



nsw commission for  
children & young people

The Hon Christine Robertson MLC  
Chair  
Standing Committee on Law and Justice  
Legislative Council  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Dear Ms Robertson

I am writing regarding questions on notice for the Inquiry into Adoption ~~by~~ Same-Sex Couples.

I have enclosed for consideration by the Committee my responses to the questions on notice forwarded from the Hon Greg Donnelly MLC.

Also enclosed are evidence sources on the outcomes for children in same-sex parental arrangements and relevant Commission papers as requested by the Committee.

Information on the Commission's Young People's Reference Group membership and minutes from their last meeting were sent to the Committee on 6 March 2009.

I have also circulated an email to the Young People's Reference Group to address the questions you wanted me to put to this Group. Their responses will be collated and forwarded to you at our next meeting on 28 March 2009.

Please contact me on 9286 7278 if you wish to discuss this or need further information.

Yours sincerely

**Gillian Calvert**  
**Commissioner**  
**16 March 2009**

Encl: Responses to Mr Donnelly's questions on notice  
Encl: Research on the impacts of same-sex parenting on children & Relevant Commission Papers

STANDING COMMITTEE ON LAW AND JUSTICE  
INQUIRY INTO ADOPTION BY SAME SEX COUPLES

FURTHER QUESTIONS

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

- 1. Do you believe that children (persons less than 18 years of age), living in a same-sex parental arrangement, should have a legal right to be informed about their biological heritage?**

The same arrangements that are in place for all adopted children should apply to same sex parental arrangements.

Being truthful and honest with children about their adoption arrangements and their background is important for their development and wellbeing. Best practice in adoption is that all adopted children have the legal right to know about their origins, including biological heritage.

- 2. Do you believe that children (persons less than 18 years of age), living in a same-sex parental arrangement, should have a legal right to spend time with the biological parent who does not reside with the same-sex couple?**

The same arrangements that are in place for all adopted children should apply to same sex parental arrangements.

Any contact arrangements with biological parents should be determined on a case-by-case basis, holding the child's best interests paramount, in line with best practice in adoption (Refer to the Department of Community Services' *Research to Practice Notes: Permanency Planning and Placement Stability*). The child's wishes must be taken into account in determining contact.

- 3. Given the variety of parenting arrangements that exist, why not amend the *Adoption Act* to provide for the adoption of children by one, two or more than two adults, subject to meeting the "paramountcy principle"?**

Many existing parenting arrangements today are diverse and complex. Blended families from the re-marriage of one or both biological parents are relatively common. Children also live in other arrangements where parenting is shared by more than two adults or across a specific community.

Given that such arrangements exist, we need to further examine the effect of these on a child's legal rights and parental obligations before being able to comment on whether the Act should provide for the adoption of children by one, two or more than two adults.

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## RESEARCH ON THE IMPACT OF SAME-SEX PARENTING ON CHILDREN

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<i>Psychosocial adjustment among children conceived via donor insemination by lesbian and heterosexual mothers</i> Raymond W. Chan, Barbara Raboy, and Charlotte J. Patterson 1998 .....	2
<i>Growing up with a lesbian or gay parent: young people's perspectives</i> Anna Fairtlough 2008.....	3
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<i>(How) does the sexual orientation of parents metter?</i> Judith Stacey and Timothy J. Biblarz 2001.....	7

## RELEVANT PAPERS BY THE NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE

<i>Report of an Inquiry into the best means of assisting children and young people with no-one to turn to</i> 2002.....	(INSIDE SLEEVE)
<i>Submission to the Productivity Commission: Inquiry into Paid Maternity, Paternity and Parental Leave</i> with NIFTeY 2008.....	8

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