

Approval of gay adoptions decried

Pro-family groups review D.C. ruling

By Kristan Metzler
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Pro-family groups aren't sure how they will respond to a D.C. Appeals Court ruling that allows unwed couples, including homosexual ones, to adopt children.

In a 2-1 decision, a three-judge panel of the court overturned a lower-court decision that had prohibited two homosexual men from adopting a 4-year-old girl.

"It's putting a child at risk. The law should uphold the primacy of marriage and family, and this ruling does the opposite," said Robert H. Knight, director of cultural studies for the Family Research Council.

"The ruling ignores the fact that mothers and fathers are not interchangeable nor interchangeable, and it creates the fiction that homosexuality is on par with normal family life," said Mr. Knight, author of a monograph titled "Sexual Disorientation: Faulty Research in the Homosexual Debate."

Despite such outrage, however, Mr. Knight and representatives of several other family advocacy groups interviewed last week said they are reviewing the case but have no concrete plans to challenge the ruling.

The new ruling holds that D.C. law allows two unmarried persons, including same-sex couples, to jointly adopt a child as long as they are living together in a "committed relationship."

If one person in the relationship already has adopted a child, the decision allows the other to adopt

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the child as well.

The June 30 decision stemmed from a 1993 case in which two D.C. men tried to adopt a girl named Hillary. Hillary's biological mother answered a local ad placed by the men, identified in court papers only as Bruce and Mark, who were seeking to adopt a child.

The woman met and lived with the homosexual men until giving birth, when she signed her consent for Hillary's adoption. Bruce first adopted the child alone, but in March 1993 the couple asked a D.C. Superior Court judge to allow Mark to become her adoptive father as well.

"Hillary appears to be bonded equally well to both Bruce and Mark. She calls Bruce 'Daddy' and Mark 'Poppy,'" Judge Susan R. Winfield said in a written ruling last year. "Bruce cooks most of the

meals, while Mark often reads the bedtime stories. They both take Hillary on outings. The D.C. Department of Human Services has recommended in favor of the [adoption]."

Judge Winfield said the men would make good parents, but she denied the dual adoption on the grounds that the city's adoption law, passed by Congress in 1954, did not permit it.

Ruling on the appeal of the two men, the Court of Appeals reversed the decision. In the 2-1 ruling, the judges found that the law does not specifically prohibit unmarried couples to adopt, nor does it address the sex of potential parents.

"It is entirely possible that every legislator who voted on the adoption statute would answer, if asked, that Congress only intended for married couples to adopt children. But the fact is, Congress did not say so," Associate Judge John M. Ferren wrote in the majority opinion, joined by Senior

Judge Julia Cooper Mack.

Associate Judge John M. Steadman, in a brief dissent, wrote that the majority ruling falls short of "a commonsense understanding of human thought and expression."

The Court of Appeals sent the case back to the Superior Court for a judge to decide whether to accept the petition for the joint adoption of Hillary.

"The focus is on how the child shall best thrive, not on what the particular family format shall look like," Judge Ferren wrote.

Family law is decided state by state. Similar cases have been appealed to the highest court in only three states. The highest courts in both Vermont and Massachusetts have allowed two unmarried persons to jointly adopt a child.

Wisconsin is the only state in which the highest court has ruled against such adoptions. Trial judges in a dozen states have allowed unwed couples to jointly adopt children, lawyers familiar with family law said.

In Virginia and Maryland, the highest courts have yet to rule on adoptions by unmarried couples.

In three other D.C. cases that have not been appealed, the judges of the local Superior Court have granted adoptions to unmarried, same-sex couples.

Judge Winfield, who presides over the family division of Superior Court, interpreted the law differently than judges in the earlier cases, sparking the first such appeal to the District's highest court.

"The most important thing about this case is if an agency and the judge believe the adoption is in the best interest of the child, the judge has the authority to grant it," said Nancy Polikoff, an American University law professor who represented Bruce and Mark.

Ms. Polikoff's clients have declined to speak to news reporters, but several homosexual-rights groups lauded the ruling.

"We're pleased that judges will have the autonomy to rule what is in the best interest of a child.

Clearly all of us in society have an interest to see that the child is put in a stable and loving family," said Kerry Lobel, deputy director of the National Gay and Lesbian Task Force.

But opponents of adoptions by homosexuals and other unmarried couples said the child's best interest would be served in the traditional manner — with a mother and a father.

"It's quite clear married, heterosexual couples do the best and most predictable job of raising well-socialized children. Society has an obligation for its future — its children — to place them whenever possible in the best circumstances, which is the married-man-and-woman situation," said Paul Cameron, a scientist with the Family Research Institute.

"We believe that there is plenty of evidence to show that children thrive best in a family where a mother and father are present. The courts are not looking after what is in the best interest of the

children," said Penny Young, legislative director for Concerned Women for America.

For years, the child placement center of the city's Department of Human Services has allowed single homosexuals to adopt children, but it has not tracked those children, Mr. Cameron said.

"If you do social engineering of this magnitude, it seems you would track these things. At the very least, you would carefully monitor the kids you are experimenting with," he said.

The ruling by the District's highest court comes three months after the Virginia Supreme Court denied the request of Sharon Bottoms, a lesbian, to keep custody of her 3-year-old son, Tyler Dousou, who is being raised by his grandmother, Kay Bottoms.

The Virginia ruling may shed light on how that court would decide a case involving unwed homosexual couples, several lawyers said.