

Trans Child Removed from Supportive Parents

by Gwendolyn Ann Smith

OHIO -- Parents Paul and Sherry Lipscomb are in the fight of their lives: An attempt to keep custody of their 6-year-old daughter, Aurora. A Franklin County Magistrate ruled against them August 23rd, awarding temporary custody of Aurora to Franklin County Children's Services (FCCS).

When Aurora was approximately two years old, Sherry and Paul began to notice that she, then their son, had a preference for feminine toys, clothes, shoes, and activities. By the time she entered pre-school, Aurora was emphatically stating that she was a girl. She had also announced her choice of name and insisted that she be addressed by it.

The Lipscombs initially viewed Aurora's behavior as just a phase of her development and assumed that she would outgrow it. As Aurora grew older, however, society around her began exerting increasing pressure on her to conform to social gender-role expectations. Accordingly, Aurora began exhibiting emotional problems in response to those pressures.

The Lipscombs sought therapy for Aurora, which included several inpatient hospitalizations. In the course of Aurora's treatment she was diagnosed with both Gender Identity Disorder (GID) and Aspergers Syndrome (a mild form of autism similar to Attention Deficit Hyperactivity Disorder). The parents discontinued therapy and sought legal representation after they discovered that therapists were using behavior modification techniques in an attempt to force the child to identify and behave as a male.

It was prior to the fourth and final period of hospitalization that the Lipscombs had told the doctors and Aurora's school that they were planning to support Aurora's gender identity, including having her ears pierced and home schooling her.

But then the problems started. "On the fourth inpatient stay the physicians totally flipped the diagnosis as strictly being psychological," said Paul Lipscomb, "[Telling us] we had to make a child conform."

Children's Services in Franklin and Hamilton counties stated that Aurora should be kept in a male role against her and her family's wishes. FCCS filed a petition in Franklin County Court, suggesting residential care for Aurora, which would remove Paul and Sherry Lipscomb from custody, simply because they have refused to raise Aurora as a male.

Magistrate Sanchez of Franklin County agreed with the FCCS petition, placing Aurora in their custody. The Magistrate also refused to order that FCCS maintain Aurora's female gender identity while in their care, including the use of her name, and allowing her to wear girl's clothing.

Following the hearing, the Lipscombs and their attorneys, Randi Barnabee and Mark Narens, filed an objection to the decision. To the parent's dismay, the objection will not be heard until September 12th because the judge to whom the case is assigned, Kay Lias, is currently on vacation.

The Lipscombs will also be filing a motion to stay the order granting custody of Aurora to FCCS. Duty Judge James Mason was not willing to stay the order on the day it was issued, because the court-appointed guardian for Aurora was not present.

Judge Mason also posed the question, "will the child die if I don't do anything tonight?"

Planned legal actions by the Lipscombs include filing of a writ of habeas corpus in federal court in the hope that FCCS can be forced to relinquish custody. The Lipscombs also plan to file a federal sex-discrimination lawsuit in federal court against FCCS, the social workers involved, and others for their violations of Aurora's civil right to be whoever she says she is without regard for the gender-role expectations of others. Randi Barnabee noted that social workers do not enjoy absolute immunity from prosecution in civil rights cases, and that federal law permits social workers to be sued for damages in such cases even when they were ostensibly acting under the color of law.

Paul and Sherry Lipscomb just want Aurora back home, simply stating, "we love our beautiful and creative daughter."