Testimony for HB 4259
May 9, 2007
House Judiciary Committee
Submitted by Dan Jarvis, Research and Policy Director

Michigan Family Forum opposes HB 4259. While we have no doubt that the supporters of this legislation are trying to help children find permanent, loving homes, we fear the solution offered here may cause more harm than good.

We do not say this because we think the children adopted into unmarried two-parent families will be neglected or abused. There is no evidence that we can find that shows adoptive parent are negligent or incapable. On the contrary, the adoption process is almost certain to select a parent more capable than the biological parents whose parental rights have been terminated. There is clear evidence, however, that unmarried households do not provide for children at the same level as married households.

Our concern is not with the individuals involved. Our concern is with the redefinition of the family, the untenable legal relationship being created and the state's intentional creation of unmarried households.

Creating Unmarried Households
Michigan's public policy has consistently been to preserve married families and discourage unmarried family units. In child abuse and neglect cases, the preferred course of action is to preserve the family by helping parents fulfill their parental obligations without compromising the child's safety. In cases of unintended pregnancy, the state has consistently sought ways to reduce the numbers rather than increase those numbers. Even in divorce, the state has required a waiting period and extensive interaction by the court, making divorce an unappealing option of last resort.

More recently, Michigan's family formation policy is a proactive one, appropriating resources to develop healthy marriage and responsible fatherhood initiatives. These state efforts mirror federal initiatives from which the state of Michigan has benefited financially.

There is good reason why Michigan's policy supports marriage. Marriage is the most pro-child institution. Scientific evidence overwhelmingly shows that children are better off in every facet of life--socially, economically, psychologically, academically, emotionally, and physically--when they are raised by their married, biological parents. When this is not possible, the state historically tried to find a home that mirrored the ideal situation. More recently, the state has placed children in single parent homes, often the home of a relative.

Untenable Legal Relationship
Not only is Michigan creating unmarried households, the state is also creating a very odd legal relationship. Two adults, with no legal tie or obligation to each other, are legally responsible for raising a child. Such a social experiment could prove disastrous and far more complicated that advocates expect.

One Michigan group advocating for two-parent adoptions (Coalition for Adoption Rights Equality) suggests that adults living in separate households could adopt a child. They provide several examples of possible relationships, including the following:

· A grandmother is raising her grandchildren. Her nephew is a big part of the grand-children's lives, and he wishes he could "sign on" as a second parent so that they would have access to his health insurance.
· Two life-long adult friends who have both been widowed and have decided to combine their families and pool their resources.
· Two unmarried heterosexual parents who have decided not to get married, because the divorce rate scares them. They think that their commitment is actually strengthened by defining their relationship outside of traditional marriage. They have been together for 12 years and have been raising children together for 8 of those years.
· An adult female couple who have been together for 5 years. One of the women has a child from a previous relationship. The "father" of the child has disappeared. In reality, the child has two female parents, but the state only recognizes one.
· A single mother who is sick with cancer. To prepare for the worst case scenario, she would like to have another trusted adult sign-on as a second parent. But she does not want to relinquish her parental rights to do it.

All of these scenarios will provide a child with important financial stability and love. What they don't explain is what happens when the two widows change their mind and separate. Is a court to give the non-biological widow the same legal standing that two married parents would have in a divorce? Are the biological children, the adopted child and the surviving widow equal inheritors of a widow's possessions if one dies? If the mother sick with cancer survives, does the second parent who adopted still have legal status as a parent?

Unlike temporary guardianship or power of attorney orders, there is no established procedure for rescinding adoption, short of terminating parental rights for neglect or abuse.

Redefining Parenthood and the Family
Finally, this legislation takes a serious step in redefining what constitutes a family or parents. Historically, parents have been defined as two people who conceived or adopted a child and a family was defined as individuals related by blood, marriage or adoption. This legislation takes a significant step away from those well-defined institutions.

House Bill 4259 erodes the familiar understanding of these institutions by creating new types of relationships. This legislation will create "families" and "parents" where they would not have previously been recognized, such as the two widows combining households. In some cases, the relationships may not even reside in the same house. Under this legislation, the nephew referred to above could adopt a relative in order to provide benefits without actually moving into the household.

Indeed, this legislation takes us one step closer to a child having multiple parents. If providing for the physical and financial needs of a child is the primary goal, multiple parents is a logical next step. Already some jurisdictions, both in the United States and foreign countries, have taken that step in recognizing more than two adults as legal "parents."

While well-intended, we do not believe that this legislation is wise. In trying to meet the needs of some children, we are inadvertently undermining those institutions which are essential to the well-being of all children. We cannot convey the message that a widowed "life-long friend", a

nephew or a "trusted adult" are equivalent to parents. Nor should we allow the state to begin creating new relationships where adults are legally bound to a child with no legal tie to each other.

Michigan Family Forum strongly supports the goal of moving children out of foster care and providing permanent homes that give them the love, support and stability they deserve. We believe there are better ways to achieve these goals than the legislation before us today. Furthermore, much of what this legislation seeks to accomplish (love, permanence, and financial support) can be accomplished today. A single adult can legally adopt a child from foster care today, even if they are living with an unmarried partner. Existing legal structures, such as guardianship, wills and power of attorney provide important security for children without creating heretofore unheard of relationships. We strongly urge you to vote against this legislation and seek alternative incentives for married couples or single adults to adopt children.

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