

Same-Sex Parents' Sentiment About Parenthood and the Law: Implications for Therapeutic Outcomes

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The rights of same-sex parents have been highly debated within the legal realm. With the growing number of same-sex unions (see Pawelski et al., 2006; Stark, 2013), the legal system is faced with new challenges, some of which go beyond the issue of same-sex unions. For instance, what parental rights and responsibilities do same-sex parents have after the relationship ends? (see Chap. 9, this volume, for discussion of same-sex divorce). In 2005, the California Supreme Court (in *Elisa B. v. Superior Court*, 2005; *K. M. v. E. G.*, 2005; and *Kristine v. Lisa*, 2005) found that a child's lesbian mother could be a "parent" despite the lack of a biological or adoptive relationship. In contrast, the Massachusetts Supreme Judicial Court (*T. F. v. B. L.*, 2004) found that an implied contract between same-sex partners to raise the child together was unenforceable; thus there were no parental rights and responsibilities. The result in this case is somewhat surprising given that same-sex marriage had become legal in Massachusetts the year prior (in *Goodridge v. Mass. Department of Public Health*, 2003). However, the parties in this case did not have the

right to marry when they decided to have children; marriage rights might have translated into parental rights and responsibilities and a different outcome in the case. Most recently, a Florida court in 2012 heard a case in which a woman harvested an egg to be fertilized and her partner received the fertilized egg and gave birth to the child; later the couple separated. The court determined that both women had legal rights and responsibilities as "parents" to the child (*T. M. H. v. D. M. T.*; see Stutzman, 2011).

While judges have provided mixed support for the rights and responsibilities of same-sex parents, public opinion polls spanning the last 20 years suggest that community sentiment has become increasingly supportive of same-sex parental rights. Two polls taken in 1992 both revealed that only 29 % of respondents believed that gays and lesbians should have the right to adopt children (Yang, 1997). Opinion polls from 1993 to 1994 revealed similar support—in both polls, 28 % of respondents supported same-sex adoption (see Yang, 1997). A poll conducted in 1998 revealed a slight increase in support for same-sex adoption, with 36 % support for same-sex adoption rights. A more recent 2007 poll revealed that 46 % of respondents believed that same-sex couples should be legally permitted to adopt children (see pollingreport.com, 2007). Polls conducted in 2009 and 2012 revealed that 54 % and 61 % (respectively) of the public supported adoption rights for gays and lesbians

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(Newport, 2012), and a recent Pew Poll revealed that 64 % of respondents believed that same-sex couples could be “as good parents as heterosexual couples” (up from 54 % in 2003; Dimock, Doherty, & Kiley, 2013). In addition to considering general community sentiment on this issue, judges and lawmakers should understand and consider the sentiment of those directly affected. This research serves as an initial step in understanding the sentiment of same-sex parents in the current sociopolitical climate.

Amid mixed judicial and community responses, same-sex parents might be unsure of their legal rights and responsibilities, and this could impact the roles they assume and the bonds they make with their children. The primary purpose of this research was to examine same-sex parents’ sentiment about the parental roles they assume: Do parents perceive equal parental responsibilities in raising the child? To what extent do parents bond with their child? How strong are the parent–child relationships? From these and related research questions, this chapter explores same-sex parents’ sentiment about their rights and responsibilities in the face of legal and societal ambiguity.

A secondary focus of this research was to examine same-sex parents’ sentiment toward and knowledge about the complex and often hostile political and social landscapes and how these have impacted their well-being and parenting. As of 2013, gay marriage was legal in 13 states and the District of Columbia (Massachusetts Trial Court Law & State of Massachusetts, 2013). In these few states, the rights and responsibilities of married/joined parents who decide to jointly adopt or conceive should not be questioned because parental rights can be conferred to both parents. However, in states that do not recognize same-sex unions of any kind, the rights of parents who want to jointly adopt/conceive are tenuous, but uncertainty about rights can be improved by demonstrating parental intent (e.g., through financial and social relationships; see Richmond, 2005) and avenues for establishing legal rights (e.g., second-parent adoptions). In addition to legal difficulties, it is likely that same-sex parents face negative social scrutiny given that gays have

long been a socially stigmatized group (see generally Williams & Retter, 2003), though this stigma is likely diminishing as sentiment about this group becomes more positive. Given these legal and social backdrops, this research examined parents’ sentiment about the impact of the sociopolitical climate on perceptions about parenthood: How knowledgeable are parents about their rights and responsibilities? How do current laws and social interactions impact perceptions of parenthood? What difficulties do gays and lesbians experience in becoming parents? And what are some of the emotional and physical repercussions of legal and societal reactions to this emerging population? Assuming there is a connection between sentiment and the law (see e.g., Chaps. 1 and 2 in this volume), these findings can begin to inform judges about the rights and responsibilities of same-sex parents. Ultimately, legal reform can protect the well-being of children and parents—and promote positive perceptions of justice and the legal system (see Chaps. 12 and 14 for more on the link between sentiment and justice and Chaps. 15–18 for more on the outcomes of relying on sentiment in legal decision-making). The legal complexities of same-sex parenting will be explored in the next section.

Same-Sex Parenting and the Law

Parenthood for gays and lesbians is somewhat complex as compared to traditional (heterosexual) conceptions of parenthood. Unlike most heterosexual couples, gay and lesbian couples who want to have a child must either adopt, conceive through in vitro (for lesbian couples), or hire a surrogate parent. In any of these cases, the legal rights and responsibilities of the parents can be somewhat ambiguous (see generally, Miller, 2011; Vargas, Miller, & Chamberlain, 2012). Certain jurisdictions (e.g., Wisconsin and Florida) may prevent same-sex couples from jointly adopting a child, thus leading to uncertainty about legal rights and responsibilities. For instance, the Supreme Court of Wisconsin, in *Angel Lace M. v. Terry M.* (1994), determined that state adoption laws prohibited an individual

from adopting her partner's child. The court held that a lesbian parent could not be a husband or wife and thus could not adopt unless the biological parent was willing to give up his rights. A similar case in Florida (*Cox v. Florida Dept. of Health & Rehabilitative Services*, 1995) involved a 1977 Florida statute prohibiting gays and lesbians from adopting children. In the case, the court upheld the statute partly on the grounds that it was in the child's best interest to be raised by a mother and a father. It was not until 2010 that the Florida appellate court held that the ban on gay adoption was unconstitutional.

Same-sex parents who decide to jointly adopt or give birth have a mutual interest in forming close bonds with the child and have agreed to share parental responsibilities. In such cases, it would seem that the law should hold both parents accountable for the child, regardless of any biological connection (e.g., the trio of cases in which the California Supreme Court affirmed parental rights). The legal responsibility of individuals who enter a relationship in which their partner has a child is unclear, however. For example, a gay or lesbian person might act as a nonparental authority figure for a child during a relationship but may not want to be responsible for any emotional or economic support for the child if the relationship ends. If this were the case, the legal system might best serve the child and parent to recognize the rights and responsibilities of only the biological/adoptive parent. On the other hand, the nonbiological parent might assume parental responsibilities and develop strong emotional bonds with their partners' children, similar to a stepparent. In this case, the legal system might best serve the family to recognize the parental rights of the nonbiological parent.

With the legal (e.g., marriage laws) constraints to same-sex parenting in mind, this project examined the sentiment of gays and lesbians in various parental situations in order to gain a deeper understanding of same-sex parents' sentiment about their parental roles and responsibilities. Also of interest were the legal and social difficulties experienced by same-sex parents and the resulting emotional and physical outcomes for parents and children. Determining same-sex

parents' sentiment about parenthood and the law can help policymakers shape laws and policies that are therapeutic for this population.

Same-Sex Parents' Sentiment and Therapeutic Jurisprudence

Therapeutic jurisprudence refers to the study of the law's role as a therapeutic agent (Wexler & Winick, 1996; see Chaps. 12 and 14 for more on therapeutic jurisprudence). From this perspective, the law produces certain consequences that vary in therapeutic outcome (Wexler & Winick, 1996). Proponents of therapeutic jurisprudence stress the importance of applying the law in a therapeutic way, as long as essential legal values (e.g., due process, justice) remain intact (Winick, 1997). Furthermore, therapeutic jurisprudence principles recommend that legal actors rely on psychological research to inform decisions (Wexler & Winick, 1991). In short, it is a perspective that places a great amount of worth in legal outcomes that promote psychological and physical well-being (for review, see Sicafuse & Bornstein, 2013).

When considering therapeutic jurisprudence, judges and policymakers should make legal decisions that have positive psychological outcomes for same-sex parents and their children. The results from the studies presented herein reveal sentiment of a sample of same-sex parents, which can be used by judges to make therapeutic decisions. Given the benefits that children gain from the economic and social support of two parents (see Amato & Gilbreth, 1999; Brooks-Gunn & Duncan, 1997; Seltzer, 1994), paired with strong evidence that same-sex parents are as competent and effective as their heterosexual counterparts (e.g., Bailey, Bobrow, Wolfe, & Mikach, 1995; Chan, Raboy, & Patterson, 1998), this outcome seems especially therapeutic for the children involved (see generally Chamberlain, Miller, & Bornstein, 2008). This notion is supported by several national organizations, including the American Academy of Pediatrics (February 2002), the American Psychological Association (July 2004), and the American Bar Association (July of 2010; see Siegel & Perrin, 2013).

Understanding and accounting for the sentiment of same-sex parents are also therapeutic for parents. Parents (regardless of sexual orientation) who lose parental *rights* might experience intense trauma due to the loss of contact with the child (Miller, 2006). Further, enforcing parental *responsibilities* (e.g., child support payments) would also likely benefit both the custodial parent and the child, as finances have been linked to children's achievement (Brooks-Gunn & Duncan, 1997), development (Acock & Kiecolt, 1989), and well-being (Amato & Gilbreth, 1999). On the other hand, forcing responsibilities on a non-biological parent who had no intentions of being a parent could produce animosity that would threaten the well-being of the entire family. Failing to account for same-sex parents' sentiment may also have broad legal implications, as same-sex parents may begin to lose faith in a legal system that does not align with their sentiment and well-being. In a legal environment that has only recently begun to recognize same-sex marriage and parenting rights, it is likely that many gays and lesbians do not see the current laws and policies as legitimate. From a therapeutic jurisprudence perspective, judges and lawmakers should listen to the sentiment of same-sex parents in order to restore legitimacy and faith in the system for this population.

Overview of Studies and Research Questions

The goal of the present exploratory studies was to examine how same-sex parents perceive their parental roles. The results provide a basis for understanding what these roles are as well as how they develop. These studies also assessed the legal difficulties same-sex parents have encountered while attempting to establish parental rights. Ultimately, the results presented herein can better inform judges and policymakers about the roles and responsibilities of same-sex parents. In the first study, participants completed an online survey that gauged parents' perceptions of their roles, their responsibilities, and the legal system. In order to provide a richer understanding of parents'

sentiment, in-depth interviews were conducted in Study 2 (see Chap. 10 for more on using qualitative methodology in community sentiment studies). The following general research questions were addressed in both studies: 1: What are parents' perceptions of their roles and responsibilities? 2: What are parents' perceptions of the law? 3: What are parents' perceptions of societal influences on parenthood?

Study 1

Method

In Study 1, participants completed an online survey that gauged sentiment about their roles, responsibilities, and relationships with their children. In addition, several questions were included to examine parents' experiences with the legal system and society.

Participants

The sample consisted of 52 same-sex parents and/or partners¹ of parents (44 females). Participants were recruited through advertisements that were posted on the email lists and online bulletins of several same-sex parenting groups from across the United States. In addition, snowball (i.e., word of mouth) procedures were used to recruit participants in the Reno, NV area. Participants were given \$20 to complete the 30–45-min survey. Response rates could not be determined due to the nature of sampling methods used, but response rates from those contacted via email were generally low.

Instruments and Procedure

A link to the online survey (at [surveymonkey.com](https://www.surveymonkey.com)) was sent via email. Participants answered several questions about their parental role and their perceptions of the legal system. The survey included both closed- and open-ended questions (see results for questions and metrics). Closed-ended questions explored participants' ratings of

¹ Because parents could be in more than one category, the total for these three groups was larger than the *N*.

responsibilities, levels of intent, etc., while open-ended questions explored their perceptions of parental responsibility and specific parental duties and activities that parents assume.

Results and Discussion

Various measures addressed the research questions. Descriptive statistics are presented below; parametric tests comparing different parent types (detailed below) were not conducted due to low cell sizes.

Research Question 1: What Are Parents' Perceptions of Their Roles and Responsibilities?

Three different categories of same-sex parents were included in the analyses within the first research question: same-sex parents who have entered a relationship in which their partners have children (i.e., social parent; $n=6$), same-sex parents who have previously adopted/had a child(ren) without their current partners (i.e., legal parent; $n=10$), and same-sex parents who have adopted/conceived a child(ren) jointly with their partner (i.e., joint parent; $n=44$).² Analyses are presented by parent type.

Social Parents. Social parents reported how much responsibility they intended to take on for their partner's child (e.g., when they entered the relationship), and how much parental responsibility they actually had for their partner's child, on 9-point scales (1 = none; 5 = moderate amount; 9 = very much). Participants were also asked what proportion of parental activities they assumed on 9-point scales (1 = social parent has all; 5 = equal responsibilities; 9 = legal parent has all) and were asked to indicate their ideal way to relate to their partner's child from a list of 10 choices (e.g., "parent," "teacher," "counselor") that were developed by Fine, Coleman, and Ganong (1998).

Finally, social parents were asked to report how much they bonded with their partner's child and how much their partner bonded with her child, both on 9-point scales (1 = not at all; 5 = moderate amount; 9 = very much).

Parental Responsibility. Results indicated that parents intended to take on ($M=8.83$; $SD=2.04$) and actually did take on ($M=8.67$; $SD=.816$) a high amount of parental responsibility for their partner's child, though it is possible these similarities are due in part to hindsight errors driven by the desire to be consistent. All social parents also indicated that they took on equal responsibilities with their partner ($M=5$).

Social parents described a wide spectrum of responsibilities ranging from cooking and cleaning to providing discipline and guidance for their partner's child. Social parents most frequently reported that they were responsible for providing transportation, guidance in school and social relationships, discipline, and providing financial support. Social parents also participated in a wide variety of activities with their partners' children, such as playing games, watching movies, and attending recreation and school events.

Parent-child Relationships. Three participants related to their partner's child like a stepparent, three related like a parent, and one related to his partner's child as his own child. Social parents indicated that they ($M=8.83$; $SD=.41$) and their partner ($M=8.67$; $SD=.52$) bonded with their partner's child very much. Thus, from social parents' perspectives, social and legal parents seem to bond with the child similarly.

Legal Parents. Legal parents were asked the same questions (detailed above) about parental roles, responsibilities, and relationships.

Parental Responsibility. Legal parents indicated that their partners (the social parent) intended to ($M=7.25$; $SD=2.49$) and actually did ($M=6.9$; $SD=2.47$) assume high amounts of parental responsibility. When asked what proportion of parental activities the social parent assumed

²For the purpose of this study, partners were broadly defined as individuals involved in a romantic cohabitating relationship—ranging from long-term dating to gay marriage (or the equivalent).

(using the same scale), most parents ($n=8$) said they took on an equal amount, though the average was just below 5 (meaning equal responsibilities; $M=4.5$; $SD=.71$).

Legal parents reported in the open-ended question that their partners (i.e., the social parent) assumed financial, disciplinary, and teaching roles for their children. In addition, legal parents reported that social parents participated in school functions, holidays/vacations, games, and sporting activities with their children.

Parent-child Relationships. The majority of legal parents believed that their partner related to their children as a parent ($n=4$) or stepparent ($n=4$). Two parents believed that the ideal way for their partner to relate to their child was as an advisor. Legal parents believed that their partner had a strong bond with their child ($M=7.6$; $SD=1.89$), though this was not as strong (nor as consistent across participants) as their own bond ($M=8.7$; $SD=.48$).

Joint Parents. Joint parents were asked the same questions (detailed above) about parental roles, responsibilities, and relationships.

Parental Responsibility. All joint parents intended to take on at least a moderate level of responsibility ($M=8.64$; $SD=.99$), and most ($n=37$; 84 %) intended to assume the highest level of responsibility. Joint parents' perceived levels of responsibility were similar ($M=8.59$; $SD=1.11$), though one parent indicated a 4 (less than moderate). Joint parents reported assuming nearly equal amounts of responsibilities with their partner ($M=5.09$; $SD=.64$).

Joint parents most commonly indicated that they were responsible for finances, emotional needs of the child (including discipline), day-to-day cooking and cleaning, physical care, transportation, and teaching. Joint parents also indicated that they shared a variety of parental activities with their children, including sporting and school events, reading, and a variety of games and other activities.

Parent-child Relationships. Just like social and legal parents, joint parents were asked to indicate the ideal way to relate to their child from a list of

several choices. Two parents chose as a teacher, two as an advisor, and 39 as a parent. They were then asked to indicate the ideal way for their partner to relate to the child. One answered as a teacher, two answered as a friend, one answered as an advisor, and 39 answered as a parent. Parents also believed that they and their partner had very strong bonds with their child (both $M_s=8.89$; both $SD_s=.387$). In sum, most parents considered themselves and their partner to relate to their child as a parent and bonded on very high levels with the children.

Research Question 2: What Are Parents' Perceptions of the Law?

Participants answered several questions related to their sentiment and perceptions of the law. Fifty-one of the 52 parents in the sample answered at least some of these questions.

Knowledge and Impact of the Legal System.

Most parents (41 out of 51; 80 %) reported that they understand the laws that regulate same-sex parenting at least moderately well (1 = not well at all; 5 = moderately well; 9 = very well; $M=6.3$; $SD=2.42$). Similarly, most (43 out of 51; 84 %) believed that it was not difficult to attain legal information about their parental rights and responsibilities (1 = very difficult; 9 = very easy; $M=6.58$; $SD=2.02$). Additionally, 10 parents indicated that uncertainties in the legal system caused physical and/or emotional stress. Specifically, nine parents experienced anxiety, four experienced nervousness, four experienced muscle tension, two experienced sleep disturbances, one experienced anger, and one experienced depression resulting from uncertainties about their legal parental status.

Ten parents (out of 41; 24 %) reported that they had general problems with the legal system recognizing their rights. Six of the 10 encountered physical and emotional symptoms, including anxiety, nervousness, irritability, and sleep disturbances. Of the 10 parents who reported problems with the legal system, one parent reported that state and national governmental policies regarding same-sex marriage and civil unions were the primary problem in blocking

parental rights: "Because the Federal Government does not recognize our relationship, nor can we be certain that other states would recognize our relationship, we needed to go through the time, cost and effort of obtaining a second parent adoption." Other parents cited second-parent adoptions at the state level as a problem in attaining parental rights and a source of legal ambiguity. For instance, one parent wrote: "Although we have a second-parent adoption, it's only marginally legal in this state. We have been unable to get an amended birth certificate because the state vital records office is not friendly to second-parent adoptions."

Desired vs. Actual Rights. Parents of all types from various jurisdictions (with varied laws and avenues for gaining legal rights) were asked if they should have legal rights. Of the six social parents, five believed they should have rights, and one thought they should not. Out of the ten legal parents, seven thought the social parent should have rights, two thought they should not, and one did not know. Not surprisingly, all 44 parents who jointly adopted/conceived believed both they and their partner should have legal rights.

All parents were then asked if they believed they actually had legal rights. Only one of the six social parents thought they did have rights, though it should be noted that reported laws (and rights) were not checked with the actual laws in the particular jurisdiction and thus the accuracy of these beliefs is unknown. Of the legal parents, two (20 %) reported their partner had rights, six reported they did not, and two did not know, indicating a disparity between desired and actual rights. Among those parents who jointly adopted, 40 reported that they had legal rights, two reported they did not, and two did not know. Thirty-nine parents reported their partner had legal rights, four said they did not, and one did not know.

Finally, parents were asked to indicate if they (or their partner) would have legal responsibilities upon separation. Five social parents said they would not be legally liable to pay child support and one parent did not know. Two legal parents indicated the social parent would be liable, and seven said the social parent would not be liable.

Thirty-three parents who jointly adopted/conceived reported that they would have legal responsibilities, three said they would not, and seven did not know. Thirty-one said their partner would have responsibilities, three said they would not, and eight did not know.

Research Question 3: What Are Parents' Perceptions of Societal Influences on Parenthood?

Parents answered two questions about society's impact on their perceptions of their parental roles. First, parents were asked if they believed that the societal stigma surrounding gays and lesbians had influenced conceptions of their parental role. Second, parents were asked if they believed the roles and responsibilities of heterosexual parents were different from those of same-sex parents. Parents who responded in the affirmative to either of these questions were prompted to describe their beliefs.

Societal Influences on Parental Roles. Twelve participants (out of 51; 24 %) believed that perceptions of their parental role had been influenced by societal stigma surrounding homosexuality. Of those who believed that societal stigma had impacted their perceptions about parenting, several parents expressed the idea that same-sex parents face greater scrutiny, given commonly shared misconceptions about same-sex parents. As a corollary of this scrutiny, parents expressed that they were held to higher standards than heterosexual parents. For instance, one parent wrote: "I feel as though it is our responsibility to raise perfect children or to have a perfect family because of the negative stereotypes that already exist about lesbians being able to raise 'normal' kids." Another parent expressed higher standards for same-sex parents: "I feel a greater sense of responsibility for proving that we are good parents." Parents also commonly indicated that societal stigmas impacted their parental efficacy. For instance, one parent wrote: "prior to his birth, (there were) certain insecurities about being a worthy parent, the child not liking me, or (the child) being ashamed of me because I am gay." Finally, one parent indicated that they had

modified their behavior in response to social scrutiny: “In my community everyone would look down upon my partner sitting in on a parent teacher conference night, so I don't bring my partner with me for that reason.”

Differences. Some parents (11 out of 51; 21 %) believed that the roles and responsibilities were different from those of heterosexual parents. Most frequently, parents explained that their roles were different because they were not divided by traditional gender roles, and thus, both parents assumed more equal roles. For instance, one parent wrote: “(There is) more shared responsibility; each parent does what they do best vs. what society deems as our role.” Parents also explained that their children are inherently more aware of a diverse range of familial situations, thus leading to greater acceptance of different races, cultures, and sexual orientations. Indeed, several parents indicated that it is necessary for same-sex parents to educate their children about diverse viewpoints. One parent wrote: “Same-sex parents have a social responsibility within our community to make sure our children are raised tolerant and fully-knowledgeable about other races, genders, (and) sexual identities.”

Study 2

Method

In Study 2, researchers conducted in-person and telephone interviews with same-sex parents. Similar to Study 1, questions examined the roles, responsibilities, and extent of parent–child bonding.

Participants

Twenty same-sex parents (15 female) agreed to be interviewed about their roles and responsibilities as parents. Eighteen parents had jointly adopted/conceived children, and two of the parents had assumed some responsibilities for their partners' children (similar to the role of stepparent). Participants were recruited through advertisements that were posted on the email lists and online bulletins of several same-sex parenting

groups from across the United States. In addition, snowball (i.e., word of mouth) procedures were used to recruit participants in the Reno, NV area. In order to offset the gender imbalance, researchers attempted to recruit only males as it became clear that the sample was comprised of mostly female parents. Participants were given \$40 to complete the 45–90-min interview. Participants who completed Study 1 were asked to participate in Study 2, and thus, there was significant overlap between samples.

Instruments and Procedure

Participants were asked about their parental roles and responsibilities, their legal rights, and their perceptions of societal influences. The questions were designed to be broad, allowing parents to bring up any parenting experiences they felt were relevant. The interviewer allowed the parents to speak at length without interruption and probed for more information as needed.

Results and Discussion

Tape recorded interviews were transcribed and analyzed for common themes expressed by parents. Two researchers (the interviewer/first author who had an M.A. in social psychology and the second author who had a Ph.D. in social psychology) each separately coded the messages for content after each had practiced coding and agreed on the concepts within each theme. Interrater reliability was high (above 85 %) for each of the themes.

Research Question 1: What Are Parents' Perceptions of Their Roles and Responsibilities?

A total of 47 messages were identified as indicators of the roles and responsibilities that same-sex parents assume. The following sub-themes emerged from the qualitative analyses.

Equal Parental Roles. Analyses suggest that most parents who jointly adopt/conceive assume equal parental roles. A total of 30 comments from 15 parents indicated that parents who jointly

adopt/conceive generally assume equal (though often different) parental roles and responsibilities. One parent stated:

We have chosen to do everything 50/50 and not all families do it this way. So we take turns like religiously putting him to bed. We split all of the drop-offs and pick-ups 50/50 and mostly we do this I think, first of all, because we both feel very involved in his life.

Another parent described a similar understanding with his partner regarding parental roles and responsibilities: "We share everything pretty equally...I think we just try to share the duties equally, changing diapers, watching her, feeding her, that kind of thing and I think we still pretty much do that. We're equally responsible." Finally, one parent explained that she and her partner had a basic understanding that parental roles and responsibilities would be equal: "I think we both just assumed that we would have equal parenting roles (and) that we would both make decisions. We actually never really said you are going to do 25 %, I'm going to do 75 % or whatever."

Differences in Parental Roles. Although most parents indicated that they shared equal parental roles and responsibilities, a few believed that they assumed slightly more or less of a parental role than their partner. A total of eight comments from five parents suggested that the roles and responsibilities of some parents were not always equal. Most notably, parents believed that breastfeeding mothers assumed slightly more and different parental responsibilities than mothers who did not breastfeed. For instance, one parent explained that her partner "seemed to be a little more emotionally connected (to the child) because there tends to be a stronger bond with the nursing mom." Another parent expressed similar thoughts about her role as the breastfeeding mother: "(The child) tends to prefer me and I think it's primarily because he has spent a lot of time with me because I am his main source of food." The mother further explained that she did not think it was "realistic for the non-breastfeeding mother to have the same dynamic with the infant." It is likely that a similar gap in parental roles (and subsequently in the bonds that exist

between parent and child) exists between mothers and fathers in heterosexual relationships because the mother in these relationships typically provides nurturance for the child.

The Bases of Parental Roles. Several parents also commented on the way in which their parental roles and responsibilities had developed. Nine comments from eight parents revealed that many parents did not subscribe to traditional gender roles. Instead, parents indicated that they assumed roles based on their abilities, personality, preferences, and generally what worked best for the family unit. One parent explained that there was no "gender role thing going on" in determining parental roles. Another parent believed that "stay(ing) within the gender definitions was actually detrimental," explaining that it did not "aid anyone in understanding the parent-child relationship or interactions."

Several parents explained that their roles stemmed from their abilities and availability. For instance, one parent explained: "it's more about who has time, attention, or interest. I'm not interested in laundry and (my partner) has little interest in cooking so we get it done however we get it done and whoever has the ability and the time does it." Parents also commonly explained that they divided roles based on what was best for the family. Thus, decisions about who would assume the role of breadwinner and who would assume the role of caretaker were often decided from a utilitarian approach. For instance, one parent explained that his role as "stay-at-home dad" was based on the financial well-being of the family: "We have to make sure that (my partner) stays in good standing with his company so that we keep his benefits and his health insurance."

Research Question 2: What Are Parents' Perceptions of the Law?

The second goal of this research was to examine the legal experiences of same-sex parents, including their legal difficulties and corresponding emotional and physical outcomes. Of the 17 parents who jointly adopted/conceived, 14 had established legal rights. A total of 49 messages were germane to the legal experiences of same-sex parents.

The following sub-themes emerged from the qualitative analyses.

Difficulties in Becoming a Parent and Establishing Parental Rights. Eighteen comments taken from 13 parents indicated that same-sex parents experience significant amounts of strain in attempting to become parents and subsequently in establishing their legal parental rights. In discussing her experiences with a surrogate mother, one parent stated: "It is totally expensive. We had to pay a lawyer and provide support for the birth mom and more than financial costs. It was also emotional costs because you are...trusting them (the surrogate) to keep their word and be honest." Another parent described the financial burden of having children through a surrogate: "Realistically, we could only afford to do one and even that was kind of tight because you know I had been saving for a while for it, like 10 years."

Parents also commonly described the burden of attempting to establish joint parental rights after the child was adopted or conceived. For instance, one parent expressed her concern about the financial obligation that accompanied establishing rights: "It is difficult to do same sex adoption...right now I am researching (it), I have looked into attorneys (but) costs are pretty high up there so it's not the easiest thing." Other parents expressed more concern about the amount of time and resources that the adoption process required:

They sent me a pre-adoption application that was accepted and the adoption allocation. Of course there were fees that went with each one of those. And then we started and it took about a year to do it. I mean there was a lot of paperwork that went along with it.

Another parent stated: "What was hard was the time commitment because we spent about a year and a half working on a contract with the known donor and that was actually the most frustrating thing."

Legal Standing and Parents' Physical and Emotional Well-Being. Eleven parents (14 comments) indicated that parents' difficulties with the legal system led to some physical or emotional

strain. One parent who did not have legal rights explained:

I think it does stress me out to think that when my partner travels to work that if something happens what would be my nightmare ahead of me with (our son)? And then I think what kind of nightmare will I go through with the legal system? How much documentation and stuff do I have to get together? How much is it going to cost? I think about all those things. It's stressful.

In discussing her partner's lack of legal rights for their child, one parent stated:

It is extremely difficult for both of us. I mean, she has a different perspective than I do, but it's terrifying to me to think that she's here on a Friday, he falls out of the stroller, smacks his head on the sidewalk, she takes him to the emergency room, and they won't treat him until I get there. It's terrifying.

The analysis also indicated that parents' lack of legal recognition led to more serious psychological problems. For instance, one parent reported sleep disturbances stemming from the lack of legal rights for her child: "There are times when I have nightmares about him being stolen or killed you know about her not being able to get to him. It's an obvious place of anxiety for me." Another parent believed that her lack of rights had contributed to psychological strain: "I actually have an anxiety disorder...I don't know that it's related necessarily...but certainly it contributes to that. It's very scary and it makes things very hard sometimes."

Changes in the Legal System. Seventeen comments taken from 13 parents suggest that parents believed same-sex marriage (or some sort of civil union) would be instrumental in establishing their parental rights. Some parents believed that legalizing same-sex marriage (or some equivalent) would lead to automatic parental rights of partners. In discussing the changes that she would like to see in the legal system, one parent stated: "Some sort of mass legalization of either civil unions or marriage....some sort of recognition of our relationship first of all and then I think things like parenting will be obvious." Another parent expressed similar thoughts about same-sex marriage: "Well,

I think recognizing the sanctity of adult homosexual relationships in the form of marriage rights is the first step and with those full marriage rights comes the right to parent.”

In addition, parents believed that same-sex marriage would lead to better outcomes for their families. Several parents indicated that marriage or union rights would lead to greater financial benefits for their family. One parent stated: “We can’t get married either. If you could then I think that you could do benefits that way.” Another parent expressed a similar belief about the financial benefits of same-sex marriage: “(Marriage rights would) make my partner feel like she has somewhat of a dual-income and able to take care of a kid we planned.” Other comments pertained to the emotional benefits of having legal recognition of same-sex unions. For instance, one parent implied that the lack of rights can be an impediment to a child’s well-being: “I don’t see why there can’t be (same-sex unions)...why do we have to be so hung up on all these other things when really what matters is that this child is protected and nurtured.”

Research Question 3: What Are Parents’ Perceptions of Societal Influences on Parenthood?

Several themes emerged in the interviews about society’s influence on same-sex couples’ parenting. Twenty-two comments made by 14 parents suggest that society does influence same-sex parents.

Parenting Not an Option. Seven parents made a statement indicating that perceived social constraints had made them consider parenting to not be an option.

This was expressed by one parent about his partner:

I think he had done what is typical for a lot of gay and lesbian people of our generation. That is the idea of parenting was completely out of scope of their thinking. It was going to be so hard. It was so socially unacceptable that you don’t even consider it.

Another parent expressed a similar line of thought:

You know when I was younger when I was in my late teens I had always been interested in having a family. You know I was confused about my sexuality, but had hoped that I would be married to a woman and have children and a family and then as I started to get a bit better picture of how things were going to be, I just over time accepted that wasn’t going to be a part of my life, but I felt pretty sad about it.

These comments suggest that social constraints impact same-sex couples decisions to become parents.

Assumptions About Parenthood. Six parents made seven comments mentioning instances which occurred in social settings in which they are were assumed to be the parent of their child. One parent expressed how others do not perceive her to be a parent:

It doesn’t occur to people... a women with children is not perceived as a lesbian with children even when there are two moms and they are going “Mommy, Mommy, Mommy” to (my partner) and I am holding on to them. They don’t think I’m the kidnapper. They think I am a friend or grandparent or some other person in relation to the children.

One parent made a similar statement about people’s reaction to seeing them in public: “They will come up to us and say where’s his mom you know that kind of stupid stuff.” These statements suggest that same-sex parents are not assumed in social situations to both be parents.

Concern About Children’s Treatment. Six comments made by five parents expressed a concern about how their children will be treated. Parents expressed that this concern is a major concern in their lives:

That is the big worry. I don’t care how the parents treat me; I care how the parents treat my kids. They don’t have to like us. That’s fine as long as they just have to treat our kids with respect.

One parent with a child in elementary school expressed a worry about how parents will behave toward her child as she gets older:

But when she is 13 and 14...are the parents going to want them to come over here because some people that maybe don’t know any gay people or

they are ignorant; they think that gay people just want to have sex with anybody just because they are the same sex or stuff like that or we would make them gay. That's another one. We would make their kid gay...or that (our child) may be gay.

Another parent mentioned that she had considered steps to prevent the child from experiencing negativity:

We have talked about having him in private schools that are more open-minded. Hopefully the parents there won't be ignorant. I am very concerned about that. How is he going to handle going to school and when the kids find out he has two moms and his biological father is not in the picture.

These statements suggest that same-sex parents experience great concern over how their children will be treated.

General Discussion

Quantitative and qualitative analyses of same-sex parents' sentiment revealed that parents generally assumed equal though varied parental responsibilities. All types of parents (social, legal, and joint) intended to, and actually did, assume parental roles and responsibilities and expressed deep parent-child bonds. However, some parents did express slight disparities between their partners' roles and the roles that they assumed. This was particularly relevant for females in the sample, as moms who breastfed their children were more likely to bond with the child than the non-breastfeeding mother.

Analyses also suggested that same-sex parents face significant difficulties in the current legal environment. In attempting to become parents and establish parental rights, gays and lesbians encounter considerable challenges in terms of time, money, and resources. Most social parents and legal parents believed that social parents should be given legal rights but also acknowledged that there were often no legal avenues to pursue legal parenthood. This gap reflected responses about legal rights and responsibilities, as both types of parents typically did not believe that the social parent would have rights or responsibilities

if they were to separate. Many parents experienced anxiety, stress, and/or sleep disturbances stemming from their inability to establish joint legal status for their children.

Finally, parents shared their sentiment about the role of society on parenthood. Several parents indicated that they felt they were held to higher standards and that their roles and responsibilities were not based as much on strict traditional gender roles, as compared to heterosexual parents. Parents expressed some apprehension about becoming a parent due to societal stigma. Further, once becoming parents, individuals experienced adverse reactions from individuals who conceptualize a family as having two moms or two dads. Parents also expressed concerns about how certain societal influences might negatively affect their children (e.g., through teasing).

Implications for Therapeutic Outcomes

Judges, lawmakers, and the public can use the sentiment and experiences of this sample to make decisions that are therapeutic for same-sex parents and their children. This initial evidence suggests that same-sex parents generally assume very high levels of responsibility and demonstrate strong bonds with their children. Within the legal parameters of their particular jurisdiction, judges can use this information to decide whether parents without formal rights should be given rights and responsibilities to the children they had been raising with their partners (e.g., *K.M. v. E.G.*, 2005). It is worth noting that not all social parents thought that they (or their partner) should have equal rights and responsibilities, and thus, judges should consider (as hopefully all do) the specific context of each case (e.g., indicators of intent). Parents who experience case outcomes (e.g., a judge ordering him to pay child support for his former partner's child) that are consistent with the roles they take on (e.g., a parent who has assumed a great deal of responsibilities) are likely to experience therapeutic outcomes, while those who do not may experience trauma or

distress. Similarly, children in these cases may be adversely impacted if a meaningful parental relationship is severed and the child loses contact and the financial support of the parent.

While judges can determine the rights and responsibilities of same-sex parents who have not established legal rights (e.g., through marriage or a second-parent adoption), lawmakers can help by providing same-sex parents the ability to establish parental rights. For instance, Florida lawmakers recently overturned a same-sex adoption ban which had stood for over 35 years (*Gill & 45 So.3rd 79 (Fla. App, 2010; see Anderson & Kennedy, 2010)*). Lawmakers could also help with the ease of the process by making a legal option readily available for parents who want to establish their legal status as parents. A form could be filed with the state to establish the parent's legal rights, much like a second-parent adoption establishes rights of a parent. This form can act as "intent" to parent, a factor that many judges have considered when deciding whether a social parent has legal status (Miller, 2011). Several of the parents interviewed in this study expressed intent to parent by expending significant amounts of time and money to become equal legal parents. Thus, law and policy makers could help to create more therapeutic processes and outcomes by granting adoption rights and providing resources.

Finally, the sentiment of same-sex parents can be used to inform general community sentiment. First, the general public could gain a better understanding of the roles and responsibilities that same-sex parents assume, which could help to diminish societal stigma and stereotypes surrounding same-sex parents. This might help to accelerate the upward trend in support for gay rights, which could impact the law via proposition or referendum. Further, this research can inform the public about the negative impact societal stigma has on same-sex parents, which could further shape attitudes and behavior. Given that parents appeared to be negatively impacted in some ways by societal conceptions of same-sex parents, changing community sentiment in this regard could be therapeutic for same-sex parents.

Limitations

There are two general limitations worth noting. First, because convenience and snowball sampling methods were used, the results may not be representative of gay parents' experiences in general. For instance, many of the parents were highly educated and had adequate financial resources to raise children. In addition, many participants were recruited from same-sex parenting groups, which might reflect inflated views about parental rights and responsibilities as compared to the average parent. Future research, with larger and more representative samples, is needed in order to better understand same-sex parents' sentiment about their parental roles within the ever-shifting sociopolitical climate. Another broad limitation of this research was the lack of comparison groups (e.g., heterosexual parents who adopt, heterosexual stepparents, and same-sex nonparents) to determine how the sentiment of same-sex parents compared to the sentiment of other parents. Although the focus of this research was to explore the sentiment of same-sex parents specifically, future researchers could explore the sentiment of a broad range of parents.

Conclusion

These studies found that same-sex parents assumed high amounts of parental responsibility, demonstrated strong parent-child bonds, and took on fundamental roles in their children's lives. Many parents reported that they (or their partner) could not establish legal rights, leading to negative physical and emotional outcomes. Understanding this sentiment is a first step toward the adoption of therapeutic legal actions that could alleviate threats to well-being.

Parents commonly indicated that many of the legal troubles facing same-sex parents could be resolved by allowing same-sex marriage or civil unions in the United States. Although this finding is not surprising or groundbreaking, it does support the argument made by Pawelski et al. (2006) that same-sex marriage would strengthen gay and

lesbian families by allowing for rights and protections. Many of the parents' comments contained herein suggest that families headed by gays and lesbians would benefit from such policy changes in terms of financial and emotional well-being. In fact, several participants indicated that changes to national policy (i.e., national marriage rights) would diminish stress.

Recent US Supreme Court decisions have solidified rights for gays and lesbians in the jurisdictions where same-sex marriage is currently legal. In *United States v. Windsor* (2013), the Court held that the Defense of Marriage Act (DOMA) was unconstitutional, which effectively granted federal benefits and rights to same-sex couples who already have marriage rights (Halloren, 2013). In *Hollingsworth v. Perry* (2013), the Court ruled that the petitioners (those who supported a ban on same-sex marriage) did not have standing in the case, thus affirming marriage rights in the state of California (now the 13th state with legal same-sex marriage). Though these decisions leave many questions to be answered about the federal rights of same-sex parents in the 37 states that do not currently allow same-sex marriage, they strengthen and clarify the rights of legally married same-sex parents. This recommendation, as well as the others discussed above, highlights potential legal actions that are consistent with the sentiment expressed herein and likely therapeutic for same-sex parents and their children.

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References

- Acock, A. C., & Kiecolt, K. J. (1989). Is it family structure or socioeconomic status? Family structure during adolescence and adult adjustment. *Social Forces*, *68*, 553–571.
- Amato, P. R., & Gilbreth, J. G. (1999). Nonresident fathers and children's well-being: A meta-analysis. *Journal of Marriage and the Family*, *61*, 557–573.
- Anderson, C., & Kennedy, K. (2010, September 22). *Florida overturns gay adoption ban*. Huffington Post Politics. Retrieved from Huffingtonpost.com
- Angel Lace M. v. Terry M.*, 516 N.W.2d 678 (Wis. 1994).
- Bailey, J. M., Bobrow, D., Wolfe, M., & Mikach, S. (1995). Sexual orientation of adult sons of gay fathers. *Developmental Psychology*, *31*, 124–129.
- Brooks-Gunn, J., & Duncan, G. J. (1997). The effects of poverty on children. *Future of Children*, *7*, 55–71.
- Chamberlain, J., Miller, M. K., & Bornstein, B. H. (2008). The rights and responsibilities of gay and lesbian parents: Legal developments, psychological research, and policy implications. *Social Issues and Policy Review*, *2*, 103–126.
- Chan, R. W., Raboy, B., & Patterson, C. J. (1998). Psychosocial adjustment among children conceived via donor insemination by lesbian and heterosexual mothers. *Child Development*, *69*, 443–457.
- Cox v. Florida Dept. of Health and Rehabilitative Services*, 656 So.2d 902 (Fla. 1995).
- Dimock, M., Doherty, C., & Kiley, J. (2013). *Growing support for gay marriage: Changed minds and changing demographics*. Retrieved from Pew Research Center: <http://www.people-press.org/files/legacy-pdf/3-20-13%20Gay%20Marriage%20Release.pdf>
- Elisa B. v. Superior Court*, 117 P.3d 660 (Cal. 2005).
- Fine, M. A., Coleman, M., & Ganong, L. (1998). Consistency in perceptions of the stepparent role among stepparents, parents, and stepchildren. *Journal of Social and Personal Relationships*, *15*, 810–828.
- In re: Gill*, 45 So.3rd 79 (Fla. App. 2010).
- Goodridge v. Mass. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003).
- Halloren, L. (2013, June 22). *After DOMA: What's next for gay married couples*. National Public Radio. Retrieved from NPR.org
- Hollingsworth v. Perry*, 113 S.Ct. 2652 (2013).
- K.M. v. E.G.*, 117 P.3d 673 (Cal. 2005).
- Kristine v. Lisa*, 117 P.3d 690 (Cal. 2005).
- Massachusetts Trial Court Law Libraries, State of Massachusetts. (2013). *Massachusetts law about same-sex marriage*. Retrieved from <http://www.lawlib.state.ma.us/subject/about/gaymarriage.html>
- Miller, M. K. (2006). Through the eyes of a father: How PRWORA affects nonresident fathers and their children. *International Journal of Law, Policy and Family*, *20*, 55–73.
- Miller, M. K. (2011). How judges decide whether social parents have parental rights: A five-factor typology. *Family Court Review*, *49*, 72–83.
- Newport, F. (2012, December 17). *Americans favor rights for gays, lesbians to inherit, adopt*. Gallup. Retrieved from Gallup.com
- Pawelski, J. G., Perrin, E. C., Foy, J. M., Allen, C. E., Crawford, J. E., Del Monte, M., et al. (2006). The effects of marriage, civil union, and domestic partnership laws on the health and well-being of children. *Pediatrics*, *118*, 349–364. doi:10.1542/peds.2006-1279.
- Richmond, D. (2005). Parentage by intention for same-sex partners. *Journal of the Center for Families, Children and the Courts*, *6*, 125–134.

- Seltzer, J. A. (1994). Consequences of marital dissolution for children. *American Review of Sociology*, 20, 235–266.
- Sicafuse, L. L., & Bornstein, B. H. (2013). Using the law to enhance wellbeing: Applying therapeutic jurisprudence in the courtroom. In M. K. Miller & B. H. Bornstein (Eds.), *Stress, trauma, and wellbeing in the legal system* (pp. 15–44). New York: Oxford University Press.
- Siegel, B. S., & Perrin, E. C. (2013). Policy statement: Promoting the well-being of children whose parents are gay or lesbian. *Pediatrics*, 131, 827–830. doi:10.1542/peds.2013-0376.
- Stark, C. (2013, March 26). *By the numbers: Same-sex marriage*. CNN Library. Retrieved from <http://www.cnn.com>
- Stutzman. (2011, December 29). *Both lesbian moms have parental rights, Daytona court rules in custody dispute*. Orlando Sentinel. Retrieved from Orlandosentinel.com
- T. F. v. B. L.*, 813 N.E.2d 1244 (Mass. 2004).
- T. M. H. v. D. M. T.*, No: 5D09-3559 (5 Dist. App. Fla, 2011).
- United States v. Windsor*, 133 S.Ct. 2675 (2013).
- Vargas, J. H., Miller, M. K., & Chamberlain, J. (2012). The parental rights and responsibilities of gay social parents and the general well-being of their children: A mixed methods investigation of judicial rulings. *Journal of GLBT Family Studies*, 8(5), 465–495.
- Wexler, D. B., & Winick, B. J. (1991). *Essays in therapeutic jurisprudence*. Durham, NC: Carolina Academic Press.
- Wexler, D. B., & Winick, B. J. (1996). *Law in a therapeutic key: Developments in therapeutic jurisprudence*. Durham: Carolina Academic Press.
- Williams, W. L., & Retter, Y. (2003). *Gay and lesbian rights in the United States*. Westport, CT: Greenwood.
- Winick, B. J. (1997). The jurisprudence of therapeutic jurisprudence. *Psychology, Public Policy, and Law*, 3, 184–206.
- Yang, A. S. (1997). The polls-trends: Attitudes toward homosexuality. *Public Opinion Quarterly*, 61, 477–507.