

# **Policy Statements Supporting Adoption By Gay, Lesbian, and Bisexual People**

Compiled by:



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### **Organizations That Support Adoption by Gay, Lesbian, and Bisexual People**

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|--|------------------------|
| 1. American Academy of Child & Adolescent Psychiatry | 1999, 2006             |
| 2. American Academy of Family Physicians             | 2002, 2007             |
| 3. American Academy of Pediatrics                    | 2002                   |
| 4. American Bar Association                          | 1995, 1999, 2003, 2006 |
| 5. American Medical Association                      | 2004                   |
| 6. American Psychiatric Association                  | 1997, 2002             |
| 7. American Psychoanalytic Association               | 2002                   |
| 8. American Psychological Association                | 2004                   |
| 9. Child Welfare League of America                   | 2005                   |
| 10. Evan B. Donaldson Adoption Institute             | 2006, 2008             |
| 11. National Adoption Center                         | 1998                   |
| 12. National Association of Social Workers           | 1996, 2005             |
| 13. National Foster Parent Association               | 2007                   |
| 14. North American Council on Adoptable Children     | 2005                   |

**American Academy of Child & Adolescent  
Psychiatry**

**1999, 2006**



## Gay, Lesbian and Bisexual Parents Policy Statement

**Approved by Council June, 1999**

The basis on which all decisions relating to custody and parental rights should rest on the best interest of the child. Lesbian, gay, and bisexual individuals historically have faced more rigorous scrutiny than heterosexuals regarding their rights to be or become parents.

There is no evidence to suggest or support that parents with a gay, lesbian, or bisexual orientation are per se different from or deficient in parenting skills, child-centered concerns and parent-child attachments, when compared to parents with a heterosexual orientation. It has long been established that a homosexual orientation is not related to psychopathology, and there is no basis on which to assume that a parental homosexual orientation will increase likelihood of or induce a homosexual orientation in the child.

Outcome studies of children raised by parents with a homosexual or bisexual orientation, when compared to heterosexual parents, show no greater degree of instability in the parental relationship or developmental dysfunction in children.

The AACAP opposes any discrimination based on sexual orientation against individuals in regard to their rights as custodial or adoptive parents as adopted by Council.

# Children with Lesbian, Gay, Bisexual and Transgender Parents

No. 92 (Updated August 2006)

Millions of children in the United States have lesbian, gay, bisexual and/or transgender (LGBT) parents. Some LGBT parents conceived their children in heterosexual marriages or relationships. An increasing number of LGBT parents have conceived children and/or raised them from birth, either as single parents or in ongoing committed relationships. This can occur through adoption, alternative insemination, surrogate or foster parenting. A small number of states currently have laws supportive of LGBT couple adoption.

## **What effect does having LGBT parents have on children?**

Current research shows that children with gay and lesbian parents do not differ from children with heterosexual parents in their emotional development or in their relationships with peers and adults. It is the quality of the parent/child relationship and not the parent's sexual orientation that has an effect on a child's development. Contrary to popular belief, children of lesbian, gay, or transgender parents:

- Are not more likely to be gay than children with heterosexual parents.
- Are not more likely to be sexually abused.
- Do not show differences in whether they think of themselves as male or female (gender identity).
- Do not show differences in their male and female behaviors (gender role behavior).

## **Raising children in a LGBT household**

Although research shows that children with gay and lesbian parents are as well adjusted as children with heterosexual parents, they can face some additional challenges. Some LGBT families face discrimination in their communities and children may be teased or bullied by peers. Parents can help their children cope with these pressures in the following ways:

- Allow for open communication and discussions that are appropriate to your child's age and level of maturity.
- Prepare your child to handle questions and comments about their background or family.
- Help your child come up with and practice appropriate responses to teasing or mean remarks.
- Use books, Web sites and movies that show children in LGBT families.

- Consider having a support network for your child (For example, having your child meet other children with gay parents.)
- Consider living in a community where diversity is more accepted.

Like all children, most children with LGBT parents will have both good and bad times. They are not more likely than children of heterosexual parents to develop emotional or behavioral problems. If LGBT parents have questions or concerns about their child, they should consider a consultation with a qualified mental health professional.

The American Academy of Child and Adolescent Psychiatry (AACAP) represents over 7,500 child and adolescent psychiatrists who are physicians with at least five years of additional training beyond medical school in general (adult) and child and adolescent psychiatry.

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**American Academy of Family Physicians**  
**2002, 2007**

## **AMERICAN ACADEMY OF FAMILY PHYSICIANS**

### ***Children's Health***

The AAFP establishes policy and is supportive of legislation which promotes a safe and nurturing environment, including psychological and legal security for all children, including those of adoptive or foster parents, regardless of the parents' sexual orientation. (2002) (2007)



**American Academy of Pediatrics**  
**2002**

# AMERICAN ACADEMY OF PEDIATRICS

Ellen C. Perrin, MD, and the Committee on Psychosocial Aspects of Child and Family Health

## Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents

**ABSTRACT.** A growing body of scientific literature demonstrates that children who grow up with 1 or 2 gay and/or lesbian parents fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual. Children's optimal development seems to be influenced more by the nature of the relationships and interactions within the family unit than by the particular structural form it takes.

### CURRENT SITUATION

**A**ccurate statistics regarding the number of parents who are gay or lesbian are impossible to obtain. The secrecy resulting from the stigma still associated with homosexuality has hampered even basic epidemiologic research. A broad estimate is that between 1 and 9 million children in the United States have at least 1 parent who is lesbian or gay.<sup>1</sup>

Most individuals who have a lesbian and/or gay parent were conceived in the context of a heterosexual relationship. When a parent (or both parents) in a heterosexual couple "comes out" as lesbian or gay, some parents divorce and others continue to live as a couple. If they do decide to live separately, either parent may be the residential parent or children may live part-time in each home. Gay or lesbian parents may remain single or they may have same-sex partners who may or may not develop stepparenting relationships with the children. These families closely resemble stepfamilies formed after heterosexual couples divorce, and many of their parenting concerns and adjustments are similar. An additional concern for these parents is that pervasively heterosexist legal precedents have resulted in denial of custody and restriction of visitation rights to many gay and lesbian parents.

Increasing social acceptance of diversity in sexual orientation has allowed more gay men and lesbians to come out before forming intimate relationships or becoming parents. Lesbian and gay adults choose to become parents for many of the same reasons heterosexual adults do. The desire for children is a basic human instinct and satisfies many people's wish to leave a mark on history or perpetuate their family's story. In addition, children may satisfy people's desire to provide and accept love and nurturing from

others and may provide some assurance of care and support during their older years.

Many of the same concerns that exist for heterosexual couples when they consider having children also face lesbians and gay men. All parents have concerns about time, finances, and the responsibilities of parenthood. They worry about how children will affect their relationship as a couple, their own and their children's health, and their ability to manage their new parenting role in addition to their other adult roles. Lesbians and gay men undertaking parenthood face additional challenges, including deciding whether to conceive or adopt a child, obtaining donor sperm or arranging for a surrogate mother (if conceiving), finding an accepting adoption agency (if adopting), making legally binding arrangements regarding parental relationships, creating a substantive role for the nonbiologic or nonadoptive parent, and confronting emotional pain and restrictions imposed by heterosexism and discriminatory regulations.

Despite these challenges, lesbians and gay men increasingly are becoming parents on their own or in the context of an established same-sex relationship. Most lesbians who conceive a child do so using alternative insemination techniques with a donor's sperm. The woman or women may choose to become pregnant using sperm from a completely anonymous donor, from a donor who has agreed to be identifiable when the child becomes an adult, or from a fully known donor (eg, a friend or a relative of the nonconceiving partner). Lesbians also can become parents by fostering or adopting children, as can gay men. These opportunities are increasingly available in most states and in many other countries, although they are still limited by legal statutes in some places.

A growing number of gay men have chosen to become fathers through the assistance of a surrogate mother who bears their child. Others have made agreements to be coparents with a single woman (lesbian or heterosexual) or a lesbian couple.<sup>2-4</sup> Still other men make arrangements to participate as sperm donors in the conception of a child (commonly with a lesbian couple), agreeing to have variable levels of involvement with the child but without taking on the responsibilities of parenting.

When a lesbian or a gay man becomes a parent through alternative insemination, surrogacy, or adoption, the biologic or adoptive parent is recognized within the legal system as having full and more or less absolute parental rights. Although the biologic or adoptive parent's partner may function as

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

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a coparent, he or she has no formal legal rights with respect to the child. Most state laws do not allow for adoption or guardianship by an unmarried partner unless the parental rights of the first parent are terminated. An attorney can prepare medical consent forms and nomination-of-guardian forms for the care of the child in the event of the legal parent's death or incapacity. These documents, however, do not have the force of an adoption or legal guardianship, and there is no guarantee that a court will uphold them. Some states recently have passed legislation that allows coparents to adopt their partner's children. Other states have allowed their judicial systems to determine eligibility for formal adoption by the coparent on a case-by-case basis. Coparent (or second-parent) adoption has important psychologic and legal benefits.

Historically, gay men and lesbians have been prevented from becoming foster parents or adopting children and have been denied custody and rights of visitation of their children in the event of divorce on the grounds that they would not be effective parents. Legal justifications and social beliefs have presumed that their children would experience stigmatization, poor peer relationships, subsequent behavioral and emotional problems, and abnormal psychosexual development. During the past 20 years, many investigators have tried to determine whether there is any empiric support for these assumptions.

#### RESEARCH EVIDENCE

The focus of research has been on 4 main topic areas. Investigators have concentrated on describing the attitudes and behaviors of gay and lesbian parents and the psychosexual development, social experience, and emotional status of their children.

##### Parenting Attitudes and Behavior, Personality, and Adjustment of Parents

Stereotypes and laws that maintain discriminatory practices are based on the assumption that lesbian mothers and gay fathers are different from heterosexual parents in ways that are important to their children's well-being. Empirical evidence reveals in contrast that gay fathers have substantial evidence of nurturance and investment in their paternal role and no differences from heterosexual fathers in providing appropriate recreation, encouraging autonomy,<sup>5</sup> or dealing with general problems of parenting.<sup>6</sup> Compared with heterosexual fathers, gay fathers have been described to adhere to stricter disciplinary guidelines, to place greater emphasis on guidance and the development of cognitive skills, and to be more involved in their children's activities.<sup>7</sup> Overall, there are more similarities than differences in the parenting styles and attitudes of gay and nongay fathers.

Similarly, few differences have been found in the research from the last 2 decades comparing lesbian and heterosexual mothers' self-esteem, psychologic adjustment, and attitudes toward child rearing.<sup>8,9</sup> Lesbian mothers fall within the range of normal psychologic functioning on interviews and psychologic assessments and report scores on standardized mea-

sures of self-esteem, anxiety, depression, and parenting stress indistinguishable from those reported by heterosexual mothers.<sup>10</sup>

Lesbian mothers strongly endorse child-centered attitudes and commitment to their maternal roles<sup>11-13</sup> and have been shown to be more concerned with providing male role models for their children than are divorced heterosexual mothers.<sup>6,14</sup> Lesbian and heterosexual mothers describe themselves similarly in marital and maternal interests, current lifestyles, and child-rearing practices.<sup>14</sup> They report similar role conflicts, social support networks, and coping strategies.<sup>15,16</sup>

##### Children's Gender Identity and Sexual Orientation

The gender identity of preadolescent children raised by lesbian mothers has been found consistently to be in line with their biologic sex. None of the more than 300 children studied to date have shown evidence of gender identity confusion, wished to be the other sex, or consistently engaged in cross-gender behavior. No differences have been found in the toy, game, activity, dress, or friendship preferences of boys or girls who had lesbian mothers, compared with those who had heterosexual mothers.

No differences have been found in the gender identity, social roles, or sexual orientation of adults who had a divorced homosexual parent (or parents), compared with those who had divorced heterosexual parents.<sup>17-19</sup> Similar proportions of young adults who had homosexual parents and those who had heterosexual parents have reported feelings of attraction toward someone of the same sex.<sup>20</sup> Compared with young adults who had heterosexual mothers, men and women who had lesbian mothers were slightly more likely to consider the possibility of having a same-sex partner, and more of them had been involved in at least a brief relationship with someone of the same sex,<sup>10</sup> but in each group similar proportions of adult men and women identified themselves as homosexual.

##### Children's Emotional and Social Development

Because most children whose parents are gay or lesbian have experienced the divorce of their biologic parents, their subsequent psychologic development has to be understood in that context. Whether they are subsequently raised by 1 or 2 separated parents and whether a stepparent has joined either of the biologic parents are important factors for children but are rarely addressed in research assessing outcomes for children who have a lesbian or gay parent.

The considerable research literature that has accumulated addressing this issue has generally revealed that children of divorced lesbian mothers grow up in ways that are very similar to children of divorced heterosexual mothers. Several studies comparing children who have a lesbian mother with children who have a heterosexual mother have failed to document any differences between such groups on personality measures, measures of peer group relationships, self-esteem, behavioral difficulties, academic success, or warmth and quality of family relationships.<sup>9,11,15,16,20,21</sup> Children's self-esteem has been

shown to be higher among adolescents whose mothers (of any sexual orientation) were in a new partnered relationship after divorce, compared with those whose mothers remained single, and among those who found out at a younger age that their parent was homosexual, compared with those who found out when they were older.<sup>22</sup>

Prevalent heterosexism and stigmatization might lead to teasing and embarrassment for children about their parent's sexual orientation or their family constellation and restrict their ability to form and maintain friendships. Adult children of divorced lesbian mothers have recalled more teasing by peers during childhood than have adult children of divorced heterosexual parents.<sup>23</sup> Nevertheless, children seem to cope rather well with the challenge of understanding and describing their families to peers and teachers.

Children born to and raised by lesbian couples also seem to develop normally in every way. Ratings by their mothers and teachers have demonstrated children's social competence and the prevalence of behavioral difficulties to be comparable with population norms.<sup>8,24</sup> In fact, growing up with parents who are lesbian or gay may confer some advantages to children. They have been described as more tolerant of diversity and more nurturing toward younger children than children whose parents are heterosexual.<sup>25,26</sup>

In 1 study, children of heterosexual parents saw themselves as being somewhat more aggressive than did children of lesbians, and they were seen by parents and teachers as more bossy, negative, and domineering. Children of lesbian parents saw themselves as more lovable and were seen by parents and teachers as more affectionate, responsive, and protective of younger children, compared with children of heterosexual parents.<sup>25,27</sup> In a more recent investigation, children of lesbian parents reported their self-esteem to be similar to that of children of heterosexual parents and saw themselves as similar in aggressiveness and sociability.<sup>15</sup>

Recent investigations have attempted to discern factors that promote optimal well-being of children who have lesbian parents. The adjustment of children who have 2 mothers seems to be related to their parents' satisfaction with their relationship and specifically with the division of responsibility they have worked out with regard to child care and household chores.<sup>28</sup> Children with lesbian parents who reported greater relationship satisfaction, more egalitarian division of household and paid labor,<sup>29</sup> and more regular contact with grandparents and other relatives<sup>30</sup> were rated by parents and teachers to be better adjusted and to have fewer behavioral problems.

Children in all family constellations have been described by parents and teachers to have more behavioral problems when parents report more personal distress and more dysfunctional parent-child interactions. In contrast, children are rated as better adjusted when their parents report greater relationship satisfaction, higher levels of love, and lower interparental conflict regardless of their parents' sexual orientation. Children apparently are more pow-

erfully influenced by family processes and relationships than by family structure.

## SUMMARY

The small and nonrepresentative samples studied and the relatively young age of most of the children suggest some reserve. However, the weight of evidence gathered during several decades using diverse samples and methodologies is persuasive in demonstrating that there is no systematic difference between gay and nongay parents in emotional health, parenting skills, and attitudes toward parenting. No data have pointed to any risk to children as a result of growing up in a family with 1 or more gay parents. Some among the vast variety of family forms, histories, and relationships may prove more conducive to healthy psychosexual and emotional development than others.

Research exploring the diversity of parental relationships among gay and lesbian parents is just beginning. Children whose parents divorce (regardless of sexual orientation) are better adjusted when their parents have high self-esteem, maintain a responsible and amicable relationship, and are currently living with a partner.<sup>22,31</sup> Children living with divorced lesbian mothers have better outcomes when they learn about their mother's homosexuality at a younger age, when their fathers and other important adults accept their mother's lesbian identity, and perhaps when they have contact with other children of lesbians and gay men.<sup>22,24</sup> Parents and children have better outcomes when the daunting tasks of parenting are shared, and children seem to benefit from arrangements in which lesbian parents divide child care and other household tasks in an egalitarian manner<sup>28</sup> as well as when conflict between partners is low. Although gay and lesbian parents may not, despite their best efforts, be able to protect their children fully from the effects of stigmatization and discrimination, parents' sexual orientation is not a variable that, in itself, predicts their ability to provide a home environment that supports children's development.

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**American Bar Association**

**1995, 1999, 2003, 2006**

**AMERICAN BAR ASSOCIATION**  
**ADOPTED BY THE HOUSE OF DELEGATES**  
**August 11-12, 2003**

**RESOLVED**, That the American Bar Association supports state and territorial laws and court decisions that permit the establishment of legal parent-child relationships through joint adoptions and second-parent adoptions by unmarried persons who are functioning as a child's parents when such adoptions are in the best interests of the child.

## **REPORT**

### ***Introduction***

Millions of children in the United States today are being raised in families headed by unmarried or same-sex parents. In many of these families, however, the children lack a legally recognized relationship because they are unrelated by birth or adoption to one or both parents.

Second-parent adoption (also called co-parent adoption) is a legal procedure that allows an unmarried partner in a family relationship to adopt her or his partner's child without terminating the first legal parent's rights. Joint adoption is a legal procedure in which both adults in a family relationship simultaneously adopt a child who has no prior legal relationship to either parent. Second-parent and joint adoption protect children in unmarried parent families by giving these children the security of having two legal parents. Second-parent and joint adoptions entitle these children to crucial financial benefits, including inheritance rights, wrongful death and other tort damages, Social Security benefits, and child support. In many situations, second-parent adoptions also are important to ensure health insurance coverage for the child and to allow both parents to make medical decisions for the child. In addition, second-parent and joint adoptions foster children's emotional and developmental health by recognizing the children's actual relationship to both adults in such families.

The proposed resolution would complement several existing ABA policies promoting the interests of children in families headed by unmarried or same-sex partners. In February 1995, the ABA approved the Uniform Adoption Act (1994), which allows second-parent adoptions, with the consent of a minor's custodial parent, in the same circumstances as step-parent adoptions.<sup>1</sup> In August 1995, the ABA adopted a policy supporting the enactment of legislation and implementation of public policies that would ensure that child custody or visitation is not denied or restricted on the basis of a parent's sexual orientation. In February 1999, the ABA adopted a policy supporting "the enactment of laws and implementation of public policy [providing] that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interests of the child."

The proposed resolution expands upon these policies by supporting laws and court decisions permitting second-parent and joint adoptions by unmarried parents. This resolution is necessary because, in some states, existing laws or judicial decisions deny children who are being raised by unmarried and same-sex parents the benefits of legal recognition of their functional parent-child relationships. This resolution would put the ABA on record as supporting the legal rights of all children in America's families.

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<sup>1</sup> National Conference of Commissioners on Uniform State Laws, Uniform Adoption Act (1994), Section 4-102(4)(b), 9 U.L.A. 1, 67 (West Supp. 1994) (stating that a "de facto stepparent" or "second parent" has standing to adopt a "minor stepchild" with the consent of the child's custodial parent).



### ***Current Law Regarding Second-Parent Adoptions and Joint Adoptions***

Over the past two decades, second-parent adoptions have been granted in a steadily growing number of jurisdictions. Currently, second-parent adoptions are available by statute or appellate court decision in the following states: California, Connecticut, the District of Columbia, Illinois, Indiana, Massachusetts, New York, New Jersey, Pennsylvania, and Vermont. *See* CAL. FAMILY CODE § 9000(f); CONN. GEN. STAT. § 45a-724(3); *In re M.M.D. v. B.H.M.*, 662 A.2d 837 (D.C. 1995); *In re Petition of K.M. & D.M.*, 274 Ill. App. 3d 189, 653 N.E.2d 888, 210 Ill. Dec. 693 (Ill. App. Ct. 1995); *In re Adoption of M.M.G.C.*, 785 N.E.2d 267 (Ind. Ct. App. 2003); *In re Adoption of Tammy*, 416 Mass. 205, 619 N.E.2d 315 (Mass. 1993); *In re Jacob*, *In re Dana*, 86 N.Y.2d 651, 660 N.E.2d 397, 636 N.Y.S.2d 716 (N.Y. 1995); *In re the Adoption of Two Children by H.N.R.*, 285 N.J. Super. 1, 666 A.2d 535 (N.J. Super 1995); *In re Adoption of R.B.F. & R.C.F.*, 803 A.2d 1195 (Pa. 2002); *In re Adoption of B.L.V.B. & E.L.V.B.*, 160 Vt. 368, 628 A.2d 1271 (Vt. 1993); 15A VT. STAT. ANN. 1-102(b). Second-parent adoptions also are available in some counties in at least 15 other states. *See* Schacter, *Constructing Families in a Democracy: Courts, Legislatures and Second-Parent Adoptions*, 75 Chi.-Kent L. Rev. 933, 934 (2000). Most of the states that allow second-parent adoptions also permit joint adoptions.

On the other hand, second-parent adoptions currently are not permitted in four states because of court decisions holding that the adoption statutes in those states do not authorize such adoptions. *Interest of Angel Lace M.*, 516 N.W.2d 678 (Wis. 1994); *In re Adoption of T.K.J. and K.A.K.*, 931 P.2d 448, *reh'g denied*, and *cert. denied* (Colo. Ct. App. 1996); *In re Adoption of Doe*, 719 N.E.2d 1071 (Ohio Ct. App. 1998); *In re Adoption of Luke*, 640 N.W.2d 374 (Neb. 2002).

### ***Benefits of Second-Parent Adoptions and Joint Adoptions***

Estimates are that six million or more children in the United States today are being raised in families headed by unmarried or same-sex parents. *See, e.g., ABA Annual Meeting Provides Forum for Family Law Experts*, 13 Fam. L. Rep. (BNA) 1512, 1513 (Aug. 25, 1987). *See also* American Academy of Pediatrics, *Technical Report: Co-parent or Second-Parent Adoption by Same-Sex Parents*, 109 Pediatrics 341 (Feb. 2002).

For the majority of these children, a second-parent or joint adoption is the only legal avenue through which to establish a legal parental relationship with both parents. In jurisdictions where these forms of adoption are not available, unmarried and same-sex parents attempt to protect their relationships with their children through a variety of privately executed documents, such as wills, guardianship agreements, and authorizations to consent to medical treatment. These documents do not create a legally recognized parental relationship, and they are vastly inferior to the security and legal protection that adoption provides for children. For example, in the absence of a legally protected parental relationship, a child of one parent cannot claim financial support or inheritance rights from the second parent; is not entitled to Social Security benefits, retirement benefits or state workers' compensation benefits if the second parent dies or becomes disabled;

and is ineligible for health insurance or other insurance benefits from the second parent's employer. Moreover, a child of one parent may be denied essential care if the second parent is ineligible for parental leave to care for a seriously ill child under the Family and Medical Leave Act or if, in the event of an emergency in which the legal parent is unavailable, the second parent is legally unable to consent to medical treatment for the child or visit the child in a hospital emergency room.

Adoption also is critical to protect the child's right to financial support and to a continuing relationship with the second parent if the parents separate. Courts in family law cases generally attempt to ensure ongoing contact between a child and both his parents, even when the family unit is no longer intact. In most cases, ongoing contact with the parents is in the best interests of children because "children generally will sustain serious emotional harm when deprived of emotional benefits flowing from a true parent-child relationship."<sup>2</sup> In the absence of a legally recognized parent-child relationship, however, children of unmarried parents routinely are deprived of such ongoing contact with both parents.<sup>3</sup>

Similarly, in the absence of a second-parent or joint adoption, a child whose legal parent dies or becomes incapacitated may be taken away from the second parent and become a ward of the state or sent to live with relatives with whom the child has no close relationship. Even if the legal parent has nominated the second parent as the child's guardian in his or her will, there is no requirement that courts approve this nomination, and relatives of the legal parent can challenge the nomination. Such challenges have led to expensive and time-consuming litigation and have caused emotional trauma to the children involved in such disputes.<sup>4</sup>

A recent case in the District of Columbia provides a vivid illustration of the critical difference that second parent and joint adoptions can make in protecting children in lesbian and gay parent families. Laura Solomon and Victoria Lane were granted, respectively, second-parent adoption of Victoria's adopted child, Maya, and Laura's biological child, Tessa. *Matter of Petition of L.S.*, 119 Daily Wash. L. Rep. 2249 (D.C. Super. Ct., Aug. 30, 1991). Two years later, Victoria Lane died in an automobile accident. Because of the second-parent adoption, there was no need for Laura, the surviving parent, to initiate any court action to protect her relationship with her deceased partner's child. Both children were eligible for Social Security benefits, and both were

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<sup>2</sup> *Guardianship of Phillip B.*, 139 Cal. App. 3d 407, 422 (Cal. Ct. App. 1983).

<sup>3</sup> See, e.g., *Music v. Rochford*, 654 So.2d 1234 (Fla. Dist. Ct. App. 1995) (court has no authority to award visitation to lesbian co-parent); *Alison D. v. Virginia M.*, 572 N.E.2d 27 (N.Y. 1991) (lesbian partner has no standing to seek visitation with child she had raised with biological mother); *Nancy S. v. Michelle G.*, 228 Cal. App. 3d 831 (Cal. Ct. App. 1991) (same).

<sup>4</sup> See, e.g., *McGuffin v. Overton*, 542 N.W.2d 288 (Mich. Ct. App. 1995) (denying custody to lesbian co-parent following death of biological mother, despite power of attorney and will designating co-parent as the child's legal guardian); *In Re Pearlman*, 15 Fal.L.Rep. (BNA), 1355 Fla. Cir. Ct. (May 30, 1989) (following death of biological mother, lesbian co-parent had to petition to invalidate the child's adoption by the biological mother's parents, who first had denied the co-parent visitation, then adopted the child without her knowledge or consent); see also *Adoption of Tammy* 619 N.E.2d 315, 320 (Mass. 1993) (in absence of second-parent adoption, if birth parent dies, "the children often remain in legal limbo for years while their future is disputed in the courts").

able to file wrongful death actions. Absent the second-parent adoption, both children's financial stability would have been seriously impaired, and Maya might well have undergone the additional trauma of being legally separated from her only surviving parent.<sup>5</sup>

By contrast, the fate of the children in *Nancy S. v. Michelle G.*, 228 Cal. App. 3d 831 (Cal. App. 1991), illustrates the harms that result to children if second-parent adoptions are not available. Because the parties had not completed a second-parent adoption, the court in *Nancy S.* concluded that Michelle G., the non-biological parent who had shared equally in the parenting of the children since their birth, had no standing to request visitation or custody of the children after she and Nancy dissolved their relationship. As a result, both children's relationship with Michelle was terminated.<sup>6</sup>

Several years later, Nancy and the son, Micah, moved to Oklahoma. Nancy subsequently died in a car accident, and Micah sustained severe injuries. When Micah was asked how to contact his father, Micah said that he did not have a father, but that he had another mother and a sister in California. But Oklahoma authorities refused to contact Michelle. Instead, Micah was declared a ward of the state, and plans were made to place him with a foster family. Fortunately, but entirely coincidentally, a hospital chaplain intervened and helped locate Michelle. After repeated pleas by Michelle and Nancy's relatives, Oklahoma authorities finally allowed Micah to return to live with Michelle and his sister.<sup>7</sup>

In part because of concern about ensuring children the important benefits and protections that flow from having legally recognized parental relationships, numerous professional organizations support second-parent and joint adoptions. *See, e.g.,* American Academy of Pediatrics, *Policy Statement on Co-parent and Second-Parent Adoptions*, 109 Pediatrics 339-340 (Feb. 2002) (supporting "legislative and legal efforts to provide the possibility of adoption of the child by the second parent or co-parent in [same-sex parent] families"); American Academy of Family Physicians (2002) (resolution calling upon the Academy to establish policy and support legislation that would protect children in same-sex parent families); American Psychiatric Association (Dec. 2002) (statement endorsing the right of gay and lesbian couples to adopt); American Psychoanalytic Association, *Position Statement on Gay and Lesbian Parenting* (May 2002).

By approving the proposed resolution, the ABA would be adding its voice of support for second-parent and joint adoptions to those of other major associations concerned about doing what is best for all children in family settings.

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<sup>5</sup> See Deb Price, *Girl Would Be Orphan If They'd Lost The Battle*, Minneapolis Star-Tribune, Jan. 5, 1994 at 4E.

<sup>6</sup> Hersche, *Family Circle*, S.F. Chron. 1Z1 (Aug. 29, 1999), available at 1999 WL 2694404.

<sup>7</sup> *Id.*

## *Conclusion*

Every child is entitled to the emotional and financial security that follows from legal recognition of his or her relationships to his parents. By supporting second-parent adoptions and joint adoptions, the ABA can help ensure that all children have recognized legal relationships to their parents, thereby helping promote all children's best interests.

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Respectfully submitted,

Mark D. Agrast, Chair  
Section of Individual Rights and Responsibilities

Joel D. Tenenbaum, Chair  
Section of Family Law

Bruce A. Boyer, Chair  
Steering Committee on the Unmet Legal Needs of Children

Amy B. Johnson and Michael L. Lovitz, Co-chairs  
National Lesbian and Gay Law Association

August 2003

## **AMERICAN BAR ASSOCIATION**

### **POLICIES ADOPTED BY THE ABA HOUSE OF DELEGATES: POLICY ON LEGISLATIVE AND NATIONAL ISSUES**

**Sexual Orientation and Adoption.** Support the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interest of the child. 99M109B

Supports state and territorial laws and court decisions that permit the establishment of legal parent-child relationships through joint adoptions and second parent adoptions by unmarried persons who are functioning as a child's parents when such adoptions are in the best interests of the child. 03A112A

**Sexual Orientation of Foster Parent.** Opposes legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe. 06M102

**Child Custody and Sexual Orientation.** Support enactment of legislation and the implementation of public policy providing that child custody and visitation shall not be denied or restricted on the basis of sexual orientation. 8/95

**American Medical Association**  
**2004**

# **POLICIES OF THE AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES**

## **H-60.940 Partner Co-Adoption**

Our AMA will support legislative and other efforts to allow the adoption of a child by the same-sex partner, or opposite sex non-married partner, who functions as a second parent or co-parent to that child. (Res. 204, A-04)

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 204  
(A-04)

Introduced by: Medical Student Section  
Subject: Partner Co-Adoption  
Referred to: Reference Committee B  
(Michael J. Fischer, MD, Chair)

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1 Whereas, Having two fully sanctioned and legally defined parents promotes a safe and nurturing  
2 environment for children, including psychological and legal security; and  
3

4 Whereas, Children born or adopted into families headed by partners who are of the same sex  
5 usually have only one biologic or adoptive legal parent; and  
6

7 Whereas, The legislative protection afforded to children of parents in homosexual relationships  
8 varies from state to state, with some states enacting or considering legislation sanctioning co-  
9 parent or second parent adoption by partners of the same sex, several states declining to  
10 consider legislation, and at least one state altogether banning adoption by the second parent;  
11 and  
12

13 Whereas, Co-parent or second parent adoption guarantees that the second parent's custody  
14 rights and responsibilities are protected if the first parent dies or becomes incapacitated; and  
15

16 Whereas, Co-parent or second parent adoption ensures the child's eligibility for health benefits  
17 from both parents and establishes the requirement for child support from both parents in the  
18 event of the parents' separation; and  
19

20 Whereas, Co-parent or second parent adoption establishes legal grounds to provide consent for  
21 medical care and to make health care decisions on behalf of the child and guarantees visitation  
22 rights if the child becomes hospitalized; and  
23

24 Whereas, The American Academy of Pediatrics and the American Psychiatric Association have  
25 each issued statements supporting initiatives which allow same-sex couples to adopt and co-  
26 parent children; therefore be it  
27

28 RESOLVED, That our American Medical Association support legislative and other efforts to  
29 allow the adoption of a child by the same-sex partner, or opposite sex non-married partner, who  
30 functions as a second parent or co-parent to that child. (New HOD Policy)

Fiscal Note: Advocate accordingly at estimated total staff cost of \$1,929.

Received: 4/29/04



**American Psychiatric Association**

**1997, 2002**

# **News RELEASE**

American Psychiatric Association, 1400 K St. NW, Washington, DC 20005

**For Information Contact:**

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December 13, 2002

Release No. 02-46

**New Position Statement Adopted by the American Psychiatric Association (APA)**  
***Adoption and Co-Parenting of Children by Same-Sex Couples***

WASHINGTON, D.C. – The American Psychiatric Association Board of Trustees and Assembly in November approved a position statement on Adoption and Co-Parenting of Children by Same-Sex Couples. The statement was drafted and proposed by the APA's Committee on Gay, Lesbian, and Bisexual Issues and supported by APA's Council on Minority Health and Health Disparities.

The position statement says, "The APA supports initiatives, which allow same-sex couples to adopt and co-parent children, and supports all the associated legal rights, benefits, and responsibilities, which arise from such initiatives."

Research over the past 30 years has consistently demonstrated that children raised by gay or lesbian parents exhibit the same level of emotional, cognitive, social and sexual functioning as children raised by heterosexual parents. The research also indicates that optimal development for children is not based on the sexual orientation of the parents, but on stable attachments to committed and nurturing adults.

This is the first resolution approved by the APA surrounding the issues of gay co-parenting but is consistent with earlier APA positions, such as the 2000 position statement supporting the legal recognition of same sex unions and their associated legal rights, benefits, and responsibilities. The APA supports legislation that strengthens family ties.

The American Academy of Pediatrics, American Psychoanalytic Association, American Association of Child and Adolescent Psychiatrists, and the American Association of Family Physicians have all adopted similar positions.

**Note to editors:** The APA position statement on Adoption and Co-Parenting of Children by Same-Sex Couples can be accessed at <http://www.psych.org/archives/200214.pdf>.

The American Psychiatric Association is moving. APA plans to be in its new quarters across the Potomac River in Arlington, Va., on December 23, 2002. Our new address is 1000 Wilson Blvd., Suite 1825, Arlington, Va., 22209-3901. You can reach us at (703)907-7300.

**The American Psychiatric Association is a national medical specialty society, founded in 1844, whose 38,000 physician members specialize in the diagnosis, treatment and prevention of mental illnesses including substance use disorders. For more information, visit the APA Web site at [www.psych.org](http://www.psych.org).**

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# **Adoption and Co-parenting of Children by Same-sex Couples**

## **POSITION STATEMENT**

Approved by the Board of Trustees, November 2002

Approved by the Assembly, November 2002

"Policy documents are approved by the APA Assembly and Board of Trustees... These are ... position statements that define APA official policy on specific subjects..." -- *APA Operations Manual*.

Numerous studies over the last three decades consistently demonstrate that children raised by gay or lesbian parents exhibit the same level of emotional, cognitive, social, and sexual functioning as children raised by heterosexual parents. This research indicates that optimal development for children is based not on the sexual orientation of the parents, but on stable attachments to committed and nurturing adults. The research also shows that children who have two parents, regardless of the parents' sexual orientations, do better than children with only one parent.

While some states have approved legislation sanctioning second parent adoption, other court judgments and legislation have prohibited lesbian women and gay men from adopting or co-parenting. Therefore, in most of the United States, only one partner in a committed gay or lesbian couple may have a legal parental relationship to a child they are raising together. Adoption by a second parent, however, would not only formalize a child's existing relationships with both parents in a same-sex couple, it would also provide vital security for the child. Children could avail themselves of both parents' health insurance benefits, access to medical care, death benefits, inheritance rights, and child support from both parents in the event of separation. Adoption protects both parents' rights to custody and/or visitation if the couple separates or if one parent dies.

The American Psychiatric Association has historically supported equity, parity, and non-discrimination regarding legal issues affecting mental health. In 2000, APA supported the legal recognition of same sex unions and their associated legal rights, benefits, and responsibilities. APA has also supported efforts to educate the public about homosexuality and the mental health needs of lesbian women, gay men, and their families. Removing legal barriers that adversely affect the emotional and physical health of children raised by lesbian and gay parents is consistent with the goals of the APA.

**The American Psychiatric Association supports initiatives which allow same-sex couples to adopt and co-parent children and supports all the associated legal rights, benefits, and responsibilities which arise from such initiatives.**

*This position statement was drafted and proposed by the Committee on Gay, Lesbian, and Bisexual Issues and was supported by the Council on Minority Mental Health and Health Disparities.*



The American Psychiatric Association is a national medical specialty society, founded in 1844, whose 36,500 physician members specialize in the diagnosis and treatment of mental and emotional illnesses including substance use disorders.

**The American Psychiatric Association**

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# **Controversies in Child Custody: Gay and Lesbian Parenting; Transracial Adoptions; Joint versus Sole Custody; and Custody Gender Issues**

## **RESOURCE DOCUMENT**

Approved by the Board of Trustees, December 1997

"Policy documents are approved by the APA Assembly and Board of Trustees...These are ... position statements that define APA official policy on specific subjects..." -- *APA Operations Manual*.

The purpose of this resource document is to provide information about several controversial issues related to child custody determinations. This document was prepared by members of the APA Subcommittee on Child Custody Issues under the auspices of the APA Council on Psychiatry and Law. Much of the content was presented as a component workshop at the 1997 APA Annual Meeting and a symposium at the 1997 APA Annual Meeting.

The following summary statements represent current knowledge based on a thorough review of the literature. The backup document contains a more detailed discussion of each issue including a critique of the literature, its limitations and a current bibliography.

Disclaimer: It is important to note that the research in this area is imperfect. There have been no longitudinal studies with controls. This document will need ongoing modification based on the results of further studies. Nevertheless, at this point in time, these statements represent what is supported by the literature and by our judgment.

### **SUMMARY STATEMENTS ON CONTROVERSIES IN CHILD CUSTODY**

#### **Child Custody: Gay and Lesbian Parenting**

1. Sexual orientation should not be used as the sole or primary factor in child custody determinations.
2. Gay and lesbian couples and individuals should be allowed to become parents through adoption, fostering and new reproductive technologies, subject to the same types of screening used with heterosexual couples and individuals.
3. Second parent adoptions which grant full parental rights to a second, unrelated adult (usually an unmarried partner of a legal parent), are often in the best interest of the child(ren) and should not be prohibited solely because both adults are of the same gender.
4. Custody determinations after dissolution of a gay relationship should be done in a manner similar to other custody determinations.



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### **Child Custody: Transracial Adoption**

(These statements, based on a literature review, apply to African-American children or Asian children adopted by white families. There is inadequate literature dealing with other transracial or transethnic situations such as the adoption of Native American children and international adoptions.)

1. The existing literature does not support the conclusion that transracial adoption should be prohibited or discouraged.
2. There does not appear to be any significant differences between transracial adoptees and intraracial adoptees on measures of family integration, self-esteem, school performance, or overall adjustment.
3. The existing literature supports that there may be significant issues related to racial identity that need attention by adoptive parents and adoptees (as they get older).

### **Child Custody: Joint versus Sole Custody and Custody Gender Issues**

1. There is no single best custody arrangement for all children. Determinations about custody need to be made on a case by case basis.
2. In determining visitation with non-custodial parents, the benefit of having contact with both parents must be weighed against the harms associated with having contact with parents who have ongoing conflict.
3. The literature indicates that frequent visitation with the non-custodial parent is beneficial for children provided that there is a low conflict post-divorce parental relationship.
4. Gender of the child and parent should not be used as the sole or primary factor in child custody determinations. Determinations about the best custody arrangement in terms of gender of child and parent should be done on a case by case basis related to factors such as the age of the child, the emotional/psychological health of the child, stability of the parents, and presence of extended family.
5. The literature provides some evidence that boys tend to do better in father custody families and girls tend to do better in mother custody families, provided all other custody determination factors are equal, e.g., parenting skills.

**American Psychoanalytic Association**  
**2002**

# **AMERICAN PSYCHOANALYTIC ASSOCIATION POSITION STATEMENT**

## **GAY AND LESBIAN PARENTING**

The American Psychoanalytic Association supports the position that the salient consideration in decisions about parenting, including conception, child rearing, adoption, visitation and custody is the best interest of the child. Accumulated evidence suggests the best interest of the child requires attachment to committed, nurturing and competent parents. Evaluation of an individual or couple for these parental qualities should be determined without prejudice regarding sexual orientation. Gay and lesbian individuals and couples are capable of meeting the best interest of the child and should be afforded the same rights and should accept the same responsibilities as heterosexual parents. With the adoption of this position statement, we support research studies that further our understanding of the impact of both traditional and gay/lesbian parenting on a child's development.

Adopted May 16, 2002.

**American Psychological Association**  
**2004**



# Resolution on Sexual Orientation, Parents, and Children

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*Adopted by the APA Council of Representatives, July 2004*

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## Research Summary

### Lesbian and Gay Parents

Many lesbians and gay men are parents. In the 2000 U. S. Census, 33% of female same-sex couple households and 22% of male same-sex couple households reported at least one child under the age of 18 living in the home. Despite the significant presence of at least 163,879 households headed by lesbian or gay parents in U.S. society, three major concerns about lesbian and gay parents are commonly voiced (Falk, 1994; Patterson, Fulcher & Wainright, 2002). These include concerns that lesbians and gay men are mentally ill, that lesbians are less maternal than heterosexual women, and that lesbians' and gay men's relationships with their sexual partners leave little time for their relationships with their children. In general, research has failed to provide a basis for any of these concerns (Patterson, 2000, 2004a; Perrin, 2002; Tasker, 1999; Tasker & Golombok, 1997). First, homosexuality is not a psychological disorder (Conger, 1975). Although exposure to prejudice and discrimination based on sexual orientation may cause acute distress (Mays & Cochran, 2001; Meyer, 2003), there is no reliable evidence that homosexual orientation per se impairs psychological functioning. Second, beliefs that lesbian and gay adults are not fit parents have no empirical foundation (Patterson, 2000, 2004a; Perrin, 2002). Lesbian and heterosexual women have not been found to differ markedly in their approaches to child rearing (Patterson, 2000; Tasker, 1999). Members of gay and lesbian couples with children have been found to divide the work involved in childcare evenly, and to be satisfied with their relationships with their partners (Patterson, 2000, 2004a). The results of some studies suggest that lesbian mothers' and gay fathers' parenting skills may be superior to those of matched heterosexual parents. There is no scientific basis for concluding that lesbian mothers or gay fathers are unfit parents on the basis of their sexual orientation (Armesto, 2002; Patterson, 2000; Tasker & Golombok, 1997). On the contrary, results of research suggest that lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children.

### Children of Lesbian and Gay Parents

As the social visibility and legal status of lesbian and gay parents has increased, three major concerns about the influence of lesbian and gay parents on children have been often voiced (Falk, 1994; Patterson, Fulcher & Wainright, 2002). One is that the children of lesbian and gay parents will experience more difficulties in the area of sexual identity than children of heterosexual parents. For instance, one such concern is that children brought up by lesbian mothers or gay fathers will show disturbances in gender identity and/or in gender role behavior. A second category of concerns involves aspects of children's personal development other than sexual identity. For example, some observers have expressed fears that children in the custody of gay or lesbian parents would be more vulnerable to mental breakdown, would exhibit more adjustment difficulties and behavior problems, or would be less psychologically healthy than other children. A third category of concerns is that children of lesbian and gay parents will experience difficulty in social relationships. For example, some observers have expressed concern that children living with lesbian mothers or gay fathers will be stigmatized, teased, or otherwise victimized by peers. Another common fear is that children living with gay or lesbian parents will be more likely to be sexually abused by the parent or by the parent's friends or acquaintances.

Results of social science research have failed to confirm any of these concerns about children of lesbian and gay parents (Patterson, 2000, 2004a; Perrin, 2002; Tasker, 1999). Research suggests that sexual identities (including gender identity, gender-role behavior, and sexual orientation) develop in much the same ways among children of lesbian mothers as they do among children of heterosexual parents (Patterson, 2004a). Studies of other aspects of personal development (including personality, self-concept, and conduct) similarly reveal few differences between children of lesbian mothers and children

of heterosexual parents (Perrin, 2002; Stacey & Biblarz, 2001; Tasker, 1999). However, few data regarding these concerns are available for children of gay fathers (Patterson, 2004b). Evidence also suggests that children of lesbian and gay parents have normal social relationships with peers and adults (Patterson, 2000, 2004a; Perrin, 2002; Stacey & Biblarz, 2001; Tasker, 1999; Tasker & Golombok, 1997). The picture that emerges from research is one of general engagement in social life with peers, parents, family members, and friends. Fears about children of lesbian or gay parents being sexually abused by adults, ostracized by peers, or isolated in single-sex lesbian or gay communities have received no scientific support. Overall, results of research suggest that the development, adjustment, and well-being of children with lesbian and gay parents do not differ markedly from that of children with heterosexual parents.

## **Resolution**

**WHEREAS** APA supports policy and legislation that promote safe, secure, and nurturing environments for all children (DeLeon, 1993, 1995; Fox, 1991; Levant, 2000);

**WHEREAS** APA has a long-established policy to deplore "all public and private discrimination against gay men and lesbians" and urges "the repeal of all discriminatory legislation against lesbians and gay men" (Conger, 1975);

**WHEREAS** the APA adopted the Resolution on Child Custody and Placement in 1976 (Conger, 1977, p. 432)

**WHEREAS** Discrimination against lesbian and gay parents deprives their children of benefits, rights, and privileges enjoyed by children of heterosexual married couples;

**WHEREAS** some jurisdictions prohibit gay and lesbian individuals and same-sex couples from adopting children, notwithstanding the great need for adoptive parents (Lofton v. Secretary, 2004);

**WHEREAS** There is no scientific evidence that parenting effectiveness is related to parental sexual orientation: lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children (Patterson, 2000, 2004; Perrin, 2002; Tasker, 1999);

**WHEREAS** Research has shown that the adjustment, development, and psychological well-being of children is unrelated to parental sexual orientation and that the children of lesbian and gay parents are as likely as those of heterosexual parents to flourish (Patterson, 2004; Perrin, 2002; Stacey & Biblarz, 2001);

**THEREFORE BE IT RESOLVED** That the APA opposes any discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services;

**THEREFORE BE IT FURTHER RESOLVED** That the APA believes that children reared by a same-sex couple benefit from legal ties to each parent;

**THEREFORE BE IT FURTHER RESOLVED** That the APA supports the protection of parent-child relationships through the legalization of joint adoptions and second parent adoptions of children being reared by same-sex couples;

**THEREFORE BE IT FURTHER RESOLVED** That APA shall take a leadership role in opposing all discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services;

**THEREFORE BE IT FURTHER RESOLVED** That APA encourages psychologists to act to eliminate all discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services in their practice, research, education and training ("Ethical Principles," 2002, p. 1063);

**THEREFORE BE IT FURTHER RESOLVED** That the APA shall provide scientific and educational resources that inform public discussion and public policy development regarding discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services and that assist its members, divisions, and affiliated state, provincial, and territorial psychological associations.

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**Child Welfare League of America**

**2005**

# **CHILD WELFARE LEAGUE OF AMERICA**

## **Position Statement on Parenting of Children by Lesbian, Gay, and Bisexual Adults**

### **CWLA's Position on Same-Sex Parenting**

The Child Welfare League of America (CWLA) affirms that lesbian, gay, and bisexual parents are as well suited to raise children as their heterosexual counterparts.

### **Issue**

Since 1920, CWLA and its member agencies have worked to ensure that abused, neglected, and other vulnerable children are protected from harm. CWLA strives to advance research-based best practices and sound public policy on behalf of the nine million vulnerable children served by our approximately 900 member agencies. We believe every child and youth has a value to society and we envision a future in which families, neighborhoods, communities, organizations, and governments ensure that all children and youth are provided with the resources and supports they need to grow into healthy, contributing members of society.

Among its member agencies, CWLA also values and encourages approaches to child welfare that are culturally competent and responsive to the specific needs of our society's broad and diverse population. Included in CWLA's definition of cultural competence is the ability to support children, youth, and families who are gay, lesbian, bisexual, or transgender (GLBT), as well as those individuals who may be questioning (Q) their sexual orientation or gender identity.

CWLA has operationalized its support of LGBTQ children, youth, and families by working in partnership with Lambda Legal, the nation's oldest and largest civil rights organization dedicated to supporting GLBT people, as well as people with HIV or AIDS. Together, CWLA and Lambda Legal have created an initiative entitled Fostering Transitions: CWLA/Lambda Joint Initiative to Support LGBTQ youth and Adults Involved with the Child Welfare System. The goal of the initiative is to increase the child welfare system's capacity to meet the needs of lesbian, gay, bisexual, transgender and questioning (LGBTQ) children, youth, adults, and families. CWLA is pursuing this goal by providing education, technical assistance, resource development and dissemination, programmatic coordination, and advocacy to CWLA member agencies and the greater child welfare field.

The number of children in America currently being raised by gay, lesbian, or bisexual parents is unknown. Resistance to lesbian and gay rights continues to force many lesbian and gay people to remain silent about their sexual orientation and relationships. But several studies indicate the numbers of children with same-sex parents in America are significant. According to the 2000 U.S. Census, there are approximately 600,000 same-sex couples in the United States (Simmons & O'Connell, 2003). More than 30% of these couples have at least one child, and over half of that 30% have two or more children. Therefore, parents of the same sex are raising at least 200,000 children--possibly more than 400,000--in America (these numbers do not include single lesbian or single gay parents). The 2000 U.S. Census also reported that lesbian and gay families live in 99.3% of all U.S. counties (Smith & Gates, 2001). A 1995 National Health and Social Life Survey by E.O. Lauman found that up to nine million children in America have gay or lesbian parents (Committee on Psychosocial Aspects of Child and Family Health, 2002).

Based on more than three decades of social science research and our 85 years of service to millions of families, CWLA believes that families with LGBTQ members deserve the same levels of support afforded other families. Any attempt to preclude or prevent gay, lesbian, and bisexual individuals or couples from parenting, based solely on their sexual orientation, is not in the best interest of children.

CWLA, therefore, affirms that gay, lesbian, and bisexual parents are as well suited to raise children as their heterosexual counterparts.

## **Existing Social Science Research Supporting Same-Sex Parenting**

Existing research comparing lesbian and gay parents to heterosexual parents, and children of lesbian and gay parents to children of heterosexual parents, shows that common negative stereotypes are not supported (Patterson, 1995). Likewise, beliefs that lesbian and gay adults are unfit parents have no empirical foundation (American Psychological Association, 1995).

A growing body of scientific evidence demonstrates that children who grow up with one or two parents who are gay or lesbian fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual. Evidence shows that children's optimal development is influenced more by the nature of the relationships and interactions within the family unit than by its particular structural form (Perrin, 2002).

Studies using diverse samples and methodologies in the last decade have persuasively demonstrated that there are no systematic differences between gay or lesbian and non-gay or lesbian parents in emotional health, parenting skills, and attitudes toward parenting (Stacey & Biblarz, 2001). No studies have found risks to or disadvantages for children growing up in families with one or more gay parents, compared to children growing up with heterosexual parents (Perrin, 2002). Indeed, evidence to date suggests home environments provided by lesbian and gay parents support and enable children's psychosocial growth, just as do those provided by heterosexual parents (Patterson, 1995).

Prevalent heterosexism, sexual prejudice, homophobia, and resulting stigmatization might lead to teasing, bullying, and embarrassment for children about their parent's sexual orientation or their family constellation, restricting their ability to form and maintain friendships. Nevertheless, children seem to cope well with the challenges of understanding and describing their families to peers and teachers (Perrin, 2002). CWLA concludes that problems associated with such family formations do not emanate from within the family unit, but from prejudicial forces on the outside. Children of gay, lesbian, and bisexual parents are better served when society works to eliminate harmful, prejudicial attitudes directed toward them and their families.

## **CWLA Standards Support Same-Sex Parenting**

CWLA's policies and standards are consistent with existing research on outcomes of children raised by gay, lesbian, or bisexual parents. CWLA develops and disseminates the Standards of Excellence for Child Welfare Services as benchmarks for high-quality services that protect children and youth and strengthen families and neighborhoods.

CWLA develops and revises its Standards through a rigorous, inclusive process that challenges child welfare agency representatives and national experts to address both persistent and emerging issues, debate current controversies and concerns, review research findings, and develop a shared vision reflecting the best current theory and practice. The Standards provide goals for the continuing improvement of services for children and families, and compare existing practice with what is considered most desirable for children and their families. The Standards are widely accepted as the foundation for sound U.S. child welfare practice, providing goals for the continuing improvement of services to children and their families.

As they pertain to LGBTQ children, youth, and families, CWLA's Standards of Excellence for Family Foster Care Services do not include requirements for adults present in the home to be legally related by blood, adoption, or legal marriage. Specifically, section 3.18 of the foster care standards establishes a policy of nondiscrimination in the selection of foster parents, stating: "The family foster care agency should not reject foster parent applicants solely due to their age, income, marital status, race, religious preference, sexual orientation, physical or disabling condition, or location of the foster home" (CWLA, 1995).

CWLA also articulates a strong position on the issue of nondiscrimination of adoptive applicants. Section 4.7 of the Standards of Excellence for Adoption Services states:

All applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyle, or sexual orientation. Applicants should be accepted on the basis of an individual assessment of their capacity to understand and meet the needs of a particular available child at the point of the adoption and in the future (CWLA, 2000).

Thus, based on a preponderance of existing research substantiating the ability of gay, lesbian, and bisexual adults to serve as competent, caring, supportive and loving parents, and consistent with the Standards of Excellence for Child Welfare Services, CWLA commits its experience, its resources, and its influence to supporting LGBTQ children, youth, adults, and families involved in America's child welfare system.

## **Additional Resources**

### **CWLA Online**

- [More information about CWLA](#)
- [More information about the CWLA/Lambda Legal joint LGBTQ initiative](#)

### **Empirical Studies on Lesbian and Gay Parenting**

- [American Psychological Association, Lesbian and Gay Parenting](#)
- [American Psychological Association, Resources on Lesbian and Gay Parenting](#)
- [American Academy of Pediatrics, Technical Report: Co-parent or Second Parent Adoption by Same-Sex Parents](#)
- [American Civil Liberties Union, Too High A Price: The Case Against Restricting Gay Parenting](#)

### **Books, Articles, and Chapters on Lesbian and Gay Parenting**

- <http://www.apa.org/pi/l&bbks.html>
- <http://www.apa.org/pi/l&gart.html>

### **Legal and Advocacy Organizations:**

- [Lambda Legal](#)
- [American Civil Liberties Union Lesbian and Gay Rights Project](#)
- [Family Pride Coalition](#)
- [Parents, Families, and Friends of Lesbians and Gays](#)
- [Children of Lesbians and Gays Everywhere](#)

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Smith, D.M., & Gates, G.J. (2001). *lesbian and gay families in the United States: Same-sex unmarried partner households*. Available online. Washington, DC: Human Rights Campaign.

Stacey, J., & Biblarz, T.J. (2001). (How) does sexual orientation of parents matter? *American Sociological Review*, 65, 159-183.



## **CWLA's Standards of Excellence and LGBTQ youth Issues**

CWLA relies on its existing Standards of Excellence for Child Welfare Services to support the fair treatment of LGBTQ youth and adults in the child welfare system. For example, CWLA's Standards of Excellence for Adoption Services include the following statement:

The League articulates a strong position on the issue of nondiscrimination of adoptive applicants.

The Standard states:

### **4.7 Nondiscrimination in provision of services to adoptive applicants.**

All applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing life style, or sexual orientation.

Applicants should be accepted on the basis of an individual assessment of their capacity to understand and meet the needs of a particular available child at the point of the adoption and in the future.

The same is true for our Standards of Excellence for Family Foster Care Services, which do not include requirements that adults in the home be legally related to parent(s) by blood or adoption or legal marriage.

Section 3.18 of those Standards establishes a policy of nondiscrimination in the selection of foster parents. The Standard states:

### **3.18 Nondiscrimination in selecting foster parents**

The family foster care agency should not reject foster parent applicants solely due to their age, income, marital status, race, religious preference, sexual orientation, physical or disabling condition, or location of the foster home.

**Evan B. Donaldson Adoption Institute**  
**2006, 2008**



EVAN B. DONALDSON ADOPTION INSTITUTE

# **Expanding Resources for Children:**

## **Is Adoption by Gays and Lesbians Part of the Answer**

### **for Boys and Girls Who Need Homes?**

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## Policy Perspective

March 2006

Funded by: The Gill Foundation and the Human Rights Campaign

Prepared by: The Evan B. Donaldson Adoption Institute

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## Executive Summary

**I**t is a mantra of political rhetoric, a guiding principle of professional policy and practice, and an explicit goal of our nation's laws and practices: Every child deserves to live in a permanent, loving home. Yet tens of thousands of boys and girls remain mired in the foster care system, unable to return to their original families and without realistic prospects of being adopted.

At the same time, agencies and attorneys report the number of gay and lesbian adults expressing an interest in adopting these children is growing. This reality raises hopes among many child welfare professionals and policy-makers, who see a new pool of prospective parents for children who need them. But it also generates controversy and criticism among others, who are concerned about the consequences of permitting adoption into families headed by gay or lesbian parents.

In an effort to inform the debate, the Evan B. Donaldson Adoption Institute has conducted an extensive examination of the relevant issues, laws and practices, and available research spanning the last several decades. This effort – which represents one of the broadest, most thorough reviews and analyses to date on gay/lesbian adoption and parenting – is part of a larger, more detailed project that will be completed and released in several months. This paper, meanwhile, is intended as an overview that serves two principal functions: to inform and provide context for the often-fractious debate over gay/lesbian adoption currently taking place in our country; and, most important, to provide information that can be used to shape best practices that focus on providing boys and girls in the child welfare system with safe, committed and enduring families.

### Principal findings

- Against a backdrop of increasing public acceptance, social science research concludes that children reared by gay and lesbian parents fare comparably to those of children raised by heterosexuals on a range of measures of social and psychological adjustment.
- Studies are increasing in number and rigor, but the body of research on gay/lesbian parents is relatively small and has methodological limitations. Still, virtually every valid study reaches the same conclusion: The children of gays and lesbians adjust positively and their families function well. The limited research on gay/lesbian adoption points in the same direction.
- Though few states have laws or policies explicitly barring homosexuals from adopting, some individual agencies and workers outside those states discriminate against gay and lesbian applicants based on their own biases or on mistaken beliefs that such prohibitions exist.
- Laws and policies that preclude adoption by gay or lesbian parents disadvantage the tens of thousands of children mired in the foster care system who need permanent, loving homes.

### Background

Despite federal legislation and state initiatives aimed at getting more children out of foster care and doing so more quickly – and despite a surge in adoptions from the system during the last decade – the number of children in need of permanent families continues to be large. The latest available count, by the U.S. Children's Bureau for 2003, estimated there were 119,000 children awaiting adoption from the child welfare system, only 20,000 of whom were in pre-adoptive homes.

Many prospective parents are interested in adoption, but the significant majority of them are interested in adopting infants or young children without histories of maltreatment and without physical or mental disabilities. In short, the number of waiting children in foster care far exceeds the supply of parents seeking to adopt them. Achieving permanency, safety and well-being for these children requires creative policy and practice to expand the number of families available. In this context – and against the backdrop of changing cultural values – many, if not most, agencies nationwide have become increasingly amenable to gay and lesbian individuals and couples as one such resource.

However, the move to expanding the pool of adoptive parents in this way requires legal, organizational and attitudinal change. If child welfare professionals, children's advocates and policymakers wish to enlarge the pool of parental resources to include these parents, among the steps they should consider are:

### Recommendations

- Move to end legal and de facto restrictions on adoption by gays and lesbians. This includes working to expand co-parent and second parent adoption, as well as revising agency policies and practices that may impede their consideration as an adoptive resource.
- Develop clear statements in support of such adoptions, recognizing a “don't ask, don't tell” approach disadvantages parents and, ultimately, their children. And develop contacts with the gay/lesbian community in order to engage in genuine, informed outreach.
- Help workers, supervisors, and agency leaders examine their attitudes and beliefs about gay and lesbian parenting, while affirming the value of these families by including them in outreach, training materials, and parent panels.
- Conduct research to inform the development of resources, training, and support to improve post-adoption success. And work to include and educate children in the process, recognizing that they may encounter prejudice if adopted by gay parents.

### Conclusion

Based on both the available research and growing experience, adoption by gays and lesbians holds promise as an avenue for achieving permanency for many of the waiting children in foster care.

***Policy Perspectives** are research-based Adoption Institute publications that focus on important and timely issues in the field. This report was researched and written by Professor Jeanne Howard of Illinois State University, who is the Adoption Institute's Policy and Research Director. Special thanks to two of our Senior Fellows, Professor Scott Ryan of Florida State University and Professor David Brodzinsky of Rutgers University, for their valuable contributions. This Policy Perspective was edited by Executive Director Adam Pertman. Send questions and comments to [info@adoptioninstitute.org](mailto:info@adoptioninstitute.org).*

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## Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer For Boys and Girls Who Need Homes?

**D**espite federal legislation and state initiatives aimed at getting more children out of foster care and doing so more quickly – and despite a surge in adoptions from the system in the last decade – the number of children in need of permanent families continues to be large.

The latest available count, by the U.S. Children's Bureau for 2003, estimated 119,000 children were awaiting adoption<sup>1</sup> from the child welfare system, only 20,000 of whom were in pre-adoptive homes. The remainder reflects the disproportionate entry of children of color into the system: 40 percent were African American, compared to 37 percent Euro-American, non-Hispanic children, 14 percent Hispanic, 3 percent of two or more races, and 2 percent Native American. (Race or ethnicity was unknown for 4 percent of these children.) Waiting children are older (averaging 8.6 years) and 64 percent are over age 5. These children have been in care for an extended part of their young lives, averaging nearly four years (44 months) of continuous foster care (U.S. Children's Bureau, 2005).

Older age is the most potent factor predicting that waiting children will never be adopted, and will never achieve permanency. Thousands of such children "age out" of the foster care system annually – and they experience high rates of homelessness, incarceration, early pregnancy, failure to graduate from high school, unemployment and underemployment, and poverty (Courtney & Piliavin, 1998; Goerge, Bilaver, Lee, et al, 2002).

Many prospective parents are interested in adoption, but the significant majority of them are interested in adopting infants or young children without histories of maltreatment and without physical or mental disabilities (Bachrach, London & Maza, 1991; Brooks, James & Barth, 2002). In short, the number of waiting children in foster care far exceeds the supply of parents seeking to adopt them. Achieving permanency, safety, and well-being for these children requires creative policy and practice to expand the number of homes available. In this context – and against the backdrop of changing cultural values – many agencies nationwide have become increasingly amenable to gay and lesbian individuals and couples as one such resource (Brodzinsky, Patterson & Vaziri, 2002).

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### GROWING ACCEPTANCE OF GAY AND LESBIAN PARENTING AND ADOPTION

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Both the American family and social attitudes about family life have undergone profound changes in the past 20 years. Single parenthood, families formed through divorce and remarriage, and families formed through adoption or surrogacy are becoming increasingly accepted variations of the modern family in the United States. This attitudinal shift is occurring about gay and lesbian parenthood as well. A study of Americans' views about gays and lesbians in 1997 found the majority of respondents not only favored the notion of equality, but found trends in public opinion toward gay and lesbian equality had liberalized on nearly every major issue over time – from equality in employment, to

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<sup>1</sup> "Waiting children" is defined by the U.S. Children's Bureau as those children whose parental rights have been terminated and/or have a goal of adoption. It does not include children 16 or older whose parental rights have been terminated and who have a goal of emancipation.

housing, to [reduced] disapproval of homosexual practices (Yang, 1998). The study found 40 percent of respondents supported adoption rights for gay and lesbian couples in 1997.

More recent studies show even greater support. A March 2002 ABC news poll, for example, found 47 percent of respondents approved of adoption by same-sex couples (an increase from 38 percent in a 1998 *Newsweek* poll and 28 percent in a Time/CNN poll in 1994), compared to 42 percent who opposed the practice. In addition, nearly 80 percent said adoption by gays and lesbians should be decided on a case-by-case basis by parents and professionals, not by judges or politicians.

Younger Americans are much more supportive of adoption by gay and lesbian parents than are their elders, foreshadowing even wider support as today's youths become tomorrow's policy-makers. For example, a national 2001 poll of 1,003 high school seniors found that two-thirds approve of gay marriage and the clear majority (68 percent) believe gay couples should be able to adopt children (Hamilton College, 2001).

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#### CHILDREN WITH GAY OR LESBIAN PARENTS MAY NUMBER IN THE MILLIONS

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Data on the numbers of gay and lesbian Americans are limited, and data on children with gay or lesbian parents are even more difficult to come by. Lingering social stigma, including discrimination and acts of violence against gays and lesbians, are among the factors that limit open acknowledgement – and, consequently, undermine the accumulation of reliable statistics.

The 2002 Census identified 600,000 same-sex couple households, with 162,000 having one or more children. One-third of lesbian-headed and one-fifth of gay-headed couples reported they had children under age 18 living with them. Many factors suggest the Census figure is a low estimate of children who have homosexual parents. For instance, these numbers do not capture the children in same-sex headed households who did not identify their relationship, those headed by gay or lesbian single parents, or those whose non-gay parent may have physical custody but whose gay parent is also active in the child's life.

Estimates of children with gay or lesbian parents range as high as 1.6 million to 14 million children (Patterson & Freil, 2000). Stacey and Biblarz (2001), researchers who have carefully critiqued studies on gay/lesbian parenting, make a conservative estimate of 1 percent to 12 percent of the dependent child population, or from 1 million to 9 million children. Using the most conservative definition, it can be safely concluded that at minimum 1 million American children under the age of 18 have at least one gay or lesbian parent.

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#### THE ARGUMENTS FOR AND AGAINST GAY/LESBIAN ADOPTION

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While demographers and child-welfare professionals agree that the number of gay and lesbian parents is significant and that gay/lesbian-headed families are increasingly accepted, placing children for adoption with gay or lesbian parents remains controversial. Arguments of critics center on the view that these parents subject their sons and daughters to disproportionate risks. Supporters point to the success of gay and lesbian parents in raising children and the need of waiting children for homes. Empirical examinations of parenting by gay and lesbian parents have been used by both sides of the issue to support their claims. Even President George W. Bush has weighed in on the matter, stating, "Children can receive love from gay couples [but] studies have shown that the ideal is where a child is raised in a married family by a man and a woman (New York Times, 2005).

Those arguing against adoption by gays/lesbians hold that the best interests of children are not served when they are raised by gay/lesbian parents or are placed with gay/lesbian parents in custody disputes or in foster care or adoption. They extrapolate from what they conclude are negative findings in studies on gay and lesbian adults, families without fathers, and on parenting by gay and lesbian parents to present an argument against adoption by gays and lesbians. In addition, they point to methodological limitations in studies as a way to question findings that find positive adjustment and functioning in families with gay or lesbian parents (Rekers & Kilgus, 2002<sup>2</sup>). In their arguments, the “best interests of the child” are served when boys and girls are protected from the dangers or disadvantages of being reared by gay or lesbian parents.

Those who support gay/lesbian adoption argue that “the best interests of the child” require that a range of nurturing homes should be considered for children and that these parents are valuable resources (CWLA, 2004). Supporters cite 25 years of social science research which concludes that children who are reared by gay and lesbian parents fare well (comparably to children raised by heterosexuals) and that gay/lesbian adoption should therefore be allowed and encouraged.

Studies on gay and lesbian parenting support the position that children are not disadvantaged and, in some cases, receive unique benefit from being reared by gay/lesbian individuals. For example, in terms of psychological well-being, studies have found no significant differences between children of lesbian mothers and heterosexual mothers on a range of measures of social and psychological adjustment – e.g. anxiety, depression and self-esteem; behavior problems, social relationships or emotional difficulty.<sup>3</sup> Children also fare similarly in school performance and cognitive ability.

Studies also have examined the sexual orientation of children with gay/lesbian parents. Because opponents of gay/lesbian parenting generally see being gay or lesbian as negative, they have raised the concern that their children are at greater “risk” to become gay or lesbian. Proponents of gay/lesbian parenting and adoption note most studies show that the sexual orientation of children is not associated with family type.<sup>4</sup> Some studies have shown that the daughters (but not sons) of lesbians were more likely to report same-sex romantic exploration, although later sexual orientation did not differ between children reared in heterosexually and homosexually headed households.

A few studies have found that children of lesbian and gay parents fare better on some measures than their peers, including school involvement (Wainwright et al, 2004) and ability to discuss sexual development with parents (Tasker & Golombok, 1997). Furthermore, studies have found greater involvement and more equality in parenting of both parents in families headed by gays and lesbians (Chan, Brooks, Raboy, & Patterson, 1998).

Most studies on parenting by homosexual parents examine lesbian-mother households. Fewer studies have been conducted on gay fathers, but to date the findings also point to positive adjustment for children and positive family functioning (Andersson, Amilie, and Ytteroy, 2002).

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<sup>2</sup> Arguments challenging findings of studies on gay/lesbian parenting often appear in less than mainstream outlets. This article was published in the law review of Regent University, a university founded by religious conservative Pat Robertson. In the special edition of the law review, *Homosexuality: Truth be Told*, the editor's note states, “The legal community has a right to know... that a link exists between homosexuality and the sexual abuse of children, that the American Psychiatric Association was hijacked by homosexual activists, that homosexuality is being marketed to children, that studies claiming that parenting by homosexuals does not cause harm are questionable, that homosexuality is not immutable, and that homosexual advocates are calling for the legalization of pedophilia.”

<sup>3</sup> See for example, Golombok, Spencer & Rutter, 1983; Huggins, 1989; Patterson, 1994; Flaks, Ficher, Masterpasqua & Joseph, 1995; Tasker & Golombok, 1997; Chan, Raboy & Patterson, 1998; Chan, Brooks, Raboy & Patterson, 1998; Tasker, 2005; Andersson, Amilie, & Ytteroy, (2002); Wainwright, Russell & Patterson, 2004.

<sup>4</sup> See for example, Andersson, Amilie & Ytteroy; 2002; James, 2004; Wainwright, Russell & Patterson, 2004; Tasker, 2005;



Many who oppose gay/lesbian adoption argue it is ill-advised at best and destructive at worst. They hold that parenting by gays/lesbians and by extension, adoption by gays/lesbians, holds substantial risks for children. There are few social scientists whose work purports to demonstrate these risks, however. The primary author writing in opposition to gay parenting and adoption is Paul Cameron, director of the Family Research Institute which, according to its Website,<sup>5</sup> “was founded in 1982 with one overriding mission: to generate empirical research on issues that threaten the traditional family, particularly homosexuality, AIDS, sexual social policy and drug abuse.”

Cameron’s work is often cited in *amicus briefs* in court cases related to gay/lesbian parenting and adoption, and in legislative and policy debates. Cameron has authored some 38 articles in the past 25 years concluding that homosexuality has negative consequences for those who are gay/lesbian, for their children and for society<sup>6</sup>. Cameron has also written in opposition to adoption by gays and lesbians, concluding from data on sexual abuse reports of children in foster care that between one-third and one-half of foster parent sexual abuse was committed by “homosexuals” (Cameron, 2005). Cameron acknowledges that most of the abusers were married and/or identified as heterosexual, but holds that a same-sex act of sexual abuse necessarily defines the perpetrator as homosexual.

Cameron’s work has been widely criticized. He was expelled from the American Psychological Association in 1983 and denounced by the American Sociological Association because he “consistently misinterpreted and misrepresented sociological research on sexuality, homosexuality and lesbianism” (American Sociological Association, 1987, 14; Cameron, 1994<sup>7</sup>). In *Baker v. Wade*, a federal judge attacked Cameron’s statement that gay people pose a greater risk of child sexual abuse as a “total distortion” of scientific data and a misrepresentation to the court. Nevertheless, Cameron’s work has been the basis for the cases made by many others.

For example, Professor Lynn Wardle (1997) of Brigham Young University drew largely on Cameron’s work in a law review article arguing against the rights of gay parents. Wardle concluded that the children of gay parents are at risk for confusion about their sexual identities and more likely to become homosexual; their parents are more promiscuous and more likely to sexually abuse their own children; that these children are at greater risk to lose a parent to suicide, substance abuse or AIDS; that they are at greater risk to suffer emotional problems such as depression; and that they will experience social stigma and difficulty with peers as a result of their parents’ sexual orientation.

The preponderance of research refutes such conclusions. Although authored by a variety of social scientists and appearing in a wide range of professional journals, this research is not without limitations however. Stacey and Bilbarz (2001), in a comprehensive critique of the literature, identified theoretical, conceptual and methodological problems in research on the effects of parental sexual orientation. These include the lack of theory-based explanations for findings, the emphasis on lesbian mothers, a focus on middle- and upper-class families and on Caucasian families, and a lack of longitudinal studies. In addition, since it has not been determined how many gay and lesbian parents there are, representative sampling is impossible. In addition, sample sizes are often small and few studies have examined “intentional” parenthood; most have looked, instead, at families where one parent is the birth parent of a child born into a marriage where the parent later lives as a gay or lesbian person.

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<sup>5</sup> Familyresearchinst.org

<sup>6</sup> The common search tool PsycINFO, finds 34 of Cameron’s articles in the last 25 years appear in a single journal (*Psychological Reports*) which, unlike most scholarly social science publications, requires authors to pay a fee (\$27.50 per page) for articles published.

<sup>7</sup> Cameron disputes the contention that he was expelled from the APA. He acknowledges that he was sent a letter expelling him, but states he had resigned from the organization prior to receiving it. His 1983 letter to the APA Monitor explaining his resignation included the statement “...to require psychologists to *advance* the civilization-destroying ‘gay rights’ movement is simply an abomination.”

Stacey and Bilbarz also challenge the finding of researchers who report there are “no differences” between children raised by gay/lesbian parents and heterosexual parents. They agree that the no differences claim is well supported on a number of dimensions that could cause the most concern, including psychological well-being or cognitive functioning, parenting styles and level of investment in children, and quality of parent/child relationships. They point out, however, that studies have found children in gay/lesbian-headed households may engage in less gender-stereotypical play, while daughters of lesbians aspire to nontraditional gender professions (such as engineer or doctor).

Some studies have also found that the children of lesbians are more likely to report having had same-sex attraction at some point, although they were no more likely to identify themselves as bisexual, lesbian or gay. Stacey and Bilbarz conclude that the generalization that there is “no difference” between children raised in gay/lesbian households and heterosexual households is an overstatement, particularly in the areas related to gender and sexuality, calling such differences “modest but interesting” (p. 176) and urging further study.

Recent research is more rigorous and has addressed some of the concerns of methodological limitations. Thus, over time, positive conclusions about gay/lesbian parenting appear to be headed toward greater support. For example, concerns about participant bias were addressed by a recently published study where subjects were randomly drawn from a large, ongoing national study of American families. This study found the teens raised by lesbian parents were similar on all dimensions to a comparison group of teens raised by heterosexual parents (Wainwright, Russell & Patterson, 2004). The major difference was that the children of lesbians were more likely to be involved at school and in extra-curricular activities.

Overall, adolescents were more likely to demonstrate positive adjustment when they perceived their parents as caring and when parents reported being close to their children. In another study, drawing from a community sample in England, Golombok et al (2003) compared children with lesbian mothers, heterosexual couples, and heterosexual single mothers. They found similar rates of positive mother/child interactions and positive child adjustment regardless of family type.

#### **LIMITED STUDIES, BUT WITH SIMILAR CONCLUSIONS**

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While there is a growing body of social science research on gay/lesbian parenting generally, the body of research on gay/lesbian-headed families who adopt is still quite small. The professional literature tends to be philosophical rather than empirical, or focuses on areas other than child and family functioning. There are several small qualitative studies, but only three larger quantitative studies have been found to date, and only one specifically examined child functioning.

A 2005 study compared family functioning in gay/lesbian, heterosexual and special needs adoptive families. The study found no negative effects for children adopted by gay or lesbian parents compared to the other adoption types. Higher levels of family functioning were associated with families with special needs, younger, and non-disabled child adoptions. Families headed by gay or lesbian parents of older children, non-sibling group adoptions, and children with more pre-adoption foster care placements also experienced higher levels of family functioning. At least two of these aspects – older child and more foster placements – are commonly associated with higher levels of post-adoption difficulty. The authors conclude that gay/lesbian-headed families show promise as resources for children, particularly older ones (Leung, Erich, & Kanenberg, 2005).

Like many of the studies on gay/lesbian parenting, this one on family functioning in adoptive families is limited by its methodology; for example, a non-random and relatively small sample was used, as were self-report questionnaires that pose threats to internal and external validity. Nevertheless, this

first step in examining child functioning in adoptive families headed by gay/lesbian parents continues the small but steady pattern of positive findings.

In sum, while there are limitations in studies to date, many of them have been conducted and the valid ones appear to universally come to the same conclusions: that children raised by gay and lesbian parents adjust positively, and their families function well. Most pointedly, there is no credible social science evidence to support that gay parenting (and, by extension, gay adoptive parenting) negatively affects the well-being of children. Sociologist Judith Stacey (New York Times, 2005), who conducted an often-cited critical review of extant studies of gay and lesbian parenting, notes that even with the limitations in studies to date, “there is not a single legitimate scholar who argues that growing up with gay parents is somehow bad for children.”

#### POSITIONS OF PROFESSIONAL AND CHILD ADVOCACY ASSOCIATIONS

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Based on both the evidence of the positive outcomes of parenting by gays and lesbians and recognition of the great need for homes for tens of thousands of waiting children, many professional associations have made clear their support for inclusion of gay and lesbian adults as adopters – and their opposition to exclusion on the basis of sexual orientation. For example, the Child Welfare League of America (CWLA), the pre-eminent U.S. adoption policy and practice standards organization, states in its Standards for Excellence for Adoption Services: “*Applicants should be assessed on the basis of their ability to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyles or sexual orientation*” (CWLA, 1988: 47, emphasis added).

In addition, the CWLA standards state: “*Sexual preference [sic] should not be the sole criteria on which the suitability of the adoptive applicants is based. Consideration should be given to other personality and maturity factors and on the ability of the applicant to meet the specific needs of the individual child*” (p.50).

The CWLA has filed *amicus* briefs in court cases challenging bans on adoption or foster care by gay and lesbian individuals and couples. A number of other mainstream organizations have also taken stands in support of treating gays and lesbians without prejudice in parenting and adoption decisions. These include the American Bar Association, the American Medical Association, the American Psychiatric Association, the American Psychological Association, the American Association of Psychotherapists, the American Academy of Pediatrics, the National Association of Social Workers, and the North American Council on Adoptable Children.

#### LAWS AND POLICIES LACK UNIFORMITY

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Despite the thousands of waiting children in the foster care system, the growing acceptance by the public and by professional associations of gay/lesbian parenting and adoption, and the consistency of research showing that that gays and lesbians are successful parents, such adoption remains controversial. This is reflected in the current array of contradictory statutes, court decisions and administrative policies relating to gay/lesbian parenting. Further, the landscape is constantly changing as states consider and reconsider their laws and policies.

Currently, only one state<sup>8</sup> (Florida) explicitly bars gays and lesbians from adopting by statute. Its law, passed in 1977 and upheld in 2005 by the federal Court of Appeals for the Eleventh Circuit, specifically states, “No person eligible to adopt under this statute may adopt if that person is a homosexual.”<sup>9</sup> Adoption by gay couples is statutorily prohibited in Mississippi, while Utah’s ban on adoption by unmarried couples has the effect of excluding homosexuals.

Eleven states<sup>10</sup> and the District of Columbia, either by statute or findings by their highest courts, specifically permit adoption by gays and lesbians (Blanks, Dockwell, & Wallance, 2005; Cooper & Cates, 2006), while lower courts in many states have also come to the conclusion that such adoptions are allowed (Leonard, 2005). New York State’s law is an example of statutes expressly allowing gay and lesbian adoption. In addition to permitting adoption by any unmarried adult, the law forbids discrimination based on sexual orientation in adoption, stating: “Applicants shall not be rejected solely on the basis of homosexuality.”<sup>11</sup>

When adoption statutes are silent on the issue of sexual orientation of prospective adoptive parents and the state does not otherwise protect against discrimination on the basis of sexual orientation, the picture is less clear. In those circumstances, the approval (or disapproval) of gay or lesbian adoption is left to the discretion of individual judges, and adoption placement decisions about waiting children are made at the discretion of individual workers and placement agencies.

While few states overtly prevent same-sex couples from adopting, the inability of same-sex partners to marry can also limit the ability of both to adopt. The federal Defense of Marriage Act, as well as state statutes and constitutional amendments, allow the prohibition of same-sex marriage. Same-sex couples cannot marry in 49 states; Massachusetts is currently the sole exception. While additional states – such as California, Vermont and Connecticut – have civil union or domestic partnership laws that grant rights to same-sex couples, many states require a couple to be married in order for both partners to adopt the same child. Bans on joint adoption leave gay and lesbian couples and their children legally vulnerable in ways heterosexual couples are not.

Courts in 12 states, including the highest courts in Massachusetts, Vermont, California, Pennsylvania, New York and the District of Columbia, have ruled that adoption statutes can be construed to allow for same-sex second-parent adoption, while courts in Colorado have ruled on both sides of the issue (Leonard, 2005; Cooper & Cates, 2006). Case law in an additional six states has found that adoption laws cannot be construed to allow for same-sex second-parent adoptions; those states are Arizona, Colorado, Nebraska, Ohio, Oklahoma and Wisconsin (Leonard, 2005).

Another means by which gay men and lesbians may be blocked from adoption is through state laws or policies preventing them from becoming foster parents. Prohibition from fostering makes adoption of foster children into gay or lesbian households very unlikely, as the significant majority of such children are adopted by their foster parents. In 2005, the Texas House overwhelmingly passed legislation to reform the state child welfare system. In the 11th hour, a provision was added to ban adults who are gay or lesbian from fostering children, but this provision was stripped from the bill

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<sup>8</sup> New Hampshire once had such a statute, barring homosexuals from adopting any person or from being licensed as foster parents. However, it was repealed after the state added sexual orientation to its civil rights law in 1999.

<sup>9</sup> (Fla.Stat.Ann., ch.63.042(3))

<sup>10</sup> California, Maryland, Massachusetts, Nevada, New Jersey and New York have statutes or state policies that expressly permit gay or lesbian adults to adopt. Connecticut, Illinois, Indiana, Pennsylvania, Vermont and Washington, D.C. have statutes or appellate court decisions prohibiting discrimination in consideration of adoption by the same sex partner of a parent.

<sup>11</sup> N.Y. Code 18 NYCRR & 421.16(h)(2) (2004)

before its passage. The law would have required foster parent applicants to answer a question about their sexual orientation and, if they were gay or lesbian, would have automatically disqualified them.

Currently, no state has statutes prohibiting gays or lesbians from serving as foster parents, but administrative policies can have the same effect. Nebraska has an administrative policy that prohibits gays and lesbians from becoming foster parents. Such a policy in Arkansas was struck down in December 2004 but was recently appealed, and another such policy was recently reversed in Missouri. New Jersey's administrative code, on the other hand, expressly prohibits the Department of Youth and Family Services from discriminating against prospective foster parents on the basis of sexual orientation (Human Rights Campaign, 2004) and state policy in Connecticut has the same effect. California's Foster Care Non-Discrimination Act, which went into effect in 2004, prevents administrative policy that would bar gay or lesbian foster parents. The law provides that all foster children and all adults have a right to fair and equal access to all available services, placement, care, treatment and benefits, and the right not to be subjected to discrimination on the basis of actual or perceived sexual orientation or gender identity.

The United States continues to debate the correctness of adoption and fostering by gays and lesbians. While most efforts to limit adoption have failed to date, as many as 15 -16 states are reported to have bills to prohibit or limit adoption by gay or lesbian persons in process<sup>12</sup> (McCoy, 2006; Stone, 2006). Other countries have moved to permit such adoptions, most nationwide. Denmark, Germany, the Netherlands, Spain, the United Kingdom (England, Scotland and Wales), and Canada permit such adoptions.

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#### **MOST ADOPTION AGENCIES ACCEPT GAY AND LESBIAN APPLICANTS**

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Despite the variations in law and policy, gay and lesbian individuals and couples do adopt. How do they do so and how prepared are adoption agencies to meet the needs of these new families? To date, there is limited research on this topic. Following up on the research by Brodzinsky et al (2002), the Evan B. Donaldson Adoption Institute conducted a national study of adoption agency directors to determine their policies and practices related to serving this population. In the study of 307 agencies, based on practice in 1999-2000, 60 percent reported that they accepted applications from gay and lesbian applicants and some actively reached out to them.

Approximately 40 percent of respondents reported they had placed children with gay or lesbian parents, although most agencies did not keep specific statistics on the sexual orientation of their clients, so the number probably is higher. Indeed, the sexual orientation of applicants was not explored by most (57 percent) agencies. Among those that did try to determine it, most did so with all families as part of the home study (72.5 percent) or on the adoption application (12 percent). In just over 10 percent of cases, agency directors reported sexual orientation was only addressed when the applicant was thought to be gay or lesbian.

The impact of such information varied greatly by agency. In most situations, the information was simply included in the adoption preparation and education process (59 percent) or ignored as the process continued (9.5 percent). For 29 percent, however, the applicants were rejected, referred to another agency, or restricted to special needs adoption only (3.5 percent).

Nearly two-thirds (65 percent) of agencies had policies related to gay/lesbian adoption. Twenty-five percent of agencies rejected applicants on this basis, 19.5 percent for religious objections, 8 percent

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<sup>12</sup> Gaywired.com (2006) reports restrictive acts are in various stages of consideration in Alabama, Alaska, Arizona, Indiana, Georgia, Kansas, Kentucky, Michigan, Missouri, Ohio, Oregon, Pennsylvania, Tennessee, Utah and West Virginia.

because they only placed with married couples, and 5 percent because state law prohibited such placement. Another 38 percent of agencies made decisions based on the preferences of surrendering parents or the regulations of the child's country of origin. Just over one-third of agencies had specific non-discrimination policies that allowed for adoptive placement with gay/lesbian applicants. As noted previously, few states specifically prohibit adoptive placement with lesbian or gay parents. However, more than 15 percent of responding agency directors reported that they were unsure about its legality or that their states disallowed such adoption (when this was not the case).

Although most agencies had reported they would work with gay or lesbian prospective adoptive parents, the vast majority (84 percent) did not engage in active recruitment or outreach. When they did, their attempts were low-key, relying on word of mouth.

The report concluded that there are readily available opportunities for gay men and lesbians to become parents through adoption, opportunities that are greater than the media or public generally understand to be the case. While an increasing number of agencies are willing to work with gay or lesbian applicants, however, many reported that they were unsure about whether or how to reach out to them. A telling finding was that nearly half (48 percent) of respondents indicated an interest in receiving training to work with gay and lesbian prospective parents.

The Donaldson Adoption Institute study surveyed adoption agency directors, and it is important to recognize that the actions of individual workers may or may not reflect agency policy. Studies of worker attitudes and practices reveal that individual beliefs often guide decisions about the placement of children with gays or lesbians. A study of adoption workers from across one state found that a lack of clear policy at the federal or state levels and a lack of protection from discrimination may make it difficult for gay and lesbian prospective parents to adopt (Kenyon, Chong, Enkoff-Sage, et al, 2003). Workers reported an array of beliefs and activities related to placing children with gay or lesbian adopters. Some workers reported that they used "community standards" in making decisions about gay/lesbian adoptions, but it was unclear how such standards were discerned.

The prevailing attitude of these workers was that gay/lesbian adoption was in conflict with such standards. Others carefully avoided any consideration of sexual orientation, feeling that to do so was discriminatory. Some respondents indicated that gays and lesbians might be considered as parents for children who were the most difficult to place. The lack of guidance or clear policy means that social workers assessing prospective adoptive parents have a great degree of discretion as to what information they collect and what they do with that information.

A study of 80 public child welfare workers in eight agencies in the eastern U.S. found that attitudes toward lesbians and gay men as adoptive parents were influenced both by childhood and familial socialization, as well as by professional socialization (Ryan, 2000). Of interest is that some workers wrongly believed that they could not place children with gay or lesbian parents; 14 percent reported they would not place a child with such parents because it would be illegal or would violate agency policy, when neither was true. Study findings support the value of training to counteract negative attitudes. Specialized training was found to be highly effective in the formation of positive attitudes and behaviors related to adoption by gays or lesbians.

Each of these studies points to the need for clear directives on adoptive placement with a diverse range of families. Unstated, informal policies or an attitude of "don't ask, don't tell" may allow some adoptions by gay individuals or couples to occur that might otherwise be blocked in states or agencies that discourage gay or lesbian adoption. But such approaches disadvantage children, agencies and parents by preventing the exploration of some of the unique challenges as well as strengths of adoption when the parents are gay or lesbian.

## RECOMMENDATIONS

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Adoption by gays and lesbians holds promise as one avenue for achieving permanency for many of the waiting children in foster care. However, efforts to expand the pool of adoptive parents in this way necessarily will entail legal, organizational and attitudinal changes. If child welfare professionals, children's advocates and policymakers wish to enlarge the pool of parental resources to include gay and lesbian parents, the steps they should consider include:

- Move to end legal and de facto restrictions on adoption by gays and lesbians. This includes working to expand co-parent and second parent adoption.
- Revise agency policies and practices that may impede consideration of gay and lesbian individuals and couples as an adoptive resource.
- Develop clear statements in support of such adoptions, recognizing that a "don't ask, don't tell" approach disadvantages parents and, ultimately, their children.
- Help workers, supervisors and agency leaders examine their attitudes, recognizing that familial and social attitudes often lead to unrealized homophobia and heterosexism.
- Develop open policies toward and contacts with the gay/lesbian community, engaging in genuine and informed outreach.
- Affirm the value of gay- and lesbian-led families by including them in outreach efforts, training materials, and parent panels.
- Conduct research on these parents – and their children – to ensure sufficient resources, training and support to improve post-adoption success.
- Determine how best to include children in decision-making, recognizing those adopted by gay/lesbian parents may encounter prejudice, as do children adopted across race or ethnicity, and arm these families with information and support to counter such prejudice.

Taking these steps will help increase the number of homes for waiting children and enable the field of child welfare to meet the needs of more children in its care. As one prominent adoption researcher has noted, "... the casualties of ... the status quo are the children who can ill afford to remain in unchanging situations. By not expanding the definition of family, agencies will not be able to meet the demand for homes and thus will continue to bear the costs of maintaining children in foster care and will incur lawsuits for failure to provide permanency for children. However, the most unfortunate effect is that children will languish longer in foster care." (Ryan, 2000: 527).

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EVAN B. DONALDSON ADOPTION INSTITUTE

## EXPANDING RESOURCES FOR WAITING CHILDREN II:

Eliminating Legal and Practice Barriers  
to Gay and Lesbian Adoption from Foster Care

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### Policy & Practice Perspective

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Funded by: The David Bohnett Foundation and the Arcus Foundation

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## EXECUTIVE SUMMARY

**F**or a growing number of boys and girls in foster care, the path to a safe, loving, permanent family is through adoption. These children – most of whom are older and have special physical, mental health, and/or developmental challenges – face gloomy prospects of succeeding in life without adoptive parents who can provide them with affection, nurture, support, and guidance. Often, their foster parents adopt them; in thousands of other cases each year, however, child welfare agencies must recruit new adoptive families to meet these children's needs. That reality has led to an increasingly urgent, nearly universal professional consensus that the pool of potential adoptive parents must be expanded to keep pace with the growing number of children in foster care who are legally free for adoption. Nevertheless, there remains considerable debate over whether all adults, especially those who are lesbian or gay, should be considered as suitable mothers and fathers.

Adoption by non-heterosexuals has been the subject of considerable interest in a rapidly changing legal and policy environment. During the early 2000s, a number of states enacted or attempted to enact legislation to prohibit gays and lesbians from fostering or adopting children. Recently, legislative efforts have taken a different form, in which legislation attempts to accomplish the same goal through broad language that prohibits unmarried, cohabitating couples from fostering or adopting. At the same time, efforts are underway to amend the existing bans on adoption by gay and lesbian individuals and other unmarried, cohabitating couples. In yet other states, laws have been passed to authorize joint or second-parent adoption for gay and lesbian parents (granting parental rights to the partner in a same-sex couple), and such legislation is pending in additional states.

This report builds on the Evan B. Donaldson Adoption Institute's 2006 Policy & Practice Perspective, *Expanding Resources for Waiting Children: Is Adoption by Gays and Lesbians Part of the Answer?* and, like that initial paper, focuses on meeting the needs of waiting children. It provides an overview of current law and policy, and offers recommendations for expanding the pool of qualified adoptive families for these children by removing legal and practice barriers to gay and lesbian adoption.

### GENERAL FINDINGS

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- **Tens of thousands of children in foster care, who cannot return to their original families, are waiting for permanent homes.**

About 129,000 waiting children are in need of adoptive homes (USDHHS, 2008).

Research shows that the 25,000 youths who “age out” of foster care each year are at high risk for a host of negative outcomes, including poverty, homelessness, incarceration and early parenthood (Collins, Paris, & Ward, 2008; Courtney, Dworsky, Ruth, Keller, Havlieck, & Bost, 2005; Landsverk, Burns, Stambaugh, & Rolls Reutz, 2006; Wind, Brooks, & Barth, 2005).

Adoption of children from foster care yields substantial savings annually, estimated to be between \$3.3 and \$6.3 billion nationally (Barth, Lee, Wildfire, & Guo, 2006).

- **Gays and lesbians are important family resources for waiting children**

A number of studies have documented that gay and lesbian adults are very willing to adopt children with special needs and, as a demographic group, may be more willing to do so than heterosexual adults (Brooks & Goldberg, 2001; Alcalay, Tyebjee, Shahnaz, & O'Loughlin, 2001; Brodzinsky, Patterson, & Vaziri, 2002).

Data show that gay and lesbian adults provide a significant number of families for children who need foster or adoptive homes.

Researchers estimate over 14,000 children live in lesbian- or gay-led foster families today, while at least 4 percent of all adopted children in the U.S. – about 65,000 – are being raised by gay and lesbian parents (Urban Institute/Williams Institute, 2007).

- **Research shows that children fare as well with gay and lesbian parents as those raised by heterosexuals.**

There is currently little research on the long-term outcomes for children adopted by gays or lesbians. However, studies on children dating back 25 years conclude that children raised by gay and lesbian non-adoptive parents fare as well as those reared by heterosexual parents (Brews, Ponjaert, Van Hall, & Golombok, 1997; Chan, Raboy & Patterson, 1998; Golombok, Perry, Burston, Murray, Mooney-Sommer, Stevens, & Golding, 2003; Wainwright, Russell & Patterson, 2004).

- **Mainstream professional organizations across the social service, legal, and medical spectrum support adoption by gays and lesbians.**

Thirteen leading professional organizations have issued formal statements of support for adoption by gays and lesbians.<sup>1</sup>

- **Excluding gay and lesbian adoptive parents carries significant economic costs.**

Researchers conservatively project a national ban on foster care provision by lesbian, gay, or bisexual adults would add \$87 million to \$130 million to expenditures each year. The estimated cost to individual states would range from \$100,000 in those with smaller populations up to \$27 million in states with large numbers of gay and lesbian foster parents (Gates, Badgett, Macomber, & Chambers, 2007).

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#### STATE LAW AND POLICY: FINDINGS AND RECOMMENDATIONS

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- **Most children adopted from foster care are adopted by their foster parents, and banning lesbian and gay adults from fostering will reduce the number of adoptive homes for children.**

No state, as of this writing, expressly bars fostering by gay or lesbian parents by statute, but one state does so through policy. Efforts to prevent fostering by gay and lesbian parents are ongoing, leaving open the possibility that restrictions could be placed in the future.

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<sup>1</sup> Please see Appendix B for a list of organizations and a summary of their positions.

### Recommendation

All adults should be evaluated and licensed as foster parents based on their capacity to provide nurturing support for children in foster care, rather than on their sexual orientation. Foster families should be chosen based on their ability to meet individual children's needs. State child welfare policy should explicitly prohibit the exclusion of foster parent applicants solely on the basis of sexual orientation.

- **State laws excluding gay and lesbian prospective adopters can negatively affect the pool of adoptive families for waiting children.<sup>2</sup>**

Adoption by gay or lesbian individuals is legal in 49 states, and adoption by same-sex couples is, in theory, permitted in 47. Florida is the only state to explicitly prohibit adoption by gays and lesbians by statute. Mississippi bans adoption by "couples of the same gender," and Utah forbids adoption by any unmarried couple; legislation recently introduced in Arkansas and Tennessee mirrors the Utah prohibition. If such efforts to restrict the rights of gays or lesbians to foster or adopt children continue, the pool of prospective families for children in foster care could be significantly reduced.

### Recommendations

Laws that prohibit adoption by non-heterosexual individuals and couples should be rescinded to maximize the number of interested, qualified families for waiting children. Child advocacy groups in Arkansas, Florida, Mississippi, and Utah – as well as national organizations – should join together to reverse bans on adoption by adults who, apart from their sexual orientation, meet all necessary requirements.

States should enact laws that specifically disallow excluding applicants solely on the basis of sexual orientation.

- **Children are disadvantaged when state laws do not permit joint and second-parent adoption.**

Most states do not currently recognize both partners in gay and lesbian adoptions as the child's legal parents. California, Connecticut, Colorado, Illinois, Indiana, Maine, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont specifically allow a child to be adopted at the same time or consecutively by both partners. In New Hampshire and Oregon, same-sex couples in civil unions can adopt through one of these means. Through joint and second-parent adoption, children receive a range of rights and benefits associated with having two legal parents.

### Recommendations

The legal recognition of both parents in a family headed by gay or lesbian adopters is in the best interests of children. States should expressly recognize the simultaneous adoption by each of the two parents in a couple, regardless of their sexual orientation.

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<sup>2</sup> "Waiting children" are defined as those children in the foster care system whose parents' parental rights have been terminated and/or who have a permanency goal of adoption.

States should expressly recognize second-parent adoption by a partner in a couple where the other partner has given birth to, fathered, or adopted a child previously and is the sole legal parent of the child.

- **The legal status of both parents should be recognized across state lines.**

Though courts have overturned the policies of two states that refused to acknowledge the legal status of both parents as determined by another state, legislation recently was introduced in Mississippi to prevent state courts from recognizing out-of-state adoptions by unmarried couples. Statutes that conflict with states' responsibility to grant full faith and credit to adoptions legally completed in other states are contrary to the best interests of children.

#### Recommendation

States should give full faith and credit to decrees of adoption issued by other states, without regard to the sexual orientation of adoptive parents.<sup>3</sup>

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### AGENCY POLICY AND PRACTICE: FINDINGS AND RECOMMENDATIONS

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- **Agencies vary in the extent to which they are welcoming and sensitive to all prospective families. To meet the needs of waiting children, they need to actively welcome all types of qualified families.**

#### Recommendations

Agencies should develop and make visible their commitment to non-discrimination and inclusion.

Agencies should systematically assess their efforts to combat homophobia and heterosexism.

Agencies should develop mechanisms for assessing their success in connecting to and recruiting gay- and lesbian-headed adoptive families.

- **Agency policies for assessing traditional families may not appropriately assess gay and lesbian prospective adoptive families.**

#### Recommendations

Agencies should use culturally sensitive practices in engaging gay and lesbian prospective adoptive parents in the assessment process.

Agencies should appropriately address issues of sexual orientation in the assessment process. They should provide gay and lesbian prospective adoptive parents with

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<sup>3</sup> Article IV, section 1, of the U.S. Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State." This constitutional guarantee provides that the rights and protections afforded in one state must be honored in others and will not be lost in another.



opportunities to explore the impact of adoption on the degree to which they are presently “out” as gay or lesbian persons.

- **Traditional agency practices in preparing families may not appropriately prepare gay and lesbian foster and adoptive parents.**

#### Recommendations

Agencies should evaluate PRIDE, MAPP<sup>4</sup> or other common training curricula for foster and adoptive parents to determine if these should be amended to make them welcoming to gay and lesbian foster and adoptive parents. Agency staff should ensure that trainers are sensitive to the needs of gay or lesbian parents and can conduct training groups in ways that acknowledge and promote acceptance of all family types.

Agencies should develop strong relationships with community service providers that can offer supports to gay- and lesbian-headed families.

- **To serve diverse populations, including gays and lesbians, agencies need culturally competent staff.**

#### Recommendations

Agencies should recruit diverse staffs of social workers and supervisors, including those who can bring expertise and personal experience in serving gay and lesbian families in order to effectively recruit and retain a maximum number of qualified adoptive families for waiting children.

Agencies should train and support personnel so that they develop expertise in working with the full range of families, including gay and lesbian prospective parents and gay- and lesbian-headed families.

- **Much more needs to be learned to provide agencies with clear guidance on quality policy and practice in recruiting, assessing, preparing and supporting gay and lesbian foster and adoptive parents.**

#### Recommendation

Research is needed to enrich the understanding of:

- The most effective ways to recruit and retain gay/lesbian foster and adoptive parents.
- Practices that are culturally sensitive and effective in engaging gay and lesbian prospective foster and adoptive parents in the assessment process and in incorporating sexual orientation into that process.
- How training of prospective foster and adoptive parents should be adapted to be welcoming to gays and lesbians.
- How best to prepare agency staff to work effectively with gay and lesbian foster and adoptive applicants and gay- and lesbian-headed families.

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<sup>4</sup> PRIDE (Parent Resources for Information, Development and Education) and MAPP (Model Approaches to Partnerships in Parenting) are two widely used curricula for training foster and adoptive parents.

## CONCLUSION

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Implementing the recommendations advanced in this report will play an important role in increasing the number of permanent, nurturing families for the tens of thousands of children waiting in foster care for families. These recommendations provide assertive, practical, legal and agency policy and practice strategies to ensure that far more children who need homes get them and that fewer “graduate” from foster care without permanent family relationships. Efforts to find families for these boys and girls must expand and intensify – and gay and lesbian adults are part of the solution.

## INTRODUCTION

For a growing number of boys and girls in foster care, the path to a safe, loving, permanent family is through adoption. These children – most of whom are older and have special physical, mental health, and/or developmental challenges – face gloomy prospects of succeeding in life without adoptive parents who can provide them with affection, nurture, support, and guidance. Often, their foster parents adopt them; in thousands of other cases each year, however, child welfare agencies must recruit new adoptive families to meet these children's needs. That reality has led to an increasingly urgent, nearly universal professional consensus that the pool of potential adoptive parents must be expanded to keep pace with the growing number of children in foster care who are waiting for adoption. Nevertheless, there remains considerable debate over whether all adults, especially those who are lesbian or gay, should be considered as suitable mothers and fathers.

Adoption by non-heterosexual parents has been the subject of considerable controversy in a rapidly changing legal and policy environment. In the early 2000s, a number of states enacted or attempted to enact legislation prohibiting gays and lesbians from fostering or adopting children. More recently, such efforts have taken a different form, attempting to accomplish the same goal through broad language that prohibits all unmarried, cohabitating couples from adopting or fostering. A ballot initiative will try to achieve that goal in Arkansas this November, while Tennessee and Mississippi recently attempted legislative action but failed; a bill in the latter state was passed by its Senate but stalled in its House. At the same time, in Florida efforts are underway to end bans on adoption by gay and lesbian individuals and couples and in Utah to end the ban against adoption by cohabitating, unmarried couples that has the effect of disallowing lesbian/gay couples. Several states have authorized joint and/or second-parent adoption by same-sex couples, and legislation is pending in others, including Michigan, Nebraska, and New York. As these developments demonstrate, laws regarding adoption by gay and lesbian adults remain in flux. In most states, the status of gays and lesbians to foster and adopt remains ambiguous, neither expressly permitted nor expressly forbidden. Greater clarity is emerging, however, in states that now recognize civil unions, domestic partnerships, or marriage (Massachusetts and California) for gays and lesbians.

In March 2006, the Evan B. Donaldson Adoption Institute issued a Policy & Practice Perspective, *Expanding Resources for Waiting Children: Is Adoption by Gays and Lesbians Part of the Answer?* That report reviewed the growing body of social science research on the successful outcomes for children raised by gay and lesbian parents and described the diverse state policies on adoption by gay and lesbian parents. The Institute concluded that these prospective parents – who, as a group, have shown both interest in adopting children from foster care and a commitment to meeting these children's needs – are an important part of the solution to ensuring that every boy and girl has a permanent, loving family. This new report, intended for child welfare advocates, policy-makers, and media opinion leaders, builds on the Institute's March 2006 policy brief and likewise focuses on the needs of children in foster care.<sup>5</sup> This report:

- Provides a framework for assessing current state policies and developing sound ones regarding fostering and adopting by qualified gay and lesbian adults;

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<sup>5</sup> Although some of the issues discussed in this report are relevant to domestic infant adoption and international adoption, the focus of this policy brief is on the need for permanent families for children in foster care.

- Identifies issues that child welfare agency policy and practice must address in connection with fostering and adopting by gays and lesbians to improve the prospects of every child in foster care moving into a permanent family; and
- Makes specific recommendations for advancing state legislative policy, as well as agency policy and practice, to remove barriers to the adoption of children from foster care and to fostering by qualified gay and lesbian adults.

## I. Children in Foster Care: The Benefits of Adoptive Families

As of September 2006, the most recent date for which data were available, some 510,000 children were in foster care waiting to return safely to their birth families or to move to new families through adoption or guardianship. These children had been in the public system, on average, more than two years (28.3 months). A large group of them – an estimated 129,000 in FY 2006 – were waiting for adoption. These children, who had a goal of adoption and/or whose parents' rights had been terminated, on average had been waiting in foster care for more than three years (39.4 months). Over half of these waiting children (70,230, or 54 percent) lived with unrelated foster parents who, data tell us, are the most likely candidates to provide them with adoptive families (U.S. Department of Health and Human Services, 2008). Waiting children tend to be older (average age of 8.2 years) and members of sibling groups; in addition, because of their histories of abuse, neglect, and temporary care placement, they often have physical, mental health, and developmental challenges (U.S. Department of Health and Human Services, 2008; Hansen, 2006).

For many of these boys and girls, the waiting never ends. Each year, for the last four years for which data are available, from 20,000 to over 26,000 youths exited foster care through “emancipation” – that is, they left the child welfare system without formal support or permanent families. In FY 2006, more than 26,000 youths became ineligible to remain in foster care because of their age (18 in most states and older in a few others) and left to live “independently” (U.S. Department of Health and Human Services, 2008). The number of youths “aging out,” in fact, has increased over the past five years (Kids Are Waiting, 2007). While youths in the general population continue to rely on family long after they reach 18 (with over half of all 18- to 24-year-olds continuing to live at home), those who have spent years in foster care because they experienced abuse and neglect are expected to become independent and self-sufficient in late adolescence. These youths, lacking permanent families to help them transition into adulthood, are at heightened risk of negative outcomes: emotional adjustment problems, poor educational results and employment prospects, and inadequate housing and homelessness; furthermore, they are more likely to become involved with the criminal justice system (Collins, Paris, & Ward, 2008; Courtney, Dworsky, Ruth, Keller, Havlieck, & Bost, 2005; Landsverk, Burns, Stambaugh, & Rolls Reutz, 2006; Wind, Brooks, & Barth, 2005). These negative outcomes take a huge toll on the young people themselves, and they translate into significant societal costs as adult public services – including mental health, substance abuse, housing, and criminal justice – must address their needs.

When adoptive families are not found in a timely way, we not only fail vulnerable children who are depending on the system to ensure that they get permanent families, but we incur considerable costs to care for them. Economic analyses by Barth, Lee, Wildfire and Guo (2006), as well as by Hansen

and Hansen (2006), demonstrate that adoption is a less-expensive option. Barth and colleagues found that local, state and federal governments save between \$65,422 and \$126,825 on the average child who enters care at age 3 if he or she is adopted rather than remaining in state care throughout childhood. They project a national cost savings on the approximately 50,000 children adopted from foster care each year of between \$3.3 billion and \$6.3 billion. Hansen (2006) calculated that the human service costs of adoption are about one-half the costs of long-term foster care. Further, she found that when examining other social costs such as reduced incarceration or increased education attainment, each dollar spent on the adoption of children from foster care results in \$2.45 to \$3.26 in tangible benefits to society as a whole.

For children, of course, the benefits of living in a permanent, loving family transcend economics – but many never receive that opportunity. The experiences of boys and girls who continue to wait in foster care – and the experiences of youths who age out without a permanent family to support them – make clear that more adoptive parents are critically needed. It is through a commitment to expanding adoptive family resources that we can achieve the outcomes that are federally mandated for each child in foster care: safety, well being, and a permanent family. And, in the process, we can not only benefit society economically, but also by infusing it with more citizens who are productive and require fewer of its resources.

## II. Gay and Lesbian Families: Important Adoptive Family Resources

**T**he needs of children waiting in foster care and those of youths poised to “age out” dictate that concerted efforts be made to identify, recruit, and support all families who want to adopt them and are qualified to do so. Gay and lesbian adults represent an important source of interested, qualified adoptive parents, as has been recognized by leading child-focused organizations nationwide; actively recruiting and supporting them therefore benefits children who need homes and society as a whole.

*Gays and lesbians are interested in adopting.* A number of studies have documented that gay and lesbian adults are very willing to adopt children with special needs, and may be more willing to do so than heterosexuals. Brooks, Allen and Barth (2002), in a study of 600 heterosexual Caucasian adoptive parents, found they were reluctant or expressed concern about adopting children who have the very characteristics of those in foster care; i.e., they are older, have behavioral or emotional issues, are members of sibling groups, or have histories of prenatal exposure to drugs or alcohol. By contrast, studies that have examined the interests of gay or lesbian prospective adopters have found a willingness to parent a wider range of children, including older ones and those with behavioral, emotional and learning problems (Alcalay, Tyebjee, Shahnaz, & O'Loughlin, 2001; Brodzinsky, Patterson, Vaziri, 2002; Brooks & Goldberg, 2001).

The National Survey of Family Growth (2002) offers further evidence that lesbian and gay adults represent a significant pool of prospective adoptive parents. The NSFG is a nationwide study conducted through the federal National Center for Health Statistics within the Center for Disease Control and Prevention. In Cycle 6 of the NSFG, trained interviewers collected data from over 12,500 Americans ages 15-44 in response to questions about fertility, child-bearing and the desire to have or add children to their families. Those over 18 were asked to identify their sexual orientation. About

500 individuals (4.1 percent) identified themselves as homosexual or bisexual. The study asked these individuals if they were interested in having a child or, if they already did, if they would like to parent another. Among individuals who did not have a child, the great majority of gay men (87 percent), bisexual women (75 percent), and bisexual men (70 percent) expressed interest in doing so. Lesbians expressed the lowest level of such interest (37percent). Among individuals who already had a child, more than half of bisexual women (59 percent) and bisexual men (55 percent) and about half of lesbians (49) expressed interest in adding a child to their families.

The NSFG recently reported on the extent to which people in different age groups had adopted, indicating that more men than women have adopted children in their lifetimes. For example, among adults in the 35-39 age group, 3.8 percent of all men had adopted, compared to 1.6 percent of all women (USDHHS, 2008). One possible explanation of this difference is that step-parent adoption is more common among men than women. The NSFG also asked respondents about their interest in adoption and if they had ever taken steps toward adoption. Unfortunately, the survey only queried women on this topic, so data regarding men's interests and adoption-related activities are not available. Lesbian and bisexual women were considerably more likely to express interest in adoption (46 percent) than were heterosexual women (32 percent). Respondents in the NSFG study were much more likely to express interest than to report having taken steps toward adoption, as is the case with every population of adults asked these questions. Lesbian and bisexual women, however, were about 1.75 times more likely to have taken steps toward adoption than were heterosexual women – 5.7 percent vs. 3.3 percent.

The Urban Institute and the Williams Institute of the UCLA School of Law (Gates, Badgett, Macomber, & Chambers, 2007) analyzed data from the NSFG. The researchers concluded that just over 1 million women who are gay or bisexual have considered adoption, and over 130,000 of these women have taken steps toward adopting. Based on the levels of reported interest on the part of gay and bisexual men in having children, the study estimated that over 2 million lesbian, gay or bisexual persons have an interest in adopting. The researchers hypothesized that because biological parenthood is less likely to be the path to parenthood for gay men than for lesbians, this estimate of interest in adoption is probably conservative.

### Gay and Lesbian Adults Foster and Adopt Children

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The Urban Institute/Williams Institute researchers (2007) used 2000 Census data and data from the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) to estimate the number of children in foster care currently living with lesbian and gay foster parents. Such information is important because foster parents consistently represent the largest number of adopters of children from the public system. In their analysis, based on the best available data, the researchers estimated just over 14,000 children live with lesbian or gay foster parents; that translates into about 4 percent of foster children overall and 6 percent of those living in non-kin foster homes. Among the population of single foster parents, who constitute about one-third of all foster parents, the researchers further estimated (based on 2000 Census data) that one in seven is lesbian or gay. This study also estimated that gay or lesbian parents had already adopted a minimum of 65,000 children, accounting for 4 percent of all adopted children in the United States. The authors found that of the estimated 3.1 million lesbian- and gay-headed households in the country, 52,000 include adopted children.

*Research shows that children fare just as well with gay and lesbian parents when compared with children raised by heterosexuals.*<sup>6</sup> There is limited research on long-term outcomes for children adopted by gays or lesbians. However, 25 years of social science research concludes that children raised by such parents fare well when compared to those raised by heterosexuals. Studies on lesbian parenting and the few extant studies on gay parenting have found that their children are not disadvantaged and, in some cases, receive unique benefits. No significant differences have been found, for instance, between children of lesbian mothers and heterosexual mothers on a range of measures of social and psychological adjustment such as anxiety, depression and self-esteem; or behavior problems, social relationships or emotional difficulty. Children also fare similarly in school performance and cognitive ability (Anderssen, Amlie, & Ytteroy, 2002; Breways, Ponjaert, Van Hall, & Golombok, 1997; Chan, Brooks, Raboy & Patterson, 1998; Chan, Raboy & Patterson, 1998; Flaks, Ficher, Masterpasqua & Joseph, 1995; Golombok, Perry, Burston, Murray, Mooney-Sommer, Stevens, & Golding, 2003; Golombok, Spencer & Rutter, 1983; Meezan & Rauch, 2005; Patterson, 1994; Wainwright, Russell & Patterson, 2004).

Studies also have examined the sexual orientation of children with gay or lesbian parents. Because those who oppose parenting by gays and lesbians perceive their sexual orientation as negative, they have raised the concern that these children are at greater “risk” of not being heterosexual. Without regard to the underlying merits of these beliefs, it is notable that the significant majority of empirical studies show the sexual orientation of children is not associated with family type (Anderssen, Amlie & Ytteroy, 2002; James, 2004; Wainwright, Russell & Patterson, 2004). Some studies have shown that the daughters (not the sons) of lesbians were more likely to report same-sex romantic exploration, although later sexual orientation did not differ from children raised in heterosexually led households.

A few studies have found that children of lesbian and gay parents fare better on some measures than their peers, including school involvement (Wainwright, et al., 2004) and ability to discuss sexual development with parents (Tasker & Golombok, 1995). Studies also have found greater involvement and more equality in parenting by both parents in families headed by gays and lesbians (Chan, et al., 1998). Most research on parenting by homosexual parents examines lesbian-mother households; less work has been conducted on gay fathers, but the findings to date also point to positive adjustment for children and positive family functioning (Anderssen, Amlie, & Ytteroy, 2002).

### Professional Organizations Support Adoption by Gays and Lesbians

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Recognizing the research findings, the needs of waiting children in foster care, and the potential adoptive family resources in the gay and lesbian community, a wide range of professional and child advocacy groups in the United States have issued formal statements of support for adoption by gays and lesbians who demonstrate the ability to successfully parent these children. These organizations include the most respected child-focused organizations in the United States: the Child Welfare League of America, the American Academy of Child and Adolescent Psychiatry, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Bar Association, the American Medical Association, the American Psychiatric Association, the American Psychoanalytic Association, the American Psychological Association, the National Adoption Center, the National Association of Social Workers, the North American Council on Adoptable Children, and Voices for Adoption. Appendix B provides information on the policy statements of these organizations that endorse adoption by qualified gays and lesbians. The most comprehensive statement in support

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<sup>6</sup> The research on outcomes associated with gay and lesbian parenting is provided in more detail in Appendix A. This appendix describes the outcomes and limitations of these studies.

of adoption by gays and lesbians is that of the American Psychological Association; its 2004 Resolution on Sexual Orientation, Parents and Children is provided in Appendix C.

The only professional organization with a policy statement specifically opposing such adoptions is the American College of Pediatricians. This group formed in 2002, when some members broke away from the American Academy of Pediatrics in opposition to its affirmation of parenting and adoption by gays and lesbians. The American College of Pediatricians maintains that the two-parent, married, mother/father family structure is optimal and the best choice in adoption “whenever possible,” and asserts that “it is inappropriate, potentially hazardous to children and dangerously irresponsible to change the age-old prohibition on homosexual parenting, whether by adoption, foster care, or by reproductive manipulation” (American College of Pediatricians, 2004). Other groups on record as opposing adoption by gay or lesbian adults are not representative professional associations but rather interest groups, usually with conservative beliefs about family life. These groups generally assert that homosexuality poses threats to gay and lesbians themselves, to the children they raise, and to society as a whole.

The National Council for Adoption (NCFA), a major adoption advocacy organization, does not expressly object to adoption by qualified gays and lesbians but, in its Adoption First Principles, it says that “consistent with the child’s best interests, preference in adoption placements should be given to families that offer married mother-and-father parenting.” NCFA also lists as a First Principle that “single-parent adoption is in the best interests of some children” and states that “many children across America benefit greatly from loving, permanent relationships with single adoptive parents. Especially for some older children, single-parent adoption can be the best option available.”

### Excluding Gays and Lesbians Carries Significant Economic Costs

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In addition to the many benefits for children when they are adopted by qualified parents, society gains when policy and practice support fostering and adoption by gays and lesbians. The Urban Institute and Williams Institute researchers at the UCLA School of Law estimated the costs of banning these individuals from fostering and adopting. The current pool of foster parents for children in care is extremely limited (Macomber, Scarcella, Zielewski & Geen, 2004; Rhodes, Orme, Cox, & Buehler, 2003), and the loss of a significant number of available families solely on the basis of their sexual orientation would result in the displacement of as many as 14,000 children who would have to be moved elsewhere. Significant family resources would be lost, and given the shortage of foster parents, these children could not be readily placed into other temporary families. Some percentage of them, especially older children, would likely be placed in more costly group homes and in institutional care, where their prospects for adoption would be greatly diminished.

Based on estimates of the numbers of gay and lesbian adults currently serving as foster parents, the Urban Institute and Williams Institute approximated the costs of prohibiting adoption and fostering by gay or lesbian adults nationally, as some groups propose. Even assuming enough foster families could be recruited to replace all the gay and lesbian ones lost, states would incur significant additional costs to locate and train the new families.

The Urban Institute/Williams Institute study conservatively projected that a national ban on foster parenting by lesbian, gay, or bisexual adults would add \$87 million to \$130 million to foster care expenditures each year; the estimated price tag for individual states would range from \$100,000 in those with smaller populations up to \$27 million in those with large numbers of gay and lesbian foster parents. These costs do not include expenses associated with the implementation of such a policy,



including for therapeutic services for children experiencing yet another placement disruption and separation from caregivers with whom they have an emotional bond. The estimate also does not include the costs associated with the likely reduction in adoptions that would follow if more children were placed in congregate care rather than with foster families.

An analysis of the financial impact of the recent Tennessee legislation to bar adoption and foster parenting by unmarried, cohabitating sexual partners projected that if it had been enacted, the state would have incurred additional costs in the millions as more children remained in foster care (Tennessee Equality Project, 2008). Thus there not only are costs to children, but there also are costs to society of banning gays and lesbians from caring for children in foster care.

### III. The Legal and Policy Environment<sup>7</sup>

When states consider statutory provisions or formal policy on adoption by gays or lesbians, there is inevitably intense debate. On the one side, opponents of gay and lesbian adoption find support in conservative groups that share their opposition, and the arguments often incorporate strongly anti-gay statements that reflect a desire to hold firm to traditional notions of family. These advocates often link “gay” marriage and “gay” adoption. James Williamson, the Republican state senator who sponsored Oklahoma's bill that prohibited recognition of same-sex adoptions granted in other states, for example, stated: “It was a matter of them continuing to erode our concept of what is legitimate adoption...The radical homosexual agenda includes trying to be recognized both as married couples... and as a family union...That's their agenda and they're going to continue pushing the envelope...The whole concept of family is being challenged across the nation” (Fagan, 2004, p. A5).

On the other side of the debate are interest groups who actively advocate on behalf of adoption by gays and lesbians who meet the criteria for adoption that guide the selection of all adoptive families. These groups include the American Civil Liberties Union, the Human Rights Campaign, Lambda Legal, and the National Center for Lesbian Rights. These advocates focus on the role of gay and lesbian adoption in meeting the needs of children who need adoptive families, although some approach the issue from a civil rights perspective – that is, the right of gay and lesbian citizens to enjoy the same rights and opportunities as heterosexuals, including adoption.

#### State Laws Regarding Fostering and Adoption by Gays and Lesbians<sup>8</sup>

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State laws regarding fostering and adopting by gays and lesbians, joint and second-parent adoptions, and the acknowledgement by other jurisdictions of such adoptions by gays and lesbians constitute a patchwork of sometimes-conflicting legal approaches.

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<sup>7</sup> The following discussion describes state law and policy as of the publication of this report. Given the ongoing developments in this area, states' law and policy may have further evolved following this report's publication.

<sup>8</sup> The Institute acknowledges and expresses its appreciation for the contributions of the All Children All Families Campaign, the Family Project of the Human Rights Campaign Foundation, and the Gay and Lesbian Rights Project of the ACLU to the development of the following discussion.

**Bans on fostering by gays and lesbians.** Foster parents, by far, adopt the most children from the public system. In 2006, 59 percent of the 29,997 children adopted from care were adopted by their unrelated foster parents (U.S. Department of Health and Human Service, 2006). Almost all states allow gay and lesbian adults to foster children, but there have been several recent efforts to prohibit this practice; though largely unsuccessful to date, they raise concerns about future attempts to restrict the recruitment of the broadest possible pool of qualified foster parents.

A few states have forbidden fostering by gays and lesbians through policy. In 1995, the director of the Nebraska Department of Social Services issued a letter mandating that children not be placed in the homes of adults who identify themselves as homosexual and that such homes not be granted foster care licenses (Harvey, 1995). This policy, which also prohibits unmarried couples from fostering children, remains in effect. In 1999, the Child Review Board of Arkansas created a policy barring “known homosexuals” from fostering.<sup>9</sup> In 2006, the state’s Supreme Court unanimously affirmed a lower court ruling striking down this policy. The high court found that “[T]he driving force behind adoption of the regulation was not to promote the health, safety or welfare of foster children, but rather based on the Board’s view of morality and its bias against homosexuals” (*Dept. of Human Svcs. et al. v. Howard*, 2006, p.8). An attempt to establish a statutory ban on both fostering and adoption by lesbians and gays was defeated in committee in the Arkansas Senate in 2007.

Missouri also instituted a practice of declining applications for fostering by lesbians or gays, but it was overturned by a Circuit Court in 2006. The case involved two lesbians who sought to foster. One held a degree in child development and worked directly with children and the other was a chaplain at a psychiatric facility for troubled children and adolescents. The couple had successfully completed the home study process and had begun foster parent training when they were notified they no longer could be considered as foster parent candidates because they were lesbians. In defending the practice before the court, the child welfare department spokesperson stated: “We’re considering the biological parent’s preference and we’re also considering the abuse and neglect that [children experienced] and whether or not an alternative lifestyle environment would be confusing or add trauma to an already abused or neglected child.” The Circuit Court ruled in favor of the women, noting they were “exceptionally qualified,” and held that the sexual orientation of an applicant should not be the endpoint for the state agency’s consideration of approval in foster home licensing (Lambda Legal, 2006).

### **Recommendation**

All adults should be evaluated and licensed as foster parents based on their capacity to provide nurturing care for children. Placements should be based on a family’s abilities to meet the needs of an individual child. Categorical bans on fostering by gays and lesbians should be ended. State child welfare policy should explicitly prohibit the exclusion of foster parent applicants solely on the basis of sexual orientation.

**Laws expressly prohibiting or permitting adoption by gays and lesbians.** Only one state (Florida) explicitly prohibits adoption by gays and lesbians. Two additional states prohibit adoption by gay and lesbian couples (Mississippi does so expressly and Utah does so by prohibiting adoption by

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<sup>9</sup> Regulation 200.3.2 enacted by the Child Welfare Review Board in 1999 stated:

No person may serve as foster parent if any adult member of that person’s household is a homosexual. Homosexual, for purposes of this rule, means any person who voluntarily and knowingly engages in or submits to any sexual contact involving the genitals of one person or the mouth or anus of another person of the same gender, and who has engaged in such activity after the foster home is approved or at a point in time that is reasonably close in time to the filing of the application to be a foster parent.

cohabitating unmarried couples). While other states' statutes do not prohibit adoption by gays and lesbians, individual judges or courts have ruled against the practice. Appendix D provides a list of states and their laws and policies related to adoption by lesbians or gays.

- Mississippi does not allow gay *couples* to adopt. The state's statute prohibits "adoption by couples of the same gender." (Miss. Stat. Ann. §93-17-3(2)).
- Utah does not mention gays or lesbians, but bars adoption by anyone who is "cohabitating in a relationship that is not a legally valid and binding marriage under the laws of this state." The law not only prohibits joint adoption, but disallows an individual (rather than both members of a couple) from adopting if the person is cohabitating (Utah Stat. Ann. §78-30-1(3)(b)). Legislation (HB318) was recently introduced that would have permitted cohabitating heterosexual and same-sex couples to adopt jointly, but it did not pass.

***Florida's Statutory Prohibition on Adoption by Gays and Lesbians:*** Florida's statute banning adoption by gays and lesbians was enacted in 1977, during a period of anti-gay activism. It provides that "[n]o person eligible to adopt under this statute may adopt if that person is homosexual" (Fla. Rev. Stat. §63.042(3)). In implementing this prohibition, Florida's Department of Children and Families utilizes forms for prospective adoptive parents that include a check-off option reading, "I am a homosexual." If an applicant checks this box, he or she is rejected from the application process.

A 2004 legal challenge to the Florida statute failed. A three-judge panel of the U.S. Circuit Court of Appeals held that the law was rationally related to the goal of placing children in what the state asserted was the optimal developmental condition: with a married father and mother. The court accepted this assertion without evidence, relying on what it called "unprovable assumptions." In a 6-6 decision, the full court declined to reconsider, but it was deeply divided. Three judges suggested that the statute is unconstitutional, while three others expressed concern about the constitutionality of a law that treats convicted felons more favorably than it does gay or lesbian citizens.

Although Florida law prohibits adoption by lesbian or gay adults, it allows them to be foster parents – which some critics point to as a logical disconnect. Separately, given the frequency with which foster parents adopt children in their care, it is not surprising that these dissonant policies have negatively impacted children's opportunities to have permanent families through adoption. In a case that received national attention, Florida foster parents Steven Lofton and Roger Croteau fostered four children whom the state placed with them as infants or young children. All of the children had complex medical needs resulting from HIV, and one ultimately died from AIDS. The Florida agency that placed the children with Lofton and Croteau publicly recognized the couple's dedication as foster parents by selecting them as foster parents of the year in 1998. Despite their commitment and desire, these foster parents were prohibited from adopting the children for whom they had cared almost since birth. Because federal law requires states to find permanent families for children in foster care and because Lofton and Croteau were ineligible to adopt where they lived, Florida initiated efforts to find new adoptive families for the children who, at the time, were between 8 and 11 years old. Fortunately, the two oldest are now adults and the remaining Florida ward is in high school. The family has been able to remain together despite the parents' legal inability to adopt.

In the 2008 legislative session, two bills (SB200 and H45) allowing adoption by gay or lesbian individuals under certain circumstances (child lives with prospective adopter, views him/her as a parent, in child's best interest) were introduced in Florida but did not pass out of committee.

***Legal Developments Regarding Marriage and Adoption by Gays and Lesbians:*** Recent court decisions and legislation indicate that adoptive parenting by gays and lesbians is gaining greater

acceptance, even as “gay marriage” remains a highly charged topic. Twenty-seven states have passed constitutional amendments that prohibit same-sex marriage, and 44 states have statutes that expressly restrict marriage to unions between a man and a woman (National Conference of State Legislatures, 2008). As states have moved to ban same-sex marriages, there simultaneously has been an increase in the number that legally recognize other forms of union. Massachusetts and California are the only states that currently allow marriage by two persons of the same sex, but others – Connecticut, New Hampshire, New Jersey, Oregon, and Vermont – provide legal status to relationships that mirrors marriage. An additional four jurisdictions – the District of Columbia, Hawaii, Maine, and Washington – offer some of the rights and privileges of marriage to same-sex couples (National Conference of State Legislatures, 2008). Several states, including Illinois, New Mexico and Rhode Island, are currently considering legal recognition of civil unions. Even in some states that do not recognize same-sex marriage, civil unions, or domestic partnerships, “gay adoption” has gained acceptance. Indeed, several states that prohibit same-sex marriage have endorsed or removed barriers to adoption by lesbians and gays. The most recent example is Colorado, which barred same-sex marriage in 2006 and legalized adoption by gay or lesbian couples (and others) in 2007.

Efforts continue, however, to introduce or strengthen prohibitions on adoption by gays and lesbians. In Tennessee, legislation was introduced in January 2008 to ban adoption by cohabitating unmarried couples, but it failed. Also early this year, a measure in Mississippi (S.B. 2766) sought to amend existing law to prohibit unmarried adults cohabitating outside of marriage from adopting. The bill also stipulated that Mississippi would not recognize adoptions by more than one individual not able to be married under state law and would not enforce child-support orders from other states when the order involved same-sex parents; the state Senate passed the bill last February, but it did not progress in the House. In Arkansas, in response to the state Supreme Court’s striking down a policy prohibiting fostering by gay and lesbian adults, the Arkansas Family Council has been successful in getting the requisite number of signatures for a ballot initiative to be included on the ballot in November 2008. The initiative would make it illegal for children to be adopted or fostered by unmarried, cohabiting partners. It would apply to any type of foster or adoptive placement, even a relative placement, thus significantly shrinking the number of possible homes for children.

Current state laws that restrict the ability of gays and lesbians to adopt, along with continuing efforts to prevent them from doing so, make it clear that this remains a critical policy issue. If the legislative proposals being promoted were to be enacted, they would significantly reduce the pool of available qualified adoptive families for waiting children, thereby limiting their opportunities to have permanent families through adoption.

### **Recommendation**

Laws that prohibit adoption by gay or lesbian individuals and couples should be rescinded to maximize the number of interested, qualified adoptive families for waiting children. Child advocacy groups should work together to reverse statutes that prohibit adoption by adults who, apart from their sexual orientation, meet the necessary requirements.

While Florida and Mississippi expressly prohibit adoption by either gay/lesbian individuals or couples through statute, 14 states<sup>10</sup> and the District of Columbia specifically allow such adoption either through statute or decisions by the state’s highest court. In other states, the law is silent regarding adoption by gays and lesbians.

<sup>10</sup> These states are California, Colorado, Connecticut, Indiana, Illinois, Pennsylvania, Maine, Massachusetts, New Jersey, and New York. Ohio has case law saying that being gay is not an obstacle to adopting. The civil union laws of Vermont, Oregon and New Hampshire allow second-parent adoption for same-sex couples.

### **Recommendation**

States should enact legislation that specifically includes gays and lesbians as possible adopters or, alternatively, bars the exclusion of applicants for adoption solely on the basis of sexual orientation. Child welfare advocates in the states and in the nation as a whole should work for explicit statutory language in state laws.

**Joint and second-parent adoption.** States vary regarding whether they recognize both partners in a gay or lesbian relationship as a child's legal parents. Currently, the District of Columbia, Illinois, Indiana, Massachusetts, Maine, New York, and Pennsylvania permit unmarried partners to adopt jointly, including those of the same sex, as a result of appellate court decisions; New Jersey allows these joint adoptions as a result of a consent decree. Joint adoption is available for same-sex couples who are married in California or have civil unions in Connecticut, New Hampshire, Oregon and Vermont (Personal communication, Leslie Cooper, ACLU, June 4, 2008).

The advantages of joint adoption have been well documented. Many children's rights and benefits are tied to legal parental status, including health care (which requires parental consent), insurance coverage, survivor benefits, Social Security benefits, school admission, and the ability to obtain a driver's license and passport. When children are jointly adopted, there is never a period where the child is legally vulnerable to the loss of one parent. Statutory recognition of joint adoption codifies the parental relationship of both same-sex parents and provides children with the same rights and security that children of heterosexual couples enjoy (Cahill & Tobias, 2007).

Case law affords protection for some children adopted by same-sex parents. In 2006, an Indiana appellate court held that state law allows joint adoption by an unmarried lesbian couple (*In Re Infant Girl W*, 2006). By a 4-1 decision, the court declined to hear arguments against unmarried couples adopting, thereby upholding a lower-court ruling that allowed the joint adoption. In August 2007, Maine's highest court approved a joint adoption by lesbian partners, stating, "A joint adoption assures the children to be eligible for a variety of public and private benefits.... Most importantly, joint adoption affords adopted children the love, nurturing, and support of not one, but two parents" (*Adoption of M.A.*, 2007 Maine 123).

Colorado is the most recent state to statutorily recognize joint adoption. HB 1330, signed into law in 2007, legalized adoption by unmarried couples, including lesbian or gay couples; previously, joint and second-parent adoption was restricted to married couples. The law now allows same-sex couples, as well as relatives such as grandparents or older siblings, to jointly adopt. Bills similar to Colorado's were introduced in 2008 in Michigan, where advocates are hopeful of action in the next legislative session, and in Nebraska, where consideration was indefinitely postponed.

Another route to legally protecting children is second-parent adoption, wherein a court allows a second adult who is acting as a parent to legally assume that role. Such adoptions were initially used to allow one party in heterosexual couples, such as a stepmother or stepfather, to adopt the child of the other party. Several states have extended the availability of second-parent adoption to same-sex parents. Four of them – California, Colorado, Connecticut and Vermont – authorize second-parent same-sex adoption in statute. As of this writing, the appellate courts of five additional states – Illinois, Indiana, Massachusetts, New York and Pennsylvania – and the District of Columbia have ruled that

their adoption laws permit adoption by a same-sex second parent. An additional 15 states have allowed same-sex second parent adoption in some jurisdictions.<sup>11</sup>

Five states – Florida, Nebraska, Ohio, Utah, and Wisconsin – have ruled that their adoption laws do not allow second-parent or “step-parent” adoption by gay/lesbian partners (Human Rights Campaign, 2008). In these states, as well as in Mississippi and all states without clear judicial acceptance of second-parent adoption, children in two-parent gay- or lesbian-led households are legally vulnerable.

There are legal mechanisms that can help protect a child’s relationship with the non-recognized parent even when adoption is disallowed, including powers of attorney and wills. These mechanisms, however, do not give full protection because they do not provide, as does adoption, the right to continue caring for the child if something happens to the other parent. Powers of attorney and wills do not convey the degree of security that accompanies adoption (Sanchez, 2005). These legal “workarounds,” which can be expensive and time-consuming, also do not provide for benefits of recognized parenthood such as Social Security benefits, health insurance, and child support.

### **Recommendation**

The legal recognition of both parents in a family headed by gay or lesbian adopters is in the best interests of children. States should expressly recognize the simultaneous adoption by both parents in a couple, regardless of their sexual orientation.

States should expressly recognize second-parent adoption by a partner in a couple where the other partner has given birth to, fathered, or adopted a child previously and is the sole legal parent of that child.

***Acknowledging the Legal Status of Both Parents across Jurisdictions:*** One potentially serious issue has arisen in several jurisdictions that have sought to limit the “full faith and credit”<sup>12</sup> given to final adoption decrees issued by other states to same-sex parents. In 2004, Oklahoma initiated a policy to invalidate the birth certificate of any child legally adopted in another state if the document listed two same-sex parents.<sup>13</sup> After the Department of Health refused to amend the birth certificate of a child born in Oklahoma but adopted by a same-sex couple in Washington, the state legislature passed the Adoption Invalidation Act, stating that Oklahoma “shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction.” In 2006, the federal district court struck down the law. U.S. District Judge Cauthron wrote on behalf of the court:

The very fact that the adoptions have occurred is evidence that a court of law has found the adoption to be in the best interests of the children. . . . To now attempt to strip a child of one of his or her parents seems far removed from the statute’s purpose (*Finstuen v. Edmondson*, p. 1309).

In 2007, the Tenth Circuit Court of Appeals affirmed the district court’s ruling (*Finstuen v. Crutcher*, 2007).

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<sup>11</sup> In the following states, courts have allowed second-parent adoption by partners of the same sex: Alabama, Alaska, Delaware, Hawaii, Iowa, Louisiana, Maryland, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Rhode Island, Texas, and Washington.

<sup>12</sup> Article IV, section 1, of the U.S. Constitution provides that “Full Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State”. This constitutional guarantee provides that the rights and protections afforded in one state must be honored in others. will not be lost in another.

<sup>13</sup> Note: Adoptive parents appear on the child’s amended birth certificate after the adoption is finalized.

The Supreme Court of Virginia reached a similar conclusion in 2007. In *Davenport v. Little-Bowser*, it held that the Virginia Department of Vital Records and Statistics could not lawfully refuse to issue a new birth certificate for a child born in Virginia to a same-sex couple who had already been allowed to adopt that child in another state.

Despite these outcomes in Oklahoma and Virginia, this issue continues to surface. Proposed legislation in Mississippi, for example, would have prevented state courts from recognizing out-of-state adoptions by unmarried couples. This legislation, passed by the Mississippi Senate but stalled in the House, was part of a broader bill to clarify the state's ban on adoption by same-sex couples.

### **Recommendation**

States should give full faith and credit to decrees of adoption issued by other states without regard to the sexual orientation of adoptive parents.

## IV. From Law to Practice: Assessing and Strengthening Agency Policies and Practices

Changes in state law and policy are an important beginning to expanding the number of prospective adoptive parents for children in foster care. Ending legal and de facto restrictions on adoption and fostering by gays and lesbians, however, is just one step in that direction. Agency policies and practices, as well as the practices of individual workers, also can significantly impede the adoptions of waiting children. A study by Brodzinsky and the Evan B. Donaldson Institute (2003) found a significant proportion of adoption agencies (60 percent) accept applications from gays and lesbians, and about 40 percent already have placed children with such parents. The study also found that although social attitudes and practices are changing, as reflected by these findings, there continue to be formal and informal agency policies, practices, and worker attitudes based on negative stereotypes that discourage prospective gay and lesbian parents from pursuing their efforts to adopt.

Massachusetts and California ban discrimination based on sexual orientation, including in adoption; in these states, the few agencies with explicit policies against placing children with gay/lesbian individuals or couples cannot implement their exclusionary intent without violating state law. As a result, some agencies have discontinued adoption services. That was the case with Catholic Charities of Massachusetts after the Catholic Church required the agency to suspend its adoption program because it was complying with state law by accepting gay and lesbian individuals and couples as adoptive parents. The Church based its position on edicts against such adoptions,<sup>14</sup> a position contrary to the State of Massachusetts' explicit prohibitions against discrimination. Board and staff members of Catholic Charities wished to continue the practice of considering all potential

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<sup>14</sup> Cardinal Ratzinger, now Pope Benedict XVI, stated in *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons* (2003) that "allowing children to be adopted by persons living in (homosexual) unions would actually mean doing violence to these children in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development." Cardinal Alfonso Lopez Trujillo, Vatican head of the Pontifical Council for the Family, wrote that allowing same-sex couples to adopt children "would destroy the child's future. It is an act of moral violence against the child."

adopters – including gays and lesbians – and placing children with qualified families, but the Archdiocese of Boston required the agency to stop. Catholic Charities ended its century-old adoption program in Massachusetts, and several board members resigned in protest. A similar challenge in San Francisco led Catholic Charities there to end its small adoption program. The agency has shifted its efforts to promoting the need for adoptive homes generally and providing information and referral to an adoption agency which serves all families, including those led by same-sex couples.

At least one state has enacted a law allowing private, faith-based agencies to exclude gays and lesbians from consideration as adoptive parents. In 2003, following a highly publicized case of adoption by two men, North Dakota approved legislation that allows agencies to refuse to place children with adoptive families whom they reject on religious grounds, including gay/lesbian prospective parents. This policy acknowledges the rights of agencies to provide services in accordance with their religious tenets, but one consequence is that it narrows the pool of prospective adoptive parents who will be considered for each child for whom the agency has responsibility.

### Strengthening Agency Policy and Practice

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Agency policy and practice regarding the recruitment, assessment, preparation, and support of gay and lesbian adoptive parents – in order to expand the pool of qualified adoptive families for children in foster care – can be strengthened in several areas. The following describes steps agencies can take to systematically assess their policies and practices; effectively recruit from the gay and lesbian community; implement appropriate practices in assessing gay and lesbian applicants; prepare gay and lesbian families for adoption; and recruit social work staff members who have the skills to work effectively with these families. Best practice standards in engaging, preparing, and supporting gay and lesbian prospective adoptive parents/families continue to evolve, and research is needed to assess the effectiveness of various approaches. The Human Rights Campaign, a pre-eminent gay-rights organization, has recently launched a nationwide initiative called “All Children – All Families” that is aimed at educating agencies, providing them with resources, and increasing this population of potential parents. Independently, the Adoption Institute is engaged in a study of agency practices in serving gay and lesbian adopters, which will add to the knowledge base in this area. Even as such ambitious efforts unfold, there clearly is much agencies can do to begin strengthening their practices.

***Systematic assessment of policy and practice.*** Strong agencies engage in regular and systematic assessments of the congruence of their missions, policies, and practices – in part to assure that all effective resources are utilized to find families for waiting children. These agencies determine what images they present, what language they use, and whether those images and language are inclusive and convey acceptance. Involving gay and lesbian community leaders and former clients in reviewing agency policy and practice are important safeguards. Appendix E contains a list of questions to help agencies assess their policies and practices.

### **Recommendations**

To maximize the number of prospective adoptive parents for waiting children, agencies should develop and make clear their commitment to inclusiveness.



Agencies should systematically assess their efforts to combat homophobia and heterosexism<sup>15</sup> as evidence of their commitment to reaching out to prospective gay and lesbian adoptive parents.

***Recruitment of gay and lesbian adoptive families.*** Concerted efforts are needed to increase the pool of families for children waiting in foster care, including through active and effective recruitment of lesbian and gay parents. The knowledge base regarding the most effective ways to recruit such parents continues to develop and requires more practice-based research. In one of the few studies of lesbian adopters during the adoption process, Goldberg, Downing & Sauck (2007) found that a philosophy of inclusiveness and validation, as well as explicit and specific “gay friendly” practice, was critical to these women pursuing adoption. The researchers cited practices such as stating a commitment to openness in agency materials, being known in the gay community, using images of gay- or lesbian-headed families in materials, and using forms that were inclusive or non-heterocentric as markers of supportive agencies. Such practices minimized the stress that adopters felt as members of a cultural minority. Agencies can develop and test strategies, in consultation with members of the targeted community, for recruiting prospective gay and lesbian adopters.

### **Recommendations**

To ensure concerted efforts to increase the pool of prospective families for waiting children, agencies should identify cultural and practice barriers to the recruitment of gay and lesbian parents and, in consultation with members of the targeted community, implement effective outreach, retention and training strategies.

Agencies should develop mechanisms for assessing their success in connecting with and recruiting gay- and lesbian-headed adoptive families.

#### **Reaching Out to Gay and Lesbian Families: N.Y.C’s Administration for Children’s Services**

New York City’s Administration for Children’s Services (ACS) is an example of a public agency that recognizes the importance of outreach to gay and lesbian prospective parents. ACS engages prospective parents from the gay and lesbian community in a variety of ways. The agency regularly has a booth at the city’s Gay Expo, providing information on the needs of waiting children, the agency’s openness to gay and lesbian adopters, and the process for becoming a foster or adoptive parent. In addition, ACS hosts a workshop at the New York City Adoption Conference on gay and lesbian adoption and holds an annual adoption fair at the LGBT community center. The agency’s “Circles of Support” for adoptive families across the city include at least one support group specifically for gay or lesbian headed families.

***Assessment of gay and lesbian prospective adoptive families.*** Much remains to be learned about culturally sensitive assessments for gay and lesbian adoption applicants, a topic that has only recently been addressed by research (Mathews & Cramer, 2006). Several studies, however, have found that agency policy and practice, as well as individual workers’ attitudes, often negatively impact adoption assessment of such applicants (Downs & James, 2006; Goldberg, Downing, & Sauck, 2007; Ryan, 2000; Ryan, Bedard, & Gertz, 2007; Ryan, Perlmutter, & Groza, 2004).

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<sup>15</sup> Refers to the set of beliefs – societal, cultural, institutional, and personal – associated with the assumption that heterosexuality is the only healthy, normal, or acceptable sexual orientation. This assumption is often the basis for discrimination.

Brooks and Goldberg (2001) conducted focus groups with key staff members recruited from a GLB (Gay, Lesbian, Bisexual) Concerns Committee of a public child welfare agency and with gay and lesbian adoptive and foster parents. The focus group participants reported that gay and lesbian adopters often were subject to heightened scrutiny in the assessment process.

There are no clear tests of who will be a good parent or the “right” parent for a particular child. Criminal background checks and examinations of adoptive applicants’ homes are required. Most of the decision-making about a family’s qualifications to adopt, however, is based on the home study, an assessment process that probes motivation for adoption, parent relationships, attitudes about discipline, and a host of other psychological and social factors. The home study also should be an educational process intended to teach prospective parents about the unique aspects of their families and to explore their lived experiences – both positive and challenging – that have led them to this type of parenthood. Much of the assessment is subjective and, as a result, the biases of individual social workers, sometimes unconsciously, can influence decisions about a family’s appropriateness for a waiting child from foster care.

For a variety of reasons, from a sincere effort not to discriminate to political correctness or simple uncertainty about good practice, some agencies have policies prohibiting their social workers from ascertaining an applicant’s sexual orientation. That can lead them to shy away from examining important aspects of gay/lesbian identity and coping. “Not asking,” or not acknowledging, can mask challenges the family will have to maneuver or strengths that make it the right family for a particular child. “Not asking” may also lead to inadequate preparation and support that would benefit such families and their children. Mallon (2007) points to the value of assessing the whole person in context, arguing that such practice acknowledges that gays and lesbians have different experiences that will influence their parenting. In addition, agencies may resist “knowing” or even encourage parents to withhold this information. Mathews and Cramer (2006) note that when agency staff members do not explore the issue of minority sexual orientation, they miss the opportunity to help lesbian and gay clients deal with issues such as identity development, managing differences, and utilizing their particular strengths in parenting their children.

An important issue for these prospective parents is the degree to which they are “out” about their sexual orientation. Most states do not provide protection from discrimination on this basis; consequently, in asking applicants to disclose this information, the agency may be placing them in a position that could jeopardize their employment or housing, as well as complicate relationships. Determining the areas of life where clients are “out” is important for protecting their confidentiality. Becoming a parent, however, will often force the issue as children cannot and should not be expected to keep such secrets.

### **Recommendations**

Agencies should use culturally sensitive practices in engaging gay and lesbian prospective adoptive parents in the assessment process.

Agency policies should ensure that issues of sexual orientation are addressed in the assessment process and that they provide gay and lesbian prospective parents with opportunities to explore the impact of adoption on the degree to which they are “out.”

### **Specializing in Gay/Lesbian Adoption: Families Like Ours**

Families Like Ours (FLO) is a relatively small organization with a large reach, primarily through the Internet. Begun in Washington State in 2000, the FLO website serves as a clearinghouse for information specific to gay and lesbian adoption, linking prospective parents to agencies and providing referrals to those with non-discrimination statements. FLO has over 1,000 visitors a day to its website, recruits more than 200 new foster-adopt families in Washington State alone each year, partners with over 50 agencies nationwide, and has nearly 2,000 registered families in its community. Ninety percent of the adoptions FLO guides are of children in the custody of public child welfare agencies. Although FLO serves any interested family, its primary focus is gays and lesbians seeking to adopt. FLO also provides information and support to workers and trainers, and works with agencies that pledge not to discriminate. Partner agencies sign an agreement stating: “Our pre and post placement family services and programs are available without discrimination to qualified, approved families wishing to adopt or foster domestically, regardless of age, gender, marital status, disability, income, race, sexual orientation and ethnic background.” Agencies also must report on their own non-discrimination policies. FLO trains both gay and lesbian and heterosexual prospective parents and offers assistance to support groups across the country.

***Preparation of gay and lesbian adoptive families.*** Gays and lesbians who adopt and have not had children before will face many of the same tasks as any new parent, but they also will face unique challenges (Goldberg, Downing, & Sauck, 2007). Standard preparation for adoptive parents does not address the particular issues that gay- or lesbian-headed families may have to address. They also interact with a variety of professionals – pediatricians and other health care providers, teachers and other school personnel and, possibly, mental health professionals – who may not expect or fully understand the structure of their family lives. Agencies must be aware of the range of supports in their communities that have been specifically developed to meet the needs of gay- and lesbian-headed families. Of particular benefit may be support groups for gay or lesbian adoptive families, support or recreational groups for their children, chapters of Children of Lesbians and Gays (COLAGE), and connections to welcoming mental health, health and legal professionals.

### **Recommendations**

Agencies should evaluate their training curricula for foster and adoptive parents (PRIDE, MAPP, or others<sup>16</sup>) to determine if they need to be amended to be welcoming for gays and lesbians. Agency staff should ensure trainers are sensitive to the needs of these parents and can conduct trainings in ways that acknowledge and promote acceptance of all family types.

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<sup>16</sup> PRIDE (Parent Resources for Information, Development and Education) and MAPP (Model Approaches to Partnerships in Parenting) are two widely used curricula for training foster and adoptive parents.

Agencies should develop strong relationships with service providers in their communities that can provide ongoing supports to gay- and lesbian-headed families.

**Promoting Inclusion and Developing Expertise: Family Builders by Adoption, Oakland, CA**

Family Builders by Adoption in Oakland, California, has a reputation for welcoming gay and lesbian prospective adopters. The agency sees its commitment to cultural competence as a commitment to the values, knowledge, and skills that serve diverse families, including those led by non-heterosexual parents. Executive Director Jill Jacobs has found such parents to be valuable resources for waiting children, many of whom present challenges. The agency strives to be welcoming in many ways: gay/lesbian-headed families are prominent in the agency's materials; a special section on the its website is for such prospective adopters; and it offers a support group specific to these families that is held at the local Lesbian Gay Bisexual Transgender Center and provides child care while parents meet. In its trainings, Family Builders ensures that all presenters are sensitive to and competent in addressing relevant issues, and seeks to hire staff members who are experienced and comfortable in working with a wide range of families, including lesbian- and gay-headed ones. Because homophobia and heterosexism may be subtle and unrecognized by those who hold such views, the agency uses supervision, in-house training, and reviews of home studies and other documents to identify possible staff bias. Family Builders by Adoption has worked to expand the pool of parents for waiting children for many years and has recruited, trained, and supported gay and lesbian parents for over a decade. These parents have made up 50 to 60 percent of the agency's adoptions each year.

**Agency staffing.** One strategy that agencies have utilized to improve their cultural competence in effectively reaching racial or ethnic minority groups is to enhance the sensitivity and expertise of their own staffs for working with these groups, including seeking to hire minority employees. Too often, however, social services agencies do not or, in some cases, cannot hire sufficiently diverse workers with expertise in working with gay and lesbian individuals. Just as most agencies believe it is important to strengthen their ability to create a knowing and welcoming environment for families of color, they need to do the same in reaching prospective gay and lesbian parents. To the extent possible – through job ads in newsletters and on websites targeted to gays/lesbians, relationships with organizations that serve this community, word of mouth, and other networking – agencies can hire adoption professionals who are gay or lesbian, who have special expertise in working with this population, or who can serve as consultants to enhance their staffs' knowledge. Such expertise can be a boon to developing and implementing effective policies and practices, and to creating a more welcoming atmosphere for maximizing the agency's effectiveness in serving waiting children.

Supervision is another important method for helping social workers confront their biases in relation to gay and lesbian adoptive families. Clinical supervision can aid social workers in carefully reviewing decisions about which families are suitable for a waiting child and exploring whether parental sexual orientation is considered inappropriately. Supervision also can provide an opportunity to safely explore the concerns that workers may have about placing children with gay or lesbian parents.

### **Recommendations**

Agencies should build diverse staffs of social workers and supervisors, including employees with expertise in serving gay and lesbian families, in order to effectively recruit and retain more parents for waiting children.

Agencies should train and support social workers and supervisors so that they develop expertise in working with gay and lesbian prospective adoptive parents and gay- and lesbian-headed families.

### **Research to Strengthen Agency Policy and Practice**

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Much more needs to be learned to provide agencies with clear guidance on quality policy and practice in recruiting, assessing, preparing, and supporting gay/lesbian foster and adoptive parents.

### **Recommendation**

Research is needed to enrich our understanding of:

- Most effective ways to reach out to and recruit gay/lesbian foster and adoptive parents
- Culturally sensitive and effective practices for the assessment of gay and lesbian prospective foster and adoptive parents
- How training of prospective foster and adoptive parents should be adapted to be welcoming to and effective for gays and lesbians
- How best to prepare agency staff to work effectively with gay/lesbian foster and adoptive applicants and gay- and lesbian-headed families

## CONCLUSION

Children in foster care who are awaiting adoption deserve the careful consideration of every resource that might provide them with a permanent family. Denying these children access to qualified adoptive parents simply because of the applicants' sexual orientation cannot be justified. Each prospective family should be individually assessed to determine its suitability to adopt and whether it can meet a particular child's needs. Banning gay and lesbian individuals based on pre-judgments of their capacity to parent disadvantages children and youths in need of safe, loving, and permanent homes.

Recent statutes and court decisions offer insights into the evolution of societal thinking about adoption by gays and lesbians. Colorado's 2007 law allowing joint adoption (and a companion law outlawing discrimination on the basis of sexual orientation), as well as the 2007 decision by Maine's highest court to recognize joint adoption by a same-sex couple, are two important examples. Successful challenges to policies excluding gay and lesbian adults from fostering children and the failure of efforts to further restrict adoption or fostering by such parents further attest to a shifting attitude. There clearly is growing awareness that tens of thousands of children in foster care need families; that youths who leave foster care without a family face significant obstacles to becoming healthy, productive adults; and that lesbian and gay parents can provide nurturing homes for boys and girls waiting for the safety, security, and stability of families for life.

Implementing the recommendations in this report will play an important role in increasing the number of adoptive families for children waiting in foster care. These recommendations provide assertive, practical legal and agency policy and practice strategies to ensure that far more children who need homes get them and that fewer "graduate" from foster care without permanent family relationships. Efforts to find families for these boys and girls must expand and intensify – and gay and lesbian adults are part of the solution. As one adoption researcher (Ryan, 2000, p. 527) has noted:

The casualties of ... the status quo are the children who can ill afford to remain in unchanging situations. By not expanding the definition of family, agencies will not be able to meet the demand for homes and thus will continue to bear the costs of maintaining children in foster care and will incur lawsuits for failure to provide permanency for children. However, the most unfortunate effect is that children will languish longer in foster care.

## ADDITIONAL RESOURCES

All Children All Families. (2007). *Promising Practices Guide*. Available through:

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## APPENDIX A

### Research on Gay and Lesbian Parenting

The table below includes examples of major studies on parenting outcomes for children raised by lesbian or gay parents that are cited in this report. The table is included because of ongoing concerns raised by those who oppose adoption by gay/lesbian individuals or same-sex couples. While this list is not exhaustive, it includes many central studies, including four (indicated with asterisks) that address many of the methodological concerns raised about research on this topic (Meezan & Rauch, 2005). Because there is so little research on gay/lesbian adopters, we consider the literature on gay and lesbian parenting as providing valuable insights into the issue of the relationship of children's well-being and family type.

Acknowledging research limitations does not diminish the general findings of every methodologically sound, peer-reviewed study to date. As noted by Stacey & Bilbarz (2001), who have critiqued many of the studies in this field, to dismiss this body of evidence due to these limitations is to "dismiss virtually the entire discipline of psychology." The study of relatively small populations, particularly those who have experienced discrimination and prejudice, poses significant challenges and inherent limitations (Anderssen, Amlie, & Ytteroy, 2002; Meezan & Rauch, 2005). Meezan and Rauch (2005) note that researchers, particularly in the early days of studying lesbian and gay parenting, have faced difficulties in:

- Finding representative samples. There is no master list of lesbian/ gay parents from which to sample. Finding subjects has often required using snowball sampling, connecting to gay/lesbian organizations, word of mouth, and other tools that may not draw from the broad array of families. Indeed, most participants have been white, out about their orientation, clustered geographically, and relatively comfortable financially. We cannot know if these are representative of the population of lesbian/gay headed families as a whole.
- Small sample sizes. Finding samples, as well as finding financial support to study lesbian/gay parents, are challenges. Most studies examine fewer than 30 children in gay/lesbian households compared to a like number in families headed by heterosexual parents. As the authors note, the smaller the sample, the less likely it is that differences will be detected.
- Complicated comparisons. To learn how children raised in lesbian/gay-headed households fare, it is useful to compare them on a number of measures to children raised in other family types. But which ones? As Meezan and Rauch ask, should we compare families headed by single lesbian mothers to two-parent heterosexual families? Two-parent lesbian-headed households to mother/stepfather families? Several studies, particularly the earlier ones, mix family types in comparison groups. The meaning of such comparisons is thus clouded. Further, the field needs to reach consensus on what the comparisons should be.
- Heterogeneity of subject groups. The more similar groups are in central characteristics, the more likely that differences (or lack of them) mean something of import. When the pool from which a sample is drawn is small, achieving homogeneity of subjects in groups being compared is difficult. For example, in lesbian-headed families, we might include women who gave birth when in an opposite-sex relationship, but who with a subsequent lesbian partner are raising children (who may or may not have relationships with their fathers), women who

conceived children through artificial insemination (both partnered and single), and women who adopt together. Again, such heterogeneity makes comparisons difficult.

- **Measurement concerns.** Meezan and Rauch note that some studies examine child well-being or other issues without collecting data from children themselves. They rarely observe child behavior or parent/child relationships. They may use non-standardized instruments or ones with poor or unreported reliability and validity.
- **Statistical controls.** It is common in research to have non-identical groups under study and to use statistical methods to control for differences. Such control requires larger samples than most of those in studies to date.
- **Very limited data on children raised by gay fathers.** Most studies to date have been on lesbian parenting. The outcomes for children raised by a single gay father or by a gay couple have been much less studied.

Meezan and Rauch note that these problems must be considered in context. The authors concur with the American Psychological Association's position, which states: "There is no scientific basis for concluding that lesbian mothers or gay fathers are unfit parents on the basis of their sexual orientation" and "overall, results of research suggest that the development of, adjustment and well-being of children with lesbian and gay parents do not differ markedly from that of children with heterosexual parents" (APA, 2004, [www.apa.org/pi/lqbc](http://www.apa.org/pi/lqbc)). They further note newer studies are more rigorous, lending further credence to the position that the children of same-sex parents fare well.

TOPIC: <b>How children raised by gay/lesbian parents fare</b>	Findings	Sample size/ limitations
Anderssen, Amlie & Ytteroy, 2002	Systematic review of 23 empirical studies on nonclinical children published between 1978 and 2000- 20 on lesbian-headed families and three on gay father-headed families. Found emotional functioning, stigma, behavioral adjustment, and cognitive functioning did not systematically differ from comparison children.	<p>Studies examined 615 offspring of lesbian/gay parents and 387 children in comparison groups raised by heterosexual parents.</p> <p>Limitations (below) often inherent in studies on hidden or stigmatized groups. Representative samples of lesbian/gay-headed families are unattainable, but newer studies have sample sizes with more statistical power. Several studies use measure with known reliability/validity (e.g. Child Behavior Checklist, WISC-R) or have demonstrated validity/reliability of other measures. More than half of studies used blinding procedures. All converged on the finding that there were no substantive differences, despite sample size, measure, comparability of groups and procedures.</p> <p>Limitations of studies reviewed:  Samples typically are snowball samples or self-selection, potentially biasing samples to more advantaged families.  - samples were small, increasing chance that "no differences" findings might not hold up if sample sizes larger (external validity)</p>

TOPIC: <b>How children raised by gay/lesbian parents fare</b>	Findings	Sample size/ limitations
		<p>- poorly matched comparison groups</p> <p>Measures – uncertain validity of some measures, especially gender identity and sexual orientation.</p> <p>Blinding procedures and response bias – not all collection, coding and interpretation was blind.</p> <p>Reliance on self-reported recall data is problematic.</p> <p>Focus – few studies conducted on gay fatherhood.</p>
* Chan, Raboy & Patterson, 1998	Examining social competence and behavior problems, found no differences between group of children born to lesbians and those born to heterosexual parents.	<p>Sample drawn from families formed using same sperm bank (thus control for effect of biological relatedness). Compared 34 lesbian couple families, 21 single lesbian families, 16 heterosexual couples and nine single heterosexual families.</p> <p>Used standardized measures from both parents and teachers. Sample size sufficient to identify large to medium, but not small effects.</p> <p>Limitations: Comparability - lesbians more likely to participate, lesbians had more education and two-parent families (lesbian or heterosexual) had more income.</p>
Flaks, Ficher, Masterpasqua & Joseph, 1995	Found no differences in child cognitive functioning or behavioral adjustment	<p>Compared children age 3-9 in 15 lesbian-headed couple families formed through donor insemination and 15 matched heterosexual couple families with birth children using standardized measures.</p> <p>Limitations: small sample size, non-representative sample</p>
Golombok, Spencer & Rutter, 1983	Found no differences on most measures of emotional, behavioral or relationship well-being. Found somewhat more psychiatric problems among children in single heterosexual mother households.	<p>Compared 37 school-aged children in 27 lesbian households to 38 such children in 27 heterosexual households.</p> <p>Limitations: small sample size, non-random sample, sample compares single hetero mothers to lesbian couples, samples vary on potentially important variables such as educational level.</p> <p>Non-standardized instruments used.</p>
Tasker & Golombok, 1995	Young adults raised by lesbian mothers or heterosexual single mothers functioned equally well in	<p>Longitudinal study of 25 young adults raised by lesbian mothers and 21 raised by heterosexual single mothers. Used combination of interview and standardized measures</p> <p>Limitations: small sample size, non-representative sample, partnered status of lesbian mothers unclear.</p>

TOPIC: <b>How children raised by gay/lesbian parents fare</b>	Findings	Sample size/ limitations
	terms of psychological well-being, family identification and family relationships	I.e. to be included single hetero mothers could not be living with a male partner. Study does not specify whether lesbian mothers were currently partnered.
* Golombok et al, 2003	Children raised by lesbian mothers function well and don't experience negative psychological consequences. Children in single-headed families had more difficulty overall than children in dual-headed families regardless of type of parental sexual orientation.	Sample of 39 lesbian mother households (both coupled and single) compared to 74 heterosexual couple families and 60 heterosexual single female-headed families. Used standardized measures and interviews coded by raters unaware of household structure. Limitations: small sample size, only partially representative sample
* Wainright, Russell & Patterson, 2004	No difference in psychosocial adjustment of youth self-esteem, depression, anxiety, school performance. Youth in lesbian-headed families felt more connected to school. Held that quality of youth-parent relationship, rather parental sexual orientation is associated with adjustment. Children from two-parent families (whether same or opposite sex) did better than single	Sampling from nationally representative sample of 12,105 adolescents (National Study of Adolescent Health) compared 44 youth raised by female same-sex couples to 44 youth matched child for child raised by hetero couples. Used standardized instruments & multivariate analysis, controlling for other factors. One of the strongest studies methodologically to date.

TOPIC: <b>Sexual orientation/ gender behavior of children raised by gay/lesbian parents</b>	Findings	Sample size/ limitations
* Golombok et al, 2003	Children in lesbian-headed families did not differ in gender-typed behavior from peers in heterosexual-headed households	Semi-representative sample (drawn from study of 14,000 mothers) identified 18 lesbian mother families and added 21 more through other means (but additions were largely similar to first sample) compared to 74 heterosexual couple families and 60 single hetero mother families. Used standardized instruments and interviews coded by those blind to family type. Limitations: non-representative sample
Tasker & Golombok, 1995	Young adults raised by lesbian mothers or heterosexual single mothers did not vary in sexual orientation. While each group had similar rates of same-gender attraction, children of lesbians were more likely to have had same gender relationships.	Longitudinal study of 25 young adults raised by lesbian mothers and 21 raised by heterosexual single mothers. Limitations: small sample size, non-representative sample
Anderssen, Amilie & Ytterboy, 2002	Systematic review of 23 studies – 20 examining lesbian motherhood and 3 examining gay fatherhood. Found children of lesbian mothers and gay fathers did not differ systematically on sexual preference, gender role behavior and gender identity compared with children raised by heterosexual parents.	Studies examined 615 offspring of lesbian/gay parents and 387 children in comparison groups raised by heterosexual parents. Limitations (below) often inherent in studies on hidden or stigmatized groups. Representative samples of lesbian/gay headed families are unattainable but newer studies have sample sizes with more statistical power. Several studies use measure with know reliability/ validity (e.g. Child Behavior Checklist, WISC-R) or have demonstrated validity/reliability of other measures. More than half of studies used blinding procedures. All converged on the finding that there were no substantive differences, despite sample size, measure, comparability of groups and procedures.



		<p>Limitations:</p> <p>Samples - typically snowball sample or self-selection potentially biasing samples to more advantaged families.</p> <ul style="list-style-type: none"> <li>- were small, increasing chance that “no differences” findings might not hold up if sample sizes larger (external validity)</li> <li>- poorly matched comparison groups</li> </ul> <p>Measures – uncertain validity of some measures, especially gender identity and sexual preference</p> <p>Blinding procedures and response bias – not all collection, coding and interpretation was blind. Self-reported recall data is problematic.</p> <p>Focus – few studies conducted on gay fatherhood.</p>
* Wainwright, Russell & Patterson, 2004	Youth in lesbian/gay headed families are more connected to school.	<p>Sampling from nationally representative sample of 12,105 adolescents (National Study of Adolescent Health) compared 44 youth raised by female same-sex couples to 44 youth matched child for child raised by hetero couples. Used standardized instruments &amp; multivariate analysis, controlling for other factors.</p> <p>One of the strongest studies methodologically to date.</p>
* Brewaeys et al (1997)	Children did not differ in emotional and behavioral adjustment.	<p>Compared 30 lesbian couple families and 38 heterosexual couple families formed through donor insemination (from same clinic) to 30 heterosexual families who conceived naturally. 100% of sampled lesbian couple families agreed to participate vs. 53% of matched hetero DI families and 60% of naturally conceived recruited parents.</p> <p>Statistical analyses controlled for demographic differences, standardized measures used.</p> <p>Limitations: Non random sample. Response rates for all groups good, but lesbian co-mothers more likely to respond than fathers.</p>
<b>TOPIC: Children of lesbian/gay parents fare better on some measures</b>	Findings	Limitations
* Wainwright et al, 2004	Children of lesbians have greater school involvement than peers from hetero-headed families	See above
* Chan, Raboy & Patterson, 1998	Examining social competence and behavior problems, found no differences between group of children born to	<p>Sample drawn from families formed using same sperm bank (thus control for effect of biological relatedness). Compared 34 lesbian couple families, 21 single lesbian families, 16 hetero couples and 9 single hetero families.</p> <p>Used standardized measures from both parents and teachers.</p>

	<p>lesbians and those born to heterosexual parents.</p> <p>However, in children with two lesbian mothers both parents have more involvement with child, exhibiting more equality in parenting.</p>	<p>Limitations: lesbians more likely to participate, lesbians had more education and two-parent families (lesbian or hetero) had more income.</p>
* Golombok et al (2003)	<p>The only significant difference in the groups was that fathers in hetero couples more likely to hit children than co-mothers in dual lesbian couples.</p>	<p>Semi-representative sample (drawn from study of 14,000 mothers) identified 18 lesbian mother families and added 21 more through other means (but additions were largely similar to first sample) compared to 74 heterosexual couple families and 60 single hetero mother families.</p> <p>Used standardized instruments and interviews coded by those blind to family type.</p> <p>Limitations: Not truly representative, but close approximation according to authors.</p>
* Brewaeys et al (1997)	<p>Only “striking difference”: nonbiological lesbian mothers (partners to woman who gave birth) showed greater interaction with the their children than did fathers</p>	<p>Compared 30 lesbian couple families and 38 heterosexual couple families formed through donor insemination (from same clinic) to 30 heterosexual families who conceived naturally. 100% of sampled lesbian couple families agreed to participate vs. 53% of matched hetero DI families and 60% of naturally conceived recruited parents.</p> <p>Statistical analyses controlled for demographic differences, standardized measures used.</p> <p>Limitations: Response rates for all groups good, but lesbian comothers more likely to respond than fathers. Children young (8 and younger).</p>

## APPENDIX B

### Overview of Policy Statements on Adoption by Gay/Lesbian Parents by Professional Groups

Organization	Purpose/Membership	Nature of Statement
American Academy of Child and Adolescent Psychiatry	National association of 7,500 psychiatrists who treat and aim to improve quality of life for children, adolescents and their families with mental, behavioral, and developmental disorders.	Notes gay, lesbian and bisexual individuals face more scrutiny regarding their right to be parents and states its opposition to discrimination based on sexual orientation against individuals in custodial or adoptive parenting.  [Does not specifically speak to joint or second-parent adoption.]
American Academy of Family Physicians	National medical organization of over 94,000 physicians and physicians in training.	Passed resolution that promotes psychological and legal security for all children, including adoptive children, regardless of the sexual orientation of parents.
American Academy of Pediatrics	National organization of some 60,000 pediatricians dedicated to the health, safety, and well-being of infants, children, adolescents and young adults.	Calls for legal recognition of both parents in same- or opposite-sex families.  Specifically calls for legal recognition of second parent.  Calls for advocacy to establish permanency for children of same-sex couples through second-parent adoption.  [Does not speak specifically to issue of adoption by lesbian or gay individuals, but this is implied by its thorough support for recognition of both partners in a same-sex headed family].
American Bar Association	National organization of lawyers with membership of 400,000. Develops initiatives to improve the legal system, accredits legal education, educates the public about the law, and develops programs to assist judges and attorneys.	Opposes legislation and policies that prohibit, limit or restrict foster or adoptive placement of any child on basis of sexual orientation of proposed parents.  Supports enactment of laws and policies that adoption shall not be denied based on sexual orientation.  Supports state and territorial laws and statutes that permit legal parent-child relationships through joint adoptions and second-parent adoptions by unmarried persons functioning as child's parents.

Organization	Purpose/Membership	Nature of Statement
American Medical Association	The nation's largest physicians' organization with over 240,000 members. Seeks to promote public health and promote art and science of medicine.	States AMA will support adoption of a child by same-sex or opposite-sex, non-married partner.  [Does not speak specifically to issue of adoption by gay or lesbian individuals, but this is implied by its support for recognition of both partners in same-sex-headed families.]
American Psychiatric Association	National organization of 35,000 psychiatrists	Asserts that gay and lesbian couples and individuals should be allowed to be parents through adoption and fostering, "subject to the same types of screening" used for heterosexual persons.  Specifically supports second-parent adoption, and states that such adoptions should not be prohibited because parents are the same gender.  Holds that custody decisions after dissolution of gay relationships be made similarly to those in custody decisions of heterosexual partners.
American Psychoanalytic Association	National organization of 3,000 members promoting education, research, and professional standards.	Asserts that the evaluation of individuals or couples for parenting, including adoption, "should be determined without prejudice regarding sexual orientation."
American Psychological Association	National organization of over 150,000 members.	Extensive statement on many issues relating to gay/lesbian-headed families, including: <ul style="list-style-type: none"> <li>- statement deploring all discrimination against gays and lesbians and urging repeal of all discriminatory legislation</li> <li>- specifically opposes discrimination in adoption and foster care on the basis of sexual orientation</li> <li>- supports protection of parent-child relationships through joint and second-parent adoption</li> <li>- encourages psychologists to act to eliminate all discrimination based on sexual orientation in adoption and foster care</li> <li>- commits APA to a leadership role in opposing such discrimination</li> <li>- commits the APA to providing scientific and educational resources to inform public discussion regarding such discrimination</li> </ul>
Child Welfare League of America	National association of over 800 public and private child welfare organizations.	Affirms that gay, lesbian, and bisexual parents are as well-suited to rear children as heterosexual parents.

Organization	Purpose/Membership	Nature of Statement
	Sets standards and advances policy and practice that promote well-being of children, youth and families.	<p>Asserts that applicants for adoption “should be assessed on parenting abilities and not race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyle or sexual orientation.”</p> <p>Argues for individual assessment based on capacity to meet needs of particular child.</p> <p>[Does not specifically speak to joint or second parent adoption.]</p>
National Adoption Center	Organization that pioneered national photolistings of waiting children in foster care. Selected by the US Department of Health and Human Services to develop adoptive family recruitment nationally, which led to the current AdoptUsKids Program	Based on the belief that every child has the right to a loving, nurturing, and permanent family, and that people from a variety of life experiences offer strengths for these children, the National Adoption Center has as its policy that no person should be denied consideration in the adoption process solely based on marital status, sexual orientation, lifestyle, disability, physical appearance, race, gender, age, religion, or size of family.
National Association of Social Workers	National organization with over 150,000 members with emphasis on social justice as well as professional standards.	States barriers to foster care and adoption due to sexual orientation “must be removed.”
North American Council on Adoptable Children	Organization of 1,100 parents, professionals and organizations representing the needs of children awaiting homes and the families that adopt them.	<p>States children should not be denied homes in permanent families due to sexual orientation of prospective parents.</p> <p>Holds that all prospective parents should be considered fairly and equally, regardless of sexual orientation.</p> <p>Opposes rules that restrict consideration based on sexual orientation.</p>
Voices for Adoption	Organization of adoption agencies and advocacy groups that seek to shape public debate about adoption and promote awareness of the needs of waiting children.	<p>Asserts that ruling out parents due to sexual orientation unnecessarily reduces their chances for permanency.</p> <p>Supports making decisions about adoption on a case-by-case basis.</p>

## APPENDIX C

### **The American Psychological Association: 2004 Resolution on Sexual Orientation, Parents and Children**

There is no scientific basis for concluding that lesbian mothers or gay fathers are unfit parents on the basis of their sexual orientation. ... On the contrary, results of research suggest that lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children. ...Overall, results of research suggest that the development, adjustment, and well-being of children with lesbian and gay parents do not differ markedly from that of children with heterosexual parents.

WHEREAS APA supports policy and legislation that promote safe, secure, and nurturing environments for all children

WHEREAS APA has a long-established policy to deplore all public and private discrimination against gay men and lesbians and urges the repeal of all discriminatory legislation against lesbians and gay men.

WHEREAS discrimination against lesbian and gay parents deprives their children of benefits, rights, and privileges enjoyed by children of heterosexual marital couples

WHEREAS some jurisdictions prohibit gay and lesbian individuals and same-sex couples from adopting children, notwithstanding the great need for adoptive parents

WHEREAS there is no scientific evidence that parenting effectiveness is related to parental sexual orientation: lesbian and gay parents are as likely as heterosexual parents to provide supportive and health environments for their children

WHEREAS research has shown that the adjustment, development, and psychological well-being of children is unrelated to parental sexual orientation and that children of lesbian and gay parents are as likely as those of heterosexual parents to flourish;

THEREFORE BE IT RESOLVED that the APA opposes any discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care and reproductive health services;

THEREFORE BE IT FURTHER RESOLVED that the APA believes that children reared by a same-sex couple benefit from legal ties to each parent;

THEREFORE BE IT FURTHER RESOLVED that the APA supports the protection of parent-child relationships through the legalization of joint adoptions and second parent adoptions of children being reared by same-sex couples;

THEREFORE BE IT FURTHER RESOLVED that APA shall take a leadership role in opposing all discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care and reproductive health services;

THEREFORE BE IT FURTHER RESOLVED that APA encourages psychologists to act to eliminate all discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services;

THEREFORE BE IT FURTHER RESOLVED that the APA shall provide scientific and educational resources that inform public discussion and public policy development regarding discrimination based on sexual orientation in matters of adoption, child custody and visitation, foster care, and reproductive health services and that it assist its members, divisions, and affiliated state, provincial, and territorial psychological associations.

## APPENDIX D

### Adoption by Lesbian or Gay Persons:

Law as May 2008

Source: Human Rights Campaign, 2008; National Conference of State Legislatures, 2008;  
American Civil Liberties Union, 2008

STATE	Allows adoption by gay/lesbian individuals (1)	Statute or Appellate Court ruling permits joint adoption by gay/lesbian couples	Statute or Appellate Court ruling permits second parent adoption by gay/lesbian couples	Notes:
Alabama	Yes	No	No	Has allowed second-parent adoption at trial court level.
Alaska	Yes	No	No	Has allowed second-parent adoption at trial court level.
Arizona	Yes	No	No	
Arkansas	Yes	No	No	Although court has not addressed same sex adoption, in 2006 the Supreme Court of Arkansas affirmed that a regulation prohibiting gay/lesbian people from serving as foster parents was unconstitutional.
California	Yes	Yes	Yes	Statute
Colorado	Yes	No	Yes	Statute
Connecticut	Yes	Yes	Yes	Statute
Delaware	Yes	No	No	Has allowed second-parent adoption at trial court level
Florida	No	No	No	Prohibits adoption by statute. Does allow gay/lesbian individuals and couples to be foster parents.
Georgia	Yes	No	Unclear	Has allowed second-parent adoption at trial court level
Hawaii	Yes	No	No	Has allowed second-parent adoption at trial court level
Idaho	Yes	No	No	



STATE	Allows adoption by gay/lesbian individuals (1)	Statute or Appellate Court ruling permits joint adoption by gay/lesbian couples	Statute or Appellate Court ruling permits second parent adoption by gay/lesbian couples	Notes:
Illinois	Yes	Yes	Yes	Appellate Court ruling
Indiana	Yes	Yes	No	Appellate Court ruling
Iowa	Yes	No	No	Has allowed second-parent at trial court level
Kansas	Yes	No	No	
Kentucky	Yes	No	No	
Louisiana	Yes	No	No	Has allowed second-parent adoption at trial court level
Maine	Yes	Yes	No	
Maryland	Yes	No	No	Has allowed second-parent adoption at trial court level.
Massachusetts	Yes	Yes	Yes	Mass. Gen. Laws Ch. 210 §1; <i>Adoption of Tammy</i> , 619 NE 2d 315 (Mass. 1993).
Michigan	Yes	No	No	Has allowed second-parent adoption at trial court level.
Minnesota	Yes	No	No	Has allowed second-parent adoption at trial court level
Mississippi	Yes	No	No	Statute expressly prohibits adoption by couples of the same gender.
Missouri	Yes	No	No	
Montana	Yes	No	No	
Nebraska	Yes	No	No	Appellate court ruling against second-parent adoption. In addition, policy of public child welfare department does not allow gay or lesbian individuals to be foster parents.
Nevada	Yes	No	No	Has allowed second-parent adoption at trial court level
New Hampshire	Yes	No	No	Some judges have permitted a same-sex couple to petition to adopt in some circumstances
New Jersey	Yes	Yes	Yes	Appellate Court ruling
New York	Yes	Yes	Yes	Appellate Court ruling

<b>STATE</b>	<b>Allows adoption by gay/lesbian individuals (1)</b>	<b>Statute or Appellate Court ruling permits joint adoption by gay/lesbian couples</b>	<b>Statute or Appellate Court ruling permits second parent adoption by gay/lesbian couples</b>	<b>Notes:</b>
New Mexico	Yes	No	No	Has allowed second-parent adoption at trial court level
North Carolina	Yes	No	No	Has allowed second-parent adoption at trial court level
North Dakota	Yes	No	No	
Ohio	Yes	No	No	Appellate court ruling against second-parent adoption
Oklahoma	Yes	No	No	
Oregon	Yes	Yes	No	Has allowed second-parent adoption at trial court level
Pennsylvania	Yes	No	Yes	Appellate court ruling
Rhode Island	Yes	No	No	Has allowed second-parent adoption at trial court level
South Carolina	Yes	No	No	
South Dakota	Yes	No	No	
Tennessee	Yes	No	No	
Texas	Yes	No	No	Has allowed second-parent adoption at trial court level
Utah	Yes	No	No	Statute prohibits adoption by unmarried, cohabitating persons
Vermont	Yes	Yes	Yes.	Appellate Court ruling and statute
Virginia	Yes	No	No	
Washington	Yes	No	No	Has allowed second-parent adoption at trial court level
West Virginia	Yes	No	No	
Wisconsin	Yes	No	No	Court ruling prohibits same sex second-parent adoption
Wyoming	Yes	No	No	
District of Columbia	Yes	Yes	Yes	Appellate Court ruling

## APPENDIX E

### **SERVING GAY AND LESBIAN HEADED ADOPTIVE FAMILIES: A GUIDE TO AGENCY SELF- ASSESSMENT**

For each of the following questions, agency directors or supervisors need to consider what evidence supports their response.

1. Do we expressly state our support for adoption by lesbian/gay parents?  
Where does such information appear? Is it apparent throughout our agency materials?  
Is it clear on our website?  
  
Do we show a variety of family types in our materials and on our website, including gay/lesbian couples and their children?  
  
Is our position well-known among gay and lesbian organizations?
2. How do we assure that agency workers – from the Executive Director and Board through supervisors, social workers and office staff – share the belief that gay and lesbian adoptive parents are valuable resources for waiting children?
  - a) Is our position clear in our orientation for new workers?
  - b) Is our position clear in training?
  - c) Do we reference the Code of Ethics of the National Association of Social Workers or the position statements of other professional organizations?
3. Do we conduct ongoing evaluation of attitudes and assumptions about gays and lesbians through orientation, training and supervision?
4. Do we truly select the best family for a child or do we have a hierarchy favoring opposite-sex couples or heterosexual individuals?
5. Do we engage in outreach to gay and lesbian organizations in our community?
  - a) Do we present information about our services to gay- and lesbian-focused organizations?
  - b) Are we present at community events sponsored by or popular with gays and lesbians in our community?
  - c) Do we have representatives from the gay and lesbian community on our Board or advisory committees?
6. Are we “culturally literate” in serving gay and lesbian families? Are our workers trained about the impact of homophobia, or on the coming out process and its relationship to lesbian/gay identity?
  - a) What stereotypes and concerns do workers have?
  - b) How do we prevent overemphasis on sexual orientation while recognizing the special challenges our gay/lesbian parents may have?

- c) Do our materials (home study and licensing forms, training materials, etc.) reflect diversity and are they inclusive?
- d) Who are our cultural guides in doing this work?
- e) How do we address adoption by gay or lesbian parents with birthparents, other original family members, and/or older children?
- f) How do we help gay/lesbian adults consider and prepare for managing the differences of being a family through adoption and being a family with same-sex parents?

# **National Adoption Center**

## **1998**

# **NATIONAL ADOPTION CENTER**

## **Adoptive Parent Assessment**

We believe that every child has the right to a loving, nurturing and permanent family, and that people from a variety of life experiences offer strengths for these children.

Therefore, it is the policy of the National Adoption Center that no person should be denied consideration in the adoption process solely based on marital status, sexual orientation, lifestyle, disability, physical appearance, race, gender, age, religion and/or size of family.

Approved by the Board of Directors - September 17, 1998

**National Association of Social Workers**  
**1996, 2005**

## **Lesbian, Gay and Bisexual Issues**

This represents a revision of the 1996 Gay, Lesbian, and Bisexual Issues Policy.

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Abstract:

NASW believes that same-gender sexual orientation should be afforded the same respect and rights as other-gender sexual orientation. NASW is committed to working toward the elimination of prejudice and discrimination based on sexual orientation, both inside and outside of the profession.

In social work education and the professional environment, NASW expects schools of social work to address the issue of discrimination. NASW encourages continuing education programs on practice and policy issues relevant to lesbian, gay, and bisexual people and cultures, as well as education about human sexuality. NASW believes all social work organizations and associations should use inclusive, gender-neutral language and social work licensure exams should include questions specific to lesbian, gay, and bisexual.

In coalition with other mental health and human services professions, NASW supports antidiscrimination legislation at the national, state, and local levels. NASW opposes laws that allow discrimination against lesbian, gay, and bisexual people, including in immigration, employment, housing, professional credentialing, licensing, public accommodation, child custody, and the right to marry. NASW encourages the adoption of laws that recognize inheritance, insurance, same-sex marriage, child custody, property, and other relationship rights for lesbian, gay, and bisexual people.

## 39 BACKGROUND

40 In U.S. society, lesbian, gay, bisexual, transgender and intersex people are still considered by  
41 some to be immoral, unnatural, and/or dysfunctional. Until 1973, homosexuality was defined as  
42 mental illness by the American Psychiatric Association's (APA) Diagnostic and Statistical  
43 manual (DSM) (APA, 1952). Lesbian, gay, bisexual, transgender and intersex people do not  
44 have civil and statutory protection under the law (Title VII of the Civil Rights Act) (Herek &  
45 Berrill, 1992). In fact, the government takes a leading role in the subjugation of lesbians and gay  
46 men by denying legal recognition of same sex marriage. There is much violence and social  
47 injustice that must be overcome before sexual minority people are able to enjoy the full benefits  
48 of our society (Sloan & Gustavsson). It is important that NASW take a strong stance on behalf  
49 of LGBTI people and work to end the prejudice, oppression, and discrimination that confront  
50 LGBTI people on a daily basis. Although LGBTI persons share many of the same  
51 discrimination and concerns, NASW has a separate policy statement on transgender and gender  
52 identity issues, therefore, this policy primarily addresses lesbian, gay and bisexual people (LGB).

53 Discrimination against LGB people has a long history in the United States. Following World  
54 War II, President Eisenhower banned gay men and lesbians from all federal jobs; many state and  
55 local governments and private companies followed suit (Garraty & Foner, 1991). Until 1961,  
56 sodomy and homosexuality were illegal in all 50 states. Sodomy laws were used in many states  
57 to deny lesbians and gay men custody of their children, employment, and the opportunity to  
58 foster or adopt children in state care (National Gay and Lesbian Task Force [NGLTF], 2004).  
59 Throughout the 1950's and 60's, police frequently raided gay bars, arresting employees and  
60 patrons.

By the late 1950's, the gay rights movement was beginning to grow and reject the discrimination faced by LGB people. On June 27, 1969, when New York City police raided a Greenwich Village gay bar, the LGB community was ready to fight back. As police arrested employees and patrons of the Stonewall Inn, a fight ensued and soon there were hundreds of people protesting and rioting. Over the next three days, the crowd of protesters grew to over 1000. Although not the beginning of the gay rights movement, the Stonewall riots were an important milestone in the gay rights movement. Over the next decades, changes would spread across the country. In 1973, the American Psychiatric Association removed homosexuality from its list of mental disorders. By 1975, the federal government had lifted the employment ban on lesbians and gay men (in most jobs) (Garraty & Foner, 1991). On June 26, 2003, the Supreme Court ruled sodomy laws unconstitutional (*Lawrence v. Texas*). Later in 2003, the Massachusetts Supreme Court ruled that banning lesbians and gay men from marrying was a violation of the state's constitution, opening the way for same sex couples to legally marry in the state.

Internationally, other countries were also beginning to fight against discrimination of LGB people. In 1994, the United Nations ruled that discrimination based on sexual orientation violates the International Covenant on Civil and Political Rights (1994). In 1996, post-apartheid South Africa became the first country to include non-discrimination based on sexual orientation in its constitution (Human Rights Watch [HRW], 2004). From 1981-2003, the European Court of Human Rights overturned sodomy, recognized gay and lesbian partnerships, condemned discriminatory age-of-consent laws (i.e., differing age of consent to engage in sex for heterosexual versus LGB youth), and gave transgender people the right to legally change their identity and to marry (HRW). In 1998, Denmark legalized same-sex partnerships; within two years, Norway, Sweden, Iceland, and France followed. In 2001, the Netherlands legalized same-

sex marriages, followed in 2003 by Belgium and the Canadian provinces of Ontario and British Columbia. In 2004, Quebec, the Yukon, Manitoba, Nova Scotia, and Saskatchewan legalized same sex marriage.

## **ISSUE STATEMENT**

Despite the successes of the gay rights movement, there continues to be discrimination against LGB people. Thirty-five states do not protect LGB people from discrimination in employment, education, credit, housing, and other public accommodation. Six states do not allow lesbians or gay men to adopt (Florida & Mississippi), or foster children (North Dakota, Utah, Arkansas and Oklahoma) (NGLTF, 2004b). Thirteen states passed state constitutional amendments that prohibit same sex marriage (although the courts in Louisiana struck down their amendment). Alabama, Arizona, Mississippi, South Carolina, and Texas prohibit any discussion of homosexuality in school or “mandate that any references to homosexuality be exclusively negative” (NGLTF, 2004a, p. 1).

The federal government has also failed to support non-discrimination against LGB people. The 1994 Employment Non-Discrimination Act (ENDA), which would protect LGB people from workplace discrimination, has failed to pass Congress. In 1996, the federal government passed the Defense of Marriage Act (DOMA) allowing states to not recognize gay marriages sanctioned in other states or countries. Currently, President Bush proposed a constitutional amendment to define marriage as between one man and one woman.

The impact of discrimination, homophobia, heterosexism, and biphobia have a serious impact on LGB people. Homophobia and heterosexism inhibit effective and appropriate service delivery for sexual minority people. Hate crimes based on sexual orientation account for 16% of all hate crimes reported to law enforcement (FBI, 2004). Research suggests that harassment and

hatred of LGB people is related to higher rates of depression, suicide, high school drop out, and teen homelessness (HRW, 2001). Gay men earn 20% less than heterosexual men, and due to the inequity in women's salaries compared to men, lesbian couples earn less than heterosexual couples (Baggett, 1998).

Discrimination within the LGB community must be also acknowledged. LGB people represent all of the diversity of our society—people of color, people who are disabled, people who are elderly, people who are immigrants and refugees, and people of all religious and political beliefs. LGB people facing multiple forms of oppression also face discrimination from LGB people. In addition, bisexual identity is often dismissed by lesbians and gay men as a means to avoid the full brunt of homophobia, and not a true sexual orientation. Bisexuals are frequently told that bisexuality is just a phase, and they will either eventually identify as heterosexual or homosexual. The complexities of multiple forms of oppression can not be ignored.

Homophobic or heterosexist views also reduce the effectiveness of support, services and treatment social workers offer to gay and lesbian clients. Homophobia and/or heterosexism may cause social workers to minimize or exaggerate the importance of sexual orientation in the gay, lesbian, or bisexual individual's life; perpetuate self hatred experienced by some gay and lesbian clients (Brown, 1996; McHenry & Johnson, 1993; Peterson, 1996). Taken to the extreme, homophobia in social workers and other practitioners can lead to the use of conversion or reparative therapies, which are explicitly condemned by the NASW, the American Psychological Association (APA), the American Counseling Association (ACA), and the American Psychiatric Association (American Academy of Pediatrics et al., n.d.; American Psychiatric Association, 1998; NASW, 2000b).

## **POLICY STATEMENT**

It is the position of the NASW that same-gender sexual orientation should be afforded the same respect and rights as other-gender orientation. Discrimination and prejudice directed against any group is damaging to the social, emotional, and economic well-being of the affected group and of society as a whole. NASW is committed to advancing policies and practices that will improve the status and well-being of all lesbian, gay, and bisexual people. NASW reaffirms its support of the Transgender and Gender Identity Issues policy statement, recognizing the intersection of oppression among lesbian, gay, bisexual, transgender, and intersex people.

### **Non-Discrimination**

- NASW supports all social agencies, universities, professional associations, and funding organizations in their efforts to broaden statements of nondiscrimination to include sexual orientation.
- NASW supports the adoption of local, state, federal and international policies/legislation that ban all forms of discrimination based on sexual orientation. LGB people must be granted all rights, privileges and responsibilities that are granted to heterosexual people, including but not limited to inheritance rights, insurance, marriage, child custody, employment, credit, and immigration.
- NASW supports the adoption of local, state, federal and international policies/legislation that protect the rights and well-being of the children of lesbian, gay, and bisexual people.
- NASW supports efforts to end discrimination and harassment of lesbian, gay, and bisexual youth in public schools. NASW also supports the rights of LGB youth and allies to organize and operate in schools.
- NASW is committed to working toward the elimination of prejudice, social injustice,

violence and discrimination of LGB people in all aspects of society.

#### Social Work Profession and Education

- NASW encourages curriculum policies in schools of social work that eliminate discrimination against lesbian, gay, and bisexual people. Schools of social work are expected to articulate the NASW position in curriculum policy and standards; to require content on lesbian, gay, and bisexual people throughout the curriculum, in field instruction, and in continuing education programs; and to provide training for classroom instructors, field supervisors, and field advisors regarding lesbian, gay, and bisexual issues.
- NASW encourages social workers to increase their awareness of oppression, heterosexism, homophobia and the intersection of multiple forms of oppression.
- NASW encourages all social work organizations and associations to use inclusive, gender-neutral language, non-homophobic, non-heterosexist language in all materials.
- NASW encourages licensing bodies to include questions specific to lesbian, gay, and bisexual sex issues.
- NASW strives for full representation and establishment of means to affirm the presence of lesbian, gay, and bisexual people at all levels of leadership and employment in social work and in NASW and its chapters.

#### Education and Public Awareness

- NASW encourages the development of programs to increase public awareness of the violence and social injustice experienced by lesbian, gay, and bisexual people. Public awareness and education in schools should include information on the contributions made to society by lesbian, gay, and bisexual people.
- NASW encourages the development of programs, training, and information that promote

proactive efforts to end the violence perpetrated against lesbian, gay, and bisexual people.

- NASW applauds organizations that fund, develop, and provide programming that portrays the lesbian, gay, and bisexual communities compassionately and accurately.

#### Health and Mental Health Services

- NASW supports the right of the individual to self-disclose, or not to disclose, sexual orientation and encourages the development of supportive practice environments for lesbian, gay, and bisexual clients and colleagues .
- NASW reaffirms its stance against reparative therapies and treatments designed to change sexual orientation or to refer practitioners or programs that claim to do so (NASW, 2000).
- NASW strongly advocates for the availability of culturally appropriate comprehensive health and mental health services for LGB people across the life span, including HIV prevention and treatment; substance abuse treatment; psychological stress and dysfunction prevention and treatment; and suicide prevention.
- NASW recognizes the increasing number of lesbian, gay, and bisexual people who are making reproductive choices, and encourages the establishment of legal, medical, and psychological supports for these families.

#### Political Action

It is important for NASW and its chapters to develop and participate in coalition with other human rights, social action and professional associations to lobby for the rights of lesbian, gay, and bisexual people; to defeat efforts to limit the rights of lesbian, gay, and bisexual people; to advocate for increased funding for programs designed to eliminate hate crimes and antigay violence; to advocate for increased funding for programs designed to provide education, health and mental health services; and to advocate for increased funding for research that increases our



199 understanding of issues affecting lesbian, gay, and bisexual people.

200

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256

# **National Foster Parents Association**

**2007**

## **NATIONAL FOSTER PARENT ASSOCIATION**

### **121.07 Fair & Equal Consideration of Foster & Adoptive Parents**

Whereas, many children and young persons require foster care and adoption services, and

Whereas, children should receive these services in the least restrictive setting within their community, and

Whereas, these children come from all races, ethnicities, cultures, socio-economic groups and backgrounds, and

Whereas, the continued need for additional foster and adoptive parents is critical, and

Whereas, it is the fundamental right of children to be placed in a home that meets their individualized needs and this right supersedes and is secondary to the rights of any group, and

Therefore, be it resolved that the National Foster Parent Association believes that every child deserves a loving, supportive family and supports the position that every loving, responsible adult should have a fair and equal opportunity to become a foster and/or adoptive parent.

Adopted May 2007.

**North American Council on Adoptable Children**  
**2005**

# **NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN**

## **Gay and Lesbian Adoptions and Foster Care**

### **Philosophy**

Children should not be denied a permanent family because of the sexual orientation of potential parents.

### **Practice and Policy Recommendations**

All prospective foster and adoptive parents, regardless of sexual orientation, should be given fair and equal consideration.

NACAC opposes rules and legislation that restrict the consideration of current or prospective foster and adoptive parents based on their sexual orientation.

Passed April 9, 2005.