



30 August 2010

Dear Member of Parliament,

We are writing to you to express the grave concerns that we share regarding the *Adoption Amendment (Same Sex Couples) Bill 2010*. This Bill, if passed, would allow same-sex couples to adopt children. As such, the law would deliberately permit an adopted child to be deprived of either a mother or a father.

The best interests of the child

The *Adoption Act* states that “*the best interests of the child concerned, both in childhood and later life, must be the paramount consideration*” in the matter of adoption. There are to date no longitudinal studies examining the long-term effects of same-sex parenting on children, including adopted children.¹ We know from research on adult children of divorce that the impact of long-term loss of a father or a mother from a child’s upbringing is often not fully experienced until children are adults and forming relationships and families of their own.² **In view of the special vulnerability of the adopted child, we maintain that the best interests of the child, both in childhood and later life, are served through the provision of both an adoptive mother and an adoptive father, who have made the lifetime commitment of marriage and demonstrated stability in that commitment.**

Every child has the right to know and be raised by his or her natural parents, as far as possible. This right is recognised by the major religious traditions we represent and has been recognised and affirmed by the United Nations Convention on the Rights of the Child. **It is imperative that adopted children, who, sadly, cannot be raised by their biological parents, are still able to know the complementary love and care of both a father and a mother. Adopted children are entitled to the enriching human experiences of mothering and fathering, especially since their situation is already outside the family norm of most children.**

A child-centred understanding of adoption

The current *Adoption Act* reflects a child-centred understanding of adoption, which places the needs of the child above the desires and preferences of adults. Our opposition to the Bill is not an attack upon homosexual persons or on the love and commitment of single parents who are raising their children, often in difficult circumstances. We acknowledge that, sadly, some marriages and families break down and it is not always possible for children to be raised by a loving father and mother who are living together faithfully and permanently. **But given the special vulnerability of adopted children, and the lack of longitudinal studies to support their being placed with same-sex couples, it would be profoundly unjust and reckless to**

¹ Leading pro-same sex parenting academics Professors Timothy Biblarz and Judith Stacey have acknowledged that there are to date no studies of child development based on random, representative samples of same-sex families. T. Biblarz & J. Stacey, “How Does the Gender of Parents Matter?” *Journal of Marriage and Family* 72 (February 2010).

² Elizabeth Marquadt, *Between Two Worlds: The Inner Lives of Children of Divorce*. Crown, 2005.

place the desires of same-sex couples to adopt above the needs and vulnerability of children.

The ability of a homosexual person to love and care for a child as a father or a mother is not in question. As a couple, however, two persons of the same sex are not able to provide a child with the experience of both mothering and fathering. This is not a case of unjust discrimination against same-sex couples, but of the capacity of the couple to provide a child with the unique and complementary nurturing of a father and a mother.

Existing provision for same-sex parents

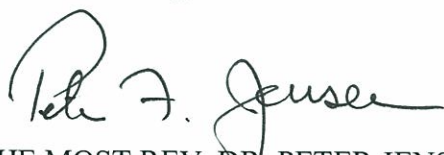
For those same-sex couples who are currently raising children, other legal provisions, such as Parenting Orders, are appropriate and provide certainty for children and their parents, while retaining a child's biological heritage. This reflects the prevailing attitude of Australian courts which regard adoption as a last resort. As stated by section 8 of the *Adoption Act*, adoption must always be regarded "*as a service for the child*", and accordingly is not an appropriate vehicle for recognising the relationship between an individual and his or her partner's children. These relationships are already appropriately recognised and provided for by New South Wales and Commonwealth law. These laws allow same-sex partners to exercise fully all parenting responsibilities, without severing the child's legal relationship with his or her biological parents. With regard to inheritance matters, same-sex partners are already able to provide for children in their care by making a will and naming the children as beneficiaries.

Community values must be considered

The overwhelming majority of the New South Wales community still believes in the enduring value of a child being raised by a mother and a father, wherever possible. This has been reflected in the number of submissions received to the 2009 Standing Committee on Law and Justice inquiry and petitions to the Parliament on this issue. **We urge you and your parliamentary colleagues to reject this Bill and ensure that the right of every child to know the love and care of a father and a mother continues to be reflected in the *Adoption Act*.**

We would be happy to meet with you to discuss this matter further in person.

Yours sincerely,



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