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Written testimony regarding LB 385, the Foster Care Fairness Act, respectfully submitted to the Nebraska Senate Judiciary Committee by Executive Director Adam Pertman and Program Director Susan L. Smith of the Donaldson Adoption Institute.

The Donaldson Adoption Institute is a national, independent/nonpartisan, not-for-profit think tank that is the leading research, policy and education organization in its field. We conduct research and analysis in order to improve adoption-related laws, policies and practices. This testimony regarding LB 385 is intended to explain the state of professional knowledge on two issues: the critical need for the largest possible pool of qualified parents to adopt girls and boys languishing in the child welfare system, and the harm to children that can result from excluding any qualified class of possible parents (such as unmarried individuals, gay men, lesbians, or persons with disabilities). The Institute has conducted the most extensive studies to date in this realm: “Expanding Resources for Children” I, II and III, all of which can be found on our website, <http://adoptioninstitute.org>.

It appears that LB 385 – which would prohibit discrimination in placement and foster care licensing based upon race, color, religion, sex, sexual orientation, gender identity, disability, marital status, or national origin – comports with the findings and recommendations in our research. For example, we found that lesbian and gay parents are important family resources for foster children throughout our country. Furthermore, several studies have documented that lesbian and gay adults are willing to foster and adopt the very children most in need of homes – those who are older and have special needs – and that they adopt such children at a higher rate than do heterosexual adults. Among same-sex couples raising children, 19% have adopted (which is a much higher percentage than is true of the general population); according to the U.S. census, 2.5 percent of all children are adopted. Gay and lesbian adults also provide a significant number of families for children who need foster or adoptive homes – over 14,000 children are estimated to live in lesbian- or gay-led foster families today, while at least 65,000 adopted children are being raised by such parents.

Major professional groups, including the American Medical Association and the American Psychological Association, as well as child welfare organizations nationwide, overwhelmingly support fostering and adopting by qualified gay and lesbian parents – i.e., ones who have been vetted, trained and on whom background checks have been conducted (the same process as is used for all adults adopting from the foster care system). The American Psychological Association issued a brief in 2005 on lesbian and gay parenting in which it reported, “Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents.” The support of these professional organizations is not surprising. A quarter century of research on children has found that those raised by gay and lesbian parents fare well – on par with those reared by heterosexual parents.

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An exception to these conclusions is a recent, controversial study by Regnerus that seemed to raise doubts about the parenting abilities of gay couples. This study has since been called into question by the academic journal that originally published it; indeed, an internal audit by that journal reported the paper had “serious flaws and distortions,” that its small sample size and questionable definition of “gay and lesbian” compromised the study, and that two reviewers were paid consultants of the author. An additional concern was that the article was rushed to publication because the topic was timely and would draw attention to the journal. The anti-gay stance of the groups funding the study – as well as e-mails indicating that they wanted the study to find problems with gay/lesbian parenting and sought to use the study to influence the upcoming Supreme Court review of same sex-marriage – casts further doubts about the validity of the research.

From a child-centered perspective and in keeping with the principle that the best interests of children should be paramount, both research and experience underscore this point: Categorically excluding any one group of potential parents by definition undermines the prospects of some boys and girls for finding permanent, loving families. Applicants should be judged on their qualifications, not their marital status, sexual orientation, or any other such classification. Not incidentally, our reports – as well as other research – clearly show that expanding the pool of qualified adoptive parents for these children also would save the state substantial funds annually, primarily as a result of moving children from foster care to permanent, loving families.

Too often, public policy relating to fostering and adoption has been based on aberrational anecdotes, emotional appeals and corrosive myths. The Donaldson Adoption Institute urges that the Senate Judiciary Committee examine the research with care. We believe that, after you do, you will come to the same conclusion as we did after conducting years of research: Every qualified and eager prospective foster and adoptive parent should be included to best meet the desperate need for homes for children.

Please feel free to send an email to apertman@adoptioninstitute.org or call 617-332-8944 if you have any questions or need more information. Thank you for your attention and for your important work.

Best regards,



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