



# Grapevine

THE NEWSLETTER OF THE LESBIAN MOTHERS' DEFENCE FUND • FALL 1980  
TORONTO, ONTARIO



LMDF supporter & Lisa



Hubbub & commotion



Mary Ann & Francie



George Hislop



Boo Watson



Sean



The Reverend Brent Hawkes



Lisa

## Our First Bazaar ... A Big Success!

Saturday, August 9th, 1980. A hectic time as we rush to set up the tables, price things and wonder if anyone will show up. Shouts of "How much for this beautiful red dress from the 30's, like new! Or these bagpipes, castinets or this bag of diapers?" filled the air. Oh my! One of our young clowns is losing his pants! Someone quickly comes to the rescue with a safety pin.

Customers start to come in, browse around, the room is filling up. People are buying! Things are selling like hotcakes!

The women's group from the Metropolitan Community Church set up a table with information, including "Homosexuality and the Bible," and along with the Reverend Brent Hawkes, made themselves available to answer any questions.

Boo Watson, a very talented and popular country and rock singer, livened up the day playing piano and singing songs that she had written herself.

The Reverend Hawkes, along with George Hislop, Toronto's first openly gay candidate for Alderman, were guest speakers at the bazaar, assuring us of

their continued moral support and wishing us every success. We also received a long distance call from Robin Tyler, that wonderful lesbian comic, sending us her best wishes!

Our clowns were a big hit! A lesbian mother and her two young children made their own costumes and put together an excellent clown act.

The bazaar was a success in every sense of the word! We all left tired, exhausted but with a feeling of accomplishment. I would personally like to say that it felt good to see such effort and co-operation from everyone involved.

Many thanks to The Body Politic, the Metropolitan Community Church, and all of the gay clubs that helped us to publicize the event, the Wages for Housework Committee for lots of help, and to everyone who donated time, money and/or articles.

Proceeds will be used for the production and distribution of our newsletter, The Grapevine, and the Lesbian Mothers' Defence Fund brochure.

Mary Ann

*The Lesbian Mothers' Defence Fund was set up two and a half years ago to provide a permanent resource for mothers who are fighting for child custody. We can offer:*

- \* Pre-legal advice and info on successful cases
- \* Referrals to sympathetic, competent lawyers
- \* Financial help in building a strong court case
- \* Personal and emotional support

# Gayle Back in Court

On September 17-19, 1980 the Appeal Court of Ontario in Toronto heard new evidence in the case of Gayle Bezaire, whose lawyer Ellen Murray argued that custody of her two children should be returned to her. Gayle won custody of Sean, 8 and Lisa, 9 in January 1979, with conditions attached. In April that decision was reversed when her husband's lawyer argued that these conditions had been violated.

The new evidence in Gayle's appeal included a psychological assessment commissioned by the Official Guardian (Children's Aid in the employ of the Ontario Government) of Gayle, Mr. Bezaire, the two children and Sue Randall, Mr. Bezaire's new wife. The evaluation, conducted by Dr. Elaine Borins, in June, was based on observation of the children for a full day, in interaction with all three adults. She concluded that:

- 1) the children showed characteristics of abused children
- 2) they are much more comfortable and spontaneous with their mother
- 3) Sue Randall seemed to be "seriously depressed" and in "urgent need" of psychological counseling, and
- 4) because of Mr. Bezaire's and Sue Randall's rigidity, and Gayle's warmth, Dr. Borins recommended that custody be restored to the mother.

The Official Guardian also appointed a lawyer, Mr. Jesse Glass, Q.C. to represent the interests of the children. He interviewed them three times between March and August. On all three occasions Sean was unequivocal in his preference to return to his mother, and Lisa twice said she wanted to be with her mother and once refused to state any preference. Mr. Glass argued strongly in the Appeal that Gayle be granted custody.

After seeing Dr. Borins' report, Mr. Bezaire and Sue Randall obtained two additional assessments (one by a psychiatrist who interviewed Mr. Bezaire, Sue Randall and the children -- but not Gayle; the other by a psychologist who spoke only to Sue Randall). Both reports contradicted Dr. Borins' conclusions. All three reports were accepted as evidence.

The panel of three judges in September's Appeal decided that they could not make a decision overturning the April 1979 verdict on the basis of conflicting professional reports. They dismissed Gayle's appeal, but in doing so stated that the homosexuality of a parent in a custody case should not be seen as a negative factor. "In my view," said Judge Arnup, "homosexuality is not in itself alone a ground for refusing custody. The question is...what effect it has on the welfare of the children. It will therefore be a question of evidence in individual cases." Judge Wilson added, "I take the view that the lesbianism of a mother is a neutral factor" in custody decisions.

Gayle and her lawyer will now start proceedings for a "variational hearing" which could take place in December. In this hearing the same expert evidence will be submitted, but the judge will also have the opportunity to see and hear the three experts and will then have to decide which one to believe.



*A baby at a recent LMDF potluck picnic*

## Keep Fighting!

This is a letter that Lisa Bezaire, 9, wrote to the Grapevine in July 1980:

*I don't think it's fair that children aren't asked very often who they'd like to be with. A long time ago when I was just a baby my mom and dad used to love each other and were happy, but after that things were unhappy because Daddy was drunk and used to yell and hit my mom, so we all left. Then for over four years my brother and I lived with Mom. We had lots of fun. We played games, went on picnics sometimes, baked stuff, and when we lived in Alberta we hiked up mountains a lot.*

*Then we were in court for a month. Nobody asked us what we wanted, but finally the judge said we could still live with Mommy. We were so happy. Lots of people were happy, because we really wanted to live with my mom.*

*Then after a few months the judge said we had to live with my dad, because Mommy's lover was living with us. That made us very sad because we wanted to live with our mom. Daddy wouldn't let us write to our mom, and he taped our phone calls. Daddy doesn't let us visit with Mommy very often, and this makes us unhappy. He thinks that if we don't see our mother as much, we'll stop loving her, and it won't happen.*

*It's been a long time since we lived with our mother. In September we will have our appeal and then maybe we can come home. My brother and I have our own lawyer. Finally. We saw a psychiatrist, and she thinks we should live with Mommy, too. After so long it's about time they listen to us. It's hard for lesbian mothers to fight for custody, but it's hard for children too, and sometimes people forget that.*

*Sometimes I feel like I want to stop fighting, but then Mommy tells me she gets tired of fighting too, but she does it because she loves us. We've talked about it and we are going to keep fighting until we win.*

*A lot of people have helped us. The Defence Fund, and our friends who lend Mommy their cars so she can visit us in Windsor, and Mommy's lawyer Ellen Murray. I hope we win our next court case.*

# Children's Rights

According to Ontario law, children will soon be entitled to their own legal counsel in custody disputes. A new Bill (#140) on the Ontario Legislature's plate this fall underlines children's right to make their preference known. The new law defines the criteria the courts should use in deciding the "best interests" of a child as:

- 1) the love, affection and emotional ties between the child and members of his family
- 2) the views and preferences of the child
- 3) the capacity of the parents to meet the needs of the child
- 4) the stability of his current environment and the proposed home environment, and
- 5) the child's natural relationship to the parties

Under already existing laws (The Child Welfare Act) judges are already free to appoint lawyers to represent children in Ontario. But two separate cases heard early this year involved two very different interpretations of the role of lawyers in relation to child clients. In February, Judge Karswick ruled that "a 'real difficulty' arises when the lawyer feels that the child's instructions or wishes are not in his best interest." He said "...I do not think the court can, nor should it, direct the child's counsel to ... act as a mouthpiece, blindly advocating a ... preference which confounds or shocks his professional opinion of what is in the best interest of the child."

Judge Abella, on the other hand, stated that the child's lawyer should act as he would with an adult client, "by protecting the child's interests and carrying out his (or her) instructions in a way that reflects equal participation" with the other parties involved in the case.

We feel that if a lawyer doesn't seriously represent his client, the child is no better off -- is in fact in a worse predicament -- than if s(he) had no lawyer at all. It is no advantage to have yet another "expert" in the line-up to tell the court what's good for the child, despite the child's wishes. If the mother is a lesbian and/or on welfare, and the father is a recently remarried businessman, the child must be nonetheless able to count on her/his lawyer to articulate her/his wishes and not the prejudices that equate heterosexuality and money with "fitness" to parent.

Francie Wyland

(information from the Globe & Mail April 1, 1980)

## Who's Flo?

*Flo is the lover  
Of a lesbian mother.  
She has restored my faith in humanity  
Enabling me to retain my sanity.  
With encouragement and a kiss  
She helps me to start the day,  
Giving me strength to do things my way.  
When things don't work out, Flo  
Never says 'I told you so.'  
When my son who is in his teens  
Questions what life means  
She grits her teeth and counts to ten,  
Then smiles and says 'What the hell,  
How can I help and when?'  
No, she's not perfect  
But she is perfect for me.  
In case I haven't told you lately  
I love you, Flo.*

Mary Ann

# Custody Struggles

Parroting homophobic opinion, Judge James Parrot, Tennessee, ruled that homosexual parents should not be granted custody of their children. "*Common sense dictates that living in a lesbian environment is not in the best interests of children.*" (Gay Community News).

In Kingston, Ontario, a lesbian mother won custody! After reading material by social worker Robert Gardner, Judge Peter Nasmith concluded that "*although a child would have to make adjustments to our homophobic society...the extent to which a child is raised in a happy, stable home will govern the way the child is able to cope reasonably with such forms of prejudice.*" (Body Politic)

"*I think the problem of the homosexuality of the mother is severe now, with the older child being age Ten, and can't help becoming more severe as the children go into puberty, adolescence, and an effort is made to raise the children.*" With these words a Colorado Judge ruled that Carol Mueller must give custody of her two children to their father, and pay him child support. Her lawyer was "thunderstruck" by the decision and will appeal. (Plexus & GCN).

Jane Doe, after raising her son single-handedly for six years, lost him to her ex-husband through a kidnapping. A Virginia court recently granted Mr. Doe's new wife's petition to adopt the child, without Jane's consent -- she is no longer a legal parent. In February 1981 the Virginia Supreme Court will hear her appeal which will challenge the constitutionality of this decision. (Plexus).

Last December Bunny King, of Massachusetts, was denied custody, "in part" because of her lesbianism. The decision awarding custody to Magdalena Patenaude -- who Bunny says is her ex-lover -- will be appealed this fall. Patenaude got temporary custody in 1976 after urging Bunny to give them to her during a period of physical illness and emotional strain. Then Patenaude began refusing visits and sought permanent custody. (GCN)

The lesbian family was given a vote of confidence by a New Jersey judge who awarded custody of her two children to Rosemary Dempsey, a law student, lesbian activist and mother of two. They will continue to live with her and her lover Margaret Wales and her three children. At the conclusion of the trial the judge accused the opposing lawyer of acting "*in bad faith since he didn't produce even a scintilla of evidence from which the court could infer that Rosemary Dempsey's sexual orientation was adversely affecting the children.*" Next round: Margaret Wales goes to court for custody of her own three. (GCN)

## Human Rights Bulletin

In their April/June Newsletter the Canadian Human Rights Commission reported that they have asked the federal Parliament to add new grounds of discrimination to those already prohibited by the Canadian Human Rights Act. The Commission is requesting that in the federal sector, discrimination based on sexual orientation be prohibited! This decision adds to the pressure on the Ontario Government to amend its code as well.

# Joining Forces

Toronto's Working Group on Minority-Police Relations and the Human Rights Coalition sponsored a rally on May 31, 1980, in Brampton, Ontario, the home town of Premier Bill Davis. The rally called for changes in the Human Rights Code and for improvements in policing, including the removal from office of public servants who express racist or bigoted views. Marchers and speakers represented the Black, Asian and gay communities in alliance for the first time. Francie Wyland of the Lesbian Mothers' Defence Fund, and George Hislop, our first openly gay candidate for Alderman, spoke for lesbians and gay men. Here are Francie's remarks:

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Lesbian mothers are women who are penalized by society and the law because they love the wrong people. And the Lesbian Mothers' Defence Fund is a resource for them, in their fight to keep or win custody of their children.

Nobody knows how many gay women there are in Toronto or Canada. We are a mostly invisible minority. Most of us have to hide who we are, especially if we're still married, or living in small towns, or if we're mothers. If the wrong people find out we can lose our homes and jobs, because homosexuals are still excluded from protection under the Human Rights Code.

Worst of all, mothers who have raised families with love, toil and pride can lose custody of their own children, simply because they are trying to build a life with another woman. Or, because they are poor -- and women without men are generally poor -- they have to leave the children behind just to guarantee them a decent standard of living.

This is an audience that can understand what I'm saying. So many immigrant women come to Canada to tend other people's children, so they can send a little money home for their own. We have that spectre of forced separation from our children in common. And of course, sometimes we are the same women.

We have marched today because we deplore the brutality and disrespect with which Black and Asian people are treated by police, government, employers and landlords. We condemn the racism that resulted in the beating of the Rexdale family, and the murder of Albert Johnson. This climate of intolerance for the rights of minorities threatens all of us.

We support the demands of the Minority-Police Relations Working Group.

Finally, today we're here too to celebrate the gains we've made: more lesbian mothers are winning custody, there is increasing support for our demand that homosexuality should not be used as a criterion for deciding custody, and more gay women are able to march.

Our claim to physical safety, freedom from discrimination and dignity within society is growing stronger. We trust that the alliance begun today will prosper, too. We know our lives depend on it.

Thank you.

# Growing Together

Catherine is a mother and school teacher. She has undisputed custody now, and in the event of a court fight would have a very solid case. But she has to worry nevertheless; her husband could carry out his threats to kidnap her daughter Betty, and take her to his country of origin, where she would have automatic citizenship.

Fifteen European countries recently signed a convention binding them to honor each others' custody orders and to trace abducted children within their borders, to assist in their "speedy" return. When will Canada and the US sign, too?

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It's 9 o'clock. He was supposed to bring her back at 7. Two hours that seem like two decades. I feel tears coming to my eyes, but I don't want to cry because I don't want to believe I will never see her again.

...I can hear her laughing; she tells me she likes it when I make jokes...I remember the first time I took her in my arms, the first time I kissed her. Then there was her first smile, the first time she said "Mommy," the first time she walked...the time she told me that a tree was beautiful. I had forgotten that things like trees can be beautiful... Then one day when she was three, as we were going to the library for story hour, she told me she did not want to hold my hand. She told me to follow her, that she would show me the way. I had a strange feeling inside me; I felt it was too soon to let her go her own way, but I also knew that for her own sake it had to happen...I remember the sleepless nights, having to go to work the next day, the unhappiness surrounding me. I fell into deep depression, but she was there smiling, showing me that life is beautiful. She was showing me that it is natural to be independent. She was showing me she was happy when she was doing what she wanted to do... So I decided I could be happy, too, if I did what I wanted. One day we left home and I came out as a lesbian. Things haven't been easy -- it has been very hard -- but I feel much happier now.

Somebody is knocking at the door. She's here! She's back! I hug her and tell her a joke, and she laughs! ... She came back this time, but how about next time?

Catherine

*The Lesbian Mothers' Defence Fund gets together every 4-6 weeks for a pot luck supper.*

*We're mothers, girlfriends, kids, lawyers & friends. We'd like to invite you to join us for great food & company!  
Call (416) 465-6822*

## DONATIONS WELCOME!

Make cheques or money orders payable to the LMDF, P.O. Box 38, Station E, Toronto, Ontario M6H 4E1; Telephone (416) 465-6822