

# The Trentonian

August 14, 2002

MediaNews Group

trentonian.com

## *Judge rules for joint custody in Bucks lesbian trial*

*A Bucks county woman who helped impregnate her former lesbian partner was given joint custody of the resulting 5-year-old girl even though the couple is now officially separated, a Bucks County Judge has ruled.*

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DAVE SOMMERS  
Staff Writer

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Andrea Troy, 37, who shared her life with Denise Juliano for 7 years, had filed for joint custody on grounds she was indispensable in helping plan and deliver Juliano's little girl, Ashley, 5, who was born at Doylestown Hospital in March of 1997.

As evidence, Troy, a high-powered big-wig at Merck pharmaceuticals in New Jersey, told Bucks Judge Alan Rubenstein that it was she who helped select the sperm the couple bought from the CyroBank catalog, and that it was she who cut the child's umbilical cord during birth.

After hearing two days of testimony, Rubenstein ruled that Troy indeed should have custody of the child at least three weekends a month, and each summer for vacation.

In his 21-page opinion, Rubenstein noted that the couple had jointly purchased an Upper Bucks home in 1996 where they eventually planned the pregnancy.

The judge also noted that Juliano, after declaring her intention to have a child, sought the opinion of Troy on which fertility specialist she should visit, and even invited Troy to be there when the doctor performed the artificial insemination.

Furthermore, Juliano, 40, sought Andrea Troy's advice while thumbing through the CyroBank sperm catalog to decide which physical traits would be most desirable in a child.

The couple eventually chose a sperm donor who was at least 6 feet 2 inches tall, with blonde hair and listed his occupation as "aeronautical engineer."

In the end however, Rubenstein's Solomon-like decision seemed to stem from his opinion that the couple's shared intent

from the beginning that both women act as parents.

"This case is not about who loves the child more," Rubenstein said in his 21 page opinion. "(T)his case is about ... whether or not Andrea Troy performed and accepted the duties of a parent and was encouraged to do so by Denise Juliano ...," Rubenstein wrote.

During the hearing, Troy testified that it was she helped plan the birth, and who cut Ashley's umbilical cord during the child's birth at Doylestown Hospital.

"We were family," said Troy. "We started with eight [sperm donor] possibilities, and eventually narrowed it down to three," Troy told the judge.

Juliano, during her testimony, told the judge that she, as the natural mother, would be better able to provide the essential care and love that the child would need.

The couple had the sperm sent by Fed-Ex from California to their doctor's office in Elkins Park, Pa. where the artificial insemination was performed.

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Several weeks later, the excited couple used testing kits and eventually were informed of the good news. In fact, a letter Juliano reportedly wrote to Troy was said to have played heavily on the court's decision to grant custody.

In the letter, which Juliano penned on the day the doctor told her she was pregnant, the soon-to-be mother tells Troy that there is no one in the world than her with whom she would rather share parenthood.

"We are going to be terrific parents,"

wrote Juliano, who signed off by telling her partner that she "is an answer" to our prayers.

Other evidence considered by Rubenstein was a Mother's Day card Juliano sent Troy, and the fact that Juliano was the coach during the pregnant mom's Lamaze classes. Also, when the baby was born, Doylestown Hospital issued Troy a parental bracelet allowing her to handle and care for the baby.

Troy said she slept alongside the new mother's bed during the two-day hospital recovery, and joined the new mother during breast-feeding classes. She even hosted a baby shower at a Lambertville restaurant during which the couple planned the baby's Christening.

Juliano argued during hearing that it was she who excelled in child care duties and even produced several witnesses who said that Juliano, as the natural mother, was way more "touchy-feely" as a parent and therefore should be granted sole custody. But Troy produced photo albums showing the two parents, with Ashley, vacationing at various popular spots, including Walt Disney World and Long Beach Island.

"[Ashley] called me Meema,' which means mommy," said Troy. At one point during Ashley's infancy, Juliano talked about donating one of her eggs to Troy so she too could be a mother, one witness testified.

"The idea was that the second child would be related [to Ashley]," the witness said.

Troy said it took her family some time before they were comfortable with the idea that the two women were in a same-sex relationship, and that the baby was a result of artificially insemination.

When a priest at Mt. Carmel Church in Nockamixon Township, Bucks County, would not accept the way the child was conceived, the couple had the baby christened at a more accepting establishment, St. Luce's Church in northern New Jersey.