

Submission
No 38

INQUIRY INTO ADOPTION BY SAME SEX COUPLES

Organisation: Parents and Friends of Lesbians and Gays (PFLAG) NSW
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Position: President
Date received: 19/01/2009

SUBMISSION TO INQUIRY INTO ADOPTION BY SAME SEX COUPLES ON BEHALF OF PARENTS AND FRIENDS OF LESBIANS AND GAYS (PFLAG) NSW INC.

PFLAG NSW Inc. is a support group for parents with same-sex attracted children. We hold regular meetings, have an information telephone line, and provide resources to educate parents and others on issues of homosexuality.

We appreciate any opportunity to seek equal rights for our children and on behalf of same sex couples generally.

We totally support adoption by same sex couples.

There is simply no logical reason why same sex couples should not be allowed all the same benefits and rights as heterosexual couples.

Same sex couples constitute families and are capable of performing functions to the same extent as traditional families. The overriding consideration must surely be whether the same sex couple wishing to adopt have made a commitment to assume the role of parents to the child.

We believe it is appropriate to look past the traditional approach and focus instead on the best interests of the children. We believe that the guidelines for eligibility should look only to the suitability of parents, rather than to their sexual orientation. Propositions were made on this issue by a NSW Law Reform Report in 1997 which stated that legislation should support flexibility and adaptability in decision making, rather than restrict the types of adoptive parents able to be considered by adoption professionals.

We believe it is appropriate for legislation to take into consideration differing community contexts. It would therefore follow that adoption by same sex couples would be seen in the light of equal rights particularly pertaining to the legislation recently passed by the Federal Government to remove discrimination against same sex couples.

We understand some provinces in Canada permit same sex couples to adopt jointly.

People who argue that children need a mother and a father have not read the evidence that children thrive with parents and extended family and friends who love them, regardless of sexuality. Many studies have corroborated this evidence, with each one heralding "New research states that children don't suffer with same sex parenting"!

The mother/father argument also is put forward by people who appear to have had no contact or experience with children of abusive, controlling or manipulative

parents. Such parents of course can be gay or straight, but when the decision to seek adoption takes so much more thought, the likelihood of abuse of children is much lower.

To suggest that same sex couples may not adopt is, on the basis of all the evidence available, patently discriminatory and simply highlights ignorance and bigotry.

It seems absurd that individual lesbians and gay men may be assessed for eligibility to adopt in NSW, but not same-sex couples. Children are affected by this discrimination, due to the denial of social and legal recognition to lesbian and gay parents.

Gay couples in existing long term foster care arrangements require adoption reform, as do co-parents and some step-parents, as adoption would offer children emotional and economic stability, due to the legal recognition of their families.

In 2008 co-mothers were allowed to legally adopt the biological children of their partner if they participated in the artificial conception process. It seems anomalous that co-fathers were not included in this legislation and we would very much like to see this addressed as soon as possible. Amongst our membership we have a male same sex couple who are co-parenting. It is discriminatory that the non-biological parent (who is doing the day to day caring for the child) is unable to adopt the child.

Thank you for giving PFLAG the opportunity to make a submission to this Inquiry.

Judy Brown
President

Narelle Phipps
Secretary

19 January 2009