

an order was issued in 1998 prohibiting either parent from spending time with the children "during any time where one cohabits with or has overnight stays with any adult" to whom they are not married or related. She initially agreed to the order but does not believe it should apply to her relationship with her life partner.

Last year the couple entered into a civil union in Vermont, and Burns adopted her partner's last name. She took the position that this should be treated as a marriage and that she could live with her partner and still visit her children. Her ex-husband took her to court, and the trial judge ruled against her.

According to attorney Stephen R. Scarborough, the court should be guided by the best interests of the children and the reality of each family rather than rigid formulas when determining custody and visitation. He said no evidence indicates the kids are harmed in any way by Burns' committed relationship.

"What matters most is getting this family back together and making sure that these children are allowed to maintain a loving and supportive relationship with their mother," Scarborough said. "These children need their mother's guidance and support."

#### KANSAS

The state's so-called "Romeo and Juliet Law" is unconstitutional because it gives lesbian and gay youth much higher prison sentences than straight youth who engage in the same behavior, the American Civil Liberties Union said in an appeal brief filed Sept. 28.

Matthew Limon is appealing a 17-year prison sentence he received because shortly after he turned 18, he performed oral sex on a 14-year-old male at a residential school for developmentally disabled youth where they both lived in Miami County. If he instead had performed oral sex on a 14-year-old female, he would have received 12 months in jail under the law, which applies only to heterosexuals.

"The only difference between a year in jail and 17 years is whether or not you're gay," said Matt Coles, director of the ACLU Lesbian and Gay Rights Project, which filed a friend-of-the-court brief on Limon's behalf. "Matt Limon will be 36 years old by the time he's released, having spent half of his life in prison—while a heterosexual person would have been released before turning 19."

Under the law, consensual oral sex between

two teens is a lesser crime if the younger teen-ager is 14 to 16 years old, if the older teen-ager is younger than 19, if the age difference is less than four years, if no third parties are involved and if the two teen-agers "are members of the opposite sex."

The Equal Protection clause of the U.S. Constitution forbids singling out a group of people—based on bigotry toward that group—and punishing them more severely for the same behavior. "That's exactly what Kansas is doing," Coles said.

The ACLU appeal doesn't seek to change age-of-consent laws or reduce sentences for sexual contact with minors, he added.

"The question here isn't whether young adults should be punished for unlawful sexual activity," Coles said. "It's whether gay people should be punished more severely than straight people for committing the same crime. We don't think the Constitution allows that, and we hope this court won't, either."

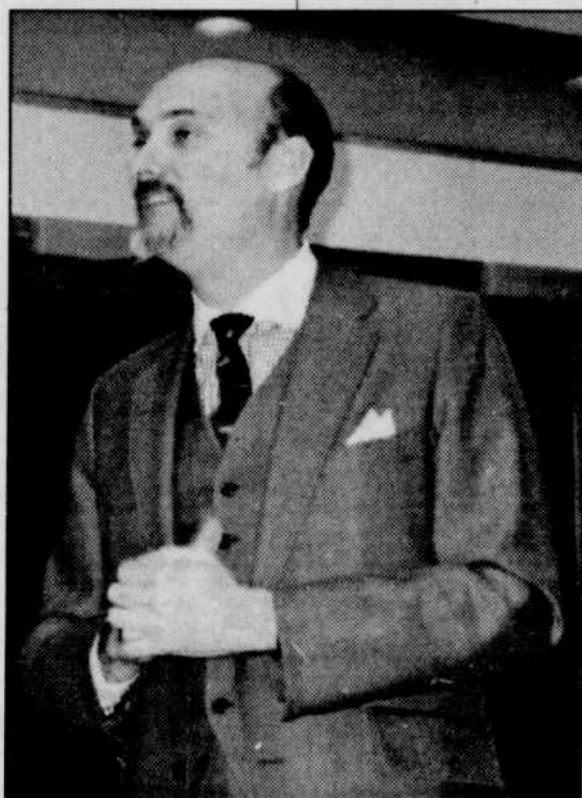
#### NEBRASKA

Even though the state's highest court said a judge "shocked the conscience" by awarding very little money to the mother of Brandon Teena, the same judge now has raised only slightly the amount a county sheriff must pay for his biased conduct, Lambda Legal Defense and Education Fund said Oct. 5.

"This latest ruling flaunts the Nebraska Supreme Court's clear directions," said attorney David S. Buckel, who represents JoAnn Brandon. "Fortunately, the Supreme Court's legal standards govern in this state, and those standards tell law enforcement officials they will be held accountable if they don't respect and protect victims of bias violence. It's too bad this lower court judge didn't get the message."

The Supreme Court last April rejected Judge Orville L. Coady's ruling, which had valued Brandon's life at zero in setting damages to be paid by Richardson County Sheriff Charles Laux for failing to provide protection after the victim reported being raped by two men who later murdered him in 1993. In a new ruling issued Oct. 3, he raised that amount to merely \$5,000.

In addition, for the emotional distress caused Brandon by Laux's abusive interrogation when he reported the rape—abuse the Supreme Court said was "extreme and outrageous, beyond all possible bounds of decency, and is to be regarded as atrocious and utterly intolerable in a civilized community"—Coady now has set damages at just \$7,000. The film *Boys Don't Cry* told the story of the victim, who was raised as a girl named Teena Brandon and lived briefly as a man in Falls City. "One big part of our job is to persuade courts to adopt fair rules, as we did in the prior appeal of this case, but another part of our job is to make sure that those rules are followed properly in courts below," Buckel said. "We will appeal this lower court decision and fight on for JoAnn Brandon." □



Matt Coles



The tragedy depicted in the film *Boys Don't Cry*, starring Chloë Sevigny (left) and Hilary Swank, isn't over yet

Compiled by News Editor JIM RADOSTA, who can be reached at jim@justout.com.

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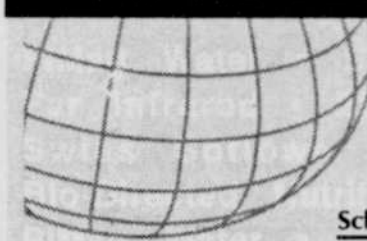
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