

Supreme Court of California.

ELISA B., Petitioner,
v.
The SUPERIOR COURT of El Dorado County,
Respondent;
Emily B. et al., Real Parties in Interest.

No. S125912.

August 22, 2005

CASE SYNOPSIS

The superior court ordered petitioner former same-sex partner to support the twins of real party in interest, the birth mother. The California Court of Appeal, Third District, directed the superior court to vacate its decision, concluding that the former partner was not a parent of the twins within the meaning of the Uniform Parentage Act, Cal. Fam. Code § 7600 et seq. The birth mother petitioned for review.

DISCUSSION

- The court granted review to consider the parental rights and obligations, if any, of the former partner, who had been in a lesbian relationship with the twins' birth mother.
- The court concluded that the former partner, who agreed to raise children with the birth mother, supported the birth mother's artificial insemination using an anonymous donor, and received the children into her home and held them out as her own, was a parent under the UPA. and had an obligation to support the children.
- Pursuant to Cal. Fam. Code § 7611(d), the former partner was a presumed mother of the twins.

- This was not an appropriate action in which to rebut the presumption of presumed parenthood with proof that the former partner was not the twins' biological parent.
- The former partner actively consented to, and participated in, the artificial insemination of the birth mother with the understanding that the resulting child or children would be raised by the birth mother and the former partner as coparents, and they did act as coparents for a substantial period of time.
- The former partner was not permitted to abandon the twins simply because her relationship with the birth mother dissolved.
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CONCLUSION

The judgment of the appellate court was reversed.