

## Father's Day times two: Gay parents not hindered by state adoption law

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Two dads, two moms

Estimates of same-sex families in Arizona in 2010, according to the Williams Institute's Arizona Census Snap Shot: 2010.

- In 2010 there were 15,817 same-sex couples in Arizona, 2,608 of them were raising children
- Apache County had the highest share of the state's total, with 48 percent of same-sex couples with children.
- Gila County had the lowest percentage, at 6 percent.

WASHINGTON – Luis Ortega plans to spend Father's Day with his son, Robert, at their favorite park, where they will remember Luis' partner and Robert's other dad, Christian Barco, who died suddenly last year.

"It's going to be awesome," said Ortega, of the picnic at Tucson's Reid Park, where Robert can be with both his dads.

"It's filled with so many memories. It's where we first took Robert," he said of the park. "It's where Robert and I spread Chris's ashes."

Hard numbers are difficult to come by, but Ortega appears to be among a small but growing number of adoptive gay parents in Arizona. [An analysis \(http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot\\_Arizona\\_v2.pdf\)](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Arizona_v2.pdf) of Census numbers by the Williams Institute at the University of California Los Angeles estimated that in 2010 there were 15,817 same-sex couples in Arizona, 2,608 of whom were raising children.

Those numbers come despite advocates' fears over a 2011 [state law \(http://www.azleg.gov/legtext/50leg/1r/bills/sb1188p.pdf\)](http://www.azleg.gov/legtext/50leg/1r/bills/sb1188p.pdf) giving married couples preference over prospective single parents or unmarried couples – gay or straight. Opponents of the law worried that it would discriminate against gays.

"The dirty little secret behind this adoption bill is that it's not intended in the best interest of the kid," said Sen. Steve Gallardo, D-Phoenix. "It's about the discriminating against the LGBTQ community."

Gallardo said the "disgusting, discriminatory" law keeps children from finding "safe and loving forever homes" by putting gays and lesbians who want to be parents "in a lower tier than straight people."

"The state's priority should be about the child," Gallardo said. "We should be looking at who can provide this child with the safest, most loving environment. Not focusing who someone loves."

Supporters of the bill did not immediately return calls seeking comment. But advocates said the bill may not matter after all.

At [Devereux \(http://fosterandadoptivecouncilofarizona.org/portfolio/devereux/\)](http://fosterandadoptivecouncilofarizona.org/portfolio/devereux/), a state-funded adoptive and foster agency, the "law can create a bias," said Yvette Jackson, the director of operations. But it has not stopped the state-funded agency from placing more than 100 children with both single and coupled gay adoptive parents.

Devereux considers what is best for the child based on home checks, background checks, and the relationship between the child and the potential parents, Jackson said, not a person's sexual orientation.

"Everyone should be looked at in an inclusive way," Jackson said. "They should all be judged on the same ground."

Jackie Semar, executive director of the International Child Foundation Inc., said the law "really hasn't affected" her private Tucson adoption agency.

[The agency \(http://childfound.org/\)](http://childfound.org/) doesn't "have to deal with that situation very often," because it is private and not state-funded. It works exclusively with birth mothers and potential adoptive parents, Semar said.

Semar said the agency always "respect the preference of the birth mother" unless the request is "absolutely not" in the best interest of the child.

For Ortega and Barco, the adoption law was not an issue. They began working with Devereux in 2009 and learned in 2010 that they would finally be able to adopt Robert, the little boy they already considered their son.

But there was still a legal catch: Arizona law only allows for one person in a couple to be an adopted child's legal guardian. Robert could only be adopted by one of them, said Ortega.

Despite initial anger, the couple decided Ortega would be Robert's legal guardian, and they headed to a Tucson courthouse where Ortega was prepared to stand alone in front of the judge to become Robert's dad.

Instead, the judge called both men up and made them take the adoption oath together, Ortega said.

"She made it very clear" that he and Barco both were responsible as parents to Robert, Ortega said, and should share the roles and duties equally.

"It was unexpected, but a great feeling," Ortega said. "We felt very equal."

Barco died suddenly last fall, after suffering an aneurysm, leaving Ortega as a single dad. It will make for a bittersweet Father's Day for Robert, now 7, and Ortega.

Even though there was only one dad on paper, however, the two dads were able to give Robert both of their names: Ortega-Barco.

For Ortega, he knows that Robert "was ours and no piece of paper would ever change that."



<http://cronkitenews.asu.edu/assets/images/14/06/13-dads-trio-full.jpg>

Luis Ortega, left, with his adopted son, Robert, and partner Christian Barco, who died suddenly last year. They were part of a small but apparently growing number of families in Arizona with same-sex partners as parents.

Photo by Melissa Logan Haun



<http://cronkitenews.asu.edu/assets/images/14/06/13-dads-pair-full.jpg>

Luis Ortega with his adopted son, Robert Ortega-Barco, will celebrate a bittersweet Father's Day this year, honoring Ortega's partner and Robert's other dad, Christian Barco, who died last year.

Photo by Melissa Logan Haun

