

## **Couple fights for son, 6, they say is girl at heart**

**by Encarnacion Pyle and Misti Crane**  
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A Westerville couple is fighting to regain custody of their 6-year-old boy, whom they said was taken by social workers because they let the child dress and act like he's a girl.

The couple lost temporary custody of the child Wednesday, less than two weeks after trying to enroll him in first grade at McVay Elementary School as a girl. The child attended the school last year as a boy.

They said Franklin County Children Services is violating their civil rights by not allowing them to do what's best for their child. A gender-identity disorder was diagnosed in the child.

The disorder is recognized by the medical community. It can show up in the toddler stage when children begin to identify themselves as either male or female.

Children Services officials declined to comment on whether they think the child should be raised as a boy or girl. They said they just want to make sure the child is getting proper care and protection from his parents.

The couple said their child was born with male genitalia but has been adamant about being a girl since turning 2.

"She's your typical little girl who likes dressing up in frilly gowns, earrings and pretty shoes and playing with Barbie dolls," her mother said yesterday. "She's always gravitated to all things girls and, until recently, we had no idea why."

The child was diagnosed with gender-identity disorder in November after being hospitalized at Cincinnati Children's Medical Center for trying to hurt himself and others during an emotional outburst, said the couple's attorney, Randi Barnabee.

Barnabee said the child has been in and out of various Ohio hospitals and treatment centers since age 3 for uncontrollable behavior, which she said is linked to the child's gender-identity disorder. The child also suffers from attention-deficit hyperactivity disorder and Asperger syndrome, which is related to autism, as well as violent, obsessive behavior.

"The more pressure brought onto the child to conform to acceptable social gender standards, the more she acted out," said Barnabee, a transsexual who has a law office in the Cleveland area.

While it took the couple a little time to adjust to the diagnosis, gender-identity disorder provided them with answers -- and much-needed relief, Barnabee said.

"It all became so clear," the attorney said. "It wasn't a matter of this child, who is so young, innocent and barely able to choose what she wants for dinner, choosing to be a girl. She's just manifesting her personality."

"Most people have a very clear-cut sense of gender from an early age," said Dr. Herman Tolbert, director of child and adolescent psychiatry at the Ohio State University School of Medicine. "As toddlers, individuals identify a gender and then spend the remaining years being socialized to fit societal expectations that go along with it," Tolbert said.

The disorder can be strictly psychological or have a mixture of psychological and physiological causes, such as ambiguous genitalia. Regardless of how the disorder shows up in a child, Tolbert said it is important to seek help and get a psychiatric evaluation.

"There's no single answer that applies to everybody," he said. "Children Services received a call Aug. 11 from someone concerned about the child and social workers decided to seek an emergency order for custody from a Franklin County judge not long after," said John Saros, the agency's executive director.

Although he refused to list the caller's concerns, court documents reveal that school employees and Children Services officials questioned the gender-identity diagnosis, as well as the parents' influence on the child's behavior.

In their complaint, Children Services officials noted that they first became aware of the couple in February when they turned to the agency because of "severe mental-health issues."

"Parents were currently separated and had a history of mental-health issues. Mother was diagnosed as bipolar and father may also have mental-health issues. Child was alleged to be exhibiting out-of-control violent behavior," according to notes contained in the complaint.

"Parents did not appear to be able to recognize that some of the child's behavior may be attributed to the home environment."

Barnabee said her clients have reconciled and that their marital problems stemmed from not knowing how to help their child.

"They've been at their wits' end for years, moving from one crisis to another -- all the while just trying to do what's best for their child," she said.

The mother indicated in a kindergarten survey that her child liked to draw and design clothing, as well as play with cars, Legos and toys, which is not atypical of boys and girls, Children Services officials noted.

Now, they said, she told them the child wants to wear jewelry and girl's clothing.

Barnabee contends that the child was placed in the temporary custody of a foster family not to protect to the child, but society.

"No one wants this child to be who she is -- a girl. It's too much of a political hot potato," she said.

The parents said they plan to file a federal sex-discrimination lawsuit against the Westerville school district and Children Service.

The couple, who is Jewish, said Children Services has refused to allow their child to wear dresses and jewelry while in foster care or to maintain a kosher diet. They also alleged that the agency would not let the child observe the Sabbath with the family at home and has not refilled the child's lithium prescription for bipolar disorder.

"We have no idea what they are doing to her. She's not getting her medication. She's very, very fragile," the mother said. "She's never even had an outside baby sitter -- not even family. She can't be fine. She's petrified. I know it."

Her father is worried that the foster family is trying to make his child conform to "being a boy."

"It will depress her, and who knows what will happen," he said.

Saros said the child is doing well and has been appointed an independent guardian who will act on the child's best interests.

"As in any investigation, interviews with the parents and child are required; and relevant, available documentation of the child's medical, physical, psychological and social condition must be obtained and reviewed," he said. "To date the parents in the case have not yet participated in an interview, and have refused to sign a release so that Children Services can review materials."

A court hearing on Children Services' complaint has been set for Sept. 12. Barnabee predicted a "protracted and bitter" fight.

"It's a tremendously tragic case over a socially unpopular disorder," she said. "Years ago, in private schools kids were slapped for using their left or 'wrong' hand. This is no different, just worse."