



NATIONAL CENTER FOR LESBIAN RIGHTS

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The Honorable Mayor Adrian M. Fenty
1350 Pennsylvania Avenue, N.W., Suite 316
Washington, D.C. 20004

Dear Mr. Mayor:

We seek your help to prevent an unnecessary and potentially harmful federal intrusion into District affairs.

Attorney General Peter Nickles has stated his intention to ask the federal Office of Child Support Enforcement (OCSE) for an opinion on whether Bill 18-66, "The Domestic Partnership Judicial Determination of Parentage Act of 2009," would conflict with provisions of federal law that require local jurisdictions to establish paternity in certain cases. Mr. Nickles is apparently concerned that the District's Temporary Aid to Needy Families (TANF) funding could be at risk, a concern we consider unfounded, because seven states now have parenting presumptions like the one the Parentage bill would create, yet no state has lost TANF funding or even received a challenge from OCSE.

The Parentage bill, which will soon have its first reading, gives a presumption of parentage to the domestic partner of a woman who gives birth, just as a husband is presumed to be the parent for married couples. This protects children by giving them a second legal parent obligated to pay child support.

From our Washington Regional Office, we and other LGBT family law advocates have been in discussions with the Office of the Attorney General (OAG) for several months on the bill, and many changes have been made to address OAG's concerns. Our remaining disagreement relates to the possible impact of the federal Defense of Marriage Act (DOMA). An OCSE review could hurt families headed by same-sex couples by raising a federal issue where none now exists. The Bush Administration actually recognized that DOMA does not govern parent-child relationships. In any case, D.C. would have a chance to take corrective action before it could lose that funding.

Any issues that might arise as a result of this bill are due to advances in state laws to protect LGBT people and children, and we would like you to continue supporting those advances as you have done in the past.

We therefore most respectfully ask you to ask the Attorney General not to request federal review in this matter, and if he has requested it, for him to withdraw that request immediately.



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Thank you for your kind attention to this matter of importance to the LGBT community here in the District of Columbia. Please do not hesitate to contact either of us if you need additional information at the numbers listed below, which is the best way to reach us here at our Washington Regional Office.

Sincerely,

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cc: Christopher J. Dyer, Director, Office of GLBT Affairs