

Forum

Court should rule in favor of same-sex parents

By JUDITH STACEY
San Francisco Chronicle

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THE California Supreme Court has agreed to decide whether Heather can have two legal mommies (or two daddies). A San Diego appellate court threw the status of families like Heather's into jeopardy last October by questioning the constitutionality of the thousands of same-sex "second-parent" adoptions that have been granted in California.

The high court hears the case this spring. The cumulative record of social science research and clinical experience suggests that it will serve the best interest of Heather, her parents, the state and simple justice of it affirms the legality of second-parent adoptions.

On Feb. 4, the American Academy of Pediatrics released a policy statement supporting such adoptions as in the best interests of the children. After reviewing dozens of studies, the AAP endorsed a remarkable consensus of social scientists on the question of what's wrong with gay parenthood. The answer is: nothing.

The cumulative research record yields no credible evidence that children parented by lesbians or gay men suffer more developmental difficulties than other children.

Yet, most researchers present this conclusion in a de-

fensive, even apologetic, tone. In the words of one scholar: "Researchers have been unable to establish empirically that detriment results to children from being raised by lesbian mothers."

Despite the "no differences" mantra, many studies do report evidence of some intriguing differences, and even of some potential advantages to same-sex parenting.

Several studies find that lesbian co-mothers share family responsibilities more equally than comparable heterosexual married parents. More commonly, both moms are employed, contribute similar earnings to the household and cut back on their hours of paid work to take care of young children. Not all parents could, or would wish to adopt this model, but some research hints that children benefit from egalitarian co-parenting.

Likewise, important new research by veteran marriage researchers, John Gottman and Joseph Levenson, reports

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that same-sex couples manage their conflicts better than comparable heterosexual married couples. Most family scholars concur that parental conflict is a major source of difficulty for children.

Unsurprisingly, a few studies find that lesbian parents worry less than heterosexual parents about the gender conformity of their children. Perhaps that helps to account for studies that found that sons of lesbians play less aggressively and that children of lesbians communicate their feelings more freely, aspire to a wider range of occupations and score higher on self-esteem.

The main reason scholars have been afraid to talk about these differences is that this last finding threatens to raise the old canard: Gay parents will raise gay kids. Well, hardly. Sexuality is far more complicated. Most gay adults, after all, were brought up by straight parents.

Nonetheless, growing up with gay parents should reduce a child's reluctance to accept or act upon homoerotic desires. Buried in the research is scattered evidence that this is so.

Some studies report that lesbians feel more comfortable discussing sexuality with their children and accepting their sexual inclinations. More to the point are data reported in a 25-year British study. Although few of the young adults studied defined their sexual orientation as lesbian or gay, a larger minority of those with lesbian mothers did report that they had considered or engaged in a homoerotic relationship.

Because the first generation of children parented by gays or lesbians is only now reaching adulthood, it is too soon to know if this finding will prove to be generally true.

It is not too soon, however, for researchers, judges and the public to stop fearing that it might be. So long as children grow up to be emotionally healthy and socially and sexually responsible, the object of their affections should be nobody's business but their own.

Likewise, we do not know if any of the scattered findings of differences reported in the small-scale studies conducted to date would hold up if it were possible to conduct larger more general studies. But we should not be afraid to find out.

Learning to live respectfully amid the profusion of our differences is the challenge and strength of a democracy. It is time to fearlessly explore and accept the differences that having lesbian or gay parents might foster.

These seem likely to include some hidden advantages from which the rest of us could learn.



Judith Stacey

Two perspectives on marriage, parenting ✓

SAME-SEX PARTNERSHIPS

Vermont led the way, other states may follow

By DEB PRICE
The Detroit News
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WHAT DO Vermont civil unions mean once gay couples leave that state?

The question has been hotly debated ever since the tiny state made history in July 2000 by extending all the



Deb Price

state-level benefits and responsibilities of marriage to same-sex couples who enter civil unions. Now we're starting to get hints at answers. Generally, Vermont legislators opened up their new system to non-Vermonters, prompting a rush of couples — including my partner Joyce and me — to head to the Green Mountain State to be legally united. So far, 3,575 couples have been joined, including 2,946 from

out of state. Without the option to marry, committed gay couples have turned to Vermont in the hope that a civil union certificate might come in handy in all kinds of situations in which legally married spouses can take their rights for granted.

These include, for example, receiving employee health benefits for a partner and children, being given leave from work to care for an ill partner, or not being forced to choose between a child and a partner in custody disputes with ex-spouses. Cutting-edge cases in Georgia and Florida give us an peek at what's likely ahead — at least in the short run:

Susan Freer cited her civil union with her partner Debra Freer in attempting to persuade Georgia's courts to view them as married in resolving a visitation dispute. Susan had signed a legal agreement with her ex-husband specifying that neither would have overnight guests other than a legal spouse or a close relative when their three sons were present.

On Jan. 23, a Georgia court of appeals rebuffed Susan's argument as "flawed." The court ruled civil unions aren't marriages, and, even if they were, Georgia wouldn't recognize them. It's unclear how damaging the ruling will be to future efforts to use civil unions to win legal rights outside Vermont.

Attorney Mathew Staver of Liberty Counsel, which represented Susan's ex-husband, said "this was the first case

out of the block. . . . It shows civil unions aren't worth the paper they're printed on" beyond Vermont.

But gay-rights litigators disagree, saying other states' courts may blaze their own trails. Evan Wolfson, head of the Freedom to Marry Project, adds that the Georgia ruling underscores why equal access to marriage is crucial.

"What we should learn from the Georgia case is that — even if we had won — same-sex couples shouldn't have to litigate every step of the way, without the instant security that is part of what marriage offers," he says.

Wolfson, while applauding civil unions as a first step, points to recent gains on the marriage front:

■ The Law Commission of Canada, a governmental advisory board, forcefully endorsed same-sex marriage. (See "Beyond Conjugality" at www.lcc.gc.ca.)

■ The Connecticut legislature held hearings on bills to create civil unions or open up marriage to gay couples.

In the second case testing civil unions, Mike Hall is asking Florida courts to view his partner, with whom he's united in a civil union, as a close family member to satisfy a visitation restriction in an agreement with his ex-wife. That would enable Hall's two kids to stay over at the couple's home when Mike's partner, Mike Moody, is present.

Hall's lawyers argue that it's in the children's best interest to be fully integrated into the Hall-Moody household.

"These cases are the tip of the iceberg — they are going to crop up all over the place in many contexts," says attorney James Esseks of the American Civil Liberties Union, which is representing Hall.

Vermont did the right thing in opening up civil unions to outsiders. It was a bold first step that nudged average Americans to start thinking about the needs of gay couples. But, as the Georgia case shows, nothing short of marriage will fully protect same-sex couples.

