

Alabama High Court Takes On Out-of-State Parental Rights Battle

✖ The Alabama Supreme Court accepted review of a case involving a child caught between two same-sex partners split between California and Alabama. The Alabama Court of Appeals ruled that the state must recognize and enforce a California decision, declaring that a former same-sex partner with no biological or adoptive relationship has parental rights. Liberty Counsel now represents N.B. in the case of *N.B. v. A.K.* at the Alabama Supreme Court.

N.B. is the biological mother of a nine-year-old girl. At the time of her daughter's birth, she was in a same-sex relationship in California. Well after the relationship ended, the former partner sued, and a California court declared her a "de facto" parent, granting A.K. visitation rights.

In the meantime, N.B. moved to Alabama with the child and eventually married a man. She filed a parentage action at the Alabama trial court, which ruled that A.K. had no parental rights cognizable in Alabama. A.K. then challenged the jurisdiction of the court to hear the parentage action. The Alabama Court of Appeals agreed with A.K., concluding that Alabama lacked jurisdiction to entertain the parentage action and thus reinstating A.K.'s parental rights. The Court of Appeals denied a petition for rehearing. Liberty Counsel was then retained to represent N.B. and filed the petition for certiorari to the Alabama Supreme Court to reverse the appellate court's ruling, which was just granted this week.

This case raises the question whether a state can be forced to recognize and enforce parental rights conferred upon a former same-sex partner by a foreign state, when the home state's

laws do not recognize such same-sex relationships.

Mathew Staver, founder of Liberty Counsel and dean of Liberty University School of Law, commented: "Those pressing the same-sex marriage agenda are trying to use the back door to accomplish what they cannot through the front door. You cannot do an end run around a state's marriage policy when that policy clearly affirms marriage between one man and one woman."