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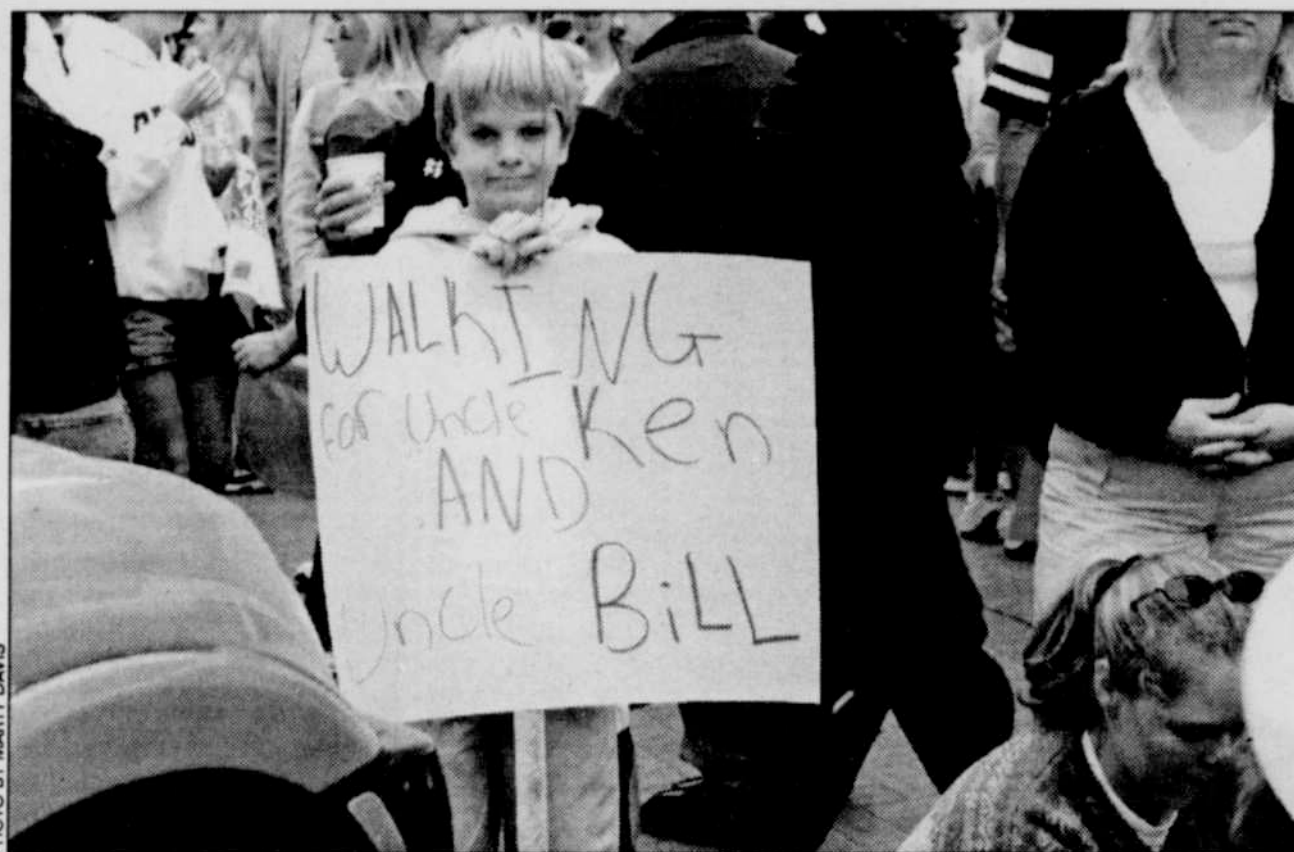


PHOTO BY MARTY DAVIS

One of the many children who participated in AIDSWalk04 holds a sign for loved ones

Continued from Page 7

or her foreign-born partner for U.S. residency. Binational same-sex couples have no such legal protection.

**IDAHO COURT RULES  
AGAINST GAY DAD**

The Idaho Supreme Court ruled last month that courts in the state cannot base child custody decisions on a parent's sexual orientation, but denied visitation rights to a gay father. It was the high court's first decision involving a gay or lesbian parent.

Writing for the majority, Chief Justice Linda Copple Trout stated that a parent's sexual orientation "cannot be the basis for awarding or removing custody." She continued, "Only when the parent's sexual orientation is shown to cause harm to the child, such that the child's best interests are not served, should sexual orientation be a factor in determining custody."

The court also ruled that custody decisions must consider the recent U.S. Supreme Court decision in Lawrence vs. Texas, which held that same-sex couples have a constitutionally protected right to enter relationships.

However, the Idaho court denied a petition from gay father Theron McGriff, who sought joint custody of his two children. McGriff, whose wife left him in 1997, shared custody of the children until his former wife petitioned for sole custody, after she learned that McGriff had become involved with another man. A trial court granted McGriff's former wife full custody of the couple's children in 2002, and ruled that Theron could not visit his children if his partner lived with him.

The Idaho Supreme Court upheld the trial court's decisions, ruling that the lower court based its decision on factors other than sexual orientation, such as McGriff's alleged inability to communicate with his former wife and tension between his partner and his former wife.

In a dissenting opinion, Justice Wayne L. Kidwell stated that McGriff's sexual orientation "was wrongfully taken into consideration by the lower court. This should not be the law in Idaho and is undesirable public policy."

Kidwell wrote, "If Theron's sexual orientation is not a factor, it is disingenuous that Theron may only exercise his visitation rights if he does not live with his male partner."

The California-based National Center for Lesbian Rights provided assistance to McGriff's attorneys.

"We applaud the court's holding that sexual orientation should not be a factor in child custody, an unprecedented and enormously important ruling in the state of Idaho," said Kate Kendall, the center's executive director. "Nevertheless, we are distressed that this important principle was not applied in this case. The factual record did not support denial of custody to Theron McGriff, and it is clear, as Justice Kidwell noted, that the lower court decision was based on Theron's sexual orientation. By failing to correct this injustice, the court has allowed the children in this case to suffer by being deprived of contact with a loving and devoted father."

**AIDSWALK04 RAISES  
RECORD AMOUNT**

This year's AIDSWalk raised a record \$260,000 for Cascade AIDS Project, according to CAP's special events manager, Roma Peyser.

About 8,000 people participated in the five-kilometer walk Sept. 26 at Pioneer Courthouse Square. That's about double the number of people who walked last year, Peyser said.

Although the amount of money raised fell short of CAP's goal of \$280,000, Peyser said it's still a 13 percent increase from last year. "We were going for a pretty hefty increase, so we're thrilled."

Participants in AIDSWalk03 raised about \$230,000, she said.

New to this year's walk was the Take-Action Room, which displayed a section of the AIDS Memorial Quilt.

Participants could also make buttons, create banners, view HIV/AIDS media and contact state and local politicians. The tent was run by CAP's Teen to Teen program, made up of high school students who do peer prevention education.

All of the money raised supports local outreach programs and services provided by CAP. Now in its 18th year, the AIDSWalk has raised more than \$2 million to date.

**LATINO QUEER CONFERENCE  
PLANNED FOR SEATTLE**

Leaders in the Latino queer community are planning a dialogue on the closing of the National Latina/o Lesbian, Gay, Bisexual & Transgender Organization, the only queer Latino group in the United States, and focusing on the next steps at several events around the country.

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