

In My Own Words

MOSES V. KING

Victoria Moses and Kelvin King had a daughter together. After the couple split up, primary custody of the child was awarded to Moses in 2002. Moses took King back to court two years later because he wasn't paying child support and then lost custody of her daughter when the trial court found out she was living with her partner, Michelle Lefebure. Lambda Legal took her case and secured a victory for her at the Georgia Court of Appeals. In September, the court said, "a parent's custody or visitation rights cannot be limited just because that parent is gay or lesbian." Moses recalls the battle to win back her daughter.

I lived with a man, Kelvin King, for a few years and we had a child together. We were never married, but when we parted ways it was understood that he would help me care for our daughter. After years of asking him for help with day care and food and to take some role in her life — and not getting any of it — I finally got fed up and took him to court to establish that he was the father.

The first judge said that Kelvin would have to pay me child support, but I received maybe two or three payments in two years. He blatantly ignored the court order, so I took him back to court and a second judge ordered that he be arrested. The day after his arrest, he went to court and said that I was corrupting our daughter with my "lifestyle." He said I was a bad parent because I was living with a woman.

We went back to court for a third time. This judge said that Kelvin was a better parent than me because he was married — information that was available the first time we went to court. Nothing had changed in our circumstances, but suddenly I was a bad parent because I wasn't married to my partner.

When it was my turn to testify, it didn't matter what I said. It didn't matter that I had provided for my daughter every day since the day she was born or that she has been on the principal's honor roll for three years in a row. The judge didn't seem to hear that I had purchased a home for her with enough space for her and our dogs to run and play in. All she heard was that Kelvin was married, and that I lived with my girlfriend.

When the judge came down with her decision, she kept saying over and over again that it wasn't based on the fact that my partner was a woman, but because we were unmarried. Of course we weren't married — we can't get married. It was absolutely absurd.

Afterwards, I was in a huge depression. I didn't know what to do. Luckily, I had my girlfriend, Michelle, who refused to let this decision be the final say. She did extensive research on what our options were, and that's how we came upon Lambda Legal. We wanted someone who would understand the kind of courts we were up against. We got all of that and more — *Lambda Legal got my daughter back.*

It's so hard to understand why all this happened. I go to work every day and do my job. I work hard and have always given my daughter what she needs to be happy. There was no rhyme or reason for me to lose my daughter. But I did, simply because of who I choose to have a relationship with.

Maybe one thing I could have done to keep my daughter was to stop seeing Michelle. But I couldn't do that. I talked to my daughter throughout this custody battle, and I decided that I was not going to hide who I am. What kind of respect would she have for me if I did that? How could I raise my daughter to believe in herself if her own mother didn't believe in herself? I have never been the kind of person to pretend to be something I'm not — and I hope my daughter will grow up to be the same.



Victoria Moses, her partner Michelle Lefebure and her daughter Phalon

If you're a lesbian, gay, bisexual or transgender parent involved in a custody or visitation dispute with your former spouse, or if you're afraid to come out because you fear losing your children, you have rights. Visit our website at www.lambdalegal.org to read our publication *You Don't Have to Choose. As a Parent, You Have Rights* to find out what you should know about basic custody rights and what you can do to protect your family.