

Adopting gay rights

The Adoption and Children (Scotland) Bill



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"I'm not in favour of gay couples seeking to adopt children because I question whether that is the right start in life. We should not see children as trophies.

Children, in my judgement, and I think it's the judgement of almost everyone including single parents, are best brought up where you have two natural parents in a stable relationship. There's no question about that. What we know from the evidence is that, generally speaking, that stability is more likely to occur where the parents are married than where they are not."

The Rt Hon Jack Straw MP
speaking on the *Today Programme*
BBC Radio 4
4 November 1998

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Introduction

Which is more important – allowing a child to have a mother and a father, or promoting gay rights? The Scottish Executive has decided gay rights. Its Adoption and Children (Scotland) Bill permits homosexual couples to jointly adopt children. But this would deny a child either a mother or a father. If two men adopt a child, the child has no mother figure. If two women adopt a child, the child has no father.

Public opinion in Scotland is against the plans. The Executive's own recently published research found that 65% of people are opposed to male homosexual couples jointly adopting children.¹ The Executive's consultation on the Bill found that 89% of individuals who responded were opposed to allowing same-sex couples to jointly adopt.²

Everyone accepts that too few children in care are being placed for adoption. Only 117 children were adopted from care in Scotland in the year 2004-05.³ Maybe as many as 700 'looked after' children could be adopted each year – six times the current number.⁴

¹ *Scottish Social Attitudes Survey 2004 – Family Module Report*, Scottish Executive Social Research, 2005, pages 26-27

² *Safe and Secure Homes for Our Most Vulnerable Children: Analysis of the Consultation on the Adoption Bill*, Scottish Executive Social Research, 2005, Table 4.1, page 19

³ *Children's Social Work Statistics 2004-05*, Scottish Executive, October 2005, Table 1.6, see <http://www.scotland.gov.uk/Resource/Doc/77843/0018789.pdf> as at 31 May 2006 (figures for financial year ending in 2005)

⁴ See page 13, 'Children in care'

There are around one million married couples in Scotland.⁵ The real issue is why are so many suitable married couples put off adopting? The Prime Minister's own review found that 90% of enquirers are put off or rejected.⁶ Married couples have been rejected because they are too fat or too rich, have too many books, or go to church.⁷

Political correctness is not the solution; it's the problem.

⁵ 'Estimated Population by Sex, Age and Marital Status, Scotland, 30 June 2004', *Vital Events Reference Tables 2004*, General Register Office for Scotland, Table 2.2, see <http://www.gro-scotland.gov.uk/files/04t2-2.pdf> as at 31 May 2006

⁶ *Adoption, Prime Minister's Review – Issued for Consultation*, A Performance and Innovation Unit Report, Cabinet Office, July 2000, pages 35-36

⁷ See page 11, 'Political correctness'

Answers to common arguments

Many specious arguments cloud the current debate.

“We need to widen the pool of potential adopters”

With around a million married couples in Scotland, the pool is wide enough.⁸ Allowing homosexual couples to jointly adopt will not ‘widen the pool’ – only 0.15% of all adults in Scotland live in a cohabiting same-sex couple household.⁹ The real issue is why so many suitable married couples are being put off adopting.¹⁰

“Homosexual and cohabiting heterosexual couples make equally good parents to married couples”

Such claims cannot be backed up by reliable research evidence.¹¹ It is clear that by far the best environment for raising children is a married family.¹²

⁸ ‘Estimated Population by Sex, Age and Marital Status, Scotland, 30 June 2004’, *Vital Events Reference Tables 2004, Op cit*, Table 2.2

⁹ There were 4,007,466 people aged over 16 living in households; of these 6110 were cohabiting as part of same-sex couples. There were 1,776,872 married people living in a couple. *Scotland’s Census Results OnLine*, Table UV49, see <http://www.scrol.gov.uk> as at 31 May 2006

¹⁰ See page 11, ‘Political correctness’

¹¹ See page 30, ‘Gay adoption’

¹² See page 24, ‘Benefits of marriage for children’

“Homosexuals can already adopt via the single person route”

The major studies report virtually no such adoptions at all.¹³ Should we entrench this abuse of the present law – so that vulnerable children are permanently deprived of a mother or a father? Whether it’s done inside or outside the law, homosexual adoption denies a child a mother or a father.

The Bill will radically change the law on *joint* adoption. Only a married man and a woman can adopt *jointly* at present – because vulnerable children need a father and a mother.

“Times have changed. Not many babies are put up for adoption – it is far more about finding homes for older children”

There is no evidence that homosexuals have any greater desire or ability to adopt older children than married couples. Older children will have suffered for even longer than others – they need the best possible family environment where stability is most assured – i.e. a married couple.

“A court must be satisfied that the adoption is in the child’s best interests”

The court hearing is a formality which almost invariably rubberstamps the decision of the social workers. The current prevailing ethos in social work is to equate homosexual rights with children’s best interests. But adoption by unmarried couples is wrong in principle, irrespective of prevailing fashions.

Since 1983, at least 95% of adoption applications have been granted by the courts each year, and of the remainder, the majority were withdrawn, not refused.¹⁴ The question is: how many suitable married couples have been put off from even applying?

¹³ See page 15 ‘Abuse of the ‘single person’ provision’

¹⁴ *Adoption Applications 2003*, Scottish Executive, 16 March 2004, see <http://www.scotland.gov.uk/Resource/Doc/47171/0029216.pdf> as at 31 May 2006

Cohabiting heterosexual couples

The pressure for changing this law is coming primarily from gay rights supporters. The fact that cohabiting heterosexual couples will also be able to adopt if the law is changed is almost incidental. No groups are marching on the streets demanding ‘cohabitees rights’. And, of course, if a cohabiting heterosexual couple want to adopt, they can simply get married. Government statistics show that cohabiting couples are *six and a half times* more likely than married couples to split up within five years of the birth of a child.¹⁵ Cohabiting couples by definition do not want to be publicly committed to each other. The instability arises from the nature of the relationship.

¹⁵ Kiernan, K, ‘Childbearing Outside Marriage in Western Europe’, *Population Trends*, 98, Winter 1999, Office for National Statistics, Table 11, page 19

The present law

Most European countries only allow married couples or single people to adopt. Legal challenges to this under the European Convention on Human Rights have all failed, even as recently as February 2002.

- In Scotland adoption is still governed by the Adoption (Scotland) Act 1978. This mandates that *joint* adoption can only be by a married couple.¹⁶ The most comprehensive survey found that 95% of all adoptions are by married couples.¹⁷
- Single people can also adopt in Scotland under the 1978 Act;¹⁸ they typically make up the remaining 5% of adoptions.¹⁹
- In England and Wales the Adoption and Children Act 2002 allowed cohabiting heterosexual and homosexual couples to jointly adopt. It came into force on 30 December 2005. By February 2006 10 adoption applications had been received from same-sex couples.²⁰

¹⁶ Adoption (Scotland) Act 1978, section 14

¹⁷ Ivaldi, G, *Surveying Adoption: A Comprehensive Analysis of Local Authority Adoptions 1998-1999 – England*, British Agencies for Adoption and Fostering, 2000, page 88. This leading study was conducted in England; the percentage of adoptions by married couples is unlikely to be different in Scotland. (British Agencies for Adoption and Fostering – BAAF – is now called British Association for Adoption and Fostering.)

¹⁸ Adoption (Scotland) Act 1978, section 15 (1) (a)

¹⁹ Ivaldi, G, *Op cit*, page 88

²⁰ House of Commons, Hansard, 16 February 2006, col. 2253 wa

- In February 2002 the European Court of Human Rights ruled that there is no right for homosexuals to adopt.²¹ The Court ruled that a homosexual man *did not* have a ‘human right’ to adopt a child. It upheld the decision of Paris’ social services to refuse his request. The Court said that the *desire* to adopt a child does not constitute the *right* to adopt one. It also said “...that the decisions refusing authorisation pursued a legitimate aim, namely *protecting the health and rights of children...*”²² [emphasis added].
- The majority of European countries only allow joint adoption by married couples. Some countries have introduced partnership schemes to recognise unmarried couples. However, many of these schemes specifically *exclude* joint adoption.²³

²¹ *Frette v France* [2002] The European Court of Human Rights, case 36515/97

²² Registrar of The European Court of Human Rights, Press Release, *Chamber Judgment in the Case of Frette v France*, 26 February 2002, see <http://www.echr.coe.int/Eng/Press/2002/feb/Frettjudepress.htm> as at 31 May 2006

²³ Selman, P and Mason, K, ‘Annex B: Research on Same-Sex Parenting’, in *Adoption: Better Choices for Our Children – Adoption Policy Review Group Report of Phase II*, Scottish Executive, June 2005, pages 140-141

Political correctness

There is no doubt that many hundreds more children could be adopted than currently is the case. Only 117 children were adopted from care in the whole of Scotland in the year 2004-05.²⁴ The Prime Minister is right to say, as he did in his review of adoption in England and Wales, that: “Too often in the past adoption has been seen as a last resort.”²⁵

Research shows that children in care are far more likely to have no educational qualifications, to commit crime, to become homeless and, in the case of girls, to become teenage mothers.²⁶ In addition there have been many high profile child abuse scandals in children’s homes.

Why are so few children being adopted? The answer has a great deal to do with red tape. Government research has found that the adoption system is clogged up by bureaucracy. Up to 90% of those who enquire about adopting are put off or rejected.²⁷ Of course just because a couple want to adopt a child does not make them suitable, but a drop out rate of 90% is far too high.

Some couples are rejected purely because of political correctness. For example, a Christian couple were told by social workers that they weren’t fit

²⁴ *Children’s Social Work Statistics 2004-05, Op cit*, Table 1.6 (figures for financial year ending in 2005)

²⁵ *Adoption, Prime Minister’s Review – Issued for Consultation, Op cit*, page 3

²⁶ *Adoption: A New Approach – A White Paper*, The Department for Health, Cm 5017, December 2000, page 14

²⁷ *Adoption, Prime Minister’s Review – Issued for Consultation, Op cit*, pages 35-36

to look after children because they believed that homosexual practice was wrong.²⁸ There are other cases in which couples have been refused because they were church-goers, ‘too rich’ or ‘too fat’, or because they had too many books in the house.²⁹

One adoption panel refused an application because the adopters wanted the child to go to public school. Another couple – a doctor and a lawyer – were turned down because they were “over-achievers”.³⁰

If there was a real effort to stop political correctness, hundreds more suitable married couples would be able to adopt children. Allowing homosexual couples to adopt is not going to help. Political correctness is not the solution: it’s the problem.

Christians are becoming increasingly alarmed by the zealous pursuit of secular policies in the state sector. The Christian Institute is aware of teachers, social workers, registrars and others coming under pressure to leave their jobs because they will not give up their ethical beliefs.

The suppression of Christian belief has been clearly demonstrated in the field of adoption. Since the passing of unmarried adoption in England, Christian adoption workers have been sacked and another Christian was removed from an adoption panel (see page 39).

‘Widening the pool of potential adopters’

The Adoption Policy Review Group was set up by the Executive in 2001. In its 2005 report it is argued that unmarried couples should be allowed to adopt in order to ‘extend the pool’ of potential adopters and so increase the number of children being adopted.³¹ This is a common, but fallacious argument. The problem is not a lack of suitable adopters, but the application of politically correct criteria by adoption agencies which prevent perfectly suitable married couples from adopting children. There is certainly no lack

²⁸ *Daily Mail*, 12 January 2004

²⁹ See for example, *The Daily Express*, 5 October 2004; *Evening Mail*, 31 October 2002; *The Evening Standard*, 17 May 2002; *The Sunday Times*, 11 July 1993

³⁰ *The Sunday Times*, 23 February 1997

³¹ *Adoption: Better Choices for Our Children – Adoption Policy Review Group Report of Phase II*, Scottish Executive, June 2005, page 19, para. 3.42

of married couples in Scotland – there are around one million of them.³² Why does this massive potential source of adopters remain barely touched?

Allowing homosexual couples to jointly adopt children is wrong – it deliberately denies a child a mother or a father. And, according to the Census, just 0.15% of all adults in Scotland live in a cohabiting same-sex couple household.³³ Only a small proportion of them will want to adopt children. This is not the right way forward to get more children adopted.

Children in care

The Executive is issuing misleading information in defence of changing the law. For example, a letter in 2006 from Peter Peacock, Minister for Education and Young People states that adoptions have declined “...to less than 400 per year while around 6,000 children per year need to be looked after outside the parental home.”³⁴

Perhaps the impression is created that all the children in care could be adopted if only the rules were relaxed sufficiently. This is not so. There were 12,185 ‘looked after’ children on 31st March 2005.³⁵ Some 57% were at home with their parents or with family or friends, 29% were with foster parents or prospective adopters, and 13% were in residential accommodation.³⁶ No-one is seriously suggesting that all the children being looked after outside the parental home could be adopted. Many children in care are ‘looked after’

³² ‘Estimated Population by Sex, Age and Marital Status, Scotland, 30 June 2004’, *Vital Events Reference Tables 2004*, *Op cit*, Table 2.2

³³ There were 4,007,466 people aged over 16 living in households; of these 6110 were cohabiting as part of same-sex couples. There were 1,776,872 married people living in a couple. *Scotland’s Census Results OnLine*, Table UV49, see <http://www.scrol.gov.uk> as at 31 May 2006

³⁴ Letter from Peter Peacock MSP, Scottish Executive Minister for Education and Young People, 28 March 2006

³⁵ *Children’s Social Work Statistics 2004-05*, *Op cit*, Table 1.1

³⁶ *Ibid*, page 1

only very briefly before returning to their family.³⁷ Maybe as many as 700 children a year could be adopted.³⁸

It is correct to say that 393 children were adopted in Scotland in 2004.³⁹ *But* this figure conflates step-parent adoptions and the adoptions of children in care. The number of children adopted from care is much lower than people are led to believe – only 117 children in the year 2004-05.⁴⁰

³⁷ The Executive's Adoption Policy Review Group estimated that only around 3,000 of the 6,500 children in local authority care outside the parental home had been looked after for over a year – see *Adoption: Better Choices for our Children – Adoption Policy Review Group Report of Phase II*, *Op cit*, page 3, para. 1.2

³⁸ A figure of around 700 adoptions a year would parallel the position in England. In England 6% of all looked after children are currently adopted. In Scotland 6% of all looked after children would equate to 731 children, according to the latest figures (6% of 12,185). Some may argue that 6% is not realistic in Scotland, but surely the figure should be substantially higher than the 0.96% currently being achieved (117/12,185 times 100 = 0.96%) (*Children's Social Work Statistics 2004-05*, *Op cit*, page 2; and *Children Looked After in England (Including Adoptions and Care Leavers), 2004-05*, ONS/Department for Education and Skills, November 2005, Table 3)

³⁹ 'Adoptions, by Sex and Age of Child and Relationship of the Adopter(s), 2004', *Vital Events Reference Tables 2004*, General Register Office for Scotland, Table 9.2, see <http://www.gro-scotland.gov.uk/files/04t9-2.pdf> as at 1 June 2006

⁴⁰ *Children's Social Work Statistics 2004-05*, *Op cit*, Table 1.6 (figures for financial year ending in 2005)

Abuse of the 'single person' provision

The Executive is arguing that homosexual couples can already adopt via the 'single person' provision – with one person becoming the adoptive parent and the other being given parental responsibilities and rights. The Minister for Education and Young People says the proposal to change the law therefore "...is only a clarification of the current legal situation...".⁴¹ This is disingenuous and totally contradicted by the facts.

Research evidence

There is only circumstantial evidence to support the claim that homosexual couples are adopting via the 'single person' route. The major studies of adoption do not report it at all, though there are no doubt occasional cases where it has taken place.

- The most comprehensive survey of local authority adoptions found that only 5% of all adoptions from care are by a single person.⁴² Hardly any of these appear to involve cohabittees.
- One BAAF study of 1,932 adoptions reported *not one case* involving a single person adopting children whilst living with a 'partner'. The same study did find *three* reported cases of a homosexual being approved as an

⁴¹ Letter from Peter Peacock MSP, Scottish Executive Minister for Education and Young People, 28 March 2006

⁴² Ivaldi, G, *Op cit*, page 88

adopter. Though even here, there is *no evidence that these homosexuals were cohabiting*. The homosexual adoptions comprised less than 0.2% of all those approved.⁴³

- A specialist analysis of single person adoptions also reported no covert cohabiting parents at all.⁴⁴

The proper use of the ‘single person’ provision

The ‘single person’ provision is intended for single people, not for two people circumventing the law. This provision is meant for the rare cases where a child who has been badly abused in the past needs specialist one-to-one care. It has also been used in a case where a married couple had been fostering a child and were about to complete the adoption, but one spouse died; the remaining spouse went on to adopt the child.⁴⁵

The existing law only allows married couples to *jointly* adopt children. This is because a vulnerable child needs parents as committed to each other as they are to the child. *Unmarried* couples cannot at present jointly adopt children. The Adoption Policy Review Group’s Report gives a misleading impression on this point.⁴⁶ As the Bill’s Policy Memorandum states, this abuse of the single person provision results “...in the child being treated in law as the child of the adopter and no-one else...”⁴⁷

Allowing joint adoption by homosexuals *permanently* deprives a child of either a mother or a father. A single person can go on to marry. As has been said: “Homosexual adoption necessarily deprives a child of the possibility of having the best, a mother and a father who are married to each other. This is

⁴³ Lowe N, Murch M, Borkowski M et al, *Supporting Adoption: Reframing the Approach*, British Agencies for Adoption and Fostering, 1999, pages 67 and 347

⁴⁴ Ivaldi, G, *Op cit*, page 89, citing Owen, M, *Novices, Old Hands and Professionals: A Study of Single Parent Adoptions*, British Agencies for Adoption and Fostering, 1999

⁴⁵ House of Lords, Hansard, 5 November 2002, col. 600

⁴⁶ *Adoption: Better Choices for Our Children – Adoption Policy Review Group Report of Phase II*, *Op cit*, page 17, para. 3.32

⁴⁷ *Adoption and Children (Scotland) Bill: Policy Memorandum*, SP Bill 61-PM, The Scottish Parliament, 2006, page 2

possible with a single heterosexual parent, but it is not possible with single homosexual parent.⁷⁴⁸

Moreover, if social workers placed a child with three bisexual adults who live together, that too would be an abuse of the law. Surely the Executive would not support such a decision. Arguing that homosexuals can already adopt using the single person provision is as absurd as arguing that bisexuals can adopt by this route. And there is no logical reason why if the former is acceptable, the latter should not be also.

Let everyone be clear – the Adoption and Children Bill proposes to deliberately and permanently deny some vulnerable children either a mother or a father.

⁴⁸ Kohm, L M, 'Moral Realism and the Adoption of Children by Homosexuals', *New England Law Review*, 38 (3), 2004, page 659

Questions for prospective adoptive parents

Social workers have to meet with would-be adoptive parents to assess their suitability. The following questions are fairly typical of those asked. Good practice dictates that they are asked dispassionately:

- Are you in a happy and satisfactory relationship that is going to endure?
- Will the family be isolated, or are close relatives (grandparents/aunts/uncles) willing to offer support and encouragement?
- Are you ready to change your previous lifestyle? Do you realise that it will not be easy? What is your motivation in applying to adopt a child?
- Are you in good health? What is your life expectancy?

Asking the questions of married, unmarried and homosexual couples

“Are you in a happy and satisfactory relationship that is going to endure?”

- A committed couple provides the secure environment in which children can thrive.
- Cohabitation is by definition a temporary relationship where neither party is willing to make a permanent commitment. Government

statistics show that cohabiting couples are six and a half times more likely to split up after the birth of a child than a married couple.⁴⁹

- A study by gay researchers, funded by the Department of Health and published by HMSO, concluded that the average length of a closed homosexual relationship was 21 months.⁵⁰ “Closed” meant that monogamy had been maintained in the past month.⁵¹
- Reports of life satisfaction show that homosexuals (and divorced people) are significantly more ‘unhappy’ than married couples.⁵²

“Will the family be isolated, or are close relatives (grandparents/aunts/uncles) willing to offer support and encouragement?”

- An adopted child acquires grandparents/aunts/uncles via a married couple’s legal relationship. Children and their parents need a wider network of relatives and friends for essential emotional and practical support.
- By definition cohabiting couples do not have ‘in-laws’ and may have no extended family.⁵³ Certainly there is no wider social commitment. Cohabiting couples actually create ‘one-generational’ families. Even manuals for lone parents and lesbian parents acknowledge the problem caused by this lack of wider support.⁵⁴

⁴⁹ Kiernan, K, *Op cit*, Table 11, page 19

⁵⁰ Weatherburn P, Hunt A J, Hickson F C I et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 11

⁵¹ Hickson F C I, Davies P M, Hunt A J et al, ‘Maintenance of Open Gay Relationships: Some Strategies for Protection against HIV’, *AIDS Care*, 4 (4), 1992, page 411

⁵² Laumann E O, Gagnon J H, Michael R T et al, *The Social Organization of Sexuality: Sexual Practices in the United States*, The University of Chicago Press, 1994, page 351 with Table 10.2A and Table 10.4

⁵³ Morgan, P, *Marriage-Lite: The Rise of Cohabitation and Its Consequences*, Institute for the Study of Civil Society, 2000, page 53

⁵⁴ Morgan, P, *Children as Trophies? Examining the Evidence on Same-sex Parenting*, The Christian Institute, 2002, pages 108-109

“Are you ready to change your previous lifestyle? Do you realise that it will not be easy? What is your motivation in applying to adopt a child?”

- The reviewer must assess if the couple can adapt their lifestyle to having the new child (especially if they have no other children). But there is evidence that cohabitees are more likely than married couples to put their own satisfaction above the needs of others.⁵⁵
- In 1998 the then Home Secretary, Jack Straw, voiced concern that gay couples may seek to adopt children for the wrong reasons. He argued that it is wrong to see children as trophies – adopting them in order to validate a lifestyle rather than for the children’s own sakes.⁵⁶

“Are you in good health? What is your life expectancy?”

- A Government study looking at 30 years of health data for men concluded that marriage was correlated with longer life expectancy.⁵⁷
- One study in an internationally recognised journal found that homosexual men have a life expectancy of up to 20 years less than all men.⁵⁸

⁵⁵ Sarantakos, S, *Living Together in Australia*, 1984, cited by Morgan, P, in *Marriage-Lite: The Rise of Cohabitation and its Consequences*, *Op cit*, page 40

⁵⁶ *The Independent*, 5 November 1998; *The Herald*, 5 November 1998

⁵⁷ Donkin, A, ‘Does Living Alone Damage Men’s Health?’, *Health Statistics Quarterly*, 11, ONS, Autumn 2001, page 15

⁵⁸ Hogg, R S et al, ‘Modelling the Impact of HIV Disease on Mortality in Gay and Bisexual Men’, *International Journal of Epidemiology*, 26 (3), 1997, pages 657-661

Why marriage is the basis for adoption

Marriage is popular. Most people marry and most marriages last for life.⁵⁹ The vast majority of Scottish children – 64.5% – live in a household headed by a married couple.⁶⁰ (A large proportion of the remainder will have previously lived in a married couple household, but will since have seen their parents separate or divorce.)

Children need a father and a mother. They need both complementary role models.⁶¹ They also need the stability and security that are provided when their parents commit themselves to each other for life. Children need a father and mother as committed to each other as they are to them.⁶² Only married couples have made a public and legal commitment to each other for life. That is why only married couples can jointly adopt.

Social science research shows that children do best when they are raised by married parents. A H Halsey is Emeritus Professor of Social Policy at

⁵⁹ Government Actuary's Department Press Release, *New Marital Status Projections for England and Wales*, NR 2005/1, 10 March 2005; and *Marital Status Projections for England and Wales*, Government Actuary's Department, 2003-based data published 10 March 2005, see http://www.gad.gov.uk/marital_status_projections/2003/event_projections.htm as at 1 June 2006

⁶⁰ Census 2001, *Scotland's Census Results OnLine*, Table T16, see <http://www.scr.gov.uk> as at 1 June 2006

⁶¹ See Kohm, L M, *Op cit*, page 653

⁶² See Arkes, H, 'Homosexuality and the Law', in Wolfe, C (Ed.) *Homosexuality and American Public Life*, Spence, 1999, page 177

Nuffield College, Oxford and co-author of *English Ethical Socialism*. He summarises the research as follows:

“No one can deny that divorce, separation, birth outside marriage and one-parent families as well as cohabitation and extra-marital sexual intercourse have increased rapidly. Many applaud these freedoms. But what should be universally acknowledged is that the children of parents who do not follow the traditional norm (i.e. taking on personal, active and long-term responsibility for the social upbringing of the children they generate) are thereby disadvantaged in many major aspects of their chances of living a successful life. On the evidence available such children tend to die earlier, to have more illness, to do less well at school, to exist at a lower level of nutrition, comfort and conviviality, to suffer more unemployment, to be more prone to deviance and crime, and finally to repeat the cycle of unstable parenting from which they themselves have suffered... The evidence all points in the same direction, is formidable, and tallies with common sense.”⁶³

Life-long and loving marriage is the ideal context in which to raise children.⁶⁴ The Executive has recently appeared to agree, saying: “we want to provide children and young people with the best possible start in life... Central to that is a belief in strong and stable families. And the pillar around which such families are built is marriage.”⁶⁵

Adoption cannot undo the past. What it can do is provide substitute parents who are as near to the ideal as possible. So when it comes to adoption, marriage is the norm. This is why 95% of all adoptions are by a married couple.⁶⁶

Adoptive children are very vulnerable. They need a stable family environment. The Executive claims to recognise this – stating that

⁶³ Halsey, A H, in Dennis, N and Erdos, G, *Families Without Fatherhood*, IEA, 1993, page xii

⁶⁴ See Kohm, L M, *Op cit*, page 665

⁶⁵ *Civil Partnerships – Family Law Reform: Briefing by Justice Minister Cathy Jamieson*, 10 September 2003 see <http://www.scotland.gov.uk/News/News-Extras/154> as at 2 June 2006

⁶⁶ Ivaldi, G, *Op cit*, page 88

permanence is an absolute requirement for the best interests of children in adoption.⁶⁷ If the Executive believes this then it must keep the law as it is.

⁶⁷ *Adoption Policy Review Group: Report of Phase Two, 'Secure and Safe Homes for our Most Vulnerable Children' – Scottish Executive Proposals for Action, A Consultation Paper*, Scottish Executive, June 2005, page 5

Benefits of marriage for children

The Scottish Executive admits the best possible start in life for children is centred on stable families and that the pillar around which such families are built is marriage.⁶⁸ The evidence backs it up. *On a range of social indicators the children of married couples generally have much better outcomes in life.* In general they:

- ...have better health
- ...do better at school
- ...are safer from child abuse
- ...have fewer behavioural problems
- ...are less likely to have had under-age sex

- Infant mortality is between 25% and 35% higher for the children of cohabiting parents than the children of married parents.⁶⁹
- An assessment of primary school children showed that the scores in language skills and mathematics for the children of homosexual couples were 29% and 30% lower than those with married parents. The scores

⁶⁸ *Civil Partnerships – Family Law Reform: Briefing by Justice Minister Cathy Jamieson, Op cit*

⁶⁹ Schuman, J, 'Childhood, Infant and Perinatal Mortality, 1996; Social and Biological Factors in Deaths of Children aged under 3', *Population Trends*, 92, Summer 1998, pages 5-14

for the children of cohabiting heterosexual parents were 12% and 11% lower than those of married parents respectively.⁷⁰

- One study showed that young men were 1.5 times more likely to be out of school and not working if their parents were not married.⁷¹
- In a prominent study, adolescent children in stable married families consistently came out better for behaviour, competence and education than comparable children in both divorced-lone-mother and step-families.⁷²
- Married parents are less likely to abuse their children. The incidence of child abuse in one study was 20 times higher for children living with their cohabiting parents and 33 times higher among children living with their mother and her boyfriend compared to children living with their biological, married parents.⁷³
- One study based on a sample of over 44,000 households found that teenagers living with cohabitantes (their mother and her boyfriend) were between two and 14 times more likely to have emotional and behavioural problems than teenagers living with their married biological parents.⁷⁴

⁷⁰ Sarantakos, S, 'Children in Three Contexts: Family, Education and Social Development', *Children Australia*, 21 (3), 1996, page 24

⁷¹ McLanahan, S and Sandefur, G, *Growing Up with a Single Parent: What Hurts, What Helps*, Harvard University Press, 1994, page 50

⁷² Hetherington, M E and Clingempeel, W G, 'Coping With Marital Transitions', *Monographs of the Society for Research in Child Development*, Series 227, 57 (2-3), 1992, pages 58-72

⁷³ Whelan, R, *Broken Homes and Battered Children: A Study of the Relationship between Child Abuse and Family Type*, Family Education Trust, 1994, page 29

⁷⁴ Nelson S, Clark, R L and Acs, G, 'Beyond the Two-Parent Family: How Teenagers Fare in Cohabiting Couple and Blended Families', *New Federalism National Survey of America's Families*, The Urban Institute, Series B (B-31), May 2001, page 3

- In one survey of over 2,000 children, 31% of those with cohabiting parents had had under-age sex compared to 13% of those with married parents: more than double the number.⁷⁵

Contrasting marriage and cohabitation

There is a great paucity of studies on adoption by unmarried cohabiting couples. Getting together a suitable sample of people to assess is very difficult. The next best thing is to look at the evidence on children raised by their natural cohabiting parents.

Here are some examples:

- Cohabiting couples with dependent children have substantially lower earnings than other families with children; they are also more likely to be on Income Support, to be in council housing, to be in deprived inner-city areas, and to be in lower socio-economic groups.⁷⁶
- One report showed that nearly 75% of the children who committed criminal offences had cohabiting parents compared with 25% with married parents.⁷⁷
- Children of cohabiting couples appear in larger proportions than children of married couples among those who have used illicit drugs, begun drinking earlier in life and drink more.⁷⁸

⁷⁵ Hill, C and Boydell, P, *Does Your Mother Know? A Study of Underage Sexual Behaviour and Parental Responsibility*, The Family Matters Institute, 2001, page 36

⁷⁶ Millar, J and Ridge T, *Families, Poverty, Work and Care: A Review of the Literature on Lone Parents and Low-income Couple Families with Children*, Department for Work and Pensions, Research Report No 1353, 2001, page 21

⁷⁷ Morgan, P, *Marriage-Lite: The Rise of Cohabitation and its Consequences*, *Op cit*, page 45

⁷⁸ *Loc cit*

Cohabitation – a transitory arrangement

Living together doesn't last long

The study *Seven years in the lives of British families* was based on data from the British Household Panel Survey, in which 10,000 adults were interviewed every year between 1991 and 1997. The study concluded that cohabitation is essentially a transitory arrangement: “Cohabiting unions last only a short time before being converted into marriage or dissolving: their median length is about two years.”⁷⁹

The study found that 60% of cohabitations turned into marriage.⁸⁰ But of the rest, very few endured. Of the remaining cohabitations, 83% broke up within 10 years.⁸¹ The Scottish Executive has accepted these statistics⁸² and it admits: “...cohabitation is primarily a transitional state...”⁸³

But what happens to those cohabiting couples who have a child and never marry? An Office for National Statistics study found that 52% of cohabiting couples had split up 5 years after the birth of the child, whereas only 8% of married couples had done so. This makes cohabiting couples

⁷⁹ Berthoud, R and Gershuny, J (Eds) *Seven Years in the Lives of British Families*, Policy Press, 2000, page 39

⁸⁰ *Loc cit*

⁸¹ *Ibid*, page 29

⁸² *Family Law (Scotland) Bill Explanatory Notes*, The Scottish Parliament, 7 February 2005, page 23, para. 102

⁸³ *Family Matters: Improving Family Law in Scotland*, Scottish Executive, 2004, page 5

six and a half times more likely to split up after the birth of a child than a married couple.⁸⁴

Some might say that unmarried adoption is OK because the majority of cohabittees marry anyway. But even if cohabittees do get married – which is a good thing – there are still much greater risks of instability. The General Household Survey has found that those who cohabit before marriage are “60 per cent more likely to have divorced after eight years of marriage.”⁸⁵

The largest and most detailed study to date on sexual behaviour in the UK concluded that: “... it is striking that cohabitation does not appear to exert any strong influence on monogamy”⁸⁶

Choosing not to marry

The option to marry is always open to heterosexual cohabittees, but by definition they have freely chosen not to marry. As Ruth Deech has said:

“A unique commitment is made by those who marry and not, as they are well aware, by those who refrain from marrying, and no amount of emphasis on the similarities between spouses and cohabitants can obscure the difference, one of the most fundamental in human existence.”⁸⁷

Cohabiting couples want complete freedom to leave their relationship. This is why they choose not to marry. But children need to be raised within a secure relationship. Adopted children in particular should not be given over to a life lived in flux.

The writers of *Seven years in the lives of British families* concluded:

“While cohabitation is widely seen as a preliminary or as an alternative to marriage, it often turns out to be a temporary relationship...Where children are involved, though, it may be a mistake to regard cohabitation

⁸⁴ Kiernan, K, *Op cit*, Table 11, page 19

⁸⁵ *Social Trends*, 24, HMSO, 1994, page 38

⁸⁶ Johnson A M, Wadsworth J, Wellings K et al, *Sexual Attitudes and Lifestyles*, Blackwell Scientific Publications, 1994, page 132

⁸⁷ Deech, R, ‘The Case Against the Legal Recognition of Cohabitation’, in Eekelaar, J M, and Katz, S N (Eds) *Marriage and Cohabitation in Contemporary Societies*, Butterworths, 1980, page 302

as a more modern form of joint parenting, a ‘marriage without a licence’. The BHPS analysis shows that children born to cohabiting parents are *much* more likely to see their parents split up, and *much* more likely to experience a period in a one-parent family, than children born within marriage. The rise in cohabitation is implicated in the increasing prevalence of lone-parenthood, and hence in the growth of child poverty...”⁸⁸ [emphasis in the original]

Adoption law must protect children. The law must be based on what is generally the case, not on exceptions which break the rule. There may be 12 year old boys and girls who would be capable of driving a car or sitting as a magistrate. Such children would be wholly exceptional. The risks of allowing all 12 year olds to drive cars or sit on the magistrate’s bench are far too great for society to permit it. Children need stability and security. All the research shows that by a long way married families are most likely to provide this. Even in the Consultation paper itself, the Executive admits that marriage: “...remains the most recognisable and widely accepted way for a couple to signal their commitment to each other and to their life together as parents.”⁸⁹ Changing the law would put children at risk.

⁸⁸ Berthoud, R and Gershuny, J (Eds) *Op cit*, page 221

⁸⁹ *Adoption Policy Review Group: Report of Phase Two, ‘Secure and Safe Homes for our Most Vulnerable Children’ – Scottish Executive Proposals for Action, A Consultation Paper, Op cit*, page 11

Gay adoption

In 2002 The Christian Institute published *Children as trophies?* written by the respected sociologist Patricia Morgan.⁹⁰ It considers 144 academic papers and exposes the severe flaws in the research purporting to show that same-sex parenting is at least as good as parenting by married couples. Patricia Morgan shows that any such claim cannot be backed up with evidence. In fact it is clear that by far the best environment for raising children is the married family: where children have a male and a female role model in a permanent relationship

Despite repeated assertions to the contrary, many studies indicate significant differences between homosexual and heterosexual parenting outcomes for children, particularly the likelihood that children of homosexuals may become involved in homosexual behaviour themselves.

- Despite their flaws (see next section), pro-gay studies on same-sex parenting still show that between 8%⁹¹ and 33%⁹² of children with homosexual parents subsequently embrace a homosexual lifestyle as adults.
- This is greatly out of proportion to the population as a whole. In the UK, only 3.6% of men (aged 16 to 59) report any same-sex genital

⁹⁰ Morgan P, *Children As Trophies? Examining the Evidence on Same-sex Parenting*, *Op cit*

⁹¹ Miller, B, 'Gay Fathers and their Children', *The Family Coordinator*, 28, 1979, pages 546-547

⁹² Gottman, J S, 'Children of Gay and Lesbian Parents', in Bozett, F W and Sussman, M B (Eds) *Homosexuality and Family Relations*, The Haworth Press, 1990, page 183

contact ever in their lives.⁹³ In the US, 5.5% of people reported having ever had homosexual intercourse.⁹⁴

- Even some of the researchers who are in favour of gay adoption admit that such children are more likely to be homosexual.⁹⁵ The foremost pro-gay researchers say this is because these children are brought up to regard ‘same-gender sexual attraction’ as a positive trait derived from open-mindedness and acceptance of homosexuality.⁹⁶

The children of homosexual parents often suffer from gender confusion and relationship problems.

- 40% of the sons of lesbian mothers in one study displayed mainly feminine qualities whilst 50% of their daughters showed mainly masculine qualities. By contrast, among the children of heterosexual mothers, none of the boys had predominantly feminine characteristics or the girls predominantly masculine characteristics.⁹⁷
- In another study 60% of the children of lesbian mothers and over 20% of the children of 32 gay fathers experienced relationship problems with other people because of the knowledge of their parents’ homosexuality. According to the author of the study this

⁹³ Johnson A M, Wadsworth J, Wellings K et al, ‘Sexual Lifestyles and HIV Risk’, *Nature*, 360, 3 December 1992, page 411; and Wellings K, Field J, Johnson A et al, *Sexual Behaviour in Britain*, Penguin, 1994, page 271

⁹⁴ Smith, T, *Adult Sexual Partners in 1989: Number of Partners, Frequency, and Risk*, GSS Topical Report No. 18, NORC, University of Chicago, 1990, Table 6

⁹⁵ For example, see Stacey, J and Biblarz, T J, ‘(How) Does the Sexual Orientation of Parents Matter?’, *American Sociological Review*, 66, 2001, page 163

⁹⁶ Golombok, S and Tasker, F, ‘Do Parents Influence the Sexual Orientation of their Children? Findings from a Longitudinal Study of Lesbian Families’, *Developmental Psychology*, 32 (1), 1996, page 9

⁹⁷ Hoeffler, B, ‘Children’s Acquisition of Sex-Role Behavior’, *American Journal of Orthopsychiatry*, 51, 1981, pages 536-543; and Hoeffler, B, ‘Lesbian and Heterosexual Single Mothers’ Influence of Their Children’s Acquisition of Sex-Role Traits and Behavior’, Dissertation, University of California (Ann Arbor: UMI) 1979, cited in Belcastro, P A et al, ‘A Review of Data Based Studies Addressing the Affects of Homosexual Parenting on Children’s Sexual and Social Functioning’, *Journal of Divorce and Remarriage*, 20 (1/2), 1993, pages 111-112

was because of the fear and confusion that resulted in the children's minds.⁹⁸

That children of homosexual parents tend to be 'loners' and to have difficulty at school is a recurring theme of the research.

- As *Barnardo's Scotland* said in its response to the Executive's consultation on the Bill: "There is a risk of stigma for children adopted by same sex couples and some may struggle with a sense of being different."⁹⁹
- One study found that many children living with homosexual couples avoid involvement in group activities or out-of-school activities and are considered by teachers to be 'loners' or 'introverts'.¹⁰⁰
- The study reported that "Experiences in their personal and family life were thought to have motivated them to avoid working with and relying on others, and to mistrust other children – in the case of children of lesbians, males in particular."¹⁰¹
- This cannot be blamed on a 'homophobic' culture. Often the children themselves have much more conservative beliefs than their homosexual parents. Prominent gay businessman Ivan Massow, in arguing against gay adoption, wrote: "Many parents I talked to expressed concerns as their child went through a phase of noticing, usually in the company of their schoolfriends, that they were missing something that everyone else had... kids aren't PC. They just want to know which one is their dad."¹⁰²

⁹⁸ Wyers, N L, 'Homosexuality in the Family: Lesbian and Gay Spouses', *Social Work*, 32 (2), 1987, page 146

⁹⁹ *Barnardo's Scotland – Response to Adoption Policy Review Consultation* see <http://www.scotland.gov.uk/Resource/Doc/76169/0019487.pdf> as at 2 June 2006

¹⁰⁰ Sarantakos, S, *Children in Three Contexts: Family, Education and Social Development*, *Op cit*, page 25

¹⁰¹ *Loc cit*

¹⁰² *The Observer*, 31 October 1999

Homosexual parents and their children are often not accepted by other homosexuals.

- One pro-gay writer states “The lesbian and gay club scene does not cater to the needs of lesbian or gay parents and rarely, if ever, acknowledges their existence, and some are still shocked to discover that lesbians and gay men do have children.”¹⁰³
- The lesbian community is not supportive of mothers and sons “are often treated as second class people”.¹⁰⁴
- One study showed that women “did admit to curtailing lesbian activity because of parenting” because of an “‘anti-family, anti-children slant’... within the very communities they had counted on for emotional, social, and political alliance.”¹⁰⁵

It is cruel deliberately to deny children a mother or a father.

- Children need a mother and a father because each parent acts as a role model providing complementary but different parenting.¹⁰⁶
- Even lone- and lesbian-parenting manuals acknowledge this and often encourage the creation of an ‘extended’ family consisting of friends and past partners.¹⁰⁷ But this could never be a substitute for a father.

¹⁰³ Editorial Essay in Hicks, S and McDermott, J (Eds) *Lesbian and Gay Fostering and Adoption: Extraordinary Yet Ordinary*, Jessica Kingsley Publishers, 1999, page 156

¹⁰⁴ Lott-Whitehead, L and Tully, C T, ‘The Family Lives of Lesbian Mothers’, *Smith College Studies in Social Work*, 63, 1993, page 273

¹⁰⁵ Lott-Whitehead, L and Tully, C T, ‘The Family Lives of Lesbian Mothers’, in Laird J (Ed.) *Lesbians and Lesbian Families*, Columbia University Press, 1999, page 255

¹⁰⁶ See Kohm, L M, *Op cit*, page 653

¹⁰⁷ Morgan, P, *Children as Trophies? Examining the Evidence on Same-sex Parenting*, *Op cit*, pages 108-109

Gay adoption “research”

There have been a number of high profile claims that research shows homosexuals and lesbians are just as good at parenting as heterosexuals – if not better. In fact, there has been little real research in this area, especially in relation to adoption itself. Often the claims are just advocacy parading as research.

The fact is, there is not a single published comparative study on the effects of homosexual foster care or adoption. Advocates of gay adoption can only cite studies on homosexual *parenting*. (A typical example of homosexual parenting would be where a married woman leaves her husband for another woman and takes the children with her into the new relationship.)

In studies looking at same-sex parenting, recognised standards of research are often ignored in order to prove that homosexuals are fit parents.

- None of the studies have a large sample of children. Confident generalisations were rarely possible because few of the studies had appropriate comparison groups (“controls”).¹⁰⁸
- In most studies the parents were self selected volunteers, often recruited through homosexual publications. The comparison groups

¹⁰⁸ Barrett, H and Tasker, F, ‘Growing up with a Gay Parent: Views of 101 Gay Fathers on their Sons’ and Daughters’ Experiences’, *Educational and Child Psychology*, 18 (1), 2001, page 74

or controls were also unrepresentative, often from pressure group newsletters and feminist publications.¹⁰⁹

- The studies attempted to demonstrate the positive effects of homosexual parenting compared with other ‘family structures’ but commonly failed to either properly test the hypothesis or tested the wrong one.¹¹⁰

Studies often rely on very small sample sizes and use them to produce far-reaching conclusions.

- One often-quoted study that looked at gay fathers and their children interviewed only 40 men.¹¹¹
- One of the most well-known studies, which followed up the children of single mothers, both lesbian and heterosexual, over 15 years had 78 children (39 in each group) at the beginning. However, by the end of the study only 25 children from the lesbian families and 21 children from the heterosexual families were willing to participate.¹¹²
- In many homosexual parenting studies, anecdotal evidence or personal opinion is repeatedly presented as fact. One study which was headlined as “Gay men make better fathers” did not even have any children in the study but merely asked opinions from about 100 men, some of whom were not even fathers.¹¹³

Some pro-gay researchers argue that gay adoption should go ahead despite the lack of evidence in support of it. Stacy and Biblarz put it this way: “[T]he case for granting equal rights to nonheterosexual parents should not require finding their children to be identical to those reared by heterosexuals. Nor

¹⁰⁹ Morgan, P, *Children as Trophies? Examining the Evidence on Same-sex Parenting*, *Op cit*, page 56

¹¹⁰ *Ibid*, pages 50-51

¹¹¹ Miller, B, *Op cit*, pages 544-552

¹¹² Tasker, F and Golombok, S, ‘Adults Raised as Children in Lesbian Families’, *American Journal of Orthopsychiatry*, 65 (2), 1995, pages 203-215

¹¹³ Dunne, G, *The Different Dimensions of Gay Fatherhood: Exploding the Myths*, London School of Economics Discussion Paper Series, January 2000, page 4; and *Scotland on Sunday*, 9 January 2000

should it require finding that such children do not encounter distinctive challenges or risks...”¹¹⁴

¹¹⁴ Stacey, J and Biblarz, T J, *Op cit*, page 178

The best interests of children

The phrase “the best interests of children” is currently much bandied about. But the long-standing commitment that adoption should be for the benefit of the child rather than the benefit of the adopting adult is threatened by moves to allow unmarried couples and homosexual partners to adopt. To allow any configuration of adults to adopt a child – just because they think they should have a right to – is a flagrant rejection of the very Judaeo-Christian beliefs which pioneered adoption and fostering in the UK in the first place.

In the 18th and 19th centuries Christians set up many orphanages. Dr Barnardo is well known for his work with children’s homes. It is less well known that he enthusiastically set up what were known as ‘boarding-out’ schemes. These pioneered the shift away from residential child care to large-scale adoption. In 1904 he said:

“Still, although our families [children’s homes] are so good...there is something better – boarding-out, because it gives them the natural instead of the artificial, and then it gives the family instead of the institution. ‘He setteth the solitary in families,’ [Psalm 68:6] and we cannot do better than imitate the Divine order and let every child who can be brought up in a family be so brought up, and give it family life, and family love...”¹¹⁵

¹¹⁵ Mrs. Barnardo and Marchant, J, *Memoirs of the Late Dr. Barnardo*, Hodder and Stoughton, 1907, page 196 (parentheses added)

In Christian understanding the ordering of the family is based on marriage. It is solely to married couples that the responsibility of procreation is given.¹¹⁶ Dr Barnardo believed that children are to be set in families, in the same way that God himself welcomes into his family those who trust in Jesus Christ.

The concept of ‘adoption’ runs deep in Christian theology. So much so, in fact, that believers are called joint-heirs with Christ – God’s own Son.¹¹⁷ Christian believers are privileged to be called sons and daughters adopted into God’s family.

Christians are to love their neighbour. It is because Christians are themselves beneficiaries of God’s adoption that Christians have a very strong motive to love children in need. The Bible commends caring for widows and orphans as “pure and faultless” religion.¹¹⁸

The Bible is clear that a married man and woman are the norm for parenthood. The fifth commandment (“Honour your father and your mother”) and seventh commandment (“Do not commit adultery”) enshrine these principles.¹¹⁹ The Bible recognises the unusual cases where a single person such as a widow must care for a child. But this is the exception; not the rule. Men and women bring different qualities to parenthood. The norm is that both sexes are needed. That is the way God has made us; and most people accept that this is true.

Adoption should be for the benefit of children not for the benefit of adults. As Lynne Marie Kohm, (John Brown McCarty Professor of Family Law, Regent University School of Law, Virginia Beach, Virginia) has said:

“The matter of homosexuals adopting children is not about adults. It is about children. It is about their future. Their future is also the future of our civilization. Homosexuals adopting children ought not to be an experiment – particularly an experiment with our children. Normalizing homosexual parenting via legal adoption places the future of our society in jeopardy.”¹²⁰

¹¹⁶ Genesis 1:28 and 2:23-24

¹¹⁷ Romans 8:16-17

¹¹⁸ James 1:27

¹¹⁹ Exodus 20:12, 14; Ephesians 6:1-2

¹²⁰ Kohm, L M, *Op cit*, page 665

Religious liberty

Following the passing of the Adoption and Children Act 2002 by the Westminster Parliament, social workers in England who have conscientious objections to homosexuals or cohabitantes adopting have faced severe discrimination because of their beliefs.

In 2003 social workers Norah Ellis and Dawn Jackson were moved from their jobs by Sefton Council after they refused to place children for adoption with homosexual couples. Both stressed their opposition was based on sound professional judgment as well as Christian conviction. They had 46 years combined experience in social work. But the Council removed them from their posts as adoption specialists.¹²¹

Wiltshire County Council removed a Christian from its adoption panel because he refused to approve adoptions by homosexual couples. Ed Greening did not seek to obstruct the law but merely abstained on such cases. Explaining the background to the decision, he said: “Recent legislation means it has become difficult for local authority adoption agencies to show any preference for heterosexual couples without being accused of discrimination against same-sex couples. In practice, it is politically correct nonsense which discriminates against married couples.”¹²²

¹²¹ House of Lords, Hansard, 23 June 2003, GC 40, and 10 September 2003, col. 349; and *The Sunday Telegraph*, 11 May 2003

¹²² *The Mail on Sunday*, 8 January 2006

There were problems before the passing of the Adoption and Children Act. Dr Joy Holloway, a paediatrician with much experience in adoption, published a private paper summarising the evidence against homosexual parenting. In response Dr Holloway suffered great harassment from her employers and was moved from her job.¹²³

If gay adoption does go ahead in Scotland, it will raise profound issues of religious liberty for Christians who work in the field of adoption. There is a clear need for legal protection for individual Christians and adoption agencies with a religious ethos.

There was very strong support for a conscience clause in the Executive's consultation on the Bill. Some 87% of respondents who raised the issue supported it: "Two main reasons for this were highlighted; first, the need to avoid litigation when the selection process has declined an adoption application; and, second, the need for agencies to be independent of pressure from local authorities."¹²⁴

The Roman Catholic Church in Scotland has argued that its adoption agencies need the right to act according to their beliefs.¹²⁵ In the state of Massachusetts (USA) Roman Catholic adoption agencies have faced huge legal battles because they oppose gay adoption. The Archbishop of Boston said the diocesan adoption agency, which has been in existence for a century, will be forced to close unless it is given specific legal protection.¹²⁶

It is vital that the freedom to act according to conscience is maintained. The Christian Institute is unreservedly opposed to allowing homosexual or cohabiting couples to adopt. However, if this measure is passed it is vital that freedom of religion is preserved. Christian adoption agencies must have a right to opt out; and the jobs of social workers must be protected.

¹²³ House of Lords, Hansard, 23 June 2003, GC 40

¹²⁴ *Safe and Secure Homes for Our Children: Analysis of the Consultation on the Adoption Bill, Op cit*, Table 4.1, page 21

¹²⁵ *The Herald*, 27 February 2006; *The Scotsman*, 1 June 2006

¹²⁶ *The Catholic Herald*, 21 April 2006; *Associated Press Newswires*, 14 March 2006; *Reuters News*, 13 March 2006

Conclusion

Scottish adoption law at present only permits married couples to *jointly* adopt children. Adoptive children are the most vulnerable children in society. A child deserves to be adopted by a man and woman who are as committed to each other as they are to that child. The law reflects the reality – proven time and again by research – that marriage is the best environment for raising children.

Despite the legislative onslaught against marriage over the past 40 years, marriage remains popular. Most people marry and most marriages last for life.¹²⁷ The vast majority of Scottish children, (around 65%) live in a household headed by a married couple.¹²⁸ The Executive is highlighting the fact that 47% of children in Scotland are born to unmarried parents.¹²⁹ But it neglects to say that many of those parents go on to get married. That is why 65% of children are currently being brought up by a married couple.

¹²⁷ Government Actuary's Department Press Release, *New Marital Status Projections for England and Wales*, *Op cit*; and *Marital Status Projections for England and Wales*, Government Actuary's Department, *Op cit*

¹²⁸ Census 2001, *Scotland's Census Results OnLine*, Table T16, see <http://www.scrol.gov.uk> as at 1 June 2006

¹²⁹ Letter from Peter Peacock MSP, Scottish Executive Minister for Education and Young People, 28 March 2006 – see 'Live Births, Numbers and Percentages, by Marital Status of Parents and Type of Registration, Scotland, 1994-2004', *Vital Events Reference Tables 2004*, General Register Office for Scotland, Table 3.2, see <http://www.gro-scotland.gov.uk/files/04t3-2.pdf> as at 2 June 2006

Marriage involves a public undertaking to stay together for life, come rain or shine. That is a considerable undertaking. It requires both parties to act with forethought, with responsibility, and with commitment. It is precisely because marriage requires these qualities that it is so stable and secure, and the best environment to adopt children. Even in its own consultation paper, the Executive admitted that marriage "...remains the most recognisable and widely accepted way for a couple to signal their commitment to each other and to their life together as parents."¹³⁰

The Executive claims that under the Bill an 'enduring family relationship' must be proven before an adoption can go ahead. But by its own admission cohabitation is a transient state.¹³¹ It is not possible to meaningfully quantify an 'enduring family relationship' without reference to marriage. Marriage is the most obvious indicator of an 'enduring family relationship'.

In January 2006 the special 'Information Mission' commissioned by France's National Assembly ruled against unmarried couples adopting children. It said: "Adopted children have already suffered the trauma of being abandoned, and, quite often, being uprooted. They must therefore be given the greatest possible protection from the risk that their parents will separate. Marriage therefore offers children better legal security."¹³²

Civil partnerships

Some will say that homosexuals can now commit themselves to each other in law by registering a civil partnership and so they should be allowed to adopt children. However, the Bill does *not* require homosexuals to be 'civil partners' to be eligible to adopt. Any homosexual couple can be assessed.

In any event, although a civil partnership carries all the trappings of marriage in law, in truth it is fundamentally different. The Civil Partnership Act 2004 does *not* require a promise of lifelong commitment. It does

¹³⁰ *Adoption Policy Review Group: Report of Phase Two, 'Secure and Safe Homes for our Most Vulnerable Children' – Scottish Executive Proposals for Action, A Consultation Paper, Op cit, page 11*

¹³¹ *Family Matters: Improving Family Law in Scotland, Op cit, page 5*

¹³² *Parliamentary Report on the Family and the Rights of Children, National Assembly of France, 26 January 2006, page 7*

not require the relationship to be monogamous. And, obviously, a civil partnership is registered by two people of the same sex. In reality ‘civil partnership’ and marriage are fundamentally distinct.

Adoption should not be about the ‘rights’ of adults but the best interests of children. The Executive’s claim that “This policy is not about giving rights to adults: it is about providing increased protection and security to children” is disingenuous.¹³³ There is no case to change the law.

All the evidence is that the protection and security children need is provided by a suitable married couple. There is no reliable research to support the idea that homosexuals make equally good parents to married couples. In an astonishing response, a leading supporter of gay adoption has sought to discount factual evidence, saying: “we need a wider range of research into lesbian and gay parenting that employs interpretivist methodologies, which does not rely upon statements of fact, and which moves away from an obsession with outcome-based evidence.”¹³⁴

Adoption and Children (Scotland) Bill

Doubtless the decision by the Westminster Parliament to change the law in England and Wales will be presented by some as creating pressure for change. But the Scottish Parliament does not have to copy Westminster. Historically, Scotland has taken its own view on many legal issues. Why should adoption be any different?

The big push for changing the law is focused around homosexual couples – despite the fact that the number of homosexual households is tiny. Only 0.15% of all adults in Scotland live in a cohabiting same-sex couple household.¹³⁵ Why are we changing the law for such a small number of people? Children in care are not lobbying the Scottish Executive for homosexual adoption. The clamour is coming from gay rights supporters.

¹³³ Letter from Peter Peacock MSP, Scottish Executive Minister for Education and Young People, 28 March 2006

¹³⁴ Hicks, S, ‘Is Gay Parenting Bad for Kids? Responding to the ‘Very Idea of Difference’ in Research on Lesbian and Gay Parents’, *Sexualities*, 8(2), 2005, page 165

¹³⁵ In 2001 there were 4,007,466 people aged over 16 living in households; of these 6110 were cohabiting as part of same-sex couples. There were 1,776,872 married people living in a couple. *Scotland’s Census Results OnLine*, Table UV49, see <http://www.scrol.gov.uk> as at 2 June 2006

If the plans go ahead orphans will be placed for adoption with homosexual couples. If you are a parent – if anything happened to you, your children may have to go into care, unless you have made alternative provision for them. Would you want them to be adopted by two homosexual men?

More children do need to be adopted from care. There are married couples out there willing to adopt them. Ministers should campaign against the political correctness that stops them adopting. Instead they have chosen to pander to the very political correctness which is choking the adoption system. The Executive is putting gay rights above the best interests of the most vulnerable children in Scotland.

Adopting gay rights

The Adoption and Children (Scotland) Bill

Should a child in Scotland be deliberately and permanently denied either a mother or a father? This will happen under the Scottish Executive's plans for homosexual adoption. If two men adopt a child, that child has no mother figure. If two women adopt, that child has no father.

At present only married couples can jointly adopt children. But under the Adoption and Children (Scotland) Bill, joint adoption will be opened up to homosexual and cohabiting heterosexual couples.

Adoptive children are the most vulnerable in society – they deserve a mother and father who are as committed to each other as they are to the child. Joint adoption should only be for married couples. The evidence clearly shows that a married family is the best foundation for raising children. But too many married couples are being put off adoption by the prevailing attitudes in social work.

The Bill puts the demands of gay rights supporters before the best interests of children.

"I'm not in favour of gay couples seeking to adopt children because I question whether that is the right start in life. We should not see children as trophies."

The Rt Hon Jack Straw MP