

AAP

NEWS

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PUBLISHED MONTHLY
American Academy of Pediatrics
141 Northwest Point Blvd. • Elk Grove Village, IL 60007

AAP News, the official newsmagazine of the American Academy of Pediatrics, is dedicated to informing, educating and inspiring readers on matters related to pediatric health care.

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AAP supports second-parent adoptions by homosexuals

by Lori O'Keefe
Correspondent

Pediatricians should support the legal adoption of children by co-parents or second parents because it provides permanency and stability to children of gay and lesbian parents, according to a new AAP policy statement from the AAP Committee on Psychosocial Aspects of Child and Family Health (COPACFH) (*Pediatrics*. 2002;109:339-340).

"The Academy's supporting the right of children to have two legally empowered parents was an important statement," said Ellen Perrin, M.D., FAAP, former COPACFH member, who authored an accompanying AAP technical report on the topic (*Pediatrics*. 2002;109:341-344). "Courts need expert opinion to support requests for second parent adoption, and a policy statement from the Academy gives parents and the courts something to rely on."

According to Dr. Perrin, a gay man who adopts or a lesbian woman who adopts or gives birth to a child is the only legally recognized parent, giving no legal standing to the second parent. This, in turn, has many negative financial, psychological, health and welfare ramifications for the child, especially in the event of death or disability of the biological parent.



Dr. Hagan

"Just because children of gay and lesbian parents are in a nontraditional family doesn't mean they shouldn't have the same protection that children of traditional families have," said Joseph F. Hagan, M.D., FAAP, COPACFH chair.

Non-recognized co-parents don't have the legal right to grant permission for medical care or surgery, provide health benefits, or make educational decisions, among other parental decisions and safeguards that protect children, notes Dr. Perrin.

Therefore, the policy statement says the legal sanction of co-parent adoption:

- guarantees the second parent's custody rights and responsibilities and the child's right to remain with the second parent if the first parent dies or becomes incapacitated;
- protects the co-parent's rights to custody and visitation if the couple separates, and protects the child's right to maintain relationships with both parents;
- establishes the requirement for child support if the parents separate;
- ensures health benefits for the child;
- enables either parent to provide medical consent and to make educational, health care and other important decisions on behalf of the child; and
- provides financial security for children should either parent die.

"Many children are living in these families," said Sarah Springer, M.D., FAAP, chair of the AAP Provisional Section on Adoption. "People have varying opinions on whether or not they like this, but the bottom line is that they do exist and we as pediatricians need to support them."

The technical report cites that between 1 million and 9 million children in the United States have at least one parent who is gay or lesbian. However, having a gay or lesbian parent does not negatively impact a child's emotional, cognitive, social or sexual functioning. In fact, like children of heterosexual parents, children from gay and lesbian families are more likely to be affected by the nature of the relationships and interactions within the family than by the structure of the family, the report states.

Areas of research the technical report focuses on include:

- 1) parenting attitudes and behavior, personality and adjustment of parents;

- 2) children's gender identity and sexual orientation; and

- 3) children's emotional and social development.

In examining parenting styles and attitudes, researchers have found more similarities than differences between gay and heterosexual fathers and lesbian and heterosexual mothers. However, gay fathers are more likely to adhere to stricter disciplinary guidelines and to be more involved in their children's activities (Bigner JJ, Jacobsen RB. *J Homosex*. 1992;23:99-112). In addition, lesbian mothers are likely to be more concerned about providing a male role model for their children than are divorced heterosexual mothers (Harris MB, Turner PH. *J Homosex*. 1985;12:101-113) (Kirkpatrick M, Smith C, Roy R. *Am J Orthopsychiatry*. 1981;51:545-551).

According to the technical report, "none of the 300 children studied to date have shown evidence of gender identity confusion, wished to be the other sex, or consistently engaged in cross-gender behavior." In fact, the proportion of young adults with homosexual or heterosexual parents who report being attracted to someone of the same sex is similar, as is the proportion of young adults from both groups who report being homosexual.

Finally, children of homosexual parents are more likely to be more tolerant of diversity, more nurturing and have higher self-esteem than children of heterosexual parents.

"There is no argument that can be made that children of homosexual parents are not healthy," Dr. Springer said. "Most of the criticism and laws come from people who are uncomfortable with those relationships. Every (gay or lesbian) family I've ever worked with is very happy and the children are very well adjusted."

Despite the positive research, gay and lesbian parents still face many challenges. In Florida, a federal judge recently upheld a state law banning adoptions by gay parents. The ruling was made in a case filed by two gay men, one of whom had been recognized as an outstanding foster parent by a Florida child placement agency.

"There are many wonderful people willing and able to be good parents and the only thing preventing them from being parents is somebody else who doesn't like their sexual orientation," Dr. Springer said. "We don't want to limit the pool of parents when so many children need to be adopted."

In an effort to assist some homosexual parents who are seeking to adopt, the AAP Pennsylvania Chapter has joined 30 other organizations in a brief of *amici curiae* filed with the Supreme Court of Pennsylvania by attorneys from the Support Center for Child Advocates. The brief supports second-parent adoption in two cases being appealed in Pennsylvania courts.

"The advocacy effort is about the normative aspects of these relationships," said Frank Cervone, executive director of the Support Center for Child Advocates. "The Academy's support of second-parent adoption, in a sense, demonstrates to a larger community that it is normal for children to be raised by homosexual parents."

To ensure that children of homosexual parents have access to two loving parents, the Academy recommends that pediatricians:

- become familiar with professional literature on gay and lesbian parents and their children;
- support the right of every child and family to the financial, psychological and legal security that results from legally recognized parents; and
- use the judicial system, legislation and community education to advocate for second-parent adoption.



Dr. Springer