

www.washblade.com/thelatest?blog_id=27707

-Advertisement-

Anti-discrimination adoption bill introduced

-Advertisement-

Measure would penalize states with anti-gay laws

By CHRIS JOHNSON, Washington Blade | Joshua Lynsen | Oct 19, 5:32 PM

A federal lawmaker is touting an adoption anti-discrimination bill he recently introduced as a way to find more homes for children living in the welfare system.

U.S. Rep. Pete Stark (D-Calif.) on Oct. 15 introduced the Every Child Deserves a Family Act, which would restrict federal funds for states that discriminate in adoption or foster programs on the basis of marital status, sexual orientation or gender identity.

Stark said in an interview that he introduced the legislation, H.R. 3827, in part because thousands of children each year "age out" of the child welfare system without finding homes.

"We got 25,000 kids a year maturing out of the welfare system without permanent foster care or adoptive care, and the prospects of those children having a successful adult life are diminished greatly," he said. "These are kids who end up in the criminal justice system, or end up homeless."

States with explicit restrictions on adoption that the pending legislation would affect are Utah, Florida, Arkansas, Nebraska and Mississippi. Florida, for example, has a statute specifically prohibiting gays from adopting, and in Arkansas, voters last year approved Act 1, which prevents unmarried co-habiting couples, including same-sex partners, from adopting children.

The legislation, Stark said, also would restrict funds for states where restrictions are put in place by agencies, individual social workers or judges, or where restrictions are part of the common law of the state.

For states that don't comply with the law, federal officials could withhold from the states funds provided to them for child welfare services. The bill also calls for a Government Accountability Office study within five years to examine how states are complying with the new rules.

The bill is modeled after the Multi-Ethnic Placement Act, a law Stark helped shepherd through Congress in 1994 that prohibits racial discrimination in foster care and adoption placements.

Stark said discrimination is "bad in any situation," but is particularly heinous in adoption because it's actually "discriminating against kids who need the support" and it denies adults the personal fulfillment of raising a child.

"I'm not going to talk about all the problems it brings because — having three young children under the age of 14 — I can tell you it ain't all roses, but nevertheless, there is a benefit, I think, a great benefit to the adult," he said.

Stark said in some circumstances, when children are orphaned, a state could deny giving them to a grandparent to be raised if the grandparent is gay. Such a case, Stark said, would carry discrimination "to its ridiculous extreme."

Despite the purported benefits the legislation would bring, there are few voices in Congress supporting the bill. The legislation had no co-sponsors as of Monday.

Still, the legislation has the backing of House Speaker Nancy Pelosi. Drew Hammill, the speaker's

spokesperson, said Pelosi shares the view of child welfare groups that children "should have the security of two fully sanctioned and legally recognized parents, whether those parents are of the same or opposite sex."

"Denying a child a loving home solely on the basis of a couple's sexual orientation is wrong and ultimately harms the child," Hammill said. "With that in mind, we are encouraged that Rep. Stark is taking up the issue and will be monitoring the legislation's progress."

The bill also enjoys support from LGBT organizations, including the Human Rights Campaign and the Family Equality Council.

Trevor Thomas, an HRC spokesperson, said his organization supports "all efforts to remove artificial barriers to finding permanent families for children and youth."

"We know that lesbian and gay families can be a great resource for children and youth in foster care and should be fully welcomed and supported as foster [or] adoptive parents," he said.

Thomas said if the bill gains traction in Congress, HRC would lobby in its support.

Jennifer Chrisler, executive director of the Family Equality Council, said her organization is still looking at the bill's particulars, but is generally in favor of it because of the education opportunity it affords.

"Anything that is a vehicle to educate members of Congress and the American public about the issue of adoption in this country and the need of children waiting in foster care is one that we're going to be paying attention to and helping make sure gets discussed in a positive way for the LGBT community," she said.

Shin Inouye, a White House spokesperson, said the White House has not had a chance to review the bill, but noted the president "generally believes that gays and lesbians should have equal rights in regards to adoption and foster care."

Stark said the chances of the legislation passing this Congress are "pretty good" and said a hearing could take place this year in a House Ways & Means subcommittee, although nothing has been scheduled.

The committee did not immediately respond to a request for comment on whether a hearing would occur.

He said he'd like to find a Republican co-sponsor for the legislation, then work on getting Senate companion legislation introduced.

Stark said the chances of his proposal succeeding would be better if he could "keep it separate from the marriage and the military issue" and emphasize how the bill would benefit children.

"I'd like to counter early on the arguments that will come up — sexual orientation will train the children to assume a gay lifestyle, and you know the claptrap that I'll get," he said. "But I think if we can have the hearings in a rather calm approach, we could put those issues to rest."

Stark is encouraging people who support the bill to reach out to their lawmakers and to encourage friends who live in conservative states to do the same.

"If your readership is interested, wants to help, they can contact someone in a 'red' state and ask them to contact members of Congress or their senators, pointing out that this will help the children, reduce homelessness, reduce crimes," he said.

© 2009 The Washington Blade | A Window Media Publication