

PARENTING/ADOPTION/MARRIAGE/NONDISCRIMINATION :

POLICY STATEMENTS BY PROFESSIONAL ASSOCIATIONS

American Academy of Child and Adolescent Psychiatry

- ***On Gay, Lesbian and Bisexual Parents (1999)***

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

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

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

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

- ***On Sexual Orientation and Civil Rights (1992)***

Whereas sexual orientation is unrelated to judgement, stability, reliability or vocational capability, the American Academy of Child and Adolescent Psychiatry deplores all public and private discrimination based on sexual orientation of persons of any age particularly in the areas of employment, military service, housing, public accommodations, membership, licensing, promotion or assignment, training, or qualification as an expert in a court of law.

Further, recognizing that individuals and institutions have historically used sexual orientation as a reason to restrict lesbians and gay men from activities relating to delivery of services, care, treatment to children and adolescents, the American Academy of Child and Adolescent Psychiatry finds that there is no evidence that lesbians and gay men, per se, represent any threat to the development of children or adolescents and condemns any restriction on employment or service based on sexual orientation in positions involving the delivery of services or treatment to children and adolescents.

American Academy of Family Physicians (2002)

On gay and lesbian parenting. *The American Academy of Family Physicians adopted the following position statement at its October 2002 meeting:*

"RESOLVED, That the AAFP establish policy and be supportive of legislation which promotes a safe and nurturing environment, including psychological and legal security, for all children, including those of adoptive parents, regardless of the parents' sexual orientation."

American Academy of Pediatrics (2002)

The American Academy of Pediatrics issued the following statement in support of gay and lesbian parenting and called for equal access to co parenting and second parent adoption rights for gay and lesbian parents in February 2002:

"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. 1-9 When 2 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 1 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 2 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.

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

"5. 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.

"6. 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 2 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, psychologic, 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."
-

American Psychiatric Association (1997/2000)

- ***On gay and lesbian parenting.***

The American Psychiatric Association adopted the following position statement at its December 1997 meeting:

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

- ***On same-sex unions.***

The American Psychiatric Association adopted the following position statement at its November 2000 meeting:

"The American Psychiatric Association supports the legal recognition of same sex unions and their associated legal rights, benefits and responsibilities."

American Psychoanalytic Association (1997 and 2002)

- ***On marriage.***

The Executive Council of the American Psychoanalytic Association endorsed the following resolution in December 1997:

"Because marriage is a basic human right and an individual personal choice, RESOLVED, the state should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities, and commitment of civil marriage."

- ***On gay and lesbian parenting.***

The American Psychoanalytic Association adopted this policy statement in support of gay and lesbian parenting in May 2002:

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

American Psychological Association (1976 and 1998)

- ***On parenting.***

The American Psychological Association Council of Representatives adopted the following position statement in September 1976:

"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."

Reference: Conger, J.J. (1977). Proceedings of the American Psychological Association, Incorporated, for the year 1976: Minutes of the Annual Meeting of the Council of Representatives. *American Psychologist*, 32, 408-438.

- ***On legal benefits for same-sex couples.***

The American Psychological Association Council of Representatives adopted this position statement in August 1998:

"Whereas there is evidence that homosexuality per se implies no impairment in judgment, stability, reliability or general social and vocational capabilities (Conger, 1975) for individuals;

"Whereas legislation, other public policy and private policy on issues related to same-sex couples is currently under development in many places in North America (e.g., Canadian Psychological Association, 1996);

"Whereas the scientific literature has found no significant difference between different-sex couples and same-sex couples that justify discrimination (Kurdek, 1994;1983; Peplau, 1991);

"Whereas scientific research has not found significant psychological or emotional differences between the children raised in different-sex versus same-sex households (Patterson, 1994);

"Whereas APA has, as a long established policy, deplored "all public and private discrimination against gay men and lesbians in such areas as employment, housing, administration and licensing ..." and has consistently urged "the repeal of all discriminatory legislation against lesbians and gay men" (Conger, 1975);

"Whereas denying the legal benefits that the license of marriage offers to same-sex households (including, but not limited to, property rights, health care decision-making, estate planning, tax

consequences, spousal privileges in medical emergency situations and co-parental adoption of children) is justified as fair and equal treatment;

"Whereas the absence of access to these benefits constitutes a significant psychosocial stressor for lesbians, gay men and their families.

"Whereas APA provides benefits to its members' and employees' domestic partners equivalent to those provided to members' and employees' spouses;

"Whereas psychological knowledge can be used to inform the current public and legal debate on 'same-sex marriage' (e.g., Baehr v. Lewin);

"Therefore, be it resolved, that APA supports the provision to same-sex couples of the legal benefits that typically accrue as a result of marriage to same-sex couples who desire and seek the legal benefits; and

"Therefore, be it further resolved, that APA shall provide relevant psychological knowledge to inform the public discussion in this area and assist state psychological associations and divisions in offering such information as needed."

Child Welfare League of America (1988)

The Child Welfare League of America's Standards of Excellence for Adoption Services states:

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

North American Council on Adoptable Children (1998)

The North American Council on Adoptable Children issued a policy statement in 1998 that states:

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

POLICY STATEMENT

GAY, LESBIAN, AND BISEXUAL PARENTS

Approved by Council June, 1999

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

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

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

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

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POLICY STATEMENT

SEXUAL ORIENTATION AND CIVIL RIGHTS

Adopted by Council, October 1992

Whereas sexual orientation is unrelated to judgement, stability, reliability or vocational capability, the American Academy of Child and Adolescent Psychiatry deplores all public and private discrimination based on sexual orientation of persons of any age particularly in the areas of employment, military service, housing, public accommodations, membership, licensing, promotion or assignment, training, or qualification as an expert in a court of law.

Further, recognizing that individuals and institutions have historically used sexual orientation as a reason to restrict lesbians and gay men from activities relating to delivery of services, care, treatment to children and adolescents, the American Academy of Child and Adolescent Psychiatry finds that there is no evidence that lesbians and gay men, per se, represent any threat to the development of children or adolescents and condemns any restriction on employment or service based on sexual orientation in positions involving the delivery of services or treatment to children and adolescents.

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

RESOURCE DOCUMENT

Approved by the Board of Trustees, December 1997

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

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

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

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

SUMMARY STATEMENTS ON CONTROVERSIES IN CHILD CUSTODY

Child Custody: Gay and Lesbian Parenting

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



The American Psychiatric Association is a national medical specialty society, founded in 1844, whose 40,000 physician members specialize in the diagnosis and treatment of mental and emotional illnesses and substance use disorders.

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Child Custody: Transracial Adoption

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

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

Child Custody: Joint versus Sole Custody and Custody Gender Issues

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

Same Sex Unions

POSITION STATEMENT

Approved by the Board of Trustees, December 2000

Approved by the Assembly, November 2000

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

The American Psychiatric Association supports the legal recognition of same sex unions and their associated legal rights, benefits and responsibilities.



The American Psychiatric Association is a national medical specialty society, founded in 1844, whose 40,000 physician members specialize in the diagnosis and treatment of mental and emotional illnesses and substance use disorders.

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MARRIAGE RESOLUTION

Adopted December 18, 1997

On December 18, 1997, the Committee on Issues of Homosexuality proposed that the Executive Council of the American Psychoanalytic Association endorse the following Marriage Resolution:

"Because marriage is a basic human right and an individual personal choice, RESOLVED, the State should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities, and commitment of civil marriage."

After discussion, the Marriage Resolution was endorsed by an overwhelming majority vote of the Executive Council, with only one negative vote and one abstention. The Executive Council of the American Psychoanalytic Association is made up of a representative from each local component psychoanalytic society, eight councilors-at-large elected by the entire membership, and the officers of the American Psychoanalytic Association - approximately fifty voting members in all.

Ralph Roughton, M.D. Chair

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POSITION STATEMENT ON GAY AND LESBIAN PARENTING

Adopted May 16, 2002

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

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Lesbian, Gay, and Bisexual Concerns Policy Statements

- Discrimination Against Homosexuals
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- Lesbian, Gay, and Bisexual Youths in the Schools
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- Legal Benefits for Same-Sex Couples

Discrimination Against Homosexuals

[Adopted by the American Psychological Association Council of Representatives on January 24-26, 1975]

1. The American Psychological Association supports the action taken on December 15, 1973, by the American Psychiatric Association, removing homosexuality from that Association's official list of mental disorders. The American Psychological Association therefore adopts the following resolution:

Homosexuality per se implies no impairment in judgement, stability, reliability, or general social and vocational capabilities; Further, the American Psychological Association urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientations.

2. Regarding discrimination against homosexuals, the American Psychological Association adopts the following resolution concerning their civil and legal rights:

The American Psychological Association deplores all public and private discrimination in such areas as employment, housing, public accommodation, and licensing against those who engage in or have engaged in homosexual activities and declares that no burden of proof of such judgement, capacity, or reliability shall be placed upon these individuals greater than that imposed on any other persons. Further, the American Psychological Association supports and urges the enactment of civil rights legislation at the local, and state and federal level that would offer citizens who engage in acts of homosexuality the same protections now guaranteed to others on the basis of race, creed, color, etc. Further, the American Psychological Association supports and urges the repeal of all discriminatory legislation singling out homosexual acts by consenting adults in private (Conger, 1975, p. 633).

Reference

Conger, J.J. (1975) Proceedings of the American Psychological Association, Incorporated, for the year 1974: Minutes of the Annual meeting of the Council of Representatives. *American Psychologist*, 30, 620-651.

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Child Custody or Placement

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

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 (Conger, 1977, p. 432).

Reference

Conger, J.J. (1977). Proceedings of the American Psychological Association, Incorporated, for the year 1976: Minutes of the Annual Meeting of the Council of Representatives. *American Psychologist*, 32, 408-438.

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Employment Rights of Gay Teachers

[Adopted by the American Psychological Association Council of Representatives on January 23-25, 1981]

Whereas the American Psychological Association deplores all public and private discrimination in such areas as employment, housing, public accommodation, and licensing against those who engage in or have engaged in homosexual activities and declares that no burden of proof of such judgement, capacity, or reliability shall be placed upon these individuals greater than that imposed on any other person;

Be it resolved, That the American Psychological Association protests personnel actions against any teacher solely because of sexual orientation or affectional preference (Abeles, 1981, p. 581).

Reference

Abeles, N. (1981). Proceedings of the American Psychological Association, Incorporated, for the year 1980: Minutes of the Annual Meetings of the Council of representatives. *American Psychologist*, 36, 552-586

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Use of Diagnoses "Homosexuality" and "Ego-Dystonic Homosexuality"

[Adopted by the American Psychological Association Council of Representatives on August 27 & 30, 1987]

Whereas the American Psychological Association has been on record since 1975 that

'homosexuality per se implies no impairment in judgment, sanity, capability, or general social and vocational capabilities'; and

Whereas it appears that the ICD-9-CM is widely used either by mandate or choice by many psychologists nationwide in connection with third-party reimbursement, institutional-based service delivery, and research; and

Whereas the next revision of the ICD is not anticipated to be completed until 1992 and may, according to current proposals, then contain the 'ego-dystonic homosexuality' diagnosis which APA also opposes; and

Whereas the Council of Representatives already has urged APA members not to use the proposed DSM-III-R diagnoses of Periluteal Phase Disorder, Self-Defeating Personality Disorder, and Sadistic Personality Disorder because they lack adequate scientific basis and are potentially dangerous to women;

Be it resolved, That the American Psychological Association: Urge its members not to use the '302.0 Homosexuality' diagnosis in the current ICD-9-CM or the '302.00 Ego-dystonic Homosexuality' diagnosis in the current DSM-III or future editions of either document (Fox, 1988, p. 529).

Reference

Fox, R.E. (1988). Proceedings of the American Psychological Association, Incorporated, for the year 1987: Minutes of the Annual meeting of the Council of Representatives. *American Psychologist*, 43, 508-531.

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Hate Crimes

[Adopted by the American Psychological Association Council of Representatives on February 5-7, 1988]

Whereas the experience of criminal and violent victimization has profound psychological consequences; and

Whereas the frequency and severity of crimes and violence manifesting prejudice have been documented; and

Whereas the American Psychological Association opposes prejudice and discrimination based upon race, ethnicity, religion, sexual orientation, gender, or physical condition.

Therefore, be it resolved, That the American Psychological Association condemns harassment, violence, and crime motivated by such prejudice;

Be it further resolved, That the American Psychological Association encourages researchers, clinicians, teachers, and policy-makers to help reduce and eliminate hate crimes and bias-related violence and to alleviate their effects upon the victims, particularly those victims who are children, youth, and elderly;

Be it further resolved, That the American Psychological Association supports the government's *cnlllectinn* and publication of statistics on hate crimes and bias-related

violence, provision of services for victims and their loved ones, and interventions to reduce and eliminate such crimes and violence, and policies that perpetuate them (Fox, 1988, p. 528).

Reference

Fox, R.E. (1988). Proceedings of the American Psychological Association, Incorporated, for the year 1987: Minutes of the Annual meeting of the Council of Representatives. *American Psychologist*, 43, 508-531.

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Sodomy Laws and APA Convention

[Adopted by the American Psychological Association Council of Representatives on August 11 & 14, 1988]

APA reaffirms its opposition to laws criminalizing consensual adult sexual behavior in private and directs the Board of Convention Affairs to consider the presence of such laws as a factor in the selection of future convention sites and in programming (Fox, 1989, p. 1026).

Reference

Fox, R.E. (1989). Proceedings of the American Psychological Association, Incorporated, for the year 1988: Minutes of the annual meeting of the Council of Representatives. *American Psychologist*, 44, 996-1028.

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Department of Defense Policy on Sexual Orientation and Advertising in APA Publications

[Adopted by the American Psychological Association Council of Representatives, August 18, 1991.]

Whereas the American Psychological Association (APA) deplores discrimination on the basis of sexual orientation; and

Whereas APA will not let its publications, as advertising media, be used by others in support of discriminatory employment practices; and

Whereas the U.S. Department of Defense (DoD) maintains a policy that homosexual orientation is 'incompatible with military service'; and

Whereas the DoD will not knowingly admit bisexual, lesbian or gay individuals to military service, including research and clinical internship programs in psychology; and

Whereas an average of 1,500 men and women are unfairly discharged from military service each year because their sexual orientation becomes known;

Therefore, be it resolved, That the APA opposes the DoD policy which finds homosexual

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Be it further resolved, That APA take a leadership role among national organizations in seeking to change this discriminatory DoD policy; and

Be it further resolved, That APA will not permit its publications, as advertising media, to be used by the DoD after December 31, 1992, unless the DoD policy that homosexual orientation 'is incompatible with military service' has been rescinded by that date. (Fox, 1992, p. 927).

Reference

Fox, R.E. (1992). Proceedings of the American Psychological Association, Incorporated, for the year 1991: Minutes of the annual meeting of the Council of Representatives. *American Psychologist*, 47, 893-934.

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Resolution on Lesbian, Gay, and Bisexual Youths in the Schools

[Adopted by the American Psychological Association Council of Representatives on February 28, 1993]

Whereas society's attitudes, behaviors, and tendency to render lesbian, gay and bisexual persons invisible permeate all societal institutions including the family and school system (Gonsiorek, 1988; Hetrick & Martin, 1988; Ponse, 1978; Uribe & Harbeck, 1992);

Whereas it is a presumption that all persons, including those who are lesbian, gay, or bisexual, have the right to equal opportunity within all public educational institutions;

Whereas current literature suggests that some youths are aware of their status as lesbian, gay, or bisexual persons by early adolescence (Remafedi, 1987; Savin-Williams, 1990; Slater, 1988; Troiden, 1988);

Whereas many lesbian, gay, and bisexual youths and youths perceived to belong to these groups face harassment and physical violence in school environments (Freiberg, 1987; Hetrick & Martin, 1988; Remafedi, 1987; Schaecher, 1988; Uribe & Harbeck, 1992; Whitlock, 1988);

Whereas many lesbian, gay, and bisexual youths are at risk for lowered self-esteem and for engaging in self-injurious behaviors, including suicide (Hetrick & Martin, 1988; Gonsiorek, 1988; Savin-Williams, 1990; Harry, 1989; Gibson, 1989);

Whereas gay male and bisexual youths are at an increased risk of HIV infection (Savin-Williams, 1992);

Whereas lesbian, gay and bisexual youths of color have additional challenges to their self-esteem as a result of the negative consequences of discrimination based on both sexual orientation and ethnic/racial minority status (Garnets & Kimmel, 1991);

Whereas lesbian, gay and bisexual youths with physical or mental disabilities are at increased risk due to the negative consequence of societal prejudice toward persons with mental or physical disabilities (Pendler & Hingsburger, 1991; Hingsburger & Griffiths,

1986);

Whereas lesbian, gay, and bisexual youths who are poor or working class may face additional risks (Gordon, Schroeder & Abramo, 1990);

Whereas psychologists affect policies and practices within educational environments;

Whereas psychology promotes the individual's development of personal identity including the sexual orientation of all individuals;

Therefore, be it resolved, That the American Psychological Association and the National Association of School Psychologists shall take a leadership role in promoting societal and familial attitudes and behaviors that affirm the dignity and rights, within educational environments, of all lesbian, gay, and bisexual youths, including those with physical or mental disabilities and from all ethnic/racial backgrounds and classes;

Therefore, be it resolved, that the American Psychological Association and the National Association of School Psychologists support providing a safe and secure educational atmosphere in which all youths, including lesbian, gay and bisexual youths, may obtain an education free from discrimination, harassment, violence, and abuse, and which promotes an understanding and acceptance of self;

Therefore, be it resolved, that American Psychological Association and the National Association of School Psychologists encourage psychologists to develop and evaluate interventions that foster nondiscriminatory environments, lower risk for HIV infection, and decrease self-injurious behaviors in lesbian, gay and bisexual youths;

Therefore, be it resolved, that the American Psychological Association and the National Association of School Psychologists shall advocate efforts to ensure the funding of basic and applied research on and scientific evaluations of interventions and programs designed to address the issues of lesbian, gay, and bisexual youths in the schools, and programs for HIV prevention targeted at gay and bisexual youths;

Therefore, be it resolved, that the American Psychological Association and the National Association of School Psychologists shall work with other organizations in efforts to accomplish these ends (DeLeon, 1993, p. 782).

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Resolution on State Initiatives and Referenda

[Adopted by the American Psychological Association Council of Representatives on August 22, 1993]

Whereas referenda to limit anti-discrimination legislation as it applies to lesbian, gay and bisexual persons have been proposed in several states and passed in one;

Whereas the American Psychological Association has repeatedly stated its position that lesbian, gay, and bisexual orientation should not be the basis for discrimination;

Whereas the American Psychological Association deplores the use of scientifically unsound research to support discrimination against lesbian, gay, and bisexual persons;

Therefore, be it resolved, That the American Psychological Association opposes the implementation of any state constitutional amendment or statute that prohibits anti-discrimination legislation for lesbian, gay, and bisexual persons because there is no basis for such discrimination and such discrimination is detrimental to mental health and the public good;

Be it further resolved, That the Council of Representatives of the American Psychological Association directs the chief executive officer to undertake immediate initiative to disseminate scientific information on sexual orientation to the state psychological associations and provide support in their advocacy efforts in the prevention of or challenge to state legislation that prohibits anti-discrimination for lesbian, gay, or bisexual persons;

Be it further resolved, That the CEO of the American Psychological Association take immediate steps to disseminate scientific information on sexual orientation to policy makers and to the public and to provide consultation to parties involved in constitutional challenges to legislation that prohibits anti-discrimination for lesbian, gay, and bisexual persons in those states in which such constitutional challenges are occurring;

Be it further resolved, That the CEO of the American Psychological Association will consult with the relevant state psychological association and will immediately consider a motion at the next Board of Directors meeting and the Council of Representatives meeting to neither sponsor meetings nor authorize participation of its representatives in meetings in any state in which a constitutional amendment or statute that prohibits anti-discrimination legislation for lesbian, gay, or bisexual persons has the force of law except when the purpose of the meeting is to work publicly to overturn the law in conjunction with state and local organizations. (DeLeon, 1994, p. 628)

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Resolution on Appropriate Therapeutic Responses to Sexual Orientation

14, 1997.]

Whereas societal ignorance and prejudice about same gender sexual orientation put some gay, lesbian, bisexual and questioning individuals at risk for presenting for 'conversion' treatment due to family or social coercion and/or lack of information (Haldeman, 1994);

Whereas children and youth experience significant pressure to conform with sexual norms, particularly from their peers;

Whereas children and youth often lack adequate legal protection from coercive treatment;

Whereas some mental health professionals advocate treatments of lesbian, gay, and bisexual people based on the premise that homosexuality is a mental disorder (e.g., Socarides et al, 1997);

Whereas the ethics, efficacy, benefits, and potential for harm of therapies that seek to reduce or eliminate same-gender sexual orientation are under extensive debate in the professional literature and the popular media (Davison, 1991; Haldeman, 1994; Wall Street Journal, 1997);

Therefore, be it resolved, That APA affirms the following principles with regard to treatments to alter sexual orientation:

- That homosexuality is not a mental disorder (American Psychiatric Association, 1973); and
- That psychologists 'do not knowingly participate in or condone unfair discriminatory practices' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Principle D, p. 1600); and
- That 'in their work-related activities, psychologists do not engage in unfair discrimination based on ... sexual orientation' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 1.10, p. 1601); and
- That 'in their work-related activities, psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own.' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 1.09; p. 1601); and
- That 'psychologists ... respect the rights of individuals to privacy, confidentiality, self-determination and autonomy (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Principle D, p. 1599); and
- That 'psychologists are aware of cultural, individual and role differences, including those due to ... sexual orientation' and 'try to eliminate the effect on their work of biases based on [such] factors' Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Principle D, pp. 1599-1600); and

- That 'where differences of. .. sexual orientation ...significantly affect psychologist's

.. VVfSVVllaaaab FF4J. S #S4MI III,la.+uuKa.) Va cu1 FL jJU, 1 IJJ.Is Va.J sU-U vv«alal T1IV uualuiab, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 1.08, p. 1601); and

- That 'psychologists do not make false or deceptive statements concerning ... the scientific or clinical basis for ... their services,' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 3.03(a), p. 1604); and
- That 'psychologists attempt to identify situations in which particular interventions ... may not be applicable ...because of factors such as ... sexual orientation' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 2.04 (c), p. 1603); and
- That 'psychologists obtain appropriate informed consent to therapy or related procedures' [which] 'generally implies that the [client or patient] (1) has the capacity to consent, (2) has been informed of significant information concerning the procedure, (3) has freely and without undue influence expressed consent, and (4) consent has been appropriately documented' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, Standard 4.02(a), 1992, p. 1605); and
- 'When persons are legally incapable of giving informed consent, psychologists obtain informed permission from a legally authorized person, if such substitute consent is permitted by law' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 4.02(b), p. 1605);.
- That 'psychologists (1) inform those persons who are legally incapable of giving informed consent about the proposed interventions in a manner commensurate with the persons' psychological capacities, (2) seek their assent to those interventions, and (3) consider such persons' preferences and best interests' (Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 1992, Standard 4.02(c), p. 1605); and
- That the American Psychological Association 'urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientation' (Conger, 1975, p. 633); and

Therefore, be it resolved, That the American Psychological Association opposes portrayals of lesbian, gay, and bisexual youth and adults as mentally ill due to their sexual orientation and supports the dissemination of accurate information about sexual orientation, and mental health, and appropriate interventions in order to counteract bias that is based in ignorance or unfounded beliefs about sexual orientation.

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Legal Benefits for Same - Sex Couples

[Adopted by the American Psychological Association Council of Representatives August 16, 1998.]

Whereas there is evidence that homosexuality *per se* implies no impairment in judgement, stability, reliability, or general social and vocational capabilities (Conger, 1975) for individuals;

Whereas legislation, other public policy, and private policy on issues related to same sex couples is currently under development in many places in North America (e.g., Canadian Psychological Association, 1996);

Whereas the scientific literature has found no significant difference between different-sex couples and same-sex couples that justify discrimination (Kurdek, 1994;1983; Peplau, 1991);

Whereas scientific research has not found significant psychological or emotional differences between the children raised in different-sex versus same-sex households (Patterson, 1994);

Whereas APA has, as a long established policy, deplored "all public and private discrimination against gay men and lesbians in such areas as employment, housing, administration, and licensing..." and has consistently urged "the repeal of all discriminatory legislation against lesbians and gay men" (Conger, 1975);

Whereas denying the legal benefits that the license of marriage offers to same-sex households (including, but not limited to, property rights, health care decision-making, estate planning, tax consequences, spousal privileges in medical emergency situations and co-parental adoption of children) is justified as fair and equal treatment;

Whereas the absence of access to these benefits constitutes a significant psychosocial stressor for lesbians, gay men, and their families.

Whereas APA provides benefits to its members' and employees' domestic partners equivalent to those provided to members' and employees' spouses;

Whereas psychological knowledge can be used to inform the current public and legal debate on "same-sex marriage" (e.g., Baehr v. Levin);

Therefore, be it resolved, That APA supports the provision to same-sex couples of the legal benefits that typically accrue as a result of marriage to same-sex couples who desire and seek the legal benefits; and

Therefore, be it further resolved, That APA shall provide relevant psychological knowledge to inform the public discussion in this area and assist state psychological associations and divisions in offering such information as needed.

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Policy Statements on Lesbian, Gay, and Bisexual Concerns

CHILD CUSTODY OR PLACEMENT

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

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 (Conger, 1977, p. 432).

REFERENCE

Conger, J.J. (1977). Proceedings of the American Psychological Association, Incorporated, for the year 1976: Minutes of the Annual Meeting of the Council of Representatives. *American Psychologist*, 32, 408-438.

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Children's Voice Article, January 2002

Gay Adoption

by Kristen Kreisher

Until the 1950s and '60s, adoption was predominately used to place healthy white babies in the homes of middle class, married couples. In the decades since, adoption practices have changed dramatically, and adoption has become a way for increasingly diverse populations to form families.

According to the Adoption and Foster Care Analysis and Reporting System, on September 30, 1999, 127,000 children in the public child welfare system were waiting to be adopted. The median age of children in this group was 7.7 years, and many had spent more than 36 continuous months in foster care. That same year, 46,000 children were adopted from public child welfare agencies. Some were infants. Some were teenagers. Many were Latino. Many more were white or black. Adoptive parents were equally diverse-31 % were single women, 2% were single men, and 1 % were unmarried couples. Among these adoptive parents were gay and lesbian individuals and partners.

Adoption professionals acknowledge agencies nationwide are placing children with gay parents, but little data is available on how many children are placed with gay, lesbian, or transgendered individuals. "Many agencies are making these placements, but not necessarily talking about them," says Ada White, CWLA Director of Adoption Services. "Agencies are not tracking it and don't intend to track it."

Madelyn Freundlich, Policy Director with Children's Rights Inc. in New York City, and former Director of the Evan B. Donaldson Adoption Institute, says numbers are hard to come by because "questions on sexual orientation are often not posed and recorded."

Laws and Practices

Federal and state laws govern adoption, but practices within states often vary from region to region-and even from agency to agency and judge to judge. By researching state laws and analyzing court records, the Human Rights Campaign (HRC), the nation's largest gay and lesbian organization, have determined 21 states and the District of Columbia are "open" to gay adoption. "More and more states recognize gay and lesbian adoption as a fine thing," says Lisa Bennett, Deputy Director of HRC's FamilyNet. "Some have explicit, welcoming language."

New Jersey was the first state to specify that sexual orientation and marital status cannot be used to discriminate against couples who are seeking to adopt. The state also allows second-parent adoption, a legal procedure by which a coparent can adopt the biological or adopted child of his or her nonmarital partner. New York also allows a similar procedure for nonmarital partners.

statewide and forbids discrimination in adoption decisions. California recently enacted a new domestic partnership law that legalizes second-parent adoption.

A limited number of states, however, absolutely preclude gays and lesbians from adopting. Most notable among them is Florida, where a federal judge in August upheld the state's 1977 law banning gay adoption. Steven Lofton and Douglas Houghton challenged the law after being refused the right to adopt the children in their care. Lofton is the foster parent of a 10-year-old boy he has raised since infancy. The state allows homosexuals to be foster parents. Houghton is the guardian of a 9-year-old boy who has been in his care for five years.

In his ruling, Federal District Court Judge James King wrote, "Plaintiffs have not asserted they can demonstrate that homosexual families are equivalently stable, are able to provide proper gender identification, or are no more socially stigmatizing than married heterosexual families."

Utah prohibits adoption by any unmarried couple or individual. And while Mississippi does not explicitly ban gay and lesbian individuals from adopting, it does prohibit adoption by same-sex couples, and the climate is reported as unwelcoming.

The policies in most states, however, are unwritten, and experts assume they will stay that way. Freundlich doesn't believe more states will codify policies for or against gay adoption, but will "continue along informal lines." According to Joan Heifetz Hollinger, a visiting professor at the University of California Berkeley School of Law and a leading scholar on adoption law and practice, much of the decisionmaking in adoption cases "happens behind public view, without much scrutiny."

Informal, variable policies are the rule in most states. Louisiana, for example, restricts adoption to married couples and single individuals and has no reported cases of gays adopting. CWLA's White, previously a Louisiana social worker and state adoption director, however, says, "I myself placed kids with gay parents," stressing that many were already foster parents to the children and her decisions were based purely on their "ability to parent."

The new permanency guidelines in the Adoption and Safe Families Act of 1997 have led to an increased number of children in the child welfare system who need homes, and a growing acceptance of nontraditional families who want to adopt. Freundlich says agencies want to "maximize adoptive family resources without drawing attention to the specific characteristics of who those families are."

A Suitable Home

Historically, adoption has provided a service to adults who wanted a child. The intent of modern adoption practice, however, has become providing a service to children. "The focus needs to stay on children, not the rights of adults to adopt," says Freundlich, who stresses that children needing families should not become a civil rights issue. Complicating the matter is that both those in favor of and against the right of gays to adopt feel they are focusing on the best interests of children. The question then becomes how to determine the best adoptive resource for a child. Who should be considered? Who should not?

CWLA's Standards of Excellence for Adoption Services state, "Applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyles, or sexual orientation." Further, applicants for adoption should

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

The task handed to social workers, state agencies, and judges is to determine what is a suitable home for a child in the public child welfare system. But, as Hollinger points out, "there are no tests of suitability. Where is the standard? Where is the evidence that certain parents do better?"

Florida does not consider Steven Lofton and Douglas Houghton to be suitable adoptive parents for the boys they have been raising for several years. Lofton, a pediatric nurse who once won the Children's Home Society's outstanding foster parenting award, is caring for three children who tested positive at birth for HIV. Houghton, also a nurse, took on the care of a 9-year-old boy whose biological father left him with Houghton when he was 4. Although Judge King acknowledged "the existence of strong emotional bonds between plaintiffs" in his ruling, he wrote that the state's ban on gay adoption is in the best interest of Florida's children.

King is not alone in believing gay, lesbian, and transgendered people should not adopt. "It is wrong to intentionally deprive a child of a mother and a father," says Kristin Hansen, spokesperson for the Family Research Council (FRC), a conservative, pro-family public service organization that opposes gay adoption. FRC believes it best to move children into permanent homes with married parents. "Children deserve the best possible homes, especially children in the child welfare system who have special emotional and psychological needs."

Proponents of gay adoption agree the well-being of children in the child welfare system, many of whom have special needs, is primary, but argue that gays and lesbians can be excellent resources for children who have had difficult childhood experiences. "Often, people who themselves have had a difficult time being accepted or have faced criticism have special insight or empathy," Hollinger says. "Rather than excluding, one might consider that some people, because of their sexual orientation, may be better able to serve these children."

Hansen, however, says the promiscuous nature of gay relationships, higher suicide rates among gays and lesbians, and the shorter life expectancies of gay men make "homosexual households an at-risk situation" where children are at "greater risk for emotional, social, and sexual identity problems." "They are free to believe that," Hollinger responds, "but where's the evidence? There is no evidence that it is an unhealthy environment or that certain categories of people are better than others at being parents."

"There is no ideal family form anymore," says HRC's Bennett, who points to the diversity of family structures revealed by new census data. "There are many forms of family."

Researching Family Life

Studies examining children raised by a gay parent or parents have shown no difference in developmental outcomes as compared with children raised by heterosexual parents. Critics, however, contend these studies are politicized with sample sizes that are too small to be conclusive.

In an April 2001 article in the *American Sociological Review*, researchers Judith Stacey and Timothy Biblarz of the University of Southern California reported the results of their examination of 21 studies on gay parenting. Stacey and Biblarz found that although "the authors of all 21 studies almost uniformly claim to find no differences in measures of

parenting or child outcomes," their examination of the data suggests that the children of gay parents demonstrate some differences in gender behavior and preferences. Lesbian mothers reported their children, especially daughters, are less likely to conform to cultural gender norms in dress, play, and behavior, and are more likely to aspire to nontraditional gender occupations, such as doctors, lawyers, or engineers. They also discovered that although the children of gay and lesbian parents are no more likely to identify themselves as gay, lesbian, or bisexual than the children of heterosexual parents, they are more likely to consider or experiment with same-sex relationships during young adulthood.

Stacey and Biblarz also found that the children of homosexual parents show no difference in levels of self-esteem, anxiety, depression, behavior problems, or social performance, but do show a higher level of affection, responsiveness, and concern for younger children and "seem to exhibit impressive psychological strength."

Gay parents were found to be more likely to equally share child care and household duties, and the children of gay partners reported closer relationships to the parent who was not their primary caregiver than did the children of heterosexual couples. "These findings imply that lesbian coparents may enjoy greater parental compatibility and achieve particularly high quality parenting skills, which may help explain the striking findings on parent-child relationships."

Stacey and Biblarz point out that the differences they found should not be considered deficits. "They either favor the children with lesbigay parents, are secondary effects of social prejudice, or represent just a difference' of the sort democratic societies should respect and protect." They go on to stress that categorizing parents as gay or heterosexual "erroneously impl[ies] that a parent's sexual orientation is the decisive characteristic of his or her parenting." They suggest that sexual orientation only matters because homophobia and discrimination say it matters.

Gay Parents or No Parents

With so many children in the public child welfare system in need of permanent homes, gay parents are sometimes seen as resources for hard-to-place children. Bennett says, "So many gay and lesbian parents are adopting from the child welfare system. They are so interested in becoming parents that they are willing to take children others are not." She says an "unspoken hierarchy" exists in adoption practice, and one of the great ironies of the debate is that gay and lesbian parents often adopt the children with the greatest need.

In a New York Times editorial responding to the Florida decision, Dan Savage, an author, syndicated columnist, and adoptive father, wrote, "The real choice for children waiting to be adopted in Florida and elsewhere isn't between gay and straight parents, but between parents and no parents."

By prohibiting gay and lesbian people from adopting, there are unquestionably fewer potential adoptive homes for children. "If people are going to hold a narrow opinion of who can adopt," Bennett says, "they are sentencing some children to a life without a loving home."

Michael Colberg, a lawyer and social worker who lectures on adoption issues and maintains a private counseling practice in New York, cautions, "You don't want to give the impression that these are B-list parents adopting B-list children. We can't afford to have that discussion. The discussion needs to be who is in the best position to support these children."

Colberg urges any parent looking into adoption to learn about the special needs of adoptees and assess what kind of parents they can be and what kind of child they can parent well. He asserts, however, "Gay and lesbian people can be in a particularly good position to adopt," because of their own exposure to being viewed as different. "Most minorities are socialized into their minority status by their parents," but both gays and adoptees must face being a minority alone. "If parents really do their work, they can mentor their kids."

Raising Rachel

In the late 1980s, Colberg, who is gay, and his partner adopted a baby girl through a private agency and faced a string of court battles to retain custody and obtain a second-parent adoption. "We faced a lot of discrimination all the way along the line," he says.

The family is now settled in New York City, where Rachel attends sixth grade. Colberg says they picked her program by watching the kids come out of different schools at the end of the day, observing how the kids interacted with one another.

He describes his daughter as well-adjusted, alert to the world, strong-willed, and mature. While her father is on the phone, Rachel comes into the room, kisses her dad, and announces she knows whom she wants to invite to her upcoming party. "Rachel is a city kid, a live wire."

Colberg writes, "Adolescence inherently brings discomfort. For adoptees, the search for identity is magnified. For adoptees with homosexual parents, additional concerns may be present." He acknowledges that parenting is always a learning process, and raising a soon-to-be teenage daughter is a challenge. He says they just stay focused on her needs.

"Nothing is more important than raising a child," he says. "Nothing is harder. There is nothing you're less trained for."

Kristen Kreisher is Managing Editor of Children's Voice.

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