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# Gay and lesbian couples can adopt kids, Idaho Supreme Court rules unanimously

Gay (/news/local/2014/02/12/)

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Posted: Wednesday, February 12, 2014 2:55 am | Updated: 2:58 am, Wed Feb 12, 2014.

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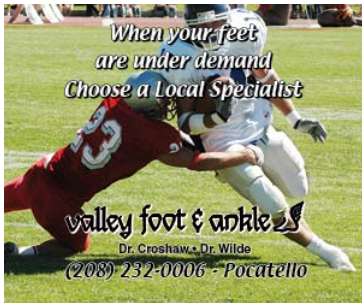
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BOISE, Idaho (AP) — The Idaho Supreme Court says gay and lesbian couples have the same right to adopt children as anyone else under state law.

The unanimous high court handed down the opinion Monday, clearing the way for Darcy Drake Simpson to adopt the two children that she has raised with her partner, Rene Simpson, since the first child was born 15 years ago.

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The Idaho Statesman (<http://bit.ly/1iLM8IM>) reports the Boise couple has been together since 1995 and they were married last year in California. Rene Simpson gave birth to their first son in 1998, and adopted a second boy as an infant in 2001.

Drake Simpson filed a petition to adopt the two children, but last summer Ada County Magistrate Cathleen MacGregor denied the adoption, saying that the couple must be in a legally recognized union in order for Drake Simpson to adopt.

But Justice Jim Jones wrote in the Supreme Court ruling that Idaho's law is clear: It states "any person" may adopt a minor child, regardless of sexual orientation.

"In sum, the magistrate's interpretation of Idaho law is simply not supported by the plain text of the statute," Jones wrote for the court. "In light of the unambiguous language in I.C. 16-1501 that allows for 'any adult person residing in and having residence in Idaho' to adopt 'any minor child,' and because chapter 15 contains no provisions that limit adoption to those who are married, Idaho's adoption statutes plainly allow Jane Doe to adopt John Doe and John Doe I."

Adoption cases are sealed in Idaho. But Darcy Drake Simpson and Rene Simpson came forward in December, saying they hoped to raise awareness about the problems faced by families headed by same-sex couples.

One of the Boise couple's lawyers, Bill Mauk, said the case would set a precedent for adoption not just by gay couples, but also for grandparents, aunts and uncles, and others.

MacGregor Irby, who had issued at least one similar denial to a same-sex couple, wrote on Sept. 13: "(T)his court concludes that the legislature's intent in relation to adoptions is that the petitioner must be in a lawfully recognized union, i.e. married to the prospective adoptive parent, to have legal standing to file a petition to adopt that person's biological or adopted child."

The issue of gay rights has become prominent in Idaho. Four couples are suing Gov. C.L. "Butch" Otter in federal court in an effort to overturn Idaho's 8-year-old ban on gay marriage, and last year the Idaho Tax Commission barred same-sex couples legally married in other states from filing joint Idaho income tax returns.

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Last week, 43 people were arrested after they blocked the entrances to the Idaho Senate chambers for more than two hours in an effort to push lawmakers to take up a bill adding anti-discrimination protections for gay and transgender people. And a Republican lawmaker introduced a bill last month to forbid the state from revoking professional licenses of those who refuse service or employment on religious grounds, a proposal intended to bolster religious professionals' rights to deny services to people who are gay or transgender.

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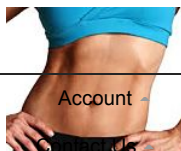
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A Canadian real estate businessman and gambling high-roller is sought in Nevada on charges that he failed to repay \$12.9 million in debts to two Las Vegas-area casinos more than five years ago, authorities said Thursday.

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Mississippi State has a lot of hustle and determination. Now the Bulldogs just need a few shots to fall.

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