

## Judge Sosa rejects birth mother & gives custody to partner

Family Court Judge Gloria Sosa-Lintner has awarded full custody of a young child to her adopted mother, instead of her biological mom, in what is believed to be the first such New York state case involving a same sex couple.

Manhattan real estate attorney Allison Scollar defeated the little girl's biological mom, Emmy-winning TV producer Brook Altman in a bitter court battle, the NY Post has learned. "Love doesn't just come from biology," a relieved Scollar, 50, said days after being awarded custody and decision-making authority for her daughter, who turns 6 tomorrow. "And the minute I saw this little baby, I knew she was mine.

"It's a step closer to the gay community being acknowledged as parents," Scollar said in the offices of her lawyers Marilyn Chinitz and Brett Ward of the firm Blank Rome. "The law needs to catch up to diverse families — and it has." Chinitz lauded the judge for "a great decision" that focused on the fact that, under the law, "the biology of the child is irrelevant."

Manhattan Judge Gloria Sosa-Lintner said, "Although . . . Altman is the biological parent, this does not give her an automatic priority over the adoptive parent. This is analogous to a father getting custody of his own child, where only the best interests of the child are paramount."

Scollar, the judge ruled, "is indeed the more responsible parent looking out for the child's best interests, not her own interests" — while the 47-year-old Altman "behaved more as a friend or older sister than a responsible parent." Altman, who is co-CEO of the consulting and life coaching company The Handel Group, said, "This is just the end of the first phase. The judge ignored the evidence and issued a decision that is wrong on the facts and wrong on the law. We're appealing this decision and I'm confident we're going to prevail."

The judge's ruling details the acrimonious situation that ensued after October 2006 when Altman, a former producer for Martha Stewart's TV show, bore a baby girl conceived with sperm donated by Scollar's then-close friend Robert Frame — four years after the women met on a blind date and began living together.

Frame afterward renounced his parental rights in favor of Scollar legally adopting the girl. But Frame's continued insistence that he "had a say" over the girl's raising, and Altman's taking his side, "became a big source of tension," Scollar said.

"It seemed like the biological parents were united in trying to alienate the adoptive mother," Sosa-Lintner wrote. By 2010, the troubled couple had agreed to split up — and scheduled a therapy session to discuss how to handle the break. But when Scollar got to the therapist's office, she received a text message from Altman — informing her she was about to fly to her native California with their daughter, and without saying she planned on returning with the girl to New York

"I was hysterical," recalled Scollar. "Oh my God, it was horrible. I couldn't sleep and wondered where my daughter was going to be." But before Altman and her daughter even landed in California, Scollar was able, with the help of her lawyer, Chinitz, to get a New York judge to grant her temporary custody of the child and an order that the child be returned home immediately.

It took several days — and a flight to California by Scollar to register the order there — but the then-3-year-old girl came back home. That's when things really got ugly.

"I had serious accusations hurled against me" by Altman, "that I was an alcoholic. That I was a child abuser," recalled Scollar, who called all those claims false. The claims led to an Administration for Children's Services investigation and a gynecological examination of the girl, with Altman's consent, despite Altman's later testimony that she "herself did not believe the child had been sexually abused," the judge noted.

"The evidence shows that the child was traumatized by the ACS experience and yet Respondent-Altman said she believed the child had a 'ball or 'blast' at the examination," the judge wrote. The judge also wrote that Altman "has continued to profess facts that have not been proven or are outright lies . . . came across as self-centered and egotistical" and gave testimony and evidence that "were not consistent and at times contradictory." Scollar's testimony, in contrast, was "consistent, credible and persuasive," the judge said.

The judge also noted that Scollar "has the child on a schedule, allows the child to develop her own independent identity, provides her with education opportunities and

extracurricular activities in which she can have peer relationships, consistently takes her to therapy unless there is a valid reason, and properly supervises the child.”

“On the other hand, Altman, who is a film producer, is the freer spirit, more outwardly creative and more laid-back parent,” the judge noted. “During the course of this trial, the testimony has shown that she would miss therapy appointments or be late to school or camp bus because she overslept or felt that play dates were more important than therapy or that play dates should end late in the evening so that the child and she were too tired to commit to a schedule.”