

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

MEMBER MENDELSON
2008 SEP -3 PM 3:30



Tonya A. Sapp
Director of Legislative Affairs

September 3, 2008

The Honorable Phil Mendelson, Chairperson
Committee on the Judiciary and Public Safety
John A. Wilson Building, Suite 402
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Chairperson Mendelson:

Recently, the Office of the Attorney General (“OAG”) learned that several individuals and organizations submitted supplemental testimony in response to our July 10, 2008 letter, in which we raised concerns about Bill 17-727, the “Domestic Partnership Judicial Determination of Parentage Act of 2008”. Unfortunately, it appears from this additional testimony that some of the authors may have misunderstood our letter as reflecting a lack of commitment to the goal of ensuring that the civil rights of same sex couples are established and protected in the District. Rather than representing a departure from our commitment to equality for gay and lesbian citizens, however, our comments were aimed at identifying areas in which this particular bill, as drafted, could create uncertainty in the law, make implementation difficult, and produce unintended consequences.

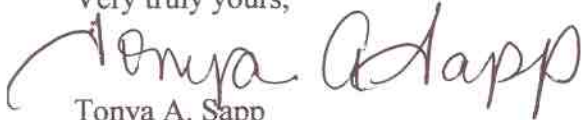
To be clear, we support giving appropriate legal recognition to the familial relationships that same sex partners have with the children they care for, and we are interested in engaging in a discussion with the Council and other interested parties concerning the nature and scope of that recognition. Our intent and responsibility in reviewing the bill was to identify areas where the bill should be revised to more clearly state its intended impact, create meaningful rights and responsibilities for gay and lesbian parents, and to highlight some of the potentially problematic results of its enactment, as it is currently drafted.

We continue to believe that the bill is in need of revision to resolve ambiguities, clarify applicability, establish familial relationships, and more fully address policy issues that are raised by a number of its provisions. To that end, rather than set forth specific language changes in this letter, I believe it would be more useful and productive for representatives of this Office to work collaboratively with the Council and the bill’s drafters to revise the specific language to ensure that the bill accomplishes its objectives consistent with other requirements of federal and District law.

The Honorable Phil Mendelson
September 3, 2008
Page 2 of 2

OAG looks forward to working collaboratively with your Office to ensure that the enacted law best serves the interests of the residents of the District of Columbia. Please feel free to contact me at (202) 724-5562 to schedule times to discuss these issues further.

Very truly yours,

A handwritten signature in cursive script that reads "Tonya A. Sapp". The signature is written in black ink and is positioned to the right of the typed name.

Tonya A. Sapp
Director of Legislative Affairs

TAS/lac