



FOR IMMEDIATE RELEASE

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**Florida Court of Appeal Invalidates Marriage But Rejects Mother's Request to Deprive Transgender Father of Parental Rights**

Florida, July 23, 2004 -- The Florida Court of Appeal issued a decision today in a marriage and custody case involving Michael Kantaras, a transsexual man who married a woman in Florida and had two children with her. When Michael petitioned for divorce, his wife asked the court to invalidate their marriage and to strip Michael of any parental rights, based solely on his transgender status. After a three week trial in 2002, which was televised on Court TV, the trial court held that Michael is legally male, the marriage was valid, and awarded primary custody to Michael. The trial court's decision – which surveyed all of the existing legal and medical literature on transsexualism, and which ultimately exceeded 800 pages in length -- received national attention.

In a decision issued today, the Florida Court of Appeal reversed the trial court's ruling on the validity of the marriage, on the ground that "whether postoperative transsexual is authorized to marry a member of their birth sex is a matter for the Florida legislature and not the Florida courts to decide." However, the court of appeal rejected the mother's request to strip Michael of his parental rights. Instead, the court remanded the case back to the trial court "to determine the legal status of the children and the parties' property rights."

"We are relieved that the court did not separate Michael from his children," said Karen Doering, staff attorney for the National Center for Lesbian Rights' Florida office, who represented Michael in the case. "Protecting the children has always been Michael's foremost concern. We are confident that on remand, the trial court will find that Michael continues to be a legal parent, based on well-settled Florida law that even if a marriage is found to be void, that finding does not affect the legitimacy or parentage of the children. "

"Although we are disappointed in the court's ruling regarding the marriage, we believe that the Florida Supreme Court will correct that part of the holding on appeal," Shannon Minter, legal director for NCLR. "It is cruel and senseless for Florida to permit a transsexual person such as Michael to go through sex-reassignment and then refuse to recognize his male gender."

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**About NCLR**

Founded in 1977 and headquartered in San Francisco, The National Center for Lesbian Rights is a national law firm dedicated to advocating for lesbian, gay, bisexual and transgender individuals and their families. Each year NLCR serves more than 3000 clients in all fifty states. NCLR is working in partnership with Equality Florida's Legal Advocacy Project to protect the rights of Florida's LGBT community by seeking fairness and equal justice under the law.

### **About Equality Florida**

Founded in the mid 1990's and based in Tampa Florida, Equality Florida is a statewide education and advocacy organization committed to ending discrimination based on sexual orientation, race, class and gender. Equality Florida informs and educates hundreds of thousands of people across the state about lesbian, gay, bisexual and transgender concerns through its news magazine Equality News, voter guides and its Online Advocacy Center at [eqfl.org](http://eqfl.org).