



## Gay and Lesbian Adoptive Parents: Resources for Professionals and Parents

### Introduction

Gay men and lesbians have always adopted, though in the past they usually hid their sexual orientation. Today, just as they are becoming visible in all other aspects of U.S. society, they are being considered more seriously as potential adoptive parents. This change has been aided by the increase in the number of gay and lesbian biological parents in the United States.

In 1976, there were an estimated 300,000 to 500,000 gay and lesbian biological parents; as of 1990, an estimated 6 to 14 million children *have* a gay or lesbian parent.<sup>1</sup> And, between 8 and 10 million children are being *raised* in gay and lesbian households.<sup>2</sup> The US Department of Health and Human Services, Adoption and Foster Care Analysis Reporting System (AFCARS), estimated in 1999 there were approximately 547,000 children in foster care in the United States, of which 117,000 are legally free and therefore eligible for adoption. But, in 1997, there were qualified adoptive families (including single parents) available for only twenty percent of these children. It is also estimated that approximately ten percent of the U.S. population—or 25 million individuals—are homosexual.<sup>3</sup>

Based on these increasing numbers, can gay and lesbian individuals be realistically and automatically excluded from consideration as potential adoptive parents?

Despite this increase in gay and lesbian parenting, social workers may have reservations when considering gay adoptive parents for a child. They might wonder how the children will be raised and how they will feel about themselves and their parents. Will they be embarrassed because they have two mothers or two fathers, or because their single mother dates women or their unmarried father has a boyfriend? Will their friends tease them? Will they be more likely to be homosexual than will children raised by heterosexual parents? And most important, how will having been raised by gay or lesbian parents affect them as they grow into adulthood?

This fact sheet addresses the issues faced both by social workers evaluating prospective gay or lesbian adoptive parents and by gays and lesbians considering adoption. An extensive list of sources of support and information that may be helpful to gay and lesbian adoptive parents and adoption professionals is available online at [http://naic.acf.hhs.gov/pubs/f\\_gay/f\\_gayh.cfm](http://naic.acf.hhs.gov/pubs/f_gay/f_gayh.cfm), or by contacting the Clearinghouse at [naic@caliber.com](mailto:naic@caliber.com) or (888) 251-0075.



## The Status of Gay and Lesbian Parenting

Defining the family structure of gay and lesbian parents can be a challenging task. The most common type of homosexual household is step or blended families. These are gay and lesbian parents who had their biological children in a former heterosexual relationship, then “came out,” and created a new family with another partner. Other types of family structures include single gay or lesbian parents and couples having children together. Both of these family types may be created through adoption, but more frequently reproductive technology is being utilized.<sup>4</sup>

There has been some research on biological families with gay and lesbian parents. This research focuses mainly on children born to donor-inseminated lesbians or those raised by a parent, once married, who is now living a gay lifestyle. While research on these situations has not addressed all the issues relevant to adoptive parenting; this information is invaluable for social workers struggling with difficult decisions, for gay men and lesbians who want to be parents, for their families and friends, and for anyone seeking information on this nontraditional type of family.

Unfortunately, the effects on children of being raised by lesbian and gay adoptive parents cannot be predicted. The number of homosexuals who have adopted is unknown, and because of the controversial nature of the issue, their children are often reluctant to speak out. Testimony of children who have grown up in gay households may turn out to provide the best information about the results of gay parenting.

Research studies, often conducted by individuals or organizations with a vested interest in the outcome, are contradictory. Studies linked to conservative political and religious groups show negative effects on children of gay and lesbian parents; while, studies which support homosexual parenting are said to reflect the bias of those who are themselves gay or who support gay rights. Clearly, what are needed are definitive studies that would follow larger numbers of children over a long period of time. That research, when completed, will provide more definitive information for the debate.

In the meantime, it is critical to address the issues and concerns so that social workers can examine their own personal biases to make informed decisions and gay and lesbian adoptive families can receive the support they need to thrive.

## Issues and Concerns

### ***“What is sexual orientation?”***

The American Psychological Association defines sexual orientation as “one of four components of sexuality and is distinguished by an enduring emotional, romantic, sexual or affectionate attraction to individuals of a particular gender. The three other components of sexuality are biological sex, gender identity (the psychological sense of being male or female) and social sex role (the adherence to cultural norms for feminine or masculine behaviors).”<sup>5</sup>

For most people sexual orientation emerges in early adolescence without any prior sexual experience. Sexual orientation is different from sexual behavior because it refers to innate feelings and self-concept and may not be expressed in behavior. Understanding the source of sexual orientation depends on which side of the nature versus nurture debate you fall. Some theories point to genetic or inborn hormonal factors; others to early

childhood life experiences. Many believe sexual orientation is shaped at an early age through a combination of biological, psychological and social factors.<sup>6</sup>

**“Children will be molested by homosexual parents.”**

There is no legitimate scientific research connecting homosexuality and pedophilia. Sexual orientation (homosexual or heterosexual) is defined as an adult attraction to other adults. Pedophilia is defined as an adult sexual attraction or perversion to children.<sup>7</sup> In a study of 269 cases of child sex abuse, only two offenders were found to be gay or lesbian. More relevant was the finding that of the cases involving molestation of a boy by a man, seventy-four percent of the men were or had been in a heterosexual relationship with the boy's mother or another female relative. The conclusion was found that “a child's risk of being molested by his or her relative's heterosexual partner is over one hundred times greater than by someone who might be identifiable as being homosexual.”<sup>8</sup>

**“Children will be teased and harassed.”**

Children of gay men and lesbians are vulnerable to teasing and harassment, particularly as they approach adolescence, when any sign of difference is grounds for exclusion. How much of a problem is it? Is it likely to cause lasting psychological damage?

Gay and lesbian parents are well aware of the difficulties that a child may face—many have dealt with prejudice all of their lives. Most see it as an opportunity for ongoing discussion that will help their children grow as people.

Abby Ruder, a therapist, lesbian, and adoptive mother, acknowledges that children will be teased, and takes great pains to prepare her gay and lesbian clients for some of the problems that their children will face. She feels that families should have a plan for dealing with society's attitude toward them. “Children with gay or lesbian parents need to be taught when it's okay to tell people and when not to. A family doesn't have to be 'out' all of the time. My 9-year-old ... has become very adept at knowing when to tell people that she has two mommies.”

Wendell Ricketts and Roberta Achtenberg, in the article “Adoption and Foster Parenting for Lesbians and Gay Men: Creating New Traditions in Family” from *Homosexuality and Family Relations*, address social workers grappling with the issue by asking, “...should children be sheltered from every experience in which their difference might challenge prejudice, ignorance, or the status quo (or in which they would be 'exposed' to the difference of others)? Agencies conforming to such a standard must ask themselves whether it is their function to honor the system that generates stigma by upholding its constraints.” They continue, “Teasing is what children do. Does this mean that child welfare policy must be set at a level no higher than the social interactions of children?”

In custody cases involving a gay or lesbian parent, courts have considered the fact that a child might be teased as contrary to the best interests of the child. They argue that the stigma attached to having a gay or lesbian parent will damage a child's self-esteem. This has been refuted in many studies. Research has found that although children of gays and lesbians do report experiencing teasing because of their parent(s), their self-esteem levels are no lower than those of children of heterosexual parents.<sup>9</sup>

In 1984 the Supreme Court heard a case, *Palmore v Sidoti*, in which a Florida man sought custody of his daughter on the grounds that his white ex-wife was now married to a black man and that this would expose his daughter to the stigma of living in an interracial family. The Court ruled that the girl should stay with her mother, saying that under the Equal Protection Clause of the Fourteenth Amendment, "private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect." Although the Court's ruling dealt specifically with racial prejudices, several researchers have mentioned the case as a rebuttal to the argument that placing a child in a family subject to social stigma is automatically contrary to the child's best interests.<sup>10</sup>

Nonetheless, social workers and even some gay men and lesbians considering adoption wonder if it is in the best interest of a child to be raised by homosexual parents. "It can be too hard a transition for some children, especially those who are older and have already formed preconceived notions about homosexuality," explains therapist Ruder. "Younger children usually have an easier time adjusting to a gay and lesbian parented home. They haven't learned the societal biases against gays and lesbians yet." When a gay person is being considered as a potential adoptive parent for an older child, the child should be told about the person's sexual orientation and asked his feelings about it. If the child is comfortable with the information, the caseworker can proceed to the next step.

Gay and lesbian adoptive parents must also think about how they will explain to younger children, in age-appropriate language, not only how and why the child was adopted but also about the parents' sexual orientation. Both are complex subjects that should be addressed a number of times as the child grows and matures, each time adding new information as the child asks and is able to absorb and understand more. Then both topics become accepted facts of family life.

***"Children raised in homosexual households will become gay."***

The bulk of evidence to date indicates that children raised by gay and lesbian parents are no more likely to become homosexual than children raised by heterosexuals. As one researcher put it, "If heterosexual parenting is insufficient to ensure that children will also be heterosexual, then there is no reason to conclude that children of homosexuals also will be gay."<sup>11</sup>

Studies asking the children of gay fathers to express their sexual orientation showed the majority of children to be heterosexual, with the proportion of gay offspring similar to that of a random sample of the population. An assessment of more than 300 children born to gay or lesbian parents in 12 different samples shows no evidence of "significant disturbances of any kind in the development of sexual identity among these individuals."<sup>12</sup>

***"Children will develop problems growing up in an 'unnatural' lifestyle."***

Courts have expressed concern that children raised by gay and lesbian parents may have difficulties with their personal and psychological development, self-esteem, and social and peer relationships. Because of this concern, researchers have focused on children's development in gay and lesbian families.

The studies conclude that children of gay or lesbian parents are no different than their counterparts raised by heterosexual parents. In "Children of Lesbian and Gay Parents,"

## What the Law Says

a 1992 article in *Child Development*, Charlotte Patterson states, "Despite dire predictions about children based on well-known theories of psychosocial development, and despite the accumulation of a substantial body of research investigating these issues, 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."

Psychiatrist Laurintine Fromm, of the Institute of Pennsylvania Hospital, agrees with that finding. "[The] literature...does not indicate that these children fare any worse [than those of heterosexual parents] in any area of psychological development or sexual identity formation. A parent's capacity to be respectful and supportive of the child's autonomy and to maintain her own intimate attachments, far outweighs the influence of the parent's sexual orientation alone."

Only one State, Florida, specifically bars the adoption of children by gay and lesbian adults. Similar legislation was introduced in Utah prohibiting unmarried couples, including same-sex couples, from adopting children. The bill claims it is not in a child's best interest to be adopted by persons "cohabiting in a relationship that is not a legally valid (binding) marriage." The bill passed the State of Utah's House and Senate in February 2000 and is waiting the Governor's signature. The Governor has pledged to sign it.

Yet, in April 2000, Vermont lawmakers approved legislation that makes the State the first in the nation to recognize same-sex couples' right to form "civil unions." Partners in a civil union would be given the same benefits of married couples - the ability to transfer property, to make medical decisions for each other, to be eligible for inheritance, and the necessity to dissolve the union in Family Court (equivalent to a divorce). More than 30 other States have tried to avoid such unions through the passage of the Defense of Marriage Act. The act defines marriage as a union between a man and a woman and denies recognition of same-sex marriages performed elsewhere.

Legislation has also been introduced in Mississippi that would ban gay and lesbian couples from adoption and forbid the State of Mississippi from recognizing gay and lesbian adoptions that have previously been granted by other State courts—an unprecedented provision. Anti-sodomy statutes in 19 states and the lack of legal recognition of homosexual couples complicate adoption in the states that don't specifically prohibit gay and lesbian adoption.

Professor William Adams Jr., co-counsel in a case challenging Florida's ban on adoptions by gays and lesbians, has noted courts are increasingly turning to expert testimony to resolve questions in gay rights cases. He theorizes that there are several factors contributing to this trend, among them the courts' desire to justify their decisions in light of the controversy surrounding the issue and the efforts of gay litigants and civil rights organizations to provide the court with information. Although Adams sees this as a positive step, he comments, "citation to social science data should not be mistaken for a court's full understanding of it, however, because courts sometimes struggle to make sense of the research, or strain to ignore it."<sup>13</sup>

Nine States—California, Massachusetts, New Jersey, New Mexico, New York, Ohio, Vermont, Washington and Wisconsin—and the District of Columbia have allowed openly gay or lesbian individuals or couples to adopt. Although some joint adoptions have been

successful, the most common practice is for a single person to apply as the legal adoptive parent of the child. Couples who both want custody then apply for a second parent, or co-parent, adoption.

Second parent adoption or the adoption by non-marital partners, leaves the parental rights of one legally recognized parent intact and creates a second legally recognized parent for the adoptive children. Second parent adoption, which has become routine for children of heterosexual stepparents, is the only way for gay couples to both become legal parents of their children.<sup>14</sup> Although state statutes generally provide a “stepparent exception,” these exceptions emphasize the existence of a legal marriage between the biological parent and the stepparent.<sup>15</sup>

This growing practice was tested in a landmark case in Vermont in 1993. Jane Van Buren had given birth to two boys through anonymous donor insemination. According to the law, only Ms. Van Buren was considered their parent—her partner, Deborah Lashman, had no legal standing. The couple filed a petition for a second parent adoption, asking the probate court to allow Ms. Lashman to adopt the children while leaving Ms. Van Buren’s parental rights intact. The court denied the adoptions because Ms. Lashman was not married to the biological parent. On June 18, 1993, the Vermont Supreme Court unanimously reversed the decision of the lower court and awarded joint custody to the couple.<sup>16</sup> With this decision, the Vermont Supreme Court became the first State Supreme Court to recognize lesbian co-parent adoptions. As a result of this finding, other couples are likely to find second parent adoptions easier to accomplish in Vermont and other areas of the country.

Second parent adoptions (by unmarried couples) have been granted by the courts (the approvals were generally from the lower level courts) in 21 States and the District of Columbia: Alabama, Alaska, California, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Vermont and Washington.<sup>17</sup>

## Types of Adoption

Depending on the type of adoption gay and lesbian parents are interested in—public, private, independent, open or international—there may be different considerations involved in disclosing sexual orientation. How open prospective adoptive parents are about their homosexuality depends upon the couples’ personal feelings on disclosure, whether direct questions are asked and what the laws in the State of residency are.

One important point for all prospective adoptive parents to be aware of is—the difference between not sharing private information and deliberately lying at any time in the adoption process. Although it is completely legal to omit information regarding homosexuality, it is illegal to lie about it when confronted directly.<sup>18</sup> Let it be clear that failing to tell the truth is considered fraud and raises the opportunity for either an adoption not being finalized or a possible disruption.

### Public Agency Adoption

Success in adopting from the public child welfare system depends on the State adoption law and the attitude of the agency. For example, in New York and California, gay and lesbian prospective adoptive parents are protected against discrimination. It is illegal for public agencies in those states to reject adoptive parents on the basis of sexual

orientation. However, that is not a guarantee that prejudices don't exist. Social workers who are uncomfortable with homosexuality may find the prospective adoptive parents unsuitable for other reasons.<sup>19</sup>

Each State decides independently who can adopt. Since, the final decision is made by judges at the county level, the availability of adoption as an option to openly gay and lesbian couples is influenced by the political and social community in which the family lives. The court's decision hinges on the "best interest" of the child, a concept interpreted differently by different judges.

### **Private Agency Placements**

Private agencies establish their own criteria for the prospective adoptive parents. Age, religion, fertility status, marital status and sexual orientation all may be agency considerations. Some private agencies may disregard sexual orientation, and present the prospective parent as a single adopter who lives with another adult who will share the responsibilities of raising the child. This omission of sexual orientation is based on the agency's judgement and relevancy to the applicant's parenting qualifications.

### **Independent and Open Adoption**

An independent adoption is an adoption facilitated by those other than caseworkers associated with an agency. They may be a physician, an attorney, or an intermediary and are illegal in some States. In an independent adoption the placement decision (within the provisions of the State statute) is completely up to the families involved. However, independent adoption does not necessarily mean an open adoption. An open adoption involves some amount of initial and/or ongoing contact of birth and adoptive families. The adoptive and birth parents agree upon the birth parents' role, future communication and the degree of openness prior to adoption. Being honest with the birth parents from the first contact allows gay and lesbian adoptive parents the opportunity to have a relationship without the possibility of a disrupting secret.

### **International Adoption**

Adopting a child from a foreign country may involve finding an agency willing to accept the adoptive parents' sexual orientation, disclosing the information to the contacts in the sending country, and presenting the information to the foreign government. However, conservative, or religious and often developing countries may not be as receptive to gay and lesbian couples. Adoptive parents need to be aware that foreign governments and courts are making placement decisions based on their cultural standards and what they feel is in the best interest of the child.

### **Placement Decisions**

The debate goes on and will continue as long as there are conflicting views about homosexuality. Considering these different views, should social workers place children with gay men or lesbians? To make the best placement decision for children, social workers need to answer the following questions:

## **The Social Worker's Dilemma**

- Is this person or couple caring, nurturing, and sensitive to others?
- Do they have the qualities needed to parent a child?
- What are their individual strengths and weaknesses?
- How do their strengths/weaknesses complement the needs of the child?
- Do they have the capacity to nurture a child not born to them?

In addition, for prospective homosexual adoptive parents, Denise Goodman, Ph.D., a consultant and trainer in Ohio, firmly believes that workers need to have a holistic understanding that includes finding out answers to questions about their homosexuality:

“I counsel workers to ask homosexual applicants where they are in their individual development. Have they recently come out? Are they comfortable with their self-image and with being gay? Having a positive self-image will provide a model for an adopted child. I want to know about family support and how those who are important in their lives view them and their idea of adopting. I ask questions about the stability of their relationship and try to see how committed they are to each other. Do they have wills? Have they bought a home? Do they share finances? Once you know more about their situation, you can help them access appropriate resources and connect them with other gay or lesbian adoptive parents.”

Goodman, who has trained thousands of social workers in Ohio, sees the opportunity for change, but has a few concerns:

“While it is gratifying to see social workers become more open, if agency administrators are not fully behind the workers, little will change. Families will be approved and never hear about an available child; those who aren't open about their sexuality will receive a child, while 'honest' applicants will wait, or other issues will surface so that a family is not accepted.”

If a sense of trust and openness is established between a social worker and applicant, the worker can help to decide when privacy is the best route or when an applicant can be more outspoken. It ultimately depends on state laws and the views of presiding judges.

### **Professional Prejudices and Policy Decisions**

Adoption professionals need to be aware of their own personal prejudices and prejudgments when working with gay and lesbian prospective adoptive parents. Experiences and beliefs come from family background and values, religious beliefs, and community views on homosexuality and will affect social workers' and agency staff's ability to assess the couple.<sup>20</sup> Ann Sullivan, of the Child Welfare League of America, suggests in her article “Policy Issues in Gay and Lesbian Adoption,” that professionals consider several key issues:

- The client is the child in need of an adoptive family. All families should be given equal consideration and the potential resources available weighed for the placement of the child.
- No single factor should be the determining factor in assessing suitability for adoption.



## Coping With the Agency Preference Hierarchy

- In considering gay and lesbian prospective adoptive parents, sexual orientation and the capacity to nurture a child are separate issues and should not be confused in the decision making process.
- Each placement decision should be based on the strengths and needs of the individual child and the perceived ability of the prospective adoptive family to meet those needs and develop additional strengths.

Many gay and lesbian prospective adoptive parents are troubled by the feeling that adoption agencies offer them the children who are the most difficult to place: those with physical, mental, or emotional disabilities; those who are older; children of color; and members of sibling groups.

“Often gay parents will get harder children because it’s the last resort,” Bob Diamond, the former Executive Director of AASK Northern California in Oakland, admits. “A lot of social workers will say, ‘Well, no one is going to take this kid except gay people.’ Being homosexual is not usually seen as a positive factor,” he adds, noting that single people in general are usually treated as “second-class citizens” by most adoption agencies.<sup>21</sup>

Roberta Achtenberg, Executive Director of the National Center for Lesbian Rights in San Francisco, bluntly confirms that there is an unspoken ranking within the adoption network. “The hierarchy prefers white, married, middle or upper middle class couples, and these couples don’t want the special needs kids. The less preferred children then go to unmarried couples of all kinds, single individuals, and gay people. The children are less preferred, and the recipients are less preferred.”

What strikes psychologist April Martin, author of *The Lesbian and Gay Parenting Handbook*, as ironic is that the same bureaucracies that believe that lesbians and gay men are not suitable parents will place children who require the most highly skilled parenting with them. She and others have pointed out that nontraditional families have unique strengths that make them excellent, and in some cases, the best homes for certain children. Among them is an ability to accept differences, to understand what it is like to be in the minority, to demonstrate flexible gender roles, to be open about sexuality with children who have been sexually abused, and to understand the special needs of homosexual children.

April Martin suggests that gays and lesbians who want to adopt younger, healthier children can find them by working with private agencies or by working directly with birthparents. Some birthparents have specifically chosen openly gay households for their children.

## Life After Adoption

### Explaining Sexuality to Children

All families at one time or another will have “the” discussion on sexuality. For gay and lesbian families this can be an even more sensitive subject. However, a healthy family, regardless of sexual orientation, shares the same core values—love and respect, commitment and understanding. It is especially important when talking with children to stress what these values mean to the family and to recognize that there are many different cultures, communities and families around the world.

The Family Pride Coalition, a national advocacy and support organization, offers several suggestions for parents discussing sexuality with their children:<sup>22</sup>

- Be honest about your own identity and comfort level.
- If you are uncomfortable, let your children know you find this hard to talk about, but that you feel it is important for families to talk about difficult things.
- Listen closely to your child and when possible, let your children take the lead. Let them ask questions. Take cues about their level of understanding from the questions they ask and interact at that level.
- Be as clear as you can be about your own feelings connected to sexuality, coming out, privacy, and family values.
- Consider your child's age and how much information they need.

### Getting Support

Once an adoption is completed, the business of family life begins. Like all adoptive parents, gay men and lesbians are seeking ways to incorporate their children into their lives and to help them make a smooth transition. They also want to meet other homosexuals who have taken on the challenge of parenting. There are a growing number of support groups to meet these needs.

Len and Fernando, a multiethnic gay couple who adopted 3-year-old Isabel as a toddler, are members of an active group in the Philadelphia area. "Speaking to the parents of older children gives us ideas of how to cope with issues as they come up. Most of the members are women. We could use a few more men!"

Isabel, who is African-American, has the chance to meet other African-American adopted children and enjoys the many activities planned for families. Their group is part of a larger support network, Philadelphia Family Pride, that serves more than 250 gay and lesbian families in the Delaware Valley. In addition to giving its members a chance to socialize, the group's advocacy and educational projects encourage parents to work with teachers on adoption, race, and alternative family issues that affect their children. Members participate in conferences, receive local and national newsletters, and learn about books and articles for themselves and their children. Older children of gay parents have formed their own network, Colage—Children of Lesbians and Gays Everywhere.

A vital support network of family and friends is important for any family—adoptive, biological, one with heterosexual parents, or one with homosexual parents. Some gay and lesbian adoptive parents have found that even if their parents had a difficult time accepting their homosexuality, the parents readily accept their new role as grandparents. It is almost as if having children makes them more like mainstream families. "Our parents reacted to our desire to parent pretty much the same way they reacted to our coming out," says Tim Fisher, father of two and former Executive Director of the Family Pride Coalition (formerly Gay and Lesbian Parents Coalition International). "They said, 'We love you...but let's not talk about it.' With the kids, they have softened their tone a little. They are grandparents who adore their grandchildren."

**Conclusion**

The increasing number of gay men and lesbians choosing to adopt has brought the issue of gay and lesbian parenting to the forefront. Social workers are being asked to look carefully at their own feelings and to make reasonable judgments about what is in the best interest of children who need families. And, the increasing number of children needing adoptive families puts pressure on workers to find appropriate families.

The questions linger—should stable, nurturing, mature applicants be turned away on the basis of sexual orientation? What if a substantial number of children face the possibility of never achieving permanency, when they could have been adopted by a gay or lesbian family?

**Endnotes**

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