

## Court upholds ban on adoptions by gays

A federal judge dismissed a case challenging a Florida law that bars all adoptions by gay single parents or same-sex couples. U.S. District Judge James Lawrence King upheld the 1977 law, accepting the state's argument that married heterosexuals provide more stable homes than those provided by gays. The American Civil Liberties Union (ACLU) filed the suit in 1999 on behalf of five gay men who wanted to adopt but were prohibited from doing so by the Florida law. "No person eligible to adopt under this statute may adopt if that person is a homosexual," the law reads. The ACLU suit claimed the law was unconstitutional because it violated the civil rights of gay men and lesbians.

"The court cannot accept that moral disapproval of homosexuals or homosexuality serves a legitimate state interest," Judge King wrote in his 20-page decision. However, he continued, "Plaintiffs have not asserted that they can demonstrate that homosexual families are equivalently stable, are able to provide proper gender identification or are no more socially stigmatizing than married heterosexual families."

The ruling stated that "given there is no fundamental right to adopt or be adopted, there can be no fundamental right to apply for adoption."

The Religious Right applauded the decision. Mat Staver, founder of the Liberty Counsel, told Focus on the Family that the judge determined that it is better for children to live with a mother and father than a same-sex couple.

"People in Florida are in favor of traditional families," Terry Kemple, executive director of the Christian Coalition of Florida said concerning the lawsuit. "I'm glad we have the law, and I hope other states follow Florida's example."

The Traditional Values Coalition and Family Research Council also spoke out in support of the Florida statute.

"The main problem with homosexual adoption is that it trivializes the unique and important role that both mothers and fathers play in raising children," Ken Connor, president of the Family Research Council, said. "The people of Florida said through their elected officials that homosexuals should not be able to adopt. Since homosexual activists were unable to prevail in the Florida legislature, they sued in a bid to overturn the will of the people."

Robert Knight, director of the Culture and Family Institute, urged other states to pass similar laws barring adoption by gay individuals or same-sex couples.

"Now it's time for other states to pass pro-child adoption laws that favor the stable environment of marriage for children," Knight exclaimed. "We should not be conducting social experiments with innocent children by placing them in homosexual-led households – especially when there are hundreds of thousands of normal, married couples waiting in line to adopt children."

Florida is the only state with a law specifically prohibiting any gay man or lesbian from adopting. Utah and Mississippi do not allow same-sex couples to adopt, but do not prohibit adoptions by gay individuals. Planet Out, a gay online news service, reported that there are more than 3,400 children awaiting adoption in Florida.

"The law's real victims are the thousands of children trapped in Florida's foster care system," Dan Savage, a gay man and adoptive parent, wrote in *The New York Times*. "The religious right in the United States has sought to frame the debate over gay adoption as a choice between gay parents and straight parents. It's a false choice. The real choice for children waiting to be adopted in Florida and elsewhere isn't between gay and straight parents, but between parents and no parents."

Opponents of the adoption ban have stated that they will work to have the law repealed by the state legislature. [HC2001]