How discrimination against gay and lesbian potential adopters harms children in foster care. Affidavit provided by Jeanne Howard, PhD, February 24, 2015

Selected Credentials:

Research and Policy Director, Evan B. Donaldson Adoption Institute, 2004 - 2014

Co-Director of the Center for Adoption Studies at Illinois State University, 1998-2014

Professor emeritus of Social Work, Illinois State University

Extensive history of research, publication and training on child welfare issues with an emphasis on children adopted from foster care.

Co-author of one of the largest studies of families adopting from foster care (*The Needs of Adopted Youth* published by the Child Welfare League of America). This ground breaking study examined over 1,300 families with children 6-18.

Author of monographs/ chapters on the importance on including gay and lesbian parents as resources for the thousands of children drifting in foster care: *Expanding Resources for Waiting Children: Is Adoption by Gays and Lesbians Part of the Answer? (2006)* and *Expanding Resources for Children II: Eliminating Legal and Practice Barriers to Gay and Lesbian Adoption from Foster Care (2008),* each published by the Donaldson Adoption Institute, New York, New York. Co-author of "Emerging Diversity in Family Life: Adoption by Gay and Lesbian Parents in *Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity,* published by Oxford University Press.

Recipient of the U.S. Department of Health and Human Services' Excellence in Adoption 2002 award for applied research.

Recipient of the U.S. Congressional Coalition on Adoption Institute "Angels in Adoption" award for excellence in research in adoption.

Testimony

Most states recognize the importance of reaching out to all willing, carefully vetted adults to adopt children languishing in foster care. This includes gay and lesbian couples, who, research finds are both more likely to adopt than their different-sex counterparts (Gates, 2013; Gates et al., 2007) and also may be more willing to adopt children with the kinds of difficult histories and special needs that are often characteristic of children in the foster care system (Brooks & Goldberg,2001; Farr & Patterson, 2009).

A review of census data indicates that same sex couples are 4 times more likely to be raising an adopted child and 6 times more likely to be fostering children than different sex couples (Gates, 2013). The analysis found "Among couples with children under 18 living in the home, 13% of same sex couples have an adopted child compared to 3% of different sex couples."

In 2013, 102,000 children were waiting to be adopted from foster care (U. S. Children's Bureau, 2015) and nearly 20,000 youth left foster care never having found permanent families. Research on such children finds that they are at risk for dire consequences after "aging out" of foster care, including poverty, homelessness, early parenthood, victimization, substance abuse, incarceration and unemployment (see for example, Courtney and Courtney et al, below, Howard & Berzin, 2011). It is clear we need to do everything possible to find permanent loving homes for these children and youth.

The State of Michigan has over 3,000 children awaiting adoption. Yet Michigan discourages adoption by gay and lesbian parents by banning same sex couples from adopting jointly, although it relies on many gay and lesbian foster parents to care for its children and allows individual gay or lesbian parents to adopt. Michigan is also considering allowing state funded agencies to discriminate against gay and lesbian families by allowing these agencies an exemption from serving gay and lesbian parents. Given what we know about the critical need for an expanded pool of willing parents, this action would disadvantage Michigan's children.

It has long been the logical conclusion of scholars and practitioners in adoption that policies that discourage or prohibit qualified lesbian and gay adults for adopting hurt children. Indeed the federal government's AdoptUSKids initiative, a nationwide exchange developed to find homes for those children without adoption resources, recognizes the importance of adoption by gay and lesbian adopters and urges that obstacles to their adoption be removed so that more of our nation's "hardest to place" children find permanent homes. Administration for Youth and Families representative David Haskell notes, "While the ACF can't fight the state-imposed legal limitations [for lesbian or gay prospective adopters], we are doing all we can to overcome the many other obstacles LGBT people face... ***because all children deserve loving, safe and stable families***..." (Haskell, 2010, emphasis added).

There is empirical evidence to support this widely held view. A study conducted by the University of Maryland provides data to support this conclusion. States were categorized based on state policies, laws, statutes, and/or high court decisions at the time of data collection (2002) as "anti-gay", "neutral" or "gay friendly". **There was a significantly larger proportion of children lingering in foster care and waiting for adoption in "anti-gay" states than "neutral" or "gay-friendly" states. Further, the chance of adoption for a foster child living in a "gay-friendly" state was almost twice that of a foster child living in an anti-gay state** (Kaye & Kuvulanka, 2006).

Apart from the humanitarian impulse to find permanent homes for children in care, there is a strong fiscal case to be made. Put simply, adoption costs far less than foster care. For example, Hansen (2006) found that the cost of subsidized adoption was about ½ of that of foster care, resulting in thousands of dollars of savings per child per year. This calculation does not include the very real costs that come in the mental health, health, criminal justice and child welfare systems when children who are never adopted, age out of foster care. Clearly it is in everyone's interest to move more children from the uncertainties of foster care to the protections of adoption.

We have seen that gay-friendly policies increase the odds that children will be adopted. Yet there are concerns that requiring all child welfare agencies to serve all potential parents may lead to a reduction in services if agencies decide to go out of business rather than end discrimination. Illinois provides a case example. In 2011 the State of Illinois determined that all agencies with contracts with the Illinois Department of Children and Family Services must serve all residents of the state equally, i.e. that they could not refuse to serve individuals or couples who were lesbian or gay. While some long standing child welfare agencies threatened to end services to children and families, there was no reduction in services. The largest religiously-affiliated service renamed its services but continued to serve children, typically with the very same staff. Further, several private religiously affiliated agencies offered to expand their services to assure there was no reduction in services.

Illinois was one of the states identified as "gay-friendly" in the Maryland study. Its requirement that all contract agencies serve all potential clients equally did not harm children. Indeed, the findings of the Maryland study predict that children in Illinois have an increased likelihood of finding permanency as a result of this and other policies that increase the pool of qualified and caring prospective parents.

There is significant evidence that moving children from foster care to adoption and preventing youth from aging out of foster care significantly reduces costs to the state. (See for example, Hansen, 2006, who finds that the cost of adoption is about ½ the cost of foster care, saving thousands of dollars per child per year.)

Children in foster care who cannot safely return home need loving, permanent families. If we put these children's best interests first, we will develop policies that ***increase*** the pool of available families. We will remove barriers to families becoming foster and adoptive parents rather that discouraging them. As the research to date shows, policies that discourage or bar gay and lesbian adults from adopting children drifting in foster care hurt children's prospects for permanency, safety and lifetime connection. Not only does this hurt the life chances of children and youth, it significantly increases the costs to the State.

Sources:

Brooks, D., & Goldberg, S. (2001). Gay and lesbian adoptive and foster care placements: Can they meet the needs of waiting children? Social Work, 46 (2), 147-158.

Courtney, M. E., Dworsky, A., Cusick, G. R., Havlicek, J., Perez, A., & Keller, T. (2007). Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21. Chicago: Chapin Hall Center for Children, University of Chicago.

Courtney, M. E., Dworsky, A., Lee, J. S., & Rapp, M. (2010). Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 & 24. Chicago: Chapin Hall Center for Children, University of Chicago. Chicago: University of Chicago Press.

Courtney, M. E., Terao, S., & Bost, N. (2004). Midwest evaluation of the adult functioning of former foster youth: Conditions of youth preparing to leave state care. Chicago: Chapin Hall Center for Children, University of Chicago.

Farr, R.H. & Patterson, C. J. (2009). Transracial adoption by lesbian, gay and heterosexual couples: Who completes transracial adoptions and with what results? *Adoption Quarterly, 12,* 187-204.

Gates, G. J., Badgett, M. V. L., Macomber, J. E., & Chambers, K. (2007). Adoption and foster care by gay and lesbian parents in the United States. Los Angeles: UCLA School of Law Williams Institute

Gates, G. (2013).*LGBT Parenting in the U.S.* Los Angeles: UCLA School of Law Williams Institute

Haskell, D. (2010) *What is Possible When we Move Forward Together?* Presentation to the National Center for Child Welfare Excellence, Hunter College, New York, October 29, 2010.

Hansen, M.E. (2006). *The Value of Adoption.* American University Department of Economics Working Paper Serices.

Howard, J.A. & Berzin, S. (2011). *Never Too Old: Achieving Permanency and Sustaining Connection for Older Youth in Foster Care.* New York: Donaldson Adoption Institute

Kaye S.K. & Kuvalanka, K.A. (2006) *State Gay Adoption Laws and Permanency for Foster Youth.* University of Maryland: Department of Family Studies.

U.S. Children's Bureau (2015) *Trends in Foster Care and Adoption:* Washington, D.C.: U.S. Department of Health and Human Services.