

# Lexi's Case



FACTS

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**Lexi Schlegel**

**Born April 24, 2014**

FACTS

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**Lexi's Biological Mother**

**Rebecca Schlegel**

FACTS

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**Lexi's Biological Father**

**Cody Demo**

FACTS

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**Cody Demo**

**Imprisoned September 2016**

FACTS

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**Rebecca Schlegel**

**Car Accident Death May 2018**

FACTS

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**Rebecca's Biological Parents**

**Bob Schlegel & Jennifer Will**

FACTS

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**Parenting Time With Rebecca**  
**Week On / Week Off**

FACTS

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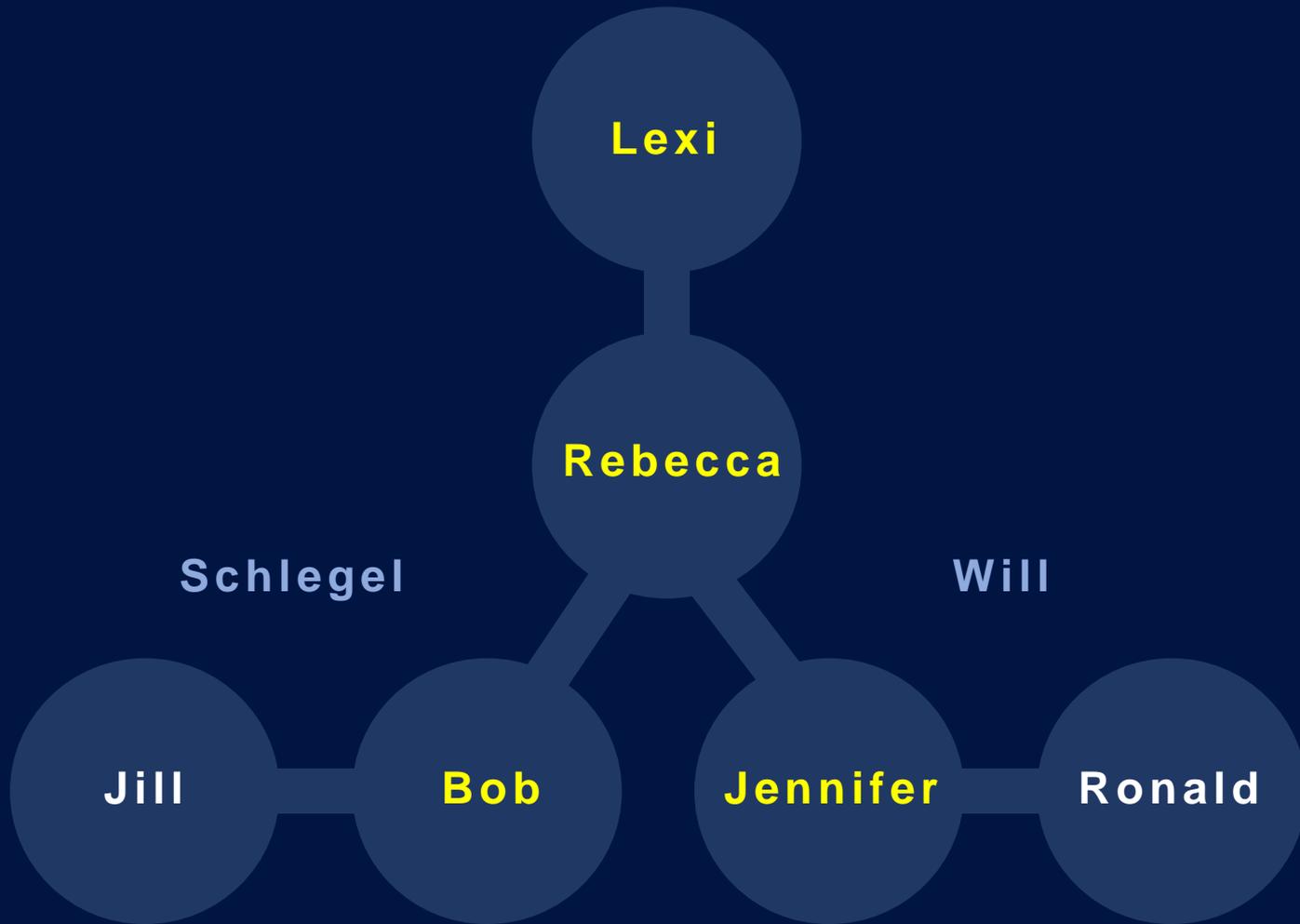
**Bob Schlegel** Marries

**Jill Schlegel**

FACTS

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**Jennifer Will Marries  
Ronald Will**



**Lexi**

**Rebecca**

Schlegel

Will

**Jill**

**Bob**

**Jennifer**

**Ronald**

FACTS

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**Schlegels & Wills**

**“One World” For Rebecca**

FACTS

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**Schlegels & Wills**

**“One World” For Lexi**

FACTS

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**Schlegels & Wills**

**Guardians of Lexi June 2018**

FACTS

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**Schlegels & Wills**

**Talk of Adopting Lexi**

FACTS

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**Cody Demo**

**Consents to Adoption**

FACTS

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**Schlegels & Wills**

**Contact Our Office**

## PERSPECTIVE

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**With increasing use of gamete donation, surrogacy, recognition of same-sex marriage and other societal factors, our world is facing a **new frontier of family formation.****

COLLEEN M. QUINN

## PERSPECTIVE

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This new frontier includes the **recognition of more than two legal parents.**

COLLEEN M. QUINN

## PERSPECTIVE

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In **most ART arrangements**, the intended parents, donors and surrogates are **focused on two resulting parents**. Robust contracts define responsibility.

## PERSPECTIVE

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**In less frequent but evolving ARTs situations, some voluntarily plan in advance to seek legal recognition of more than two parents – known as tri-parenting by design.**

## PERSPECTIVE

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**Beyond ARTs, parentage is now established in a variety of ways, including birth, adoption, genetics, parentage orders, presumptions, custody orders and de facto status.**

## PERSPECTIVE

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**Societal changes** include recognition of **same-sex marriage**, increased rates of **cohabitation**, **divorce**, **remarriage**, **polyamory**, and inexpensive **access to DNA testing**.

COLLEEN M. QUINN

## PERSPECTIVE

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There are **extremely limited** situations where **more than two** parents **legally** will be **recognized** as full equal and legal **parents**.

COLLEEN M. QUINN

## PERSPECTIVE

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There are very **limited** documented **situations** where **more than two** **parents** are being placed on the **birth certificate** of a child. This **concept** is likely to evolve quickly.

COLLEEN M. QUINN

FACTS

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**Called Back**

**Schlegels & Wills**

## STATUTORY LAW

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**Four states with statutory authority  
for more than two parents:  
California, Maine, Washington, and  
Louisiana.**

## CALIFORNIA

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In cases where a child has **more than two parents**, the court shall allocate custody and visitation among the parents based on the best interests of the child.

FAMILY CODE SEC. 3040(D)

## CALIFORNIA

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A court may find that **more than two persons** with a claim to parentage... are parents **if** the court finds that recognizing **only two** parents would be **detrimental to the child**.

FAMILY CODE SEC. 7612(c)

## MAINE

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Consistent with the establishment of parentage under this chapter, a **court may determine** that a **child** has **more than two parents.**

MAINE PARENTAGE ACT SEC. 1853

## WASHINGTON

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Adopted the **newest version** of the **Uniform Parentage Act (UPA)** approved in **July 2017** by the National Conference of Commissioners on Uniform State Laws.

## WASHINGTON

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The **court may adjudicate** a child to have **more than two parents** . . . if the court finds that failure to recognize more than two parents would be **detrimental to the child.**

WASH CODE 26.26A.460 SUBD. 3

## LOUISIANA

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**Child** has a **right** to a **dual paternity** cause of action under which a child can institute an action to prove paternity **even if** the child is **presumed** the child **of another man.**

LOUISIANA CIVIL CODE ART. 197

## LOUISIANA

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**Biological father** has a **right** to a **paternity** cause of action, **even when** the child is the **presumed** child of **another** man.

LOUISIANA CIVIL CODE ART. 198

## PUBLISHED CASE LAW

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**Seven states** with published decisions recognizing **three legal parents or** giving a third parent significant legal **recognition.**

## PUBLISHED CASE LAW

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**Delaware, Louisiana, New Jersey,  
New York, North Dakota,  
Pennsylvania and . . .**

# PUBLISHED CASE LAW

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## **Minnesota**

## NEW JERSEY

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Biological mother enters into **tri-parenting agreement** with two men. Her egg, one man's sperm, other man's last name. **Agreement upheld**, with **denial** of full legal parentage.

DG v. KS

## DELAWARE

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Ex-husband, mother, new lover.  
Mother waited four years to tell  
presumed father of other man. **Both  
men *recognized as fathers***, given  
active involvement in child's life.

JWS v. EMS

## NORTH DAKOTA

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Mother, step-father, bio father. **Step-father cared for child** during marriage, but **never adopted**. Step-father found to be the **psychological parent** and granted parenting time.

MCALLISTER V. MCALLISTER

## NEW YORK

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Wife, man, mother whom man had child in **polyamorous relationship**. Man and wife broke up. Wife seeks custody based on caregiving. Both **women deemed equal mommies**.

DAWN M. V. MICHAEL M.

## MINNESOTA

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Female parent **Mitten**, her female partner **Ohanian**, and a sperm donor friend, **LaChapelle**, along **with** his gay partner, **agreed to have a child together.**

LACHAPELLE V. MITTEN

## MINNESOTA

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**Written agreement** that LaChapelle would **donate** sperm for artificial insemination of Mitten. He would **not have parental rights** or any responsibility for child.

LACHAPELLE V. MITTEN

## MINNESOTA

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A month after conception, **new agreement** signed calling for Mitten and Ohanian to have custody and “**significant relationship**” with child for **LaChapelle and partner**.

LACHAPELLE V. MITTEN

## MINNESOTA

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**LaChapelle and partner exercised limited time and terminated visits. Without notifying the men, Mitten and Ohanian file adoption petition suggesting artificial insemination.**

LACHAPELLE V. MITTEN

## MINNESOTA

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Adoption granted. **LaChapelle seeks to vacate** based on fraud and **starts paternity proceeding**. Mitten and Ohanian **break up**. **All three claim parental rights to child.**

LACHAPELLE V. MITTEN

## MINNESOTA

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Minnesota Court of Appeals finds **tri-partite arrangement appropriate**, after considering best interest of child.

LACHAPELLE V. MITTEN

## MINNESOTA

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**Mitten** was “**biological mother.**”  
**LaChapelle** was “**biological father.**”  
**Ohanian** was the child’s “**emotional parent**” looked to for “**comfort, solace and security.**”

LACHAPELLE V. MITTEN

## MINNESOTA

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**Sole physical custody to Mitten,  
joint legal to Mitten and Ohanian,  
and right of LaChapelle involvement  
in important decisions.**

LACHAPELLE V. MITTEN

## MINNESOTA

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**Parenting time** in favor of **Ohanian**  
and **LaChapelle**, along with an order  
for **both** to pay **child support**.

LACHAPELLE V. MITTEN

FACTS

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**Called Back**

**Schlegels & Wills**

## ARGUMENT #1

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**Minnesota is a UPA state. The newest version of the UPA, expressly including a provision for more than two parents, was approved in July 2017. We'll be there soon.**

## ARGUMENT #2

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Under **existing statute**, a parent/child relationship is **not limited in number**.

## ARGUMENT #2

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“It **includes** the mother and child relationship and the father and child relationship.”

MINN. STAT. SEC. 257.52

## ARGUMENT #2

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One **cannot logically argue** the statute mandates **“one” mother or “one” father**, as **same-sex couples** have long been permitted to **adopt** a child together.

## ARGUMENT #2

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A child can, in fact, have **more than one mother and more than one father.**

## ARGUMENT #3

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**Marital status** of a prospective parent is **not relevant** whether is is appropriate to approve an adoption petition.

## ARGUMENT #3

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A “parent child relationship may exist **regardless of the marital status** of the parents.”

MINN. STAT. SEC. 257.53

## ARGUMENT #4

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**Nothing** in the relevant statute **limits** the **number of parents** who may **adopt** a child.

## ARGUMENT #4

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A “**parent child relationship** between a child and an adoptive parent may be **established by proof of adoption.**”

MINN. STAT. SEC. 257.54

## ARGUMENT #5

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**Adult adoption** statutes apply **by analogy**. Minnesota courts recognize adult adoptions without terminating parental rights. The **adoptee is left with three parents**.

## ARGUMENT #6

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In **LaChapelle**, Birth mother argued that the District Court created an “**impermissible triumvirate parenting scheme.**” The Court of Appeals **affirmed** in a published opinion.

# LEXI'S CASE

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**Adoption granted.**



KSTP.com  
6:44 30°



**PAUL FOLGER**

**JACKIE CAIN**

**EYEWITNESS  
NEWS**

# LEXI'S CASE

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# Lexi's Case

