

# **Answers to Questions on Notice**

on

## **Same Sex Marriage Law in NSW**

to the

### **Standing Committee on Social Issues**

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by

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# 1. Questions

Following the hearing on Friday 15 March 2013 of the Standing Committee on Social Issues inquiry into Same Sex Marriage Law in NSW, Dr David Phillips, President, FamilyVoice Australia, was asked to provide answers to the following questions:

1. *Can you provide details of the data from the 2010 US government study referred to in your evidence that examined the issue of child abuse and neglect across six different family types?*
2. *Can you provide details of the study conducted by Dr Mark Regnerus et.al. from the University of Texas and published in 2012 referred to in your evidence that examined the adult outcomes of children who had been raised in different family types?*
3. *With respect to the study referred to in question 2 what was the basis of the criticism against the study? Who raised criticisms of the study and why?*
4. *With respect to the criticisms raised against the study referred to in question 2 what was the outcome of the investigation that was conducted into the allegations about the study?*
5. *Can you provide details of the study conducted by Dr Loren Marks from the University of Louisiana referred to in your evidence that examined the design of 59 studies relating to same-sex parenting that has been cited by the American Psychological Association in some of its publications?*
6. *Can you provide details of the design of the 2010 longitudinal study of lesbian parenting by Gartrell and Bos referred to in your evidence that claimed that children raised from birth by lesbian couples did better on several measures than children raised by heterosexual parents?*
7. *Can you provide details of the studies referred to in your evidence that support the position that the best possible environment to raise children is where the child grows up with their biological parents who are committed to each other in a lifelong union of marriage?*

Answers are to be returned to the Committee secretariat by 11 April 2013.

## 2. Answers

### 2.1 Child abuse and neglect across six different family types

*Question: Can you provide details of the data from the 2010 US government study referred to in your evidence that examined the issue of child abuse and neglect across six different family types?*

The Fourth National Incidence Study of Child Abuse and Neglect (NIS-4) Report to Congress<sup>1</sup> provides data on the incidence of child maltreatment in six different family types:

- married biological parents,
- other married parents (e.g. step-parent, adoptive parent),
- two unmarried parents,
- one parent who had an unmarried partner in the household,
- one parent who had no partner in the household, and
- no parent.

Figure 5-1 showing the incidence of All Maltreatment, All Abuse and All Neglect is reproduced below.

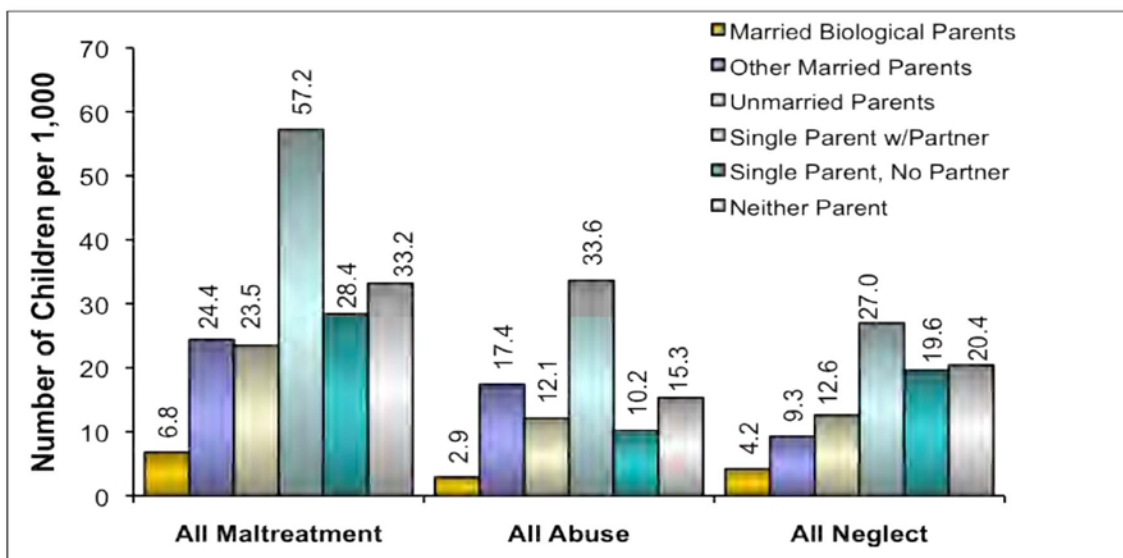


Figure 5–1. Incidence of Harm Standard Maltreatment by Family Structure and Living Arrangement.

Clearly, the safest family structure for children is living with two married biological parents.

The most dangerous family structure for children is to live with a natural parent who is cohabiting with another person. This category could include a child living with a parent who has a same-sex partner. The increased risks are:

- All maltreatment: 8 times ( $57.2 / 6.8$ )
- All abuse: 12 times ( $33.6 / 2.9$ )
- All neglect: 6 times ( $27.0 / 4.2$ )

The results for abuse of different kinds is provided in Figure 5-2, which is reproduced below:

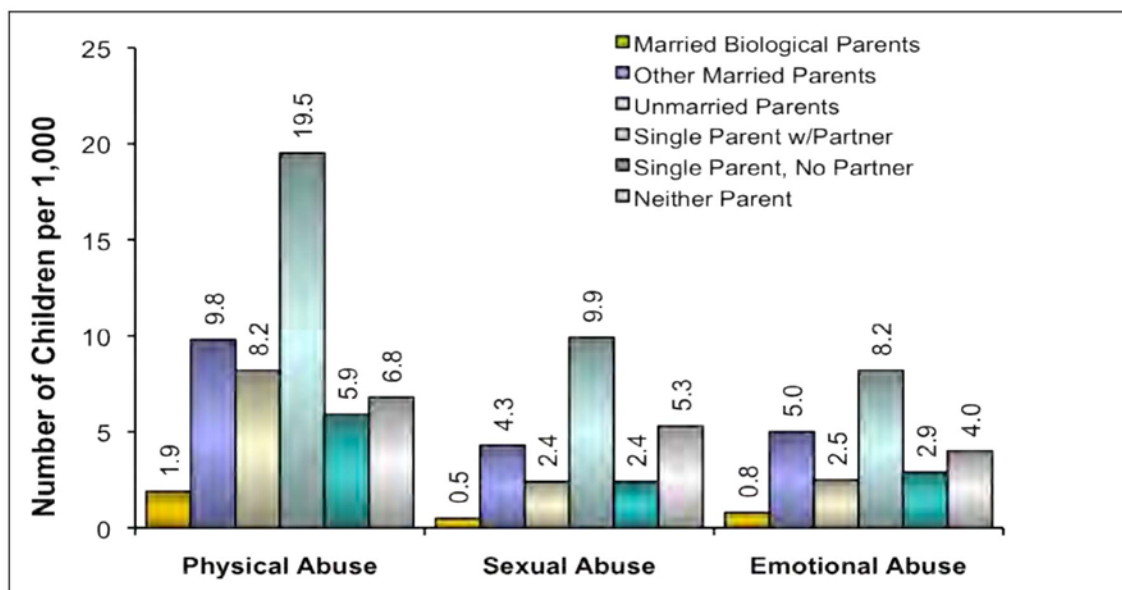


Figure 5–2. Incidence of Harm Standard Abuse by Family Structure and Living Arrangement.

Again, the safest family structure for children is living with two married biological parents.

Children are at greatest risk of abuse when they live with a natural parent who is cohabiting with another person, who could be a same-sex partner. The increased risks are:

- Physical abuse: 10 times (19.5 / 1.9)
- Sexual abuse: 20 times (9.9 / 0.5)
- Emotional abuse: 10 times (8.2 / 0.8)

## 2.2 Regnerus study of adult outcomes of children raised in different family types

*Question: Can you provide details of the study conducted by Dr Mark Regnerus et.al. from the University of Texas and published in 2012 referred to in your evidence that examined the adult outcomes of children who had been raised in different family types?*

The New Family Structures Study (NFSS) conducted by Dr Mark Regnerus et.al. was undertaken to fill a void in a field of research previously occupied by studies with severe sampling and other methodological concerns.<sup>2</sup> The main differences between the NFSS and other same-sex parenting studies are summarised in the following table from Ana Samuel's paper: "The Kids Aren't All Right: New Family Structures and the 'No Differences' Claim."<sup>3</sup>

| Why the New Family Structures Study is unique  |   |
|--|---|
| New Family Structures Study  | Most other same-sex parenting research  |
| Compares the outcomes of children who reported having a mother who had a same-sex relationship with another woman or a father who had a same-sex relationship with another man with the outcomes of children who reported coming from an intact biological family. | Usually compares gay and lesbian parenting to single, divorced, and step-parent parenting, or conversely compares a select and often socio-economically privileged population of gay parents to a broad, representative sample of the general population. |
| Gathers responses from young adults (ages 18-39). This allowed them to speak for themselves about their past experiences as children, and how they are doing at present.   | Focuses on responses of parents for their views on what it is like to parent as a gay man or lesbian woman.   |
| Draws from large, random sample of US population   | With the exception of Michael Rosenfeld's study which drew upon the 2010 US Census data, every other gay parenting study thus far relies upon small or non-probability samples.   |

### **2.2.1 Sampling**

This study used a sample obtained through a KnowledgePanel® established online by esteemed research firm Knowledge Networks. KnowledgePanel® samples are known to be random, nationally-representative samples of the American population.

The target population was defined as: ‘non-institutionalized adults aged 18 to 39 residing in the United States who grew up in the aforementioned [unconventional] families’.<sup>4</sup> Surveying adults about their growing-up experiences is more likely to elicit accurate and honest answers than questioning children during their growing-up years. Children who still live with their parents may attempt to ‘gloss over’ difficult situations out of loyalty, love or fear of their parents. Once independent as an adult, a person may be more able to reflect on their childhood objectively.

Over 15,000 people were screened for suitability through the KnowledgePanel®, with 2988 of these completing a full NFSS survey. Of those, 175 reported that their mother had a romantic relationship with another woman and 73 said their father had a romantic relationship with another man.

### **2.2.2 Family structures**

Eight different family structures were included in the NFSS study:

1. IBF: Lived in intact biological family (with mother and father) from 0 to 18, and parents are still married at present (N = 919).
2. LM: R reported R’s mother had a same-sex romantic (lesbian) relationship with a woman, regardless of any other household transitions (N = 163).
3. GF: R reported R’s father had a same-sex romantic (gay) relationship with a man, regardless of any other household transitions (N = 73).
4. Adopted: R was adopted by one or two strangers at birth or before age 2 (N = 101).
5. Divorced later or had joint custody: R reported living with biological mother and father from birth to age 18, but parents are not married at present (N = 116).
6. Stepfamily: Biological parents were either never married or else divorced, and R’s primary custodial parent was married to someone else before R turned 18 (N = 394).
7. Single parent: Biological parents were either never married or else divorced, and R’s primary custodial parent did not marry (or remarry) before R turned 18 (N = 816).
8. All others: Includes all other family structure/event combinations, such as respondents with a deceased parent (N = 406).

### **2.2.3 Outcomes measured**

While many previous studies had focused on subjective measures (parental report of family quality and child’s wellbeing), the NFSS used a range of objective measures, including:

- Educational attainment
- Voted in last presidential election
- Gay-friendliness of state of residence

- Level of household income
- N of sex partners (male and female, asked separately)

These data were gathered alongside various self-report measures, such as:

- Family-of-origin safety/security
- Self-reported physical health
- Attachment scales (both 'depend' and 'anxiety')
- Closeness to biological mother/father
- Recently or currently in therapy

## 2.2.4 Results

Adults in the Regnerus NFSS study who had been raised at least in part by same-sex couples did worse on over half the 40 measures tested. They had lower levels of income, more receipt of public welfare, lower levels of employment, poorer mental and physical health, poorer relationship quality with current partner, and higher levels of smoking and criminality.

The following outcome variables are examples of those found to be statistically significantly different from an intact biological family (IBF), after controlling for respondent's age, gender, race/ethnicity, level of mother's education, perceived household income while growing up, experience being bullied as a youth, and state's legislative gay-friendliness.

Both respondents with a lesbian mother (LM) or a gay father (GF) were **three (GF) or four (LM) times more likely** to report that their family **received welfare** growing up.

LM respondents were **3.5 times more likely** to be currently **unemployed**.

While only 13% of IBF respondents reported having had an affair, **40%** of LM respondents admitted to an **affair while married or cohabiting**.



Respondents with a lesbian mother were **11.5 times more likely** to have been **touched sexually by a parent or other adult**, and **3.9 times more likely** to have been **raped**.

Children of both LM and GF families were **significantly less educated** than IBF respondents (LM 2.39; GF 2.64; IBF 3.19).

On the **CES-D depression index**, LM and GF scores were **significantly higher** than those from IBF backgrounds (LM 2.20; GF 2.18; IBF 1.83).

Both LM and GF respondents reported **being arrested over 40% more frequently**.

Women from both LM and GF families reported **significantly more sexual relationships with both men** (LM 4.02; GF 5.92; IBF 2.79) **and other women** (LM 1.04; GF 1.47; IBF 0.22).

**All family types reported significantly lowered family safety/security and negative impact, indicating that an intact biological family is the most secure and positive environment for children.**

## **2.3 Basis of criticism of Regnerus study**

*Question: With respect to the study referred to in question 2, what was the basis of the criticism against the study? Who raised criticisms of the study and why?*

An article in the *New York Times* summarised much of the backlash to Regnerus' study. Some of the criticism was broadly ideological: "Gay-rights groups attacked the study, financed by conservative foundations, as biased and poorly done even before its publication on Sunday in the journal *Social Science Research*." However, more rigorous analyses followed.

### **2.3.1 Divorce and instability**

Dr Paul Amato, Professor of Family Sociology and Demography at Penn State University highlighted the fact that divorce may have been just as significant a factor as the sexual behaviour of a parent: 'We know, for instance, that many people with a gay parent were essentially raised in a stepfamily, and went through a divorce, both of which are associated with modest but real disadvantages.' Similarly, demographer Dr Gary J. Gates of The Williams Institute at UCLA concluded that the NFSS failed 'to distinguish family structure and family instability' and that the study clearly demonstrated the harmful effects of divorce and family transition on children.<sup>5,6</sup>

Dr Judith Stacey, Professor of Social and Cultural Analysis at New York University expressed the need for a different kind of study, one which compares stable, homosexual parenting with matched stable, heterosexual parenting.

A different article, posted on the *Science Daily* website, quotes Dr Cynthia Osborne, Associate Professor of Public Affairs warning that, "Children of lesbian mothers might have lived in many different family structures and it is impossible to isolate the effects of living with a lesbian mother from experiencing divorce, remarriage, or living with a single parent. Or, it is quite possible, that the effect derives entirely from the stigma attached to such relationships and to the legal prohibitions that prevent same-sex couples from entering and maintaining 'normal relationships'."<sup>7</sup>

### **2.3.2 Family structure categories**

Regnerus received criticisms of the categories he imposed on his respondents, forcing, for example, respondents whose mother had a lesbian relationship and whose father had a gay relationship into the LM (lesbian mother) category for simplicity's sake.<sup>8</sup> Critics were also disappointed that the labels 'lesbian mother' and 'gay father' did not reflect the possibility that these people considered themselves to have a bisexual orientation – a prospect more likely because of the presence of a previous heterosexual relationship which produced children.

## **2.4 Response to criticisms of the Regnerus study**

*Questions: With respect to the criticisms raised against the study referred to in question 2, what was the outcome of the investigation that was conducted into the allegations about the study?*

Regnerus published a follow-up article in August 2012 which contains a comprehensive and methodical response to those who raised concerns with his study, including 'all manner of minutiae'.



A major criticism was that the NFSS study did not draw a fair comparison when using intact biological families (IBFs) as the control. He notes that previous studies have rarely done this, instead comparing same-sex couples with single parents or no using control group at all. However, he notes that it is important to compare test groups with a control group that displays an ideal, in this case stability, in order to accurately measure effects of different family structures. However, if the MLR and FGR groups contained varying levels of instability compared with the IBFs, so the ‘stepfamily’ and ‘single parent’ groups likewise contained varying levels of instability. This somewhat neutralises any bias arising from the unbalanced comparison Regnerus’s critics were concerned about.

A paper was published in June 2012 by 27 social scientists of 22 different universities across the United States supporting Regnerus’ study. It states:

*‘Although Regnerus’s article in Social Science Research is not without its limitations, as social scientists, we think much of the public and academic response to Regnerus is misguided...*

*‘It is also worth noting that Regnerus’s findings related to instability are consistent with recent studies of gay and lesbian couples based on large, random, representative samples from countries such as Great Britain, the Netherlands, and Sweden, which find similarly high patterns of instability among same-sex couples.’<sup>9</sup>*

#### **2.4.1 Family structure categories**

Regnerus addresses what he perceives as the most ‘reasonable’ criticism: objections to his labels of LM (lesbian mother) and GF (gay father). Although he defined these categories transparently in the original NFSS article, he concedes that they do confuse sexual orientation (often fluid; known perhaps only by the parents themselves) with sexual behaviour (observed and reported by the children who participated in the study). For this response paper, they are instead referred to as MLR (mother in a lesbian relationship) and FGR (father in a gay relationship).

In addition, Regnerus’ critics raised the problem that the LM/MLR category, for example, included both children who lived with their mother’s romantic partner and children who never lived with their mother’s romantic partner. He revises this and present separate data on each of these groups.

## **2.5 Evaluation of the design of 59 same-sex parenting studies by Dr Loren Marks**

*Question: Can you provide details of the study conducted by Dr Loren Marks from the University of Louisiana referred to in your evidence that examined the design of 59 studies relating to same-sex parenting that has been cited by the American Psychological Association in some of its publications?*

The main criticisms of the 59 studies cited by the APA, as detailed in Marks’ 2012 paper, are as follows:<sup>10</sup>

1. homogeneous sampling,
2. absence of comparison groups,
3. comparison group characteristics,
4. contradictory data,
5. the limited scope of children’s outcomes studied,

6. paucity of long-term outcome data, and
7. lack of APA-urged statistical power.

‘Not one of the 59 studies referenced in the 2005 APA Brief compares a large, random, representative sample of lesbian or gay parents and their children with a large, random, representative sample of married parents and their children.’<sup>11</sup>

Marks concludes that the question of whether homosexual parenting is a valid and healthy alternative to heterosexual married parenting cannot be answered until research studies fulfil the following five criteria summarised in the table below:

| Mark’s criteria   | Regnerus’ NFSS study   |
|---|--|
| <b>Move from small convenience samples to large representative samples.</b>   | Uses a large, random, nationally representative sample.  |
| <b>Increasingly examine critical societal and economic concerns that emerge during adolescence and adulthood.</b>                         | Examines a range of objective and subjective measures encompassing socioeconomic status, safety, physical and mental health, and social development. |
| <b>Include more diverse same-sex families (e.g., gay fathers, racial minorities, and those without middle-high socioeconomic status).</b> | Includes both lesbian mothers and gay fathers, with a nationally representative racial mix.  |
| <b>Include intact, marriage-based heterosexual families as comparison groups.</b>   | Uses intact biological families as control group.  |
| <b>Constructively respond to criticisms from methodological experts.</b>  | Published response to methodological criticisms. <sup>12</sup>   |

## 2.6 Longitudinal study of lesbian parenting by Gartrell and Bos

*Question: Can you provide details of the design of the 2010 longitudinal study of lesbian parenting by Gartrell and Bos referred to in your evidence that claimed that children raised from birth by lesbian couples did better on several measures than children raised by heterosexual parents?*

The National Longitudinal Lesbian Family Study (NLLFS) shares many of the problems found by Marks (indeed, Gartrell et al’s earlier studies on this same cohort were critiqued in Marks’ 2012 paper).<sup>13</sup> It gleaned participants by advertising in a few centres of lesbian culture (namely, bookshops, newspapers and events) in metropolitan Boston, Washington DC and San Francisco. The women studied all had the financial means and social support to start a lesbian-parented family through artificial insemination. Already, this data is skewed by above-average socioeconomic status, education and an overwhelmingly White/Caucasian representation. This adds to the significant volunteer bias introduced by this sampling method, and renders the results ungeneralisable for other populations.

There was no control group, but results were assessed against the Achenbach Normative Adolescent Sample. However, Achenbach and the NLLFS differ widely on representation of gender, socioeconomic status, race/ethnicity and region of residence. They are not comparable populations.

In addition, the data gathered consisted of reports from the mothers themselves on the performance of their children. Mothers are more likely to think well of their children at the best of times, but these children were all the sole child of their mothers (barring one family which had twins) – a condition far more likely to produce devotion in a parent.

These reports measured adolescent competence of four types: activities, social, school/academic and total competence. Possible responses ranged from 0 = not true, to 1 = somewhat true or sometimes true, to 2 = very true or often true. This is a subjective test using a far smaller range than the best-practice standard Likert scale.

A small amount of data was also gathered from the children, at the ages of 10 and 17. This included experiential questions about others' attitudes toward their mothers, and their own growing-up experience. However, these are no ideal ages at which to gather accurate assessments of experience at home. Children who love their parents are likely to keep difficulties or problems secret, perhaps even from themselves, until a later stage of life when they can distance themselves sufficiently to identify and process issues.

This is a huge advantage the Regnerus study has over Gartrell, et al. The adults in Regnerus 2012 are able to view their childhood experiences through the lens of adulthood, no longer feeling obligated only to speak well of those who raised them.

## **2.7 Changed attitudes due to false claims**

*Question: Can you provide details of the studies referred to in your evidence that support the position that the best possible environment to raise children is where the child grows up with their biological parents who are committed to each other in a lifelong union of marriage?*

FamilyVoice has published several articles outlining the evidence for our position that married biological parents provide the best possible environment for children to be raised. 'The case for two-parent families' by Bill Muehlenberg (attached) is one such article. In addition, below is a brief discussion of other evidence supporting heterosexual marriage as most beneficial for children.

### **2.7.1 Low rates of maltreatment**

The NIS-4 study found that not only were the lowest levels of maltreatment of children universally found in families with two married biological parents, but they in fact had decreased since the NIS-3 (1993). It stated that, 'Children living with two married biological parents had the lowest rate of overall Harm Standard maltreatment, at 6.8 per 1,000 children'.<sup>14</sup>

### **2.7.2 Healthy children**

Kevin Andrew's 2012 publication 'Maybe "I do"' amounts to a 470-page meta-analysis of studies regarding marital trends, effects of marriage on adults, and the effects of marriage on children's mental, emotional and physical health.<sup>15</sup>

The book cites over 300 studies in the chapter on children alone, building upon the assertion that a heterosexual married couple makes the best family for their biological children. Children raised in a stable heterosexual family:

- Escape the attachment issues which accompany the sense of rejection experienced by those not raised by both their biological parents.

- Are less likely to engage in risky behaviours, including sexual intercourse, smoking, substance abuse, earlier and dangerous alcohol use and self-harm.
- Are less likely to develop chronic health problems such as Attention Deficit Disorder (ADD), childhood obesity and depression.
- Are less likely to develop psychiatric illness.
- Learn crucial social skills, improving peer relationships in adulthood.
- Are more trusting and report higher levels of satisfaction in romantic relationships as adults.
- Can achieve high levels of educational success, despite adverse circumstances. (Andrews refers to children of refugees who have missed months or years of schooling while in remote refugee camps. These children performed remarkably well later in life, an achievement attributed to their family environments.)
- Are more financially independent, and less likely to experience public housing, homelessness or welfare dependency.

### 3. Endnotes

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<sup>1</sup> *Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress*, US Department of Health and Human Services, Administration for Children and Families, 2010.

<sup>2</sup> Regnerus, Mark, “How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study”, *Social Science Research*, Vol 41, issue 4, July 2012, pp 752-770.

<sup>3</sup> Samuel, Ana, “The Kids Aren’t All Right: New Family Structures and the ‘No Differences’ Claim”, *Witherspoon Institute*, 14 June 2012:  
[http://www.leg.state.co.us/CLICS/CLICS2013A/commsumm.nsf/b4a3962433b52fa787256e5f00670a71/89f4e8c929ab650a87257afc005bf962/\\$FILE/13SenJud0123AttachJ.pdf](http://www.leg.state.co.us/CLICS/CLICS2013A/commsumm.nsf/b4a3962433b52fa787256e5f00670a71/89f4e8c929ab650a87257afc005bf962/$FILE/13SenJud0123AttachJ.pdf)

<sup>4</sup> ‘Study Design: New Family Structure Survey’, *Knowledge Networks* (2012, Accessed 10 April 2012 at <http://www.prc.utexas.edu/nfss/documents/NFSS-study-design.pdf>) p 2.

<sup>5</sup> Benedict, Carey, “Debate on a Study Examining Gay Parents”, *New York Times* (11 June 2012, Accessed 28 March 2013 at [http://www.nytimes.com/2012/06/12/health/study-examines-effect-of-having-a-gay-parent.html?\\_r=0](http://www.nytimes.com/2012/06/12/health/study-examines-effect-of-having-a-gay-parent.html?_r=0)).

<sup>6</sup> Johnson, Byron, et al, “A Social Scientific Response to the Regnerus Controversy”, *Institute for Studies of Religion*, Baylor University, Texas, 20 June 2012.

<sup>7</sup> “New Studies Challenge Established Views About Development of Children Raised by Gay or Lesbian Parents”, *Science Daily* (7 June 2012, Accessed 28 March 2013 at <http://www.sciencedaily.com/releases/2012/06/120610151302.htm>).

<sup>8</sup> Regnerus, Mark, ‘Parental same-sex relationships, family instability, and subsequent life outcomes for adult children: Answering critics of the new family structures study with additional analyses’, *Social Science Research* 41(6): 1367-77 (28 August 2012).

<sup>9</sup> Johnson, Byron, et al.

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- <sup>10</sup> Loren Marks. 'Same-sex parenting and children's outcomes: A closer examination of the American psychological association's brief on lesbian and gay parenting.' *Social Science Research*, 2012; 41 (4): 735. DOI: [10.1016/j.ssresearch.2012.03.006](https://doi.org/10.1016/j.ssresearch.2012.03.006)
- <sup>11</sup> Regnerus, Mark, July 2012, p 748.
- <sup>12</sup> Regnerus, Mark, August 2012.
- <sup>13</sup> Gartrell, Nanette and Bos, Henny, 'US National Longitudinal Lesbian Family Study: Psychological Adjustment of 17-Year-Old Adolescents', *Pediatrics* 2010 126: 28-36. DOI: 10.1542/peds.2009-3153
- <sup>14</sup> *Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress*, p. 5-19.
- <sup>15</sup> Andrews, Kevin, 'Happy, Healthy and Well-adjusted Children', in 'Maybe "I do"', Victoria: Connor Court (2012) pp 49-103.