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NEWS Release

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WV high court says married moms and dads irrelevant to adopted children

Justices rule emotional interests more important than state law and best interests of child determined by officials and lower court

CHARLESTON, W.V. — The Supreme Court of Appeals of West Virginia Friday reversed the decision of a circuit court judge that found it was not in the best interests of a child to be placed in a home that had no hope of ever having a married mom and dad. The Family Policy Council of West Virginia filed a friend-of-the-court brief urging the court to uphold the simple and clear design of West Virginia law to place children in homes with a married mom and dad.

“The law is clearly designed to place foster and adoptive children into homes with a married mom and dad,” said Jeremy Dys, president and general counsel of the Family Policy Council of West Virginia. “The high court was required to prove that the lower court violated the law in its decision. It did not prove that, so there was absolutely no legitimate reason to ignore that legislative directive.”

“This court has placed the emotional desires of two adults above the best interests of the child as stipulated by state law,” said Dys. “Foster parenting is, by definition, a temporary arrangement with no guarantee or promise of adoption. Couples who do not qualify as adoptive parents should not expect to become adoptive parents.”

Despite overwhelming evidence from social science that children do best when placed in the home of a married mom and dad, the court’s opinion found that West Virginia law expresses no preference for foster or adoptive homes where a mom and dad are both present, despite the conclusion of state officials and a lower court judge who found otherwise. The Supreme Court’s decision ignored the fact that the two cohabitating women in this case illegitimately applied to adopt the child as a couple. Instead, the court chose to conclude that there is “no legal differentiation between categories of eligible candidates for adoption” under current West Virginia law.

“It’s silly that our Supreme Court would see the plain language of the law as ambiguous, but if that’s their determination, then the legislature should respond by creating an even more clear directive that the court cannot possibly ignore.”

A copy of the court’s decision can be downloaded from www.familypolicywv.com.

The Family Policy Council of West Virginia is a servant organization that advocates for policies that embrace the sanctity of human life, enrich marriage, and safeguard religious freedom.

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