

The Boston Globe
May 25, 1985
New Policy On Foster Care Parenting By Gays All But Ruled Out
Kenneth J. Cooper, Globe Staff

Human Services Secretary Philip W. Johnston yesterday announced a new state policy that all but rules out gay foster parenting under the auspices of the Massachusetts Department of Social Services. Gov. Michael S. Dukakis said he approved the new policy, which requires the state to ask the sexual preference of foster parent applicants and to try to place foster children in "traditional family settings" with relatives or married couples with other children. The policy, which Johnston said is the first such state policy in the country, was promptly condemned as discriminatory by gay rights advocates who threatened to counter with a lawsuit.

Johnston said "nontraditional" homes are to be used only with the written approval of the social services commissioner. Future placements with gay foster parents are "highly unlikely," he said, but "there is no categorical exclusion of people."

Dukakis suggested the "vast majority of people in this state and across the country" share his belief that a traditional family is "best possible setting for a youngster, any youngster."

Johnston said an undetermined number of existing gay foster homes would get six-month reviews mandated under a 1984 law for all foster homes, beginning July 1. Decisions on breaking up gay foster homes, he said, would be "made very carefully and with great sensitivity."

"There will be no witch hunt," Johnston said.

A former child-welfare worker, Johnston rejected assertions by gay rights advocates that foster parenting is a civil right. "No one in this state has a right to be a foster parent," he said. The state's goal, he said, is to provide "a warm, stable, nurturing home for a child on a temporary basis."

"Sexual preference is a factor, and should be considered as a factor," Johnston said. "I think it would be bizarre, to say the least, to believe that it isn't."

Social Services Comr. Marie A. Matava has said the agency has not routinely inquired about the sexual preference of foster parent applicants, but unofficial sources say a gay lifestyle usually becomes apparent during an extensive investigation, which includes an assessment of personal relationships.

Both DSS and the state Office for Children, Johnston said, will incorporate the new policy into their regulations.

Yesterday's announcement came at a news conference attended by a number of lesbians, who hissed at Johnston and accused him of joining the so-called moral majority.

The previous evening, the Massachusetts House voted, 112-28, for a budget amendment barring the DSS from continuing to "knowingly" approve gays as foster or adoptive parents.

The Gay and Lesbian Advocates and Defenders, a legal rights group, denounced the broad amendment as unconstitutional. S. Stephen Rosenfeld, counsel to Gov. Michael S. Dukakis, said the amendment "sounds illegal under Massachusetts law." The Senate will take up the budget next week, and it remains unclear whether Dukakis could veto the amendment without vetoing \$5 million for the DSS central office.

Kevin Cathcart, director of the legal rights group, suggested a lawsuit was "quite likely" to challenge the new policy. "I think our right to have families is under attack," he said.

Other gay activists called the policy discriminatory, while child-welfare advocates questioned whether it was realistic, given the shortage of foster care homes. In 1980, married couples headed 57 percent of the

state's households. Moderate Democrats and some conservative Republicans in the Massachusetts Legislature praised the policy.

Johnston denied the House vote prompted him to end a two-week review of gay foster parenting, a study Dukakis requested after reports that DSS had placed two small boys in the Roxbury foster home of two gay men. The day of the reports, DSS ordered the children removed from the home of Donald Babets and David Jean.

A survey of every state, Johnston said, showed only New York had a specific policy addressing gay foster parenting. New York's policy is not to discriminate on the basis of sexual preference.

"I was startled to find the same kind of uncertainty and confusion exists in most other states regarding this issue," Johnston said. "So I think other states are going to be looking to us to set some kind of national standard."

Johnston expressed regret for Babets and Jean, "whose lives have been turned upside down" after spending a year getting state approval as foster parents. "What happened in removing the two foster children from their care is in no way a reflection of these men's character or abilities," Johnston said.

Dukakis was also apologetic: "I regret very much that that happened . . . No citizen of the state ought to be treated that way."

DSS spokesman Margaret Cruise said an area official would rule next week on a grievance the two men have filed. Johnston said Babets and Jean, whom he described as lacking parenting experience, "would not have been approved as foster parents" under the new policy.

Nancy Coleman, a lawyer for Babets and Jean, said, "I think it's horrible. It's going to have an incredible impact on the whole foster care program. The policy considers only political considerations and not the needs of the children."

Johnston noted that already 67 percent of the foster parents caring for 6500 foster children are married couples. He described the state's average foster child as a white 10-year-old who has lived in one foster home for less than 1 1/2 years.

Johnston initially said the new policy would be guided by clinical opinions, but yesterday Dukakis said tradition was upheld because "there is no solid evidence one way or another" on the effects of gay foster parenting.

Dukakis denied politics, as gay critics have charged, shaped the policy. "I'm not interested in the political consequences; I'm interested in these kids," he said. "And what's best for them is what our policy involves, not the political fallout one way or another."

Dukakis, who in 1978 signed the bill creating DSS, said he had been unaware the agency was making gay foster placements. The department began operation under former governor Edward J. King.