

## TOO HIGH A PRICE: The Case Against Restricting Gay Parenting

In some places, gay men and lesbians cannot be parents. They can't adopt kids, aren't legally recognized as parents of children they raise, or are denied custody of their own kids.

This book makes the comprehensive case against restricting gay parenting.

Beginning with the story of Florida's gay adoption ban – a case study in all the things that are wrong with parenting restrictions – it broadens to cover the national landscape on gay parenting. The book describes the consensus among child welfare experts that restricting gay parenting is bad for kids, summarizes the scientific studies confirming that the children of lesbians and gay men are as happy and well adjusted as anyone, and explains why limits on gay parenting violate the Constitution. The book also provides a point-by-point refutation of the arguments for keeping gay people from being parents.

"I don't believe there's a real debate to be had over whether gay people can be good parents – the only debate is whether to put bias before children's future. This book lays out the reasons that restricting gay parenting is bad for children and bad for all of us. It's our job to take this information and use it."

– *Rosie O'Donnell, in her moving introduction*

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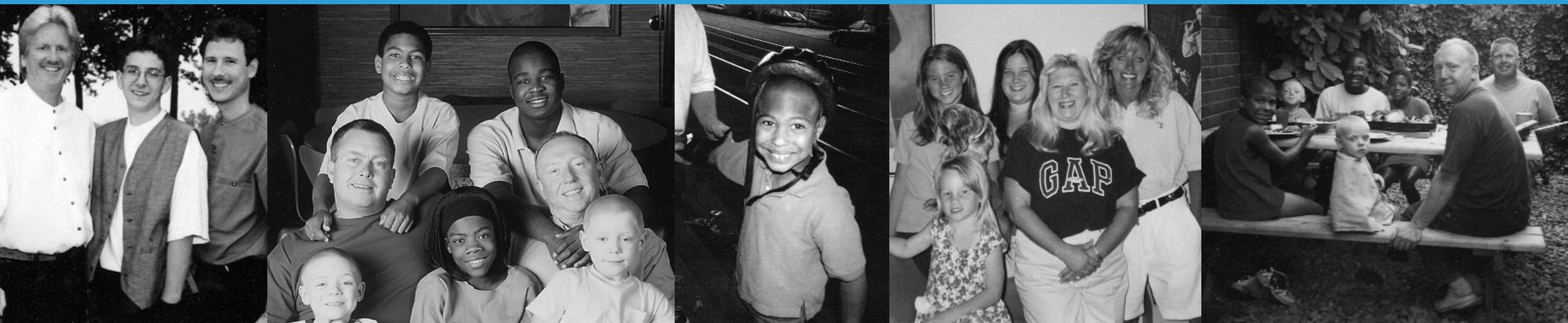
ACLU

INTRODUCTION BY ROSIE O'DONNELL

# TOO HIGH A PRICE

## THE CASE AGAINST RESTRICTING GAY PARENTING

ACLU LESBIAN & GAY RIGHTS PROJECT



# **TOO HIGH A PRICE: The Case Against Restricting Gay Parenting**

**By the ACLU Lesbian & Gay Rights Project**

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# Too High A Price: The Case Against Restricting Gay Parenting

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## Introduction

# Why It Matters by Rosie O'Donnell

I saw it on the news. In a tiny one-bedroom apartment in Little Havana, Florida, a 5-year-old girl was brutally raped by a 14-year-old boy. The rapist was a “friend of the family.” The child’s mother slept through the whole incident in the next room, six feet away. The child had been beaten, her teeth broken, her body ripped. The reporter did not give the child’s name, did not show her face, yet she haunted me. I thought of her daily, knowing there was a reason she resonated within me, one I could not yet see.

A month later, my 2-year-old daughter got sick. I called a doctor, who came to the house. He was kind and chatty and full of bad jokes. We spoke as we waited for her medicine to take effect. He told me he worked out of Children’s Hospital, where, I remembered, this young girl was being treated. I asked him if he knew of her. He said he did, and she was in bad shape. I asked him if I could visit her. He wasn’t sure, but said he would try to arrange it.

He did. I was allowed to meet her, two weeks later, at the Gladstone Center for sexually abused girls. I agreed to visit the girls as a group, without showing any special interest in this one child. I still did not know her name.

The night before my visit, I saw the handcuffed mother being led into court. Heavy, angry, detached, and scary. The news anchor said she was not cooperating with the police. I hated her.

The morning arrived; I felt sick. I had been to places like Gladstone before. This time felt different.

The Gladstone Center is difficult to find. It is completely hidden behind a church, off a main road, with only a small wooden sign whispering the way. I walked

down the pebble-filled driveway toward the one-story cement block building. Tiny, colored wild flowers fought their way through the gray-green tangle of weeds; a burst of blue, the hue of hope. I found myself at a large sign, "All visitors must check in at the office." So I did.

I introduced myself to the staff, awkwardly. I wanted to thank them, but did not.

I was briefed, then escorted to the therapy room. Twenty girls, ages 5 to 17, were sitting in a circle. They were in the middle of a therapy session, playing a "game." One girl stood in the front of the group, trying to conjure upon her face the emotion written on the cards in the therapist's hand. Happy, concerned, shy, sad, angry. Therapists determined to reconnect the cut wires inside the hearts and heads of these kids, to pull them back from the abyss.

I was introduced. Some girls were excited to see me, others totally disinterested. They all had questions.

"Was you in the Flinstone movie?"

"You live in a mansion?"

"Why are you here?"

I took a breath.

I told them I was there because I was one of them. I wanted them to know they had value, that there were many adults like me, who once were kids like them. I told them to believe in themselves. To know there were more good people than bad. That there were grown-ups willing to fight for them, to protect them, to love them. I waited for a response. They asked if I knew Ricky Martin.

During the "Q and A," I spotted her, the girl from the news story. No one pointed her out, I just knew. She was hard to miss. Lanky, beautiful, and obviously suffering. With her round face, light skin, brown hair and eyes, she bounced in and out of the room, on and off of chairs and laps. She was busy; she paid no attention to me. For most of my stay, she was out of the room.

My visit was winding down. I took a Polaroid with each girl, and gave them a Beanie Baby. As I started to leave, she walked back in the room.

The Beanie Babies caught her eye. Every kid had one. She asked, in Spanish, if there was one for her. There was. She chose, cuddled it, and looked up at me. After a moment, she asked if I wanted to see her room. I glanced at the therapist, looking for approval. She nodded.

The baby/child put her tiny hand in mine and led me down the hall. The last room was hers, old wood bunk beds with pastel sheets, a small dresser, and a desk. She put the Beanie Baby I gave her beside two of her own. Her doctor gave her those, she told me proudly.

The one who stitched her up, I thought.

One Beanie Baby was a dog. The other a bear with closed eyes and folded paws. She told me the bear's mommy was dead, and the bear was very sad. Yes, I told her, the bear must be sad. She gave me a nonchalant nod and started to rearrange her animals.

I gave her the extra Beanie Babies.

We were leaving. I asked if I could take a picture of us for me to keep. She said yes and we posed together. She started to walk away. I did not want her to go. I said in bad high-school Spanish, "I have a gift for you." She looked confused, holding the Beanie Babies up for me to see – to remind me, I had already given her something. I reached into my pocket and handed her a small white stone, the kind you get at nature stores, polished and inscribed. On this one, one word, "Love."

"Quando tu mira es, entiendes te quiero" – when you see this, know I love you.

The therapist watched from the doorway.

She looked at the stone, smiled, hugged me, and walked toward the door. She stopped and, with a longing backward glance, asked my name. It had been a while since anyone asked my name.

“Roseann,” I told her. She nodded and pointed to her chest. “Amanda,” she said. I nodded. She walked away.

I signed up for my foster care license that afternoon. I completed the course four months later. I became a foster parent. I have fostered one young girl, who had been in nearly a dozen homes before mine, none for more than two months. She has grown with love and consistency into a healthy almost-5-year-old. She will soon be adopted by friends of mine. I am not legally able to adopt this child, because I am gay.

I’m sharing my story because in the state of Florida, gay people are automatically disqualified from adopting, even the foster children they have raised. And it’s not just Florida. In the last two years, a dozen states have considered restricting gay parenting in some way.

Yet in these states and across the country, there are thousands of children in foster care who are waiting to be adopted today. They need adults who can provide guidance and support and stability. They need someone who will listen to them and talk to them. They need someone who will be with them, sitting quietly or cheering on the sidelines. They need someone to help them grow up. They need good parents. Limiting the pool of qualified adoptive parents won’t help them. Maybe you can.

Read this book. Read about the Lofton family in Florida and other families who are affected by laws, policies, or rulings that prevent gay people from being parents. Read about the kids who are deprived of loving, supportive homes as a result. And then decide to do something about it.

If you work in child welfare – as an advocate, a case-worker, a placement specialist, or an agency staffer – redouble your commitment not to let anything come before children’s needs. If you are among the many policy makers confronted with efforts to restrict gay parenting, learn the facts first. And if you are not directly involved in these issues, involve yourself directly. Talk to your friends, family, and colleagues about the children and families who are affected by restrictions on gay parenting. When laws or policies are being considered that would restrict gay parenting, make your voice heard.

We can all do something. I don't believe there's a real debate to be had over whether gay people can be good parents – the only debate is whether to put bias before children's future. This book lays out the reasons that restricting gay parenting is bad for kids and bad for all of us. It's our job to take this information and use it.

There are thousands of kids out there like Amanda, who desperately need stable, loving homes. There are also thousands of kids out there like Bert, who as you'll read in this book, are already being raised by lesbians and gay men. And there are also thousands of kids out there like my nearly-5-year-old foster daughter, whose lives are deeply disrupted by bans on gay adoption. When we fight restrictions on lesbian and gay parenting, we're fighting for all of them.





## A Case Study

# Florida's Gay Adoption Ban

In 1977, Florida's legislature passed a law prohibiting all gay people from adopting kids.

In 2002, that law threatened to separate an 11-year-old boy from the only family he's ever known.

This is not just the story of one family, one state, or one law. It's the story of what happens when a decision is made to broadly restrict gay people from being parents. Florida's across-the-board ban on gay adoption encompasses all aspects of the case against restricting gay parenting – it is a law born of bigotry, denying adults and children basic constitutional rights and jeopardizing the stability of their families, devoid of any basis in social science, directly contradicting public policy on child welfare. This is both a case study and a cautionary tale – a story for anyone who isn't sure whether restricting gay parenting might be a good idea.

## **DOUG & OSCAR**

“When Oscar's biological dad asked me to take his son, he didn't ask whether I was gay. He wanted to know if Oscar would have a stable home where he would always be wanted and loved. That was in 1995, one week before Christmas. Oscar was 3 years old... When he asked me to take Oscar, I agreed right away. I had thought about starting a family before, but that day my family found me... I'm a plaintiff in this case because I want to adopt Oscar. My son has had enough uncertainty in his life, and he deserves better... People who favor keeping Florida's gay adoption ban argue that children need

both a mother and a father. I can't say what every child needs, but I do know what Oscar needs: attention, love, guidance, and support. That's what he gets from me."

That's Doug Houghton, writing about his son Oscar and his struggle to adopt him, in an emotional newspaper column that millions of Americans read on Father's Day 2001 – Doug's fifth Father's Day as Oscar's "guardian."

Doug worked in the children's clinic of a hospital in Miami in the early 1990s when he first met Oscar's family. At that time, Oscar was just a little baby, and his family brought him in regularly because of health problems. When he was barely one year old, his mother, who is now dead, lost custody of him because she was neglecting him. By the time he was 3, he had been shuffled in and out of several different homes and was now living with his biological dad, who had just become homeless again. And so in 1995, just a few days before Christmas, Oscar's dad showed up at the hospital and asked Doug to take the boy. It took him about 30 seconds to say yes.

Doug became Oscar's legal guardian the next year, but he cannot adopt him because of Florida's gay adoption ban. He knows that Oscar felt unwanted and abandoned for years, and he has tried to calm Oscar's fear that somehow he'll be left alone again. Permanent adoption is the only way to truly show Oscar that he won't be abandoned. A home study in 2000 was overwhelmingly favorable, but the evaluator noted that there was no need to move further because by law Doug cannot adopt Oscar.

But that doesn't mean Doug isn't Oscar's father. Doug has navigated Oscar through various health problems and helped him conquer a learning disability. Day to day, Oscar helps out in the kitchen, and before bed he and Doug always read together. All of the teachers and administrators at Oscar's school know Doug on a first-name basis and are in touch with him regularly. When the home study evaluator and Doug showed up at school as Oscar was leaving his music class, they surprised him. "He was delighted and appeared proud to see his father," she wrote. "We chatted for a few minutes, and it was obvious the love, respect, and close bond that father and son share."

## **WAYNE SMITH & DAN SKAHEN, AND BRENDA & GREG BRADLEY**

“Brenda and Greg, my sister and brother-in-law, asked us if we would adopt their children if something happened to them. The timing was remarkable because it happens that we were having conversations about maybe becoming parents, and that’s why they brought it up, I think. I had to tell them there was a law against it. Here they were offering us this sacred trust, and the state of Florida is saying no.”

That’s Wayne Smith, talking about not being able to give his sister and her husband the peace of mind so many parents want – knowing that their kids will be cared for by a close, trusted family member if they were to die unexpectedly. While Wayne and his partner of nearly a decade, Dan Skahen, continue fighting for their niece and nephew, they’re also foster parents for temporary and longer-term placements.

In the last couple of years, Wayne and Dan have taken more than 10 kids into their Key West home. Some have been with them for just a couple of weeks, one has been with them more than a year. They range from infants to a 15-year-old. “It’s the toughest thing I’ve ever done,” Dan says. “You need to become a quasi-psychologist.” But Wayne and Dan don’t pause for a moment when asked whether they would adopt one of the 10 kids they’ve cared for – they’d adopt any of them.

For six years, Wayne and Dan have been talking about having kids. Since becoming foster parents, they’re more convinced than ever that there are thousands of kids who need good homes, and not enough people willing to take them. They never gave a second thought to lying on the Florida adoption application that asks whether the prospective parent is gay. But they did think seriously about leaving their home and moving to New Jersey, where gay people – and gay couples jointly – can adopt children. Instead, they decided to stay and provide at least temporary homes to kids badly in need. They decided to fight a discriminatory law that leaves these kids without permanent homes.

## THE LOFTONS

“I have been his parent in every way. For example, every day I wake him up in the morning and help him get dressed and ready to go to school; I help him with his homework when he comes home from school; we have a family dinner every night, cooked by Roger ... I teach him manners, respect and other values that I consider important. I make sure he is safe. He calls me ‘Dad.’ ... I love [him] deeply and want to protect him. But I cannot protect him unless I can adopt him.”

That’s Steven Lofton, talking in a court affidavit about his relationship with 10-year-old Bert, whom Lofton and his partner of 18 years, Roger Croteau, have raised since he was just two months old. Even though Bert has never known another family, the state of Florida has begun taking steps to find someone else to adopt him. Lofton and Croteau are gay, so they are prohibited by law from adopting Bert.

At first glance, it’s impossible to believe that the Loftons are affected by Florida’s ban on gay adoption. Steve and Roger live on a quiet street in Portland, Oregon, with their five kids. Frank and Tracy are both 14, and Bert is 10. The three of them have been with Steve and Roger since they were infants. They all moved from Florida to Oregon three years ago to be closer to Steve’s elderly parents. Under a standard agreement made prior to the family moving, the three kids remain under the laws and supervision of Florida’s foster care system. The younger kids, Wayne and Ernie, are 5 and 8. They are foster kids through the Oregon system and have been part of the family for three years.

Steve and Roger – “Dad and Rodge” to the kids – don’t refer to themselves as “taking in” kids, and they never say the kids “joined the family.” They talk warmly about when each of the kids “came home.”

Frank was first. He was just a baby when he came home. His mother had been a patient in the AIDS ward at the Miami hospital where Steve and Roger were both nurses. As she slipped closer to death, she asked them to take her baby boy after she was gone. Already, social workers had asked Steve and Roger if they would think about being foster parents to HIV-infected children who were impossible

to place because of stigma and fear of AIDS at that point in the epidemic. When they were preparing to take Frank, social workers asked Steve to quit his job to care for the baby's medical needs full time. Within weeks Steve and Roger's lives were forever changed, with a little baby in the house – and, although they didn't know it yet, more on the way.

Within weeks, Tracy came home. It was the day of her first birthday, September 30, 1988. She, too, had HIV and was born with drugs in her system. The babies were very close in age, and bonded almost immediately. Gradually, they began sleeping more at night, which they couldn't do for several months because they were so used to the bright lights that are always on in neo-natal sections of hospitals.

Before long, Frank and Tracy had another baby to play with, when another little girl came home. To the state of Florida, she was always known as "Baby Girl Doe." But to the Loftons, she was Ginger. She was born severely drug-addicted, with HIV, and was quite sick from the start. For months, Steve and Roger would wake up every couple of hours at night to suction fluid from her chest, so she could continue breathing.

Bert came home in 1992. He was just nine weeks old. Like the others, he was born with HIV and with drugs in his system. Bert's mother died, and in 1994 he became free for adoption. State caseworkers, seeing how he and the other kids were thriving, asked Steve to adopt him. He filled out an application, which was rejected because he refused to answer the section on the form that asks whether he's gay.

That same year, Ginger died at home. She was 6 years old. Frank and Tracy were about the same age, and had loved Ginger like the sister she was. She had been very sick for quite a long time, but her death still devastated the entire family.

Steve and Roger had been told that since all the kids had HIV, they needed to be made comfortable until they died. But instead of turning their home into a hospice, they treated the medical needs like just another fact of life and devoted themselves to raising the kids like any other family, filling their lives with love, fun, and learning.

In 1998, the Children's Home Society, one of the leading kids' social service agencies in Miami (and the group that placed foster kids with Steve and Roger), created an award for outstanding foster parent of the year. They didn't just give the first award to Steve and Roger – they named it the “Lofton-Croteau Award.”

The following year, after the family moved to Oregon, the kids' new pediatrician quickly noticed Steve and Roger's parenting skills and the kids' development. He asked if they would consider taking in two brothers with AIDS whom the state couldn't place with anyone else. Within weeks, Wayne and Ernie, now ages 8 and 5, came home. They are rambunctious and inquisitive, and gradually fit right in with the other kids, who often help look after them.

In Portland, the kids swim, they take weekend trips to the beach or to their grandparents' house, they're in different school clubs like chess and drama, and they spend a lot of time doing homework and school projects. They aren't allowed to watch TV, but they do have movie night once a weekend when they rent videos. Steve and Roger are highly active in the PTA and often chaperone field trips or other school events.

On June 21, 2001, Bert's caseworker called Steve and told him she was looking for someone else to adopt Bert. As is sometimes the case with children who test positive for HIV at birth, he now tests negative, which makes him “adoptable.” The caseworker asked Steve if he or Roger knew anyone who might be interested. Evidently, Bert's file was next in the stack of kids who had been in foster care too long and would need to be moved into permanent adoptive homes. The Loftons had been plaintiffs for two years in an ongoing ACLU federal lawsuit challenging Florida's gay adoption ban. Steve's lawyers at the ACLU immediately asked for the state's assurance that Bert would not be removed from his family until the lawsuit was resolved. The state refused, saying only that Bert wouldn't be removed until someone else was found to adopt him.

## **“SAVE OUR CHILDREN”**

The law that threatens to take Bert from the only family he's ever known also keeps thousands of other kids from ever making it into stable, loving homes. The law dates back to 1977 and stems from some of the most notorious homophobia

in U.S. history. If Anita Bryant has a lasting legacy, it's question II G on Florida's adoption application. Prospective parents are asked to check either "yes" or "no" to the statement, "I am a homosexual." Next to the question is a citation to the state law and a quote from the statute, "No person eligible to adopt under this statute may adopt if that person is a homosexual."

Anita Bryant, a singer and former Miss Oklahoma who served as a spokeswoman for Florida Orange Juice, had launched an anti-gay campaign earlier that year, called "Save Our Children." Backed by right-wing fundamentalists in Florida and around the country, her specific goal was to put Dade County's recently-passed gay rights law on the ballot for a repeal. But her campaign was well-coordinated with efforts in the state legislature that would help draw attention to gay-related issues and build momentum for legislation like the proposed ban on gay adoption, which was making its way through the legislature.

The high-profile Dade County campaign reached a fever pitch by late spring, just as the gay adoption ban was reaching legislative committees. Week after week, full-page ads in Florida newspapers ran with enormous headlines that screamed, "There Is No 'Human Right' To Corrupt Our Children." Arguing that lesbians and gay men cannot reproduce biologically, Bryant said, "They can only recruit children, and this is what they want to do. Some of the stories I can tell you about child recruitment would turn your stomach." Bryant traveled the state and beyond, warning audiences in sometimes graphic language that gay people were committed to molesting children. She combined political speeches with singing engagements to draw in mainstream crowds – and sometimes combined her politics with her music with a popular rendition of "The Battle Hymn of the Republic."

When the gay adoption ban reached the Senate floor early that summer, only a handful of Senators voted against it – and only one, Sen. Donald Chamberlin of Clearwater, spoke out against it, saying that in adoption "all other concerns should yield to the concern for the child. But the heart of this bill is not the subject matter of adoptions – it is discrimination." Another Senator who sought to delay a vote was actually shouted down by his colleagues.

The law banning gay adoption passed overwhelmingly in the state legislature on June 1, 1977. On June 7, after months of heated debate that drew national atten-

tion, Dade County voters repealed the local gay rights law. Three days later, the governor signed into law the gay adoption ban that remains on the books today.

After the adoption ban passed, its main sponsor, Sen. Curtis Peterson of Lakeland, rejoiced – and reminded everyone that it was just a part of the broader campaign against lesbians and gay men that Bryant and others were waging. “The problem in Florida has been that homosexuals are surfacing to such an extent that they’re beginning to aggravate the ordinary folks, who have a few rights of their own,” he said. “We’re trying to send them a message, telling them: ‘We’re really tired of you. We wish you’d go back into the closet.’”

## **FIGHTING TO OVERTURN THE BAN IN COURT**

Since 1990, three separate lawsuits asked state courts to overturn the law banning gay adoption, none successfully. In the most recent state court case, which upheld the law in 1997, a Broward County Circuit Judge refused to rule the law unconstitutional, saying, “If the state legislature chooses to allow children to languish in foster care ... instead of opening the doors to homosexual households, it has that authority.”

The same week that decision was issued, the ACLU began preparing to take the law into federal court. Representing Lofton, Houghton, Smith, and Skahen, the ACLU filed a federal lawsuit challenging the adoption ban in 1999 – the first time a federal court has ever been asked whether it is constitutional to broadly ban gay adoption. Working jointly with the ACLU on the case, Florida’s Children First Project represents children who were denied permanent, loving homes because of the adoption ban.

The lawsuit says that Florida’s gay adoption ban violates the constitutional rights of children who need homes and gay people who want to adopt. Specifically, the case charges first that the law treats them unequally, because gay people are the only people who are not considered as individuals when they seek to adopt and are instead absolutely barred. The case also charges that the law violates the integrity of families in which kids are raised over the long term by gay foster parents. Those kids and their parents deserve to be treated as families, the case says, but Florida law treats them as strangers.

The state responds by saying that the unequal treatment is justified because it is the state's way to express its disapproval of gay people. As a backup, the state also says that it would be possible for it to think that it would be better for kids to be raised by a married mother and father (the state doesn't actually say that it believes this, just that it could). Finally, the state says that families with gay foster parents won't really be hurt by the adoption ban, because the state won't interfere with these families.

The ACLU says that one thing the U.S. Constitution does not allow states to do is pass laws not to achieve some concrete goal, but to express "disapproval" or "dislike" for some of the people who live in the state. For over 100 years, the ACLU points out, states have been claiming that it is OK to discriminate – against interracial couples, against women, against the disabled, against Asians and African Americans – to express disapproval. It was wrong then, the ACLU argues, and it is wrong now.

The ACLU also points out that the state says it does everything it can to get married couples to adopt, and still falls far short of the number of parents it needs. The state then recruits single heterosexuals to adopt. But even after all that, thousands of kids eligible for adoption wind up in foster care. Given all that, the ACLU says, no one in their right mind could think that keeping lesbians and gay men out of the pool of prospective parents gets more kids into homes with married parents. No one, the ACLU says, could think the ban would create more married couples willing and able to adopt.

Apart from all that, the record in the case makes it clear that no one believes that married couples make better parents than gay people simply because they're married – not the state officials responsible for child welfare, nor private child welfare organizations, nor reputable experts. The key to finding suitable parents, they say, is to examine each applicant individually, and not to make gross assumptions about anyone.

Finally, the ACLU says, it is impossible to take seriously the state's claim that it won't interfere with foster families. All the while it keeps saying that in court, it keeps sending Steve Lofton letters reminding him that the state is actively looking for someone to adopt Bert.

The case was set to go to trial in late 2001, but a federal judge granted the state's motion to throw the case out. The ACLU took the case to a federal appeals court in 2002.

## **SOCIAL SCIENCE CONTRADICTS THE BAN**

In a feeble attempt to provide evidence to support the ban, the state retained psychologist George Rekers as an expert witness. One of the founders of the ultra-conservative Family Research Council and an ordained minister, Rekers bases his opinions on his religious beliefs, not science. He has even said that it would be “futile and foolish” to “search for truth about homosexuality in psychology and psychiatry while ignoring God.” Rekers has published a number of books expressing his religious beliefs condemning homosexuality. A quote from his book, *Growing Up Straight*, provides insight into how his religious beliefs influence his opinions: “The clear teaching of Scripture, uncontradicted by psychological research, is that homosexual actions are sinful.”

Rekers is also a practitioner of a type of therapy that is widely rejected by mainstream mental health professionals that seeks to “cure” homosexuality. In addition, Rekers has spent much of his time as a therapist trying to change boys who do not conform to stereotypical notions of appropriate gender behavior. In offering guidance for “treating” boys who are “feminine,” Rekers has advocated that parents should ignore boys whenever they exhibit “feminine” behavior and pay attention to them only when they act “masculine.” He has suggested that such “treatment” can prevent homosexuality and what he considers to be other gender abnormalities. George Rekers has also voiced some outrageous characterizations of gay people, e.g. that gay activists “recruit youth” and seek to legalize pedophilia.

Why did Florida choose someone with such controversial views? The mainstream view in the field of psychology is that children of gay parents are as well adjusted as children of heterosexual parents. In fact, the existing body of scientific research, published in respected journals in the fields of child psychology and child development, has found nothing to show that being raised by gay parents harms children or that gay people are unsuitable parents.

Florida uses a fringe figure to defend its law because no mainstream social scientist would defend it. (For more details about what these studies say, see Chapter Four.)

## **NO CHILD-WELFARE BASIS FOR THE BAN**

When the last legal challenge to Florida's gay adoption ban ended in 1997, there were about 1,900 kids in foster care statewide waiting to be adopted. When U.S. District Court Judge James King dismissed the latest case in 2001, there were more than 3,400 kids in Florida's foster care system waiting to be adopted. Yet the state continues to claim that the ban is based, at least in part, on children's interests.

In legal papers, the state of Florida repeatedly insists that the ban on gay adoption is warranted because children are better off in homes with a mother and a father who are married. But of those kids who are lucky enough to be adopted out of foster care, fully 25% statewide – and 40% in Miami-Dade County – are placed with single parents.

In sworn depositions for the case, the state's leading official overseeing adoption policy was asked, "Do you know of any child-welfare reason at all for excluding gay people from adopting children?" The official, Carol Hutchison, answered, "No." She was then asked if she believes children's best interests would be served if lesbians and gay men were allowed to adopt. "As I previously stated, I think it's contraindicated to rule out such a large population of people who quite possibly could meet the needs [of] awaiting children," she said.

In 2002, several of the nation's largest, oldest, and most respected children's groups filed a brief in the case at the federal appeals court, asking that the law be overturned. The sweeping gay adoption ban, they said, "not only has no child welfare basis whatsoever, but it also affirmatively hurts children awaiting adoption by depriving them of the opportunity to be adopted by lesbians and gay men who are willing to provide them with loving families." The groups went on to address restrictions on gay parenting in general, saying, "No child welfare basis exists for categorically excluding lesbians and gay men from adopting children.

Social science research unanimously demonstrates that lesbians and gay men can be and are good parents, and being raised by lesbian or gay parents is not harmful to children.”

But the state of Florida continued, undaunted, in its fight to defend the law. More than 3,400 children waited for permanent homes while the state continued using its child welfare system to make a political statement about lesbians and gay men. And, in the process, Florida itself made the strongest case of all against restricting gay parenting.

# 2

## The Bigger Picture

# Gay Parenting Across the Country

**F**lorida has the strongest and most sweeping anti-gay parenting law in the country, but it is not the only place where lesbian and gay parents face discrimination. Every year a handful of states legislatures consider passing their own bans on gay adoption. Some judges use sexual orientation to take children away from their parents or to restrict parents' visitation, often insisting that the parents choose between their children and their partners. These are just some of the more visible ways that lesbian and gay parents are vulnerable to restrictions on their families. While not every state has horrible laws or hostile court rulings, gay parents also face problems at the local level – where most child custody and placement decisions are made. It is widely reported that in some parts of the country, as a matter of practice, social service agencies will not approve adoption applications from lesbians and gay men. Despite these obstacles, it's not all bad news. A growing number of states have made strides in rejecting discrimination against gay parents, and this trend will undoubtedly continue.

Making the case against restricting gay parenting isn't just critical to children and parents in Florida, it's critical to children and families everywhere. This chapter of "Too High A Price" covers the prevalence of gay parenting, the different ways in which lesbians and gay men become parents, and how the law treats gay parenting.

## **GAY PARENTS**

It is difficult to know exactly how many gay parents are raising children in the U.S., primarily because it's difficult – if not impossible – to know the exact population of lesbian and gay people. The government census does not ask people to check a box for sexual orientation, and even if there were such an option, it's

likely that many people would refuse to answer a question because they would see it as too intrusive. Estimates on the number of gay parents rely on much-debated guesses at what percentage of the entire population is lesbian, gay, or bisexual. Some human sexuality studies have found that 10% of people are gay. Other studies of sexuality have deduced smaller figures of lesbian and gay people – at 3 to 4% of the population – only counting those identifying themselves as gay. The percentage depends on how researchers define “gay.” The smaller percentages seem to be more realistic, because they use a narrow definition of gay that requires self-identification, not just behavior or attraction.

Since it’s difficult to know how many gay people there are generally, it’s difficult to know how many are raising children. Numerous social scientists have developed estimates using one well known population study (*National Health and Social Life Survey*, E.O. Lauman, 1995) that range anywhere from 1 to 9 million children being raised by gay parents – meaning that somewhere between 1 to 12% of all children are being raised by a gay parent. The lower figures represent the more narrow definition of who is gay. (“Coparent or Second-Parent Adoption by Same-Sex Parents,” American Academy of Pediatrics, February 2002)

While those estimates do not rely on any kind of official count of gay people, increasingly there is more official information about gay people and families with gay parents. The U.S. Census Bureau has a way for families headed by same-sex couples to identify themselves as same-sex “unmarried partners.” The 2000 Census found that there are at least 601,209 gay and lesbian families (so far, information has not been released about how many of these families have children) (*Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households*, Human Rights Campaign, August 22, 2001). However, it is highly likely that there are many more same-sex couples, both because the census question requires people to identify themselves as gay and because it’s likely not all couples were aware they could use the “unmarried partner” classification.

In the fall of 2000, a Kaiser Family Foundation national study of 405 randomly selected, self-identified lesbians, gays, and bisexuals found that 8% of the participants were parents or legal guardians of a child under 18 who lived in their home. While this study does not necessarily offer solid evidence on how many gay parents there are, it suggests that around 8% of gay people are parents. The Kaiser survey also measured the extent to which gay people would like to

become parents. Among those who weren't parents at the time of the survey, almost half (49%) said they would like to have children of their own some day. This at least suggests the possibility of a gay "baby boom" in the near future. For entire generations of lesbians and gay men, parenting did not seem to be an option. Now that it is becoming a real option, more and more people are likely to become parents.

Finally, we also know that gay and lesbian families live in communities across the country. The 2000 Census found that same-sex couples live in 99.3 % of all counties in the United States (*Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households*, Human Rights Campaign, August 22, 2001). Some of these folks doubtless are parents. As more gay people are able to live their lives openly and truthfully, it's inevitable that more will become parents.

It's also inevitable that these families are becoming part of the already diverse array of family life in the United States. The 2000 U.S. Census found that fewer than 24% of homes were composed of a husband, wife, and children under age 18 ("Census 2000: The New Demographics: Advertisers are Cautious as Household Makeup Shifts," *Wall Street Journal*, May 15, 2001). The Census also found there are a total of 5.5 million unmarried partner households – 4.9 million of which are unmarried, heterosexual couples. In addition, there are 4 million households in the United States with multigenerational, extended families – this is nearly 4% of all American households ("Multigenerational Households Number 4 Million," U.S. Census Bureau, Sept. 7, 2001).

## **GAY PARENTING AND THE LEGAL LANDSCAPE**

Decisions about who gets to be a parent (adoption) and who gets to stay a parent (custody) are made by family court judges at the local level. Some states have formal rules about whether gay people can parent, and whether sexual orientation is a factor to consider in either adoption or custody decisions. The family court judges are supposed to follow those rules (which they usually do, though there are exceptions). Those formal rules generally come about in one of two ways. First, the state legislature can pass a law setting out the rule. Second, someone who is unhappy with a decision made by a trial court judge can appeal.

The appeal will result in a written decision from the appeals court, which trial court judges in either part or all of the state must follow.

Most states do not have formal rules about any aspect of gay parenting. In those states, family court judges have great leeway, and can decide for themselves how sexual orientation should be taken into account in making parenting decisions, and if it should be taken into account at all. So a judge in Walton County, Georgia, can refuse to approve an adoption by a lesbian even though another judge in a county just 50 miles away might have approved 20 of them.

Challenges to the decisions of these local judges are difficult, for two reasons. First, as a practical matter, the decisions of trial judges can be overturned only if the judge based the decision on an incorrect legal rule (either a statute or an earlier decision from an appeals court). It's difficult to win an appeal if the only claim is that the local judge got the facts wrong. Second, trial judges frequently give little explanation of why they reached their decisions, and even if sexual orientation was a factor, they don't always say that.

The relatively small number of formal rules and the great leeway that family court judges have make it difficult to generalize about the rules on lesbian and gay families. And even states that have some formal rules don't generally have rules covering all of the major issues. However, it is possible to use the rules a state has established on one question to make some predictions about how things will work in another area. But don't mistake these predictions for rules. The fact that Utah, for example, bans adoption by unmarried couples does not necessarily mean that no trial court judge in Utah will approve an adoption by the partner of a gay person who is already a parent. The leeway that trial court judges have can work for or against gay people who want to parent. Moreover, the landscape changes at the local level as judges retire and as society's views about gay parenting mature.

An overview of each area of gay parenting, rules we knew about when this was published, and some tentative predictions follow.

## **ADOPTION BY GAY INDIVIDUALS**

Florida is the only state with a law that specifically forbids adoptions by any gay, lesbian, or bisexual person. This doesn't mean other states are safe. Every year, legislators in other states try to pass similar bans. So far in 2002, an adoption ban was introduced in the South Carolina legislature. Activists were pushing legislators to introduce such bans in Georgia, South Dakota, and Texas. Over the past three years, anti-gay adoption bans were considered and defeated in Arkansas, Idaho, Indiana, Oklahoma, and Texas. These bills keep coming back, and there is no guarantee that they will always be defeated.

Only one state – Ohio – has specifically said that single lesbians and gay men are not barred from adopting. And trial judges are likely to be open to adoptions by single gay men and lesbians in states which allow adoptions by gay couples or by the partners of gay parents. They include California, Connecticut, Illinois, Massachusetts, New Jersey, New York, Vermont, and Washington, D.C. Local authorities in many of these states may still give preferences to married couples, or even to single heterosexuals.

States that ban adoption by lesbian and gay couples – Mississippi and Utah – are more likely to be hostile to adoption by gay singles. In addition, some state courts have displayed severe hostility toward lesbian and gay parents in other contexts, even quite recently. They include Alabama, North Carolina, and Virginia. Even in these states, there may be local judges and social workers who will approve adoptions by gay people, but they are likely to be difficult to find.

## **ADOPTION BY GAY COUPLES**

It's generally easier for a gay individual to adopt a child than it is for a couple to adopt a child together. For many gay couples, one partner adopts the child and then the other partner asks a court if he or she can also adopt the child through a second legal procedure. This is one way to use what is known as second-parent or co-parent adoption (see below). If it's possible, it makes much more sense – and costs less money – to avoid the two steps. Joint adoption allows both parents to have a legally recognized relationship to their child in just one step.

It's particularly difficult to know where joint adoptions for same-sex couples have been approved, because this is a newer trend in gay parenting, and there is no uniform way of tracking these adoptions. Four states – California, Massachusetts, New Jersey, and Vermont – and Washington, D.C. explicitly permit joint adoption by lesbian and gay couples. Mississippi is the only state in the country that specifically bars all lesbian and gay couples from adopting – though Utah's ban on unmarried couples effectively bans all gay couples. As recently as 1999, the U.S. Congress considered legislation that would have banned gay couples from adopting in Washington, D.C.

Many states have laws or policies that discourage adoption by unmarried couples, and these laws are frequently used to discriminate against gay couples. And of course, states that are generally hostile to gay parents are likely to be difficult places for gay people to adopt jointly. Those would include Alabama, North Carolina, Virginia, etc. On the other hand, in some states joint adoption by lesbian and gay couples is, at least in certain parts of the state, almost routine even though there is no court decision or statute specifically allowing it. For example, Oregon falls into this category.

Vermont and California recently passed state laws that establish legal recognition for same-sex couples that greatly benefit their entire families (joint adoption was legal in California before the new law passed). In Vermont, this was accomplished through the establishment of civil unions and in California through a statewide domestic partner system. Both states offer many – or all, in the case of Vermont – of the benefits and responsibilities available under state law that are available to heterosexual couples through marriage. These states are much more likely to recognize not only same-sex couples but also their families.

## **SECOND-PARENT ADOPTION**

If a gay couple is raising a child conceived through donor insemination, only the biological parent has a legally recognized tie to the couples' child. The same is true if one partner adopts a child. Even if the non-biological or non-adoptive parent raises the child for years, the non-biological parent is often seen as nothing more than a stranger to the child in the eyes of the law.

Second-parent or co-parent adoption is the best means of ensuring legal protection of both parents' relationships with their child.

With a second-parent adoption, the partner of the existing parent also adopts the child without ending the legal relationship with the first parent, thereby providing the child with two legal parents rather than one. This is a procedure similar to that typically used by heterosexual step-parents.

As with other areas of gay parenting, it is difficult to have a comprehensive portrait of which states recognize second parent adoptions. These adoptions, like other adoptions, are approved by local family court judges. In some states, however, the issue has been appealed to higher courts. In some of these states, appeals courts have refused to recognize second-parent adoptions, making it difficult for anyone in the state to obtain one. These include Ohio, Colorado, Pennsylvania (though this bad decision was appealed to the state's high court and a decision was pending as of spring 2002), and Wisconsin.

Seven states – California, Connecticut, Illinois, Massachusetts, New Jersey, New York, Vermont – and Washington D.C. have established statewide recognition of second-parent adoption. Judges in at least 20 other states have awarded second-parent adoptions. A few of these states, like Washington or Alaska, have been known to approve numerous second-parent adoptions, and it's generally believed gay people have a much better chance of adopting their partners' children in these states.

## **CUSTODY AND VISITATION**

Many, if not most, of the children being raised by lesbians and gay men were conceived during their parents' previous heterosexual relationships. When these gay parents come out of the closet and separate from their spouses, their ability to sustain their relationships with their kids often depends on the views of individual family court judges. In some of the worst instances of anti-gay discrimination, judges have taken kids away from gay parents solely because of the parents' sexual orientation. It is hard to square these rulings with any notion of family integrity. It's one thing to be banned from ever adopting children in the first place, but it's another thing altogether for a judge to split apart an existing family.

Despite some particular examples of homophobia, the national landscape for child custody is less bleak than it once was. Most states that have considered the question have ruled that sexual orientation alone cannot be used against a parent in determining child custody issues. This does not mean anti-gay discrimination doesn't happen in these states; it means that judges cannot discriminate as openly as they once could. Custody decisions are supposedly governed by a "best interests of the child" standard, and it's not difficult for a judge to hide his or her prejudice with a standard that general and open-ended.

In stark contrast to the majority of states that do not permit blatant discrimination in custody decisions, a handful of states fully endorse taking children away from parents who love them and are equipped to raise them well. High courts in Alabama, Mississippi, North Carolina, and Virginia have affirmed lower court rulings that denied custody based solely on sexual orientation. In February 2002, the state supreme court of Alabama reinstated a family court's ruling that awarded custody to a heterosexual father. Though the ruling was based on a process technicality, the court's chief justice took the opportunity to proclaim that homosexuality alone makes a person unfit to be a parent because it is "abhorrent, immoral, detestable, a crime against nature, and a violation of the laws of nature and of nature's God" (*Ex parte H.H.*, 2002 Ala. LEXIS 44, February 15, 2002).

Judges also have a great deal of power to tell parents when, where, and under what conditions they can spend time with their children. Some judges have ruled that gay parents can only have custody or visitation with their children so long as they agree to force their new partners to move out of their home, or at the least make their partners leave the home whenever the children are present. In Georgia, Jean Ann Vawter got divorced from her husband in 1994 and was granted sole custody of their children. Vawter later met a woman, fell in love, and had a commitment ceremony in 1996. The two women got a house and lived together with Vawter's children. Even though the ex-husband had known about the women's relationship since 1996, he went back to the family court in 1999 and asked that his ex-wife be incarcerated in the Walton County jail for exposing the couple's children to a "meretricious relationship." The judge did not put Jean Vawter in jail, but he did order her to immediately take her children and move away from her partner, because he found their relationship to be "unwholesome." The Georgia Supreme Court refused to take Vawter's appeal.

Judges have also forbid overnight visits by same-sex partners, all involvement with gay political/social activities, and contact with other gay people in general. Fortunately, a number of state appeals courts have recently reversed these kinds of restrictions. Illinois, Iowa, Maryland, Mississippi, Missouri, Ohio, Oregon, Pennsylvania, and Washington have said that such restrictions can only be used if there is proven harm to the children.

In contrast, higher courts in Alabama, Arkansas, Indiana, and Virginia have upheld discriminatory restrictions in visitation.

## **FOSTER PARENTING**

It is not known how many lesbians and gay men are foster parents, and as with adoption, decisions about who gets to become a foster parent are made at a local level on a case-by-case basis. Two states – Nebraska and Arkansas – ban gay foster parents through statewide policies. (The ACLU is challenging the Arkansas policy.) In the past few years, Arkansas, Indiana, and South Carolina have considered but so far rejected legislation that would ban gay foster parents as a matter of state law.

# 3

## The Public Policy Case

# There Is No Child-Welfare Basis for Restricting Gay Parenting

**T**he child's best interests." It's what everyone – on all sides of the issue – talks about when discussing whether lesbians and gay men should be parents. It's also a classic Rorschach Test, where the meaning is all in the eye of the beholder. A proud grandmother knows with all her heart that her granddaughter's needs couldn't possibly be met better by anyone but her own daughter, who is a lesbian. Yet a conservative legislator is equally convinced that gay people simply cannot be appropriate role models, and so he is certain that it is never in children's best interests to be raised by gay people. Fortunately, assessing children's interests isn't that subjective.

When the American Academy of Pediatrics passed a policy in 2002 supporting second-parent adoption by lesbian and gay parents' same-sex partners, it wasn't a lone voice. The nation's pediatricians joined a chorus of mainstream health and child welfare groups standing solidly against blanket restrictions on lesbian and gay parenting. These groups aren't driven by political beliefs, but by widely accepted standards that guide how to assess and deliver what children need. What they need, in short, is love, protection, stability, and guidance. They need the true focus of the child-placement process to be on them – and that's what the prevailing public policy in this area does.

Ask mainstream children's groups about adoption, foster care, and other parenting, and it's unlikely they'll jump right into talking about lesbian and gay parents. Instead, they'll talk about the crisis in this country's child welfare system. They'll talk about the 568,000 kids in foster care, many of whom are essentially

warehoused and shuffled from one home to another until they turn 18 and “age out” of the system. They’ll talk about the 117,000 of those kids who are ready to be adopted – but are still waiting because nobody wants them. They’ll talk about how it’s getting worse instead of better – and has been for decades. They’ll talk about the kids they see who are abused and neglected, and about the foster homes that aren’t accountable to anyone, and about the thousands of kids who somehow get “lost” in the system – made vulnerable by the very safety net that’s supposed to catch them. And then they’ll ask why we’re even debating whether to limit the pool of qualified, loving parents.

If ever there was a price that’s too high, it is the toll that restricting gay parenting takes on kids. This chapter of “Too High A Price” provides that context. If a policy or law was being debated that would limit the sources of natural gas – when there’s already a shortage – nobody would take action without consulting the professionals who handle those resources daily, understand the current supply, and deal with the consequences of the shortage. Our nations’ children certainly deserve no less – and those advocating on their behalf have strong and clear feelings on foster care and adoption generally, and gay parenting in particular.

## **THE GROWING CONSENSUS AMONG HEALTH AND CHILDREN’S ADVOCATES**

Major mainstream health and children’s groups began weighing in on lesbian and gay parenting in the 1970s to urge that prospective parents not be screened out because of their sexual orientation. In the last couple of decades, this consensus has steadily grown as these groups have become more aware of families headed by gay people – and more aware that anti-gay bigotry still interferes with the ability of children to be placed in healthy, stable, supportive homes.

The groups that have come forward with definitive statements on lesbian and gay parenting are not taking “gay rights” positions. They are urging policy makers and practitioners to keep the focus on children’s needs and interests when making these critical decisions. In the same vein, the growing mainstream consensus on lesbian and gay parenting is not just a reflection of changing attitudes about gay people – it’s a reflection of the changing reality in the country’s child welfare system.

More than 2,000 years ago, adoption developed as a mechanism for adults to meet their own needs, primarily in producing heirs or providing a political link between two families. Well into the 1900s, adoption was almost exclusively a service for wealthy white couples who were unable to have children biologically. Only in the last few decades has adoption become more focused on meeting the needs of children. This increasingly became the case in the 1970s, when the number of white infants available for adoption began to decrease sharply just as the number of other children waiting in foster care began to increase.

As a direct result of this disturbing trend, child welfare agencies have changed their policies to make adoption and foster care available to a much wider range of adults. Policies – and even laws – were changed to allow adoption or foster parenting by minority families, older people, families who already have children, lower-income families, single people, and individuals with physical disabilities. “At one time or another, the inclusion of each of these groups has caused controversy. Many well-intended individuals vigorously opposed including each new group as potential adopters and voiced concern that standards were being lowered in a way that could forever damage the field of adoption,” according to the Child Welfare League of America, the nation’s oldest and largest children’s group.

Indeed, this inclusiveness did forever change adoption – by providing homes to unprecedented numbers of kids who would otherwise be in temporary situations or institutions. In the 1970s, the number of adoptions nationwide hit its highest point ever, at 175,000 a year. Nearly 90,000 of those adoptions were by adults who weren’t related to the kids. But in the 1980s, as a result of a combination of societal factors, the percentage of kids in foster care who were successfully placed in adoptive homes plummeted. In 1982, barely a third of the kids in foster care who were free for adoption were actually adopted – and by the end of that year 33,000 kids were waiting to be adopted. Ever since, the percentage of kids in foster care who are free for adoption has stayed the same, while the number of kids actually placed in adoptive homes has declined. In short: The number of kids in foster care who are waiting to be adopted has grown steadily.

In that context – with these trends continuing into the 1980s and 1990s – health and child welfare groups increasingly began taking public stands against limiting the pool of qualified adoptive parents based on sexual orientation and

other factors that do not impact parenting abilities. These groups are charged with focusing on just one thing: what's best for kids. They're also the people who deal most with the consequences of needlessly limiting the pool of qualified parents. The American Academy of Pediatrics issued its directive supporting second-parent adoption because its 55,000 members see the very practical impact of a child's two same-sex parents not being legally recognized. The North American Council on Adoptable Children came forward with a policy opposing anti-gay discrimination in adoption and foster parenting because the group was founded by adoptive parents and exists to help waiting children find good homes – which includes homes with gay parents. The list goes on, and the public stands these groups have taken speak for themselves. These statements – in the form of official policies or public stances taken in journals, legal briefs and elsewhere – follow.

## **STATEMENTS FROM MAINSTREAM GROUPS**

### **Child Welfare League of America**

“All applicants [for adoption] should have an equal opportunity to apply for the adoption of children, and receive fair and equal treatment and consideration of their qualifications as adoptive parents, under applicable law.

“Applicants should be fairly assessed on their abilities to successfully parent a child needing family membership and not on their appearance, differing lifestyle, or sexual preference.

“Agencies should assess each applicant from the perspective of what would be in the best interests of the child. Those interests are paramount.

“Sexual preference should not be the sole criteria on which the suitability of 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. The needs of the child are the priority consideration in adoption.

“Gay/lesbian adoptive applicants should be assessed the same as any other adoptive applicant. It should be recognized that sexual orientation and the capacity to nurture a child are separate issues. Staff and board training on cultural diversity should include factual information about gays and lesbians as potential adoptive resources for children needing families in order to dispel common myths about gays and lesbians.

“Gay and lesbian applicants should be informed that biological parents are told about potential adoptive families for their child, including the sexual orientation of the prospective adoptive parent(s). Some biological parents may choose not to consider gay or lesbian families, and agencies usually follow the expressed wishes of the parent.”

*From CWLA's Standards Regarding Sexual Orientation of Applicants, adopted in 1988*

### **North American Council on Adoptable Children**

“Everyone with the potential to successfully parent a child in foster care or adoption is entitled to fair and equal consideration regardless of sexual orientation or differing life style or physical appearance.”

*Policy statement adopted March 14, 1998*

### **American Academy of Pediatrics**

“Children deserve to know that their relationships with both of their parents are stable and legally recognized. This applies to all children, whether their parents are of the same or opposite sex. The

American Academy of Pediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual. When two adults participate in parenting a child, they and the child deserve the serenity that comes with legal recognition.

“Children born or adopted into families headed by partners who are of the same sex usually have only one biologic or adoptive legal parent. The other partner in a parental role is called the “coparent” or “second parent.” Because these families and children need the permanence and security that are provided by having two fully sanctioned and legally defined parents, the Academy supports the legal adoption of children by coparents or second parents. Denying legal parent status through adoption to coparents or second parents prevents these children from enjoying the psychologic and legal security that comes from having 2 willing, capable, and loving parents.

“Several states have considered or enacted legislation sanctioning second-parent adoption by partners of the same sex. In addition, legislative initiatives assuring legal status equivalent to marriage for gay and lesbian partners, such as the law approving civil unions in Vermont, can also attend to providing security and permanence for the children of those partnerships.

“Many states have not yet considered legislative actions to ensure the security of children whose parents are gay or lesbian. Rather, adoption has been decided by probate or family courts on a case-by-case basis. Case precedent is limited. It is important that a broad ethical mandate exist nationally that will guide the courts in providing necessary protection for children through coparent adoption.

“Coparent or second-parent adoption protects the child’s right to maintain continuing relationships with both parents. The legal sanction provided by coparent adoption accomplishes the following:

1. Guarantees that the second parent's custody rights and responsibilities will be protected if the first parent were to die or become incapacitated. Moreover, second-parent adoption protects the child's legal right of relationships with both parents. In the absence of coparent adoption, members of the family of the legal parent, should he or she become incapacitated, might successfully challenge the surviving coparent's rights to continue to parent the child, thus causing the child to lose both parents.
2. Protects the second parent's rights to custody and visitation if the couple separates. Likewise, the child's right to maintain relationships with both parents after separation, viewed as important to a positive outcome in separation or divorce of heterosexual parents, would be protected for families with gay or lesbian parents.
3. Establishes the requirement for child support from both parents in the event of the parents' separation.

Ensures the child's eligibility for health benefits from both parents.

Provides legal grounds for either parent to provide consent for medical care and to make education, health care, and other important decisions on behalf of the child.

Creates the basis for financial security for children in the event of the death of either parent by ensuring eligibility to all appropriate entitlements, such as Social Security survivors benefits.

On the basis of the acknowledged desirability that children have and maintain a continuing relationship with two loving and supportive parents, the Academy recommends that pediatricians do the following:

- Be familiar with professional literature regarding gay and lesbian parents and their children.

- Support the right of every child and family to the financial, psychological, and legal security that results from having legally recognized parents who are committed to each other and to the welfare of their children.
- Advocate for initiatives that establish permanency through coparent or second-parent adoption for children of same-sex partners through the judicial system, legislation, and community education.”

*Policy statement issued February 4, 2002*

### **American Psychiatric Association**

“Many gay men and women are parents. For example, estimates of the numbers of lesbian mothers range from 1 to 5 million with the number of children ranging from 6 to 14 million. Most gay parents conceived their children in prior heterosexual marriages. Recently an increasing number of gay parents have conceived children and raised them from birth either as single parents or in committed relationships. Often this is done through alternative insemination, adoption, or through foster parenting. Numerous studies have shown that the children of gay parents are as likely to be healthy and well adjusted as children raised in heterosexual households. Children raised in gay or lesbian households do not show any greater incidence of homosexuality or gender identity issues than other children. Children raised in nontraditional homes with gay/lesbian parents can encounter some special challenges related to the ongoing stigma against homosexuality, but most children surmount these problems.”

*Fact Sheet on Gay, Lesbian, and Bisexual Issues*

**American Psychological Association**

**On the research about lesbian and gay parenting:** “The results of existing research comparing gay and lesbian parents to heterosexual parents and children of gay or lesbian parents to children of heterosexual parents are quite uniform: common stereotypes are not supported by the data... In summary, there is no evidence to suggest that lesbians and gay men are unfit to be parents or that psychosocial development among children of gay men and lesbians is compromised in any respect relevant to that among offspring of heterosexual parents. Not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents. Indeed, the evidence to date suggests that home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children’s psycho-social growth.”

*The APA’s resource, Lesbian and Gay Parenting: A Resource for Psychologists, 1995*

**On child custody or placement:** “The sex, gender identity, or sexual orientation of natural, or prospective adoptive or foster parents should not be the sole or primary variable considered in custody or placement cases.”

*Adopted by the American Psychological Association Council of Representatives on September 2 & 5, 1976*

**On foster parents:** “The sex, gender identity, or sexual orientation of natural or prospective adoptive or foster parents should not be the sole or primary variable considered in custody or placement cases.”

*Adopted by the American Psychological Association Council of Representatives on September 2 & 5, 1976*

**American Psychological Association and National Association of Social Workers**

“[T]here is no empirical support for any presumption that a gay or lesbian parent’s sexual orientation, or contact with that parent’s

same-sex partner, is or will be harmful to the children. Thus, any assumption that restrictions on visitation are in the best interest of children is contrary to the relevant scientific research. Visitation decisions should be made on the basis of individualized, fact-based assessments without regard to sexual orientation.

“Scientific research has consistently found that the sexual orientation of parents is not a predictive factor as to the parenting ability of those parents or the psychological and social development of their children. There is no empirical basis, therefore, to presume that restricting visitation by a gay or lesbian parent is necessary to promote the best interests of a child. Two decades of scientific investigation have, in fact, provided considerable evidence for the opposite conclusion: that children who retain regular and unrestricted contact with a gay or lesbian parent are as healthy psychologically and socially as children raised by heterosexual parents, and that the parenting skills of gay fathers and lesbian mothers are comparable to their heterosexual counterparts. Further, there is evidence that including the gay or lesbian parent’s partner in the child’s life may generally have a positive effect.”

*Amicus brief in Kimberly Y. Boswell v. Robert G. Bosell, filed Sept. 1998 in the Court of Appeals of Maryland.*

### **Guiding Adoption Principles of Child Welfare Agencies Nationwide**

Public and private child welfare agencies approach their adoption work with a shared vision and mission, articulated in what is essentially the “industry standards” in adoption, produced by the nation’s oldest and largest children’s group. These 166-page standards are rooted in a statement of core values, which follows.

### **Core Values and Assumptions Underlying Adoption Services**

Given the complexity of the broader societal context in which adoption practice now occurs, it is especially important to reaffirm the fundamental values that provide a framework for professional adoption services. The core values listed below form the foundation for the ethical development and delivery of adoption services.

- All children have a right to receive care, protection, and love.
- The family is the primary means by which children are provided with the essentials for their well-being.
- The birth family constitutes the preferred means of providing family life for children.
- When adoption is the plan for a child, the extended family should be supported as the first option for adoptive placement, if appropriate.
- Adoption as a child welfare service should be focused on meeting the needs of children to become full and permanent members of families.
- All children are adoptable.
- Siblings should be placed together in adoption unless serious reason necessitate their separation.
- Adoption is a life long experience that has a unique impact on all the parties involved.
- Adoption should validate and assist children in developing their individual, cultural, ethnic, and racial identity, and should enhance their self-esteem.
- All adoption services should be based on principles of respect, honesty, self-determination, informed decision-making, and open communication.
- All applicants for services should be treated in a fair and nondiscriminatory manner.
- Changes in adoption practice, policy, and law demand professional expertise to assist birth families, adoptive families, and adopted individuals.
- The knowledge, skill, and experience of professional social workers should be used in developing and providing all aspects of adoption services.
- The practice of adoption, currently and in the future, will require collaboration if all parties in an adoption are to be served effectively.

*From the Child Welfare League of America's Standards of Excellence for Adoption Services (Revised Edition), 2000.*

## CASE-BY-CASE DETERMINATIONS

None of the mainstream health and children’s groups say that all gay people can be good parents – just as they wouldn’t say that about all straight people. While these groups have slightly varying positions on lesbian and gay parenting, they all agree that child placement and custody decisions should be based on children’s specific needs and prospective parents’ ability to meet those needs. The guiding principle that these decisions should be made case-by-case, in the best interests of children, came to prominence as adoption moved from being focused on adults’ needs and toward being a service for meeting the needs of children. A growing body of public policy guidance provides criteria for determining what’s best for kids – and then how to provide it.

The Child Welfare League of America’s Standards of Excellence for Adoption Services “provide a vision of what is best for children and their families” for the group’s 1,000 private and government-run member agencies that serve 3 million kids and their families each year. These 166-page standards, which the group says “are widely used to influence practice throughout North America,” also are a significant basis for the criteria that the Council on Accreditation of Services for Families and Children uses to evaluate state and local children’s agencies.

The standards describe in detail how government or private agencies should assess children’s needs (see box, page 34) and how that assessment should be used. “When the agency providing adoption services is responsible for selecting the adoptive family, it should base its selection of a family for a particular child on a careful review of the information collected in the child assessment and on a determination of which of the approved and prepared adoptive families could most likely meet the child’s needs,” the standards explain.

Elsewhere in the standards, the purpose of adoption itself serves as a reminder of the top priority for these agencies: “In placing children for adoption, the agency’s main objective should be to ensure the safety and well-being of those children. The children’s need for protection, nurturing and stability, which are essential to healthy personal growth and development, should be the primary determinants of the services provided by the agency.”

Since the Child Welfare League of America standards were first published in 1938, they have evolved to focus solidly on the needs of children and to explicitly steer agencies away from investigating aspects of prospective parents that are not related to children's well-being. "In adoption practice, the child is the primary client, and the best interest of the child is paramount in decisions concerning his or her adoption," the standards say. "Families are viewed as potential resources for children needing adoption, rather than as an agency's primary clients. The agency's responsibility has also shifted from investigating families to educating and preparing them to meet the needs of children placed with them."

Case-by-case evaluation is also the traditional – and appropriate – approach of the courts. Family court judges who handle second-parent adoptions, custody and visitation arrangements after divorce, and foster care placements are significantly restricted by broad policies or laws that prevent them from recognizing lesbians and gay men as parents.

When the New Jersey State Assembly was considering legislation that would prevent biological parents' same-sex partners from being legally recognized in their parenting role, ACLU Lesbian & Gay Rights Project attorney Leslie Cooper – who had helped win a landmark case establishing the rights the bill sought to undo – testified in a legislative committee. "Each child's circumstances are unique. All children do not fit into the same mold," she told lawmakers, who ultimately rejected the bill. "Personal family situations are difficult to subject to broad, sweeping provisions. The legislature therefore defers to family court judges who, faced every day with individual children in individual circumstances, are able to determine the best custody or visitation arrangement for each child."

### **Specific Criteria for Assessing Children's Needs**

Children's needs and best interests are not as subjective as the debate over gay parenting may make it seem. They're assessed using specific criteria, which vary but are generally based on the same basic principles. In addition to psychiatric and medical testing, there are specific ways that child welfare agencies assess children's circumstances and needs – and based on those

findings, eventually place them with adoptive parents who are best suited to help them grow into healthy, productive adults. Following is part of the criteria laid out in the “industry standards” in adoption, produced by the nation’s oldest and largest children’s group.

### **Assessment of Children**

The comprehensive assessment of a child prior to adoptive placement serves to identify the unique needs and strengths of the child and the type of family that will be best able to provide a safe and nurturing permanent family for the child.

### **Assessment and History Gathering**

The agency providing adoption services should conduct a comprehensive assessment of those children for whom the permanency plan is adoption. The assessment should encompass any information required to be collected and disclosed by state law, as well as the child’s and birth family’s health and background information.

At a minimum, the following health and background information should be collected and disclosed to prospective adoptive parents:

As available, the child’s current medical, dental, developmental, and psychological history, including an account of the child’s prenatal care, medical condition at birth, and developmental milestones; any drugs or medications taken by the child’s birth parents during pregnancy; any prior medical, psychological, or psychiatric examinations and diagnoses of the child; any physical, sexual, or emotional abuse or neglect suffered by the child; any developmental assessments reflecting deviations from typical development; the child’s current developmental level; and a record of any immunizations and health care received while in out-of-home or other care.

Relevant information concerning the medical or mental health history of the child’s birth parents, siblings, and relatives, including multiple generations whenever possible; any known disease or hereditary predisposition to

disease; age and cause of death of close relatives of the birth parents; any notably positive health findings such as longevity; any addiction by birth family members to drugs or alcohol; the health of the child's mother during her pregnancy; and the health of each parent at the time of the child's birth.

Relevant information concerning the social history of the child, including:

- the child's personality and temperament, including sensitivities, likes and dislikes, and special aptitudes and interests, particularly for the older child;
- the child's enrollment and performance in school, results of educational testing, and any special educational needs;
- any significant events that could affect the child's capacity to relate to a new family;
- an account of the child's past and existing relationships with any individuals with whom the child has regularly lived or visited;
- any history related to the child's placement in out-of-home care, including reason for placement, attachments and moves prior to placement, length of time in care, type of care (family foster care, group care, residential treatment), number of placements and reasons for re-placements;
- letters, pictures, videotapes, gifts, etc., from the birth family for the child; and
- reasons for the child's adoptive placement.

Relevant information concerning the social history of the child's parents, siblings, and other relatives, including:

- the family's racial, ethnic, cultural, and religious background, and a general description of the child's parents, siblings, and other close relatives, if known (to include a photograph of the child's parents whenever possible);
- specific information on the child's racial, ethnic, or cultural background if distinct from that of other members of the family;
- relationship of the parents and their reason(s) for selecting adoption as a plan;

- tribal affiliation of an American Indian family, as well as other information needed to clarify the legal status of such children and the tribal jurisdiction regarding their adoption;
- level of educational attainment of birth parents and siblings of the child, if any, including information about any known learning disabilities;
- special skills, interests, or aptitudes;
- specific accomplishments of the birth parents or other members of the birth family;
- employment and/or vocational information of the birth parents;
- any background information related to criminal convictions for a felony, previous judicial orders terminating parental rights, or substantial reports of child abuse or neglect; and
- any long-term history of multiple generations that provides a picture of the birth family over time.

*From the Child Welfare League of America's Standards of Excellence for Adoption Services (Revised Edition), 2000.*

## RESTRICTIONS THAT MAY BE APPROPRIATE

Because of this emphasis on case-by-case determinations, the children's advocacy community agrees on very few broad restrictions against prospective parents. The increasingly solid rejection of policies or laws that declare entire categories of prospective parents ineligible for adoption, custody, or foster care leaves these decisions in the hands of case-workers, local agencies, and family court judges who can get to know the children and the prospective parents.

Several states have laws specifically regulating which adults can adopt children. All of this is regulated at the state level, and all 50 states (plus Washington, DC, Puerto Rico, Guam, etc.) have laws on who can adopt and who can be adopted. Generally speaking, any single adult or a husband and wife jointly can apply to adopt. A step-parent can also adopt her spouse's biological children. In more than a dozen states, there are no further state laws reg-

ulating who is eligible adopt. The remaining states either have broad laws or specific limitations on age and residency.

For example, in Wyoming, an adult must be “fit and competent” in order to adopt children. In Illinois, an adopting adult must be “reputable.” Puerto Rico prohibits adoption by anyone who is declared incompetent or incarcerated. In Washington, a prospective adoptive parent must be “legally competent.” Several states specify the age of adulthood for purposes of adoption. Other states set a minimum age difference between the adopting parents and the person they’re adopting. States also have varying residency requirements for adoptive parents (ranging from a few days to one year).

At the local children’s service agency level, groups have varying criteria for parenting applicants. Generally these criteria are related to the agency’s mission, auspices, and geographic location or coverage. Their requirements differ greatly, but some include income, length of marriage (if applicable), religious affiliation, and age of prospective parents.

While the Child Welfare League of America’s Standards of Excellence for Adoption Services permit such restrictions, the group is careful to advise caution: “The [public or private] agency’s eligibility requirements for adoptive applicants should be designed to allow for creativity in developing families as resources rather than to inappropriately eliminate families from consideration.”

## **BY THE NUMBERS: CHILD WELFARE AND GAY PARENTING**

In the abstract, there are compelling public policy arguments against restricting gay parenting. But to really understand the issue and be able to begin addressing it, we have to look closely at the child welfare system and the kids it’s supposed to be serving. Statistics on children are not centrally kept, and the federal government stopped collecting comprehensive data on adoption in the mid-1990s but continued keeping foster care statistics. The information in this section is from two branches of the U.S. Dept. of Health and Human Services – the 2000 report of that agency’s Adoption and Foster Care Analysis and Reporting System (AFCARS) and current and historical figures from its sister sub-agency, the National Adoption Information Clearinghouse (NAIC). While statistics can be

dehumanizing, they help us fully realize the problem – and, consequently, they help us see much more clearly that further limiting the pool of qualified parents cannot possibly be the answer.

**Foster care systems in the U.S. are overburdened with more children than they can handle and not enough qualified, adoptive adults coming forward to help. In fact, in a six-month period, the number of kids entering foster care was three times the number of kids adopted out of foster care during that entire year.**

- 568,000 kids are in foster care nationwide.
- 117,000 of these kids are waiting to be adopted.
- 46,000 kids are adopted from public child welfare agencies yearly.
- In the six months between Oct. 1, 1998 and March 31, 1999, 143,000 kids entered foster care.

**Once in foster care, kids often languish for years without being placed in permanent, loving homes.**

- The median age of kids in foster care who are waiting to be adopted is 7.8 years. 2% were less than a year old; 35% were 1-5 years old; 37% were 6-10 years old; 23% were 11-15 years old; and 3% were 16-18 years old.
- They had spent a median of 38 continuous months in foster care.
- 33% of them have spent more than three years in continuous foster care.
- 27% had spent more than five years continuously in foster care.
- Each year, roughly 25,000 kids leave the foster care system not because they find permanent homes, but because they reach their 18th birthday and “age out” of the system.

**When kids are finally adopted out of foster care, it's after a long struggle to get through the system – and they are frequently placed in families that fall outside the traditional model of a married mother and father.**

- The median age of kids when they were adopted was 6.4 years. 46% were 1-5 years old; 37% were 6-10 years old; 14% were 11-15 years old; 2% were 16-18 years old; and 2% were under a year old.
- It took on average 12 months for these children to be adopted after the termination of parental rights.
- For 18% of kids, it took more than 24 months to be adopted after the termination of parental rights.
- Of those parents adopting kids out of foster care, 31% were single women; 2% were single men; 1% were unmarried couples.
- The adoptive parents who took these kids were non-relatives in 20% of the cases and were the kids' foster parents in 64% of the cases.

**A national crisis in child welfare – with kids backlogged in foster care waiting to be adopted and not enough qualified adoptive parents coming forward – has developed gradually over the last couple of decades.**

- In 1977 – as in 1997 – about 20% of kids in foster care were free for adoption. But of the kids who were free for adoption in 1977, 50% were in adoptive placements, while by the end of 1982 only 34% were in adoptive placements.
- The number of kids in foster care has increased yearly since 1984. At the end of 1995, there were about 483,000 kids in foster care, a 72% increase from 1986.
- Between 1986 and 1996, the number of children in the foster care system jumped 90%, while the number of foster families fell by 3%.
- Between 1951 and 1975, the percentage of adoptive placements by public agencies more than doubled from 18% in 1951 to 38% in 1975. It has since fallen to about 15-20% of all adoptions.

**As nontraditional families – who show up statistically as single adoptive parents – increasingly adopt children, they are often providing homes for “less desirable” adoptive children with special needs.**

- In 1970, single people who applied to adopt were turned down – in fact, some states had laws banning adoption by single people.
- As the 1970s progressed, 0.5% to 4% of adoptive parents were single. In the 1980s, it was 8% to 34%. In 2000, 33% of kids adopted from foster care were taken by single parents.
- About 25% of adoptions of children with special needs are by single men and women, and about 5% of other adoptions are by single people.

“Each year, more than 110,000 children in foster care await adoption. These children have special needs: the majority are between the ages of 7 and 16; most have physical, emotional, mental, or learning disabilities; and many are brothers and sisters who need homes together. Their greatest need, however, is for a loving home.”

– U.S. Department of Health and Human Services

# 4

## The Social Science Case

# Gay Parents and Their Kids are Just as Happy and Healthy

**T**o a growing number of people in this country, lesbian and gay parents are no longer strangers. They are sitting next to you at your kids' basketball game. They are your sister and her partner patiently asking their daughter – your niece – to stop crawling under the dinner table. One recent nationwide survey found that 56% of those asked say they believe gay and lesbian couples can be just as good parents as heterosexual couples. For these people, gay parenting is not something to be debated, justified, or feared. It's just the way some families are.

But not everyone has made up their mind about gay parenting, and unfortunately not everyone has had the chance to get to know gay parents and families directly. Openly lesbian and gay parenting is a relatively new social phenomenon, and it makes sense that courts, lawmakers, and lots of other people want to learn more about it. Social science studies of families headed by gay parents are one good way to learn more – and to put to rest some of the fears and misunderstandings about gay parents. The studies present a convincing case against restricting lesbian and gay parenting. They confirm that these families are made up of kids and parents who are just as healthy and happy as any other family.

This chapter of “Too High A Price” provides details about these studies to help people learn more and to have more informed discussions and debate. Included is background information on which studies were selected, the consistent findings across every study, and concise summaries of 22 leading studies. The purpose is to demystify social science by translating academic jargon into everyday language and to extract the key findings from each study (avoiding lengthier discussions about the study's theories and precise research tools). The studies may not offer the same insight a visit with a family headed by gay parents would, but they do offer a glimpse into the lives of many of these families.

## WHICH STUDIES?

The studies we have chosen are the top studies on gay parenting in the field of child development and psychology. There are a few so-called “studies” that claim lesbian and gay parents are harmful to children, but these are not actual studies. They are not legitimate, respected social science studies that use proper research methods. They are nothing but sham reports conducted by people who have been thrown out of mainstream, professional organizations and by people whose work has never been published in any mainstream, peer-reviewed social science journals. In addition to citing fake research, some so-called pro-family activists try to trick the public. They make claims about lesbian and gay parents by using studies about unmarried parents. But general studies of unmarried parents do not analyze openly lesbian and gay parents. They don’t present a shred of information about the lives of families headed by lesbian and gay parents. (See Chapter 6.) Here is the bottom line: no credible, scientifically conducted study that has focused on gay parents and their children has found any harmful effects either in the quality of parenting or in the well-being of children.

This is not to say that the social science studies here offer absolute answers. As is true of any social science research, there are limitations to the extent to which the studies can be used to make generalizations about every family in a given population. To be able to use studies to generalize, you need a number of studies that reach similar results, involving a large number of participants who have been randomly selected. The numbers of participants in the studies presented here were generally small. And since it is difficult to identify gay parents unless they identify themselves, the participants were not randomly selected.

None of that is to say the results are worthless, just that they have to be used thoughtfully. While it is premature to extrapolate the details of any of the studies to the general population, they all come to the same conclusion – that gay parents are as capable as heterosexual parents – strongly suggesting that the studies may be widely applicable. After all, they have assessed over 1,000 children and 500 lesbian or gay parents across diverse settings and social locations (*MCCT and Canada A.G.*, Affidavit of Judith Stacey and Timothy Biblarz). Not a single study has found any indication that children are harmed by having gay parents.

Top child advocacy organizations agree. (See Chapter 3.) The American Psychological Association, the National Council for Adoptable Children, the

Child Welfare League of America, and others have taken public positions against restricting lesbian and gay parenting, based at least partially on the results of the studies summarized here. In February 2002, the American Academy of Pediatrics joined this growing chorus against discrimination with a policy statement in support of gay adoption:

The American Association of Pediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual. (“Coparent or Second-Parent Adoptions by Same-Sex Parents,” Committee on Psychosocial Aspects of Child and Family Health, *Pediatrics* Vol. 109, No. 2 February 2002.)

The professionals whose full-time concern is the safety and well-being of children – from child psychologists to social workers to pediatricians – find these studies to be credible and reliable enough to base child policies on the information they provide. If the experts on children find that the social science studies make a strong case against restricting gay parents, then so should lawmakers and courts.

## **WHAT DO THE STUDIES LOOK FOR?**

Researchers have focused on three primary areas:

- the children’s development (overall well-being, self-esteem, and peer relationships);
- the skills, practices, and roles of the parents; and
- the gender and sexual development in the children.

## **WHO DO THEY STUDY?**

The vast majority of gay parenting studies focus on lesbian mothers. These include both lesbians raising children from previous heterosexual marriages and

lesbians who conceive children through donor insemination. Of the studies of gay fathers, all have analyzed gay fathers with children from previous (heterosexual) marriages.

The studies involving donor-inseminated mothers compare lesbian biological mothers and their partners to donor-inseminated heterosexual women and their husbands. There are two groups of studies with divorced mothers. One group compares single, divorced lesbian mothers with single, divorced heterosexual mothers. The other compares single, divorced heterosexual mothers with divorced lesbian mothers with partners.

No well known studies have examined lesbians and gay men who have adopted children with no biological relationship to either parent.

## WHAT DO THE STUDIES SAY ABOUT THE KIDS?

**The sexual orientation of parents does not harm the overall psychological well-being of their children.** A 1997 study of the children of donor-inseminated lesbians and their partners and the children of donor-inseminated heterosexual women and their husbands found no difference between the two groups of children in the areas of emotional and behavioral problems. (See Brewaeys, p. 57). At least seven other studies that examined children's psychological well-being found the same result; no study has found otherwise.

**The sexual orientation of parents does not harm the self-esteem of their children.** While only a few studies have focused specifically on the self-esteem of children, others have focused on a variety of emotional and psychological factors in children that affect self-esteem. None of the researchers have found that children of lesbians and gay men suffer adverse affects. (See Huggins, p. 81.)

**The sexual orientation of parents does not harm their children's ability to form healthy relationships with peers.** Of the most respected studies, at least seven focus on kids' relationships with their peers, and all of them agree that no significant problems were found with kids raised by lesbians and gay men. What has been found to influence kids' social relationships with their peers is not the sexual orientation of their parents, but instead whether their parents are happy in

their relationships with their partners. (See Chan, p. 59.) In at least one study, daughters of lesbians rated themselves as more popular among their peers than other children rated themselves. (See Hotvedt, p. 79.)

## **WHAT DO THE STUDIES SAY ABOUT GAY PARENTS?**

No study has found any evidence to support the claim that lesbians and gay men are unfit to be parents.

### **The parenting skills of lesbian and gay parents is found to be the same or slightly better than those of heterosexual parents.**

No study that has specifically measured parents' capabilities and skills found any evidence that indicates gay and lesbian parents are bad parents. A number of the studies found that there are areas in which gay parents actually tested better than their heterosexual counterparts. In one 1982 study, lesbian mothers were found to respond to behavior problems in a way that was more oriented toward the needs of their children than heterosexual mothers. (See Miller, p. 89.) Another study found that lesbian mothers had significantly more parenting awareness skills. (See Flaks, p. 63.) Gay fathers were found to be more communicative and more strict in setting limits on their kids' behavior than heterosexual fathers. (See Bigner (89), p. 54)

### **The sexual orientation of parents does not harm the quality of their relationships with their children.**

No study has found that the quality of parent-child relationships is harmed by gay parenting. More than one study found that the quality of parent-child relationships between lesbian, non-biological mothers is better than that between heterosexual fathers and their children. (See Brewaeys, p. 57; Flaks, p. 63; and Miller, p. 89.)

### **Sexual orientation does not determine the overall mental health of parents.**

No study of lesbians and gay men raising children has found any evidence to support the claim that lesbian and gay parents are unfit because they have more mental health problems than heterosexuals. The groups of gay parents and the groups of heterosexual parents did not differ significantly on any of the measures reflecting overall mental health. (See Golombok, p. 65.)

## **DO GAY PARENTS MAKE GAY KIDS?**

**Kids raised by lesbians and gay men are not any more likely than kids raised by heterosexual parents to question their gender identity.**

No study has found that children raised by lesbian and gay parents differ from their peers in terms of overall psychological concerns related to gender.

**Kids raised by lesbian and gay parents are less confined by traditional gender roles than kids raised by heterosexual parents.**

The studies examined the children's behaviors in play, dress, physicality, school activities, and occupational aspirations. A number of the studies found that there were differences between the two groups of children in these areas. For example, daughters of lesbians were more likely to have career aspirations that were not confined to stereotypically "feminine occupations." This study found that 52% of daughters of lesbians want to have careers as doctors, engineers, and astronauts, while only 21% of daughters raised by heterosexual mothers have the same aspirations. (See Green, p. 72.) Other studies found that children of gay parents do not have stereotypical notions of which toys are appropriate for girls and which toys are appropriate for boys. (See Miller, p. 89.)

**Children raised by lesbian and gay parents are not more likely to identify as gay or lesbian themselves.**

Only one study has traced children of lesbians and gay men from when they were young to adulthood. In this study, no differences were found in the proportion of each group that reported experiencing same-sex attractions. Children of lesbians were more likely to have considered the possibility of having a same-sex relationship and were more likely to have had a same-sex sexual experience. (See Golombok, p. 70.)

## A CONVERSATION WITH PROFESSOR JUDITH STACEY

Judith Stacey is a senior scholar with the Council on Contemporary Families, Professor of Sociology, and the Streisand Professor of Contemporary Gender Studies at the University of Southern California. In 2001, she and Timothy J. Biblarz published a review of the social science research on lesbian and gay parenting called, “(How) Does the Sexual Orientation of Parents Matter?” in the *American Sociological Review*.

*Florida and conservative activists everywhere argue that heterosexuals make better parents than gay men or lesbians. Is there anything in the body of social science research that supports this claim?*

No, nothing at all. Significant, reliable social scientific evidence indicates that lesbian and gay parents are as fit, effective and successful as heterosexual parents. The research also shows that children of same-sex couples are as emotionally healthy and socially adjusted and at least as educationally and socially successful as children raised by heterosexual parents. No credible social science evidence supports Florida’s claim.

*Florida and other states have used so-called experts in social science who try to discredit the studies you cite (and the ones we summarize in this book). They claim that these studies used flawed research methods and resulted in flawed findings. What is your response?*

The studies that have been conducted are certainly not perfect—virtually no study is. It’s almost never possible to transform complex social relationships, such as parent-child relationships, into adequate, quantifiable measures, and because many lesbians and gay men remain in the closet, we cannot know if the participants in the studies are representative of all gay people. However, the studies we reviewed are just as reliable and respected as studies in other areas of child development and psychology. So, most of those so-called experts are really leveling attacks on well-accepted social science methods. Yet they do not raise objections to studies that are even less rigorous or generalizable on such issues as the impact of divorce on children. It seems evident that the critics employ a double-standard. They attack these particular studies not because the research methods differ from or are inferior to most studies of family relationships but because these critics

politically oppose equal family rights for lesbians and gay men.

The studies we discussed have been published in rigorously peer-reviewed and highly selective journals, whose standards represent expert consensus on generally accepted social scientific standards for research on child development. Those journals include *Child Development* and *Developmental Psychology*, the two flagship journals in the field of child development. The first is published by the 5,000-member academic Society for Research in Child Development, and the second is published by the American Psychological Association.

*There are other reviews and research out there that not only criticize the studies you cite but also come up with findings that actually say lesbians and gay men should not be parents. Why don't you include those studies in your review?*

There is not a single, respectable social scientist conducting and publishing research in this area today who claims that gay and lesbian parents harm children. The dubious studies you mention were produced primarily by people who have been discredited and even expelled from the American Psychological Association (APA) and the American Sociological Association (ASA). When people claim that studies show gay parents harm children, they often cite people like Paul Cameron. Paul Cameron is the primary disreputable and discredited figure in this literature. He was expelled from the APA and censored by the ASA for unethical scholarly practices, such as selective, misleading representations of research and making claims that could not be substantiated.

*Last year, you and your colleague Tim Biblarz released a new review of the existing studies on lesbian and gay parenting. This review caused a bit of a commotion in the media. Are people representing the review accurately? What did you say in the review that caused so much controversy?*

In our review we found that many researchers in this field shied away from studying or analyzing any areas of difference between families with lesbian and gay parents and those with heterosexual parents. In contrast, we emphasized some of the scattered findings of small, but interesting differences that have been reported in some of this research. Conservative activists and journalists immediately seized on our discussion of these differences and began to cite these and our article as evidence in support of their efforts to deny partnership and parenting

rights to lesbians and gay men. This is a serious misreading and abuse of our work. None of the significant differences reported in the research apply to child self-esteem, psychological well-being, or social adjustment. Nor were there differences in parents' self-esteem, mental health, or commitment to their children. In other words, even though we noted some differences, we emphasized that the differences were not deficits. In fact, the studies found no negative effects of lesbian and gay parenting, and a few studies reported some differences that could represent a few advantages of lesbian parenting.

*What are some of the differences you observed?*

Well, for example, several studies found that lesbian co-mothers share family responsibilities more equally than heterosexual married parents, and some research hints that children benefit from egalitarian co-parenting.

A few studies found that lesbians worry less than heterosexual parents about the gender conformity of their children. Perhaps that helps to account for a few studies that found that sons of lesbians play less aggressively and that children of lesbians communicate their feelings more freely, aspire to a wider range of occupations, and score higher on self-esteem. I think most people would see these as positive things, but some of the critics have misrepresented these differences as evidence that the children are suffering from gender confusion.

Finally, some studies reported that lesbian mothers feel more comfortable discussing sexuality with their children and accepting their children's sexuality – whatever it might be. More to the point are data reported in a 25-year British study. Although few of the young adults identified themselves as gay or lesbian, a larger minority of those with lesbian mothers did report that they had at one time or another considered or actually had a same-sex relationship.

*Are you saying that the social science finds that children of lesbians and gays are more likely to be gay themselves?*

Sexuality is far more complicated than that. Most gay adults, after all, were brought up by straight parents. We are still in the dark when it comes to understanding the roots of specific sexual attractions. Regardless of the relative impact of nature and nurture, it seems likely that growing up with gay parents should reduce

a child's reluctance to acknowledge, accept, or act upon same-sex sexual desires if they experience them. Because the first generation of children parented by self-identified lesbians or gay men is only now reaching adulthood, it is too soon to know if the finding in that one study will prove to be generally true.

*What are the factors in parents that have been shown to negatively impact children?*

Some factors in parents have been found consistently to correlate to problems in child development. These include: poverty, a low level of parental education, a high level of conflict between parents, and depression in parents.

*Do you know of any studies currently underway that may shed more light on lesbian and gay parenting?*

I've heard that there is new research underway on donor-inseminated mothers and on gay custodial fathers, particularly on gay men who become fathers through surrogacy. There are also additional longitudinal studies of lesbian motherhood in progress. I'm confident that we will be hearing about new studies in the very near future.

*What are the areas of gay parenting that you think new studies should explore?*

There's a real need for a study on adoptive parents, one that compares children adopted by gay parents with children adopted by heterosexual parents. To my knowledge, there has never been such a study. We also need more research on gay fathers – especially studies that compare gay fathers to heterosexual fathers and studies that include gay fathers who have children through surrogacy or other means. And it's critical to have studies with more diverse representations of lesbian and gay parents, specifically in terms of race, ethnicity, education, income, and nationality.

## THE SUMMARIES

Each individual summary describes who was studied, how the researchers recruited participants, the different aspects of the families that were studied, the findings of the study, and general information about the limitations of the study. In the interest of making the summaries concise and clear, we exclude details about methodology, and we also exclude speculative, theoretical discussions of the findings. We do not exclude any findings of significant differences between the groups studied.

Some studies had more conclusive, quantitative findings, while others offered descriptive information about the children and their parents. Most of the studies we include are more quantitative in their findings. Though the descriptive studies offer less generalizable conclusions, we include them because they offer useful information about the inner workings of the families that were studied. The more quantitative social science research determines whether findings are “statistically significant.” A finding (for example, the observed differences between two groups) is described as statistically significant when it can be demonstrated that the probability of obtaining such a difference by chance only, is relatively low. We use the term “significant differences,” as shorthand for “statistically significant differences.” If the studies themselves do not report that differences are significant, then we do not use the term significant.

The accompanying chart of the studies notes what areas each study measures.

## CHART

This chart lists the leading studies and what they measure.

	Child's Psychological Well-Being	Child's Self-Esteem	Child's Social Adjustment with Peers	Quality of Parent/Child Relationship	Parenting Practices	Parent's Psychological Well-Being	Child's Gender Behavior	Child's Sexuality	Parent's Preferences for Child's Gender/Sexuality
Bigner, 1989.					x				
Bigner, 1992.					x				
Brewaeys, 1997.	x			x	x		x		
Chan, Brooks, 1998 (a).	x		x			x			
Chan, Raboy, 1998 (b).	x		x			x			
Flaks, 1995.	x		x		x				
Golombok, 1983.			x	x	x	x	x		
Tasker and Golombok, 1995.	x		x	x				x	
Golombok and Tasker, 1996.								x	
Green, 1986.			x			x	x		
Harris, 1986.				x					x
Hoeffler, 1981.							x		x
Hotvedt, 1982.	x		x				x		
Huggins, 1989.		x						x	
Javaid, 1993.							x	x	x
Kirkpatrick, 1981.	x						x		
Kweskin, 1982.									x
McNeill, 1998.				x	x	x			
Miller, 1981.					x				
Patterson, 1994.	x						x		
Rand, 1982.						x			
Sullivan, 1996.					x				
<i>How many studies include this measure?</i>	8	1	7	5	8	6	8	4	4

**Parenting Behaviors of Homosexual and Heterosexual Fathers**

Jerry J. Bigner and R. Brooke Jacobsen

**Summary:** This study investigated parenting behaviors in heterosexual and gay fathers. Gay fathers did not differ significantly from heterosexual fathers in terms of overall parental involvement, intimacy, and parenting skills. There were some differences between the groups in approaches to parenting; for example, gay fathers tended to be more communicative with their children and to enforce rules more strictly.

**Measures:** Parenting Practices

**Type of Family:** Single-parent heterosexual and gay fathers with at least two children

**Limitations:** Small, non-random sample size; participants were studied based only on their self-reported answers to questions about parenting

Bigner and Jacobsen's study is one of the few studies that focuses on gay fathers. A total of 68 packets were sent to gay fathers in a support group in Denver, Colorado, of which 33 were returned. The 33 gay father participants were then matched with 33 fathers, presumed to be non-gay, who were selected randomly from a large subject pool of participants that had previously participated in a study. The men were all white, had a high level of income, and lived in an urban area. The mean age was 40 years, and the mean level of education was high school graduate. The group included 6 married men, 48 divorcees, 8 men who were separated, and 4 who were never married. All participants had at least two children, and the mean age of the children was 11 years.

Each father was given the Iowa Parent Behavior Inventory to complete. The test is composed of 36 items designed to measure five factors: 1) involvement with children; 2) limit-setting; 3) responsiveness; 4) reasoning guidance; and 5) intimacy.

Significant differences between the two groups of fathers were found in three factors: 1) limit-setting; 2) responsiveness; and 3) reasoning guidance. Gay fathers tended to be more consistent in setting and enforcing limits on children's behaviors. Additionally, they were more likely to promote cognitive skills by

explaining rules. They placed greater emphasis on verbal communication and tended to be more responsive to the perceived needs of their children. Although no differences were found in the factors of involvement and intimacy as a whole, differences were found in specific areas. Gay fathers went to greater lengths to act as a resource for activities with children. Also, although gay fathers showed no differences with other fathers in terms of intimacy with children, gay fathers were less likely to be affectionate with their partners in front of their children. Gay fathers were more egalitarian and more likely to encourage their children to discuss their fears with them. Overall, however, gay fathers and heterosexual fathers had few differences in parenting abilities and skills.

This study is limited by its size and non-random sampling and because the participants were recruited in different manners. Additionally, the study is based solely on the fathers' self-reporting about their own parenting behaviors.

1989. *Journal of Homosexuality*, Vol. 18, pp. 173-186.

**Adult Responses to Child Behavior and Attitudes Toward Fathering:  
Gay and Non-Gay Fathers**

Jerry J. Bigner, R. Brooke Jacobsen

**Summary:** This study found no differences between parenting behaviors and attitudes about fathering between gay and heterosexual fathers.

**Measures:** Parenting Practices

**Type of Family:** Gay fathers and heterosexual single fathers

**Limitations:** Small, non-random sample

This study looked at parenting behaviors and attitudes toward the role of fathering among gay and heterosexual fathers. The authors recruited 24 self-identified gay fathers from a gay fathers support group. They recruited 29 other men from a support group for single parents. They assumed the men in the single parent support group were heterosexual and did not specifically ask these men about their sexual orientation. A majority of the men had at least one to two children. They were mostly well-educated and entirely non-Hispanic white.

The authors used two testing methods. The first was designed to discern attitudes toward discipline. This method placed these attitudes into three categories: child-oriented, parent-oriented, and task-oriented. The second placed the fathers' overall parenting characteristics into two categories: traditional and developmental. Traditional characteristics place less emphasis on training and are more authoritative; developmental characteristics emphasize training children to be self-reliant.

The authors found almost no difference between the two groups of fathers. The parenting attitudes of both groups of men leaned heavily toward developmental parenting characteristics.

1992. *Journal of Homosexuality*, Vol. 23, No. 3, pp. 99-112.

**Donor Insemination:****Child Development and Family Functioning in Lesbian Mother Families**

A. Brewaeys, I. Ponjaert, E.V. Van Hall, and S. Golombok

**Summary:** This study found that children in lesbian mother homes were as positive and healthy as children in homes headed by a mother and a father. Researchers compared children of lesbian couples conceived via donor insemination, children of heterosexual couples conceived via donor insemination, and children of heterosexual couples who conceived conventionally. Overall, lesbian non-biological mothers were found to have better relationships with their children than the heterosexual fathers. No differences were found between the three groups of children.

**Measures:** Child's Psychological Well-Being, Parenting Practices, Quality of Parent-Child Relationship, Child's Gender Behavior

**Type of Family:** Lesbian donor-inseminated, heterosexual donor-inseminated, heterosexual naturally conceived

**Limitations:** Small sample size, though this is generally considered to be one of the stronger studies

The Brewaeys study consisted of 30 lesbian two-mother families who conceived via donor-insemination, 38 heterosexual families who conceived via donor insemination, and 30 heterosexual families who conceived naturally. Each family had a child between 4 to 8 years. The families were recruited through fertility and obstetrics departments at two Belgian hospitals. The biological mothers were interviewed in their homes and the children were given a psychological assessment.

Most of the demographics of the groups, such as the mean age of the mother, the mean age of the children, and the number of children in the family, did not differ greatly. There were some differences in education levels and genders of the children, but in general, sexual orientation and means of conception were the only differences between the groups.

The researchers measured the quality of the parent-child relationship through a standardized interview of the parents. Data was also obtained about the division of professional and childcare activities and the extent to which partners were

helpful with disciplinary issues. The child's own perception of his/her relationship with each parent was measured using a game. The emotional and behavioral adjustment of the child was measured via parental assessment; and the gender identity of the child was assessed using a test (also used in the 1993 study by Golombok) to assess stereotypically masculine and feminine behaviors.

No differences were found in the quality of the biological mother and child relationships between the three groups, but there were differences between the three groups of non-biological parents and their children. The non-biological lesbian mothers were found to have significantly better relationships with the children than either of the groups of heterosexual fathers. Similarly, the lesbian non-biological mothers were found to be significantly more involved in practical child-care activities and with disciplinary issues than fathers of either group.

Among the children, no difference was found between the lesbian mother group and either heterosexual group in terms of emotional and behavioral problems, gender role development, or the children's feelings for their biological mothers versus their fathers/non-biological mothers. In all groups, however, the biological mother received a greater quantity of positive feelings than the non-biological lesbian mothers or either group of fathers.

The critical conclusion the researchers draw from their study is that the children in lesbian mother families grow up in a "warm and secure family environment, just like children in the heterosexual control groups."

This study has several strengths. The test group is a very specific group of donor-inseminated lesbian mothers, which eliminates external variables. The external variables that did exist, such as education levels, were then assessed for their possible impact on the measured variables. There are also two different heterosexual control groups so that multiple comparisons to heterosexual counterparts could be made. Furthermore, the parent-child relationship is not solely assessed by the parent, but rather, by both parent input and child assessment.

Limitations of this study are minimal. Although it has a significantly larger sample size than many other studies, its sample size is still considered to be small.

1997. *Human Reproduction*, Vol. 12, No. 6, pp. 1349-1359.

**Division of Labor Among Lesbian and Heterosexual Parents:  
Associations with Children's Adjustment**

Raymond W. Chan, Risa C. Brooks, Barbara Raboy, and Charlotte J. Patterson

**Summary:** This study found that lesbian couples and heterosexual couples reported even splits of household labor and decision-making. In the area of childcare, the heterosexual couples had a less equal distribution of responsibilities, with the mothers generally taking a larger role. There were no differences between the groups of children in their social adjustment with peers.

**Measures:** Child's Psychological Well-Being, Child's Social Adjustment with Peers, Parent's Psychological Well-Being

**Type of Family:** Lesbian and heterosexual couples who conceived through donor insemination

**Limitations:** Smaller sample of heterosexual parents

This study compared the division of family labor between lesbian-headed families and heterosexual-headed families, all of whom conceived via donor insemination. All the children were elementary school-aged at the time of the study. The study looked at the overall level of satisfaction in the couples' relationships and the impact of this variable on the psychological adjustment of sons and daughters. Thirty lesbian and 16 heterosexual couples, with a total of 30 boys and 16 girls, participated in the study. Participating families were drawn from the former clients of The Sperm Bank of California. All of the parents were predominantly well-educated, non-Hispanic white, and relatively affluent. The lesbian mothers had a slightly higher level of education.

To assess division of labor in the household and satisfaction with that division, the authors used a test that measures actual and ideal distribution of household tasks, family decision-making, and child-care tasks. To assess the couples' relationship quality, the study used another psychological test designed to measure relationship adjustment. Finally, the authors used a standardized questionnaire to measure love, emotional attachment, and conflict. Children's social competence and behavior were measured through questionnaires given both to the child's biological mother and to the child's teacher.

The study found that both the lesbian and the heterosexual couples shared household tasks and made decisions in a relatively egalitarian fashion. However, lesbian couples split the childcare responsibilities more equally than the heterosexual couples. The heterosexual mothers performed the majority of the child-care tasks in their families.

The lesbian couples placed a high value on an equal distribution of household and decision-making tasks, and were generally pleased with their current family situation. The heterosexual mothers generally wanted their husbands to take more responsibility for childcare, but the fathers preferred leaving this to their wives. For this reason, the fathers generally reported satisfaction with child-care arrangements, and the mothers reported dissatisfaction. Despite the heterosexual mother's desire for more egalitarian distribution of child-care tasks, both the lesbian and the heterosexual parents showed equal levels of satisfaction with their relationships and their participation in household tasks.

Both groups had relationship adjustment scores above the national average. Also, all of the parents reported high levels of love and low or moderate levels of conflict; there were no significant differences in reported love or conflict between the lesbian and heterosexual couples. No differences were found between the children of heterosexual parents and the children of lesbian parents when it came to the ability of the children to relate with peers and the existence of behavioral problems.

1998. *Journal of Family Psychology*, Vol. 12, No. 3, pp. 402-419.

### **Psychosocial Adjustment among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers**

Raymond W. Chan, Barbara Raboy, and Charlotte Patterson

**Summary:** This study found that the sexual orientation and relationship status of parents had no significant impact on the psychological well-being of their children. Rather, children were impacted by other factors, such as parents' psychological well-being and parenting stress – neither of which had anything to do with sexual orientation.

**Measures:** Child's Psychological Well-Being, Child's Social Adjustment, Parent's Psychological Well-Being

**Type of Family:** Lesbian single mothers and couples, heterosexual single mothers and couples, all of whom conceived through donor insemination

**Limitations:** Small, non-random sample, self-assessment tests

This study compared lesbian single mothers, lesbian mother couples, heterosexual single mothers, and heterosexual parent couples who conceived children via donor insemination. The children were compared in terms of psychological well-being and social adjustment, and the parents were compared in terms of psychological well-being and, when applicable, couples' relationships.

Participants were recruited from The Sperm Bank of California. Clients who had conceived children who were at least 5 years old were contacted. The researchers recruited 34 lesbian couples, 21 lesbian single mothers, 16 heterosexual couples, and 9 heterosexual single mothers.

Demographically, the families were very similar: they were mostly well-educated, employed at least part-time, and had family incomes "well above national averages." Both the lesbian biological mothers and non-biological mothers were more educated than the heterosexual biological mothers and non-biological fathers, respectively. The couples had higher annual household incomes than the single mothers. There were no other significant demographic differences.

Parents and the children's teachers were given questionnaires to evaluate the children's social adjustment and behavioral problems. The questionnaires

assessed social competence, the way children handle their problems, total behavior problems, academic performance, and ability to adapt to different situations. Parents were evaluated for parenting stress and perception of having a difficult child. Parents were also assessed for depressive symptoms, self-image, and coping with recent stressful life events. In addition, for families headed by couples, various tests were used to assess their relationships.

The results showed that the parents and the children in each group were well-adjusted, regardless of sexual orientation and whether or not their mothers had partners. Non-biological lesbian mothers were more likely to report behavior problems in their children than the heterosexual fathers. The teachers' reports of children's behavior problems did not correlate with parents' sexual orientation but was correlated to parents' stress. Educational levels were not found to have significant impact on the results of the study. Among the couples, parents who reported greater satisfaction with their relationship, higher levels of love, and lower inter-parental conflict had children who were better adjusted.

The sample size in this study is of moderate size, but it was not wholly random. That both teachers and parents evaluated the children's behavior makes the data more reliable; however, all of the parental behaviors were self-assessment tests, which may not be wholly truthful or accurate.

1998 (April). *Child Development*, Vol. 69, No. 2, pages 443-457.

## Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children

David K. Flaks, Ilda Fischer, Frank Masterpasqua, Gregory Joseph

**Summary:** This study found that children of lesbians and children of heterosexuals were equally healthy in terms of psychological well-being and social adjustment. The lesbian mothers were found to have more developed parenting awareness skills than the heterosexual parents.

**Measures:** Child's Psychological Well-Being, Children's Social Adjustment, Parenting Practices

**Type of Family:** Lesbian donor-inseminated couples, heterosexual couples who conceived conventionally

**Limitations:** Small, non-random sample size

In Flaks' study, the researchers compared lesbian donor-inseminated families with heterosexual families who conceived conventionally. The research focused on the children's psychological well-being and social adjustment, as well as parenting practices and the parents' relationships.

Flaks recruited the subjects through professional contacts, friendship networks, and referrals from other participants. The researchers used these criteria for choosing the couples: 1) the lesbian couple must be two self-identified lesbians living together with their children in an ongoing relationship; 2) the lesbian couples were required to have used donor insemination; 3) the heterosexual couples must be married and living together with their biological children in an ongoing relationship; and 4) each couple must have had at least one child between 3 and 10 years old. Fifteen lesbian couples and 15 heterosexual couples were selected. Each lesbian couple was then matched with the most similar heterosexual couples on the variables of sex, age, and birth order of the children as well as on race, educational level, and income of the parents. Each parent group had 8 girls and 7 boys; a total of 30 children were studied.

Most of the families who participated in the study lived in Pennsylvania. They were all white, mostly well-educated, were employed at least part-time, and had been living with their partners for similar lengths of time. The only difference was that the lesbian parents were somewhat older than the heterosexual parents.

Each group of children had a mean age of 5.8 years and, for the most part, were in the same grades at school.

Questionnaires were given to the parents and the teachers, measuring the children's response to their own problems, total problem behaviors, the children's social adjustment and well-being, and the couples' relationship quality. (A variety of standardized methods were used to analyze the data.) The parents were also given a survey which measured the sensitivity and effectiveness with which a parent responds to typical childcare situations. The children were administered tests measuring their cognitive functioning.

The tests showed that parents' sexual orientation did not factor into the cognitive and behavioral functioning of the children. The tests also showed that the lesbian mothers had significantly more parenting skills than the heterosexual parents, specifically in terms of "problem solving," which "pertained to the parent's ability to recognize a child-care problem and to formulate acceptable alternative solutions to it." However, no differences were found between the groups in terms of overall problem-solving capabilities. Fathers scored significantly lower on total scores on tests of parenting skills than each of the three groups of mothers.

This study uses a small, non-random sample, which may lead to biases in the results. The matching of the lesbian and heterosexual families minimized other differing factors. Although the tests have their own limitations, one strength of this study is that the children were evaluated by parents, teachers, and the researchers.

1995. *Developmental Psychology*, Vol. 31, No. 1, pp. 105-114.

**Children in Lesbian and Single-Parent Households:  
Psychosexual and Psychiatric Appraisal**

Susan Golombok, Ann Spencer, and Michael Rutter

**Summary:** This study found no significant differences between children raised by lesbians and children raised by single heterosexual mothers on measures of emotions, behavior, and relationships with peers. Also, no differences were found in terms of their gender identity or gender behavior.

**Measures:** Child's Social Adjustment with Peers, Quality of Parent/Child Relationship, Parenting Practices, Parent's Psychological Well-Being, Child's Gender Behavior

**Type of Family:** Divorced lesbian and heterosexual mothers

**Limitations:** Non-random sample

This study compared 37 children reared in lesbian households with 38 children being raised in heterosexual, single-mother households. In each group there were 27 parents. The children were 5 to 17 years old, and their average age was 9 to 10 years. None of the heterosexual mothers had live-in partners. Nine of the lesbian mothers also lived alone, while the remaining 18 lived with their partner or in cooperative households. The two groups had equally mixed vocations, though the lesbians tended to have more education, and more were in professional occupations rather than skilled, non-manual jobs. For example, there were a large number of teachers in the lesbian group and a large number of secretaries in the heterosexual group.

The authors recruited their families through advertisements in a range of gay and single-parent publications and through contacts with gay and single-parent organizations.

The mothers and the children were interviewed separately. Each group was given standardized interviews to assess various aspects of personal and family functioning. One section of the interview was specific to the lesbian mothers, and lesbian mothers with partners were asked a series of questions about household activities and division of labor. The portions of the interviews pertaining to the child's psychiatric state were conducted separately by a child psychiatrist, who did not know the mother's sexual orientation. To determine

gender behavior, the authors used a scale that assigns lower scores to stereotypically masculine toys and activities and higher scores to stereotypically feminine toys and activities. For example, pretending to host a tea party received a higher score than playing a game of cops and robbers. These scales were used to weigh both the child's responses about his or her behavior and the parent's responses about their child's behavior.

Additionally, the parents filled out two questionnaires. One was called the 'malaise inventory,' and measured emotional stability in the mothers, and the other questionnaire assessed the children's emotions, behavior, and peer relationships. Finally, the children's teachers filled out similar questionnaires assessing the child's well-being and behavior.

The lesbian mothers and heterosexual mothers did not differ significantly on any of the measures reflecting current psychiatric status. The lesbian mothers had slightly lower (i.e. more normal) scores on the malaise inventory than the heterosexual mothers. Significantly more of the lesbian mothers reported receiving psychiatric therapy at some time during their adult life, and slightly more had taken anti-depressant medication during the previous year. Systemic ratings of mothers' warmth to their children did not show differences between the groups.

Fourteen of the lesbian mothers lived with a partner. Rating schemes determined that the great majority of these relationships were harmonious. In almost every case the two women shared parenting and housekeeping roles.

The mean scores on assessments of the children's behavior by both parents and teachers showed no significant differences between the two groups of children. However, in the heterosexual mother group, substantially more children (8 out of 38) showed significant psychiatric problems compared with children raised by lesbians (2 out of 31). There were no significant differences in either group of children's overall ability to make and maintain healthy relationships with people of their own age.

There was no evidence that any child in the study identified him or herself as the opposite sex. Additionally, boys and girls in both groups had closely similar scores in the scales testing for stereotypically masculine and feminine behavior. The prepubescent children in both groups tended to have friends that were pre-

dominantly of their own sex, and almost all reported having a best friend of the same sex. All the pubescent and post-pubescent children in the study reported having either heterosexual sexual interests or no definite interests.

The findings of this study are limited by the small sample size and the fact that researchers included some two-parent lesbian households in the lesbian group but had exclusively single mothers in the heterosexual group.

1983. *Journal of Child Psychology*. Vol. 24, No. 4, pp. 551-572.

**Adults Raised as Children in Lesbian Families**

Fiona Tasker and Susan Golombok

**Summary:** This study found no significant difference between children raised by lesbian parents and those raised by heterosexual parents in the quality of the young adults' relationships with their mothers, in incidences of teasing or bullying in high school, or in their emotional well-being. No differences were found in the proportion of each group that reported experiencing sexual attraction to someone of the same sex, though the children of lesbians were more likely to act, or consider acting, on those attractions.

**Measures:** Child's Psychological Well-Being, Child's Social Adjustment with Peers, Quality of Parent/Child Relationship, Child's Sexuality

**Type of family:** Divorced lesbian and heterosexual mothers

**Limitations:** Small sample size; non-representative sample

This follow-up study of Golombok and Tasker's 1976-1977 study took place in 1991-1992. The original study looked at a group of families headed by divorced lesbian mothers and a group of families headed by single, divorced heterosexual mothers. In the original study, each group had 27 mothers and 39 children. For this study, 25 of the adult children raised by lesbian mothers (8 men and 17 women) and 21 of the children raised by heterosexual mothers (12 men and 9 women) decided to participate again. In each group, the average age of the participants was 23.5 years.

The authors used individual interviews to obtain data on the participants' family relationships, peer relationships, and sexual orientation. They used two standardized questionnaires to measure participants' anxiety and depression levels.

In the original study, the authors excluded any heterosexual mother with a live-in partner, but in this follow-up almost all of the heterosexual mothers had remarried or had live-in partners. According to reporting from the two groups of children, significantly more children of lesbian mothers felt positively about their relationship with their mothers' partners than children of heterosexual mothers felt about their mothers' new husbands or boyfriends. Young adults with lesbian

mothers were also significantly more likely to report being “proud” of their mother’s sexual identity and having positive feelings towards their mothers’ identities (i.e. lesbian mother or single, heterosexual mother). There was no difference, however, between the two groups’ retrospective reports of these same feelings during adolescence. Nor did the groups differ in the overall quality of participants’ current relationship with their biological mother.

Both groups were equally likely to remember being teased or bullied by their peers, and they also did not differ in the proportion who remembered being teased specifically about their family background or mother’s lifestyle. However, participants from lesbian families—particularly male participants—were significantly more likely to recall being teased about being lesbian or gay themselves.

The groups did not significantly differ in the proportion of young adults who reported at least one instance of sexual attraction to someone of the same sex. Young adults raised by lesbians, however, were significantly more likely to report having been involved in, or having considered, acting on those same-sex attractions. All participants from both groups reported at least one sexual relationship with someone of the opposite sex.

There were no significant differences between the two groups in terms of anxiety level or depression level, and similar proportions of both groups had seen a health care professional for problems arising from anxiety, depression, or stress.

Two factors limit the potential for these findings to be generalized. One is the small sample size, which makes it difficult to make generalizations about the entire population. The second limitation is the impossibility of recruiting a representative sample of lesbian mothers.

1995. *American Journal of Orthopsychiatry*, Vol. 65, No.2., pp.203-215.

## **Do Parents Influence the Sexual Orientation of Their Children? Findings From a Longitudinal Study of Lesbian Families**

Susan Golombok and Fiona Tasker

**Summary:** This study found that there was no significant difference between the number of self-identified lesbian and gay young adults from lesbian-headed families and from heterosexual-headed families. Similarly, no significant difference was found between the two groups in those who reported experiencing same-sex attraction. Daughters of lesbians, however, were significantly more likely to report being open to same-sex attractions or relationships. Children of lesbians were significantly more likely to have had a same-sex sexual experience.

**Measures:** Child's Sexuality

**Type of Family:** Single and divorced lesbian and heterosexual mothers

**Limitations:** Small sample size, not all participants from original study participated in this follow-up, uneven gender representation in the sample

This study is a follow-up of Golombok and Tasker's previous studies, which took place in 1976-1977. In the first study, 27 lesbian mothers and their 39 children and 27 heterosexual mothers and their 39 children were investigated (data from 3 of these children were not reported in the original study but are included here). These original participants were recruited from lesbian and single-parent organizations, and could not participate if there was an adult male living in the home. At that time, the children had a mean age of 9.5 years.

In this 1991-92 follow-up study, the children had a mean age of 23.5 years. Of the original participants, only 25 children of lesbian mothers (8 men and 17 women) and 21 children of heterosexual mothers (12 men and 9 women) agreed to participate. The participants from lesbian and heterosexual families were similar with respect to age, gender, ethnicity, and education.

The participants were interviewed individually. The researchers divided "sexual orientation" into four areas: 1) the presence of same-sex attraction (objects of crushes, etc); 2) consideration of a same-sex relationship as a future possibility (this did not necessarily involve actual desire); 3) same-sex sexual experience

(could be anything from a single kiss to cohabitation lasting over one year); and 4) self-identification as heterosexual, bisexual, lesbian, or gay. The researchers then used two rating systems, a composite same-sex sexual interest rating and a Kinsey scale rating (a continuum of sexuality from exclusively homosexual to exclusively heterosexual).

No significant differences were found in terms of actual self-identification as gay or lesbian, and no significant differences were found in terms of reported same-sex sexual attraction. There were, however, differences in two areas. The participants raised by lesbians were more likely to have had a sexual relationship with someone of the same sex (5 daughters and 1 son from lesbian families, no children from heterosexual families). Also, significantly more of the daughters from lesbian families had previously considered or thought it a future possibility to have same-sex sexual attraction or a same-sex relationship. All of the participants had experienced at least one opposite-sex sexual relationship.

The commonly held assumption that children brought up by lesbian mothers will themselves grow up to be lesbian or gay is not supported by the findings of the study. The large majority of children who grew up in lesbian families identified as heterosexual in adulthood. However, Golombok and Tasker's study found that "[children] who had grown up in a lesbian family were more likely to consider the possibility of having a lesbian or gay relationship and to actually do so."

Although the first study began with a moderate size of participants, by the time this study took place, only a very small number of the participants remained in the study. This, coupled with the disproportionate numbers of men and women in each group, may cause sampling bias and the underestimation of statistically significant differences. The study has unique strengths in that the participants were surveyed over several years such that family relationships as a child were surveyed at the time the participant was a child, rather than through memory or reflection. The participants also represented a group of families from diverse socioeconomic and political perspectives.

1996. *Developmental Psychology*, Vol. 32, No. 1, pp. 3-11.

**Lesbian Mothers and Their Children:****A Comparison with Solo Parent Heterosexual Mothers and Their Children**

Richard Green, Jane Barclay Mandel, Mary E. Hotvedt, James Gray, Laurel Smith

**Summary:** This study found that children of lesbians and children of heterosexual single mothers show no differences in gender identity and social adjustment with peers. Some differences were detected in gender behavior: daughters of lesbians were found to be less confined in their choices by stereotypical notions of feminine- and masculine-appropriate behavior. Some significant differences were detected between the mothers themselves. Lesbian mothers had higher levels of self-confidence, sought more leadership roles, while the heterosexual mothers had lower self-confidence and sought subordinate roles.

**Measures:** Child's Social Adjustment with Peers, Parent's Psychological Well-Being, Child's Gender Behavior

**Type of Family:** Lesbian mothers (some with partners) and heterosexual mothers who were divorced, separated, or never married

**Limitations:** External variables, recruiting method

Green's 1986 study sought to understand the effects on children's sexual identity development in a father-absent household. It compared lesbian mothers and their children with single heterosexual mothers and their children. The study uses a model of sexual identity that includes gender identity (the sense of being either male or female), gender behavior (conduct that is considered stereotypically masculine or feminine), and sexual orientation.

The subjects included 50 lesbians and their 56 children (30 girls and 26 boys) and 40 heterosexual women and their 48 children (28 girls and 20 boys) from 10 states. Each mother had to be currently unmarried, the legal custodian of at least one child between 3 and 11 years, and have no adult male living in the house. The groups were matched in terms of mothers' age and race, children's sex and age, length of time separated from the husband/father, mother's current marital status, current family income, mother's educational level, and amount of time an adult male had not been living in the household. The children had a mean age of 8 years. The mothers were white women between the ages of 25 and 46 and had

been single for at least 2 years with a mean of 4 years. The majority were separated or divorced, although 3 of the lesbians were widowed, and 10% of both groups had never married. Income and occupation ranged from the unemployed on welfare to professionals who earned over \$2000 a month, with the median income being \$850 per month. The majority of women worked at least part-time, and education ranged greatly with the average having at least 2 years of college.

The mothers were given questionnaires which measured child raising, parenting experiences, marital and romantic relationships, divorce, sex roles, sex education of the children, and child discipline. They were also given personality tests and tests that measure gender behavior. In addition, mothers completed questionnaires about their children that covered sexual identity, peer group popularity, and preferred play activities. The children's intelligence was measured, and they were interviewed about sexual identity, family relationships, play preferences, friendships, television preferences, and thoughts about life as an adult.

The mother groups showed no difference in attitude scales or in gender roles. However, the lesbian mothers scored higher on self-confidence, seeking leadership roles, and eliciting attention from others while heterosexual mothers scored higher on abasement and seeking subordinate roles. The lesbian mothers were more likely than the heterosexual mothers to have played with boys' toys, to remember being called a "tomboy" after age 14, to wear pants instead of dresses, and to participate in feminist organizations. The heterosexual mothers were more likely to plan to remarry and to wear make-up.

No significant differences were found between the groups of children in terms of gender identity and gender roles. However, daughters of lesbians were more likely to want to be a doctor, lawyer, engineer, or astronaut, while daughters of lesbians were more likely to choose stereotypically feminine jobs. Daughters of both groups had more latitude in their clothing choices than the sons, though daughters of lesbians were slightly more likely to dress in pants and jeans than the other daughters.

In regard to preferences for gender-classified toys and activities, no significant differences were found in favorite type of television show, sex of their favorite television character, or favorite toys or games. Differences were noted in a few other areas – though the study does not specify these as significant differences.

More daughters of lesbian mothers than heterosexual mothers were reported to engage in “above average” participation in rough-and-tumble play. More children of lesbian mothers than heterosexual mother also showed a “considerable interest” in play-acting and role-taking. Daughters of heterosexual mothers were less likely than daughters of lesbian mothers to play with trucks, and almost twice as many daughters of heterosexual mothers than lesbian mothers were reported as never playing with guns. Sons and daughters of lesbians were more likely than heterosexual mothers’ children to prefer playing with children of both sexes.

No significant differences were found between the children in terms of their best friends and self- and parent-perceived popularity with children in school and their neighborhood.

None of the children in the study met the criteria for gender identity disorder. The daughters in general showed a wider range of gender behaviors than boys; and although the daughters of lesbians were more likely to be interested in activities that were not typically feminine, the sons in both groups were similarly masculine.

This study uses a moderate sample size from various locations that may more adequately represent a national demographic. However, many external variables in this study are not strictly monitored: some women had never married, others had not divorced, the lesbians were permitted to have a partner living in the household but the heterosexual women could not, the demographics of educational level and household income were not measured for their impact on the studies, etc. Additionally, the friendship referral network is not an ideal method of obtaining research participants.

1986. *Archives of Sexual Behavior*, Vol. 15, No. 2, pp. 167-185.

**Gay and Lesbian Parents**

Mary B. Harris and Pauline H. Turner

**Summary:** This study found no significant parenting differences between gay and lesbian parents and their heterosexual counterparts.

**Measures:** Quality of Parent/Child Relationship, Parent's Preference for Child's Gender Behavior/Sexuality

**Type of Family:** Divorced single-parents with children from previous marriage

**Limitations:** Small, non-random sample size, uncontrolled external variables, self-evaluation

The Harris and Turner study focused on gay and lesbian parents who retained custody of their children after divorce from opposite-sex spouses. While much of the study explores why gays and lesbians entered into marriage and how they realized their sexuality, other parts are dedicated to the parents' behavior towards their children's gender behavior and child-parent relationships.

The subjects for the study included 10 gay males, 13 lesbians, 2 heterosexual males and 14 heterosexual females. Heterosexual single mothers and single fathers were given one survey, and lesbian and gay parents were given a survey containing the same questions plus additional questions concerning their sexual orientation. The median age for the gay and lesbian parents was 39 years, while the median age for the heterosexual parents was 34 years. A large majority of both groups had college degrees, and about half of each group had professional careers. Surveys were distributed at local gay and lesbian churches, gay community centers, and single parent support groups, where people could retrieve them without giving up their anonymity.

No difference was found between the two groups in terms of parent's encouragement of gender-classified toys or of same-sex friends for their children. The heterosexual parents in this study made more of an effort to provide their children with role models of the opposite sex of the parent.

Harris and Turner also compared gay male parents to lesbian parents. They found that the gay male parents were more likely than lesbians to encourage their children to play with stereotypically gender-appropriate toys, were more likely to report greater satisfaction with their first child, and were less likely to report dis-

agreement with their partners over discipline. Lesbians, on the other hand, were more likely than gay men to see some advantages of their sexual orientation for their children in the areas of accepting their own sexuality, increased empathy and tolerance for others, and exposure to new points of view. Other differences included that gay men were more likely to be living with a romantic partner and to make more money than their lesbian counterparts.

The parents reported that the initial reactions of children of lesbian and gay males to their coming out varied considerably. The children's current feelings towards their parents were less varied: most were indifferent or supportive, a few were confused, and only one each was hostile, angry, or ashamed. One reported being proud.

Harris and Turner acknowledge that the study is more suggestive than conclusive. The limitations of the study include its small, non-random sample size. Also, the study was based on a self-evaluation questionnaire, in which participants may not always answer truthfully for a variety of reasons. Many external variables in this study were not controlled as strictly as in other studies, including economic status, age, and other characteristics of the participants.

1985-86. *Journal of Homosexuality*, Vol. 12, No. 2, pp. 101-113.

**Children's Acquisition of Sex-Role Behavior in Lesbian-Mother Families**

Beverly Hoeffler

**Summary:** This study found no significant differences between the gender behavior of children of lesbian and heterosexual mothers. It also found that lesbian mothers were significantly more likely to prefer a more equal mix of masculine and feminine toys, while heterosexual mothers tended to prefer that girls play with stereotypically feminine toys and boys play with stereotypically masculine toys.

**Measures:** Child's Gender Behavior, Parent's Preference for Child's Gender Behavior/Sexuality

**Type of Family:** Lesbian mothers and single heterosexual mothers

**Limitations:** Small, non-random sample size, comparing lesbian mothers who sometimes had female partners with single heterosexual mothers who had no male partners

Hoeffler's 1981 study examined the gender behavior of the children of lesbian and heterosexual mothers as well as the mothers' preference and influence on their children's gender behavior.

The study consisted of 20 lesbian and 20 heterosexual single mothers from the San Francisco Bay area whose oldest or only child was between 6 and 9 years old. All of the children were white, raised in the United States, and their fathers had left the household by the time they were 5 years old. The groups were matched by age and gender, so that each group had 10 boys and 10 girls.

There were no significant differences between the families in terms of marital status, educational background, or occupation. Most had at least a college degree, were separated or divorced, and worked in a white-collar occupation. All were white. The only major difference between the two groups is that while 95% of the lesbian mothers identified moderately or strongly with feminism, just 55% of the heterosexual mothers did so.

The children were tested for gender-classified toy preferences using a toy test, which consisted of showing children photographs of gender-typed masculine (e.g., toy snakes, trucks), feminine (e.g., beads, tea sets), and neutral toys (e.g.,

sea shells, marbles) to determine the child's preferences. The mothers were asked to choose the toys with which they would prefer their children to play. The mothers were also given a test to determine their attitudes toward the toys with which their children played.

No significant differences were found between the gender identity of children of lesbian and heterosexual mothers. The boys of both groups preferred masculine and neutral toys and girls preferred feminine and neutral toys.

However, the mother's sexual orientation correlated with their preference of toys for their children. Lesbian mothers generally did not base their preferences for toys on their child's gender, but heterosexual mothers tended to prefer masculine sex-typed toys for their boys and feminine sex-typed toys for their girls. Lesbian mothers were found to prefer a more equal mixture of masculine and feminine toys for their children than did heterosexual mothers.

Two variables limit our ability to generalize the findings in this study. The participants came from a small, non-random sample that was not representative of a national demographic. Also, Hoeffler's criteria for participation permits the lesbian mothers to have partners living in the household but did not allow the heterosexual mothers to have partners (no adult male was permitted to live in the house).

1981. *American Journal of Orthopsychiatry*, Vol. 51, No. 3. pp. 536-544.

**Children of Lesbian Mothers**

Mary E. Hotvedt and Jane Barclay Mandel

- Summary:** No significant differences were found between children of divorced lesbian and heterosexual mothers in terms of general well-being and relationships with peers. There were no differences between boys in terms of gender behavior, but daughters of lesbians tended to have preferences in play and career choice that were not confined by traditional notions of female toys and occupations.
- Measures:** Child's Psychological Well-Being, Child's Social Adjustment with Peers, Child's Gender Behavior
- Type of Family:** Divorced, separated, or widowed lesbian and heterosexual mothers
- Limitations:** This article combines a review of existing literature with a preliminary report on a study conducted by the authors

Hotvedt and Mendel intended this study to help provide answers to courts charged with determining child custody involving lesbian mothers. They compared lesbian and heterosexual single mothers.

Participants were selected from ten states representing the Northeast, Midwest, and South and came from both rural and urban areas. Lesbian mothers were required to be self-identified lesbians, have custody or joint custody of at least one child between the ages of 3 and 11, and have had no adult male in the house for at least 2 years. Heterosexual mothers were matched with the lesbian mothers on the basis of the mother's age and race, the children's age and sex, length of time separated from father, marital status (never married, divorced, separated, widowed), income level of the family, education level of the mother, and (when possible) mother's religion of upbringing. All of the participants were white and had been living as single parents for an average of 4-5 years. Income and occupation ranged from unemployed and on welfare to full-time professional women earning up to \$2000 per month. Education ranged greatly, but most participants had at least one year of college.

Each participant was required to fill out questionnaires and attitude/personality scales which measured parenting experiences, upbringing, marital and rela-

tionship patterns, and attitudes toward divorce, gender roles, sex education for children, and discipline. Children were interviewed and tested in the home on gender behavior, play preferences, friendships, television habits, and thoughts about adulthood.

No differences were found between the two groups of children in terms of the sex of their closest friends. Daughters of lesbian mothers tended to rate themselves more popular with other children than daughters of heterosexual mothers did; however, there were no differences between the two groups of sons. There were also no signs of gender identity confusion. The daughters of lesbians preferred possible careers that were not traditionally female occupations and engaged in somewhat wider variety of play than the other daughters.

Hotvedt and Mandel do not provide enough information to assess whether their study sample size was adequately large or randomly selected.

1982. *Homosexuality, Social, Psychological, and Biological Issues*, edited by W. Paul. Sage: Beverly Hills, CA.

## A Comparative Study of Self-Esteem of Adolescent Children of Divorced Lesbian Mothers and Divorced Heterosexual Mothers

Sharon L. Huggins

**Summary:** This study found no significant difference between the self-esteem of children with heterosexual mothers and children with lesbian mothers.

**Measures:** Child's Self-Esteem, Child's Sexuality

**Type of Family:** Divorced lesbian and heterosexual mothers

**Limitations:** Small sample size

Huggins sought to discern whether or not children with lesbian mothers suffer from social stigma in peer group relationships, and therefore have low self-esteem.

Huggins explored the self-esteem of 36 adolescent children, ages 13 to 19 years – 18 of the children lived with divorced heterosexual mothers and 18 lived with divorced lesbian mothers. Half of the children in each category were girls, and half were boys. All children and their mothers were non-Hispanic white and lived in Southern California. Huggins recruited the families through solicitation and personal referral by the study participants.

The study used a 58-item inventory that has been used in several self-esteem studies since 1967. A higher score on the inventory corresponds to a higher self-esteem. Huggins interviewed the adolescents and their mothers, and all the adolescents completed the self-esteem inventory.

There was no significant difference in the self-esteem of children with lesbian mothers and children with heterosexual mothers. However, children of both lesbian mothers and heterosexual mothers had higher self-esteem scores if their mothers were currently living with a partner or remarried.

Finally, although this was not an express purpose of the study, Huggins asked each of the adolescents whether or not they identified as gay or lesbian. Of the 36 adolescents, only one identified as gay. He was the son of a heterosexual mother.

This study used a small sample and its findings are more suggestive than conclusive.

1989. *Homosexuality and the Family*, edited by F.W. Bozett. Haworth: New York.

### The Children of Homosexual and Heterosexual Single Mothers

Ghazala Afzal Javaid

- Summary:** Significantly more lesbian mothers than heterosexual mothers expressed willingness to accept their child if he or she later came out as gay. No differences were found between the children in terms of gender identity or sexual orientation.
- Measures:** Child's Gender Behavior; Child's Sexuality; Parent's Preferences for Child's Gender Behavior/Sexuality
- Type of Family:** Divorced heterosexual mothers and lesbian mothers whose children were conceived in a heterosexual relationship
- Limitations:** Small, non-random sample size; compared some lesbian mothers with partners to single heterosexual mothers; unclear if other external variables are monitored; does not indicate whether or not differences were found to be significant

Javaid's 1992 study explored lesbian mothers and single heterosexual mothers and their children by focusing on the mother-child relationship, the mother's attitude toward the child's gender and sexuality, and the child's gender behavior and sexuality.

The participants included 13 lesbian mothers (mean age 37 years) and their children—15 boys and 11 girls— and 15 divorced heterosexual mothers (mean age 40.7 years) and their children—13 boys and 15 girls. Of the lesbian mothers, all were involved in a romantic relationship though only nine had a live-in partner; and all of their children were conceived in a heterosexual relationship. All of the heterosexual women had been divorced for at least two years, and none had an adult male residing in the household.

Significantly more lesbian mothers expressed willingness to accept it if their children later came out as gay or lesbian. Seven of the lesbian mothers expressed acceptance of (but not preference for) their children if they were to become gay; three of the lesbian mothers found it more acceptable if their daughters were to become lesbian than if their sons were to become gay. All of the heterosexual mothers said they would be disappointed if their children were gay, although some of the heterosexual mothers seemed more tolerant of their daughters becoming lesbian than their sons becoming gay. Also, some of the heterosexual

mothers indicated greater acceptance of their children becoming gay or lesbian if it happened later in life, for instance, after they had a family first.

Javaid found no differences between the groups in the children's attitudes towards marriage, having children, and sexuality. There were differences, however, between the responses of the boys and girls. The girls from both groups tended to deviate from conventional gender roles more often than the boys and were more likely to acknowledge that same-sex sexual attractions could exist.

Javaid's used a small, non-random sample and cannot be said to reflect a national population. It is also unclear if external variables were monitored.

1993. *Child Psychiatry and Human Development*, Vol. 23, No. 4, pp. 235-248.

**Lesbian Mothers and Their Children: A Comparative Survey**

Martha Kirkpatrick, Catherine Smith, and Ron Roy

- Summary:** This study found no difference between children of lesbian mothers and children of single heterosexual mothers in psychological well-being or gender behavior.
- Measures:** Child's Psychological Well-Being, Child's Gender Behavior
- Type of Family:** Lesbian and heterosexual women, most of whom were divorced
- Limitations:** Small, non-random sample size; external variables not monitored

Kirkpatrick, Smith and Roy investigated the children of lesbian and heterosexual women through the observations of two psychiatrists and one psychologist. Two of the professionals were not aware of the sexual orientation of the child's mother until the evaluations were completed.

Participants included 40 children – 10 sons and 10 daughters of lesbian mothers and 10 sons and 10 daughters of single heterosexual mothers. All children were between the ages of 5 and 12. The mothers were contacted through friendship circles and through a local National Organization of Women (NOW) newsletter. They were found to be similar in their socioeconomic status and occupational history, age at marriage and length of marriage, pregnancy and delivery histories, and age at children's birth. There was also no difference found between the groups in terms of maternal interest; however, the heterosexual mothers tended to have larger families due to remarriages or children after divorce. Almost all the mothers were working, in school, or both. Both groups were also similar in the age of child at separation and the length of time since separation except for two children in the lesbian groups who never had a father in the home.

Children's psychological well-being and gender behavior were extensively evaluated through tests and a 45-minute interview. The results between the two groups were found to be "remarkably" similar despite the small sample size. Almost 90 percent of both groups were rated as minimally to not disturbed or as moderately disturbed with only one boy and one girl from the lesbian group and one boy and two girls from the heterosexual group reported as severely disturbed.

Gender evaluations were based on historical data of favorite toys and games, the sex of closest friends, a Human Figure Drawing test, and responses to questions concerning sex, current interests, and future roles. There was no difference between the two group of children in terms of gender behavior. The researchers found that lesbian mothers tended to be more concerned than heterosexual mothers with providing their children with male figures in their lives. Overall, the two groups were very similar with no difference found between the groups in type or frequency of pathology or in gender development.

The sample size was exceptionally small in this study. Many external variables were not monitored, for example, some of the lesbians had children from heterosexual marriages while other used donor insemination.

1981 (July). *American Journal of Psychiatry*, Vol. 51, No. 3, pp. 545-551.

**Heterosexual and Homosexual Mothers' Self Described Sex-Role Behavior and Ideal Sex-Role Behavior in Children**

Sally L. Kweskin and Alicia S. Cook

**Summary:** This study found that a mother's gender behavior – not her sexual orientation – may be a more important influence on her children's gender identity.

**Measures:** Parent's Preferences for Child's Gender Behavior/Sexuality

**Type of Family:** Lesbian and heterosexual single-parent families

**Limitations:** Small sample size, non-random sample, self-described test

This study asked mothers to self-describe their gender behavior (measuring according to stereotypically feminine versus masculine traits, behaviors, and preferences) and their ideal gender behavior for their children.

Twenty-two heterosexual and 22 lesbian single mothers were surveyed. There were no significant differences between the groups in terms of age, income, education level, number of children, length of previous marriages, or number of years living without a husband in the household. The lesbian mothers, however, were more likely to report a live-in partner; and of both the lesbian and heterosexual mothers who reported a live-in partner, the lesbian mothers were much more likely to report that the partner helped in child-rearing.

Both groups were divided into two groups of eleven each, depending on the gender of their child. They were then mailed two gender behavior inventory tests, one for themselves and one for their child. Instructions were included for the mothers to rank themselves and their "ideal" child (boy or girl, depending on the group they were assigned).

The study found no statistically significant differences between the two groups in their descriptions of their own gender behavior. The study also found no significant differences between the mothers' rankings of their ideal child; there were no significant differences in the preferred gender behavior between ideal male and female children. However, significant differences were found when the mothers were divided by their gender behavior instead of sexual orientation – mothers were more likely to rank their ideal child's gender behavior the same as their own.

The size of the samples in this study were very small, and the sample was not random or necessarily representative of the heterosexual and lesbian populations. Findings rely on participants' self-reporting.

1982. *Sex Roles*, Vol 8., No. 9, pp. 967-975.

**Families and Parenting:****A Comparison of Lesbian and Heterosexual Mothers**

Kevin F. McNeill, Beth M. Rienzi, and Augustine Kposowa

**Summary:** This study found that lesbian and heterosexual mothers groups did not differ significantly in relationships with their children, parenting practices, and overall family stress.

**Measures:** Quality of Parent-Child Relationship, Parenting Practices, Parent's Psychological Well-Being

**Type of Family:** Lesbian and heterosexual mothers

**Limitations:** Small, non-random sample size

This study investigated the stigmas surrounding lesbian motherhood. Through the study, the researchers sought to assess lesbian and heterosexual mothers in the areas of family and relationship dysfunction, parent-child relationships, and family dynamics.

Participants included 24 lesbian mothers and 35 heterosexual mothers with mean ages of 37.1 and 34.1, respectively. Each mother had at least one child. The lesbian mothers had an average of 1.38 children while the heterosexual mothers had an average of 1.89 children. Each mother completed four inventories that were designed to measure perceived family or relationship problems, quality of parent-child relationship as perceived by the parent, family competence (knowledge of the parental role), and perceived quality of the couples' relationships.

There were no significant differences found between the two groups in terms of family awareness, family relationships, and parent-child relationships.

The sample was small and a non-random method of recruiting the participants was used. The researchers asserted that this study is not conclusive and more research is needed in this area.

1998. *Psychological Reports*, Vol. 82, pp. 59-62.

## The Child's Home Environment for Lesbian vs. Heterosexual Mothers: A Neglected Area of Research

Judith Ann Miller, R. Brooke Jacobsen, Jerry J. Bigner

**Summary:** This study measured the way lesbian and heterosexual mothers responded to a variety of situations involving their children. It found that lesbian mothers were significantly more likely to respond in a child-oriented way (oriented more towards helping the child understand the situation) than the heterosexual mothers who responded in more task-oriented ways (simply disciplining the children without explaining why).

**Measures:** Parenting Practices

**Type of Family:** Lesbian and heterosexual mothers with children from marriages; some married, separated, or divorced

**Limitations:** Small, non-random sample, external variables

Researchers explored and compared the parenting practices of lesbian and heterosexual mothers. The sample of lesbians was recruited from a feminist recreation center and the heterosexual mothers were recruited from local Parent-Teacher Association (PTA) meetings. There were 34 lesbians with a mean age of 32.6 years and 47 heterosexual mothers with a mean age of 35.6 years.

Over 94% of the lesbian mothers reported a household income of less than \$15,000, while over 87% of the heterosexual mothers reported an income over \$15,000. Also, all of the heterosexual women in the group were married while the vast majority of the lesbians were divorced. While lesbians were allowed to include their partners' income in their total household income, almost one-quarter of them did not have a partner. The lesbian mothers were more likely to work outside of the home than heterosexual mothers – two-thirds of the heterosexual mothers also identified as a housewife. No lesbian mothers identified as a housewife.

The subjects were asked to complete a self-administered questionnaire and to respond to a slide presentation administered at the recreation center and at the PTA meetings. The slide presentation consisted of slides portraying a situation involving children in various situations, which were divided into three different categories: fighting, disrupting furniture, or refusing to go to bed. The mothers were given three options of response. The responses were categorized as adult-

oriented, child-oriented, and task oriented. For example, one slide portrayed two children in a sword fight, with the smaller child in imminent danger. The choices for response were: (a) "Break it up. Stop that, right now" (Adult-Orientated Response); (b) Talk to them about how hitting can hurt and suggest something else for them to do (Child-Oriented Response); (c) Take the sticks away from them (Task-Oriented Response).

There were significant differences that indicated that lesbian mothers were more likely to be child-oriented than heterosexual mothers. Approximately half of the lesbian mothers reacted in a child-oriented way and approximately half of the heterosexual mothers responded in a task-oriented way to scenarios involving fighting between the children. In the "children disrupting furniture" examples, lesbian mothers overwhelmingly responded in child-oriented ways. While the majority of heterosexual mothers also responded in a child-oriented manner, one-third responded in an adult-oriented manner. Less than 6% of the lesbian mothers responded in an adult-oriented manner.

This study, like many of the studies, has the usual problems of small, non-random sampling. It also has the problem of uncontrolled variables, such as age, income, and education level.

1981 (Fall). *Journal of Homosexuality*, Vol. 7, No. 1, pp. 49-56.

**Children of the Lesbian Baby Boom: Behavioral Adjustment, Self-Concepts, and Sex Role Identity Charlotte Patterson**

- Summary:** This study found that children of lesbian mothers did not differ from other children in the areas of psychological well-being, social adjustment with peers, and gender behavior. The children of lesbian mothers had two differences: they tended to have both a higher stress level and a higher sense of well-being.
- Measures:** Child's Psychological Well-Being, Child's Gender Behavior
- Type of Family:** Lesbian mother(s) with children from both conventional, heterosexual conception and donor-insemination
- Limitations:** Small sample size, non-random sample, control group from separate studies

In this study, Charlotte Patterson explored the social adjustment, psychological well-being, and gender behavior of children of lesbian parents and compared them to scores of average, non-clinical (no detected psychological problems) children from two other studies (one from 1983 and one from 1990) that measured children from heterosexual families in the same areas. This study was intended both to describe the families and explore their development.

Patterson recruited families through friends, acquaintances, and colleagues. The three requirements for eligibility were: (1) at least one child between 4 and 9 years of age had to be present in the household; (2) the child had to be born to or adopted by a lesbian mother or mothers; (3) the family had to live within the greater San Francisco Bay Area. Thirty-seven families were selected to participate. The majority were headed by a lesbian couple, although single-parent and separated-parent families were also represented. Most were white, had college degrees, and high-paying jobs.

The children were assessed using a standardized child behavior checklist and a survey questionnaire, and they took part in a standard interview relating to gender identity. The children were evaluated in levels of aggression, stress reactions, closeness to other people, social potency (desire to be the center of attention), how they responded to their problems, and overall well-being.

The scores for the children of lesbians were found to be similar to the other children in aggression, closeness to other people, social potency, gender behavior, and the way the children handled problems. The children of lesbians were found to report greater stress reactions and a greater sense of well-being than those of the heterosexual sample.

Obvious limitations of the study include the method by which the participants were selected and the small sample size. This study, like many of the studies, could not stand alone as a single authority on lesbian and gay parenting; however, its findings are consistent with numerous other studies on the children of lesbian parents.

1994. *Lesbian & Gay Psychology: Theory, Research, and Clinical Applications*, edited by B. Green and G.M. Herek. SAGE: Thousand Oaks, California.

**Psychological Health and Factors****The Court Seeks to Control in Lesbian Mother Custody Trials**

Catherine Rand, Dee L. R. Graham, and Edna I. Rawlings

**Summary:** This study found no significant differences between lesbian mothers and other mothers in psychological health. It also found that divorced lesbians tend to have a better level of mental health if they are open about their sexuality to their children and former husband.

**Measures:** Parent's Psychological Well-Being

**Type of Family:** Lesbian mothers with biological and adoptive children

**Limitations:** Small, non-random sample size

Rand discussed many of the barriers lesbian mothers face when seeking custody of their children after a divorce. Even if a mother is granted custody of her children, it is often with restrictions such as orders that she not live with or see a lesbian partner or not be involved with feminist organizations. The authors sought to research whether these restrictions affect the mothers' overall well-being.

Twenty-five lesbian mothers were interviewed. They were all white and ranged from 23 to 46 years old with a mean age of 33.6 years. Their education level was relatively high. The sample included people from a liberal East Coast community as well as from conservative midwestern communities. Participants worked in a variety of occupations, from college professors to gas attendants. The average income was \$10,140. Some women were divorced, separated, or never married. Thirty-nine of the children were biological children of the mothers; two were adopted.

The interviews covered the subjects' lifestyles, including relationships, co-habitation with a partner, frequency of contact with a lesbian community, openness about sexuality, and acceptance of sexuality. Standardized psychological tests evaluated self-acceptance, well-being, and achievement via independence, as well as the lesbian mother's "happiness."

The results were compared to a standardization sample from one of the assessment surveys. They indicated that the lesbian sample was at least as psychologically healthy as the large standardization sample. The results indicated that the follow-

ing things positively impacted psychological health: openness about one's lesbianism with one's child, ex-husband, employer, involvement with a lesbian community; amount of feminist activism; and acceptance of one's lesbianism. Overall, the happiest mothers were those who were the most accepting of their lesbianism.

Like most studies investigating marginalized minorities, this study had to rely on participants recruiting other participants and word-of-mouth means. The sample size was also small; however, the study did sample lesbians from diverse geographical locations, financial levels, and political atmospheres, which may make it more representative of the diverse nature of the lesbian mother population than other studies.

1982 (Fall). *Journal of Homosexuality*, Vol. 8, No. 1, pp. 27-39.

**Rozzie and Harriet?: Gender and Family Patterns of Lesbian Coparents**

Maureen Sullivan

**Summary:** This study investigated the relationships of lesbian couples who have children and the way these women share responsibilities. The study found that most of the couples share responsibility in more egalitarian ways than the stereotypical, nuclear family model, but the author did not study any heterosexual parents.

**Measures:** Parenting Practices

**Type of Family:** Lesbian mothers with Donor-Inseminated Children

**Limitations:** Small sample size, non-random sample, doesn't control for variables like income level

Maureen Sullivan explored the division of household, economic, and childcare responsibilities in the relationships of lesbian mothers. The study did not specifically investigate the impact of lesbian mothers on their children. Sullivan suggests that her findings about the division of responsibilities between lesbian coparents may have implications for their children's understanding of gender and gender roles.

Sullivan chose families in which the children were conceived through donor insemination. She conducted interviews over a ninth-month period with 34 couples who lived in and around San Francisco. Seven of the couples were recruited through Sullivan's personal contacts and through their network of acquaintances; the rest responded to a letter sent to a selection of clients of a San Francisco sperm bank and insemination clinic. The participants represented a non-random sample. The vast majority of the participants had high levels of education and income, and although the couples were racially diverse, they could not be said to be representative of the general population.

The interviews were conducted in the participants' homes, and Sullivan met the children and observed interactions among the family members. Questions included demographic data concerning ethnicity, family income, job position, and education. More in-depth questions were also posed, including questions about the mothers' lives before they met their partners; how they planned their families; how they decided who would be the biological mother; how their lives

changed after the child was born; how much each contributed to the family income; how the childcare responsibilities were divided; how other domestic work was divided; and their satisfaction with their relationship and the division of work.

Almost all of the couples (29 out of 34) reported that they treated parenting and household work as equally shared responsibilities. If one partner did take on more responsibilities in either area, that partner was no more likely to be the biological mother than the non-biological mother. The study also found that these “equal sharing” couples made decisions in an egalitarian way.

Five of the families fell into a more traditional gender-role pattern which Sullivan dubbed the “Rozzie and Harriet” pattern in which one woman tended to be the primary “breadwinner” and the other, the primary “caregiver.” These couples experienced many of the problems associated with heterosexual couples in which the mother does not work, including the caregiver being dissatisfied and the breadwinner experiencing feelings of distance from the home and the child. The mothers in these families tended to be less satisfied with their relationships than did couples who claimed a more equal sharing of responsibilities.

Sullivan says her study is suggestive but not conclusive. Her main finding is that lesbian co-parents tended not to replicate traditional heterosexual gender role behaviors, which may make for healthier and happier relationships. The study is severely limited by the small number of families interviewed and by the means of recruiting the participants. Also, Sullivan attempted to compare the families to the stereotypical nuclear family (the “Ozzie and Harriet family,” as she names it), but she does not actually interview any heterosexual families. Instead, she relies on stereotypes of the ideal nuclear family of the 1950’s, which may not be an accurate representation of actual heterosexual families today.

1996 (December). *Gender & Society*, Vol. 10, No. 6, pp. 747-767.

# 5

## The Legal Case

# Restrictions on Gay Parenting Are Illegal

**B**ecause he is gay, a Mississippi man couldn't get custody of his 15-year-old son even though the boy's step-father beats his mother in front of him. A lesbian who adopted a troubled boy and helped him overcome his problems and succeed in school can't adopt another child because her home state now disapproves of gay people. A lesbian mother is forced to move out of the home she jointly owns and has shared with her partner and children for several years because her ex-husband says she's violating their divorce agreement. The legal battle over gay parenting is as wide-ranging as the types of families headed by lesbians and gay men.

This chapter of "Too High A Price" lays out the legal arguments that are most commonly used to fight restrictions on gay parenting. These legal efforts often use a combination of state law claims and federal and state constitutional claims. The most powerful weapons against restrictions on gay parenting are based on the U.S. Constitution's guarantees of equal protection of the laws, due process, and intimate association. That's because when there is a conflict between a law or an individual family court judge's ruling and the federal Constitution, the Constitution always prevails. On the other hand, our first choice is usually to make arguments that a particular family court judge's ruling is inconsistent with the state's laws. Declaring that something is unconstitutional is about the most far-reaching thing a court can do. Those decisions can't be changed by legislatures or Congress; they are the most sweeping possible use of a court's power. So most courts are reluctant to make a constitutional decision if a more modest or "narrower" basis is available. On the other hand, if a state has a clearly anti-gay law, a constitutional attack may be the only option.

This section generally explains the constitutional claims and a few of the state law principles and how they're used, and provides examples from recent court cases.

## RESTRICTIONS ON GAY ADOPTION

Most states in the country consider adoption applications on a case-by-case basis and have no blanket ban on adoption by lesbians and gay men. Nevertheless, sometimes judges deny adoption applications either explicitly because a prospective parent is gay, or under circumstances which make it fairly easy to conclude that was the reason (to have any chance of successfully attacking an order which is not explicit, the anti-gay motive has to be pretty obvious).

One way to attack these orders is to say that they are not allowed under state law. Since state laws usually require a case-by-case evaluation, it can be argued with considerable force that state law simply does not allow decisions to be based on one aspect of a person's identity. More importantly, since most state laws require that decisions be based on the "best interests of the child," arguably no factor should even be used against a prospective parent (much less be the basis for a disqualification) unless it is actually shown to be harmful or damaging to children.

A few states do have laws which restrict gay adoption. This section outlines some of the constitutional arguments that can be used to challenge those restrictions (and which can also be used to challenge an individual judge's decision to deny an adoption because a prospective parent is gay). And of course, these are also the constitutional concerns that will inevitably arise in any legislation aimed at excluding lesbians and gay men from being able to adopt.

The restrictions on adoption by lesbians and gay men that currently exist take several forms, as discussed in Chapter 2. Florida bans adoption by all gay people. Mississippi bans adoption by lesbian or gay couples, but has no ban on adoption by single people, even if they are lesbian or gay. Utah restricts adoption to married couples, which of course effectively excludes lesbians and gay men, who cannot marry (and are exactly who that law was targeting when it passed). Finally, Arkansas and Nebraska do not ban adoption by lesbians and gay men but do prohibit them from becoming foster parents.

The primary weapon against restrictions on adoption by lesbians and gay men is the U.S. Constitution. The Fourteenth Amendment to the Constitution mandates that all citizens are entitled to equal protection under the law. The courts say this means that the government may not treat one group of people differently from

others unless it can fairly say that it is treating them differently to achieve some legitimate policy goal. Except when the group singled out for unfavorable treatment is one that has historically been the target of prejudice, the courts give government tremendous leeway in deciding if it is fair to treat a group differently. So most of the time, the courts say that the different treatment must simply have a “rational relationship” to a “legitimate state interest.” That means, the courts say, that if anyone could rationally think that treating the group in question differently would help bring about a legitimate policy goal, the government can do it. The focus is on what someone could (legitimately) think about what different treatment would accomplish, not whether, in the end, they are right or wrong about what it does.

So far, most courts have not been willing to say that lesbians and gay men have historically been victims of prejudice. So the analysis which gives the government so much leeway is usually the one used to evaluate bans on adoption by gay people. Even so, the bans should not survive.

First, states often admit that the purportedly “legitimate state interest” of a restriction on adoption is some version of expressing disapproval of lesbians and gay men. But disadvantaging any group of people, including lesbians and gay men, simply to say that you don’t like them is not a “legitimate” state purpose. As the U.S. Supreme Court has made clear, “if the constitutional conception of ‘equal protection of the laws’ means anything, it must at the very least mean that a bare congressional purpose to harm a politically unpopular group cannot constitute a *legitimate* governmental interest.” *U.S. Dep’t of Agric. v. Moreno*, 413 U.S. 528, 534 (1973). Illegitimate “disapproval” does not become “legitimate” simply because the state says that its disapproval is based in morality. Virtually every time a state has said that it wanted to discriminate against a group because it disapproved of them, that disapproval has been wrapped in “morality.” Some states tried to ban interracial relationships, keep women out of the workplace, and even sterilize the mentally disabled, all in the name of morality. The equal protection clause does not allow discrimination against any group just because those in power don’t like them, and it doesn’t matter if the dislike can be couched in high-minded terms like “morality” or not. Discrimination based on dislike is simply discrimination for its own sake, which is precisely what the equal protection clause forbids.

Second, states may argue that restrictions on adoption by lesbians and gay men are designed to advance the best interests of children. While this interest looks legitimate at first blush, the equal protection clause still requires that there be a plausible connection between the adoption restriction and the state's goal of ensuring that children are well off. That connection is lacking in most if not all adoption restrictions aimed at lesbians and gay men. For example, if the state's goal is to place as many children as possible with married two-parent families, excluding lesbians and gay men will simply do nothing to further that goal, since the exclusion will not create more married two-parent households willing to adopt. Further, if in fact the state cannot place all of the children in its care in married two-parent families, or even with single parents who are willing to adopt, but instead leaves many children in foster care, the exclusion of lesbians and gay men from the pool of people eligible to adopt simply does not further the state's goal.

What a state does often undercuts its own explanations for restricting adoption by lesbians and gay men. It is not unusual, for example, for a state to place children in long-term foster care with lesbians and gay men, which in effect amounts to permanent placement. Moreover, it is virtually impossible to credibly explain banning adoption by lesbians and gay men, while evaluating all other adoption applicants on a case-by-case basis. As explained in Chapter 4, there is no credible scientific evidence that heterosexuals make better parents than lesbians and gay men do. So the best the state can offer is speculation.

While at first that might seem to be enough to get past the "rational relationship" standard, the state has a further problem. There is plenty of evidence that people with some character traits generally do make poorer parents. This is true of people with a history of substance abuse, and people with a history of child abuse, as well as people who have abandoned children in the past, and people who have failed to keep up child support in the past. Even far less negative characteristics, like relative poverty, relative lack of education, and having had parents who were abusive or negligent, are said by some to be traits of individuals who will have a harder time becoming good parents. So the formidable task the state faces is explaining why it makes sense to absolutely prohibit gay people from adopting, in the absence of evidence of harm, while all these other groups are permitted to apply and be individually evaluated despite real, concrete evidence of harm.

If the state cannot explain why it draws the line of blanket exclusion at lesbians and gay men, but allows applications from those whom it knows to pose a significant risk to children, it violates the Constitution's equal protection guarantees.

Discriminating against lesbians and gay men in adoption also denies equal protection to children who are being raised by lesbian and gay foster parents, guardians, and other care givers who are otherwise willing and able to adopt them. Unlike their peers who have the potential to be adopted by their heterosexual care givers, and thus, get all of the emotional and tangible benefits associated with being adopted, children raised by lesbians and gay men are shut out of the possibility of being adopted, and instead, left vulnerable to being separated from their families. And for all the reasons detailed above, the equal protection clause does not permit this kind of discrimination against children based on their parents' status.

Restrictions on joint adoption by same-sex couples in states which allow married people to adopt jointly are subject to very similar constitutional objections.

Until 1996, most lower courts assumed that the U.S. Supreme Court would not strike down any law which discriminated against gay people. Particularly in a 1986 case which upheld Georgia's sodomy law, the court displayed considerable hostility to civil rights claims made on behalf of lesbians and gay men. That assumption began to change after the Supreme Court struck down a section of the Colorado constitution that said neither cities nor the state could pass civil rights laws protecting gay people. But attitudes change slowly, and litigation takes time. So while it seems very clear that gay adoption bans are based on nothing but prejudice, it may take some time before the courts strike them down.

## **REFUSAL TO RECOGNIZE GAY PARENTS**

Beyond adoption, some states have laws, policies, or court rulings that deny or severely limit recognition of the family relationships that exist between children and their lesbian or gay parents. As described in Chapter 2, these include (among others) rules which deny lesbian or gay biological parents custody of their children, or which always prefer custody with heterosexual parents; rules which forbid visitation if a gay parent lives with a partner; rules which do not recognize

the relationships partners of parents have with children they actually raise; and rules which do not allow gay people to adopt the children of their partners.

All of these policies that deny full recognition to family relationships because a parent is gay run afoul of the constitutional right to equal protection, discussed above. But since these situations all involve lesbians and gay men who have formed family relationships with children, they also violate the right to family integrity.

The right to form and maintain parent-child relationships without interference from the state is perhaps the oldest of the fundamental rights that the Supreme Court has recognized. It is protected under the due process clause of the Fourteenth Amendment. The government may not interfere with parent-child relationships or meddle in parental decision-making unless it has a compelling reason to do it – e.g., if it is acting to protect children against significant harm. Thus, for example, states can protect children’s physical safety by requiring vaccinations or forbidding child labor despite parental objections. But states generally can’t second-guess a parent’s decisions about whether a child will spend time with other relatives. And except in very unusual circumstances, they cannot override a parents’ decisions about education, medical care, etc.

When parents divorce, courts often have to make choices about custody, or at a minimum about the allocation of time. The constitutional right to family integrity doesn’t prevent that. It does say that a decision cannot be based on something like sexual orientation which has nothing to do with a child’s well-being. Restrictions which say that a gay parent can have custody or visitation only in the absence of a partner are even more problematic. Everyone in the county has a right to intimate association – to form the core emotional relationships with another person that are the source of the greatest personal satisfaction for so many people. In fact, that right stems from the same source in the due process clause as the right to family integrity. “No partner” custody and visitation restrictions in effect ask gay people to choose between their constitutional right to family integrity and their constitutional right to intimate association. But the constitution does not allow the government to demand such choices unless they are essential to a compelling interest – in this context, child welfare. And they are not.

Rules that refuse to recognize the relationships gay people have with their partners' children raise a different issue. Frequently, gay men and lesbians raise the children of their partners jointly with those partners, functioning as parents every bit as much as the biological parent. Occasionally, they are the primary caretaker for their partners' children. Yet as the partners of biological parents, they have virtually no legal status in many states.

In states which do not recognize partners for their parental role, they have a powerful claim. The Supreme Court has long recognized that it is not biological parent-child relationships alone that are entitled to constitutional protection. The critical core of the family interest protected by the due process clause, according to the Court, is the emotional bond that develops between family members as a result of shared daily life. Partners who are equal co-parents, in other words, should be able to insist the same recognition from states as biological parents, as part of the right to family integrity.

As with the equal protection claims, change will not come over night. But, in fact, some states have begun to say (usually as a matter of state law) that those who truly function as parents deserve to be legally treated as parents, or at least as family members. Among those states are Maryland, Massachusetts, New Jersey, New Mexico, Pennsylvania, Rhode Island, and Wisconsin. Courts are also slowly but surely abandoning "no partner" visiting restrictions. And courts now widely reject using sexual orientation as a negative factor in making custody decisions.

As lesbians and gay men increasingly choose to have children – through increasingly diverse methods – this area of law will evolve and grow. But all of our work must remain guided by the fundamental principle that it's unconstitutional to let anti-gay bias disadvantage lesbian and gay parents or their children. The ACLU Lesbian & Gay Rights Project, nationally and through affiliate offices in every state, is a resource for gay parents who need help or lawyers looking for advice and assistance. Call 212-549-2627 or e-mail [lgbthiv@aclu.org](mailto:lgbthiv@aclu.org).

# 6

## Debunking the Myths

# Arguments Against Gay Families, and Why They're Wrong

**M**ississippi State Senator Ron Farris sums it up: “No child should be permitted to enter that type of setting.” A gay home is a bad home. Gay parents make bad parents.

This is why people say they want to limit the rights of gay parents. For them, it's better for a child to have no home at all than to have a gay home.

Across all the different cases and situations, anti-gay activists use the same handful of arguments. They use these arguments on talk shows, in testimony before child welfare boards, and in speeches before legislators. It's important to take these arguments seriously, because they have convinced people to restrict gay parenting – like the state legislators in Mississippi who banned gay couples from adopting children in 2000. Taking them seriously doesn't mean believing them, it means understanding why they are wrong and how to respond with reason and truth.

The arguments of anti-gay activists run throughout this book, and the book as a whole provides concrete, substantial responses to those arguments. But this chapter of “Too High A Price” captures the five main anti-gay parenting arguments and refutes each of them, point-by-point. The aim is to show how these arguments are grounded in distortions and lies and to help those who fight restrictions on gay parenting in their own communities.

**ARGUMENT #1: KIDS NEED A MARRIED MOM AND DAD.**

“I’m a big believer that a man and woman who are married should be the parents of children.”

–*Florida State Representative Mike Fasano, defending his state’s anti-gay law, 2002*

“Our Judeo Christian tradition and all of human history tell us what most Americans still regard as common sense: that a child needs a mother and a father, and that marriage is the best setting for raising a family.”

–*Robert Knight, Concerned Women for America, arguing that we need more states with anti-gay adoption laws, 2001*

“The fact is, we’re requiring marriage as an indicator of legality and stability. People who are living together without the benefit of marriage are not in a legal relationship.”

–*Scott Clark, President of the Utah Board of Child and Family Services, describing his rationale for a state ban on adoption by unmarried parents, 1999*

The social science clearly refutes this argument. Most studies on children being raised by unmarried parents focus on single, heterosexual mothers. At least one such study conducted by researchers at John Hopkins University found that children are not necessarily better off with married parents (“Two Parents Not Always Best For Children, Study Finds,” *New York Times*, February 21, 2002). Social scientists tend to agree that problems with child development are often attributable not to marriage status, but instead to a variety of other factors such as parents’ income and education level. More importantly: none of the studies focusing on the effects of marriage have looked at gay parents. The only studies that compare same-sex parents to heterosexual parents are the ones in Chapter 4 – none of which found that children in homes with a married mother and father do better than those in homes with gay parents.

Practically speaking, it is simply deceitful to claim that children without homes have an option between a married mother and father or some other type of parent. These children have no parent – neither a mother nor a father, married or unmar-

ried. There are not enough married mothers and fathers who will take them. Every year, 46,000 kids are adopted from public child welfare agencies. In the six months between Oct. 1, 1998, and March 31, 1999, 143,000 kids entered foster care. If foster care agencies wait for married couples to come along, thousands of children will never know what it means to have a parent at all.

## **ARGUMENT #2: KIDS NEED A MOTHER AND A FATHER TO HAVE PROPER MALE AND FEMALE ROLE MODELS.**

“Do we want our children to see an aberrant model of what it means to be a woman, a woman who hates men? What will this result in? More shame, more gender confusion, more magnified adolescent rebellion, and resentment.”

*–Dennis Rainey, head of Family Life, testifying to the Arkansas Child Welfare Agency Review Board, 1998*

“Children are very aware of gender identity around age three, some a little earlier. So from that early point on, they are observing and seeing what it’s like to be a man and a woman, and how they should relate in a relationship.”

*–Dr. Carey Lampton, testifying before the Arkansas Child Welfare Agency Review Board on the same day that the Board voted to prohibit gay people from becoming foster parents, 1998*

“Children should have a male and female parent to grow up and have a normal life. I’d hate to think I grew up with a dad and a dad instead of a mom and a dad.”

*–Mississippi State Representative Tom Cameron, arguing that his state should ban all gay adoption, 2000*

“They [the studies] found that children brought up in lesbian homes were more likely to experiment with homosexuality than children reared in heterosexual households; that children were less likely to adhere to culturally-accepted gender roles; that boys were more feminine and girls were more masculine in lesbian households.”

*–Reverend Lou Sheldon, decrying the recent American Academy of*

*Pediatrics report that being gay doesn't make automatically one a bad parent, 2002*

Research that compares children raised by heterosexual couples with children raised by same-sex couples simply does not say that a heterosexual family is best for a child. It does say, however, that gay men and lesbians can raise children just as well as their heterosexual counterparts. Children do best with a range of role models and a community of nurturing and responsible adults. They find their role models in coaches, teachers, grandparents, friends, and neighbors. Everywhere you turn, single parents are raising children. Grandparents, older brothers, uncles and aunts are raising children. They are raising millions of children without any of this so-called gender confusion.

Some anti-gay activists will misuse the studies on gay parenting to attack the children of gay parents. They do so by turning what is merely a difference into a defect. One study, for example, found that daughters of lesbians are more likely to want to be doctors or astronauts than daughters of heterosexuals. In the mouths of anti-gay activists, this gets called a gender disorder. Another study found that daughters of lesbians are more likely to wear pants and jeans than daughters of heterosexuals. When the activists describe it, this becomes deviant cross-dressing.

One anti-gay activist deliberately distorted the results of a study to imply that gay parents want their kids to be gay. In a law review article used by judges and lawyers during custody proceedings, Brigham Young University professor Lynn Wardle (who is a law professor, not a social scientist) reports that one study found “three of the thirteen [lesbian] mothers preferred for their daughters to become homosexual.” In fact, the study finds no such thing. Instead it says that the three mothers did *not* prefer for their children to be gay, but found homosexuality, “if it had to be, more acceptable for their daughters than for their sons.”

### **ARGUMENT #3: GAY PEOPLE CANNOT PROVIDE STABLE HOMES.**

“Homosexual people are unstable in their lifestyle – period.”  
–*Oklahoma State Representative Tim Pope, arguing that his state should ban gay people from adopting children, 1999*

“We know from much of the studies that have been done, that in gay households typically, those situations are often unstable. There are more depressions, more cases of suicide, more sexual partners in cases where you have gay couples, more domestic violence.”

—*Ken Conner, President of the Family Research Council, arguing in support of Florida’s gay adoption ban on CNN, 2002*

“Exposing a child to such behavior has a destructive and seriously detrimental effect on the children. It is an inherent evil against which children must be protected.”

—*Chief Justice Roy Moore of the Alabama Supreme Court, denying custody to a lesbian mother, 2002*

It is just not true. Not one credible study has ever found that somebody’s sexual orientation alone makes him or her more likely to provide an unstable home.

Child welfare groups, such as the Child Welfare League of America and the North American Council on Adoptable Children, agree with this, as does the American Psychological Association. Time and again mainstream groups have said that gay and lesbian parents are as likely to provide supportive, healthy homes as heterosexual parents. Recently, the American Academy of Pediatrics added its voice to the chorus.

Gay couples have no more conflict or instability than non-gay couples. One recent 12-year study (by respected marriage researchers Dr. John Gottman from the University of Washington and Dr. Robert Levenson of the University of California-Berkeley) confirmed this and even found that gay and lesbian couples have unique emotional qualities that help them stay together. Compared with heterosexual couples, gay and lesbian couples are more upbeat in the face of conflict and use fewer controlling, hostile emotional tactics.

Those who would restrict gay parenting say that gay parents have higher rates of depression, suicide, and domestic violence. This is a deliberate attempt to trick the public and neglects to mention that their information comes from studies of unmarried parents, which don’t tell us anything about the stability of gay families. Studies of gay parents find that gay and heterosexual parents have equal levels of mental health.

Screening for potential adoptive parents should in all cases be rigorous and thorough. Trained adoption and foster care professionals should and do visit the homes of potential parents, extensively interview them, and perform meticulous background checks. These checks look for markers of instability, such as histories of domestic abuse and drug or alcohol abuse. They ask the candidates why they want to become parents, and they assure that the parents would be able to support their child. In short, candidates who will be unstable parents should be and are screened out.

#### **ARGUMENT #4: GAY PARENTS MOLEST THEIR CHILDREN.**

“In an article entitled “Homosexual Parents,” Kirk Cameron and Paul Cameron report that 29% of children raised by at least one homosexual parent report having sex with that parent.”

*–Robin Woodruff, member of the Arkansas Child Welfare Agency Review Board, describing why she would vote to prohibit gay men and women from becoming foster parents, 1998*

“29% of those raised by homosexual parents reported to having had sex with their homosexual parent.”

*–Dennis Rainey, head of Family Life, in testimony arguing that Arkansas should prohibit gay men and women from being foster parents, 1998*

“Having a homosexual parent appears to increase the risk of incest with a parent by a factor of about 50.”

*–John Giles, President of Alabama’s Christian Coalition, condemning a lesbian mother who had her children taken away from her, 2002*

There is no connection between homosexuality and pedophilia. All of the legitimate scientific evidence shows that. Only one sham study has reported that there is a connection. It was written by Paul Cameron – a figure much beloved by anti-gay activists like Patrick Buchanan and Pat Robertson. When anti-gay activists make this claim, their only source is Paul Cameron.

Cameron has been discredited by, thrown out of, and publicly chastised by numerous professional organizations. In December of 1983, he was dropped by

the Board of Directors of the American Psychological Association for violating the *Ethical Principles of Psychologists*. In October 1984, the Nebraska Psychological Association voted to “formally disassociate” itself from Cameron. And in August 1986, the American Sociological Association voted to condemn Cameron’s “consistent misrepresentation of sociological research.”

His testimony was discounted by the U.S. Court of Appeals for the Fifth Circuit, in *Gay Student Services v. Texas A & M University*, 737 F.2d 1317, 1330 (5<sup>th</sup> Cir. 1984), and the U.S. District Court for the Northern District of Texas said Cameron’s testimony, including his claims about gay parents and molestation, constituted fraud and misrepresentation, in *Baker v. Wade* 106 F.R.D. 526 D.C.Tex., 1985. Even Gale Norton, then Attorney General of Colorado, in 1994 dropped Cameron as an expert witness in her failed fight to defend anti-gay Amendment 2.

According to former Surgeon General C. Everett Koop, Paul Cameron advocated as early as 1983 for the extermination of gay men. In an interview with *Penthouse Forum* magazine he lobbied for the forcible tattooing and quarantine of people with AIDS, then said, “It probably would be a lot cheaper to just exterminate male homosexuals.” (See Mark E. Pietrzyk, “Paul Cameron, professional sham,” *The New Republic*, October 3, 1994.)

## **ARGUMENT #5: THE STUDIES ARE FLAWED AND PROVE NOTHING.**

“The methods used in these studies are so flawed that these studies prove nothing.”

—Robert Lerner and Althea Nagia, *statisticians-for-hire*, in their book, *No Basis*, which is consistently cited by anti-gay activists who say the social science proves nothing, 2000

“Much of the literature does generally portray the kids of gays and lesbians as doing just fine. The only question is whether a broad-based group of scientists would accept the literature as being objective and scientific. [There are] some questions

about the methods that were used in some of these studies and the methods that were used to extrapolate from them.”

—*Dr. Steven Nock, arguing that the American Academy of Pediatrics were incorrect to say that kids are not harmed by having a gay parent, 2002*

“The social science evidence is very weak, poorly designed, flawed, biased, simply doesn’t meet scientific standards.”

—*Lynn D. Wardle, a law professor at Brigham Young University, testifying before the Utah Board of Child and Family Services, which later voted to exclude any non-married people from adopting children, 2000*

Those who would ban gay people from being parents are quick to reference the gay parenting studies when attacking gay parents and their children (see the second argument above), but then these same people turn around to say the studies are completely worthless.

In the past 20 years, respected researchers have looked at over 1,000 children and over 500 lesbian and gay parents. All of these studies have been published in peer-reviewed, respected journals, whose standards represent expert consensus on accepted social scientific methods. Most child development studies benefit from having in-depth observations of children with multiple reporters (parents, teachers, clinicians, researchers, etc.) and instruments. The studies of gay and lesbian parents have been conducted in this manner, and the research designs that have been criticized adhere to the generally accepted scientific standards of psychology. Indeed, if we were to accept what these activists say, we would have to dismiss virtually the entire discipline.

The most commonly cited authors in denouncing studies on gay and lesbian parenting are Dr. Robert Lerner and Dr. Althea Nagai, who were paid by an anti-gay group to write a 2001 book called, *No Basis: What the Studies Don't Tell Us About Same-Sex Parenting*. In the book, they say that not a single conclusion can be drawn about gay and lesbian parenting from any study ever done. Lerner and Nagai are not credible; they are researchers-for-hire who make their living writing studies for conservative organizations and finding results that support conservative social policies. One such organization funded a Lerner study that found

African Americans were over three times more likely to be acquitted of rape charges than whites. To reach this conclusion Lerner looked at a mere five jury trials involving black defendants. (Roger Parloff, "Speaking of Junk Science," *The American Lawyer*, January 1997.) This is the same man who dismisses a study of over two-dozen gay parents for having an insufficient sample size and clearly someone who will conclude whatever he is paid to conclude.

Lerner is typical of the so-called experts who advocate restricting gay parenting. None of these activists are trained psychologists. Across the board, they have close ties to right-wing organizations and think tanks and have been discredited by mainstream scholars and organizations.

## CONCLUSION

The policies, studies, and legal rules described in this book are the result of tireless work, by advocates, scientists and lawyers, but above all by countless lesbians, gay men, and children who fought for the right of gay people to form families with children.

Many did that at a time when families with gay parents seemed an impossible dream, when having children seemed like one of the things you had to give up to be gay. With respect and admiration, this book is dedicated to those courageous women, men, and children who helped to change all that. While we can't name all of the brave families we've worked with over the years, here are a few of the people who continue to pave the way:

Matthew & Craig in Arkansas;  
Anne in Arkansas;  
William and his gay son in Arkansas;  
Michele and her children in California;  
Joshua in California;  
Sharon in California;  
Anne & Malinda and "Baby Z" in Connecticut;  
June and her son in Florida;  
Doug and his son in Florida;  
Dan & Wayne in Florida;  
Steve & Roger and their kids from Florida;  
Susan, her two daughters, and her son in Georgia;  
Jean Ann in Georgia;  
Conswella in Georgia;  
Craig, his three sons, and his daughter in Indiana;  
Debra in Indiana;  
Michael and his son in Mississippi;  
Rosemary and her three girls in Mississippi;  
Jill in New Jersey;  
Valerie and her twins in New Jersey;  
Jon & Michael, their two sons, and their daughter in New Jersey;  
Janis, her daughter, and her son in New York;  
Aviva and her daughter in North Carolina;  
Katie and her daughter in Ohio;  
Tracie and her son in Pennsylvania;  
Sharon and her son in Virginia.

