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Gay couple with infant yearns for recognition

By Heather Barr

THE NEWS-TIMES

WILTON — In their sunny kitchen, Jeffrey Busch and Stephen Davis sit playing games with their 2-year-old son Elijah, who is surrounded by cards with animal pictures on them.

Busch asks Elijah which card has a pig on it.

The toddler, with Gerber baby cheeks, light blond hair and two tiny front teeth, walks in his gray socks over to the cards. He ponders, then chooses the card with a pink pig on it.

Spying a card with a frog on it, he says "hop, hop" and starts jumping up and down.

He calls Davis "Papa" and Busch "Daddy."

One of Elijah's favorite games is called 'I'm following Elijah.' He hears his fathers say the words and stands ready, knowing they will follow.

He laughs as he walks and swings his arms. His fathers follow, swinging theirs. If Elijah crawls, they crawl.



Busch and Davis play with their son, Elijah.



The News-Times/Wendy Carlson

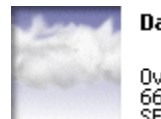
Stephen Davis, left, and Jeffrey Busch of Wilton, who are the parents of 2-year-old Elijah, are among the plaintiffs in a suit challenging the denial of marriage rights.

Busch and Davis are among seven gay or lesbian couples who were denied marriage licenses in Madison and decided to sue.

Their lawsuit, filed in New Haven Superior Court August 25, challenges the state's denial of marriage rights to same-sex couples. All seven couples have been in committed relationships for more than a decade. Five of them, like Busch and Davis, are raising children.

They contend that only marriage will provide them with the protections and benefits they need to live securely as a family.


"One of the reasons we are doing all this, participating in the suit with GLAD (Gay & Lesbian Advocates & Defenders) is it is important for us and even more important for Elijah," said Davis, 52. He and Busch, 41, will have been together for 15 years in November.



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A few months ago, the couple had a scare.

They were coming back to the United States from a trip in Canada. Canadian Immigration asked for Elijah's birth certificate and passport.

Because the couple used a surrogate mother to have Elijah, only one of them, Busch, was on the birth certificate. The Immigration officials were confused about who Davis was and why did he not have adoption papers or documentation from a lawyer.

With only Busch on the birth certificate, Davis has no legal rights to Elijah if something happens to Busch.

After the Immigration's officer questioned them, they had to wait in a room. A man finally came and told them they could pass through Immigration.

Shortly after that, the couple decided to be part of the lawsuit with GLAD.

Another complication of not being married is health insurance. Gay and lesbian couples must file for partners insurance, if a company has it. Unlike for married couples it is deemed extra taxable income.

"We love each other a lot and we are committed to each other. We have been waiting and watching places like Vermont, Hawaii" to see which states will allow and recognize gay and lesbian marriages, Davis said.

"It would be really sad to leave the state I grew up in to get the rights and respect we're entitled to," said Busch.

Busch grew up in Wilton and his family lives nearby. Davis grew up in southern California and still has family there.

"I want to stand under a hupa (wedding canopy) before my friends and family," Busch said, his voice filled with emotion. "I want the opportunity to declare my love to Stephen and have it formally recognized in the state of Connecticut."

"My grandmother always said if you find someone who loves and cherishes you, never let them go. He (Stephen) will love me until the day I die. That is the first reason why I want to marry him. Now more then ever I want the opportunity to make sure Elijah grows up with parents that are deemed as valid as any other family with married parents."

People ask the couple why not just accept a civil union?

Busch points out a civil union is not transportable from state to state. Nor are civil unions the same as marriage. He doesn't want his family and friends to see the couple's love for one another as less than a marriage.

"Stephen said to me that only marriage is an institution big enough to begin to


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encompass the nature of our relationship," said Busch. "We're not looking to have a gay marriage. We are looking for a marriage."

"It is important for them to be recognized as a family," said Davis' sister Cynthia Davis, visiting from Oakland, Calif. "Legally it is the right thing to do. It's sad to see that we live with laws that discriminate against people who love each other. It is important what they are doing and I support them wholeheartedly."

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Busch, Davis and Elijah live like any other family. Their home in Wilton is inviting with lots of flowers, trees, plants and beautiful landscaping. Near the walkway to their front door is a tiny pond with a little waterfall and orange fish.

When the door opens, the family's two small shaggy white dogs greet visitors.

As the couple plays ball with their son, toys litter their deck and a furry rocking horse is in their living room.

On the kitchen window sill sits a picture of Elijah when he was one. Farther down on the sill is a bottle of bubbles.

Elijah's room has big windows that overlook a backyard full of trees. Winnie the Pooh hangs from his crib. Toys are kept in colorful boxes. A stuffed Sesame Street Big Bird is perched in the corner.

One of Elijah's favorite activities is going to the beach at the nearby pond, Merwin Meadows.

The other day while gardening, Busch filled a dirt area with water so they could all have a mud party.

They want to make sure Elijah is well-rounded.

"We are well educated and have a lot to offer Elijah, exposing him to different things," said Davis.

Busch is a judge in New York City who deals with parking tickets. Davis runs the digital library program at Columbia University.

They are teaching Elijah Spanish. Ever since he was really young, they have been teaching him sign language.

With his fathers doing the movement with him, Elijah takes one hand and brushes his forearm, then flips his hand over and brushes it again — the sign language symbol for "gentle."

Elijah and Busch go to a parent and child music program. Davis plays piano.

Busch plans to make a bee hive and keep bees. The couple thinks it will be fun for Elijah to learn about insects. Moms in the area want to join in on the idea.

Elijah plays with a neighbor girl his age. Wanting him to have different play activities, the family recently joined a play group in Westchester, N.Y. The group is for gay and lesbian parents raising children. They are going to an organized beach party.

Overall, Davis and Busch say they simply want to raise Elijah to be a good person.

"We want him to be kind and empathetic," said Davis. They want him to know the importance of charity.

They are raising Elijah in the Jewish religion. Busch grew up in a very close Jewish family. The three have joined a temple and attend a children's service on Fridays.

The couple said their rabbi is looking forward to marrying them when the state recognizes it.

When Elijah was born state representative Toni Boucher brought him a stuffed bear. The couple have been talking with the representative about the state's position on same-sex marriage.

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Elijah and his fathers have a large network of family and friends who support them.

Last October, the three moved in with Busch's mother, who lived next door.

Iris Busch, in her 60s, was lonely in the big house by herself so the couple came over.

Elijah loves to be with his grandmother, who he calls "gaga."

"This has created a real space for an alive vibrant relationship between my mom, me and Stephen and between my mom and Elijah," said Busch.

Busch's father died five years ago.

"Before he died he told me that his biggest regret was that he would love to see us have a child," said Busch.

Davis and Busch started looking for a surrogate mother eight years ago. At the time, they lived in New York City.

In 2000 they moved to Wilton. They realized if they wanted a family it would be safer and healthier to move out of the city.

"Getting an egg donor was hard — to find someone who would work with gay people," said Davis.

They were looking someone who was in good health, took care of herself and had the same qualities they would want in a friend.

Finally they found a woman from Illinois who has children herself, but wanted to help a couple have a child. Both of the men gave sperm to fertilize the woman's eggs, so they are unsure which of them is the biological father.

Elijah was born Aug. 27, 2002, at 8 pounds, 7 ounces.

"He is the most planned and wanted baby," said Busch. "I always knew I wanted children. Children soften your heart."

When Elijah was a newborn, Busch went to a group that offered support to moms with newborns. He learned when to feed Elijah, how to get him to sleep through the night, and other tips.

Busch remembers setting his alarm every couple of hours to feed Elijah. For the first

six months after Elijah was born, the surrogate mother sent them breast milk.

Elijah now attends Bright Horizons day care. He turned 2 a few days ago, and Busch took cupcakes to his day care to celebrate. The family plans to go to the zoo as well.

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People have asked the couple how they will explain to Elijah why he does not have a mom like other families.

When he is old enough, Busch said, they will explain to him there are many different kinds of families. After all, some kids only have one-parent families, are adopted or have divorced parents.

"We have a very strong relationship," said Davis. "I wish all married families had that."

Davis and Busch intend to be straightforward and talk to him about using their sperm to fertilize a woman's egg.

"Being older parents I feel is a positive side because Jeff and I are not struggling with who we are," said Davis.

He added the couple is "not locked into gender roles," and feel free to express both masculine and feminine qualities with each other and with Elijah.

Even so, the couple likes the fact that Elijah is close to his grandmother and is able to be influenced by her.

Davis' sister, Cynthia Davis, said watching her brother and Busch interact with Elijah illustrates the couple's love for each other.

"They worked very hard to have a child. Not every person works that hard. To see Elijah is wonderful, totally wonderful. It couldn't happen to two better people," she said.

Now all the couple needs to do to make their family complete is convince the state that their relationship is worthy of marriage.

"We want to make sure he (Elijah) has everything possible to make certain his family is respected and he does not feel like a second-class citizen," said Davis. "We want him to have all the rights other families have."

The couple named Elijah after Busch's aunt Hope who died. Elijah was a Jewish prophet who was a symbol of hope.

"He is a symbol of hope for our family and hopefully for the future of society," Busch said.

Their hope for him? "That Elijah can grow up in a world where he can marry any person he loves so long as that someone loves and cherishes him."

Contact Heather Barr

at hbarr@newstimes.com

or at (203) 731-3331.

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