

Respecting All Families

Todd Berg and Chad Long were in the fifth year of their committed relationship when they decided they were ready to be parents together. After filling out paperwork in January 2001 and completing two months of questioning and home study, Todd and Chad received a phone call from their local adoption agency that a North Dakota birth mother had selected them to adopt her son. However, just days before the child was to arrive, the agency called the two prospective parents to tell them that they could not adopt the child. Apparently, the child's foster parents had learned of the birth mother's wishes to place the child in a two-dad family and threatened the local agency with media attention. That, combined with pressures from an influential opponent of gay adoption within the North Dakota Department of Human Services, caused the agency to reconsider placing the child in the care of Todd and Chad. They deemed that placing the boy in their home was not in the best interests of the child. Only through a grueling process of finding another agency and undergoing more weeks of home study could Todd and Chad finally bring their son Jensen into their loving home.¹

Stories like this are taking center stage in the fight to achieve basic fairness for gay and lesbian families. Some voices of intolerance are launching efforts to ban adoptions by gay couples. This debate centers on questions about the capability of gay parents, the psychological effects that gay parenting has on children, and the cultural opposition to gay relationships.

Overview

Different states have very different laws when it comes to gay adoptions. Florida is the only state which totally bans adoption by gay couples. Other states, however are debating proposals to prohibit gay adoption. California, Massachusetts, New Jersey, New Mexico, New York, Ohio, Vermont, Washington, Wisconsin, and Washington D.C. allow gay and lesbian couples to adopt jointly. These nine states (not including D.C) and twelve others also grant second-parent adoptions, which leave the parental rights of one legal parent intact and create a second legally recognized parent for the adoptive children. Joint or second-parent adoptions by gay couples are illegal in the other 29 states. In these states, when the "official" parent of a child with gay parents is incapacitated or dies, the child's ability to remain with the other parent becomes jeopardized.² Lisa Stewart, a 33-year old South Carolina native, lives with her partner of ten years, Lynn, and her 5-year old daughter Emily.³ When Lisa was diagnosed with terminal breast cancer in March 2000, Emily's relationship to Lynn became threatened. Lisa, Emily's biological mother, is her only legally-recognized parent. Since South Carolina does not allow joint or second-parent adoptions, Lynn cannot be Emily's legal parent upon Lisa's passing. In addition, though the child will qualify for Lisa's Social Security survivor benefits, Lynn will not. As of 2003, Lisa was still alive and fighting for her family to be treated fairly under the law. Her case shows that denying gay and lesbian people the ability to have two parent adoptions causes great instability for children. All families

deserve the same protection and security that comes with inclusive adoption laws.

- When a married woman gives birth to a child, her husband is automatically considered to be the legal father, even if he is not the child's biological parent. This is not true for a lesbian couple where one partner gives birth.⁴ Without gay adoption, the non-birth mother is seen as a legal stranger to the child.
- Without a legal relationship with a parent, a child is not entitled to survivor benefits, such as Social Security survivor benefits.
- The child is denied the right to inheritance if the non-biological parent dies without a will.
- The child is denied the right to sue for wrongful death if the parent dies
- The child may be removed from the custody of the non-legal parent unless that parent has been designated the child's guardian in the legal parent's will.
- The child is often denied access to health insurance benefits through a parent who is not legally recognized.
- A hospitalized child in a state without second-parent adoption may be prevented from seeing her non-biological father or mother.
- The child may be denied the right to make funeral arrangements for a deceased non-legal parent.
- If the non-legal parent is incapacitated, the child cannot make medical, legal, or financial decisions for that parent as their next of kin or conservator.

134,000 children are waiting to be adopted in this country.⁵ Millions more wait to be adopted in other countries. They sit in orphanages and foster homes, unwanted and unloved. Same-sex couples who are ready for parenting should be allowed to adopt these children if they meet all other qualifications for adopting. Until they are allowed to do so, thousands of children in the foster care system will be denied a chance to grow up in a loving home, and America as a nation will be denying the founding principles of freedom and equality that we have valued for generations.

The exact number of gay and lesbian couples who have adopted children in the U.S. is unknown. In the past, children of gay and lesbian parents have been reluctant to speak publicly about their experiences, and gay couples have avoided talking about their sexual orientation or family arrangements in order to adopt. According to the 2000 Census, there are 600,000 same-sex couples in the United States. Of these couples, 34% of lesbian and bisexual female couples and 22% of gay and bisexual male couples had at least one child under the age of 18 living with them. The percentage of lesbian couples raising children (34%) is not much lower than the percentage of married opposite-sex households with children (46%) or the percentage of unmarried opposite-sex households with children (43%).⁶ Gay male couples parent at about half the rate

of married couples (22% vs. 46%).⁷ A 2005 study by Ellen C. Perrin, MD states that between 1 million and 6 million children in the U.S. are being reared by committed same-sex couples. There are between 1 million and 14 million children being raised by gay parents, both biological and adoptive.⁸

Anti-Gay Arguments Unfounded

Opponents of gay adoption use several arguments to make their case. First, they say children who are denied the unique contributions of a father and mother experience developmental complications. An anti-gay group, Concerned Women for America, argues, "Homosexual couples compound adopted children's distress by denying them a parent of one of the sexes and then exposing them on a daily basis to a homosexual relationship."⁹ Opponents of gay adoption assert that children of gay and lesbian parents are more vulnerable to teasing and harassment, and that the resulting damage to the child's self-esteem is contrary to the best interests of the child. Studies have been conducted which disprove this theory. Ellen Perrin's 2005 research concluded that children growing up in same-sex households do not necessarily have differences in self-esteem, gender identity, or emotional problems from children growing up in heterosexual parent homes.

Gay adoption opponents also argue that children with gay or lesbian parents will become gay, or develop terrible psychological problems. According to the American Family Association, children of gay parents are exposed to "a lifestyle scientifically proven to increase children's exposure to...mental illness, life-threatening disease...plus the documented risk that the children themselves will be more likely to engage in homosexual behavior as adults."¹⁰ In fact, children with gay parents display the same incidence of homosexuality as the general population of the U.S. According to the National Longitudinal Study of Adolescent Health, "on measures of psychosocial well-being, school functioning, and romantic relationships and behaviors, teens with same-sex parents are as well adjusted as their peers with opposite-sex parents. A more important predictor of teens' psychological and social adjustment is the quality of the relationships they have with their parents."¹¹

A third common argument against gay adoption is based solely on fear. Some claim that children raised by gay parents are more likely to be sexually abused. This is a misrepresentation of the highest order. According to Concerned Women for America, children of gay parents are more at risk because "the incidence of domestic violence among gay men is nearly double that in the heterosexual population...and slightly more than half of [lesbians] reported they had been abused by a female lover/partner."¹² These figures are misleading because they surveyed the entire gay and lesbian population, rather than focusing on those couples that were in a monogamous relationship and ready for parenting. In addition, there is no legitimate scientific research connecting homosexuality and pedophilia.¹³ In a 1994 study involving 269 cases of child sex abuse, only two of the offenders were gay. In cases involving molestation of a boy by a man,

seventy-four percent of the men were in a heterosexual relationship with the boy's mother or a female relative. The study concluded that "a child's risk of being molested by his or her relative's heterosexual partner is over one hundred times greater than by someone who might be identifiable as being homosexual."¹⁴

Conclusion

Gay and lesbian families deserve and need the same rights, benefits, and responsibilities as all other American families. The legal denial of gay adoption in much of the U.S. has no credible scientific basis whatsoever. Children of gay parents have grown up to become healthy, normal American citizens. Furthermore, there are hundreds of thousands of gay couples in the U.S. willing to adopt, and millions of children worldwide in need of love and protection. Banning gay adoption not only denies these children—children like Jensen Berg-Long—the chance to grow up in loving families, but it also tears apart existing gay and lesbian families by separating kids like Emily Stewart from the only family they have ever had. Those who support strong family values need to value all families.

Resources:

Children of Lesbians and Gays Everywhere (COLAGE). <<http://www.colage.org>>. "Facts and Figures About Kids with Gay Parents." Colage Research. 30 Nov. 2005.

<<http://www.colage.org/research/facts.html>>.

Family Pride Coalition

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San Diego, CA 92163

(619) 296-0199

Fax: (619) 296-0699

E-mail: pride@familypride.org

Web site: <http://www.familypride.org>

Gay and Lesbian Adoptive Parents: Resources for Professionals and Parents. National

Adoption Information Clearinghouse. U.S. Department of Health and Human Services. 30 Nov. 2005. 27. Apr. 2005.

<http://naic.acf.hhs.gov/pubs/f_gay/index.cfm>.

Lambda Legal Defense and Education Fund

120 Wall Street, Suite 1500

New York, NY 10005-3904

(212) 809-8585

Fax: (212) 809-0055

E-mail: lambda@lambdalegal.org

Web site: <http://www.lambdalegal.org>

“Working with Gay and Lesbian Adoptive Parents.” Adoptions.Com. 30 Nov. 2005.

<<http://www.adoptions.com/aecgaylez.html#one>>.

¹ “North Dakota Dads.” PFLAG St. Paul Minneapolis. October 2002.

<http://www.pflagtc.org/education/Newsletter_1002.pdf>.

² “Protecting Gay and Lesbian Families.” Log Cabin Republicans. 30 Nov. 2005.

<http://online.logcabin.org/issues/protecting_gay_and_lesbian_families.html>.

³ “Lesbian Family Denied Health Coverage for Terminal Cancer: A Profile of Lisa Stewart.” 18 Aug. 2004. National Gay and Lesbian Task Force.

⁴ “GLBT Parents and their Children.” Family Policy. National Gay and Lesbian Task Force. 10 Dec. 2005 <<http://www.thetaskforce.org/downloads/familypolicy/familypolicy-chap04.pdf>>: 78.

⁵ “FAQs: The Children. Who Are the Children Waiting to Be Adopted?” Adopt. Org. 10 Dec. 2005 <<http://www.adopt.org>>.

⁶ Simmons, T. & O’Connell, M. (2003, February). Married-couple and unmarried-partner households: 2000. United States Census Bureau. Retrieved September 18, 2003, from <http://www.census.gov/prod/2003pubs/censr-5.pdf>

⁷ “Lesbian, Gay, Bisexual, and Transgender (LGBT) Parents and Their Children.” Education Policy: Issues Affecting Lesbian, Gay, Bisexual, and Transgender Youth (18 Aug. 2004). National Gay and Lesbian Task Force.

⁸ “GLBT Parents and their Children.” Family Policy. National Gay and Lesbian Task Force. 10 Dec. 2005 <<http://www.thetaskforce.org/downloads/familypolicy/familypolicy-chap04.pdf>>: 91.

⁹ Knight, Robert. “‘Buster’ Flap Raises the Issue: Why not Gay Parenting?” Concerned Women for America 8 Mar. 2005

<<http://www.cwfa.org/articledisplay.asp?id=7633&department=CFI&categoryid=family>>.

¹⁰ “AFA-Michigan spokesman on national TV this Tuesday.” AFA Activism. American Family Association Online. 15 Apr. 2002. 10 Dec. 2005 <<http://www.afa.net/activism/aa041502.asp>>.

¹¹ National Longitudinal Study of Adolescent Health, 2004.

¹² Knight, Robert H. “The Real Costs of ‘Gay Marriage’ and Civil Unions.” Concerned Women for America 27 Jan. 2004.

<<http://www.cwfa.org/articledisplay.asp?id=5149&department=CFI&categoryid=papers>>.

¹³ NAIC.

¹⁴ Carole, J. “Are Children at Risk for Sexual Abuse by Homosexuals?” (1994). *Pediatrics*, 94 (1).