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Colorado Lesbian Wendy Alfredsen Mom Granted Paternity in Custody Battle



By COLLEEN CURRY
May 4, 2012

A lesbian mother who fought for custody of her child by becoming the first woman allowed to file a paternity suit in Colorado has finally been granted access to her daughter.

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The case was a custody battle ripped from the headlines: In the middle of a messy divorce, one parent took the child and fled the country, leaving the other to work the legal system in hopes of seeing the child again. In the case of Wendy and Lena Alfredsen of Centennial, Colo., the custody debacle was complicated by the sexual orientation of the lesbian parents, who had few legal rights under Colorado state law.

The Alfredsens decided to start a family in 2006 and adopted two biological sisters. Because Colorado law at the time of the adoption did not allow for a child to have two gay parents, each woman became the legal parent of one girl.

In 2009, when the women decided to part ways and Wendy Alfredsen hired legal representation, Lena Alfredsen took her legal child and went to Norway to live. Wendy Alfredsen, who had no warning about the impending move, thought she might never see her other daughter again.

"She didn't get to say goodbye to her parent or sister," Wendy Alfredsen told ABC News affiliate KMGH. "How can that not damage a kid?"

ABC News on Facebook

Wendy Alfredsen and her attorney, Ann Gushurst, decided to fight for custody of the girl by taking advantage of a recent decision in Colorado that allowed non-biological parents to file paternity suits.

"That case [of a non-biological father seeking custody] came out and I learned about it, and two weeks later I amended [our filing]," Gushurst told ABC News. "If this guy can do it, I thought, why can't a lesbian mother do it?"

"I think any parent would fight tooth and nail for their kids," Wendy Alfredsen told KMGH. "I didn't know what contact I would have, what role I would play, especially not legally being her parent."

In January, Gushurst convinced Judge Steven Collins in a courtroom packed with legal aides, clerks and judges that a woman should have the same right as a man to file for paternity of a child. The judge agreed.

The decision will allow non-biological parents who have shown a history of parenting to fight for custody, which is a boon for gay parents and for children, Gushurst said.

"It means that we're talking the first steps in realizing that children have rights to be with their parents," Gushurst told KMGH. "We give a lot of lip service to the best interest of the child, but children don't really have a legal standing in our court system."

Following the decision by Collins, both Wendy and Lena Alfredsen agreed to share custody of both children.

Lena Alfredsen and one daughter continue to live in Norway, where Lena is from, while Wendy and the other daughter continue to live in Colorado, Gushurst said. They are continuing to work out parenting arrangements.

"It's a huge milestone," Wendy Alfredsen told KMGH. "I just did what any parent would do for their child. But it does feel good to know that we're making a change."

Alfredsen, who has traveled to Norway several times to see her adopted daughter, said the girl still considers her to be one of her moms.

"She always screams and jumps in my arms and says, 'Mommy, I missed you,' and, 'Mommy, I love you,'" Alfredsen told KMGH. "It doesn't matter the amount of time that's passed."

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