

DECISION SU 617 DE 2014 Right of homosexual couples to adopt a child when he is the son of one of the partners

The Constitutional Court considered the application for protection filed by two women against "The Defensoria No. 2" (- Rionegro- Antioquia) who requested an authorization for judicial declaration of the filial bond between them. This is because, one of them is the constant companion of the other, which is the biological mother of the child. This permission was denied on the ground that article 42 of the Constitution and the judgment C-029, C-814, 2009 and 2001 of the Constitutional Court does not accept the adoption by same-sex couples. The petitioners felt that the decision violated principles and constitutional rights, including the right to equality, the interests of the child, the right to free development of personality, and the principles of human dignity and pluralism, to deny the adoption on the basis of the nature of the applicant's homosexual partner.

The Court addressed the issue of *adoption by consent*, that is, one that usually happens when the biological father or mother of a minor child is adopted by your spouse or life partner, when they are a same-sex partner. The Court concluded that when the administrative authority preclude the adoption on the basis of the homosexual nature of the applicant couples violates the rights of all to family autonomy and have a family, because it is unknown, for no reason that justifies the existence of a family arrangement in which the child, by the will of its biological parent, share life with a partner or same-sex partner of the former, and in which a strong and stable bond between them is formed, from which the adult has assumed the duties and obligations associated with the filial bond.