

Hazel Park Case Could Pave The Way For Marriage, Adoption In Michigan (video)

([Crystal A. Proxmire for Between the Lines](#), June 27, 2013)

As thousands of LGBT people awaited the Supreme Court's decision to strike down key provisions of DOMA (Defense of Marriage Act), one Michigan family – and their legal team – was particularly anxious. 

[April DeBoer and Jayne Rowse](#) are the Hazel Park lesbians who sued the State of Michigan to allow them to jointly adopt their children. Their case grew to include the issue of same sex marriage, and the decision about those issues was [put on hold](#) by the judge in the case, pending guidance from the Supreme Court decision.

If U.S. District Judge Bernard Friedman rules in the couple's favor, it could pave the way for both marriage equality and second parent adoption in Michigan. The couple's attorneys believe there is enough in the SCOTUS decision to make it happen.

Attorney Carol Stanyar explained how the Windsor/DOMA case could benefit her clients if Friedman is swayed by the arguments of the majority. "The majority did find that these laws deprived gay and lesbian people of equal protection and the court talked in real terms about what that means – what these deprivations actually mean for gay and lesbian people and their families. For our case in particular, there's something which I think is most significant, talking about DOMA, which is very much like our case. 'The statute humiliates tens of thousands of children now being raised by same sex couples. The law in question makes it more difficult for the children to understand the integrity and closeness of their own family and it's concord with other families in the community and in their daily lives.'

“The court majority also wrote that DOMA brings financial harm to children of same sex couples. It raises the cost of health care by taxing health care benefits and it denies or reduces benefits upon the loss of spouse or parent. And the court goes on and on and talks about the different deprivations, which are also true in our case.”

Constitutional law professor Robert Sedler was on hand at the family’s June 26 press conference held at Wayne State University Law School. “Justice Kennedy says that the constitutional guarantee of equality – that’s what this is all about – means that at the very least a mere congressional desire to harm a particular unpopular group cannot justify disparate treatment of the group,” Sedler said. He added, “Any outside observer would have to say that today’s decision in the DOMA case provides strong support for the claim that Michigan’s ban on same sex marriage violates equal protection.”

DeBoer and Rouse say they have seen mostly support from their community, and that people have been calling them brave. The women, both nurses, have adopted children as individual parents, but not jointly. DeBoer is the legal parent of a 3-year old girl, while Rowse has two boys, aged 3 and 4. If something happens to one of the women, the state would not recognize the other woman as a legal parent.

Stanyar and co-counselor Dana Nessel said that even if Judge Friedman rules in their favor, the Governor and Attorney General are likely to appeal, and the case could make its way to the Supreme Court.

Wednesday’s ruling paves the way for the federal government to recognize same sex marriages, but it is unclear if it requires states with bans on same sex marriages to recognize those performed in other states.

Nessel said that a written ruling is expected within days, and

does not necessarily require any more court appearances.

To read previous stories on the Hazel Park couple see:

[Hazel Park moms take adoption restrictions to federal level, 3/29/2012](#)

[Adoption Rights Suit Amended to Include Same-Sex Marriage, 9/13/2012](#)

[Judge Decides To Wait On Adoption And Gay Marriage Decision, 3/7/2013](#)

[Mommy Issues, 5/9/2013](#)