

The following bibliography of legal resources has been compiled to assist with research on family law issues that may be encountered when working with LGBT victims of domestic violence, sexual assault, and stalking. It is not intended to be a comprehensive listing of research in this area of law; the ABA Commission on Domestic Violence should not be construed as endorsing these resources at the exclusion of others. Users are advised to independently confirm data with source documents cited. Should you have any questions, comments or additional resources you would like to see included, please contact abacdvt@abanet.org.

Adoption

1. Overview of State Adoption Laws, Lambda Legal (visited June 24, 2008) <<http://www.lambdalegal.org/our-work/issues/marriage-relationships-family/parenting/overview-of-state-adoption.html>>. Chart provides an overview of state adoption laws, including individual, second-parent, stepparent and joint adoptions.
2. Second-Parent Adoption Laws, National Gay and Lesbian Task Force (last updated May 2007) http://www.thetaskforce.org/downloads/reports/issue_maps/2nd_parent_adoption_5_07.pdf. Map of the United States indicating the legal status of adoptions where one parent in a same-sex couple adopts his or her partner's biological or adoptive child without terminating the legal rights of the first parent.
3. Sonja Larsen, *Adoption of Child by Same Sex Partners*, 27 A.L.R.5th 54 (Westlaw 2008). Annotation collects and discusses reported cases where the petitioners for adoption are same-sex partners, including where one petitioner is a biological parent to the child, as well as cases where neither petitioner is.
4. Spencer B. Ross, *Finstuen v. Crutcher: The Tenth Circuit Delivers a Significant Victory for Same-Sex Parents with Adopted Children*, 85 Denv. U. L. R. 685 (2008). This article addresses the problems created when parents in a same-sex couple are not both recognized as legal parents to the couple's children. The author analyzes a recent opinion of the Tenth Circuit which held that adoptions recognized in one state must be recognized nationwide under the Full Faith and Credit Clause of the Constitution.

Child Custody and Visitation

5. D.L. Hawley, *Custody and Visitation of Children by Gay and Lesbian Parents*, 64 Am. Jur. Proof of Facts 3d 403 (2008). This article discusses legal issues related to a gay or lesbian parent being awarded custody or visitation with a child upon divorce, including factors necessary to determine custody, the best interests of the child, adverse effects, homosexuality and unfitness, and modifications to child custody determinations.
6. Robin Cheryl Miller, *Restrictions on Parent's Child Visitation Rights Based on Parent's Sexual Conduct*, 99 A.L.R. 5th 475 (originally published in 2005). Annotation of federal and state cases discussing whether the non-marital sexual conduct or relationship of a non-custodial parent affects that parent's visitation rights.
7. Robin Cheryl Miller, *Child Custody and Visitation Rights arising from Same-Sex Relationship*, 80 A.L.R. 5th 1 (originally published in 2000). Annotation of federal and state cases discussing the

award of child custody or visitation rights to former partners to a now-dissolved same-sex relationship.

8. Elizabeth Trainor, *Custodial Parent's homosexual or lesbian relationship with third person as justifying modification of a custody order*, 65 A.L.R. 5th 591 (originally published in 1999). Annotation of federal and state cases addressing whether one parent's same-sex relationship constitutes grounds for modification of a custody order.

Child and Support

9. Robin Miller, *Child Support Obligations of Former Same-Sex Partners*, 5 A.L.R.6th 303 (originally published in 2005). Annotation of federal and state cases discussing whether a member of a now-dissolved same-sex partnership may be compelled to provide financial support for a child conceived during or raised by the partnership, where the person is not the birth, or an adoptive, parent of the child.
10. Robin Cheryl Miller, *Effect of Same-Sex Relationship on Right to Spousal Support*, 73 A.L.R. 5th 599 (originally published in 1999). Annotation of federal and state cases discussing whether a former partner's same-sex relationship affects that spouse's right to spousal support, either in the original award or subsequent modification.

Civil Orders of Protection

11. Domestic Violence Civil Protection Orders (CPOs) by State, American Bar Association Commission on Domestic Violence (2007). Chart summarizes state laws on domestic violence civil orders of protection, including whether or not they are available for same-sex domestic violence.
12. Protection Order Availability Chart, LGBT Domestic Violence in 2001, National Coalition of Anti-Violence Programs (2002). Chart on the availability of civil orders of protection to same-sex victims of domestic violence by state, including case law and other statutory alternatives where domestic violence civil orders of protection are unavailable.
13. Michelle Auliova, Note, *Outing Domestic Violence: Affording Appropriate Protections to Gay and Lesbian Victims*, 42 Fam. Ct. Rev. 162 (2004). This article provides an analysis of domestic violence laws and addresses the inadequate protection afforded to victims of same-sex domestic violence due to the vague or exclusionary language of these statutes. The author groups state laws on civil orders of protection into three categories: those states where orders of protection are (1) clearly unavailable, neutrally available, and affirmatively available to LGBT victims. The author further analyzes relevant case law interpreting gender-neutral statutory language.

Domestic Partnership/Civil Unions/Marriage

14. Civil Unions and Domestic Partnerships Statutes, National Conference on State Legislatures (last updated March 2008)
<http://www.ncsl.org/programs/cyf/civilunions_domesticpartnership_statutes.htm>. Summary of state domestic partnership and civil union legislation.

15. Map of Defense of Marriage Act (DOMA) Legislation by State, DOMAwatch (visited June 25, 2008) < <http://www.domawatch.org/stateissues/index.html>>. Interactive map that provides a quick reference on DOMA legislation by state.
16. Robin Cheryl Miller and Jason Binimow, *Marriage Between Persons of the Same-Sex- United States and Canadian Cases*, 1 A.L.R. Fed. 2d. 1 (Westlaw 2008). This annotation collects and analyzes the United States and Canadian cases discussing whether the laws of a particular jurisdiction permit two persons of the same sex to enter a legal marriage, and, if not, whether the refusal to permit such a marriage is valid.

Domestic Violence

17. Pamela B. Jablow, *Victims of Abuse and Discrimination: Protecting Battered Homosexuals under Domestic Violence Legislation*, 28 Hofstra L. Rev. 1095 (2000). This article analyzes the exclusion of LGBT victims from domestic violence legislation and asserts that such statutes deny LGBT victims equal protection. Issues such as custody, housing, and property claims are discussed as they relate to LGBT victims of domestic violence.
18. Shannon Little, *Challenging Changing Legal Definitions of Family in Same-Sex Domestic Violence*, 19 Hastings Women's L.J. 259 (2008). In this article the author addresses the unique characteristics of domestic violence in same-sex relationships. She addresses the way well-intentioned gender-neutral language in domestic violence statutes do not always address same-sex domestic violence, including examples of relevant case law from various jurisdictions.
19. Sharon Stapel, *Falling to Pieces: New York State Civil Legal Remedies available to Lesbian, Gay, Bisexual and Transgender Survivors of Domestic Violence*, 52 N. Y. L. Sch. L. Rev. 247 (2007-2008). This article addresses intimate partner violence in LGBT communities and the civil remedies available in New York state to address it.
20. Elizabeth Trainor, "Cohabitation" for the Purposes of Domestic Violence Statutes, 71 A.L.R. 5th 285 (originally published in 1999). Annotation analyzes cases that interpret the meaning of "cohabitation" in domestic violence statutes, including those cases which involve charges of domestic violence in same-sex relationships.

Foster-Parenting

21. Foster Care Regulations in the United States, National Gay and Lesbian Task Force (last updated September 2007)
<http://thetaskforce.org/downloads/reports/issue_maps/foster_care_regs_09_07_color.pdf> Map of the United States on foster-care regulations that discriminate against LGBT parents.

Legal Issues- Generally

22. Joan M. Burda, *Gay, Lesbian, and Transgender Clients: A Lawyers Guide*, American Bar Association (December 2007). This book provides case law, statutes and a discussion of legal issues as they relate to LGBT individuals. Topics addressed include parenting rights, adoption, relationship status, estate planning, immigration and elder law.

23. Joan M. Burda, *Estate Planning for Same-Sex Couples*, American Bar Association (2004). This book provides estate planning attorneys with information on legal issues facing same sex couples. The publication includes a CD-Rom with forms and documents that same-sex couples need to prepare as part of an estate plan.
24. Robin Miller, *Validity of a Claim Predicated on Nonmarital Same-Sex Relationship*, 8 A.L.R.6th 339 (originally published in 2005). Annotation outlining federal and state cases discussing the validity of a state claim predicated on a present or former, acknowledged or alleged, same-sex non-marital relationship.
25. Lambda Legal, Interactive Map of Issues by State (visited June 26, 2008) <<http://www.lambdalegal.org/our-work/states/>>. Interactive map providing information on employment discrimination, parenting, relationship recognition laws and relevant case law by state.

Statistics

26. Kim Fountain and Avy A. Skolnik, National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual and Transgender Domestic Violence in the United States in 2006* (July 2007). Most recent report of the National Coalition of Anti-Violence Programs on the incidences of domestic violence in LGBT communities in 2006.