

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APRIL DEBOER, individually and as parent
and next friend of N.D.-R, R.D.-R., and J.D.-R,
minors, and JAYNE ROWSE, individually and as parent
and next friend of N.D.-R, R.D.-R., and J.D.-R,
minors,

Plaintiffs,

ED Mi No. 12-10285
Honorable Bernard A. Friedman
United States District Judge

-vs-

Honorable Michael J. Hluchaniuk
United States Magistrate Judge

BILL SCHUETTE, in his official capacity as
Michigan Attorney General,

Defendant.

DECLARATION OF JEANNE A. HOWARD, PH.D. UNDER 28 USC §1746

I, Jeanne A. Howard, do declare as follows:

1. The statements made in this declaration are based on personal knowledge, I am competent to testify to them and, if called as a sworn witness, my testimony would be consistent with them.
2. I hold a B.A. from the University of Illinois at Urbana/Champaign (1973); a Masters in Social Work from the University of Illinois at Urbana/Champaign (1976); and a Ph.D. from the University of Chicago (School of Social Service Administration) (2001). My dissertation was entitled "*On Being Adopted: Adoption Narratives of Young Adopted Women.*"
3. I have been a researcher and professor of social work for over 30 years. I am currently Co-Director of the Center for Adoption Studies at Illinois State University; Policy and Research Director of the Evan B. Donaldson Adoption Institute, New York, New York and Professor Emerita at the School of Social Work, Illinois State University.
4. I have served on various boards during my career: I was appointed to the inaugural Illinois Adoption Advisory Board and served for many years. This board advises the Director of the Illinois Department of Children and Family Services on policy and practice. Illinois has long placed children for adoption with lesbian and gay adoptive parents and allows both parents to adopt.

5. I have also served on several task forces and committees related to adoption over the years and am the author of numerous articles on the subject (see attached CV).
6. Based on my work, education, and knowledge of relevant studies, I have concluded that gays and lesbians are as competent, loving, nurturing, and capable of parenting as their heterosexual counterparts. The overwhelmingly accepted data in the scientific community demonstrates the following:
 - A. For almost three decades researchers have compared outcomes of children raised by same sex parents to those raised by opposite sex parents. In large and small studies, studies of lesbians and of gay men, studies of families formed through birth, and adoption and assisted technology, all studies consistently have found no differences for children in psychological adjustment, gender identification, school performance, self-esteem, anxiety, depression, behavior problems, social relationships and emotional problems, cognitive functioning, level of investment and quality of parent/child relationship.¹
 - B. While earlier studies had some limitations in terms of sample size and composition, more recent studies are much stronger methodologically. Like earlier studies, children raised by gay/lesbian and straight parents have very similar outcomes. Studies consistently show that it is the quality of parenting rather than the sexual orientation of parents that predicts outcomes for children.
 - C. While there have been fewer studies of adopted children raised by gay or lesbian parents, those studies that do exist also support that these children have positive outcomes, on a par with children adopted by opposite sex parents. For example, a study of three types of adoptive families – families of children with special needs, non-special needs families headed by gays or lesbians and non-special needs families headed by heterosexual parents found parental sexual orientation was not associated with the quality of family functioning, with the exception of the families who adopted older children. In those cases, being adopted by gay or lesbian parents was associated with higher levels of family functioning. The

¹ There are many studies that support these findings. More recent and methodologically stronger studies include: N. Anderssen, C. Amlie and E. A. Ytteroy, *Outcomes for children with lesbian or gay parents. A review of studies from 1978 to 2000*, 43 *Scandinavian Journal of Psychology* 4 (2002); A. Brewaeys, I. Ponjaert, E.V. Van Hall and S. Golombok, *Donor Insemination: Child development & family functioning in lesbian mother families with 4 to 8 year old children*, 12 *Human Reproduction* 6 (1997); R.W. Chan, B. Raboy and C.J. Patterson, *Division of labor among lesbian and heterosexual parents: Associations with children's adjustments*, 12 *Journal of Family Psychology* 3 (1998); N. Gartrell, H. Peyser and H. Bos, *Family Characteristics, Custody Arrangements, and Adolescent Psychological Well-being After Lesbian Mothers Break Up*, 60 *Family Relations* 5 (2011); J. Stacey and T. Bilbarz, *(How) Does the Sexual Orientation of Parents Matter?*, 66 *American Sociological Review* 2 (2001); F. Tasker and S. Golombok, *Adults raised as children in lesbian families*, 65 *American Journal of Orthopsychiatry* 2 (1995); J.L. Wainwright, S.T. Russell and C.J. Patterson, *Psychological adjustment and school outcomes and romantic relationships of adolescents with same-sex parents*, 75 *Child Development* 6 (2004).

authors conclude that gay/lesbian-headed families show promise as resources for children, particularly older ones (P. Leung, S. Erich and H. Kanenberg, *A comparison of family functioning in gay/lesbian, heterosexual and special needs adoptions*, 27 Children and Youth Services Review 9 (2005)). A later study found no relationship between parent sexual orientation and level of parent-child attachment in adolescence (S. Erich, H. Kanenberg, K. Case, T. Allen and T. Bogdanos, *An empirical analysis of factors affecting adolescent attachment in adoptive families with homosexual and straight parents*, 31 Children and Youth Services Review 3 (2009)).

- D. Research on same sex couple parenting and same sex couple adoption meets the stringent requirements of peer reviewed social science research.
 - E. In my opinion, the evidence clearly demonstrates that gays and lesbians have equal parenting skills to their heterosexual counterparts. As adoption expert Dr. David Brodzinsky notes, "... the data are unequivocal in showing that lesbian and gay-headed households show patterns of psychological, social, and academic adjustment similar to their peers raised by straight parents...In addition, ... [on gay or lesbian adoptive families] the results are consistent with the findings of previous research: lesbian and gay adoptive parents and their children show patterns of adjustment similar to those of heterosexual adoptive parents and their children."²
 - F. Based on the research finding that children reared by lesbian or gay parents fare well, every major child welfare and most professional associations have adopted policy statements affirming gay and lesbian parenthood and adoption by gay and lesbian individuals and couples.³ In addition, many such organizations have policy statements that encourage states to permit joint or second parent adoption. (See Position Statement of the American Psychiatric Association, No. 200214, Approved November 2002, attached hereto).
7. Every year thousands of youth "age out" of foster care without permanent families – according to the U.S. Children's Bureau in 2010 almost 28,000 youth exited care without legal mothers or fathers. Multiple studies demonstrate that these youth are at great risk for poverty, early parenthood, homelessness, unemployment, incarceration and problems in health and mental health.⁴

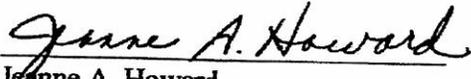
² D. Brodzinsky, R.J. Green and K. Katuzny, *Adoption by lesbians and gay men: What we know, what we need to know, and ought to do*, *Adoptions by Lesbians and Gay Men*, 237 (New York: Oxford University Press, 2011).

³ Examples include the American Bar Association, the American Medical Association, the American Psychological Association, the American Academy of Pediatrics, the Child Welfare League of America, the National Association of Social Workers and the North American Council on Adoptable Children.

⁴ See for example, J. Howard and S. Berzin, *Never too old: Achieving Permanency and Sustaining Connections for Older Youth in Foster Care* (Susan Smith and Adam Pertman ed., Evan B. Donald Adoption Institute 2011) (2011).

8. While we have made great strides in placing children for adoption, over 100,000 children were in foster care waiting for adoptive homes at the close of the federal fiscal year in 2010. In Michigan over 7,000 children await adoption.⁵ Most of the children who wait are older children (16% are older than 10 and 26% are 7 or older). Older age is the most powerful predictor of remaining in foster care rather than being adopted. Most of those seeking to adopt are interested in adopting younger children and children without mental or emotional disabilities.⁶
9. Studies have indicated that a greater percentage of gay and lesbian parents have demonstrated interesting adopting these "hard to place" children.⁷
10. Studies have found that lesbian and gay parents are more open to adopting children with special needs than are heterosexual parents.⁸
11. A major study by the Urban Institute and the Williams Institute estimated that at least 65,000 children have been adopted by lesbian and gay parents. The report also found that lesbian adults actually show greater interest in adoption than heterosexual women (46.2% vs. 32.1%) and were more likely to have taken concrete steps to adopt. In response to calls to restrict fostering and adoption by gay and lesbian parents, the report estimates the economic impact of doing so would cost states from \$87 to \$130 million each year.⁹
12. Most states either explicitly allow joint or second parent adoption by same sex couples through law or policy (18 states and the District of Columbia), have allowed it at the trial court level (12 states) or do not specifically prohibit the practice.
13. I declare under penalty of perjury under the laws of the United States that the foregoing statements are true.

Dated: March 12, 2012


Jeanne A. Howard
Co-Director of Adoption Studies
Illinois State University

⁵ Available at, <http://www.adoptuskids.org/for-families/state-adoption-and-foster-care-information/michigan#info>

⁶ C.A. Bachrach, K.A. London and P. Maza, *On the path to adoption: adoption seeking in the U.S.*, 53 *Journal of Marriage and the Family* 3 (1991); D. Brooks, S. James and R.P. Barth, *Preferred characteristics of children in need of adoption: Is there a demand for available foster children?*, 76 *Social Services Review* 4 (2002).

⁷ D. Brooks and S. Goldberg, *Gay and lesbian adoptive and foster care; Can they meet the needs of waiting children?*, 46 *Social Work* 2 (2001).

⁸ D. Brooks and S. Goldberg, *Gay and lesbian adoptive and foster care placements; Can they meet the needs of waiting children?*, 46 *Social Work* 147 (2001).

⁹ G.J. Gates, M.V. Lee Badgett, J.E. Macomber and K. Chambers, *Adoption and Foster Care by Gay and Lesbian Parents in the United States* (Williams Institute, Urban Institute) (2007)