

SUMMARY STATEMENT

Gatsby v. Gatsby

Docket No. 47710

This case addresses the custody rights of a woman whose same-sex former spouse conceived a child through artificial insemination from a third-part semen donor during their marriage. Appellant Linsay Gatsby (“Linsay”) asks the Idaho Supreme court to reexamine Idaho law pertaining to artificial insemination, paternity and parental rights in light of the U.S. Supreme Court’s ruling in *Obergefell v. Hodges*, 576 U.S. 644, 647 (2015).

The district court affirmed the magistrate court’s ruling that Linsay had no parental rights to the child because Idaho’s common law marital presumption of paternity was overcome by clear and convincing evidence because Linsay, admittedly, lacked a biological connection to the child. The district court also affirmed that Linsay had not obtained parental rights under the Artificial Insemination Act (AIA) because she did not comply with the statute’s provisions. The district court further affirmed that Linsay could have obtained parental rights had she had filed a Voluntary Acknowledgment of Paternity (VAP) or adopted the child, but she failed to do so. Finally, the district court affirmed that Linsay did not have third party standing to seek custody and, in the alternative, that custody or visitation would not be in the child’s best interest even if Linsay did have third party standing.

On appeal, Linsay argued that the lower courts’ denial of parental rights based on biology under the marital presumption of paternity violated the Equal Protection and Due Process Clauses of the U.S. Constitution. Linsay also argued that she complied with the AIA. Further, she claims she could not file a VAP because the statute only applies to “fathers,” which violates the Equal Protection and Due Process Clauses. In the alternative, Linsay argued she met the requirements for third party standing to seek custody and that the district court erred in affirming that awarding her custody would not be in the child’s best interest.

The Idaho Supreme Court affirmed the outcome of lower courts’ decisions, concluding that (1) the AIA is the controlling statute and (2) Linsay failed to comply with it. Additionally, the Court held that the AIA is constitutional because it can be read and applied in a gender neutral manner and it “provides the same legal protections and places the same legal duties on Linsay as it would on a similarly situated male spouse.” The Court also affirmed the district court in concluding that the magistrate court did not abuse its discretion by granting Respondent Kylee Gatsby sole legal and physical custody.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.