



**IN THE DISTRICT COURT OF APPEAL
THIRD DISTRICT OF FLORIDA**

CASE NOS. 3D14-1816, 3D14-1783

STATE OF FLORIDA,

Appellant,

v.

CATHERINA PARETO, *et al.*,

Appellees.

STATE OF FLORIDA,

Appellant,

v.

AARON R. HUNTSMAN, *et al.*,

Appellees.

**AMICI CURIAE BRIEF OF FAMILY EQUALITY COUNCIL AND
COLAGE FILED IN SUPPORT OF APPELLEES**

CONSOLIDATED APPEALS FROM THE CIRCUIT COURTS OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA, AND THE SIXTEENTH
JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

L.T. Case Nos. 2014-1661-CA, 14-CA-305

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I. STATEMENT OF IDENTITY AND INTEREST OF AMICI CURIAE

Amici promote equality among all American families, including those led by same-sex parents. Amici believe that families led by same-sex parents are typical American families, with the same joys and challenges as different-sex-parented families. Amici present stories of children raised in same-sex-parented families, which demonstrate that the laws Appellants seek to uphold stigmatize and delegitimize same-sex-parented families on a legal, social, and psychological level.¹

Family Equality Council (“Family Equality”) supports LGBT parents and their children through a nationwide community of parents, children, grandparents, and grandchildren. Family Equality empowers children of LGBT parents through programs like Outspoken Generation, in which young adults with LGBT parents share their own stories and become advocates for family equality. Family Equality submits this brief on behalf of all of the young people and their parents and grandparents with whom it has worked.

COLAGE is the only national organization for and by people who have an LGBT parent. COLAGE approaches its work with the understanding that living in a world that discriminates against and treats these families differently can be isolating and challenging for children. Founded in 1990, COLAGE has worked

¹ Many of the statements included in this brief were made as testimony before various public bodies or in published literature. Others come from the personal knowledge of Amici and their constituents.

with generations of children in LGBT families. COLAGE provides a national support network, resources, direct programs, youth-led publications and leadership training on the myriad issues important to youth in LGBT families. Based on its 25-year experience working directly with thousands of people nationwide with LGBT parents, COLAGE can attest to the critical importance for children of having their parents' relationships recognized and respected on every social, institutional, political and legal level.

II. INTRODUCTION

My name is J.A. B.-M.... I am 11 years old [and from] Fort Lauderdale....My [two dads] were married in Toronto, Canada in June 2003....They were living in Florida, but unfortunately they could not get married here because of the laws.

If my parents could have their marriage recognized, then they would be able to have the same rights to health insurance for our whole family, as well as over 1,000 rights and responsibilities that depend on your marriage being recognized. It would also be great just to be accepted as an equal family!²

Too often missing from discussions of “traditional” families or “family values” are the voices of children raised by same-sex parents—those who live every day within the family structure at the heart of this lawsuit. Those opposing marriage for same-sex couples frequently make assumptions about the quality of these children’s family lives, yet the children themselves are rarely asked to

² Statement from J.A.B.-M. to Family Equality Council (“Family Equality”) (Sept. 7, 2014). Each of the statements cited in this brief are on file with Family Equality.

describe their experiences.

Children of same-sex parents are uniquely qualified to speak about how the availability—or unavailability—of marriage for their parents directly impacts them. These children are among those most directly affected by their parents’ inability to marry. As the Supreme Court recognized, laws like Florida’s that restrict marriage to different-sex couples “[make] it even more difficult for the children [being raised by same-sex couples] to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.”³ This perspective has been repeatedly recognized by a number of appellate courts across the country.⁴

The voices of LGBT youth are also too frequently disregarded in these debates. Florida’s laws restricting same-sex marriage deems committed relationships these youth may form as unworthy of the “dignity and status” that come with the right to marry.⁵ This state-sanctioned stigmatization negatively and profoundly impacts the self-esteem, sense of purpose and well-being of these young people. This brief presents the voices of these children.

³ *U.S. v. Windsor*, 133 S.Ct. 2675, 2694 (2013).

⁴ *See, e.g., Kitchen v. Herbert*, 755 F.3d 1193, 1215 (10th Cir. 2014) (“These laws deny to the children of same-sex couples the recognition essential to stability, predictability, and dignity...[and] discourage those children from being recognized as members of a family by their peers.”).

⁵ *Windsor*, 133 S.Ct. at 2692.

III. SUMMARY OF ARGUMENT

The State of Florida contends its marriage laws support a governmental interest relating to children. In the trial court, Florida asserted that those laws should stand “because opposite-sex households are the best environment for childrearing.”⁶ Extensive evidence, however, demonstrates that same-sex-parented families provide stable and loving environments for children throughout the country. For example, six-million Americans have at least one parent who identifies as lesbian, gay or bisexual.⁷ And because nearly 20% of the 650,000 same-sex couples living in the U.S. are currently raising children,⁸ approximately 250,000 children are being raised in same-sex-parented families. Same-sex-parented families live in every state and in 93% of all U.S. counties.⁹ Florida is home to approximately 13,000 children of same-sex parents.¹⁰ The issues before the Court thus cannot be properly evaluated without considering the first-hand

⁶ See *Pareto v. Ruvin*, No. 14-1661 CA 24, Order Granting Pl.’s Mot. for Summary J. at 19 (July 25, 2014).

⁷ Gary J. Gates, *LGBT Parenting in the United States*, The Williams Institute, UCLA School of Law (“Williams Institute”) (Feb. 2013), at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.

⁸ Gary J. Gates and Abigail M. Cooke, *United States Census Snapshot: 2010*, Williams Institute, at 3 (Sept. 2011), at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot-US-v2.pdf>.

⁹ R. Bradley Sears, et al., *Same-Sex Couples and Same-Sex Couples Raising Children in the United States: Data from Census 2000*, Williams Institute (2005).

¹⁰ See Gary J. Gates and Abigail M. Cook, *Florida Census Snapshot: 2010*, Williams Institute (Sept. 2011), at http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Florida_v2.pdf.

accounts of these children, represented by Amici. As these children attest, their family relationships are typical and no less deserving of the marital protections afforded to different-sex-parented families. Florida’s marriage laws stigmatize and de-legitimize thousands of families, withholding from them the recognition, encouragement, and support Proponents insist promote family stability.

The harms inflicted by these laws also extend to LGBT youth. By denying same-sex couples the right to marry, these laws undermine the proffered governmental interest in encouraging stable relationships to reduce societal costs.¹¹ Denial of marriage rights forces LGBT youth to “tragically question their own self-worth and their rightful place in a society that fails to recognize their basic human dignity.”¹² The stories of LGBT youth, too, must be heard to understand how laws prohibiting same-sex marriage negatively impacts youth living within this Circuit.

IV. ARGUMENT

A. SAME-SEX PARENTS ARE SUCCESSFULLY RAISING THE NEXT GENERATION.

My name is [C.A.], I’m 17 and live in Orlando, Florida. My relationship with my dad’s partner is great. I grew up with him and have known him since I was 6. He has taken a parenting role for me and always guides me in the right path; sometimes better than my mom and dad themselves. Growing up, I knew what was going on but it didn’t make any difference to me because my father was happy. In life you need to be happy, and love is love.

¹¹ *Id.*

¹² Anthony Michael Kreis, *Is Marriage Equality Inevitable?*, HUFFPOST GAY VOICES (Sept. 13, 2012), http://www.huffingtonpost.com/anthony-michael-kreis/is-marriage-equality-inev_b_1876010.html (last visited Sept. 14, 2014).

*You can't judge people whether you're straight or not, because you're still a human being. I couldn't be [happier] and [more] thankful to have them in my life, and feel everyone should have the right to marry the person they love.*¹³

The children of same-sex parents whom Amici represent dispute the notion that a family is worthy of protection only if it has one male and one female parent. A family is not defined by the genders of those who appear in the family portrait. It is defined by its everyday experiences, the “thousands of little things that keep a household running.”¹⁴ In this essential way, families with same-sex parents are as “traditional” as any others, sharing the joys, values, and concerns that countless families experience. The testimonials from the children raised in such families are offered in this brief to prove that very point.

Eleven-year-old X.R. is being raised by his two moms in Florida:

*I feel really disappointed that my parents cannot get legally married in the state of Florida where we live because they really love each other and I think they deserve to be able to get married like other people who love each other get to do.*¹⁵

Eight-year-old E.D. in Florida explained:

It's great that I have two moms. I feel really lucky. It's like double the time and support. I'd like [my parents] to get married so we can have a house, with a tree house, a hammock and a swing set. It would make me really

¹³ Statement from C.A. to Family Equality (Sept. 5, 2014).

¹⁴ Brian Arsenault, Op-Ed, *Maine Voices: Young man's wish for his moms on Mother's Day: the right to marry*, PORTLAND PRESS HERALD, May 11, 2012, at http://www.pressherald.com/opinion/young-mans-wish-for-his-moms-on-mothers-day-the-right-to-marry_2012-05-11.html (last visited Sept. 14, 2014).

¹⁵ Statement from X.R. to Family Equality (Sept. 9, 2014).

*happy if [they] got married. Plus, I'd like to be a ring bearer and the flower girl....There is nothing I'd change about my family. I'm never changing it!*¹⁶

Families differ widely—in the number of children, religion and activities they enjoy together. Some children come from divorced or blended families. And some children have parents living in committed and loving same-sex relationships. In both same-sex and different-sex-parented families, parents may be married, joined through civil union, or choose not to seek governmental or ceremonial recognition of their relationship. Only for same-sex-parented families, however, does Florida refuse to allow or recognize marriage.

Same-sex-parented families are neither an oddity nor a rarity. The children of same-sex parents express the same theme over and over again to Amici: their families are typical American families. Eleven-year-old J.A.B.-M. from Fort Lauderdale, for example, describes her family as no different from different-sex-parented families:

*My family is like any other family. We play games, we take care of each other, we talk, and we enjoy our rescue puppy, Tippy. In the morning, my dads wake me up and make me a school lunch. At night, my dads tuck me in. In between, they help me study, they do my laundry, they work to support me, and they show me unconditional love (and, as Mr. Peabody might say, "I have a deep regard for them, too").*¹⁷

Nine-year-old A.C. agrees:

Marriage is about family, and my dads take the best care of me and my

¹⁶ Statement from E.D. to Family Equality (Sept. 8, 2014).

¹⁷ J.A.B.-M. Statement, *supra* n.2.

*brother. My family is no different than any other family. We go to the movies, they take me to my sports practice, play games, and make the holidays, especially Christmas, awesome.*¹⁸

Gabrielle Benham, then a high school student in Vermont, similarly described her home life to the Vermont Senate Judiciary Committee:

*I live in a home with two women who love each other very much. I call them my mothers. There is nothing wrong with the way they live or the way they raise their children. I have proof of this. I've seen it in the morning when my mothers are trying to get the three of us out the door for school. I've also seen it when they work together at our bakery and café as a family.*¹⁹

And as Zach Wahls, a University of Iowa engineering student raised by two moms, told the Iowa House of Representatives:

*[T]he topic of same-sex marriage comes up quite frequently in classroom discussions. The question always comes down to, well, "Can gays even raise kids?" The conversation gets quiet for a moment because most people don't really have any answer. And then I raise my hand and say, "Actually, I was raised by a gay couple, and I'm doing pretty well." I scored in the 99th percentile on the ACT. I'm actually an Eagle Scout. I own and operate my own small business. If I was your son, Mr. Chairman, I believe I'd make you very proud. I'm not really so different from any of your children. My family really isn't so different from yours.*²⁰

Importantly, same-sex parents model positive and committed relationships—not just positive same-sex relationships. J.S., an 8-year-old being raised by his two

¹⁸ Statement from A.C. to Family Equality (Feb. 5, 2013).

¹⁹ *An Act to Protect Religious Freedom & Promote Equality in Civil Marriage: Hearing on S. 115 Before the Vt. Sen. Judiciary Comm., Sec. on Children & Families* (March 19, 2009) (statement of Gabrielle Benham).

²⁰ *Hearing on HJR 6 Before Iowa House of Representatives* (Jan. 31, 2011) (statement of Zach Wahls), at http://www.familyequality.org/equal_family_blog/2011/02/04/1001/abc_news_son_of_iowa_lesbians_fights_gay_marriage_ban ("Zach Wahls Testimony").

moms in Florida, dreams of the day when his family can celebrate marriage:

*I wish my parents could get married because they love each other very much, and they are happy together. I love them both very much. I want to be in their wedding. It makes me very happy that my mom and I have found someone who is very nice to us and who is very kind and loving.*²¹

As Ella Robinson said of the relationship between her father and his partner:

*Their relationship, which started when I was 7 years old, was such an important example of what a loving, committed relationship should look like that I never thought to question it. I never knew to be embarrassed if someone looked at our family differently, or to worry if my friend coming to my Dad's with me for the weekend would be uncomfortable. I just knew we'd have fun, watch the Golden Girls and play some board games (competitively).*²²

And as Brian Arsenault wrote in his editorial to the *Portland Press Herald*:

*My moms have been together for a long time, through thick and thin, and they've made it through the good times and the bad times together, as a team. They have shown me and the world what a lasting, loving relationship can look like. And when I think of my own wedding someday, should I be lucky enough to find a girl I want to spend the rest of my life with, I can't imagine two better role models to base a family around than my moms.*²³

The experiences of these young people are consistent with social science findings: children of same-sex parents fare just as well academically, psychologically and socially as the children of different-sex parents. Numerous, recent peer-reviewed studies indicate “that despite confronting heterosexism in a

²¹ Statement from J.S. to Family Equality (Sept. 8, 2014).

²² Ella Robinson, *How and Why I Am Outspoken*, Family Equality Family Room Blog (June 19, 2012), http://www.familyequality.org/equal_family_blog/2012/06/19/1292/how_and_why_i_am_outspoken (last visited Sept. 14, 2014).

²³ Brian Arsenault, Op-Ed, *supra* n.14.

variety of social contexts...LGB parents and their children are functioning quite well.”²⁴ For example, a study by the Gay, Lesbian and Straight Education Network revealed that same-sex parents are more likely to take an active role in their children’s education—attending parent-teacher conferences, volunteering in the classroom, and communicating with the school—than a national sample of parents, thus improving the chances of academic success.²⁵

Decades of social science research also confirms that same-sex-parented children have similar levels of psychological adjustment and are no more likely than their peers raised by different-sex parents to report behavioral issues.²⁶

²⁴ Abbie E. Goldberg, et al., *Research Report on LGB-Parent Families*, Williams Institute, at 1 (2014), at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgb-parent-families-july-2014.pdf> (last visited Sept. 14, 2014).

²⁵ Joseph G. Kosciw, Ph.D. and Elizabeth M. Diaz, *Involved, Invisible, Ignored: The Experiences of Lesbian, Gay, Bisexual and Transgender Parents and Their Children in our Nation’s K-12 Schools*, Gay, Lesbian and Straight Education Network (2008) at 25-32, at <http://glsen.customer.def6.com/sites/default/files/Involved%2C%20Invisible%2C%20Ignored%20Full%20Report.pdf>.

²⁶ See, e.g., Michael E. Lamb, *Mothers, Fathers, Families, and Circumstances: Factors Affecting Children’s Adjustment*, APPL. DEV. SCI., 16:2, 98-111, 104 (2012) (numerous studies of same-sex parented children “conducted over the past 25 years by respected researchers and published in peer-reviewed academic journals conclude that they are as successful psychologically, emotionally, and socially as children and adolescents raised by heterosexual parents.”); see also Ian Rivers, et al., *Victimization, Social Support, and Psychological Functioning Among Children of Same-Sex and Opposite-Sex Couples in the United Kingdom*, DEV. PSYCHOL., 44(1), 127–134 (2008); Stephen Erich, et al., *A Comparative Analysis of Adoptive Family Functioning with Gay, Lesbian, and Heterosexual Parents and Their Children*, J. GLBT FAM. STUD., 1:43-60 (2005).

Several studies even suggest that same-sex-parented children are better adjusted psychologically than their peers.²⁷ And, all leading national child welfare and social service organizations agree that same-sex-parented children are just as happy, healthy, and well-adjusted as children raised by different-sex parents. Many of these organizations, including the American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, and American Psychiatric Association, have published organizational statements confirming that LGBT people make excellent parents raising developmentally healthy children.²⁸

Florida's interest in furthering stable and enduring family units in which children are supported and reared by two parents applies to all families raising children—not just those headed by different-sex couples. Accounts of same-sex-parented children living in Florida and elsewhere confirm these families encourage

²⁷ Henny Bos, et al., *Child Adjustment and Parenting in Planned Lesbian-Parent Families*, AM. J. ORTHOPSYCHIATR., 77:38–48 (2007); Richard W. Chan et al., *Division of Labor Among Lesbian and Heterosexual Parents: Associations with Children's Adjustment*, J. FAM. PSYCHOL., 12:402–419 (1998).

²⁸ American Academy of Child and Adolescent Psychiatry, *Gay, Lesbian, Bisexual, or Transgender Parents Policy Statement* (2009), http://www.aacap.org/cs/root/policy_statements/gay_lesbian_transgender_and_bisexual_parents_policy_statement (last visited Sept. 14, 2014); American Academy of Pediatrics, *Policy Statement: Coparent or Second Parent Adoption by Same Sex Couples*, PEDIATRICS, 109(2):339–340 (2002) (reaffirmed 2009); American Psychiatric Association, *Adoption and Co-parenting of Children by Same-sex Couples* (2002), <http://www.aglp.org/pages/position.html#Anchor-Adoption-49575> (last visited Sept. 15, 2014); American Psychological Association, *Sexual Orientation, Parents, & Children* (2004), <http://www.apa.org/about/policy/parenting.aspx> (last visited Sept. 15, 2014).

love, stability, acceptance, empathy, and confidence. Through their stories, we understand how the issues before this Court affect real families in Florida.

B. FLORIDA’S LAWS DE-LEGITIMIZE SAME-SEX-PARENTED FAMILIES IN THE EYES OF THE LAW AND SOCIETY.

When I was little and there was a referendum to make it unconstitutional for gay parents to get married, it sounded like they were forcing my parents to get a divorce. I was very upset and confused. Why can’t people just allow others to get married, regardless of their sex? Why can’t same-sex couples get married, when it’s ok for different sex couples to get married? It’s not fair.

J.A.B-M., 11, of Fort Lauderdale, Florida.²⁹

Though I know very well that a marriage certificate was not what gave my dads’ relationship strength, it was an opportunity for my family to participate in the rights that we have been denied for so long.... As amazing as the wedding was, it was still bittersweet. We were hesitant to celebrate too much because we knew that the marriage would not be recognized in our home state of Idaho. It is just baffling to me that people fight so hard to deny something that brought our family so much joy. By denying marriage equality..., society is sending a message to the children of LGBT parents that their family is not “normal”, when we feel no different. The only harm received by the child is knowing that their family is not allowed the same rights as everyone else.

Nineteen-year-old Payton McGriff.³⁰

When children like me volunteer or are asked to speak out on this issue, the premise tends to be that we are there to “prove” that our parents can be good parents and can raise well-adjusted, successful children. I have both worked very hard and been very lucky to achieve what I have in my life, and I am grateful most of all to my parents for this, but my success is not a reason why my parents or any other gay couple should be able to have their families recognized by the law. They would be no less deserving if I had

²⁹ J.A.B.-M. Statement, *supra* n.2.

³⁰ Statement from Payton McGriff of Idaho to Family Equality (Jul. 21, 2014).

dropped out of high school or fallen victim to substance abuse or found myself in otherwise less than ideal circumstances. Our families should be recognized simply because we are humans with the same rights as everyone else. We are families, and treatment of us as anything else is discrimination.

Twenty-four-year-old Harvard Medical School Student, Anna Frackman.³¹

Same-sex-parented children not only face scrutiny by peers, but they are demeaned by Florida's categorical exclusion of their families from the protections of marriage. J.B., a fourteen-year-old living with her two moms in Davenport, expressed "[t]he fact that [her] parents can't get married makes [her] feel that everyone isn't equal. Like [her] moms are not as good as other people's parents."³²

Eight-year-old J.S. of Sanford, Florida harbors similar feelings:

*When I look at other married parents I feel happy for their children. Their children get to experience a legal mom or dad or gay parent.... Being married also give the parents, like my moms, a legal relationship to each other. This is important so people know how much they love each other.*³³

Payton McGriff put it succinctly: "[B]eing ostracized from society is what harms children, not our parents' sexual orientation. If you are truly acting on the part of children, I hope you listen to the voice that is so often ignored."³⁴

³¹ Statement from Anna Frackman of Wisconsin to Family Equality (Jul. 23, 2014); see also Anna Frackman, Op-Ed, *Anna Frackman: Wisconsin should treat all families equally*, WISCONSIN STATE JOURNAL, Feb. 23, 2014, http://host.madison.com/news/opinion/column/guest/anna-frackman-wisconsin-should-treat-all-families-equally/article_3e43db10-ffeb-5a46-8090-f3ce708d4aad.html.

³² Statement from J.B. to Family Equality (Sept. 7, 2014).

³³ J.S. Statement, *supra* n.21.

³⁴ Payton McGriff Statement, *supra* n.30.

These feelings of stigmatization, inferiority, and de-legitimization are common themes heard by Amici who work every day with same-sex-parented children. The former program director of amicus COLAGE testified in New Jersey that the peers of many children with whom she works “question[] the validity of their families because their parents aren’t able to get married.”³⁵ This, in turn, can lead to children’s insecurity about their parents’ relationship, including the fear that “somebody is going to come and break up their family.”³⁶

J.S. of Sanford explained:

*Getting married would make my new mom my legal mom. She wants to adopt me, and after that we are going to celebrate with a bunch of people. It’s going to be very, very fun. I’m okay with that because I love her very, very much... She can legally say that she’s my mom and she’s my mom’s wife. She can protect me because she’s legally my mom, so I would have two legal moms. I worried this year about kids bullying me because my parents are gay, but if they are legally married no one can say they can’t be together.*³⁷

J.A.B.-M. of Fort Lauderdale, describes feelings of isolation:

Sometimes in school, teachers or kids say, “Go ask your mother this...” or “where is your mother...” I am made to feel different and left out. If more people knew that two men (or two women) can get married and have children, then maybe children like me would not feel so left out. Changing the law will help everyone to be aware of children with same-sex parents.

If the courts do recognize my dads’ marriage, then it not only affects me and my family, but also many families for generations to come. There would be

³⁵ *Transcript of Hrg. on Civil Union Act Before N.J. Civil Union Review Comm’n* at 38 (Apr. 16, 2008) (statement of Meredith Fenton), at <http://www.nj.gov/oag/dcr/downloads/Transcript%20CURC-and-Public-Hearing-04162008.pdf>.

³⁶ *Id.* at 76.

³⁷ J.S. Statement, *supra* n.21.

*less discrimination and more respect.*³⁸

And, nine-year-old S.S. from Florida, feels disrespected:

*I wish my parents could get married because then I can feel like I have a real family. The fact that my parents can't get married makes me feel not respected. When I look at other married parents I feel we are not a real family....It makes me mad that we have to ask the court for true love. I feel like my parents are not respected. I hope the [Court] understands why gay marriage is important to kids like me.*³⁹

Marriage inequality is an insult to these children. It sends the message that same-sex-parented families are “not legitimate” and “not welcome.”⁴⁰ It creates insecurity—a “corrosive feeling of doubt”—in their perception of family stability.⁴¹ As just one example, the young son of two gay men was compelled to ask, “Dad, are we a family?” after overhearing hospital staff say one of his fathers could not sign the other’s medical paperwork because they were “not family.”⁴²

Moreover, children feel “cheated” by marriage inequality.⁴³ In the words of 18-year-old Maggie Franks:

My moms have been together for 22 years, and I could not have asked for better, more supportive parents. [The inability to legally marry] essentially

³⁸ J.A.B.-M. Statement, *supra* n.2.

³⁹ Statement from S.S. to Family Equality (Sept. 11, 2014).

⁴⁰ *Honoring All Maine Families: Gay and Lesbian Partners and their Children and Parents Speak About Marriage*, Center for Prevention of Hate Violence (Apr. 2009) at 5.

⁴¹ *Id.* at 4.

⁴² “Jeff, Josh, and Andrew,” Family Stories, Family Equality, http://www.familyequality.org/get_informed/family_stories/ (last visited Sept. 14, 2014).

⁴³ Statement from Ella Robinson to Family Equality (Jan. 29, 2013).

*sentence[s] my parents' relationship to second class status, not only making our family feel less worthy than others, but denying us rights that are enjoyed by other families headed by straight parents.*⁴⁴

To one young woman, whose mothers have been together for almost thirty years, the repeated governmental efforts to place an official stamp of “differentness” on same-sex marriage sparked strong feelings of injustice and betrayal. While she “never cared about the issue of marriage” as a child because she “couldn’t have asked for a happier, healthier, more loving family,” the efforts to restrict marriage to different-sex couples “felt like a slap in the face”:

*How could the free society that raised me and taught me everything that I know, now deny me my other foundation, a family that is recognized and protected as such? It felt like a slap in the face from my country. I had never asked for validation, but blatant exclusion hurts.*⁴⁵

Social science research confirms the experiences of and feelings described by these children as typical. Dr. Judith Glassgold, a licensed psychologist, testified in New Jersey that same-sex-parented children feel their parents’ relationship is “inherently different and potentially inferior to heterosexual relationships,” and their parents are “inherently less deserving than heterosexual couples of society’s full recognition,” which psychologically burdens the children of same-sex parents.⁴⁶

⁴⁴ Statement from Maggie Franks to Our Family Coalition (Feb. 3, 2013).

⁴⁵ Statement from Tsipora Prochovnick to Our Family Coalition (Feb. 5, 2013).

⁴⁶ *Transcript of Hearing on Civil Union Act Before N.J. Civil Union Review Comm’n* at 45 (April 16, 2008) (statement of Dr. Judith Glassgold), *available at*

While children of same-sex parents flourish generally in society as a result of parental support in academics and otherwise, they often suffer indignities not faced by children of different-sex parents. The story of Jamie Doepel, raised by same-sex parents in Oklahoma, exemplifies the impact of marriage inequality:

My mom worked at a local nursing home and that's where she met Elaine. Elaine took us in and for the first time in my short life I felt like I had a home. Elaine and my mom stayed together, saw me through high school, and raised me like any other family raised their children....

Elaine passed away January 2, 2006 while at her sister's house. We were not notified. Elaine was buried January 5, 2006. We were not notified. During this time my mom was in Oklahoma City visiting me. My mom returned to their house January 6th to find that the electricity had been turned off. While inquiring with the local PSO office my mom found out that the account had been closed due to Elaine's death. [While standing at the PSO payment window,] my mom found out that her life partner, other mother to her children, had died.

This was a very difficult time for my family. My mom struggled to pay for the house bills by herself and within 6 months lost the house. My mom lost everything. Needless to say we never received any death benefits. We never received any support from the state of Oklahoma in any fashion.⁴⁷

No child should have to endure this experience. It could have easily been prevented if Jamie's parents were entitled to the same benefits—and dignity—available to different-sex couples.

Florida's marriage laws also deprive same-sex-parented families of federal benefits to which they would be entitled if state law considered them married. For

<http://www.nj.gov/oag/dcr/downloads/Transcript%20CURC-and-Public-Hearing-04162008.pdf>.

⁴⁷ Statement from Jamie Doepel to Family Equality (Feb. 4, 2014).

example, same-sex couples cannot file joint tax returns or maximize dependency exemptions, education deductions, and dependent care credits. Same-sex couples therefore carry a heavier tax burden than their different-sex counterparts.

Children of same-sex parents are acutely aware of the insecurity of their family unit caused by the denial of benefits reserved for married different-sex couples. Florida’s marriage laws deprive same-sex-parented children of tangible governmental protections, alienating them from their communities. Such laws “instruct[] all [state] officials, and indeed all persons with whom same-sex couples interact, including their own children, that their [relationship] is less worthy than the [relationships] of others.”⁴⁸

C. MARRIAGE BANS HARM LGBT YOUTH BY DEEMING THEIR RELATIONSHIPS INHERENTLY INFERIOR.

Florida’s laws withholding from same-sex couples the marital status and benefits afforded to different-sex couples hurt another group of young people in Florida—LGBT youth. State-sanctioned disapproval of same-sex relationships treats LGBT youth as second class citizens, not deserving of the dignity and status that comes with marriage. This disapproval is deeply felt by the LGBT youth, who unfortunately receive little attention in the marriage debate.

Eric Wilson of Texas represents just one example. Eric describes himself as “harbor[ing] a deep, unspoken fear” at an early age that the term “gay” might apply

⁴⁸ *Windsor*, 133 S.Ct. at 2696.

to him. He “came to terms with this reality” at the age of 16, leading “to a nearly four-year process of sharing [his] truth with [his] closest friends . . . as well as other family members.” Eric recounts being “grateful” for the opportunity to share this truth with his mother before she passed unexpectedly in October 2004.⁴⁹ But despite the support of his own family and friends, Eric describes a sense of declining self-worth upon the passage of Texas’ ban on same-sex marriage:

*To me it felt like 86% of the voters in the county in which I lived hated me and thought I was disgusting and not worthy of the legal protections afforded to people in opposite-sex relationships. It’s not a feeling I’d wish on my worst enemy, and that’s certainly not a feeling that any newly out young adult should ever have to feel again going forward.*⁵⁰

Eric is not alone in his feeling of isolation from his community. LGBT youth often perceive themselves as being excluded from protections of marriage available to those in different-sex relationships. Another young man wrote:

*Like many other Americans, I dream of finding the love of my life and raising a family with them, passing on many of the values that my parents taught me when I was young. Yet this dream is currently denied to me on many levels, simply because my spouse and I would be the same sex. Despite many claims to the contrary by vocal opponents of marriage equality, I don’t want to destroy or alter American society and values; I want to take part in them, too.*⁵¹

Or in the words of a high school student:

⁴⁹Statement from Eric Wilson to Family Equality (Jul. 23, 2014).

⁵⁰ *Id.*

⁵¹ Kathryn Brightbill, et al., *LGBTQ Youth and Young Adult Survey*, EMORY CHILD RIGHTS PROJECT, at http://web.gs.emory.edu/vulnerability/zpdfs/news%20and%20events/Report_LGBTQYOUTH_Finaledit_February%2026%202013.pdf (compiled Jan. 29, 2013).

I've known I was gay since I was in 6th grade but I also knew that if I was gay I wouldn't be able to get married with that one I truly loved, therefore I wouldn't be able to share those moments [that] my parents enjoyed[.] I thought that the bond of marriage is what keeps two people together through thick and thin [but] was not for me, and thus my adult life would not be the haven [that I had thought] as a kid.⁵²

LGBT youth's perceptions of their futures are powerfully influenced by the government's attitude toward the committed relationships they hope to form as adults. Officially sanctioning their exclusion from marriage exacerbates feelings of hopelessness about the future and perpetual "different-ness" that many LGBT youth already feel. A college student described his reaction to such laws: "I am a second-rate citizen....My expectation is that while the rest of my community may disengage me because of my orientation, my government would not."⁵³

The LGBT youth experience demonstrates the irrationality of attempts to justify a marriage ban. Barring millions of young people from the institution of marriage—treating them as "second-rate citizen[s]"—cannot be reconciled with Florida's claim that marriage restrictions encourage stable families.

V. CONCLUSION

For the reasons stated above, Amici urge affirmance of the trial court Orders granting Appellees' Motions for Summary Judgment and enjoining Florida from enforcing laws prohibiting same-sex marriage.

⁵² *Id.*

⁵³ *Id.*

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I hereby certify that on December 29, 2014, a true copy of the forgoing Amici Curiae Brief Of Family Equality Council and COLAGE Filed in Support of Appellees and Motion for Leave to File was filed with the Clerk of the Florida Third District Court of Appeals and served upon the counsel of record at the email addresses indicated on the attached service list, constituting compliance with Florida Rule of Judicial Administration 2.516(b) and Florida Rule of Appellate Procedure 9.420(c).

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This brief complies with the typeface and typestyle requirements of Fla. R. App. P. 9.201(a)(2) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 word processing software in 14-point regular Times New Roman type style.

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