

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2022/06/30/lesbian-parents-us-should-not-need-adopt-their-own-children>

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Oklahoma Case Highlights Precarity of LGBT Parenthood

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When the US Supreme Court [overturned](#) the landmark abortion rights case *Roe v. Wade* on June 24, lesbian, gay, bisexual, and transgender (LGBT) people across the United States were horrified to learn that, in addition to having protection of key reproductive rights rolled back, their marriages and relationships could be next. In his concurring [opinion](#), Justice Clarence Thomas suggested the Court reconsider past rulings enshrining constitutional rights to contraception and same-sex marriage and relationships.

The case of a lesbian mother in Oklahoma fighting for legal parenthood of her child demonstrates what happens when states get to decide which rights queer people deserve. In January 2022, an Oklahoma court [removed](#) Kris Williams from her child's birth certificate, replacing it with the name of the sperm donor, who is now petitioning for custody of Williams son.

Williams and her wife Rebekah Wilson conceived their child in 2019, and her wife gave birth. When the couple filed for divorce two years later, Wilson petitioned the court to remove Williams from the birth certificate. The judge [ruled](#) in favor, stating that as the non-gestational mother, Williams had failed to pursue a legal remedy to establish parental rights. According to the judge, Williams should have adopted her own son. The court will rule on legal parentage at an August hearing.

Supreme Court rulings in [2015](#) and [2017](#) afforded same-sex couples the same parental rights and responsibilities as different-sex couples. The Oklahoma courts' assertions in Williams case deny her the rights granted to married different-sex couples. The case highlights the [persistent precarity](#) of legal parenthood for lesbians, particularly those who do not give birth to their children.

Requiring non-gestational lesbian parents to adopt their children also reifies racial and class inequities in the US. Adoption requires [financial resources](#), [legal representation](#), and criminal [background checks](#). Systemic [racism](#) and racist [policing](#) have produced an [overrepresentation](#) of lesbian, bisexual, and queer (LBQ+) women of color in the criminal justice system. They are subjected to high rates of [police violence](#), denied their rights to adequate legal representation and [fair trial](#), caught in cycles of [incarceration](#), and face discriminatory treatment by [institutions](#) such as Child Protective Services if they become parents.

State courts like Oklahoma's should affirm rather than erode the rights of LGBT parents, and legislatures should pass [LGBT-inclusive parental recognition bills](#).

Violence and the Human Rights of Transgender People in the United States

The Human Rights Consequences of Parental Notice of Abortion in Illinois

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