



Many states recognize that, where a same-sex partner of a legal parent participated in the caretaking of the partner's child and maintained a parent-like relationship with the child, he or she has standing (meaning the right to go to court) to ask a court for visitation or custody. States have recognized this under "de facto parent," "psychological parent," or "in loco parentis" theories.



States where appellate courts have recognized de facto or psychological parenthood in the context of same-sex relationships (17 states):

North Carolina (2008), Delaware (2006), California (2005), Indiana (2005), Washington (2005), West Virginia (2005), Colorado (2004), Maine (2004), Nebraska (2002), Pennsylvania (2001), Minnesota (2000), New Jersey (2000), Rhode Island (2000), Massachusetts (1999), Missouri (1996), Wisconsin (1995), New Mexico (1992)



States where appellate courts have rejected de facto or psychological parenthood in the context of same-sex relationships (10 states):

Maryland (2008), Utah (2007), Kentucky (2006), Ohio (2002), Florida (1999), Illinois (1999), Tennessee (1999), Vermont (1997), Michigan (1995), New York (1991)



STATE-BY-STATE: CO-PARENT CUSTODY/VISITATION
 (This chart has required no update since May 2008)

Many states recognize that, where a same-sex partner has participated in the caretaking of the partner's child and maintained a parent-like relationship with the child, he or she has standing (meaning the right to go to court) to ask a court for visitation or custody. States have recognized this under "de facto parent," "psychological parent," or "in loco parentis" theories.

States with appellate court decisions that specifically have recognized a same-sex partner of a legal parent may have standing to seek visitation or custody		
1.	California	<i>Elisa B. v. Superior Court</i> , 117 P.3d 660 (Cal. 2005)
2.	Colorado	<i>In re Interest of E.L.M.C.</i> , 100 P.3d 546 (Colo. Ct. App. 2004), <i>cert. denied</i> , 543 U.S. 1142 (2005)
3.	Delaware	<i>Smith v. Smith</i> , 893 A.2d 934 (Del. 2006)
4.	Indiana	<i>A.B. v. S.B.</i> , 837 N.E.2d 965 (Ind. 2005)
5.	Maine	<i>C.E.W. v. D.E.W.</i> , 845 A.2d 1146 (Me. 2004)
6.	Massachusetts	<i>E.N.O. v. L.M.M.</i> , 711 N.E.2d 886, 891 (Mass. 1999), <i>cert. denied</i> , 528 U.S. 1005 (1999)
7.	Minnesota	<i>LaChapelle v. Mitten</i> , 607 N.W.2d 151 (Minn. Ct. App. 2000)
8.	Missouri	<i>In re T.L.</i> , No. 953-2340, 1996 WL 393521 (Mo. Cir. Ct. 1996)
9.	Nebraska	<i>Russell v. Bridgens</i> , 647 N.W.2d 56 (Neb. 2002)
10.	New Jersey	<i>V.C. v. M.J.B.</i> , 748 A.2d 539 (N.J. 2000), <i>cert. denied</i> , 531 U.S. 926 (2000)
11.	New Mexico	<i>A.C. v. C.B.</i> , 829 P.2d 660, 665 (N.M. Ct. App. 1992).
12.	North Carolina	<i>Mason v. Dwinnell</i> , No. 04 CVD 5598 (May 6, 2008), __ S.E.2d __ (N.C. Ct. App. 2008)
13.	Pennsylvania	<i>T.B. v. L.R.M.</i> , 786 A.2d 913 (Pa. 2001)
14.	Rhode Island	<i>Rubano v. DiCenzo</i> , 759 A.2d 959 (R.I. 2000)
15.	Washington	<i>In re Parentage of L.B.</i> , 122 P.3d 161 (Wa. 2005), <i>cert. denied</i> , 126 S. Ct. 2021 (2006)
16.	West Virginia	<i>In re Clifford K.</i> , 619 S.E.2d 138 (W.Va. 2005)
17.	Wisconsin	<i>H.S.H.-K.</i> , 533 N.W.2d 419 (Wis. 1995), <i>cert. denied</i> , 516 U.S. 975 (1995)

States with appellate court decisions that specifically have held a same-sex partner of a legal partner does not have standing to seek visitation or custody		
1.	Florida	<i>Kazmierazak v. Query</i> , 736 So. 2d 106 (Fla. Ct. App. 1999)
2.	Illinois	<i>In re Matter of C.B.L.</i> , 723 N.E.2d 316 (Ill. App. Ct. 1999)
3.	Kentucky	<i>B.F. v. T.D.</i> , 194 S.W.3d 310 (Ky. 2006)
4.	Maryland	<i>Janice M. v. Margaret K.</i> , No. 03-C-05-001511 (May 19, 2008), __ A.2d __ (Md. 2008), <i>overruling S.F. v. M.D.</i> , 751 A.2d 9 (Ct. Spec. App. Md. 2000)
5.	Michigan	<i>McGuffin v. Overton</i> , 542 N.W.2d 288 (Mich. App. 1995)
6.	New York	<i>Alison D. v. Virginia M.</i> , 572 N.E.2d 27 (N.Y. 1991)
7.	Ohio	<i>In re Bonfield</i> , 780 N.E.2d 241 (Ohio 2002)
8.	Tennessee	<i>In re Thompson</i> , 11 S.W.3d 913 (Tenn. 1999)
9.	Utah	<i>Jones v. Barlow</i> , 154 P.3d 808 (Ut. 2007)

10.	Vermont	<i>Titchenal v. Dexter</i> , 693 A.2d 682 (Vt. 1997)
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Family Equality Council works to ensure equality for lesbian, gay, bisexual and transgender (LGBT) families by building community, changing hearts and minds, and advancing social justice for all families. We envision a future where all families, regardless of creation or composition, will be able to live in communities that recognize, respect, protect, and celebrate them. We envision a country that celebrates a diversity of **family** constellations and respects individuals for supporting one another and sustaining loving families.