

Grapevine

NEWSLETTER OF THE LESBIAN MOTHERS' DEFENCE FUND
Toronto, Calgary & Montreal, Canada

SPRING 1985

One mother's thoughts Child custody from a distance

The situation ...

My ex-husband and I have a joint-custody arrangement. The prime residence of my children is with him, and there is a distance of approximately 92 miles between our two homes. This arrangement sometimes presents an array of seemingly insurmountable difficulties. I had anticipated some, and these are resolved with practical application and flexibility as they occur. Those that remain call for an undying hope that "time" will heal the emotional wounds our children may suffer. Below, I have briefly outlined some of the practical and psychological aspects of my custody arrangement for those of you who may be considering this as a viable solution to your problems, or who have had this kind of situation imposed on you.

... and what it means

After my ex-husband and I agreed to discontinue our battle for sole custody and we agreed that the children would live primarily with him, I was overwhelmed with a deep desire to withdraw. I felt as though I had been denied the active parenting role I wanted, and experienced a severe sense of loss. The thought of seeing them on weekends and holidays and repenting a thousand "goodbyes" at the end of each visit would depress me beyond belief.

To protect myself from this recurrent pain, I would keep my emotions distant and cool, which only served to confuse and bewilder my kids. I could no longer meet *their* emotional needs — I couldn't see past my own pain to help out with the grief they were experiencing for what they thought to be the permanent loss of their mother.

When I realized how I was failing them my perception of myself as a good parent was further undermined, at first. But after a *necessary* period of mourning the loss of daily contact with the kids, the situation took on a new light. I realized that my involvement with the children would be up to me. I could choose to selfishly withdraw, or I could see what options were available to me in spite of distance.

After reflecting upon the amount of quality time spent with the children when in my "normal" marital relationship, I had to describe it as minimal. Basic needs were well tended to, but I'd been preoccupied with leaving the marriage, dealing with my lesbianism, and weighing pro's and con's. Looking at the past in this light, I became anxious to establish a routine with the children, and custody from a distance became a real challenge.

I discovered that most children in this situation are confused about the extent of the absent parent's degree of love for them, and my kids started to measure the depth of my love by the fre-



quency of my visits. These visits occur almost every weekend. They require a trip on Friday night to collect them, an immediate return trip to my home, spending profitable time for the next 48 hours, a return trip to their dad's house on Sunday, and back to my place — making a total of 368 miles in a weekend.

Since 3 hours of our time is spent in the car, the kids usually sum up their week at school, relate recent and important accomplishments, and are very sensitive to the genuine responses they receive from me. They also know when I am tuning them out or "pretending" to listen, and they will measure my love for them accordingly.

I made the initial mistake of over-indulging them. This had dangerous overtones of me becoming a "sugar-mom" who would cater to any given whim, thus partially relieving my own guilt for

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The (Toronto) Lesbian Mothers' Defence Fund was set up six years ago to provide assistance to mothers who are fighting for child custody or visiting rights, and as a peer counseling/support group for all lesbian mothers.

We can offer:

- Pre-legal advice and information on current/past cases
- Referrals to sympathetic, expert lawyers
- Financial help in building strong court cases
- Personal and emotional support
- Literature and speakers on lesbian custody rights

Distance continued from page one

not being a "full-time" mother. Now I realize that creating the space for profitable time and personal interaction is far more important than doing numerous expensive activities during the relatively short period of time that they spend with me.

Frequent phone calls are a *must!* They have helped to strengthen our relationship and keep all three of us current. My son, 8, and daughter, 5½, both know my numbers at work and at home, and at what times I can be reached, and they use them a lot. The phone gives us all some sense of security. My custody agreement states that in case of illness or accident I am to be notified immediately. My son has also expressed concern about the question of something happening to me — would *he* be informed?

There are many children who, even though exposed to a variety of stresses associated with their mothers' lesbianism and subsequent divorce, still do "okay"! I feel that my children have had a deep-seated resilience that has enabled them to tolerate traumas without suffering so badly that their entire lives are falling apart. The most important factor determining which children will take the healthier route is the amount of genuine love they are receiving from both parents/lovers.

Joint custody and living this far apart would appear to be hopeless. It certainly isn't the most ideal arrangement — but then, what is? My firm belief now must be in myself — as a loving lesbian mother, capable of overcoming the difficulties presented by this arrangement, and a firm belief in my children's power and ability to cope with *our* situation on a daily basis!

Van

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Reports from Canada's LMDFs

Calgary

The Alberta LMDF has been really busy and has some good news to report. We got funded through an Alberta government make-work program — a grant which will allow us to hire two full-time staff for the LMDF to work until the end of April. We're going to be setting up workshops — for community groups, schools, legal and psychological professionals and anyone else interested — on lesbianism and lesbian mothers and child custody. We'll also be organizing a lesbian conference to take place April 26th.

Marilyn and Laurie are the two people we've hired. Marilyn has been involved with the LMDF here for three years. Laurie is new to the group, having recently moved to Calgary, but she's done lesbian organizing in Vancouver and brings a lot of helpful experience.

The workshops will probably take about half of our time, and the conference planning will involve everybody 100 per cent, so the breakthrough enabling us to pay full-time people has come at just the right moment.

In early February Nym Hughes, of Stepping Out of Line, led a weekend-long workshop on lesbian organizing for the LMDF steering committee, which now consists of 14 women! We all went away to the mountains, without our kids who were being looked after at home. It was a great opportunity for us to get to know each other better — some women are new to the group — and prepare ourselves for the coming months.

Also in February we and our kids watched a film on child sexual assault and incest, and followed up with a discussion. This month (March) the kids will have their own session on the same topic.

Aside from all this, we've scheduled a few women's dances and the usual monthly pot-lucks. So we're keeping busy, as you can see! For more info call Marilyn at 403/281-4114 or Lynn at 403/264-6328.

Lynn Fraser, for the Alberta Lesbian Mothers' Defence Fund

Montreal

Forty women came to our Christmas party in December! We more or less took over a downtown restaurant for the event, and had a fantastic time. Our next party will be a pot-luck brunch on May 2nd.

The LMDF phone line is being used a *lot*, not only by lesbian mothers. Since we are the only lesbian information line in Montreal, all kinds of women are referred to us who need to talk about and get help with being battered, being older, being alcoholic, etc. Luckily, I'm taking a course in counselling right now, which helps me with these calls.

We continue to have regular LMDF meetings every Monday afternoon in our favourite cafe. If you would like to attend a get-together or want any info, call Carole at 514/524-1040 (Monday evenings.)

Carole, for L'association des meres lesbiennes de Quebec

In eastern Canada, contact:

Lesbian Mothers' Defence Fund
PO Box 38, Station E, Toronto, Ont M6H 4E1
416/465-6822

L'association des meres lesbiennes de Quebec
CP 222, Succ. De Lorimier, Montreal, Que H2H 2N6
514/524-1040 (Monday evenings)

In western Canada:

Alberta Lesbian Mothers' Defence Fund
#124, 320-5 Avenue S.E., Calgary, Alberta T2G 0E5

In the US:

Lesbian Mothers' National Defense Fund
PO Box 21567, Seattle WA 98111
206/325-2643

Lesbian Rights Project
1370 Mission St, 4th Floor, San Francisco CA 94103

Custody news

Canada

On November 2, 1984, a British Columbia Supreme Court judge ruled that B.C.'s family law legislation does not apply to lesbian or gay couples. He then dismissed Penny A's application for interim maintenance for herself and her two children from her lesbian partner Arlene L. Penny's other request, for "exclusive possession" of the family home (meaning the right to occupancy, not ownership), was also denied.

Penny and Arlene started living together in 1975. They agreed to pool their incomes for day to day expenses and for the future. And they agreed they wanted to have children, sharing the responsibility for them jointly. Penny was artificially inseminated and bore two children, a girl now 4 and a boy 3 years old. She gave up her job as a therapist to look after them, while Arlene continued to work outside the home.

Then, in 1983, the relationship began to fail. Penny felt she and the children were no longer receiving adequate support, and she worried that Arlene was about to evict them from their house, which was registered in Arlene's name only.

She brought her application to the court on the grounds of family law, which determines custody, access and support arrangements when legal marriages or common-law relationships break down, and divides property in the case of legally married couples. Her back-up arguments were based on common law, which arbitrates the claims of people who have made contracts with each other, or who hold property in "trust" for each other.

Canadian family law varies from province to province but, overall, has changed for the better in recent years. Reform has established that housework, child care and "breadwinning" are all the shared responsibilities of *both* partners, and that if one person does the work at home she (or he) shouldn't be penalized financially on the dissolution of the relationship. After all, though she hasn't been earning money, the housewife has been doing her partner's share of the unpaid work.

Justice W.J. Wallace sidestepped the appropriateness of Penny's application by deciding that the B.C. Family Relations Act defines "spouse" as "a wife or husband," including "a man or woman not married to each other who lived together as husband and wife for a period of not less than two years" The Act, he claimed, "does not purport to affect the legal responsibilities which homosexuals may have to each other or to children born to one of them as a result of artificial insemination. The Act's application is, in general, directed to the spousal and parental relations of *men and women* in their roles of husband, wife and parent." [*our italics*]

He also refused to consider Penny's common law arguments, offering instead that if she wanted to pursue this line, a separate trial would have to take place to determine if she could claim either by contract or by "constructive" or "resulting trust" that half the acquired property of the relationship was hers. (The trust arguments, if successful, would show that although the house was registered in Arlene's name only, she was in effect holding Penny's share for her during their 10-year relationship. These arguments are often upheld in common-law relationships nowadays.) In another trial, if Penny could show that these agreements existed, she might be awarded damages or a part of the proceeds of the sale of the home. In other words, Justice Wallace refused to decide whether Penny had any rights under common law, although the decision was apparently within his own jurisdiction as a Supreme Court judge.

In line with his denial of the rights of lesbians under family law, Justice Wallace also refused Penny possession of the home. He decided she and Arlene were merely "joint tenants," in which case no precedent exists for directing that one or the other should have the sole right to occupancy. He suggested that Penny could apply to another court for an order restraining Arlene from

selling the allegedly jointly-owned home.

The inclusion of common-law relationships under some provisions of family law is relatively recent, the result of many years of feminists pressing for recognition of the value of women's work in the home and our right *not* to be married. The inclusion of lesbian and gay relationships may follow many attempts like Penny's, in courts like Justice Wallace's. We're sorry Penny's wasn't a breakthrough case, but we congratulate her for having the self-respect and courage to fight for her rights.

Francie Wyland, with the help of Denice Barrie from information in *Ontario Lauyers Weekly* (November 23/84)



USA

In contrast to the case above, a recent US decision affirmed the legitimacy of lesbian ties and treated the case of two women fighting about visitation rights "just like any divorce case."

In a September 8, 1984 decision, Judge Demetrius Agretelis (Alameda County Superior Court, California) ruled that Linda Jean Loftin may seek visitation rights with a child conceived through artificial insemination by her estranged lover, Mary Elizabeth Flournoy, when Loftin and Flournoy were lovers.

American Civil Liberties Union attorney Donna Hitchens, former director of the Lesbian Rights Project in San Francisco, said the case is significant because Agretelis "responded to it as a family unit, just like any divorce case."

Mary Flournoy and Linda Loftin were lovers from 1977 to 1980. In 1977, they had a church ceremony where they exchanged vows, and in 1978 they had a child after Flournoy was artificially inseminated with sperm donated by Loftin's brother. When the child, a girl, was born, she was given the surname of Loftin and "L.J. Loftin" was named as the father on the birth certificate.

Loftin's attorney, Ivan Morse, described the relationship as a "textbook conventional marriage," and said Loftin supported the family, which included Flournoy's two children by an earlier marriage, while Flournoy provided the primary child care, kept house and paid the bills.

The couple broke up in 1980 but Flournoy would not allow Loftin to visit the child, Sparkle, who is now six.

Karen Ryer, Flournoy's lawyer, said Loftin was ordered to pay child support by a district attorney on the ground that Loftin had an oral agreement with Flournoy to support the child. Ryer added, however, that the order would not have held up in court had Loftin chosen to challenge it. Ryer said Loftin paid the support for about a year.

Ryer alleges that Loftin was interested in obtaining visitation only "off and on" and has seen Sparkle only occasionally since 1980. But Morse, Loftin's attorney, claims that Flournoy "absolutely and adamantly refused [Loftin's attempts] to see the child." Morse added that Loftin saw the child "surreptitiously" for a while, a practice which she discontinued when Flournoy threatened to get a restraining order. Morse said it was at that point that Loftin decided to bring the matter to court.

In March 1983, Loftin sued for the right to visitation and in April 1983 it was ruled that the matter should be referred to family court. The ruling handed down by Agretelis in September holds that Loftin, a non-biological parent, has the same right as a biological parent to seek relief in family court. A date for a trial was set for November 19, 1984.

The *Grapevine* hasn't heard if mediation between Flournoy and Loftin has settled the matter without trial. In the next issue we hope to let you know.

Excerpted from an article by Christine Guilfooy in *Gay Community News*, September 29, 1984 (Boston, MA)

Continued on page 6

Tips on fighting a child custody battle

More and more lesbian women are going into courtrooms across North America to fight for custody of their children. Some are losing, or winning custody on condition that they live separately from their lovers. But scores of unconditional custody awards have been won in recently recorded cases.

Most custody battles are unrecorded or settled out of court, so we do not know the real number of lesbians who have succeeded in their fight against forced separation from their children. We do know that each victory is a milestone for all of us, and teaches us more about how to win.

Criteria usually used in court:

In deciding which parent will be granted custody the courts look at what is in "the best interest of the children." They examine the "fitness" of each party with respect to certain criteria:

1. who already has the children
2. the conduct of the parents — This includes the question of "willful misconduct" of either parent, i.e. whether the court thinks lesbianism is immoral and will be a bad influence on the children. Although there have been many rulings recently holding that lesbianism alone should not be considered sufficient grounds for withholding custody, it is always a key, if not determining factor.
3. the provision of a stable home environment — Under this heading, which is being given more and more weight, the question of which parent can better provide financial and emotional security is assessed. A woman who has a steady, paid job will have a better chance than a welfare mother; and men, because they make twice the wages women do, will measure up better than either woman against this yardstick. (Unless, that is, it can be shown that they are chronically unemployed, have criminal records or a history of violence inside the family.) Judges who shy away from removing children from women solely because of their lesbianism can still penalize them by awarding the children to the fathers on the basis of their larger paycheques and greater likelihood of remarriage.

Here are a few key pointers for women facing custody fights:

Do not leave the children behind

The courts are anxious to ensure continuity for the children and are hesitant to move them from one home to another. This means that whoever the children are living with has an important advantage. So, when you move out, take the children with you even if it means having to stay in an emergency hostel or shelter. If you leave them behind because you think it will be better for them until you are established, it may look to the courts as if you had deserted them. The longer the children are with you on a continuous basis, the better your chances of keeping them.

Choose your lawyer carefully

Find a lawyer who is sympathetic and experienced or willing to learn about lesbian mother litigation. In Provincial Court (Family Division) proceedings, legal aid will pay. So, if you need financial assistance with the case, you will have to find a lawyer who is willing to take legal aid.

Most lawyers are unfamiliar with the recent history of cases involving lesbian mothers, but the lawyer you decide to use should be studying the information that exists. Since legal aid only pays for a fraction of the time involved in custody disputes and the lawyer will be doing all the rest for free, you can help a lot by locating this literature, through the LMDF, and making it available to her or him. If your lawyer doesn't seem determined to win and eager to learn about the issue, look for another one.

The Canadian and US LMDFs can provide you with lists of good lawyers in our own cities and some other parts of the country. We also have information for you and your lawyers — see the Resource List in this issue — which you can order from us.

Going to court is the last resort

Since the odds are better if you negotiate a settlement out of court than if a judge imposes his decision, your lawyer should be

making every effort to dissuade your husband (or parents, etc.) from taking you to court. Your lawyer should present all the positive recent history of lesbian mothers winning custody to your husband's lawyer and put together any information that weighs against him. This may be enough to intimidate him into settling out of court.

Supportive testimony

There are a variety of "experts" who can be called on to testify on behalf of a lesbian mother. Rarely, they will be asked to report on the social and official psychiatric standing of homosexuals in general in today's society, e.g. psychiatrists or religious professionals. More often they will be psychiatrists, psychologists, social workers, family doctors, ministers, school counsellors or teachers who have had direct contact with the family, and who can testify to the emotional and physical well-being of the children, or the soundness of the relationship between the mother and children.

How public should a woman be?

Although the courts are increasingly sympathetic to the claims of lesbian mothers, they are still in many cases prejudiced against those lesbians who are publically gay — that is, members of gay or lesbian groups, or women who speak to the media about their fight. Since this risk is so great, public support, money and publicity must often be mobilized without using a particular lesbian mother's name or details about her case. Speaking publically about the situation of lesbian mothers is an important function of the LMDFs, since public opinion in favour of lesbian mothers will influence the courts to grant us custody more readily.

Remember you're not alone

Even if you live in a major city, you may not know any other lesbian mothers or have any source of encouragement and support. Write to the Canadian or US LMDFs and we will try to help you network locally; we'll also provide you with information and, when possible, financial help. Many of the recent victories that inspire all of us have taken place quietly, in isolation, in small towns where the odds against a sympathetic hearing are high. Though lesbian custody battles are always difficult, they are being fought all the time and are being won!



Resource materials for mothers and lawyers

The LMDF has a constantly expanding library of lesbian custody cases, law review articles and psychological journal articles and studies which document the explosion of lesbian mothers into visibility over the last ten years. This literature is an essential resource for women embarking on custody battles, since these are still high-risk fights each and every time.

A complete bibliography of our materials can be obtained by writing to the LMDF. The list below is very selective, including Canadian cases and the best, most recent legal and psychological documents. If you live near a law library and/or a good university library you'll be able to find and photocopy some or all of these materials. If not, you can order from the Toronto LMDF or (in the case of US literature) from the Lesbian Rights Project. (For addresses see page 2).

Canadian cases:

1. *Re Barkley and Barkley* (1980) 108 DLR (3rd) 613
2. *Bernhardt v Bernhardt* (1979) RFL (2nd) 32
3. *Bezaire v Bezaire* (1980) 20 RFL (2nd) 358
4. *B v B* (1981) 16 RFL (2nd) 7
5. *Case v Case* (1974) 18 RFL, 132
6. *D v D* (1978) CCH, DRS, p 21-814, O.
7. *Elliott v Elliott* (1984) 25 ACWS (2nd) 304
8. *Gaveronski v Gaveronski* (1974) 4 WWR, 106
9. *J v R* (1982) 27 RFL (3rd) 380
10. *K v K* (1976) 2 WWR, 462
11. *Re Nicholson and Storey et al* (1982) 17 ACWS (2nd) 70
12. *Palmer v Palmer* (1981) 15 Sask R, 20
13. *Re Satinder Kaur Kalkat* (1980) BCD Civ 1568-16 (wardship)
14. *Simon v Simon et al* (1980) 2 ACWS (2nd) 358 (access)

Canadian law review article

1. Brownstone, Harvey, "The Homosexual Parent in Custody Disputes," 5 *Queens Law Journal* 199 (1980)

Discusses and compares general principles of custody law with case law concerning homosexual parents. Surveys both Canadian and American cases, and includes bibliography of cases. Especially compares treatment of "immoral" heterosexuals with treatment of homosexuals.

American law review articles

1. Basile, R.A., "Lesbian Mothers I," 2 *Women's Rights Law Reporter* 3 (1974)

Discusses the pervasiveness of homophobia; its expression in religion, psychiatry, and the law, and especially in child custody and divorce cases. Summarizes child custody law generally, and existing case law concerning lesbian mothers. Raises the analogy of cases involving parental fitness in families with interracial parents. Discusses and rebuts the homophobic fears that are most often raised in lesbian mother custody cases.

2. Davies, Rosalie C., "Representing the Lesbian Mother," 1 *Family Advocate* 21 (Winter 1979)

Summary of the case law, common stereotypes about homosexuality, and suggestions for legal tactics, including the effective presentation of witnesses at trial.

3. Hitchens, D.J. and Price, B., "Trial Strategy in Lesbian Mother Custody Cases: the Use of Expert Testimony," 9 *Golden Gate University Law Review* 451 (1978-79)

Discussion of the kinds of expert testimony which can be used to rebut commonly held fears and misconceptions about the consequences of raising children in a lesbian household. The authors recommend being prepared to address issues such as the effects of the mother's sexual behavior on the child, whether a lesbian mother is more likely to raise homosexual children, and the possible social stigmatization of the children. Suggestions are given as to what qualifications to look for in selecting expert witnesses, how to prepare those witnesses for trial, and how to

go about preparing an effective cross-examination of the opposing party's expert witnesses.

[Note: In Canada, expert witnesses have rarely been used in custody trials. This article, therefore, may have limited relevance unless you do need to use expert testimony to educate the court or counter the other side's experts.]

4. Hunter, N.D. and Polikoff, N.D., "Custody Rights of Lesbian Mothers: Legal Theory and Litigation Strategy," 25 *Buffalo Law Review* 691 (1976)

Summarizes current statutory and case law as applied to lesbian mothers. Argues that advocates should work toward establishing in the law a requirement that a specific logical nexus be shown between a mother's lesbianism and her supposed "unfitness" as a parent before she can be denied custody based on her homosexuality. Suggests legal strategies and tactics for attorneys representing lesbian mothers.

Psychological materials (all US)

1. Lewin, Ellen, "Lesbianism and Motherhood: Implications for Child Custody," *Human Organization*, Vol 40, No. 1 (1981)

Compares the adaptive strategies of lesbian and single heterosexual mothers based on interviews with 80 women: 43 lesbians and 37 heterosexuals. Discusses the variety of sources of identity of the mothers, support systems, similarity of attitudes, fears of the court, beliefs in male role models. The main difference noted between the two groups of women was increased stress on the lesbian mothers due to fear of loss of custody.

2. Miller, J.A., Jacobsen, R.B., and Bigner, J.J., "The Child's Home Environment for Lesbian vs. Heterosexual Mothers: A Neglected Area of Research," *Journal of Homosexuality*, Vol. 7, No. 1 (Fall 1981) pp. 49-56.

A study of 34 lesbian mothers and 47 heterosexual mothers comparing differences in social settings offered by the two groups. Two sets of criteria were used: occupational, educational, income and marital status comparisons; and functional conduct as caregivers. Results indicated that children in a lesbian home are generally in a less affluent setting and their mothers spend more time away from home at work. However, lesbian mothers tended to be more "child-oriented" in their roles as caregivers, with an overriding concern for the child's long-range development. Heterosexual mothers were more "adult-oriented" toward their children — asserting immediate adult power and control over them. The study also determined that the majority of lesbian mothers assume the principal role in child-care responsibility regardless of sharing responsibilities with their partners, and see themselves as intimately involved in parenting.

3. Green, R., "Sexual Identity of 37 Children Raised by Homosexual or Transsexual Parents," *American Journal of Psychiatry*, Vol. 135 (1978), pp. 692-97.

Study investigated the emerging sexual identity of these children. Findings indicated that these children were unremarkable in every way from comparable children of heterosexual mothers. Their behavior was normal. They were content with their sex role and their aspirations were typical. In addition, these children evidenced understanding and acceptance appropriate to their years of their parents' homosexuality. They evidenced a more liberal attitude than the general public toward homosexuals, but this liberal attitude did not affect their lifestyle choices.

4. Kirkpatrick, M., M.D., Smith, C. and Roy, R., M.D., "Lesbian Mothers and Their Children: A Comparative Study," *American Journal of Orthopsychiatry*, Vol. 5, No. 13 (1981), pp. 545-551.

Study involved 10 male and 10 female children of lesbians and 10 male and 10 female children of single heterosexual mothers. All children were between the ages of 5 and 12. Found no differences in sexual or gender identity between groups. No differences in pathology. There was equal evidence of emotional impact of

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Resources continued from preceding page

the disruption of divorce within both groups. The mothers were found to be similar in many respects, except the lesbian mothers were more concerned with providing male figures for their children than were the heterosexual mothers.

Miscellaneous materials

Canadian

1. *Grapevine*, newsletter of the Lesbian Mothers' Defence Fund (Toronto, Calgary and Montreal), published 2-3 times annually. For subscription information see back page of this issue.

2. *Canadian Lesbian Mother Litigation Manual* (unpublished). Modeled on the US *Lesbian Mother Litigation Manual* (see below) the Canadian manual includes Canadian cases, a bibliography of available Canadian and US materials, the Brownstone law review article and transcripts of Canadian magazine and newspaper articles on lesbian mothers.

US

1. *Mom's Apple Pie*, newsletter of the Lesbian Mothers' National Defense Fund. \$5-\$50/year membership includes subscription. See page 2 for address and phone

2. Hitchens, Donna J., *Lesbian Mother Litigation Manual*, Lesbian Rights Project (1982). Copies may be acquired by sending \$25 to the LRC (see addresses, page 2). This guide, though US-specific and therefore of limited use procedurally is invaluable in giving an overview of obstacles, substantive legal issues and strategies. (Ellen Murray reviewed the manual in *Grapevine*, Spring 1983.)

3. *Lesbian Mothers and Their Children: An Annotated Bibliography of Legal and Psychological Materials*, ed. Donna J. Hitchens, J.D., Ann G. Thomas, Ed.D., Lesbian Rights Project, San Francisco, 1983. Lists scores of American cases, law review articles and psychological journal articles and papers, with short descriptions. (We have reprinted some of these above, and wish to thank the LRC for compiling such invaluable resources.)

Custody news/USA continued from page 3

Last June (1984) the Lesbian Rights Project in San Francisco received an interstate call for help from a lesbian mother whose ex-husband had had her arrested for "stealing" their 3-year-old daughter, although the child had lived with her mother since birth. While the mother was in jail, the father took the child from her home state and returned to California.

The LRP took the case, hired a private investigator, found the father, and served him with papers requiring him to return the child to the mother and to attend a court hearing concerning custody. Although he refused to return the child immediately, he did appear at the hearing. He seemed to have been confident that he would be awarded custody solely because the mother is a lesbian. Instead, much to the father's surprise, the judge awarded temporary custody to the mother and set a date for a later hearing to determine more permanent custody.

Because of experience and expertise developed over the years, the LRP was able to overcome the extraordinary pressures presented by this case and to demonstrate that the mother's sexual orientation should not be an issue in this type of dispute.

From Mom's Apple Pie, the newsletter of the Lesbian Mothers' National Defense Fund, Seattle, Washington, Winter 1985

To the Gay Community Appeal of Toronto:

Thanks!

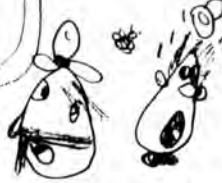
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The Kids' Page!

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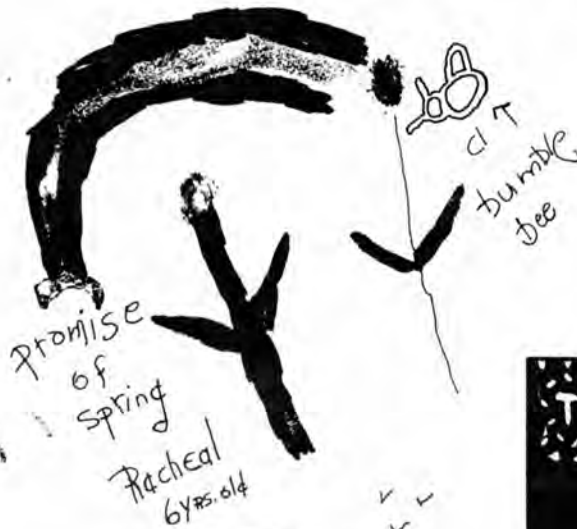
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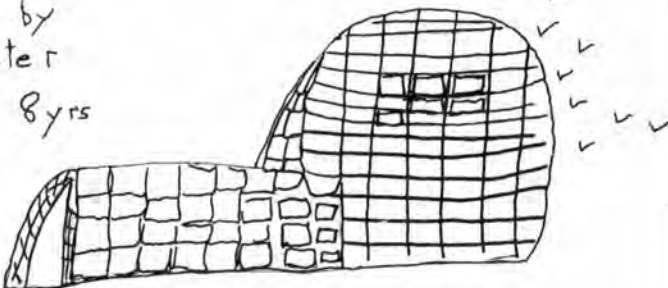
by Jolene Waldman Age 8

Kids
 "Having a Lesbian Mom is fun" said the bun,
 "I agree!" said the bee!,
 "I like the kids" said the lily!,
 "Me too" said Tutu.,
 "So do I" said the te.,
 "L.M.D.F. are great!!!" said the
 "The kids at Plate,
 "Together we have a ball"
AGREED ALL
 What 10 yrs.

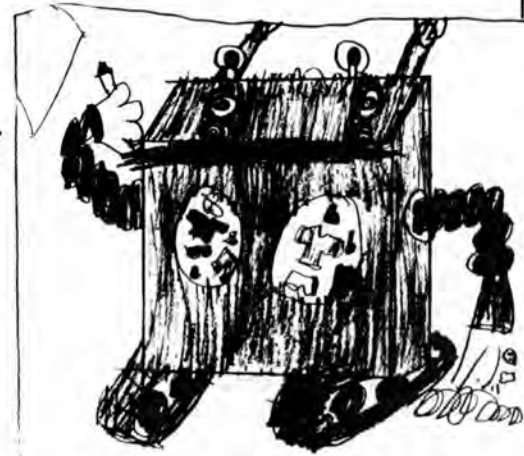


IGLOO

by Peter 8 yrs



Someday, my mother and I will go on a holiday up North where the Eskimos live. We will ride on a dog sled together and laugh a lot. You know what? We can even do this in the summer!



Bradley, 10

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Book reviews

THE NEW OUR BODIES, OURSELVES, Simon and Schuster Inc., distributed in Canada by Musson Books, \$18.95.

The original *Our Bodies, Ourselves* found its way into my life, as mother-to daughter information often does, without a word. It appeared one day in my family's slightly homophobic household, casually left in a bookcase, just as ready to be passed over as picked up and read. The book made a solid impression on me, as it did on many budding feminists, dealing so unashamedly with female health and sexuality, and discussing lesbianism as a legitimate way of life.

In *The New Our Bodies, Ourselves* some of the militancy of the original volume is gone, but none of the frankness. The 1973 chapter entitled "In Amerika They Call Us Dykes" has been reincarnated as "Loving Women: Lesbian Life and Relationships." None of the present writers contributed to the original chapter. No doubt this second generational influx is responsible for the softened tone. It's as if these writers are saying, 'those women who came before us were the soldiers, the pathfinders, the people who could really take the shit. We're the more average women who would probably still be in the closet if it weren't for them.'

The emphasis of the volume is still accurate information and argument on aspects of women's lives including birth control, abortion, disease, sex and childbirth. Specifically, this book is also an excellent resource volume for the many problems and concerns of lesbians and deals quite extensively with choices in lesbian lifestyles (i.e. role playing, monogamy, etc.). Everyone will feel completely "normal" after reading this chapter.

The new edition is greatly expanded, with new chapters on International Awareness, Occupational Health, Alternative Healing, New Reproductive Technologies and several others.

The graphic aspects of the publication are more polished than the earlier version, but many of the same photographs are used. Some of these photos have practically become icons in the feminist movement — in particular the cover photo which reappears in a cropped and smaller format.

Bigger, better and more beautiful, *The New Our Bodies, Ourselves* is available at the Toronto Women's Bookstore and most major Canadian bookstores.

Diane

The Lesbian Mothers' Defence Fund is throwing a

Spring Rummage Sale & Bazaar!

**Saturday, May 11
12-4 pm
at the 519 Church St. Community Centre**

featuring:
incredibly cheap books, clothes, records, household supplies,
furniture, cakes & cookies — plus doorprizes!
50¢ admission

But — first we have to get all this stuff! Call us at 465-6822 (leave a message) & we'll call back to arrange a time to pick up anything you can donate to the Bazaar. Or, bring your stuff to the 519 Centre between 10 am and 12 noon on May 11th. Thanks!

Some of us

Every issue we try to introduce some of the women who make up the LMDF. Whether they're mothers, lovers or "groupies," it's important to recognize that without their participation and good spirits a lot of LMDF work wouldn't get done.

Sharon recently joined the fund after moving to Toronto from a small Ontario town with her two daughters and 4 (!) cats. After a lot of adjustments, Sharon's working full-time in health care, has a cozy home and lots of friends among LMDFers.

Jo has been involved with the fund for a couple of years now. She is also very active in Oshawa with the Sexual Assault Centre, attends school full-time and raises two active boys. We don't get to see Jo as much as we'd like to, but with a schedule like that we're not surprised.

Jean is a non-mom "groupie" who's been an important friend to us — running after the kids on outings, taking photos at our Christmas parties and, probably the greatest help, printing the *Grapevine*!

Julie is new to the fund but an avid supporter at marches and social events. She's always ready to work a dance shift or take on other tasks. Julie's never attended a potluck, but just seems to be there whenever we or our kids need her.

Mel travels to and from Niagara Falls, where she lives with her two girls and attends school part-time. It takes a lot to keep her from coming 75 miles to a pot-luck or to help out at all our events.



NEWSLETTER OF THE LESBIAN MOTHERS' DEFENCE FUND

CANADA

Subscribe!

The *Grapevine* is published 2-4 times yearly and covers custody news from around the world. It addresses issues important to lesbian mothers and our children, and always includes personal accounts, poems, drawings, cartoons, and ideas the children want to share with *Grapevine* readers.

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- \$2/year for women on Family Benefits, students, unemployed
- \$20/year sustaining subscription

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