



HUMAN
RIGHTS
CAMPAIGN®

November 13, 2015

Colin R. Winchester
Executive Director
The Utah Judicial Conduct Commission
2540 Washington Boulevard, Suite 703
Ogden, Utah 84401

Dear Mr. Winchester and Members of the Commission,

On behalf of the Human Rights Campaign's (HRC) more than 1.5 million members and supporters nationwide, I write to call your attention to a formal complaint that we have filed with the Commission regarding Judge Scott Johansen of the 7th District Juvenile Court. We are deeply concerned by reports that Judge Johansen ordered the removal of a minor child from the home of foster parents April Hoagland and Beckie Pierce of Carbon County explicitly citing their sexual orientation as the driving factor behind his decision. As our complaint states, this directly violates Section 2.3 of the Utah Code of Judicial Conduct, which prohibits discrimination on the basis of sexual orientation. This Section explicitly provides that "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon . . . sexual orientation."

Beyond this clear violation of the Code of Judicial Conduct, Judge Johansen's actions are deeply harmful to all parties involved. The baby had been successfully placed with the couple for three months and the parents intended to legally adopt the child. The biological mother of the child and Utah's Division of Child and Family Services are supportive of the foster parents and their wish to include this baby as a permanent member of their family. This removal shows how invidious discrimination directly harms those whom our laws seek most to protect.

Removing this child from a loving and permanent home based solely on the sexual orientation of its parents is not only discriminatory, but is also counter to the overwhelming evidence that children being raised by same-sex parents are just as healthy and well-adjusted as those with different-sex parents. The prevailing professional consensus is that the sexual orientation of parents has nothing to do with their ability to be good parents. For example, the American Academy of Pediatrics has consistently accepted this research and supported same-sex couples and their children. In fact, in a public statement in 2013 the AAP explicitly stated that “scientific evidence affirms that children have similar developmental and emotional needs and receive similar parenting whether they are raised by parents of the same or different genders.”

Recognizing that the original order has been amended and a hearing scheduled on December 4, we urge the Commission to act expeditiously to investigate Judge Johansen's actions and to impose appropriate sanctions if it is determined that this decision was in fact based on bias. We appreciate the opportunity to share these concerns.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Warbelow". The signature is written in black ink and is centered on the page.

Sarah Warbelow

Legal Director
Human Rights Campaign