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**IN THE COURT OF APPEALS  
OF MARYLAND**

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September Term, 2006

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No. 44

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**FRANK M. CONAWAY, et al.,**

*Appellants,*

**v.**

**GITANJALI DEANE & LISA POLYAK, et al.,**

*Appellees.*

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On Appeal from the Circuit Court for Baltimore City  
(M. Brooke Murdock, Judge)  
Pursuant to a Writ of Certiorari to the Court of Special Appeals

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**BRIEF OF AMICUS CURIAE OF THE NATIONAL ASSOCIATION OF SOCIAL  
WORKERS, THE MARYLAND CHAPTER OF THE NATIONAL  
ASSOCIATION OF SOCIAL WORKERS, MARYLAND CHAPTER OF THE  
AMERICAN ACADEMY OF PEDIATRICS, ELLEN C. PERRIN, M.D., JUDITH  
STACEY AND TIMOTHY BIBLARZ**

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October 19, 2006

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<b>Regulations</b>	
C.O.M.A.R. 07.05.03.09(A)(2).....	21
<b>Other Authorities</b>	
American Academy of Child & Adolescent Psychiatry, <i>Policy Statement: Gay, Lesbian, and Bisexual Parents</i> (June 1999).....	18
American Psychiatric Association, <i>Adoption and Co-Parenting of Children by Same-Sex Couples: Position Statement</i> (Nov. 2002).....	17
American Psychiatric Association, <i>Position Statement on Homosexuality and Civil Rights</i> , 131 AM. J. PSYCHIAT. 497 (1974).....	10
American Psychoanalytic Association, <i>Position Statement on Gay and Lesbian Parenting</i> (May 16, 2002) .....	18
American Psychological Association, <i>Lesbian and Gay Parenting</i> (1995) .....	17
Anderssen, N., et al., <i>Outcomes for Children of Lesbian or Gay Parents: A Review of Studies from 1978 to 2000</i> , 43 SCAN. J. PSYCHOL. 335 (2002).....	4
Bigner, Jerry & Bozett, Frederick, <i>Parenting by Gay Fathers</i> , in HOMOSEXUALITY AND FAMILY RELATIONS 155 (Frederick Bozett & Marvin Sussman eds., 1990).....	4
Bigner, Jerry J. & Jacobsen, R. Brooke, <i>Adult Responses to Child Behavior and Attitudes Toward Fathering: Gay and Nongay Fathers</i> , 23 J. HOMOSEXUALITY 99 (1992).....	4
Bigner, Jerry J. & Jacobsen, R. Brooke, <i>Parenting Behaviors of Homosexual and Heterosexual Fathers</i> , 18 J. HOMOSEXUALITY 173 (1989) .....	4
Bos, Henny M.W., et al., <i>Experience of Parenthood, Couple Relationships, Social Support, and Child-Rearing Goals in Planned Lesbian Mother Families</i> , 45 J. CHILD PSYCHOL. & PSYCHIAT. 755 (2004) .....	4

Bozett, Frederick W., <i>Children of Gay Fathers</i> , in GAY AND LESBIAN PARENTS 39 (Frederick W. Bozett ed., 1987).....	4
Bozett, Frederick W., <i>Gay Fathers</i> , in GAY AND LESBIAN PARENTS 3 (Frederick W. Bozett ed., 1987) .....	4
Bozett, Frederick W., <i>Gay Fathers: A Review of the Literature</i> , in HOMOSEXUALITY AND THE FAMILY 137 (Frederick W. Bozett ed., 1989).....	4
Brewaeys, A. & Van Hall, E.V., <i>Lesbian Motherhood: The Impact on Child Development and Family Functioning</i> , 18 J. PSYCHOSOM. OBSTET. & GYNECOL. 1 (1997) .....	7
Brewaeys, A., et al., <i>Donor Insemination: Child Development and Family Functioning in Lesbian Mother Families</i> , 12 HUMAN REPRODUCTION 1349 (1997) .....	4, 6, 11, 12
Chan, Raymond W., et al., <i>Division of Labor Among Lesbian and Heterosexual Parents: Associations with Children's Adjustment</i> , 12 J. FAM. PSYCHOL. 402 (1998).....	6
Chan, Raymond W., et al., <i>Psychosocial Adjustment Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers</i> , 69 CHILD DEV. 443 (1998) .....	5, 6, 7, 12
Child Welfare League of America, <i>Position Statement on Parenting of Children by Lesbian, Gay, and Bisexual Adults</i> .....	19
Committee on Psychosocial Aspects of Child and Family Health, <i>Coparent or Second- Parent Adoption by Same-Sex Parents</i> , 109 PEDIATRICS 339 (2002).....	17
Conger, John J., <i>Proceedings of the American Psychological Association, Incorporated for the Year 1974: Minutes of the Annual Meeting of the Council of Representatives</i> , 30 AM. PSYCHOLOGIST 620 (1975) .....	10
Donaldson, Evan B., Adoption Institute, <i>Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer for Boys and Girls Who Need Homes?</i> (March 2006).....	19
Falk, Patricia J., <i>Lesbian Mothers: Psychological Assumptions in Family Law</i> , 44 AM. PSYCHOLOGIST 941 (1989).....	6
Falk, Patricia, <i>The Gap Between Psychosocial Assumptions and Empirical Research in Lesbian-Mother Child Custody Cases</i> , in REDEFINING FAMILIES: IMPLICATIONS FOR CHILDREN'S DEVELOPMENT 131 (Adele Eskeles Gottfried & Allen Gottfried eds., 1995).....	5

Flaks, David K., et al., *Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children*, 31 DEV. PSYCHOL.105 (1995) .....5, 6, 9, 10

Fulcher, Megan, et al., *Contact with Grandparents Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, 2 PARENTING: SCIENCE AND PRACTICE 61 (2002) ..... 6

Golombok, Susan, et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, 24 J. CHILD PSYCHOL. & PSYCHIAT. 551 (1983) ..... 5, 6, 9, 11

Golombok, Susan, & Tasker, Fiona, *Do Parents Influence the Sexual Orientation of Their Children? Findings from a Longitudinal Study of Lesbian Families*, 32 DEV. PSYCHOL. 3 (1995) .....6

Golombok, Susan, et al., *Children Raised in Fatherless Families from Infancy: Family Relationships and the Socioemotional Development of Children of Lesbian and Single Heterosexual Mothers*, 38 J. CHILD PSYCHOL. & PSYCHIAT. 783 (1997)..... 5

Golombok, Susan, et al., *Children with Lesbian Parents: A Community Study*, 39 DEV. PSYCHOL. 20 (2003) ..... 5, 6, 9, 12

Gottman, Julie Schwarz, *Children of Gay and Lesbian Parents*, 14 MARRIAGE & FAMILY REVIEW 177 (1990) ..... 6, 7, 8

Greenfeld, Dorothy A., *Reproduction in Same-Sex Couples: Quality of Parenting and Child Development*, 17 CURR. OPIN. IN OBSTET. & GYNECOL. 309 (2005) ..... 10

Green, Dorsey G. & Bozett, Frederick W., *Lesbian Mothers and Gay Fathers*, in HOMOSEXUALITY: RESEARCH IMPLICATIONS FOR PUBLIC POLICY 198 (John C. Gansiorek & James D. Weinrich eds., 1991) ..... 6

Green, Richard, et al., *Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and Their Children*, 15 ARCHIVES OF SEXUAL BEHAVIOR 167 (1986) ..... 5, 6, 7, 10, 11

Groth, A.N. & Birnbaum, H.J., *Adult Sexual Orientation and Attraction to Underage Persons*, 7 ARCHIVES OF SEXUAL BEHAVIOR 175 (1978)..... 20

Harris, Mary B. & Turner, Pauline H., *Gay & Lesbian Parents*, 12 J. HOMOSEXUALITY 101 ..... 5

Herek, Gregory M., <i>Myths About Sexual Orientation: A Lawyer's Guide to Social Science Research</i> , 1 L. & SEXUALITY 133 (1991) .....	20
Hoeffler, Beverly, <i>Children's Acquisition of Sex-Role Behavior in Lesbian-Mother Families</i> , 51 AM. J. ORTHOPSYCHIATRY 536 (1981).....	5
Hotvedt, Mary & Mandel, Jane Barclay, <i>Children of Lesbian Mothers</i> , in HOMOSEXUALITY: SOCIAL, PSYCHOLOGICAL, AND BIOLOGICAL ISSUES 275 (William Paul, et al., eds., 1982) .....	6, 9
Huggins, Sharon L., <i>A Comparative Study of Self-Esteem of Adolescent Children of Divorced Lesbian Mothers and Divorced Heterosexual Mothers</i> , 18 J. HOMOSEXUALITY 123 (1989).....	6, 7, 10
Hunfeld, J.A.M. et al., <i>Child Development and Quality of Parenting in Lesbian Families: No Psychosocial Indications for A-priori Withholding of Infertility Treatment</i> , 7 HUMAN REPRODUCTION UPDATE 579 (2001) .....	5
Jenny, Carole, et al., <i>Are Children at Risk for Sexual Abuse by Homosexuals?</i> , 94 PEDIATRICS 41 (1994) .....	20
Kirkpatrick, Martha, <i>Clinical Implications of Lesbian Mother Studies</i> , 14 J. HOMOSEXUALITY 201 (1987).....	5
Kirkpatrick, Martha, et al., <i>Lesbian Mothers and Their Children: A Comparative Survey</i> , 51 AM. J. ORTHOPSYCHIATRY 545 (1981) .....	5, 6, 7, 10
Lamb, Michael E., <i>Fathers and Child Development: An Introductory Overview and Guide</i> , in THE ROLE OF THE FATHER IN CHILD DEVELOPMENT 10 (Michael E. Lamb ed., 1997).....	14
MacCallum, Fiona & Golombok, Susan, <i>Children Raised in Fatherless Families from Infancy: A Follow-Up of Children of Lesbian and Single Heterosexual Mothers at Early Adolescence</i> , 45 J. CHILD PSYCHOL. & PSYCHIAT. 1407 (2004).....	5, 6, 9
McCandlish, Barbara, <i>Against All Odds: Lesbian Mother and Family Dynamics</i> , in GAY AND LESBIAN PARENTS 23 (Frederick W. Bozett ed., 1987) .....	8
McNeill, K.F., et al., <i>Families &amp; Parenting: A Comparison of Lesbian &amp; Heterosexual Mothers</i> , 82 PSYCHOLOGICAL REPORTS 59 (1998).....	5
Miller, Brian, <i>Gay Fathers and Their Children</i> , 28 FAMILY COORDINATOR 544 (1979) ..	5
National Association of Social Workers, <i>Lesbian, Gay and Bisexual Issues</i> , in SOCIAL WORK SPEAKS 245 (2006) .....	10

National Association of Social Workers, <i>Lesbian, Gay and Bisexual Issues</i> , in SOCIAL WORK SPEAKS 198 (1997) .....	16
North American Council on Adoptable Children, <i>NACAC Position Statement: Gay and Lesbian Adoption and Foster Care</i> (April 9, 2005).....	19
Patterson, Charlotte J. & Chan, Raymond W., <i>Gay Fathers and Their Children</i> , in TEXTBOOK OF HOMOSEXUALITY AND MENTAL HEALTH 371 (Robert P. Cabaj & Terry Stein eds., 1996) .....	6
Patterson, Charlotte J., <i>Children of Lesbian and Gay Parents</i> , 63 CHILD DEVELOPMENT 1025 (1992) .....	9
Patterson, Charlotte J., <i>Lesbian Mothers and Their Children: Findings From the Bay Area Families Study</i> , in LESBIANS AND GAYS IN COUPLES AND FAMILIES: A HANDBOOK FOR THERAPISTS 420 (J. Laird & R.J. Green eds., 1996).....	8
Patterson, Charlotte, <i>Children of Lesbian and Gay Parents</i> , 19 ADVANCES IN CLINICAL CHILD PSYCHOLOGY 235 (1997).....	5, 8, 10, 11
Patterson, Charlotte, <i>Children of the Lesbian Baby Boom: Behavioral Adjustment, Self-Concepts, and Sex-Role Identity</i> , in CONTEMPORARY PERSPECTIVE ON LESBIAN AND GAY PSYCHOLOGY: THEORY RESEARCH & APPLICATION 156 (B. Green & G. Herek eds., 1994) .....	6
Patterson, Charlotte, et al., <i>Families of the Lesbian Baby Boom: Children's Contacts with Grandparents and Other Adults</i> , 68 AM. J. ORTHOPSYCHIATRY 390 (1998) .....	6
Pawelski, James G., et al., <i>The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-Being of Children</i> , 118 PEDIATRICS 349 (2006) .....	3, 17
Perrin, Ellen C., et al., <i>Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents</i> , 109 PEDIATRICS 341 (2002) .....	3, 6, 7, 8, 11, 16
Pies, Cheri A., <i>Lesbians and the Choice to Parent</i> , 14 MARRIAGE & FAMILY REVIEW 137 (1989) .....	8
Simmons, Tavia & O'Connell, Martin, <i>Married-Couple and Unmarried-Partner Households: 2000</i> (U.S. Census Bureau, 2003).....	3
Stacey, Judith & Bilbarz, Timothy J., <i>(How) Does the Sexual Orientation of Parents Matter?</i> , 66 AM. SOCIOLOGICAL REVIEW 159 (2001) .....	7, 10

Tasker, Fiona & Golombok, Susan, *Adults Raised as Children in Lesbian Families*, 65  
 AM. J. ORTHOPSYCHIATRY 203 (1995) ..... 5, 7, 9

Tasker, Fiona & Golombok, Susan, GROWING UP IN A LESBIAN FAMILY: EFFECTS ON  
 CHILD DEVELOPMENT (1997)..... 7, 8

Tasker, Fiona L. & Golombok, Susan, *Children Raised by Lesbian Mothers: The  
 Empirical Evidence*, 21 FAMILY L. 184 (1991) ..... 7

Tasker, Fiona, *Lesbian Mothers, Gay Fathers, and Their Children: A Review*, 26  
 DEVELOPMENTAL & BEHAVIORAL PEDIATRICS 224 (2005) ..... 4, 6, 13

VanFraussen, Katrien, et al., *What Does It Mean for Youngsters to Grow Up in a Lesbian  
 Family Created by Means of Donor Insemination?*, 20 J. REPRODUCTIVE & INFANT  
 PSYCHOLOGY 237 (2002) ..... 7, 9

Wainright, Jennifer L., et al., *Psychosocial Adjustment, School Outcomes, and Romantic  
 Relationships of Adolescents with Same-Sex Parents*, 75 CHILD DEV. 1886 (2004) 7, 12

Wainright, Jennifer & Patterson, Charlotte J., *Delinquency, Victimization, and Substance  
 Use Among Adolescents with Female Same-Sex Parents*, 20 J. FAMILY PSYCHOL. 526  
 (2006).....7

## INTEREST OF AMICI CURIAE

One of the justifications advanced by opponents of marriage by same-sex couples is their assertion that heterosexual couples create the optimal child-rearing environment. Amici submit this brief to inform the Court of the extensive scientific evidence proving that children raised by lesbian and gay couples develop as well as children raised by heterosexual couples -- scientific evidence that is recognized by all of the major professional associations dedicated to children's health and welfare. There is, therefore, no legitimate basis for barring same-sex couples from marriage based on child-rearing.

The National Association of Social Workers ("NASW") was established in 1955 as a nonprofit professional association dedicated to the practice and interests of the social work profession. It is the largest social work association in the world, with approximately 150,000 members. The Maryland Chapter has more than 4,000 members. In furtherance of its purposes to develop and disseminate high standards of social work practice, NASW promulgates professional standards and criteria, conducts research, publishes studies of interest to the profession, provides continuing education and enforces the *NASW Code of Ethics*. NASW's family policy recognizes that gay and lesbian people are a part of existing families and provide important caregiving to children, as well as other family members. The policy further identifies discrimination against lesbian and gay parents as undermining the survival of their families. NASW adopted a policy statement on gay issues in 1977, which was subsequently revised and expanded in 1987,

1993 and 1996; that policy prohibits social workers from discriminating on the basis of sexual orientation. In 2004, NASW reaffirmed its policy supporting same-sex marriage.

Since the inception of the Maryland Chapter: American Academy of Pediatrics (“MDAAP”) in 1950, the organization has had a long and distinguished history of advocacy and support for Maryland children and their health care needs. The mission “to support and encourage pediatricians in the promotion of optimal health for all of Maryland’s children and adolescents” speaks to the commitment to the health and well being of all children. The MDAAP Chapter has over 1,200 members statewide. The MDAAP has been recognized across the state, by the national Academy of Pediatrics and other health associations for their insightful and productive programs and public policy agenda advancing the health and well-being of children.

Ellen C. Perrin, M.D., is Professor of Pediatrics at Tufts University School of Medicine and Medical Director of the Center for Children for Special Needs at the Floating Hospital for Children at Tufts New England Medical Center. She is the author of the book *Sexual Orientation in Child and Adolescent Health* (2002). Dr. Perrin is the Chair of the Subboard of Developmental-Behavioral Pediatrics of the American Board of Pediatrics and Past President of the Society for Developmental and Behavioral Pediatrics.

Judith Stacey is a Professor of Sociology and Professor of Gender and Sexuality at New York University. She received her Ph.D. in Sociology from Brandeis University in 1979. Her areas of research and teaching center on the sociology of family, gender and sexuality, with current specialization in gay and lesbian families. She has published

numerous scholarly articles on these subjects.

Timothy Biblarz is Associate Professor of Sociology at the University of Southern California. He received his Ph.D. from the University of Washington in 1992. His areas of research and teaching focus on the sociology of family, social mobility, demography, and statistics. His articles have appeared in the *American Sociological Review*, *American Journal of Sociology*, *Social Forces*, *Journal of Marriage and the Family*, and other journals, and he is co-author of *How Families Still Matter* (Cambridge University Press).

Amici Perrin, Stacey and Biblarz have a particular interest in this case because their work was relied upon by some of the State's amici to support conclusions with which they disagree.

## ARGUMENT

### **I. THE SCIENTIFIC EVIDENCE DEMONSTRATES THAT LESBIAN AND GAY COUPLES RAISE CHILDREN WHO ARE AS HEALTHY AND WELL-ADJUSTED AS THOSE OF HETEROSEXUAL COUPLES**

Many lesbian and gay couples, like heterosexual couples, raise children.<sup>1</sup> Over the

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1. See, e.g., James G. Pawelski, et al., *The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-being of Children*, 118 *Pediatrics* 349, 351 (2006) ("Census 2000 and related demographic research make it clear that parenting by same-gender couples is an established and growing part of the diverse structure of families in the United States."); Ellen C. Perrin, et al., *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 341 (2002) (estimating that between one and nine million children are being raised by a lesbian or gay parent); Tavia Simmons & Martin O'Connell, *Married-Couple and Unmarried-Partner Households: 2000* (U.S. Census Bureau, 2003) (finding that one-third of female same-sex couples and one-fifth of male same-sex couples are raising children).

last twenty-five years, a considerable body of social science research has studied families headed by lesbians and gay men and uniformly found that sexual orientation has no correlation with parenting ability and that children of lesbian and gay parents develop just as well as their peers.

The research that examines the quality of parenting by lesbians and gay men compared to that of parenting by heterosexuals has consistently found that lesbian and gay parents have parenting skills that are as good as those of heterosexual parents and form equally good relationships with their children. These studies have looked at every meaningful measure that is associated with good parenting, including child-rearing practices and commitment to parenting, and found that lesbian and gay parents scored as high as heterosexual parents on all counts.<sup>2</sup>

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2. See, e.g., Fiona Tasker, *Lesbian Mothers, Gay Fathers, and Their Children: A Review*, 26 *Developmental & Behavioral Pediatrics* 224 (2005); Anderssen, N., et al., *Outcomes for Children of Lesbian or Gay Parents: A Review of Studies from 1978 to 2000*, 43 *Scan. J. Psych.* 335, 357 (2002); Jerry Bigner & Frederick Bozett, *Parenting by Gay Fathers*, in *Homosexuality and Family Relations* 155 (Frederick Bozett & Marvin Sussman eds., 1990); Jerry J. Bigner & R. Brooke Jacobsen, *Adult Responses to Child Behavior and Attitudes Toward Fathering: Gay and Nongay Fathers*, 23 *J. Homosexuality* 99 (1992); Jerry J. Bigner & R. Brooke Jacobsen, *Parenting Behaviors of Homosexual and Heterosexual Fathers*, 18 *J. Homosexuality* 173 (1989); Henny M.W. Bos, et al., *Experience of Parenthood, Couple Relationships, Social Support, and Child-Rearing Goals in Planned Lesbian Mother Families*, 45 *J. Child Psychology & Psychiatry* 755 (2004); Frederick W. Bozett, *Children of Gay Fathers*, in *Gay and Lesbian Parents* 39, 47 (Frederick W. Bozett ed., 1987); Frederick W. Bozett, *Gay Fathers*, in *Gay and Lesbian Parents* 3, 15 (Frederick W. Bozett ed., 1987); Frederick W. Bozett, *Gay Fathers: A Review of the Literature*, in *Homosexuality and the Family* 137 (Frederick W. Bozett ed., 1989); Anne Brewaeys, et al., *Donor Insemination: Child Development and Family Functioning in Lesbian Mother Families*, 12 *Human Reproduction* 1349 (1997); Raymond W. Chan, et al., *Psychosocial Adjustment Among*

Moreover, there is scientific consensus that children of lesbian and gay parents are as well-adjusted as children raised by heterosexual parents. “The research is extraordinarily clear in its finding about lesbian and gay parents and their children: they

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*Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, 69 *Child Development* 443 (1998); Patricia Falk, *The Gap Between Psychosocial Assumptions and Empirical Research in Lesbian-Mother Child Custody Cases*, in *Redefining Families: Implications for Children's Development* 131 (Adele Eskeles Gottfried & Allen Gottfried eds., 1995); David K. Flaks, et al., *Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children*, 31 *Developmental Psychology* 105 (1995); Susan Golombok, et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, 24 *J. Child Psychology & Psychiatry* 551 (1983); Susan Golombok, et al., *Children Raised in Fatherless Families from Infancy: Family Relationships and the Socioemotional Development of Children of Lesbian and Single Heterosexual Mothers*, 38 *J. Child Psychology & Psychiatry* 783 (1997); Susan Golombok, et al., *Children with Lesbian Parents: A Community Study*, 39 *Developmental Psychology* 20 (2003); Richard Green, et al., *Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and Their Children*, 15 *Archives of Sexual Behavior* 167 (1986); Mary B. Harris & Pauline H. Turner, *Gay & Lesbian Parents*, 12 *J. Homosexuality* 101; Beverly Hoeffler, *Children's Acquisition of Sex-Role Behavior in Lesbian-Mother Families*, 51 *Am. J. Orthopsychiatry* 536 (1981); Hunfeld, J.A.M., et al., *Child Development and Quality of Parenting in Lesbian Families: No Psychosocial Indications for A-priori Withholding of Infertility Treatment*, 7 *Human Reproduction Update* 579 (2001); Martha Kirkpatrick, *Clinical Implications of Lesbian Mother Studies*, 14 *J. Homosexuality* 201 (1987); Martha Kirkpatrick, et al., *Lesbian Mothers and Their Children: A Comparative Survey*, 51 *Am. J. Orthopsychiatry* 545 (1981); Fiona MacCallum & Susan Golombok, *Children Raised in Fatherless Families from Infancy: A Follow-Up of Children of Lesbian and Single Heterosexual Mothers at Early Adolescence*, 45 *J. Child Psychology & Psychiatry* 1407 (2004); K.F. McNeill, et al., *Families & Parenting: A Comparison of Lesbian & Heterosexual Mothers*, 82 *Psychological Reports* 59 (1998); Brian Miller, *Gay Fathers and Their Children*, 28 *Family Coordinator* 544 (1979); Charlotte Patterson, *Children of Lesbian and Gay Parents*, 19 *Advances in Clinical Child Psychology* 235 (1997); Ellen C. Perrin, et al., *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 341 (2002); Fiona Tasker & Susan Golombok, *Adults Raised as Children in Lesbian Families*, 65 *Am. J. Orthopsychiatry* 203 (1995).

look remarkably like their heterosexual counterparts and their children.”<sup>3</sup>

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3. G. Dorsey Green & Frederick W. Bozett, *Lesbian Mothers and Gay Fathers*, in *Homosexuality: Research Implications for Public Policy* 198 (John C. Gansiorek & James D. Weinrich eds., 1991). See also Fiona Tasker, *Lesbian Mothers, Gay Fathers, and Their Children: A Review*, 26 *Developmental & Behavioral Pediatrics* 224 (2005); Anne Brewaeys, et al., *Donor Insemination: Child Development and Family Functioning in Lesbian Mother Families*, 12 *Human Reproduction* 1349 (1997); Raymond W. Chan, et al., *Division of Labor Among Lesbian and Heterosexual Parents: Associations with Children's Adjustment*, 12 *J. Family Psychology* 402 (1998); Raymond W. Chan, et al., *Psychosocial Adjustment Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, 69 *Child Development* 443 (1998); Patricia J. Falk, *Lesbian Mothers: Psychological Assumptions in Family Law*, 44 *Am. Psychologist* 941 (1989); David K. Flaks, et al., *Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children*, 31 *Developmental Psychology* 105 (1995); Megan Fulcher, et al., *Contact with Grandparents Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, 2 *Parenting: Science and Practice* 61 (2002); Susan Golombok, et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, 24 *J. Child Psychology & Psychiatry* 551 (1983); Susan Golombok, et al., *Children with Lesbian Parents: A Community Study*, 39 *Developmental Psychology* 20 (2003); Susan Golombok & Fiona Tasker, *Do Parents Influence the Sexual Orientation of Their Children? Findings from a Longitudinal Study of Lesbian Families*, 32 *Developmental Psychology* 3 (1995); Julie Schwarz Gottman, *Children of Gay and Lesbian Parents*, 14 *Marriage & Family Review* 177 (1990); Richard Green, et al., *Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and Their Children*, 15 *Archives of Sexual Behavior* 167 (1986); Mary Hotvedt & Jane Barclay Mandel, *Children of Lesbian Mothers*, in *Homosexuality: Social, Psychological, and Biological Issues* 275 (William Paul, et al., eds., 1982); Sharon L. Huggins, *A Comparative Study of Self-Esteem of Adolescent Children of Divorced Lesbian Mothers and Divorced Heterosexual Mothers*, 18 *J. Homosexuality* 123 (1989); Martha Kirkpatrick, et al., *Lesbian Mothers and Their Children: A Comparative Survey*, 51 *Am. J. Orthopsychiatry* 545 (1981); Fiona MacCallum & Susan Golombok, *Children Raised in Fatherless Families from Infancy: A Follow-Up of Children of Lesbian and Single Heterosexual Mothers at Early Adolescence*, 45 *J. Child Psychology & Psychiatry* 1407 (2004); Charlotte Patterson, *Children of the Lesbian Baby Boom: Behavioral Adjustment, Self-Concepts, and Sex-Role Identity*, in *Contemporary Perspective on Lesbian and Gay Psychology: Theory Research & Application* 156 (B. Green & G. Herek eds., 1994); Charlotte Patterson, et al., *Families of the Lesbian Baby Boom: Children's Contacts with Grandparents and Other Adults*, 68 *Am. J. Orthopsychiatry* 390 (1998); Charlotte J. Patterson & Raymond

Most of the studies of children of lesbian and gay parents focus on children's psychological adjustment. These studies confirm that there are no differences in psychological functioning between children of lesbian parents and those of heterosexual parents. In fact, as one researcher concluded, "it was impossible to distinguish" at all between them.<sup>4</sup> The studies uniformly show no difference in the rate of psychiatric, emotional or behavioral difficulty between the two groups of children.<sup>5</sup> Some of the

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W. Chan, *Gay Fathers and Their Children*, in *Textbook of Homosexuality and Mental Health* 371 (Robert P. Cabaj & Terry Stein eds., 1996); Ellen C. Perrin, et al., *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 341 (2002); Judith Stacey & Timothy J. Bilbarz, *(How) Does the Sexual Orientation of Parents Matter?*, 66 *Am. Sociological Review* 159 (2001); Fiona Tasker & Susan Golombok, *Adults Raised as Children in Lesbian Families*, 65 *Am. J. Orthopsychiatry* 203 (1995); Fiona L. Tasker & Susan Golombok, *Children Raised by Lesbian Mothers: The Empirical Evidence*, 21 *Family L.* 184 (1991); Fiona Tasker & Susan Golombok, *Growing Up in a Lesbian Family: Effects on Child Development* (1997); Katrien VanFraussen, et al., *What Does It Mean for Youngsters to Grow Up in a Lesbian Family Created by Means of Donor Insemination?*, 20 *J. Reproductive & Infant Psychology* 237 (2002); Jennifer L. Wainright, et al., *Psychosocial Adjustment, School Outcomes, and Romantic Relationships of Adolescents with Same-Sex Parents*, 75 *Child Development* 1886 (2004); Jennifer Wainright & Charlotte J. Patterson, *Delinquency, Victimization, and Substance Use Among Adolescents with Female Same-Sex Parents*, 20 *Journal of Family Psychology* 526 (2006).

4. Chan, *Psychosocial Adjustment*, *supra* note 3, at 445. *See also supra* note 3.

5. Anne Brewaeys & E.V. Van Hall, *Lesbian Motherhood: The Impact on Child Development and Family Functioning*, 18 *J. Psychosomatic Obstetrics & Gynecology* 1, 13 (1997) (results of studies of children raised from birth by lesbian mothers show no effect on child development from different early childhood experiences with respect to the absence of a father and with respect to the presence of two lesbian mothers); Falk, *Lesbian Mothers*, *supra* note 3, at 944 ("[N]o evidence exists for a direct relationship between a mother's sexual orientation and the mental health of her offspring."); Gottman, *supra* note 3, at 189-90; Green, *Lesbian Mothers and Their Children*, *supra* note 3, at 182 (children raised by a lesbian mother are not different on parameters of psychosexual and psychosocial development from children raised by a heterosexual mother); Huggins, *supra* note 3, at 131 (study found no significant statistical differences in self-esteem

studies compared children raised from birth by lesbian mothers to children raised from birth by heterosexual mothers, and some compared children raised by divorced lesbian mothers to children raised by divorced heterosexual mothers. Some of the studies compared children of single lesbian mothers to children of single heterosexual mothers, and some compared children of lesbian couples to children of heterosexual couples. In none of these studies were there any differences between the two groups of children in terms of psychological adjustment. Research on gay fathers and their children is much more limited and very little of it has examined child outcomes, but the research that exists

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scores of adolescent children with divorced lesbian mothers and adolescent children with divorced heterosexual mothers); Kirkpatrick, *Lesbian Mothers and Their Children*, *supra* note 3, at 547-48 (researchers found no differences in the type or frequency of pathology “by any measure . . . available” between the children living with divorced lesbian mothers and the ones living with divorced heterosexual mothers in similar households); Barbara McCandlish, *Against All Odds: Lesbian Mother and Family Dynamics*, in *Gay and Lesbian Parents* 23 (Frederick W. Bozett ed., 1987) (observing that “children of gay and lesbian parents have no more frequent psychiatric problems and gender dysfunction than do the children of heterosexual parents”); Patterson, *Children of Lesbian and Gay Parents*, *supra* note 2, at 255 (“social competence among children with lesbian mothers was rated as normal”); Charlotte J. Patterson, *Lesbian Mothers and Their Children: Findings From the Bay Area Families Study*, in *Lesbians and Gays in Couples and Families: A Handbook for Therapists* 420 (J. Laird & R.J. Green eds., 1996) (results show “child development is proceeding normally”); Perrin, *supra* note 3, at 118 (finding no differences between the children with lesbian and heterosexual mothers in the number or type of psychiatric difficulties); Cheri A. Pies, *Lesbians and the Choice to Parent*, 14 *Marriage & Family Review* 137 (1989) (concluding that “children raised by lesbians have an equally good chance of developing into healthy, happy human beings as do children raised in heterosexual homes”); Tasker & Golombok, *Growing Up in a Lesbian Family*, *supra* note 3, at 134-44 (in a longitudinal study, researchers found no difference between the children raised by a lesbian mother and those raised by a heterosexual mother with respect to anxiety or depression). *See also supra* note 3.

finds the same lack of differences.<sup>6</sup>

Many studies also explored children's social development and found that it is not affected by the sexual orientation of their parents.<sup>7</sup> Contrary to popular belief, the social adjustment of children of lesbians and gay men is not adversely affected by social reactions to homosexuality.<sup>8</sup> Moreover, there are no significant differences in the quality of peer relationships between children of lesbian parents and those of heterosexual parents,<sup>9</sup> and studies show strong self-esteem and assessments of popularity among

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6. Gottman, *supra* note 3, at 186 (“In general, none of the above studies on children of lesbian mothers and gay fathers reported negative effects on children...”); Patterson & Chan, *supra* note 3, (children of gay fathers do not differ significantly from children raised in more traditional families).

7. David K. Flaks, et al., *Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children*, 31 *Developmental Psychology* 105 (1995); Susan Golombok, et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, 24 *J. Child Psychology & Psychiatry* 551 (1983); Susan Golombok, et al., *Children with Lesbian Parents: A Community Study*, 39 *Developmental Psychology* 20 (2003); Richard Green, et al., *Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and Their Children*, 15 *Archives of Sexual Behavior* 167 (1986); Mary Hotvedt & Jane Barclay Mandel, *Children of Lesbian Mothers*, in *Homosexuality: Social, Psychological, and Biological Issues* 275 (William Paul, et al., eds., 1982); Fiona MacCallum & Susan Golombok, *Children Raised in Fatherless Families from Infancy: A Follow-Up of Children of Lesbian and Single Heterosexual Mothers at Early Adolescence*, 45 *J. Child Psychology & Psychiatry* 1407 (2004); Fiona Tasker & Susan Golombok, *Adults Raised as Children in Lesbian Families*, 65 *Am. J. Orthopsychiatry* 203 (1995).

8. VanFrausen, *supra* note 2; Tasker, *supra* note 2; MacCallum, *supra* note 2; Golombok, *supra* note 3; Chan, *supra* note 3; Flaks, *supra* note 2; Green, *supra* note 3; Wainright, *supra* note 3; Hotvedt and Mandel, *supra* note 3.

9. See, e.g., Charlotte J. Patterson, *Children of Lesbian and Gay Parents*, 63 *Child Development* 1025 (1992) (review of existing research demonstrates no significant differences in quality of peer relationships or popularity among peers). One study revealed that, if children of gay and lesbian parents are teased, they are more likely than

adolescent children of lesbians and gay men.<sup>10</sup>

Studies also consistently show that there is no relationship between parental sexual orientation and children's cognitive ability or intelligence.<sup>11</sup> In addition, while sexual orientation is not a barometer of healthy adjustment,<sup>12</sup> the few studies that have examined the sexual orientation of children raised by lesbian and gay parents have found that the vast majority grew up to be heterosexual.<sup>13</sup> Moreover, parental sexual orientation has no

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their peers to be teased about their family but that they are no more likely than other children to be teased. See Katrien VanFraussen, et al., *What Does It Mean for Youngsters to Grow Up in a Lesbian Family Created by Means of Donor Insemination?*, 20 J. Reproductive & Infant Psychology 237 (2002).

10. Huggins, *supra* note 3, at 131-32 (1989) (no significant difference in self-esteem among the two groups of adolescents); Green, *Lesbian Mothers and Their Children*, *supra* note 3, at 178 (no significant differences between the children of lesbian mothers and those of heterosexual mothers with respect to the children's self-ratings of popularity or the mothers' descriptions of the children's popularity).

11. Flaks, *supra* note 3, at 109 (no correlation between parental sexual orientation and the children's scores on cognitive functioning tests); Green, *supra* note 3, at 174-79 (no difference in intelligence or cognitive functioning); Kirkpatrick, *Lesbian Mothers and Their Children*, *supra* note 3, at 547 (same); Stacey & Bilbarz, *supra* note 3, at 172 (same).

12. American Psychiatric Association, *Position Statement on Homosexuality and Civil Rights*, 131 Am. J. Psychiatry 497 (1974); John J. Conger, *Proceedings of the American Psychological Association, Incorporated for the Year 1974: Minutes of the Annual Meeting of the Council of Representatives*, 30 Am. Psychologist 620 (1975); National Association of Social Workers, *Policy Statement on Lesbian and Gay Issues* SOCIAL WORK SPEAKS, 245, 247 (2006).

13. See, e.g., Dorothy A. Greenfeld, *Reproduction in Same-Sex Couples: Quality of Parenting and Child Development*, 17 Current Opinion in Obstetrics & Gynecology 309 (2005); Patterson, *Children of Lesbian and Gay Parents*, *supra* note 9, at 1031-1032 (“[S]exual preference among offspring of gay and lesbian parents was found in every study to fall within normal bounds.”). There is some evidence indicating that children of gay or lesbian parents may be more comfortable acknowledging or acting on same-sex attraction if they have such feelings, which is hardly surprising. See Stacey & Bilbarz,

impact on children's gender identity development; none of the children studied to date has shown evidence of gender identity confusion.<sup>14</sup>

Lesbian and gay parents are able to raise children who are as well-adjusted as those of heterosexual parents because the factors associated with a child's positive adjustment have no relation to a parent's sexual orientation.<sup>15</sup> These factors include secure attachments between parents and children, emotionally stable parents, an authoritative (not authoritarian) parenting style (*i.e.*, warmth, approval and emotional empathy coupled with a willingness to impose rules, structure and limits when necessary), and parents with realistic expectations, well-developed behavior management, coping and listening skills, and a strong support network. Lesbian and gay parents can and do provide these parental attributes. Thus, it is not surprising that lesbian and gay parents are just as likely as heterosexual parents to be able to raise healthy, well-adjusted children.

Because it is beyond reasonable scientific dispute that parental sexual orientation has no bearing on children's adjustment, opponents of parenting by lesbians and gay men

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*supra*, at 170-171. Nonetheless, the majority of children raised by gay or lesbian parents, like most children raised by heterosexual parents, grow up to be heterosexual. *Id.*

14. Susan Golombok, et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, 24 *J. Child Psychology & Psychiatry* 551 (1983); Richard Green, et al., *Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and Their Children*, 15 *Archives of Sexual Behavior* 167 (1986); Ellen C. Perrin, et al., *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 341 (2002).

15. See, e.g., Patterson, *Children of Lesbian and Gay Parents*, *supra* note 9; Brewaeys, *Donor Insemination*, *supra* note 2.

-- including some of the amici supporting the State's position in this case -- resort to two disingenuous tactics.

First, they attack the research on parenting by lesbians and gay men as methodologically flawed. *E.g.*, Petition and Brief of Amicus Curiae of the Knights of Columbus in Support of Defendants-Appellants at 30; Brief Amici Curiae of James Q. Wilson, et al., Legal and Family Scholars in Support of Defendants-Appellants (“James Q. Wilson Br.”) at 23-24; Brief Amicus Curiae of the Maryland Catholic Conference in Support of Defendants-Appellants at 32 n.41. But this body of research, which was conducted by esteemed developmental psychologists and published in respected academic journals, uses standard, well-accepted methods in the field of psychological research. It has satisfied the rigorous peer review process required for publication in these scholarly journals. And it is considered reliable by all of the major professional associations with expertise in child welfare.<sup>16</sup> The “flaw” cited by opponents of parenting by lesbian and gay men is that studies of families headed by lesbian and gay parents use small samples that are not randomly selected. First, this is not true of all of the studies. Some of the studies used randomly selected samples.<sup>17</sup> Moreover, while the concern is valid, the same “flaw” could apply to many studies of child development and parenting

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16. *See* section II *infra*.

17. Anne Brewaeys, et al., *Donor Insemination*, *supra* note 2; Raymond W. Chan, et al., *Psychosocial Adjustment*, *supra* note 2; Susan Golombok, et al., *Children with Lesbian Parents*, *supra* note 2; Katrien VanFraussen, et al., *Family Functioning in Lesbian Families Created by Donor Insemination*, 73 *Am. J. Orthopsychiatry* 78 (2003); Jennifer L. Wainright, et al., *Psychosocial Adjustment*, *supra* note 3.

practices, especially when the specific population being studied is small and the population subgroup is quite diverse. In these circumstances, small, non-representative samples are commonly used in psychological research. Indeed, the research designs used in studies of families headed by lesbian and gay parents reflect the predominant methods used throughout the entire discipline of psychology. If the size of some of the samples were sufficient to dismiss the research on gay and lesbian parenting, much research on child development, and in the field of psychology more generally, also would have to be dismissed. Opponents of parenting by lesbians and gay men seek to hold one area of psychological research to a standard that is not applicable to all other research in the field.<sup>18</sup>

Second, opponents of parenting by lesbians and gay men misleadingly cite to studies that they assert conclude that children of lesbian and gay parents fare worse than children of heterosexual parents with respect to a wide range of considerations including alcohol and drug abuse; emotional and behavioral problems; depression and suicidality; engaging in premarital sex and having children outside of marriage; physical and sexual abuse; physical, emotional, and mental health; educational performance; poverty; criminal and delinquent behavior; social adjustment and development; and adult earnings.

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18. Amici Stacey and Biblarz object to the State's amici's suggestion that their 2001 article stated that the studies on children of lesbian parents are flawed and unreliable. To the contrary, in their article, they made it clear that many of these are excellent studies that demonstrate the equally good outcomes for children raised by lesbian parents. This conclusion is reinforced by the robust quantity and quality of research published since 2001. *See* Tasker, *Lesbian Mothers*, *supra* note 2.

But, as the briefs of amici supporting the State's position in this case themselves reveal, the studies to which they cite compare children with one parent to children with two parents and children of divorced parents to children of non-divorced parents, and children of married parents to children of unmarried parents. *E.g.*, James Q. Wilson Br. at 18-23; Brief of the American Center for Law & Justice, Northeast, Inc. as Amicus Curiae in Support of Defendants-Appellants at 13-15; Brief Amicus Curiae of Alliance for Marriage in Support of Defendants-Appellants at 7-12, 13-18. None purports to compare children of lesbian and gay parents to children of heterosexual parents. Thus, they are entirely inapposite. And, as these studies show, poorer outcomes for children in single-parent families are related to the lesser time and resources one parent can offer as compared to two and to the conflict and disruption that typically accompany divorce. Moreover, whatever differences in parenting style tend to exist between men and women, there is no evidence that the gender combination of a child's parents affects the child's well-being.<sup>19</sup>

One of the opponents of parenting by lesbian and gay parents cites to a portion of a report authored by Dr. Perrin, and others, concluding that men and women who had lesbian mothers were more likely to consider the possibility of having a same sex partner to suggest that there is an adverse impact on the sexuality of their children. See Brief Amicus Curiae of Family Research Council in Support of Defendants-Appellants at 31

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19. Lamb, Michael E., *Fathers and Child Development: An Introductory Overview and Guide*, in *The Role of the Father in Child Development* 10 (Michael E. Lamb ed., 1997). See also *supra* notes 2 and 3.

(citing to Ellen C. Perrin, M.D. and the Committee on Psychological Aspects of Child and Family Health, *Technical Report: Coparent or Second Parent Adoption by Same Sex Parents*, 109 Pediatrics 339, 342 (February 2002)). The brief, however, seeks to obscure Dr. Perrin's conclusion: that similar proportions of adult men and women identified themselves as homosexual regardless of whether their mothers were lesbians or heterosexuals.<sup>20</sup>

These attacks by opponents of parenting by lesbians and gay men are transparent and do not change the fact that every study that has examined the development of children of lesbians and gay men has found that these children do as well as their peers in every way.

**II. ALL OF THE MAJOR PROFESSIONAL ASSOCIATIONS DEDICATED TO CHILDREN'S HEALTH AND WELFARE AGREE THAT LESBIAN AND GAY PARENTS ARE AS CAPABLE AND SUCCESSFUL AT RAISING WELL-ADJUSTED CHILDREN AS HETEROSEXUAL PARENTS**

Given the scientific consensus regarding the parenting abilities of lesbians and gay men and the positive outcomes for their children, all of the major children's health and welfare organizations have promulgated policies and/or issued statements opposing restrictions on parenting by lesbians and gay men as both baseless and contrary to the best interests of children. The NASW itself has determined that "[t]he most striking feature of the research on lesbian mothers, gay fathers, and their children is an absence of pathological findings. The second most striking feature is how similar the groups of gay and lesbian parents and their children are to heterosexual parents and their children that

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20. Perrin, *supra* note 1, at 342. See also Pawelski *supra* note 1, at 360.

were included in the studies.”<sup>21</sup>

The American Academy of Pediatrics (“AAP”), the nation’s preeminent pediatric authority with over 50,000 pediatrician members, has concluded, based on extensive review of peer reviewed research, “that children who grow up with one or two gay and/or lesbian parents *fare as well* in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual.” No data have pointed to any risk to children as a result of growing up in a family with one or more gay parents.<sup>22</sup> Indeed, according to the AAP, the keys to positive outcomes are the quality of the parent-child relationship and the quality of the parents’ own relationship, not the gender or sexual orientation of the parents. The AAP explains:

Children in *all family constellations* have been described by parents and teachers to have more behavioral problems when parents report more personal distress and more dysfunctional parent-child interactions. In contrast, children are rated as better adjusted when their parents report greater relationship satisfaction, higher levels of love, and lower interparental conflict regardless of their parents’ sexual orientation. Children are apparently more powerfully influenced by family processes and relationships than by family structure.<sup>23</sup>

Accordingly, the AAP has adopted a policy statement supporting the legal adoption of children by same-sex parents, concluding that there is no basis for denying such legal parent status and thereby preventing children of same-sex couples from enjoying the

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21. National Association of Social Workers, *Policy Statement: Lesbian, Gay and Bisexual Issues*, in *Social Work Speaks* 198, 199 (1997).

22. Perrin, *supra* note 1, at 341-42 (emphasis supplied).

23. *Id.* (emphasis supplied).

psychological and legal benefits that come with a legal parent-child relationship.<sup>24</sup>

The American Psychological Association, representing more than 155,000 psychologists, has concluded that

[n]ot a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents. Indeed, the evidence to date suggests that home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth.<sup>25</sup>

The American Psychiatric Association has similarly been unequivocal in its support of parenting by lesbians and gay men: "Numerous studies over the last three decades consistently demonstrate that children raised by gay or lesbian parents exhibit the same level of emotional, cognitive, social, and sexual functioning as children raised by heterosexual parents."<sup>26</sup> So, too, has the American Psychoanalytic Association: "Gay and lesbian individuals and couples are capable of meeting the best interest of the child and should be afforded the same rights and should accept the same responsibilities as

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24. Committee on Psychosocial Aspects of Child and Family Health, *Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 339 (2002), available at <http://pediatrics.aappublications.org/cgi/content/full/109/2/339>. See also James G. Pawelski, et al., *The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-Being of Children*, 118 *Pediatrics* 349 (2006), available at <http://pediatrics.aappublications.org/cgi/content/full/118/1/349>.

25. American Psychological Association, *Lesbian and Gay Parenting* (1995), available at <http://www.apa.org/pi/parent.html>.

26. American Psychiatric Association, *Adoption and Co-Parenting of Children by Same-Sex Couples: Position Statement* (Nov. 2002), available at <http://www.aglp.org/pages/position.html#Anchor-Adoption-49575>.

heterosexual parents.”<sup>27</sup> The American Academy of Child & Adolescent Psychiatry, which represents over 6,500 psychiatrists, concurs: “Outcome studies of children raised by parents with a homosexual or bisexual orientation, when compared to heterosexual parents, show no greater degree of instability in the parental relationship or developmental dysfunction in children.”<sup>28</sup>

The American Medical Association (“AMA”), the nation’s largest physician group, has resolved to “support legislative and other efforts to allow the adoption of a child by the same-sex partner, or opposite-sex non-married partner, who functions as a second parent or co-parent to that child.” American Medical Association House of Delegates, Resolution 204 (A-04) (Apr. 29, 2004). The AMA has drawn no distinction between the abilities of same-sex and opposite-sex partners as parents, and instead has concluded that “[h]aving two fully sanctioned and legally defined parents promotes a safe and nurturing environment for children, including psychological and legal security.” *Id.*

The Child Welfare League of America, which sets the standards for child welfare policy followed across the country, has also affirmed that gay and lesbian parents are as

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27. American Psychoanalytic Association, *Position Statement on Gay and Lesbian Parenting* (May 16, 2002), available at <http://www.apsa.org/AboutAPSAA/PositionStatements/tabid/191/Default.aspx>.

28. American Academy of Child & Adolescent Psychiatry, *Policy Statement: Gay, Lesbian, and Bisexual Parents* (June 1999), available at <http://www.aacap.org/page.wv?section=Policy+Statements&name=Gay%2C+Lesbian+and+Bisexual+Parents+Policy+Statement>.

well-suited to raise children as their heterosexual counterparts.<sup>29</sup> And it is the policy of the North American Council on Adoptable Children (“NACAC”) that “all prospective foster and adoptive parents, regardless of sexual orientation, should be given fair and equal consideration.”<sup>30</sup> NACAC opposes rules and regulations that restrict the consideration of current or prospective foster or adoptive parents based on their sexual orientation.<sup>31</sup> The Evan B. Donaldson Adoption Institute, a national non-profit organization dedicated to improving adoption policy and practice, has taken a similar position.<sup>32</sup>

Indeed, amici are unaware of any authoritative organization dedicated to children’s health or welfare that has taken a contrary position. Every prominent pediatric, psychological, psychiatric and child welfare organization to address the issue has concluded that gay and lesbian couples are just as capable as heterosexual couples of being good parents and that children of gay and lesbian parents suffer no disadvantage

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29. Child Welfare League of America, *Position Statement on Parenting of Children by Lesbian, Gay, and Bisexual Adults*, available at <http://www.cwla.org/programs/culture/glbtcposition.htm>.

30. North American Council on Adoptable Children, *NACAC Position Statement: Gay and Lesbian Adoption and Foster Care* (April 9, 2005), available at [http://www.nacac.org/pub\\_statements.html#gay](http://www.nacac.org/pub_statements.html#gay).

31. *Id.*

32. Evan B. Donaldson Adoption Institute, *Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer for Boys and Girls Who Need Homes?* (March 2006), available at [http://www.adoptioninstitute.org/publications/2006\\_Expanding\\_Resources\\_for\\_Children%20\\_March\\_.pdf](http://www.adoptioninstitute.org/publications/2006_Expanding_Resources_for_Children%20_March_.pdf).

due to their parents' sexual orientation.<sup>33</sup>

### **III. THE STATE OF MARYLAND RECOGNIZES THAT LESBIANS AND GAY MEN CAN AND DO PROVIDE A STABLE ENVIRONMENT FOR RAISING CHILDREN**

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The State of Maryland, by its policies and practices, recognizes that lesbians and gay men can and do make fine parents. It is State policy to ensure that parentless children who need to be adopted should be provided “permanent and safe homes for children consistent with their best interests,” Md. Code, Family Law, § 5-303(b)(1), and the State “ensure adoption only by individuals fit for the responsibility,” *id.* at § 5-303(b)(3). The State, recognizing that lesbians and gay men are fit for that responsibility, allows children to be placed in foster care with and for adoption by lesbians and gay men. June 9, 2000 letter to Hon. Sharon Grosfeld from Ass't Atty. Gen. Kathryn M. Rowe (recognizing that Maryland law allows adoption by same-sex couples). Indeed, the State prohibits private adoption agencies from delaying or denying the placement of a child for

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33. Some opponents of same-sex marriage allege that gay men pose a greater risk of child molestation than do heterosexual men. This baseless myth has long been proven false. Among pedophiles, many are neither gay nor heterosexual, having no sexual attraction to adults of either gender. See Gregory M. Herek, *Myths About Sexual Orientation: A Lawyer's Guide to Social Science Research*, 1 L. & Sexuality 133 (1991). Of those offenders against children who also have some sexual attraction to adults, that attraction is no more likely to be same-sex than different-sex attraction. Indeed, a study of 175 men convicted of child sex abuse found that, of the 92 men who had any attraction to adults, the overwhelming majority were attracted to women, regardless of the gender of the children the men abused. A.N. Groth & H.J. Birnbaum, *Adult Sexual Orientation and Attraction to Underage Persons*, 7 Archives of Sexual Behavior 175 (1978); see also Carole Jenny, et al., *Are Children at Risk for Sexual Abuse by Homosexuals?*, 94 Pediatrics 41 (1994) (study of children seen in a one-year period at Denver children's hospital found that less than 1 percent of adult offenders were “potentially” gay or lesbian).

adoption on the basis of the prospective adoptive parent's sexual orientation.

C.O.M.A.R. 07.05.03.09(A)(2) ("The agency may not deny an individual's application to be an adoptive parent because. . . [o]f the applicant's or adoptive child's race, color, culture, national origin, sexual orientation, or ethnic heritage."). Finally, this Court has held that parental sexual orientation is irrelevant in Maryland child custody and visitation disputes. *Boswell v. Boswell*, 352 Md. 204 (1998).

### CONCLUSION

As the Arkansas Supreme Court recently recognized in a case invalidating a regulation barring lesbians and gay men from foster parenting the scientific evidence demonstrates that children of lesbian and gay parents fare as well as children of heterosexual parents:

With regard to the health, safety, or welfare issue, the circuit court made the following pertinent findings of fact:

. . . .

29. Being raised by gay parents does not increase the risk of problems in adjustment for children.

30. Being raised by gay parents does not increase the risk of psychological problems for children.

31. Being raised by gay parents does not increase the risk of behavioral problems.

32. Being raised by gay parents does not prevent children from forming healthy relationships with their peers or others.

33. Being raised by gay parents does not cause academic problems.

34. Being raised by gay parents does not cause gender identity problems.

. . . .

37. Children of lesbian or gay parents are equivalently adjusted to children of heterosexual parents.

38. There is no factual basis for making the statement that heterosexual parents might be better able to guide their

children through adolescence than gay parents.

39. There is no factual basis for making the statement that the sexual orientation of a parent or foster parent can predict children's adjustment.

40. There is no factual basis for making the statement that being raised by lesbian or gay parents has a negative effect on children's adjustment.

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46. There is no evidence that gay people, as a group, are more likely to engage in domestic violence than heterosexuals.

47. There is no evidence that gay people, as a group, are more likely to sexually abuse children than heterosexuals.

*Department of Human Servs. v. Howard*, \_\_ S.W.3d \_\_, 2006 WL 1779467 (Ark. June 29, 2006). There is no basis for excluding same-sex couples from marriage based on child-rearing. Accordingly, amici support the right of same-sex couples to marry.

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