

Same-Sex Dads Denied Adoptive Birth Certificate Rights

Like fathers like son? Not so in the case of a same-sex couple from New York who wanted to list each man's name as "father" on their adopted child's birth certificate.

The unmarried same-sex partners sued to change the Louisiana boy's birth certificate to state that he had two dads. But the Fifth Circuit Court of Appeals ruled that the men could not force Louisiana to make the change.

Here's the back story: Mickey Smith and Oren Adar, an unmarried same-sex male couple, adopted a baby in New York in 2006. The couple wanted to have the baby's birth certificate reissued in Louisiana, replacing the names of his biological parents with their own. However, in Louisiana only married couples can jointly adopt a child. So the registrar refused the request.

Adar and Smith sued the registrar, claiming her decision denies full faith and credit to the NY adoption decree and violates their equal protection guarantees. After some legal wrangling, the court decided that "the full faith and credit clause does not oblige Louisiana to confer particular benefits on unmarried parents contrary to its law."

This ruling affirms the distinction between "recognizing" the existence of an out-of-state order versus "enforcing" the out-of-state order on a state in which it conflicts with the state's law. In other words, one state that allows same-sex marriage or same-sex adoption cannot force another state to enforce such an out-of-state law or order against its own law.

"This decision is an incredible victory against the relentless efforts of activists to export their same-sex relationships to states that affirm the mother-father paradigm

for family,” says Mathew Staver, founder and Chairman of Liberty Counsel and dean of Liberty University School of Law. “The Full Faith and Credit Clause can no longer be used as a club to beat states into submission to the activist homosexual agenda.”