

## **Childcare Victory for Lesbian**

In a landmark decision the court has awarded a lesbian a joint residence order over the children of her former partner.

She had lived with another woman since 1995. They separated in 2003 and her former partner entered into a new relationship. During their time together her partner had two daughters by artificial insemination.

The County Court had refused her application for joint residence for the children, whilst permitting her to have contact with them. The judge considered that joint residency would lead to continuing disputes between the former partners, whose relationship was no longer amicable. Her ex-partner then announced her decision to move to Cornwall with the children. This made seeing the children more difficult, so the woman applied to the Court of Appeal for a joint residence order. In practice, in same-sex relationships a joint residence order is the only way to ensure that there is contact with children for the non-biological parent. There was no intention to live in the same household.

In the Court of Appeal, Lord Justice Thorpe took the view that the fact that there might be disputes which might otherwise be avoided was not enough to prevent the order being made. The judiciary now recognises that family diversity is a fact in modern society and in this case considered that the children would benefit from having shared parental responsibility.

The decision provides a ray of hope for same-sex parents seeking to maintain contact with their non-biological children after the end of a relationship.