



LGBT Service Members Building a Family

Creating significant intimate relationships and building families raises many risks for gay service members. Despite the risks, thousands of gay service members choose to accept and live with those risks every day. Here is partial list of some, but not all, of the risks faced by gay service members with families:

1. **Records of Commitment and Marriage** – Any public or legal affirmation of a same-sex relationship is grounds for discharge. Public records of marriages, civil unions and domestic partnerships, can be grounds for discharge under “Don’t Ask, Don’t Tell” if the military finds out.
2. **Adoption** – All service members are required to notify the military of any legal dependents they have, including children, and of any changes in dependent status or risk criminal prosecution. For example, an adoption certificate listing the names of two people of the same sex as co-parents of a child could be grounds for investigation and discharge under “Don’t Ask, Don’t Tell.”
3. **Pregnancy** – A female service member choosing to have children outside of an opposite-sex relationship or marriage may be perceived as lesbian by the military. If the service member does have a same-sex partner, she should be cautious about having her partner involved with the military health care concerning her pregnancy.
4. **Family Care Plans** – All service members with children are required to maintain a Family Care Plan explaining how their children will be cared for if the service member is deployed, injured or dies. While service members are free to choose anyone as the designated guardian, commands may become suspicious if that person is someone of the same sex who is not a family member.
5. **Emergency Situations** – A service member’s same-sex partner cannot be listed as a primary next of kin (PNOK) on the emergency data sheet, but service members can list anyone they choose as a person to be notified in an emergency as an “interested person.” However, listing someone of the same-sex as an interested person may raise suspicion by the command about the service member’s sexuality.
6. **Insurance Beneficiaries** – The only military benefit that active duty service members can provide to their same-sex partners is to name them as a beneficiary of their Servicemember’s Group Life Insurance. If service members are questioned about why they are listing a non-relative of the same sex as a beneficiary, they should not explain the nature of the relationship and they don’t have to.
7. **Breaking Up** – Ending a relationship can raise significant risks to the careers of gay service members. SLDN has seen former partners threaten to try to damage service members’ careers after break-ups. Relationships involving children and/or large assets like jointly owned property, may require civilian court proceedings such as divorce and custody hearings to resolve those issues.

Service members with questions about having relationships or children, or those facing the break up of their relationship should contact SLDN by either calling (202.328.3244, ext. 100) or emailing (legal@sldn.org) to schedule an appointment with one of our legal staff.