases that involve lesbian and gays rights.

Looseleaf Services

Adoption Law & Practice. LexisNexis Matthew Bender. Call Number KF545 . A93	Provides information about interstate, state-federal, and international aspects of adoption, and deals with the increased "constitutionalizing" of adoption law and practice. Includes information regarding placement in single parent and gay and lesbian homes.

Law Review Articles

Victoria Davis, Domestic Relations: Marriage Generally: Prohibit Same-Sex Marriage, 13 Ga. St. U. L. Rev. 137 (1996).	Discussion of the legislative history of Georgia House Bill 1580 and OCGA 19-3-3.1--30, and a comparative analysis of similar initiatives in other U.S. states.
Allison Strazzella Brantley, In the Interest of R.E.W.: Visitation Rights of Homosexual Parents in Georgia, 48 Mercer L. Rev. 1751 (1997).	Brief analysis of Georgia court's decision that a parent's homosexuality is not a per se bar to unsupervised child visitation rights.
Nicole Sheppe, Georgia's Children On Our Minds . . ., 55 Mercer L. Rev. 1415 (2004).	In depth analysis of current Georgia statutory and case law and how it affects the possibility of gay-parent adoption.

Benjamin C. Morgan, Adopting Lawrence: Lawrence v. Texas and Discriminatory Adoption Laws, 53 Emory L.J. 149 (2004).	Traces the development of various pre-Lawrence arguments offered as rational bases for the judicial decisions and statutes that discriminate against homosexuals, either individually or as couples, in matters of custody, visitation, and adoption; whether protection, grounded in substantive due process, might be afforded to family privacy and child rearing without state interference.
Julie Shapiro, Custody and Conduct: How the Law Fails Lesbian and Gay Parents and Their Children, 71 Ind. L.J. 623 (Summer 1996).	Thorough examination of the approaches U.S. courts currently use in assessing the relevance of sexual identity and sexual conduct in determining parental entitlement to custody and visitation.
Karen Markey, Note, An Overview of the Legal Challenges Faced by Gay and Lesbian Parents: How Courts Treat the Growing Number of Gay Families, 14 N.Y.L. Sch. J. Hum. Rts. 721 (1998).	Discusses the legal rights of gay and lesbian families, analyzing how the law has developed in response to the growing frequency of these "non-traditional" families.
Barbara J. Cox, Adoptions by Lesbian and Gay Parents Must Be Recognized By Sister States Under the Full Faith and Credit Clause Despite Anti-Marriage Statutes That Discriminate Against Same-Sex Couples, 31 Cap. U. L. Rev. 751 (2003).	Explores the legal ramifications of out-of-state adoptions for same-sex parents relocating to another state.
Note, The Fight To Be A Parent: How Courts Have Restricted the Constitutionally-Based Challenges Available To Homosexuals, 38 New Eng. L. Rev. 841, (2004).	Analyzes the current legal trends pertaining to homosexual adoption and foster parenting in the United States and the avenues available to challenge these laws. Examines various lower court decisions throughout the country on the issues of homosexual and foster parent rights. Discusses the future of this issue in the United States and predicts how the courts will react to the increasing number of homosexuals seeking to become adoptive and foster parents.
Talia Cohen, Note, Protecting or Dismantling the Family: A Look At Foster Families and Homosexual Parents After Lofton v. Kearney, 13 Temp. Pol. & Civ. Rts. L. Rev. 227 (2003).	Analysis of fundamental rights for foster parents after Lofton and its resulting effect on homosexual foster parents seeking to adopt; addresses the rights of foster parents within a number of federal and state jurisdictions.
Kimberly Richman, Lovers, Legal Strangers, and Parents: Negotiating Parental And Sexual Identity In Family Law, 36 Law and Society Review 285, (2002).	Empirical study of child custody cases involving gay or lesbian parents of all such recorded decisions over the past 50 years, focusing on how judges--in interaction with the litigants before them--construct, negotiate, deny, and confirm the sexual and familial identities of the parents and would-be parents involved in these custody contests. Extensive bibliography and case table.
Jennifer Naeger, Note, And Then There Were None: The Repeal of Sodomy Laws After Lawrence v. Texas and Its Effect on the Custody and Visitation Rights of Gay and Lesbian Parents, 78 St. John's L. Rev. 397, (2004).	Analyzes how the Lawrence decision and the repeal of sodomy laws affect child custody disputes involving gay and lesbian parents. Focuses entirely on natural parents.
Legal Ordering of Family Values: The Case of Gay and Lesbian Families, 18 Cardozo L. Rev. 1299, (1997).	The efforts of gay and lesbian couples to emulate marital family rights by contract are explored, as is the alteration of parent-child relationships by parental agreement.
William E. Adams, Jr., Whose Family Is It Anyway? The Continuing Struggle for Lesbian and Gay Men Seeking to Adopt Children, 30 New Eng. L. Rev. 579 (1996).	Focuses on the issues concerning "stranger adoptions" as exemplified by litigation in the state of Florida, which completely prohibits homosexuals from adopting children. Reviews some of the myths and other unsupported assertions raised by the opponents of the adoption of children by gays and lesbians.
Elizabeth Erin Bosquet, Contextualizing and Analyzing Alabama's Approach To Gay and Lesbian Custody Rights, 51 Ala. L. Rev. 1625 (2000).	Analysis of Alabama's approach to gay and lesbian custody disputes.
Carolyn S. Grigsby, Note, Lofton v. Kearney: Discrimination Declared Constitutional In Florida, 21 St. Louis U. Pub. L. Rev. 199 (2002).	Provides an overview of the impact of sexual orientation on the rights of individuals concerning state adoption policies, and different jurisdictional approaches surrounding the controversial topic of homosexual adoption rights.
Devjani Mishra, The Road to Concord: Resolving the Conflict of Law Over Adoption by Gays and Lesbians, 30 Colum. J.L. & Soc. Probs. 91 (1996).	Addresses some of the common arguments that have been raised against allowing such adoptions, and explains why they are not persuasive.
Katie Eyer, Note, Related Within the Second Degree? Burns v. Burns and the Potential Benefits of Civil Union Status, 20 Yale L. & Pol'y Rev. 297 (2002).	Discusses the argument for interstate recognition of civil union status made in Burns v. Burns and its potential as a means of obtaining recognition for lesbian and gay families as legally constituted entities within the courts.
Towards Constitutional Recognition of the Lesbian-Parented Family, 26 N.Y.U. Rev. L. & Soc. Change 245 (2001).	Addresses visitation, custody, and child support issues that are raised when lesbian couples plan for and create a family together (either through adoption or reproductive technologies) and subsequently separate.
Shelley L. Bilbrey, Dancing Nancy: The Harmful and Illogical Dance Among Alabama Courts Over Supervised Visitation Between Gay Parents and Their Children, 26 Law & Psychol. Rev. 177 (2002).	Looks at the rights of gay parents, formerly in a heterosexual relationship, to visit their biological children after losing custody; examines Alabama's laws related to the visitation rights of gay parents.
Kif Skidmore, Note, A Family Affair: Constitutional and Prudential Interests Implicated when Homosexuals Seek to Preserve or Create Parent-Child Relationships, 89 Ky. L.J. 1227 (2001).	Compares cases in which courts employ a presumption of detrimental impact on a child caused by the homosexual conduct of a parent, with an approach that places such conduct among factors relevant to the consideration only upon an evidentiary showing of detrimental impact. Probes the issue of adoption by homosexuals, examining the policies which guide legislators and courts.
Mark Strasser, Fit to Be Tied: On Custody, Discretion and Sexual Orientation, 46 Am. U.L. Rev. 841 (1997).	Discusses the conditions under which children will be removed from their parents, comparing what is required when lesbian or gay parents are involved with what is required when no lesbian or gay parents are involved.
When Parent Rights and Children's Best Interests Collide: An Examination of Troxel v. Granville As It Relates To Gay and Lesbian Families, 19 Ga. St. U. L. Rev. 893 (2003).	Addresses the implications of Troxel v. Granville for gay and lesbian parents, and specifically, for visitation rights of non-biological lesbian co-parents in the event of a separation.
Legalizing Families: Solutions To Adjudicate Parentage For Lesbian Co-Parents, 49 Vill. L. Rev. 363 (2004).	Examines traditional custody standards and the non-litigious custody options available to lesbian parents to form the families that they desire.

Treatises

James A Kushner, Government Discrimination: Equal Protection Law and Litigation (2004). Call Number: KF4764 .K87 2004.	See section § 5:18 Gays, Lesbians, and Sexual Orientation

Other Articles

Kevin F. McNeill, The (Lack of) Differences Between Gay/Lesbian and Heterosexual Parents: A Review of the Literature, 4(1) Nat. J. of Sexual Orientation Law, 10 (1988).	This article can be accessed on the web by clicking here.
Human Rights Campaign, Georgia Custody and Visitation Law, 2004.	This article can be accessed on the web by clicking here.

American Law Reports (A.L.R.)

American Law Reports are annotations of relevant case law of particular legal issues. They can be found in bound volumes in nearly any law library or through online legal research services such as Westlaw or LexisNexis.

Robin Cheryl Miller and Jason Binimow, Annotation, Marriage Between Persons of the Same Sex--United States and Canadian Cases, 1 A.L.R. Fed. 2d 1 (2005).

Robin Cheryl Miller, Annotation, Child Custody and Visitation Rights Arising From Same-Sex Relationships, 80 A.L.R. 5th 1 (2005).

Sonja Larsen, Annotation, Adoption of Child by Same-Sex Partners, 27 A.L.R. 5th 54 (2005).

Robin Cheryl Miller, Annotation, Restrictions on Parent's Child Visitation Rights Based on Parent's Sexual Conduct, 99 A.L.R. 5gh 475 (2004).

Elizabeth Trainor, Annotation, Custodial Parent's Homosexual or Lesbian Relationship With Third Person As Justifying Modification of Child Custody Order, 65 A.L.R. 5th 591 (2004).

Elizabeth Trainor, Annotation, Initial Award or Denial of Child Custody to Homosexual or Lesbian Parent, 62 A.L.R. 5th 591 (2002).

Forms & Practice Aids

The forms and practice aids below can be accessed through Westlaw.

Custody and Visitation of Children by Gay and Lesbian Parents, 64 Am. Jur. Proof of Facts 3d 403 (2004).

Cause of Action Against Former Domestic Partner to Pay Child Support, 23 Causes of Action 2d 1 (2004).

Law Reviews

Law & Sexuality: A Review of Lesbian and Gay Legal Issues. Call Number K12 .A863. Also available on Westlaw.	Published by Tulane Law School.
Lesbian-Gay Law Notes. Call Number KF4754.5 .A15 L47.	Provides concise summary of legal news of interest to lesbian and gay lawyers or students of gay rights. Published by the Bar Association for Human Rights of Greater New York.
St. Mary's Law Review on Minority Issues. Available on Westlaw.	Focuses on the rights of minorities, including gays and lesbians. Published by St. Mary's Law School.
The National Journal of Sexual Orientation Law.	This publication can be accessed on the web by clicking here.

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Computerized Research

Legal Research Websites

a. Legal Research Websites

i. Westlaw

Online legal research subscription service that provides access to an immense collection of statutes, case law materials, public records, and other legal resources, along with current news articles and business information.

- GLBT Practice Tab. Westlaw features a custom page for specific jurisdictions and practice areas relating exclusively to legal issues that relate to the gay, lesbian, bisexual, and transgendered community.
- Advocate: The National Gay & Lesbian Newsmagazine. Westlaw contains The Advocate as part of its database. New issues are added as electronic updates are received.Generally new issues are added as available.

ii. LexisNexis

Online legal research subscription service that provides information to legal, corporate, government and academic markets, and publishes legal, tax and regulatory information, via online, hardcopy print and CD-ROM formats.

iii. Loislaw

Online legal research subscription service that offers a wide range of legal content and supporting materials at an affordable, all-inclusive flat rate.

iv. Findlaw

Free legal research website for attorneys, students, and the general public, providing a comprehensive set of legal resources on the Internet.

v. Lexis One

Online web community designed to meet the day-to-day practice demands of solo and small-firm attorneys, containing many free resources to access recent law.

Internet Resources

i. Legal

- American Civil Liberties Union of Georgia. Resources to learn and receive help concerning current legal issues facing Georgia gays and lesbians.
- Gay Law Net. Dedicated to providing general information, news and resources concerning the law as it affects the global gay, lesbian, bisexual, transsexual and intersex (GLBTI) community and the simplest access to a gay or lesbian (or gay or lesbian-friendly) lawyer.
- Rainbow Law. Research tools to learn everything about LGBT Relationship and Estate Planning, to create and/or update legal documents, and/or to locate an attorney in Georgia.
- Queer Legal Resources. One of the most extensive collection of materials devoted to queer legal issues on the Internet.
- Gay Civil Unions.com. Offers a state-by-state collection of news articles and clippings tracking the development of civil unions and similar legal protections for same-sex couples.
- Partners Task Force For Gay & Lesbian Couples. Impressive amount of legal information and support for gay and lesbian couples, from marriage to child raising to immigration.

ii. Non-legal

- Southern Voice. The South's most read gay and lesbian newspaper. Focus on issues facing the Atlanta gay and lesbian community, and with relevant information for the state, southeastern, national, and global communities. Available free online..
- GaySavannah.com. Savannah's complete information resource for the gay and lesbian community with a comprehensive business directory of local gay owned and gay friendly businesses including bed & breakfasts, restaurants, bars, clubs, realtors and more.
- Atlanta Gay & Lesbian Center. Community info by voice menu 24 hours, plus routine or crisis counseling by trained volunteers. 159 Ralph McGill Blvd., Suite 600, Atlanta GA 404-876-5372; helpline 404-892-0661.
- Carrollton Gay Community Newsletter. PO Box 2416, Carrollton, GA 30117.
- Adoption Family Center. Dedicated to the needs and support of non-traditional adoptive families.
- 2moms2dads.com. Resources for lesbians and gays who are or who want to become parents. Includes attorney directory. Available online.
- And Baby Magazine. Resource for gay and lesbian parents and families. Available online.
- Evan B. Donaldson Adoption Institute. A national not-for-profit organization devoted to improving adoption policy and practice. Contains information regarding current legal issues in adoption, with many links focusing on gay and lesbian parent adoptions.
- Gay Parent Magazine. Provides resources on gay-friendly private schools, day and overnight camps, and gay-friendly family vacation ideas. Resources also include family building such as reproductive technology and adoption and foster care agencies. Book reviews, news, activities, and events pertaining to LGBT parents and their children are features. On this site view sample articles, gay-friendly advertisers, advertising rate information, support groups, or order a subscription. Website features a free link containing a list of regional support groups for each U.S. state.
- Proud Parenting. ProudParenting.com serves as an online portal for gay, lesbian, bisexual and transgender parents and their families worldwide. Contains information for parents and children on family life, issues affecting gay and lesbian families, GLBT youth, reproduction, surrogacy, adoption, foster parenting, and more. Also contains a local page highlighting issues as they affect the American southeast.

iii. Groups

- Georgia Equality. A statewide political advocacy group representing the gay, lesbian, bisexual, and transgender community of Georgia.
- Lambda Legal. Includes information on current legal issues facing Georgia gays and lesbians. Southern regional office contact information listed.
- Alternative Family Magazine. A magazine for GLBT parents and their children. Available from AFM Publishing, PO Box 5650, River Forest IL 60305-5650.
- Family Pride of the South. Atlanta-based organization that strives to build strong families through educational programming, community resources & support, social activities, and public advocacy.
  The Georgia Center for Adoption and Foster Care Resources and Support. A state wide project funded by the Georgia Department of Human Resources and presented by Families First and Bethany Christian Services whose purpose is to increase resources and supportive services for adoptive and foster families and reduce the incidence of disruption in Georgia.
- Families First. Atlanta agency offering help for people who want to adopt, and offers specialized foster care for children in need and support services for foster parents.
- Georgia Department of Human Resources, Office of Adoptions. Develops, promotes, and supports quality adoptive placements and services for Georgia's families and children.
- GLBT Adoption & Reproductive Options. A place to learn about your family formation options and find support.
- Stonewall Bar Association of Georgia. A professional association of attorneys, judges, law students and other legal workers who support the rights of lesbian, gay, bisexual and transgendered people and who oppose discrimination based upon sexual orientation.
- Gay Fathers of Atlanta. Support group for gay fathers or gay men seeking to become fathers. Help in dealing with divorce, child support and/or custody issues. 404-342-6451.
- Gay & Lesbian Parents Unite. 770-663-4328.

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