

## ACLU Asks Court To Strike Down Arkansas Parenting Ban

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Over A Dozen Families Affected By Act 1 Step Forward To File Lawsuit

LITTLE ROCK—The American Civil Liberties Union today filed a lawsuit seeking to strike down a new law that bans any unmarried person who lives with a partner from serving as an adoptive or foster parent in the state of Arkansas.

At a press conference at the Arkansas State Capitol this morning, several of the plaintiffs described how Act 1, which is set to go into effect on January 1, impacts their families and why they decided to be part of the case.

Stephanie Huffman, who already adopted one child from the state in 2004, was one of the plaintiffs who spoke at today's press conference. Huffman and her partner of 10 years, Wendy Rickman, want to adopt another child or a pair of siblings through the Department of Children and Family Services, but now can't because of Act 1. "The state already knows we're good enough parents that they placed one child with us before Act 1 passed," said Huffman. "Who knows how many children are now cut off by this law from loving homes?"

In the lawsuit filed today, the ACLU argues that Act 1 violates the federal and state constitutional rights to equal protection and due process. Participating in the case are 29 adults and children from over a dozen different families, including a grandmother who lives with her same-sex partner of nine years and is the only relative able and willing to adopt her grandchild who is now in Arkansas state care, several married heterosexual couples who have relatives or friends disqualified by Act 1 who they want to adopt their children if they die, and a heterosexual woman who wants to be a foster or adoptive parent but can't because she lives with her partner of five years. The complaint was filed this morning in Pulaski County Circuit Court.

"Ever since the election, we've been hearing from all corners of the state from dozens of families who are panicking about how Act 1 impacts them," said Rita Sklar, Executive Director of the ACLU of Arkansas. "This law hurts families and children in many ways – it takes away parents' right to decide for themselves who will adopt their children if they die, it denies the many children in Arkansas state care a chance at the largest possible pool of potential foster and adoptive homes, and denies couples who are living together but unmarried the chance to provide loving homes to children who desperately need them."

Among the plaintiffs and their families are:

Sheila Cole: Sheila lives in Tulsa, Oklahoma with Jennifer, her

partner of nine years. Sheila's adult daughter from an earlier relationship had a baby girl in May of 2008 who was placed in the Arkansas foster care system when she was two months old. Sheila wants to adopt her granddaughter and is the relative best able to take in the baby. Every week she makes a four-hour round trip to Bentonville for two hours of visitation with her granddaughter. Sheila has taken foster parenting classes with Oklahoma's DHS and has passed a home study. She is now waiting for approval from Arkansas, but she's worried she might not be approved to adopt her own granddaughter because of Act 1.

Stephanie Huffman and Wendy Rickman: Stephanie and Wendy have been together for 10 years and are raising two sons together, one of whom is a 7-year-old with special needs whom Stephanie adopted from the state in 2004. Stephanie and Wendy want to adopt another child, or perhaps a pair of siblings, but can't because of Act 1.

Frank Pennisi and Matt Harrison; Meredith and Benny Scroggin: Frank and Matt have been together for eight years and live together in Little Rock and would like to become foster or adoptive parents. Matt's cousin, Meredith Scroggin, and her husband Benny want Frank and Matt to be able to adopt their two daughters in the event of their death.

Cary and Trina Kelley: Cary and his wife, Trina, have two young daughters and live across the road in Fayetteville from Cary's mother Vickie Kelley and her partner Sophia Estes. Sophia and Vickie have been together 16 years, and cumulatively have three children and six grandchildren. If anything were to happen to Cary and Trina, who held their wedding in Vickie and Sophia's backyard, they want Vickie and Sophia to be able to adopt their children. Trina, Cary's wife, spent many years of her childhood in state care and she feels very strongly that children who need homes shouldn't be cut off from loving relatives like Sophia and Vickie.

Kaytee Wright: Kaytee Wright lives on a farm in Cabot with her partner of five years, Alan Leveritt. Kaytee helps Alan raise his eight-year-old daughter from his previous marriage, of whom he has joint custody. Together she and Alan are also providing a home and financial assistance to a mother and her two young children through a Little Rock shelter for the working homeless. Kaytee was adopted from state care when she was just four weeks old, and she feels very strongly that good homes should be provided to children in the state system. Kaytee would like to adopt a child but cannot because she and Alan aren't married.

For a complete list of all the plaintiff families and more detailed profiles, please visit our site.

The plaintiffs are represented by Christine P. Sun, Rose Saxe, and Leslie Cooper of the American Civil Liberties Union, Stacey Friedman, Garrard Beeney, and Jennifer Sheinfeld of Sullivan & Cromwell LLP, and Marie-Bernarde Miller and Daniel J. Beck of Williams & Anderson PLC on behalf of the ACLU Foundation of Arkansas.

The case is Cole, et al. v. Arkansas, et al. For more information on the case, including today's complaint, visit [ACLU Parenting](#)