

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-

RICHARD SNYDER, in his official capacity as  
Governor of the State of Michigan,  
BILL SCHUETTE, in his official capacity as  
Michigan Attorney General, and LISA BROWN,  
in her official capacity as Oakland County  
Clerk,

Defendants.

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

I, Jeanne A. Howard, hereby incorporate paragraphs 1 through 5 of my earlier declaration, R 67, Plaintiffs' Cross Motion for Summary Judgment, Ex 6, and do declare as follows:

1. 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. As noted in my previous affidavit, studies over several decades have consistently found that children raised by gay or lesbian parents and children raised by heterosexual parents do not have different outcomes. That is, it is not the sexual orientation of parents, but the quality of parenting that affects outcomes for children.
2. A single study by sociologist Mark Regnerus, purporting to find that children with gay and lesbian parents have poorer outcomes in young adulthood than children reared by opposite-sex parents in intact marriages, is deeply flawed. Regnerus' study has been

widely criticized by scholars and multiple critiques of the study have concluded that its stated findings are not warranted by its data.<sup>1</sup>

a. Specific limitations of the study include:

- i. The study makes use of comparison groups which are not comparable. Perhaps the most serious flaw in the Regnerus study is the author's decision to collapse categories of parents into one category for parents whose children reported they had had a same- sex relationship but not to do so for opposite-sex parent families. Thus, the group to which the "gay or lesbian" parents were compared and found to have disadvantages was comprised of two opposite-sex parents who had been married throughout the child's life. The appropriate comparison would have been of similar groups—e.g., children raised by parents in stable long-term relationships who were either same-sex or opposite-sex. Regnerus cannot legitimately conclude that differences he reports between lesbian or gay parents and two-parent families are due to the sexual orientation of the parents.
- ii. Regnerus has offered no empirical or theoretical defense for his grouping decisions. In interviews after the article was published, he attributed it to the need to increase the sample size of the "lesbian and gay" parent groups.<sup>2</sup> Importantly, Regnerus' article and many of the assumptions derived from it, focus on the differences found between young adults with parents coded as lesbian (and to a lesser extent those coded as gay) compared to those coded as having lived in intact biological families (with mother and father) who were still married. However, many of the negative differences found between young adults with parents coded as lesbian (and to a lesser extent those coded as gay) compared to those coded as having lived in intact biological families (with a mother and a father) who were still married. Many of the negative differences reported between these groups were also found between the intact

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<sup>1</sup> See also Brief of *Amicus Curiae* of American Sociological Association in Support of Respondent Kristin M. Perry and Respondent Edith Schlain Windsor, pp 16-22, filed in *Hollingsworth v Perry*, S Ct #12-144, and *United States v Windsor*, S Ct #12-307, appended to Plaintiffs' Response; D. E. Sherkat, *The Editorial Process and Politicized Scholarship: Monday Morning Editorial Quarterbacking and a Call for Scientific Vigilance*, 41 *Social Science Research* 1346-1349 (2012); Gary J. Gates et al., *Letter to the Editor and Advisory Editors of Social Science Research*, 41 *Social Science Research* 1350 (2012) (a letter signed by 200 scholars in sociology and family studies, and other researchers); A.J. Perrin, P. H. Cohen and N. Carren, N., *Responding to the Regnerus Study: Are Children of Parents Who Had Same-Sex Relationships Disadvantaged? A Scientific Evaluation of the No-Difference Hypothesis*, 17 *Journal of Gay and Lesbian Mental Health*, 327-336 (2013).

<sup>2</sup> M. Regnerus, *Q&A With Mark Regnerus About the Background of His New Study*, p 3, (2012) <http://www.patheos.com/blogs/blackwhiteandgray/2012/06/q-a-with-mark-regnerus-about-the-background-of-his-new-study/>

families and other family constellations where parents were not coded as gay or lesbian, yet such comparisons are scarcely discussed.

- iii. The Regnerus study uses a definition of “gay or lesbian” parenting that is questionable. The basis for identifying a parent as gay or lesbian in the study is the young adult’s report that a parent ever engaged in a same-sex romantic relationship during the child’s minority. Parents so categorized may or may not have raised the child, although the group to which they were compared – children raised by their biological parents who had never divorced – certainly did raise the child. Some children were raised by their parents with same-sex partners. Many were not. Slightly over half (52%) of respondents had ever lived with their mother and a same-sex partner and most of these (60%) did so for two years or less. Put simply, the young adults in this study were not raised by same-sex couples, yet Regnerus’ findings are used as a basis for contending that the State should not sanction adoption by both members of a same-sex couple.
  - b. It is questionable whether the sample on which the study is based is nationally representative. The sample is 32.7% male and 67.3% female and disproportionately minority. Further, the small numbers Regnerus identifies as children of gays and lesbians (1.7% of the sample) are “not up to the task of adequately informing our understanding of same-sex parenting.”<sup>3</sup>
3. The reliability of the study is further compromised by the process by which it came to be published. The editor of *Journal of Social Science Research* asked for a review of the process by which the Regnerus article came to be published in the journal. The resulting audit<sup>4</sup> found:
- a. Those who reviewed it and recommended publication had ties to Regnerus that called into question their ability to appropriately review the paper. Two of the reviewers were, in fact, paid consultants on the study.
  - b. Problems with the study were exacerbated by an “unseemly rush to publication.” As the auditor concluded, “In the rush to complete the paper [which was accepted just 5 weeks after it was first submitted – an extremely quick turnaround in social science publication and compared to an average of over a year for other articles appearing in the same issue<sup>5</sup>] before data were even fully collected, data cleaning was apparently not something in the research agenda.”
  - c. The nature of the funding for this research raises further concerns. As noted by the auditor, “There should be reflection about a conservative scholar garnering a

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<sup>3</sup> Sherkat, *supra*.

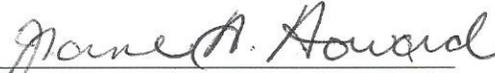
<sup>4</sup> *Id.*

<sup>5</sup> Gates, *supra*.

very large grant from exceptionally conservative foundations to make incendiary arguments about the worthiness of LGBT parents – and putting this out in time to politicize it before the 2012 United States Presidential election.”

4. The Regnerus study does not address the well-being of children adopted by same-sex couples. Studies on the psychological adjustment of children adopted by heterosexual parents and by gay or lesbian parents find that differences in child adjustment and outcomes across adopted children are not associated with parental sexual orientation. For example, the most recent study of such families, Goldberg and Smith’s study of 120 heterosexual, lesbian, and gay adoptive couples, found that family type was unrelated to child’s adjustment.<sup>6</sup> Rather it was lack of parental preparation for adoption, parental depression and parental relationship conflict that were associated with child behavioral and emotional difficulties. A second recent study examined the cognitive development and behavioral problems of children adopted from foster care. The study found on average, adopted children adopted in heterosexual and gay/lesbian households “showed significant gains in cognitive development and maintained similar levels of behavior problems over time, despite gay and lesbian parents raising children with higher levels of biological and environmental risks prior to adoptive placement.”<sup>7</sup>
5. It is my considered professional opinion that the objections raised by those who oppose adoption by both members of a same-sex couple are without basis in general and that reliance on the Regnerus findings in particular is unjustified.
6. I declare under penalty of perjury under the laws of the United States that the foregoing statements are true.

Dated: September 9, 2013

  
Jeanne A. Howard

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<sup>6</sup> A. Goldberg and J. Z. Smith, *Predictors of Psychological Adjustment in Early Placed Adopted Children with Lesbian, Gay, and Heterosexual parents*, 27 *Journal of Family Psychology*, 146-162 (2013).

<sup>7</sup> J. A. Lavner, J. Waterman, and L.A. Peplau, *Can Gay and Lesbian Parents Promote Healthy Development in High-Risk Children Adopted From Foster Care?*, 82 *American Journal of Orthopsychiatry*, 465–472 (2012).