

Support of Legal Recognition of Same-Sex Civil Marriage

POSITION STATEMENT

Approved by the Assembly, May 2005
Approved by the Board of Trustees, July 2005

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

As physicians who frequently evaluate the impact of social and family relationships on child development, and the ability of adults and children to cope with stress and mental illness, psychiatrists note the invariably positive influence of a stable, adult partnership on the health of all family members. Sustained and committed marital and family relationships are cornerstones of our social support network as we face life's challenges, including illness and loss. There is ample evidence that long-term spousal and family support enhances physical and mental health at all stages of development.

This position statement is about the legal recognition of same-sex civil marriage, not religious marriage, and it does not pertain to any organized religion's view of same-sex marriage.

Heterosexual relationships have a legal framework for their existence through civil marriage, which provides a stabilizing force. In the United States, with the exception of Massachusetts, same-sex couples are currently denied the important legal benefits, rights and responsibilities of civil marriage. Same-sex couples therefore experience several kinds of state-sanctioned discrimination that can adversely affect the stability of their relationships and their mental health.

The children of unmarried gay and lesbian parents do not have the same protection that civil marriage affords the children of heterosexual couples. Adoptive and divorced lesbian and gay parents face additional obstacles. An adoptive parent who is lesbian or gay is often prejudicially presumed as unfit in many U.S. jurisdictions. Furthermore, when unmarried couples do adopt, usually one parent is granted legal rights, while the other parent may have no legal standing. These obstacles occur even though no research has shown that the children raised by lesbians and gay men are less well adjusted than those reared within heterosexual relationships.

As the population ages, the denial of legal recognition of civil marriage has consequences for increasing numbers of older adults in same-sex relationships who face age-related health and financial concerns. Excluding these adults from civil marriage protections of survivorship and inheritance rights, financial benefits, and legal recognition as a couple in health care settings increases the psychological burden associated with aging.

The American Psychiatric Association has historically supported equity, parity, and non-discrimination in matters that have an impact on mental health. APA has also supported same-sex civil unions and the right of same-sex couples to adopt and co-parent children. This is because APA has a longstanding interest in civil rights and legal issues that affect mental health as well as a code of ethics that supports and respects human dignity. Educating the public about lesbian and gay relationships and supporting efforts to establish legal recognition of same-sex civil marriage is consistent with the Association's advocacy for minority groups.

Civil marriage is associated with a unique set of benefits that provide legal and economic protections to adults in committed relationships and to their children. Equal access to the institution of civil marriage is consistent with the APA's opposition to discrimination based on sexual orientation.

Therefore be it resolved that:

"In the interest of maintaining and promoting mental health, the American Psychiatric Association supports the legal recognition of same-sex civil marriage with all rights, benefits, and responsibilities conferred by civil marriage, and opposes restrictions to those same rights, benefits, and responsibilities."

Supporting Documents:

American Psychiatric Association (1973), Position statement on homosexuality and civil rights. *American J. Psychiatry*, 1974, 131:497. www.psych.org/edu/other_res/lib_archives/archives/730010.pdf

American Psychiatric Association (1990), Position statement on homosexuality and the armed services. www.psych.org/edu/other_res/lib_archives/archives/900013.pdf

American Psychiatric Association (1991), Position statement: Homosexuality and the Immigration and Naturalization Service. *American J. Psychiatry*, 148:1625.

American Psychiatric Association Committee on Gay, Lesbian, and Bisexual Issues (1993), Position statement on homosexuality. *American J. Psychiatry*, 150:686. www.psych.org/edu/other_res/lib_archives/archives/730010.pdf

Resource Document on Controversies in Child Custody: Gay and Lesbian Parenting; Transracial Adoptions; Joint v. Sole Custody and Custody Gender Issues: Approved by Board of Trustees, December 1997.

Resource Document on Same Sex Marriage: Approved by the Board of Trustees, December 1998.

American Psychiatric Association (1998), Position statement on psychiatric treatment and sexual orientation. *American J. Psychiatry*, 1999; 156:1131. www.psych.org/edu/other_res/lib_archives/archives/980020.pdf

American Psychiatric Association (2000), Commission on Psychotherapy by Psychiatrists (COPP): Position statement on therapies focused on attempts to change sexual orientation (Reparative or conversion therapies). *American J. Psychiatry*, 157:1719-1721. www.psych.org/edu/other_res/lib_archives/archives/200001.pdf

American Psychiatric Association (2000), Position statement on same sex civil unions. December 2000 American Psychiatric Association (2002), Position Statement on Adoption and Co-Parenting of Children by Same Sex Couples. November 2002.

Brief for Amici Curiae in the case of Lawrence and Garner v. Texas (signed by American Psychiatric Association), January 2003. www.psych.org/edu/other_res/lib_archives/archives/amicus/02-102.pdf

American Psychological Association (2004), Resolution on Sexual Orientation and Marriage. <http://www.apa.org/pi/lgbcpolicy/marriage.pdf>

Amended APA Resource Document on Same Sex Marriage; Approved by the Board of Trustees, December 2004.

American Psychiatric Association: Position statement on same sex civil unions (revised); Approved by Board of Trustees, December 2004.

Position paper of the Massachusetts Psychiatric Society on Gay Marriage, November 2004.

Support of Legal Recognition of Same-Sex Civil Marriage