



POLICY STATEMENT

Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian

COMMITTEE ON PSYCHOSOCIAL ASPECTS OF CHILD AND
FAMILY HEALTH**KEY WORDS**

civil marriage, adoption, foster care, nurturing children, children of gay and lesbian parents, marriage equality

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abstract

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To promote optimal health and well-being of all children, the American Academy of Pediatrics (AAP) supports access for all children to (1) civil marriage rights for their parents and (2) willing and capable foster and adoptive parents, regardless of the parents' sexual orientation. The AAP has always been an advocate for, and has developed policies to support, the optimal physical, mental, and social health and well-being of all infants, children, adolescents, and young adults. In so doing, the AAP has supported families in all their diversity, because the family has always been the basic social unit in which children develop the supporting and nurturing relationships with adults that they need to thrive. Children may be born to, adopted by, or cared for temporarily by married couples, nonmarried couples, single parents, grandparents, or legal guardians, and any of these may be heterosexual, gay or lesbian, or of another orientation. Children need secure and enduring relationships with committed and nurturing adults to enhance their life experiences for optimal social-emotional and cognitive development. Scientific evidence affirms that children have similar developmental and emotional needs and receive similar parenting whether they are raised by parents of the same or different genders. If a child has 2 living and capable parents who choose to create a permanent bond by way of civil marriage, it is in the best interests of their child(ren) that legal and social institutions allow and support them to do so, irrespective of their sexual orientation. If 2 parents are not available to the child, adoption or foster parenting remain acceptable options to provide a loving home for a child and should be available without regard to the sexual orientation of the parent(s). *Pediatrics* 2013;131:827–830

INTRODUCTION

All children need support and nurturing from stable, healthy, and well-functioning adults to become resilient and effective adults. On the basis of a review of extensive scientific literature, the American Academy of Pediatrics (AAP) affirms that “children’s well-being is affected much more by their relationships with their parents, their parents’ sense of competence and security, and the presence of social and economic support for the family than by the gender or the sexual orientation of their parents.”¹

Families' structural forms are varied. In 2010, married adults were raising 65.3% of all children in this country.² The other 34.7% of children (25.9 million of 74.63 million children) were living in a variety of situations. Many were being raised by parents who were single or cohabiting, either by choice or by circumstance. Growing numbers of grandparents are stepping in as parents to 2.5 million children when necessary.² When none of a child's biological relatives is available or able to provide necessary nurturing and support, other arrangements exist to nurture children. Foster parenting and adoption are substitute arrangements that can provide financial, emotional, social, and legal support for children. In 2007, >400 000 children were in foster care, and 130 000 children were adopted by unrelated adults.^{3,4}

Increasing numbers of same-gender couples are raising children today, and the numbers are likely to increase in the future. The US 2010 Census reported that 646 464 households included 2 adults of the same gender.^{5,6} These same-gender couples are raising ~115 000 children aged ≤ 18 years and are living in essentially all counties of the United States.^{5,6} When these children are combined with single gay and lesbian parents who are raising children, almost 2 million children are being raised by gay and lesbian parents in the United States.⁷

Civil marriage is the legal and social institution in modern society that serves as the basic building block for family structure and child-rearing. Marriage is generally considered the optimal relationship between 2 adults who share responsibility for children. Marriage brings 2 extended families together to provide long-term security and social and emotional support to all members of the newly formed family. Marriage offers many legal rights and responsibilities, including the joint responsibility to care for children and to make

decisions (including medical decisions) for them. A report from the AAP Task Force on the Family noted that married couples have more financial and social resources to nurture and raise children.⁸ Additionally, "married men and women are physically and emotionally healthier and are less likely to engage in health risk behaviors . . . than are unmarried adults."⁸ A number of studies have documented "a positive relationship between the quality of marital life and family functioning."⁹ The Task Force report emphasized: "As we move forward, the Academy and pediatricians stand ready to serve all children in all families, regardless of the family structure in which they live."⁸

There are few social or legal restrictions limiting the ability of 2 unrelated adults to marry in the United States. These include (1) age: states have different age limits before which parental permission is required for marriage; (2) numerosity: there is a long-standing prohibition on bigamy/polygamy; (3) the existence of blood relationships; and (4) cognitive capacity to consent. The only other exception applies to adults seeking same-gender relationships (in most states).

There is extensive research documenting that there is no causal relationship between parents' sexual orientation and children's emotional, psychosocial, and behavioral development.^{1,10–19} Many studies attest to the normal development of children of same-gender couples when the child is wanted, the parents have a commitment to shared parenting, and the parents have strong social and economic supports. Indeed, current research has concluded that "In all, it is now well-established that the adjustment of children and adolescents is best accounted for by variations in the quality of the relationships with their parents, the quality of the relationship between the parents or significant adults in the children's and adolescents'

lives, and the availability of economic and socio-economic resources."¹⁹

Therefore, the AAP has endorsed, for more than a decade, a policy supporting the benefits of both parents in a same-gender couple having legal rights and responsibilities for their child(ren), for example, through second-parent or coparent adoption.²⁰ A special article in *Pediatrics* in 2006 reviewed the legal issues associated with civil marriage, civil union, and domestic partnership and noted a number of disparities for children growing up in various legal arrangements.¹⁰ The American Medical Association has recently noted the disparities that exist for parents of the same gender who lack marriage equality as well as for their children.²¹ Many other professional organizations have adopted policies urging legislative changes and legal mechanisms, including adoption, foster parenting, and civil marriage, for gay and lesbian adults who wish to be parents.* Civil unions and domestic partnerships do not confer the same legal rights, protections, and benefits to children that civil marriage provides.¹⁰

Public policy related to marriage and family is largely a state function. Consequently, the laws across the country that regulate marriage, adoption, and foster parenting by gay men and lesbians are an inconsistent patchwork. Even civil marriage in a state that

*National organizations that support marriage equality: American Civil Liberties Union (June 1998), National Association of Social Workers (June 2004), American Psychological Association (July 2004), American Psychiatric Association (May 2005), American Psychoanalytic Association (January 2008), American Bar Association (August 2010), American College of Nursing (July 2012), and American Academy of Family Physicians (October 2012). National organizations that support gay and lesbian parenting and the nurturing of children: American Academy of Child and Adolescent Psychiatry, American College of Obstetrics and Gynecology, American Medical Association, Child Welfare League of America, National Adoption Center, National Education Association, North American Council on Adoptable Children, and Voice for Adoption.

permits it does not ensure access to federal benefits. The federal Defense of Marriage Act (1996; Pub. L. No. 104-199) denies members of married same-gender households access and benefits equivalent to those available to households headed by married parents of different genders, such as (1) Social Security and related programs, (2) housing and food stamps, (3) federal civilian and military service benefits, (4) employment benefits, (5) immigration and nationality status, (6) remedies and protections for crimes and family violence, and (7) certain loans and financial guarantees.^{10,21} For this reason, the AAP has joined with other national organizations in support of the position that the Defense of Marriage Act is unconstitutional.[‡]

A core mission of the AAP is to support the best interests of all children, regardless of their home or family

structure, on the basis of the common principles of justice. If a child has 2 living and capable parents who choose to create a permanent bond by way of civil marriage, it is in the best interests of their child(ren) that legal and social institutions allow and support them to do so. If 2 parents are not available to the child, adoption or foster parenting remain acceptable options to provide a loving home for a child and should be available without regard to the sexual orientation of the parent(s).

RECOMMENDATIONS

The AAP works to ensure that public policies help all parents, regardless of sexual orientation and other characteristics, to build and maintain strong, stable, and healthy families that are able to meet the needs of their children. In particular, the AAP supports:

1. Marriage equality for all capable and consenting couples, including those who are of the same gender, as a means of guaranteeing all federal and state rights and benefits, and long-term security for their children.
2. Adoption by single parents, coparents adopting together, or a second parent when 1 parent is already a legal parent by birth or adoption, without regard to the sexual orientation of the adoptive parent(s).

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3. US Department of Health and Human Services. Foster Care Statistics. Child

3. Foster care placement for eligible children to qualified adults without regard to their sexual orientation.

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[‡]Amici Curiae: Brief of the American Psychological Association, the Massachusetts Psychological Association, the American Psychiatric Association, the National Association of Social Workers and its Massachusetts Chapter, the American Medical Association, and the American Academy of Pediatrics Nos. 10-2204, 10-2207, and 102214 in the United States Court of Appeals for the First Circuit. *The Commonwealth of Massachusetts v the United States Department of Health and Humans Services et al*, November 3, 2011; Brief of the American Psychological Association, the American Academy of Pediatrics, the American Psychiatric Association, the American Psychoanalytic Association, the National Association of Social Workers and its New York City and State Chapters, and the New York State Psychological Association. No. 12-2335(L), 12-2435(Con) in the United States Court of Appeals for the Second Circuit; *Windsor v United States of America and Bipartisan Legal Advisory Group of the US House of Representatives*; Brief of the American Psychological Association, the California Psychological Association, the American Psychiatric Association, the National Association of Social Workers and its California Chapter, the American Medical Association, the American Academy of Pediatrics, and the American Psychoanalytic Association, Nos. 12-15388 and 12-15409 in the United States Court of Appeals for the Ninth Circuit; *Golinski v United States Office of Personnel Management and Berry and Bipartisan Legal Advisory Group of the US House of Representatives*.

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