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Gay couples find a new way to adopt in Arizona

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Ryan Revock / for the Arizona Daily Star

Robb, left, and Ladd Keith share snack time with their adopted children Rowan, 2, and Liam, 6.

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Robb and **Ladd Keith** have been parents to **Liam**, 6, and **Rowan**, 2, since both children were babies. The men took turns changing diapers in the dead of night, reading storybooks at bedtime and planning play dates in the park.

But because Arizona's adoption law doesn't allow same-sex couples to jointly adopt — even after a recent court ruling overturned the state's gay-marriage ban — each child only had one legal parent: Ladd for Liam, and Robb for Rowan.

"In our hearts, we adopted them together," said Robb Keith. He married Ladd, his partner of 12 years, just hours after same-sex marriage was legalized in Arizona in October.

But despite the restrictive wording of Arizona's adoption law, which says only husbands and wives can jointly adopt, local attorneys have found a workaround for same-sex couples: step-parent

adoptions.

If one marriage partner is already the legal parent of a child, their spouse can undertake a second adoption proceeding — the step-parent adoption — to get equal custodial rights. For these families, now either parent can make medical decisions for their children, or enroll them in school, and be guaranteed visitation rights if their child was hospitalized.

The Keiths finalized a step-parent adoption for each of their kids earlier this month.

“It’s still sinking in that we’re both parents now,” Robb Keith said. “We weren’t sure if it would even be possible. When we got married, we were like, ‘Now this could be our chance.’”

Facilitating these adoptions is deeply rewarding, said Tucson adoption attorney **Heather Strickland**, who has done 10 of them for same-sex couples since November. More are in the pipeline, she said.

“We’re thrilled to do them,” said Strickland, a fellow of the American Academy of Adoption Attorneys. “These are families that have been existing long before the laws decided to recognize them, and I find it very satisfying to give them the legal backing that they deserve.”

JOINT ADOPTIONS

Joint adoptions are still technically out of reach for same-sex couples here, even for those who were legally married — or whose out-of-state marriages were finally recognized here — when Arizona began recognizing same-sex married couples last fall.

While some attorneys say Arizona’s adoption law should automatically allow gay married couples to adopt together in one procedure, the wording of the statute says only husband and wife can jointly adopt.

The courts appear to be interpreting that language literally, even as gay marriages are recognized. The Pima County Juvenile Court, which oversees the adoption proceedings, has not yet done any joint adoptions for same-sex couples. But the court has seamlessly approved step-parent adoptions, Strickland said. The wording in the statute for those adoptions uses terminology like “spouse,” rather than “husband” or “wife,” she said.

Presiding Pima County Juvenile Court Judge **Kathleen Quigley** would not discuss whether the adoption law needs to be changed to pave the way for joint adoptions for gay spouses. She would only say, in an email, “As in every case, judges are responsible for applying the relevant rules and laws.”

WAIVER

Typically, step-parent adoptions require one year of marriage, or an in-home social study — which can be costly and time-consuming — to prove a spouse is fit to be a parent.

Strickland said she was able to obtain social-study waivers for newly married same-sex couples who have a long history of commitment.

“These people would have been married years and years ago” if not for Arizona’s ban on same-sex marriage, she said. “There is a very clear point in the statute that says the court has the authority to waive that social study if it’s in the child’s best interest and special circumstances exist.”

Toni Hellon, clerk for the Pima County Superior Court, which processes the cases, says the court is not tracking how many step-parent adoptions for same-sex couples have been finalized because it would be discriminatory.

“We don’t keep track of that and basically, it’s not anybody’s business,” she said. “We’re here to abide by the law.”

For many same-sex couples, a nagging worry has accompanied recent celebrations of legal

recognition for their families. Some fear the court ruling legalizing gay marriage might somehow be reversed or that the legal framework for step-parent adoptions could be attacked by opponents to same-sex marriage and adoption.

But Strickland says she's confident the adoption proceedings are unassailable. She's eager to spread awareness about the possibilities for families who have longed for equality in the eyes of the law and relief from worry over custody rights.

"A lot of families have asked me, 'What if Arizona stops recognizing our marriage?' I understand people's trepidation about getting the word out there. Are they opening themselves to criticism?" But, she emphasized, "it is a legitimate form of creating a legal family."

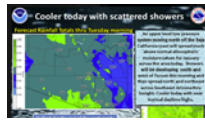
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