

## HOMOSEXUAL PARENTS: A COMPARATIVE FORENSIC STUDY OF CHARACTER AND HARMS TO CHILDREN<sup>1</sup>

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**Summary.**—40 appeals cases of custody disputes drawn systematically from all cases involving a homosexual parent in the United States were compared to 38 appeals cases involving heterosexual custody disputes drawn randomly from listings under parental "character" and 18 appeals cases drawn randomly from "general" cases in *Dicennial Digest* from 1966 to 1991. Each case involving homosexual *vs* heterosexual claimants was examined for recorded information about (1) the character of the homosexual parent, the associates of the homosexual parent, the heterosexual parent, and the associates of the heterosexual parent, (2) the effects, particularly harms, upon the child(ren), and (3) psychiatric opinion. 82% of the homosexual *vs* 18% of the heterosexual parents and 54% of the homosexual's associates *vs* 19% of the heterosexuals' associates were recorded as having poor character in cases involving a homosexual claimant. Of the 66 recorded harms, e.g., molestation, physical abuse, to the 73 children, homosexual persons accounted for 64 (97%). Of the 32 lesbians, 6 were recorded as having engaged in criminal activity and 3 of bringing false charges of child sexual abuse against the father. Psychiatric opinion, however, ran 25 to 12 in favor of custody for the homosexual parent. In the 56 heterosexual *vs* heterosexual comparison cases, 38% of the heterosexual parents and 28% of their associates were recorded as having poor character. Six harms to their 105 children and 3 instances of criminality but no false charges of sexual abuse were recorded. In the appeals court literature, homosexual parents were disproportionately of poor character and disproportionately associated with various harms to their children.

What are the 'best interests of the child' as to custody and visitation when one of the parents is an avowed homosexual? Through the 1960s the courts regarded homosexual parents with concern about what was considered their probable harmful influence on children, e.g., eroticization or molestation of the child, teasing by peers, *et cetera*. This attitude was held, in part, because prior to 1973 homosexuality was almost universally considered to be pathological. Although a few custody cases involving homosexual parents surfaced in the courts, there were essentially no systematic psychiatric studies of the issue until Green's effort, published in 1978, of 21 children being raised by seven lesbian couples and 16 children being raised by seven transsexuals.

In the last two decades, however, a great deal has been written about homosexual parents. Position statements declaring the irrelevance of homosexuality to personal functioning as well as to child-rearing have been made

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by the major psychiatric associations. These position statements have influenced the literature, expert testimony, and legal decisions regarding custody. In spite of this change, the published empirical reports on homosexual parenting have been few, limited in scope, based upon small samples of convenience, and often performed by admitted activists. Aggregated, these studies have involved about 200 homosexual parents and 400 of their children. These are frequently represented as indicating that traditional concerns about parental homosexuality and its effects upon children are without merit. For instance, Gold, Perrin, Futterman, and Friedman (1994) claimed that, aggregated, these studies demonstrated that there "are no data to suggest that children who have gay or lesbian parents are different in any aspects of psychological, social, and sexual development from children in heterosexual families" (p. 357) and "[c]ontrary to common misconceptions, the data available strongly suggest that children who have gay or lesbian parents grow and develop normally" (p. 355). Similar claims were made by the American Psychological Association in its 1995 booklet, *Lesbian and gay parenting: a resource for psychologists*, in which the assertion appears that "the results of existing research comparing gay and lesbian parents to heterosexual parents and children of gay or lesbian parents to children of heterosexual parents are quite uniform: common stereotypes [sic] are not supported by the data" (Patterson, 1995, p. 1). Despite such claims, there remains skepticism that the professionals in the psychiatric and the social sciences can glean reliable information from such small, unrepresentative samples.

We report here an examination of a heretofore untapped resource—a systematic analysis of appeals court cases or cases cited in those appeals cases regarding custody of children in which a homosexual parent was involved. These cases include scores of children in a variety of settings across the USA with dozens of different homosexual parents. For a comparison, we examined in the same manner a random sample of heterosexual vs heterosexual appeals cases.

The 'human environment,' that is, the character of the custodian and his associates, is the primary interest of the courts in custody placements, so the appeals court records tend to list characterological issues as well as apparent effects upon the children. Advantages of appeals (as opposed to case law records) include several characteristics: they are official distillations of large bodies of information; they have passed through two or more layers of the legal system, a system that ostensibly arrives at our society's best estimate of the truth; the characters of the contestants and their associates have been scrutinized in a situation where, as antagonists, they had motivation to expose faults in the other; and the children tend to be older, thereby providing evidence of longer term effects. Further, unlike studies of convenience samples, e.g., volunteers or those who answer calls for participation,

for which relevant data are available only to the investigator, the data we employ are available for public inspection in essentially every law library in the USA.

#### METHOD

##### *Samples*

*Homosexual sample.*—The *Decennial Digest* indexes were hand searched from 1956 through 1991 under “(298) grounds for award of custody” including “(3) fault of parties” and “(4) character and conduct of parties” for cases involving a homosexual parent. Independently, an attorney made a search for appeal cases involving custody or visitation claims by homosexuals in 12 states: Illinois, Oklahoma, South Dakota, Tennessee, Arkansas, Kentucky, Indiana, Missouri, Kansas, Nebraska, Texas, and Iowa. The set was Shepardized (assuring that no case was missed) as of November 14, 1995. Another attorney made a like search for appeal cases in North Dakota, Wyoming, Montana, Oregon, Colorado, and Washington through 1992. A third attorney searched records for Virginia through 1995. Any cited cases involving homosexual parents in these four sets of cases were included in the database. Any other cases cited by these new cases were also added to form the final database. This process yielded a total of 45 custody cases involving homosexual parents; however, five of the reports were too brief or ambiguous to yield information that could be scored so these were not included in the analysis.

The 40 remaining cases were divided into two types: 24 cases (involving 23 homosexual parents) in which the homosexual parent had appealed a custody decision, and 16 cases (involving 17 homosexual parents) in which the heterosexual parent had appealed. These two sets constitute a kind of control for each other. The first set, in which the homosexual parent appealed, would presumably offer the better cases from a homosexual point of view and the second set, in which the heterosexual guardian appealed, the better cases from a heterosexual perspective—appealing takes time and money and the appellant would presumably consider himself on solid ground. If both sets were similar, it might be reasonable to regard the homosexuality of one parent as being the chief basis for the similarity.

*Nonhomosexual samples.*—A comparison sample of 40 cases was generated by randomly examining at least 4 custody cases (if possible) from both “(3) fault of parties” and “(4) character and conduct of parties” from the 1966–76, 1976–81, 1981–86, and 1986–91 issues of the *Decennial Digest*. Cases from those categories appeared the most likely to generate the sharpest characterological differences between heterosexual parents and presumably the most recorded harms to the children since defective parental character ought to generate disproportionate harms for their children. Another

comparison sample of 20 cases was generated by randomly examining 10 cases each from "(1) in general" from the 1976-81 and 1986-91 *Decennial Digest* volumes. In so doing we uncovered another parent who may have engaged in homosexuality (245 S.E.2d 612), although she was not a self-avowed homosexual. She was not included in our results for homosexuals, or in summary statistics and statements regarding homosexual *vs* heterosexual parents.

*Analysis and Scoring of Cases Involving A Homosexual*

The year, state, citation, approximate age of child or children, and highlights of each case are summarized in detail for cases involving homosexuals. We assumed that the judges who authored the decisions used their familiarity with misrepresentation by witnesses to 'sort out and record the truth' so we were especially mindful of the statements of the trial judge. Each record of the first sample of 40 cases was examined for statements about the character of (1) the homosexual parent, (2) the lover(s) or other associates of the homosexual parent, (3) the heterosexual parent, and (4) the lover(s) or associates of the heterosexual parent. Each case was scored as ?, -, or + corresponding to uncertain or unknown, poor, or good as indicated in the record and listed after each case in the above order. If the record said nothing about one parent's character while presenting critical material about the other parent, we assumed that the first parent's character was adequate so it was labeled "good" (scored as a +). Thus, absence of negative information in the record was scored as evidence of good character. If no associates were mentioned in the record, their character was presumed unknown and thus scored as ?. Parallel scoring of character was done on each of the 56 cases involving nonhomosexuals.

Other elements in the record are also summarized. These include psychiatric opinion and effects of the marital or custodial situation upon the child(ren). These latter effects were indicated by NH [no harm], H [harm], or ? [unknown]. Since courts in this review were not particularly interested in educational attainment, IQ, or socioeconomic status, these were not recorded (only one mention of the possible sexual orientation of a child was found).

We also looked at the reports for whether (1) there was evidence of hypersexualization/eroticization of the child by the homosexual parent (that is, the child was apparently made sexually precocious either behaviorally or in knowledge by the parental situation). If so, it was indicated with an Hy (for hypersexualization). If the heterosexual parent was the apparent source of the hypersexualization, it was recorded as HTHy. If the child was under the age of 3 and therefore too young to understand, this categorization was not employed unless the record indicated that sexual molestation occurred.

(2) If the child was subjected to overt pressure or influence to accept homosexuality or consider homosexuality as a personal option, it was indicated with an E (for "evangelization"). If the child was under the age of 5, this categorization was not employed. (3) If the child was physically abused by the homosexual parent or associates, that was indicated with a V; similar abuse by the heterosexual parent or associates with HTV. (4) If the child was sexually abused by the homosexual parent and/or his associates it was indicated with an S; heterosexual parents or associates cited for sexual abuse were recorded HTS. (5) If the child was teased because of his homosexual parent the case was given a T. (6) If the child evidenced sexual confusion, it was denoted with a C. (7) If there was a tendency for the homosexual parent or his associates to alienate the child from the heterosexual parent, we recorded an A. If the heterosexual parent or associates tended to alienate the child from the homosexual parent, we recorded HTA. (8) Any false charge of child molestation against a parent was scored with an F or an HTF, respectively. (9) Instability of emotions, residence, or employment by a parent (which would disturb the children's stability) was indicated with an I or HTI. (10) If a parent was recorded as having lied, it was indicated with an L or HTL.

Weak evidence of any of the above was indicated with a small case letter, e.g., "e" for a liberal attitude toward the child adopting homosexuality, but not explicit pressures on the child to do so; "s" if there was a seductive atmosphere but no evidence of actual seduction. Criminality by a parent was indicated if mentioned in the record. Ratings are record-driven; we made every attempt to make only the weakest inferences. Both investigators independently scored each case and then arrived at a consensus score.

## RESULTS

### *1. Description and Scoring for Cases Appealed By the Homosexual Parent (n = 24)*

*1975 California* (119 Cal.Rptr.22).—A lesbian mother sought custody from her parents who had largely raised her children and had been given custody of her two girls aged 15 and 13 from her failed marriage. Character of the homosexual: "unstable socially and financially. Between 1965 and 1972 she was arrested five times (bad checks, defrauding an innkeeper, shoplifting), and two of these arrests resulted in criminal convictions" (p. 23). She is unemployed and receives both social security and disability payments. The father wanted the children to live with the grandparents because she "has a crime record a mile long" and "has lived with different women in the past" (p. 24). "She also lives with the woman with whom she has engaged in homosexual conduct, and she intends to bring up her daughters in that environment" (p. 26). Character of homosexual's associates: Lover is unem-

ployed and, according to grandparents "has slapped the little one many times" (p. 24). Character of heterosexual and associates: OK, although there was testimony regarding lack of proper supervision. Effects on children: unknown (scored as ?). Ch(aracter): -, -, -, +. Hy, v, I, criminality.

1978 *New York* (401 N.Y.S.2d 636).—A lesbian mother sought custody of her three children ages 10, 7, and 5 from her exhusband who had been given custody. Character of the homosexual: she failed to "keep her lesbian relationship with Nancy W. separate from her role as a mother" (p. 638). Character of the homosexual's associates: "Nancy W., . . . made repeated efforts to alienate the children from their father" (p. 638). Character of heterosexual and associates: OK. Effects upon the children: "her lesbian relationship with Nancy W. . . . has had, and predictably will have, a detrimental effect upon the children" (p. 638). (H). Ch: -, -, +, ?. Hy, A.

1979 *New Jersey* (404 A.2d 1256).—A lesbian mother appealed the custody of two girls, aged 11 and 7, being awarded to her exhusband even though she had basically raised them for about seven years after the divorce. Character of the homosexual: "She has done all that can be expected of a dutiful mother" (p. 1258). A year after the divorce the mother "voluntarily admitted herself to [a state] Hospital to be treated for a depressive neurosis," and the father "made no attempt to obtain custody at that time, and the daughters were cared for by [the lesbian's parents]" (p. 1258). Trial judge noted that the lesbian mother "has succeeded in alienating all of her own relatives (parents, aunts, etc.), some of whom affirmatively testified on behalf of the [father]" and her home was unstable "due to her constant moves and attempts at 'finding herself'" (p. 1269). When asked whether she would "be satisfied to have your daughter enter a homosexual relationship?" she replied "If that's where she was comfortable, I wouldn't be elated because of society's rules" (p. 1270). Character of the homosexual's associates: The trial judge recorded that the older girl disliked the mother's current companion "almost to the point of hatred" (p. 1261). Further, the older girl had nightmares concerning another lover of the mother (p. 1269). Character of heterosexual: Father had engaged in unusual sexual practices with lesbian mother for which she had been "awarded a divorce for sexual cruelty" (p. 1257). The father "made no attempt to obtain custody [when the mother went into a mental hospital], and the daughters were cared for by [the lesbian's parents]" (p. 1258). The father "admittedly testified falsely in denying that he had had sexual relations with [the lesbian mother] during certain critical times" (p. 1260). Character of heterosexual's associate: Father's new wife had posed in nude and had told 11-year-old girl her father was a 'stud' (p. 1262). Effects upon the children: 11-year-old "categorically stated to the trial judge on several occasions her absolute desire to live with her father, rather than stay with her mother" (p. 1269). The youngest girl "developed

emotional problems [which] impaired her learning abilities" (p. 1269). The older girl had nightmares concerning another paramour of the mother (p. 1269). (H). Ch: -, +, -, -, HtHy, e, I, HTL.

1980 *Michigan* (291 N.W.2d 143).—Lesbian mother sought custody of two minor children from exhusband. Character of the homosexual: "given a conflict, the [lesbian] would unquestionably choose [a lesbian relationship] over the children" (p. 144). Character of other parties: OK. Effects upon children: unknown (?). Ch: -, +, +, ?.

1980 *Missouri* (606 S.W.2d 179).—After father petitioned for custody of 10-yr.-old, Julie, having already been awarded custody of the 15-yr.-old son, lesbian mother appealed. Character of the homosexual: She cheated on the husband with a very aggressive lesbian and permitted her daughter to be semiseduced by the lesbian. "Both [the mother] and [the lover] denied any homosexual affair" (p. 185). Character of the homosexual's associates: Betty, the mother's lover, was arrested after she was drunk and wrecked her car. She then assaulted a police officer ("kicked, bit, and spit upon him and threatened to kill him"). Additionally, Betty had been convicted of "simple assault, disorderly conduct, as well as numerous traffic violations, and two license revocations" (p. 180). Testimony was introduced that Betty was influencing Julie to regard Betty as a lover. Betty proudly showed a coworker a letter Julie had written to her. The nurse said "it was the kind of a letter that would not come from a nine-year-old, it was more passionate" (p. 185). "To the same witness Betty once said, 'If Julie is going to turn out to be a homosexual, that is her life, it's up to her'" (p. 185). Betty is "a powerful, a dominant personality. She had befriended Julie and had won her affection and her loyalty. She had broached the idea of homosexuality to the child . . . . Betty's hatred for [the father] is clear. There is a strong suggestion that she is a competitor with [him] for the child's affections and that she is having some success in alienating her affections from him" (p. 186). Character of heterosexual and associates: OK. Effect on child: (H). Psychiatric opinion: Dr. B. Buchanan, a psychiatrist, testified that Julie was a well adjusted child and recommended that Julie be left with her mother, in part, because of "the child's distrust of her father" (p. 185). Ch: -, -, +, ?. Hy, S, E, A, L, criminality.

1980 *Massachusetts* (410 N.E.2d 1207).—Lesbian mother appealed the giving of custody of her two daughters, aged 8 and 6, to a friend who had raised them in large part because of lesbian's hospitalizations and psychological stress. Character of the homosexual: The mother assented to having the friend appointed her daughter's permanent guardian. In 1977, she was living in a lesbian relationship and not seeking the custody of her girls, "feeling that her chosen life style could cause problems for their children. Having battled with her own inner conflicts of gender identification for years, she

does not wish to in any way influence her children" (p. 1209). For almost two years the children were in the friend's care and the lesbian mother visited them regularly. She then kidnapped her children and three months later was arrested and the children returned to the custody of the friend. Shortly thereafter the mother "caused a care and protection complaint to be filed against her friend. The children were moved to a neutral foster home." Social workers investigating the case concluded that the charges "of neglect and sexual abuse of the children were unsubstantiated and recommended to the court that the children be returned to the [friend]" (p. 1210). The mother lived "in an active practicing homosexual relationship with a young teacher" (p. 1211). Character of others: OK. Effects upon the children: The judge noted that the "children love their natural mother and desire to visit with her but they regard the [friend] as their real mother" (p. 1211) (H). Psychiatric opinion: Dr. A. Kaplan, a University of Massachusetts psychology professor testified there "is no evidence at all that sexual preference of adults in the home has any detrimental impact on children . . . . There is no evidence that children who are raised with a loving couple of the same sex are more disturbed, unhealthy, maladjusted than children raised with a loving couple of mixed sex." Another psychologist concurred (pp. 1215-1216). Ch: -, +, +, +. Hy, A, F, I, criminality.

1981 *Indiana* (418 N.E.2d 286).—Lesbian mother appealed custody of 11-yr.-old daughter, and two sons, aged 9 and 8, to the exhusband. Character of homosexual: One of the lesbian's lovers testified that the 11-yr.-old daughter "told her that her mother and [another lesbian] were always in bed together hugging each other" (p. 289). She "often did laundry only when a particular item of clothing was needed and left laundry on the furniture instead of putting it away . . . one room in the house was full of papers and debris to the point of rendering the room unusable" (p. 289). Father was ill-tempered. Character of others: OK. Effects upon the children: unknown (?). Ch: -, +, -, ?. Hy.

1981 *Virginia* (284 S.E.2d 799).—A lesbian mother appealed that her parental rights to her 10-yr.-old boy, whose primary custody was with his remarried father, not be terminated by having him adopted by the father's new wife. Character of homosexual: "a devoted and in all other respects fit parent" (p. 799). Character of others: OK. Effect upon child: none (NH). Ch: +, +, +, +.

1982 *Tennessee* (635 S.W.2d 391).—Lesbian mother appealed change of custody of a 5-yr.-old boy to exhusband. Character of homosexual: Mother "when confronted with the question of her homosexual relationships by the [father] denied them. She also denied them to her family . . . She moved into the home of [her lover's] mother in Nashville where she shares the same bedroom with [her lover] . . . both the paternal and maternal grandparents



filed an intervening petition asking that the custody of the child be granted to [father]" (p. 392). "There is also proof in the record that she flagrantly flaunted her relationship with [her lover] in the presence of the minor child. They would hug and passionately kiss each other and rub the private parts of their bodies while in the home where the child was. They would go to bed together and during their sexual stimulation of each other make audible expressions of pleasure and satisfaction that could be heard throughout the house and in the area where the child slept. They would have the child in bed with them while they were embracing each other in the nude" (p. 393). Character of the associates of the homosexual: "Rusty stated that Peggy spans him with a belt and makes him cry. He told Dr. Biller his mother and Peggy M. were good friends and he knew they were good friends because 'Peggy loves on his mother.' Character of the heterosexual parent and his associates: OK. Effects upon the child: Dr. Biller, a consulting psychologist, "stated Rusty said that he did not like living with his mother because it 'drives me crazy to be there'" (p. 394). (H). Psychiatric opinion: "Dr. Tom Biller who expressed considerable concern as to the harmful effects that could result to the child by being reared by a homosexual mother . . . Dr. James Trent, who expressed little concern about the child's being reared by a homosexual mother [since] there was no evidence of any harmful effects from his living with his mother up to this time . . . Dr. Biller further testified that . . . there was a stronger possibility of an individual to develop instability because of his chosen life style of homosexuality than individuals who chose the norm chosen by society of heterosexuality . . . He stated that homosexuality would be more likely to be learned by one who was exposed to it than by an individual who was not" (p. 393). Ch: -, -, +, +, Hy, v, L.

1982 *Oklahoma* (640 P.2d 966).—A divorce with a 2½-yr.-old boy, J., resulted first in award of custody to the mother, then, when mother's lesbianism became evident, to the father. The mother appealed, seeking custody. Two children were involved, the mother's son and her lesbian lover's 12-yr.-old son. Character of the homosexual: "Within several months the mother moved in with a female lover and her 12-yr.-old son, C.; the two women established an acknowledged homosexual relationship, and went so far as to invite forty friends to a *Gay-la Wedding* in a church . . . J. sleeps in the same room as his mother and her lesbian lover, although his bed is separated from theirs by a screen. The women admit to engaging in certain lovers' caresses (e.g., holding hands, kissing, touching) in J.'s presence. Mother testified she had talked to C. about her relationship with her lover and told him there was nothing immoral about two women being lovers and living together, that it is not immoral for two men to have a homosexual relationship, and that one day she would express those same thoughts to her own son, J. She said an explanation to J. of the strong commitment and love she

and her lover have for each other would be in J.'s best welfare. She testified that if J.'s development was stifled in any way by her relationship with her lover, she would discontinue the relationship, that J. is "the most important thing to her should it come down to a choice" (p. 967). Character of homosexual's associates: "mother moved in with a female lover and her twelve-year-old son" (p. 967). Character of the heterosexual parent: OK. Character of the associates of the heterosexual: OK. Effects on the children: Mother promoted morality of homosexuality to the 12-yr.-old boy, C. The mother's son, although very young, had seen his mother and her lover engaging in various forms of sexual activity and slept in the same room with them (H). Psychiatric opinion: A female psychiatrist, "testified to a study involving homosexual and heterosexual mothers which found 'essentially no difference in the development of the children or the relationships between mothers and their children or generally the problems that the mothers were having in raising their children'" (p. 968). She opined a son raised in a homosexual home is not more likely to become homosexual. Ch: -, -, +, ?. Hy, E.

1982 *Missouri* (630 S.W.2d 240).—A divorce with four children ages 3 to 9 resulted in the award of all children to the father and reduced visitation for the lesbian mother who appealed, seeking custody of the two youngest children and reinstatement of normal visitation rights. Character of the homosexual: The lesbian mother had "been involved in a homosexual relationship with four [different] women. At the time of the hearing in this case, she had maintained such a relationship with K. C. for four years" (p. 241). "When asked '[i]f you thought that you could keep your children, would you give up your lifestyle of being a homosexual,' the appellant replied, '[n]o.'" (p. 244). Character of associates of the homosexual: "The child [the second born] also recalled that at this church two 17-yr.-olds approached the two younger children and asked them if they were sterile. She also had observed her mother and her lover walk around the house partially clad and in bed together. It was with this background that, when asked if she did not love her mother, the girl reluctantly replied, '[n]ot that much' and when asked why, '[b]ecause of what she is'" (pp. 242-243). "[T]here was displayed in the house a poster-sized photograph of two naked young females. Naked females were portrayed on the shower curtain and the toilet seat cover" (p. 244). Character of the heterosexual parent: Testimony that "father was unemotional and did not appropriately praise children" (p. 240) was dismissed by appeals court. Character of the associates of the heterosexual: OK. Effects on the children: At age 13 the older child (a boy) stopped visiting his mother because "of the stuff I saw up there . . . she was kissing other women and going to bed with them." The next oldest child (a girl apparently aged 11 to 13 yr.) was alienated from her mother because the mother took the child to gay places including a church where she saw men "hold

hands and women kissing on each other" and one "guy, he dressed like punk rock" (p. 243). "The appellant had seen fit to explain her life-style to the two 9-yr.-old children. One said he understood and saw nothing wrong with it. The other said he didn't know what 'gay' meant. The appellant's life-style was well known in the community and there was evidence the children had been teased. The probable devastating effect on that life-style upon children has been established by the reaction of the two older children" (p. 244). As for the younger twins: the first boy said he wanted to live with his mother and K. C. "because he loved her more than his father. He added that his father made him play sports and that his step-mother said she did not want them living with her. He also said that he received but little praise and affection from his father. But, he said, he got a lot of hugs and kisses from the [mother] and from K. C. The second of these children said he loved the [mother] more than his father. He had similar observations concerning praise and affection. He did state that the [mother] did not discipline them . . . [mother] does not reconcile the testimony of the second child who unequivocally stated that before they told her of their decision, [she] asked these two children to come and live with her. She also ignores the testimony of the next to oldest child as it pertains to the origin of this preference. This child stated that shortly after the first of the year, during visitation, the two younger children went into a room with the appellant and K. C. This child attempted to follow but was told by K. C. to go back out to the living room. When the two younger children came out, they 'looked like they'd been crying. And, then they—I sat down and asked them what was wrong now and they said they wanted to move up here.' The father related that since that time the two younger children acted as if they didn't have to mind and threatened to tell their mother if disciplined. The step-mother said they were 'just out of hand'" (p. 242) (H). Psychiatric opinion: A social psychologist and a clinical psychologist said that the children would not be adversely affected by living with their mother and her lover. Another psychologist said that the children would be adversely affected by living with their mother. "This evidence of the realities of appellant's life-style demonstrates that the testimony of her expert witnesses dealt with abstractions. It also strips the scientific literature of its facade of statistics and in its application to this case reduces it to nonsense" (p. 244). Ch: -, -, +, +. Hy, E, T.

1982 *Missouri* (643 S.W.2d 865).—A divorce resulted in custody of the 11-yr.-old boy being given to the mother and limited visitation with the gay father. Father appealed to seek unrestricted visitation. Character of homosexual: "Following the divorce, the father lived at various locations . . . Since the divorce, the father admitted to sexual relations with one woman and with two men whom the father characterized as 'lovers,' one for a period of a year and another for a period of eight months. He also admitted to homo-

sexual relationships with ten to twelve other men since the divorce. Three or four of these latter individuals were introduced to the son at the father's home on the occasions of visitations. The father presently occupies an apartment jointly with another homosexual male, but denies any homosexual involvement with this person. The father advocates a homosexual lifestyle and has discussed with his son his homosexual behavior. He thinks it would be 'desirable' for his son to be homosexual" (p. 866). "The father . . . believes it to be in the best interests of the son to expose him to a homosexual environment, that the father hopes that the son will be a homosexual and thinks that desirable, that the father's purpose is to justify his homosexuality and encourage his son to become a homosexual. The father also argues that the trial court's characterization of the father's activities as 'seductive in nature' and detrimental to the best interests of the child is refuted by this 'expert' testimony" (pp. 867-868). Character of homosexual's associates: The father has taken the child to a church which was described by its pastor as 'a Christian church with a primary outreach for historical needs to the gay community' (p. 866). "He has taken pains to acquaint his child with the homosexual nature of the father's companions and inferentially by his association with them in the presence of the child given his approbation to their lifestyle and furnished the boy with role models consistent with that approbation" (p. 869). Character of others: OK. Effect on child: The mother testified that "the child's 'bedwetting' had become more of a problem recently. She testified that on one occasion when the father took the child out of the state for a period of several days the time was spent in the company of another homosexual and his juvenile nephews . . . The boy has not told his friends of his father's sexual preference. The boy stated that his father had never been around any of his friends from school nor had his friends ever gone with him to visit his father" (p. 867). (H). Psychiatric opinion: Two psychologists testified that they believed that the boy "suffered at the present time no psychological damage arising from his association with his father" (p. 866). Both "asserted that most child molestation occurs between adult heterosexual males and female children, one of them going so far as to say that child molestation was approximately 96% heterosexual and that homosexual molestation is rare" (p. 867). "The experts' testimony with respect to molestation of minors is likewise suspect. Every trial judge, or for that matter, every appellate judge, knows the molestation of minor boys by adult males is not as uncommon as the psychological experts indicated. A few minutes research discloses the following appellate decisions involving such molestation [the record here cites seven such cases]. Given the statistical incidence of homosexuality in the population, which the father claims is 5 to 10%, homosexual molestation is probably, on an absolute basis, more prevalent" (p. 869). Ch: -, +, +, ?. Hy E, s, I.

1983 *Washington* (669 P. 2d 886).—A homosexual father appealed that he was not allowed to have his 9-yr.-old son, whose mother had custody, visit him in California. Character of the homosexual: "The record indicates his homosexuality was a factor in breaking up the marriage. [He] is presently living with his avowed homosexual lover in Concord, California" (p. 887). "The father frankly states he wants his boy to choose the kind of life [the child] wants to live (p. 890). [The father] "emphasized his belief that a display of affection should be left behind closed doors and promised not to be indiscreet in his conduct" (p. 890). Character of others: OK. Psychiatric opinion: "A psychologist specializing in gender identification testified that a child's sexual preference is developed early in life and that a child of M.'s age would not be influenced by his father's homosexuality provided the father did not flaunt his sexuality . . . the social worker [who investigated] both Mr. C. and his partner, recommended that M. be allowed to visit in California" (p. 890). Effect on child: unknown (?). Ch: +, +, +, +, e.

1985 *Alaska* (699 P.2d 875).—Lesbian mother appealed for custody of minor son after father sought custody. Character of the homosexual: She had been divorced before. She "has demonstrated an inability at times to cope with child rearing without significant support from [the father] or others . . . [and] has actively interfered with the development of an open, frequent and loving relationship between [the father] and son" (p. 879). Character of heterosexual: He had been divorced before and married and divorced mother while she was pregnant. Character of others: OK. Effects of child: unknown (?). Ch: -, +, -, +, I, a.

1986 *Washington* (718 P.2d 7).—The homosexual father in the 1983 case above (669 P.2d 886) appealed once more that he wanted his now 11-yr.-old son to come visit him and his homosexual companion in California. Aside from praise of father's character, no additional information given.

1987 *Arkansas* (730 S.W.2d 510).—A divorce in which at first joint custody and then, after discovery of mother's lesbianism, sole custody of the two minor daughters was awarded to the father. The mother appealed, wanting custody. Character of the homosexual: "[She] lived with lesbian lover and [she] and her lover did not express desire to take precautions to shield children from exposure to their sexual activities" (p. 511). "Finding that wife lacked the emotional stability to properly care for parties' minor children was supported by testimony that wife had attempted suicide before marriage, that she was despondent and suicidal at time husband separated from her, and that wife had prior history of instability" (p. 511). "[She] contends that any emotional problems she suffered were in the past, and that, because she was able to be a good mother during the marriage, she is capable of continuing to parent the children now." Both of the lesbian's parents testified "that they loved their daughter, but that they were prima-

rily concerned that their grandchildren receive the best care possible. The [lesbian's] father stated that [she] had recently had emotional outbursts. Her mother testified that [she] had shown a great deal of instability in the past and that, although [she] had been a perfect mother in the past, 'she has had a sudden turnaround to everything she had always believed in.' The mother admitted that she did not like her daughter's homosexuality, but that [her] prior history of instability frightened her the most" (p. 512). Character of associates of homosexual: "At trial the appellant testified that she began a relationship with her lesbian lover before the divorce, and she admitted that she currently resided with her lover. She stated that she felt married to her lover and intended to live with her forever . . . the appellant's lover testified that she loved the appellant and was fond of the children. She testified that she and the appellant had never engaged in any physical sexual contact in the children's presence, but that she and the appellant would be sharing the same bedroom while the children were with them. . . . It is clear from their testimony that neither the appellant nor Ms. M. intended to purposely engaged in sexual conduct in the presence of the children; it is equally clear that neither expressed a desire to take precautions to shield the children from exposure to their sexual activities." (p. 513). Character of others: OK. Effects on the children: [The lesbian] "argues that the appellee [father] failed to establish by a preponderance of the evidence that the appellant's sexual orientation will adversely affect the best interest of the children. However, as the chancellor [the judge] pointed out, Arkansas courts have never condoned a parent's promiscuous conduct or lifestyle when such conduct has been in the presence of the children" (p. 512) (?). Psychiatric opinion: Dr. Winston Wilson . . . testified that he had tested and talked with the [lesbian] for five hours, and that he had found her to be emotionally stable" (p. 512). Ch: -, -, +, ?. I.

1987 *Missouri* (735 S.W.2d 164).—A divorce resulted in four children aged 6 through 14 first being given to the mother. Then, upon discovery of her homosexuality, custody was given to the father. The lesbian mother appealed for custody and the family home. Character of the homosexual: The "youngest child has on occasional slept" with the mother and her lesbian lover. The oldest child, a boy at age 13, "stated his preference to live with his mother." "Such conduct [homosexuality] can never be kept private enough to be a neutral factor in the development of a child's values and character. We will not ignore such conduct by a parent which may have an effect on the children's moral development" (p. 166). "She has chosen not to make her sexual preference private but invites acknowledgment and imposes her preference upon her children and her community. The purpose of restricting visitation is to prevent extreme exposure of the situation to the minor children" (p. 167). "Upon review, we find no evidence of child mo-

lestation by Husband. Wife's allegations are clearly unsubstantiated. None of the testifying experts could identify the children as victims of sexual abuse" (p. 167). Character of homosexual's associates: "We are not forbidding Wife from . . . attending gay activist or overt homosexual outings" (p. 167). "Wife and lover show affection toward one another in front of the children. They sleep together in the same bed in the family home in Union [and when they travel]" (p. 166). Character of heterosexual and his associates: OK. Effects upon the children: unknown (?). Ch: -, -, +, ?. Hy, F.

1988 *Missouri* (745 S.W.2d 726).—A divorce resulted in custody of a preschool boy, C., being given to the father and the lesbian mother appealed for custody. Three children were involved, the son and two teenage girls of the lover. Character of the homosexual: She had moved seven times between the separation and date of trial. She had one lover before, and two lovers after the marriage. The mother currently lived with another lover and her lover's two girls aged 14 and 15. "Although [she] did not advertise the fact that she was a lesbian, from her testimony it is apparent that she did not attempt to keep it a secret" (p. 727). "No mention was made by [the mother] of any religious training that she would make available to Curtis" (p. 727). Character of homosexual's associates: OK. Character of the heterosexual: The father, Gene, admitted that his housing was less desirable but argued he "could give C. religious training" (p. 727). [The father] was "pictured leering at a girly magazine" (p. 729). Character of heterosexual's associates: The father's "slow" sister lives with him and collects "Busch beer cans" and "was ordered by the trial court not to care for the boy while alone" (p. 729). Effects on the children: "[The mother] testified that, as far as Curtis is concerned, she thought he would have an advantage over the girls in handling her sexual preference if he were in her custody because he is younger [and] he would grow up with it" (p. 728). (There is a strong implication that the daughters of her lesbian lover, now teenagers, were disturbed by the lesbian environment.) The court noted that "the environment into which C. would be thrust by granting custody to [the mother] would not be a healthy one. [Her] argument seems to be that this court should overlook her sexual orientation and award custody solely on the basis of which parent would provide the better house. There is far more to the welfare of the child than the physical condition of the house in which it lives" (p. 728) (H). Ch: -, +, -, -, Hy, I.

1989 *Ohio* (565 N.E.2d 1283).—A divorce resulted in the custody of an 11-yr.-old boy being given to the father. The lesbian mother appealed seeking custody. Character of the homosexual: Lesbian's "relationship with Mrs. Hathaway . . . caused [her] attention to be diverted from her family for extended periods of time . . . [as well as] extensive testimony concerning [lesbian's] problems with alcoholism and her inability to carry out her responsi-

bilities as a parent" (p. 1286). Character of others: OK. Effect on child: unknown (?). Ch: -, +, +, ?, I.

1990 *Missouri* (784 S.W.2d 281).—A divorce in which the 13-yr.-old daughter and 9-yr.-old son were awarded to the mother. Upon discovery of her lesbianism the children were awarded to their father. The lesbian mother appealed for custody. Character of homosexual: The "mother admitted . . . that she had slept with friend while the children were in the house. She was also unable to 'say for certain' that she had not kissed friend on the lips or touched her affectionately in front of the children." "Second, father recounted several occurrences involving son. While on a trip together, son laid on a bed; said, 'Here's how girls masturbate' and gave a graphic demonstration. On another occasion in a bookstore, son indicated his familiarity with a book, *The Joy of Gay Sex*. Finally, while playing with his cousins, son assumed the role of a character named 'Gay Ed'" (p. 284). "From time immemorial, truthfulness has been recognized as a cornerstone of morality." Yet the mother "lied in her first deposition as well as to the examining psychologists, a Deputy Juvenile Office, and the trial court" (p. 285). Character of homosexual's associates: Mother had slept with lover while children were in the house. "Friend told [son] that 'she was sorry that it all happened,' but she and mother were in love and were happy" (p. 283). "Mother was jealous of friend's 'lesbian involvement' with another woman" (p. 283). Character of heterosexual and associates: OK. Effects on the children: "the [lesbian] relationship is having an ill-effect on the morality of the children and will continue to affect their well-being" (p. 284) (H). Psychiatric opinion: "[P]sychologists and social workers testified that mother would be the better custodian [admitting] their testimony would not be altered even if they believed she was a lesbian" (p. 285). Psychiatric testimony was at least 4 to 2 in favor of mother's custody. Ch: -, -, +, +. Hy, L, C.

1990 *Illinois* (563 N.E.2d 1195).—A divorce resulted in custody of 3-yr.-old daughter, Eleanor, being given to the father. The lesbian mother appealed for custody. Character of the homosexual: The lesbian "exhibited gross character defects . . . while a nurse at Lifeway, actively recruited a patient who was a minor to engage in an illicit and criminal sexual relationship . . . In so doing, the mother showed her propensity to feed her sexual appetite without regard to morals, ethics, or law. As an employed nurse at the drug treatment, [she] abused her position in order to take advantage of an underage drug addict whom she desired as a sexual partner. Such behavior is not only reprehensible but criminal" (p. 1199). "[T]he child does not appear to be the mother's highest priority" (p. 1196). Character of homosexual's associates: Angela [the now 18-yr.-old lover] poses "a risk to the child because of Angela's serious emotional problems and past drug abuse" (p. 1196). Angela wrote "a letter to [the mother] wherein she made the follow-



ing statements: 'too many of today's victims are tomorrow's abusers,' 'blood comes up a lot in my mind when I look at my life,' that she had a dream about people being shot and I 'was standing over them with a gun in hand,' " and another dream in which she killed the daughter (p. 1197). She testified that "prior to entering Lifeway, she used marijuana, cocaine, quaaludes, alcohol, uppers and downers. [She] also stated that she had been sexually abused as a child and became pregnant at the age of 12" (p. 1197). Character of the heterosexual: The father was found in contempt of court for keeping E. away from the lesbian mother, additionally, evidence was presented that [he] had engaged in demeaning name-calling towards both [the mother and the lover, calling] Angela a 'little dyke bitch' and Mariam a 'dyke' " possibly while E. was present (p. 1197). Psychiatric opinion: "Dr. E[. . .] Ward, a pediatric psychologist . . . [opined that] the best interest of the child would be served by placing custody of the child with the father" (p. 1196). "Dr. R[. . .] Grant, a medical psychiatrist . . . concluded that custody should be retained by [the mother]" (p. 1198). Effect on child: unknown (?) Ch: -, -, -, ?. HTa, I, criminality.

1991 *Illinois* (582 N.E.2d 281).—A divorce resulted in custody of 5-yr.-old daughter, J., being given to father and lesbian mother's visitation rights being sharply curtailed. The mother, Barbara, appealed seeking both custody and, if not custody, regular visitation rights. Character of homosexual: Barbara "had five children by that previous marriage, [was granted custody, then relinquished it], and has not been in contact with them for 10 years. [She had] many different residences since her first divorce in 1976 [and] many different types of employment over the same period . . . [she] denied having a past or present lesbian relationship with B" (p. 284). "Barbara had left several positions on very bad terms . . . [and with] some of the jobs that she had left, there had been questions raised about ethical practices" (p. 286). Two individuals who had business dealings testified that she defrauded them. The trial judge stated "I find that the petitioner and her witnesses that were presented were not credible. What is recorded on the pages of this record do not reflect the entirety of what the Court observed. Mrs. Diehl appeared to be involved not in a contested custody case but an athletic contest where the only issue was winning" (p. 289). Character of the associates of the homosexual: "Jennifer B. when she testified looked constantly to Mrs. Diehl for approval of her answers. An obvious dependency exists between Mrs. Diehl and Jennifer B., and that is the opinion of this Court relative to its observance of the demeanor of the parties . . . (p. 289). Together they charge[d] Mr. Diehl with child abuse during the pendency of this litigation, a charge that was determined to be unfounded. It is noteworthy, and it should be noteworthy for this record, that it was Miss B.'s allegation that caused the investigation, a person who in this Court's opinion is emotionally

and physically bonded to the petitioner and dependent upon the petitioner" (pp. 288-289). Character of the heterosexual: "Barbara was Carl's third wife. Carl had custody of and raised five children from a previous marriage, all of whom are now adult and not living at home. Carl keeps in contact with each of them and, in fact, recited each child's birthday on direct examination" (p. 287). "Two of Carl's sons from his previous marriage . . . testified that Carl was a very involved father . . . [the] principal of Elmwood School in Naperville . . . testified that he has known Carl for the 28 years that Carl has been a band instructor [and that] . . . Carl's character was that of a kind, thoughtful and considerate person" (p. 288). Effect on child: unknown (?). Ch: -, -, +, ?. F, L, I, HTL, probable criminality.

1992 *Indiana* (596 N.E.2d 305).—A divorce resulted in custody of 6-yr.-old boy, N., being given to his mother, with father, retaining visitation rights as long as his homosexual partner was not present during said visitation. Character of homosexual: Bob "denied his relationship with Ashley was homosexual. He described the relationship as a close friendship and testified the Valentine's Day card was a joke based on Lisa's insinuations of homosexuality" (p. 306). "On the [inside of the card Ashley had given Bob] was printed 'There's a place within my heart that only you can fill,' and 'On Valentine's Day and every day in every thought in every way more than words could hope to say: I love you. Happy Valentine's Day' signed, 'With all my love, Ashley'" (p. 306). "[A]fter observing Bob's demeanor in court and hearing testimony regarding Ashley, the trial court specifically found Ashley's presence would be injurious to N.'s emotional development" (p. 307). Effect on child: unknown (?). Character of others: OK. Ch: +, +, +, ?.

1993 *Illinois* (628 N.E.2d 633).—A divorce resulted in custody of a 10-yr.-old boy being given to the father and visitation being restricted with his lesbian mother. Mother appealed for unrestricted visitation. Character of the homosexual: Although the appeals court often rejected his findings, the trial judge found that she "is a defiant and hostile admitted lesbian [who] slept in the same bed and kissed and hugged her partner in the child's presence . . . That when [she] had an opportunity to have unsupervised visitation on her promise that she would not take the child in the presence of any gays, she defiantly refused, stating, 'that she was a lesiban and that she would not promise that she would not take the child amongst her friends,' and the Court concludes that [her] gay life was more important than her child . . . [and she] had been diagnosed as having a borderline personality disorder and it is ordered that she be involved in regular psychotherapy treatment" (p. 639). Character of others: OK. Effects on child: The trial judge concluded that the child "has a learning disability and a gender identity problem . . . and that the mother's 'life-style with her partner has caused the child to become confused as to why he has 'two mothers' " (p. 639) (H).

Psychiatric opinion: A child psychiatrist testified that the "mother's homosexuality should not interfere with her being considered the custodial parent" (p. 635) but also warned that Jimmy "might not develop a gender role identity and may be confused about what it is to be a male . . . [and was] concerned that Jimmie was exposed to an alternative sexual lifestyle, which he considered a deviation from the norm and a variant behavior" (p. 639). A social worker testified that "it did not appear that [mother's] lifestyle affected Jimmie negatively or cause [sic] his developmental problems" (p. 638). Ch: -, +, +, ?, Hy, E, C.

*Summary of character ratings.*—The 24 appeal cases above were brought by 23 homosexual parents. If the record indicated that the individual was promiscuous or in some way suspect, even though these faults might be considered trivial, e.g., a heterosexual father was recorded as "leering at a girly magazine," another as being divorced, their character was scored as "poor." When the parents' pursuits were characterized as drawing them away from the family, or they were alcoholic or criminal, their character was scored as "poor." Absence of a negative in the record about a person resulted in the individual or associates being scored as "OK." The findings regarding the character of the parents and their associates are summarized in Table 1. In five cases, criminality by the homosexual was recorded. In three cases the heterosexual father was falsely (F) charged with child molestation, and in four lying (L) by the homosexual was remarked upon. Two heterosexuals lied (HTL), and one engaged in deviant sexual activity.

TABLE 1  
CHARACTER RATINGS IN APPEALS CASES FILED BY HOMOSEXUALS

Group	Unknown		Poor		OK/Good	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Homosexual Parent			20	87	3	13
Homosexual's Associates			11	48	12	52
Heterosexual Parent			6	26	17	74
Heterosexual's Associates	13	57	2	9	8	35

*Summary of harms to children.*—The 20 lesbians and 3 gays who appealed affected the lives of 41 children—18 (42%) when under the age of 10, 4 of unknown age, and 21 (49%) aged 10 or older. If these individuals and their associates were of poor character, their contribution to the child's environment should have generated difficulties in the lives of the children they touched. The following 39 harms were recorded in the 23 conflicts:

13 (57%) of 23 cases indicated hypersexualization (Hy) of the children's environment (*vs* one case of HTHy).

10 (43%) indicated instability (I) of the homosexual parent or the homosexual's environment,

7 (30%) indicated evidence of sexual evangelism (E, e) of the child(ren),

4 (17%) indicated attempts to alienate (A, a) the child(ren) from the heterosexual (*vs* one case of alienation by the heterosexual [HTa]),

2 (9%) indicated evidence of sexual confusion (C) of the child, and

2 (9%) noted mild violence (v) directed toward the child.

In one case each there was evidence of teasing of the child(ren) because of their parent's sexual preference or seduction of the child. Heterosexual parents accounted for one instance of hypersexualization and one instance of mild alienation attempts. Excluding cases scored as sexual evangelism (E), sexual confusion (C), and teasing because of sexual preference (T), of the other 32 negative environmental influences or harms upon the children that were recorded, homosexual parents accounted for 30 (94%) of these. In 11 cases (48%) the children were recorded as being disturbed and in one (4%) as not harmed by their homosexual parent. None were recorded as being disturbed by the heterosexual guardian.

*Summary of psychiatric opinion.*—Psychiatric experts testified 19 to 6 in favor of the homosexual parent.

## 2. *Description and Scoring of Appeal Cases Brought By The Heterosexual Parent* (n = 16)

1974 *New Jersey* (324 A.2d 90).—A divorce resulted in custody of 3 children, a 12-yr.-old boy, an 11-yr.-old girl, and an 8-yr.-old boy being given to the mother with liberal visitation by gay father. Mother appealed for restricted visitation. Character of homosexual: He is a leader of the Gay Activists Alliance and employed as a Director of the National Gay Task Force. He has "had several homosexual lovers [and] presently lives with a male lover in a building occupied almost entirely by homosexuals" (p. 95). "[He] has involved the children in his attempts to further homosexuality. They have accompanied him on protest marches, at rallies and were filmed with him for a television show which discussed homosexuality. They have been present with him at 'The Firehouse,' a meeting place for homosexuals, where one witness has testified he observed men, 'fondling each other, necking and petting.' . . . pornographic periodicals with a homosexual orientation are available to the children at [his] residence" (p. 95). Character of homosexual's associates: [He] "lives with a male lover in a building occupied almost entirely by homosexuals" (p. 95). Children are taken to meetings where "men, 'fondling each other, necking and petting'" (p. 95) are present. Character of heterosexual and associates: OK. Effects on children: The 11-yr.-old girl and 8-yr.-old boy drew pictures, one portraying "a figure holding two signs which say, 'Gay is proud' and 'Join us!!'" [another] a dog dressed

to resemble a policeman stating themes which would not occur to children of this age without prodding and indoctrination by an adult . . . Neither [child] appeared disturbed by their father's activities; however, they expressed their wishes not to be involved in the gay movement. [The] 12-yr.-old boy, stated that he is unhappy when his father is with a male friend and he does not wish to stay overnight. He also indicated that he does not want to participate in gay activities" (p. 95-96) (H). Psychiatric opinion: Drs. Richard Green and John Money opined that overnight visitation was harmless, but Dr. Richard Gardner asserted that "it is possible that these children upon reaching puberty would be subject to either overt or covert homosexual seduction which would detrimentally influence their sexual development" (p. 96). Ch: -, -, +, ?. Hy, e.

1976 *New York* (380 N.Y.S.2d 848).—A divorce resulted in custody of 10-yr.-old girl being given to the mother, then, after her lesbianism was discovered and he appealed, to the father. Character of homosexual: The mother of the lesbian testified that the two lesbian lovers "leave the infant, Jane B., alone outside and ignore her at all times" but also recanted this statement later. A school psychiatrist visited "the apartment where the infant child resided with her mother and Lucy Q. . . . He said that while he was there, Lucy Q. was present in a rocking chair and didn't talk or come to see who he was upon his arrival. He learned that Lucy Q. and the infant child's mother slept together, watched television and talked together to the exclusion of others, and from his observation, this indicated an abnormal relationship between these two ladies . . . ." (p. 852). The lesbian changed her place of residence a number of times. Character of homosexual's associates: Lucy Q. was noted as spending a great deal of time rocking by three witnesses; the maternal grandmother signed a statement that Lucy "yells at Jane B." Lucy Q. provided the first homosexual experience for the lesbian mother. Her sister is a lesbian and visits the apartment from time to time. Character of heterosexual and his associates: OK. Psychiatric opinion; Two psychiatrists testified that the situation for Jane B. was not good, one noting "that being close to the mother, the child could emulate her conduct and that the present living environment would be harmful to the child" (p. 854) and the other testifying that Jane B. was emotionally disturbed by the situation. Another psychiatrist testified that there would be no harm to Jane B. in living with her mother. Effects on child: The Court "finds as an issue of fact, on the evidence, that the child is emotionally disturbed by virtue of this environment" (p. 860) (H). Ch: -, -, +, +. Hy, I.

1978 *Washington* (585 P.2d 130).—Two divorces resulted in six children being placed with their mothers who then decided to live together as lovers. The fathers appealed. Character of the homosexuals: Although they were ordered to live apart, the two women maintained separate adjacent

apartments in the same building but secretly lived together. There was a "cross-over of the parent roles" (p. 133) with the two lesbians disciplining and directing children unrelated to them. Further, both women "have publicly espoused on radio, television and in lectures the superiority of the homosexual lifestyle. They have involved their children in these activities" (p. 134). They "have been engaged in publicizing the homosexual cause in general and their lesbian relationship. They have given a series of lectures . . . [t]he children have accompanied [them] . . . and their children participated in making a movie which depicts the lifestyle of two families bound together by homosexual parents . . . it can be readily seen that they are not content to pursue their lifestyle but are also using their children for the purpose of advocating and proselytizing that style" (p. 135). Character of heterosexuals: "The fathers have since remarried and have established good homes" (p. 136). Character of heterosexual's associates: OK. Effect on children: unknown (?). Ch: -, ?, +, +. Hy, E.

1980 *Kentucky* (608 S.W.2d 64).—A divorce resulted in award of custody of a 2½-yr.-old daughter to her mother. The father appealed, seeking custody when mother became lesbian. Character of the homosexual: "The extent of the relationship included working at a lesbian bar, moving the female companion into the home with the child, and exchanging vows and rings with this other woman in a mock wedding ceremony at the wife's place of employment. The wife denies any overt lesbian relationship in the presence of the child and there is no proof to the contrary" (p. 65). Character of others: OK. Psychiatric opinion: One psychologist testified that "Without question, in my opinion, there is social stigma attached to homosexuality. Therefore Shannon will have additional burdens to bear in terms of teasing, possible embarrassment and internal conflicts. Also, there is excellent scientific research on the effects of parental modeling on children. Speculating from such data, it is reasonable to suggest that Shannon may have difficulties in achieving a fulfilling heterosexual identity of her own in the future. There would seem to me to be no rational reason for purposely submitting a child to these additional and potentially debilitating influences . . .". "To refute this we have the testimony of the psychologist of the wife who examined the child at age 2½. His testimony is almost entirely predicated on current conditions, with virtually no prediction on future possibilities" (p. 66). "This Court would call attention to an article entitled 'Children of lesbians: their point of view; contained in the *Journal of the National Association of Social Workers*, Vol. 25, Number 3, May, 1980, p. 198 *et seq.* This article points out the fact that the lesbianism of the mother, because of the failure of the community to accept and support such a condition, forces on the child a need for secrecy and the isolation imposed by such a secret,

thus separating the child from his or her peers" (p. 66). Effect on child: unknown (?). Ch: +, +, +, +.

1980 *Utah* (614 P.2d 641).—Father appealed for no overnight visitations with lesbian, drug abusing mother by their two girls, aged 9 and 5, and a 4-yr.-old boy. Character of homosexual: "Within a few weeks after entry of the divorce, [the mother] resigned as custodial parent and signed a stipulation for change of custody . . . [she] saw the children approximately three or four times between the relinquishment of custody and the time of the current trial. She made arrangements to visit the children on additional occasions, but failed to appear" (p. 43). The mother "made advances of a sexual nature [in her home and while in a group sleeping outdoors in sleeping bags] to . . . a young girl [aged 13], and approached [another] for the purposes of trafficking in drugs" (p. 643). Character of others: OK. Effects on the children: unknown (?). Ch: -, ?, +, ?. Hy, S, I, criminality.

1981 *North Dakota* (314 N.W.2d 78).—A divorce resulted in custody of two children aged 5 and 9 being given to the mother. The father appealed for custody when her lesbianism became apparent. Character of homosexual: She admitted to an adulterous homosexual relationship with an 18-yr.-old when she herself was 33. Character of homosexual's associates: The 18-yr.-old did not deny the adulterous affair and intended to continue the relationship. Character of heterosexual: OK. Effect on children: unknown (?). Psychiatric opinion: A youth counselor was uncertain as to whether the children would be influenced toward becoming homosexual. Ch: -, -, +, ?.

1983 *Massachusetts* (452 N.E.2d 293).—A divorce resulted in joint custody of 11-yr.-old boy to both parents, then, after mother allowed a lesbian to move in with her, father appealed for sole custody. Character of the participants: OK. Effect on the child: "David . . . gets along well with his mother's roommate . . . [and] indicated that he liked sharing his time with each of his parents [and] . . . has not been tormented by his friends in regard to his mother's lifestyle" (p. 296) (NH). Ch: +, +, +, ?.

1984 *Louisiana* (457 So.2d 321).—Divorce resulted in joint custody of a 5-yr.-old girl; father appealed for sole custody after mother became a lesbian. Character of parents and their associates: "Neither parent in this case has demonstrated high moral standards. The father admitted an adulterous relationship with his girlfriend while the mother was found to be engaged in discreet lesbian activities" (p. 324). Psychiatric opinion: A female psychiatric social worker noted that the child remembered being in bed with both women in the nude and that their home was "more permissive" (p. 322). Effect on child: remembered being in bed with nude mother and lover (?). Ch: -, -, -, Hy.

1985 *Virginia* (324 S.E.2d 691).—A divorce resulted in the award of

joint custody of a 10-yr.-old girl; mother appealed citing father's notorious homosexuality. Character of homosexual: "the child reported seeing the two men 'hugging and kissing and sleeping in bed together,' and that other homosexuals visited the home and engaged in similar behavior in the child's presence" (p. 692). Father contended that he did not 'flaunt' his homosexuality, but the court observed "this relationship of sharing the same bed or bedroom with the child being in the home would be one of the greatest degrees of flaunting that one could imagine" (p. 693). "The fathers' unfitness is manifested by his willingness to impose this burden upon [the child] in exchange for his own gratification" (p. 694). Character of homosexual's associates: They participated in front of the daughter in "hugging and 'patting each other on the behind' " (p. 693). Character of heterosexual: OK. Effect on the child: Daughter "hate[d] the father's lover and had expressed a desire to return to her mother" (p. 692). "We have no hesitation in saying that the conditions under which this child must live daily are not only unlawful but also impose an intolerable burden upon her by reason of the social condemnation attached to them, which will inevitably afflict her relationships with her peers and with the community at large" (p. 694) (H). Ch: -, -, +, ?. Hy.

1985 *New York* (488 N.Y.S.2d 180).—A divorce resulted in custody of a 7-yr.-old girl being given to her mother and liberal visitation to the homosexual father. The mother appealed that the girl should not be subjected to his lover or associates. Character of homosexual: Father "advertised for a male companion during the last stages of his cohabitation with [mother] as husband and wife leaving the [home] phone number as one to be called" (p. 183). Effect on child: unknown (?). Character of others: OK. Ch: -, +, +, ?. Hy.

1987 *South Carolina* (353 S.E.2d 704).—A divorce resulted in custody of two teenage girls being given to the mother. Father appealed when mother began living with another woman and her daughter in a lesbian relationship. Character of the homosexual: apparently discreet as to sexual activity but had committed adultery with another woman 3 years before divorce. Character of homosexual's associates: Lover had committed adultery with her. Character of others: OK. Effect on children: none apparent (NH). Ch: +, +, +, ?.

1987 *Ohio* (509 N.E.2d 983).—A divorce resulted in two boys, aged 10 and 7 years, having their custody placed with the mother and reasonable visitation rights with the homosexual father. Mother appealed that there should be no overnight visitations. Character of participants: OK. Effect on children: "In this case there is no evidence of any harmful effect" (p. 986). "[T]here is substantial consensus among experts that being raised by a ho-



homosexual parent does not increase the likelihood that a child will become homosexual" (p. 986). (NH). Ch: +, +, +, ?.

1989 *Missouri* (772 S.W.2d 786).—A divorce resulted in custody of a preschool girl being awarded to the mother. The father got the child ten days every other month and the mother appealed that visitation with her father should be reduced and supervised. Character of the homosexual: The "father met Harry Reed in May, 1985. At that time the father and Reed had a sexual relationship. By October, 1986, their relationship had grown more serious and they were engaging in oral sex on a regular basis. After his homosexual encounter with R., the father continued to have normal sexual intercourse with the mother" (p. 787). The "child's father and his homosexual lover held hands and kissed in the child's presence" (p. 786). The gay father claimed that it "is best that she know who her father is and to know what her father is . . ." He believes it would be a healthy and broadening influence upon the child's upbringing and development to be exposed to the alternate lifestyle of him and R. He added, 'It would allow her to see a broad spectrum, perhaps, of human interaction not just between heterosexual people, but also homosexual people' . . . The only reason that he would prefer for his daughter to be heterosexual is because of the attitude of society toward homosexuality" (p. 788). Character of homosexual's associates: R. committed adultery with father and kissed father in front of girl. Character of others: OK. Effects upon child: "When the child returned to Missouri, her mother noticed a change in the child. 'In October when I received her back she had greatly changed her behavior such as I couldn't even leave the room, clinging behavior . . . before she has always been an independent type little girl. Couldn't even leave the room in the apartment, I could not get her to the bathroom, that was my first clue that there was something wrong; I could not get her in the bathroom and I could not get her in the bathtub to give her a bath and therefore, it made me assess her a little closer and I saw the labia was swollen.' " "Later the mother examined the child using a lighted scope and saw a vaginal tear. The child was taken to a doctor" (p. 788) (H). Psychiatric opinion: Dr. K., a homosexual psychologist, found the father to be "well adjusted" (p. 791). Ch: -, -, +, +. Hy, S.

1992 *South Dakota* (479 N.W.2d 891).—A divorce resulted in custody of two boys, aged 5 and 4, being given to the father with overnight visitation rights to the lesbian mother. The father appealed, demanding no overnight visitations. Character of the homosexual: [The mother] began the first of a series of admitted lesbian affairs" during her second pregnancy" (p. 892). She "has experienced a myriad of psychological problems including an eating disorder, depression, suicidal threats, sexual abuse as a child and active homosexual relationships with several female partners. In the last two years of the marriage, [she] was absent from the home frequently . . . [and she]

and her lover were affectionate toward each other in front of the children . . . on at least two occasions she took the children to gay bars . . . [and had them] get in bed to sleep with [her] and her lover" (pp. 893-4). Character of homosexual's associates: [Her] "lover even demanded that she be present for [the second child's] delivery" (p. 892). Character of others: OK. Effects on children: "The oldest son reacted by saying 'Mommy don't touch,' or 'Don't!' when [the mother] and her lover held hands . . . [when the son entered the room she] did not stop the sexual act to comfort her son" (p. 894) (H). Psychiatric opinion: A psychologist testified that she was now fit. Ch: -, -, +, ?, Hy, I. E.

1995 *Illinois* (645 N.E.2d 567).—A divorce resulted in primary custody of two girls aged 8 and 6 being given to the mother, while the father had liberal visitation rights. He appealed, wanting sole custody because of the mother's lesbianism. Character of homosexual: "Shortly after the August 22, 1991, hearing, the [mother] informed the respondent that she was a lesbian" (p. 569). The respondent, without the petitioner's prior approval, later arranged for the minor children to receive counseling to assist the children with their questions concerning their mother's homosexuality among other things" (p. 569). The guardian *ad litem's* report noted that "since the dissolution of the parties, several roommates had resided in the petitioner's three-bedroom home" (p. 569). "The petitioner's lesbian lover, Tracey S., had resided in the home for approximately two years; a lesbian by the name of Brook had resided in the home for two months; and a heterosexual named Helen had also resided in the home. Two other lesbians, Michelle and Theresa, frequented the home, but had not lived there" (p. 569). One daughter stated that "her mom kissed Danielle and Courtney and that her mom kissed Tracy but that it did not bother her" (p. 572). Character of homosexual's associates: Transitory, and visibly sexually involved with mother in front of the children. Character of heterosexual: Mostly OK, but did leave a derogatory phone message on mother's recorder. Effects on children: "The minor children expressed concern regarding all of the women coming in and out of the house. They perceived that their mother was less attentive to them in comparison to her friends and they did not like to have baby-sitters" (p. 569). [The guardian] "stated that circumstances had changed since the custody determination in August 1991; the [lesbian's] lifestyle had changed and the children's behavior had changed, requiring treatment for the minor children" (p. 570). One girl complained that "she did not get much time with her mom . . . her mom kissed Tracy but that it did not bother her" (p. 572). "Since the petitioner admitted her lesbianism, she had not spent as much time with or rendered the same care to the minor children as she had prior to pronouncement of her gay life-style. The minor children had been left to deal with the issue of the mother's lesbianism and had perceived

themselves to be less of a priority to their mother. These emotional struggles caused a change in the behavior of the minor children . . . and necessitated ongoing counseling . . . the petitioner had had numerous female roommates, gay and nongay, since the time of the dissolution. Such circumstances did not serve to create a stable home environment for the minor children. The record reflects their complaints that the petitioner had not spent enough time with them and that they did not like all of the roommates moving in and out of the home. Both children expressed a desire to live with the [father] . . . The minor children . . . displayed various instances of behavioral problems which arose only after the petitioner pronounced her lesbianism to the children" (p. 574) (H). Psychiatric opinion: sided with the father. Ch: -, -, +, +, ?. Hy, I, A.

1995 *Virginia* (457 S.E.2d 102).—Maternal grandmother appealed for custody of a 3-yr.-old boy in preference to his lesbian mother. Character of homosexual: "mother left child with grandmother for several days without means of contacting her, changed her residence, relied on others for support, spent welfare funds on a manicure, had past history of sexual relationships with men, spanked [1 yr.-old] child hard on two occasions [leaving fingerprints] and failed to promptly change his diaper" (p. 883). Character of homosexual's associates: During a quarrel with the grandmother the lover said "I might end up killing somebody" (p. 887), she had hit the young child (p. 889), and is a "recovering alcoholic" (p. 886). Character of others: OK. Effect on child: "the child is 'always neglected' . . . when the child returns to the grandmother's home, she testified that he 'can't even sit down in the bathtub. That's neglect from changing his diaper. He is so red" (p. 887). He curses, saying "shit" and "damn," language never used in the grandmother's home. (H) Ch: -, -, +, +. Hy, I, V.

*Summary of character ratings.*—These 16 appeal cases were subjected to the same analysis as the cases instigated by the homosexual parent. Frequencies of character ratings of parents and associates are given in Table 2. Criminality by the homosexual or his associates were recorded in 1 (6%) case.

*Summary of harms to children.*—The 12 lesbian and 5 gay parents in these 16 cases affected the lives of 30 children—16 (53%) under the age of

TABLE 2  
CHARACTER RATINGS IN APPEALS CASES FILED BY HETEROSEXUALS

Group	Unknown		Poor		OK/Good	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Homosexual Parent			12	75	4	25
Homosexual's Associates	2	12	9	56	5	31
Heterosexual Parent			1	6	15	94
Heterosexual's Associates	10	62	1	6	5	31

10, 6 of unknown ages, and 8 (27%) aged 10 or older. The following 20 harms were recorded in the 16 conflicts:

- 11 (69%) of the records evidenced hypersexualization (Hy) of the children's environment,
- 5 (31%) evidenced instability (I) of the environment,
- 3 (19%) recorded evangelization (E, e) of the children,
- 2 (12%) recorded molestation/seduction (but only one against the children directly involved),
- 1 (6%) recorded alienation from the other parent, and
- 1 (6%) recorded violence against the child.

In seven cases (44%) the children were recorded as harmed and in three (19%) the children were recorded as not harmed by the homosexual parent. None of the children were recorded as harmed by the heterosexual parent. Again, excluding cases of sexual evangelism and sexual confusion, none of the 20 recorded harms to children in these cases were attributed to the heterosexual or his associates.

*Summary of psychiatric opinion.*—Psychiatric opinion was evenly split 6-6 between heterosexual and homosexual parents' desires for custody.

### 3. *Summary of All Cases Involving Parental Homosexuality* (n = 40).

*Over-all summary of character.*—The difference in character—as indexed by lying, criminality, or specific character ratings—favored the heterosexuals. Four of the six notations of lying and all six of the instances of criminality were attributed to homosexuals. Over-all, 82% of the homosexual parents *vs* 18% of the heterosexual parents/guardians were scored as poor character (see Tables 1 and 2). Likewise, 18% of the homosexual parents *vs* 82% of the heterosexuals were scored as good character. In cases where a judgment could be made, 54% of the homosexuals' associates *vs* 19% of the heterosexuals' were scored as having poor character, and 46% of the homosexuals' associates *vs* 81% of the heterosexuals' were scored as having good character.

*Over-all summary of harms to children.*—Of the 53 recorded harms to or negative environmental influences on children, e.g., molestation, hypersexualization, in the set of 40 cases involving homosexual parents, 51 (96%) were attributed in the record to the homosexual or his associates, two to the heterosexual or his associates. Additionally, there were 13 recorded instances of either sexual confusion on the part of the child, teasing of the child because of the parent's sexual preference, or sexual evangelization of the child by the homosexual parent.

*Over-all summary of psychiatric opinion.*—Psychiatric opinion ran 19 to 6 for the homosexual parent in the set of appeals brought by the homosexuals *vs* 6 to 6 in those brought by the heterosexual parent. Expert opinion

tended to side with the homosexual parent, especially in cases in which that parent had brought the appeal. Over-all psychiatric opinion, however, was 25 to 12 in favor of the homosexual parent's custody, suggesting that this sample of the psychiatric community regarded homosexual parenting rather favorably.

#### 4. *Description and Scoring for Heterosexual vs Heterosexual Comparison Samples*

Two of the reports of the nonhomosexual disputes (369 S.E.2d 255, 271 N.E.2d 873) from the "character" listings were too short to score the participants. In the other 38 cases referenced below the courts often tried to balance the harm of placing the children in the custody of one who had committed adultery, usually the mother, with a desire to see children of tender years placed with her. Since ratings are relative to the instant case and revolve around behavior and character, these may be representative of the worst subset of heterosexual marriages that lead to a custody dispute. In Table 3, the character of the father, his associates, the mother, and her associates are indicated in that order following the listing of appellant. Harms to children and significant character flaws are indicated.

TABLE 3  
CHARACTER RATINGS, HARMS TO CHILDREN, AND CHARACTER FLAWS: 38 HETEROSEXUAL CASES

Year State Citation	Appellant [Character: Father, Father's Associates, Mother, Mother's Associates]
1958 MD (140 A.2d 908)	Father [+ , + , - , -]
1961 LA (129 So.2d 571)	Father [- , ? , - , -]
1963 ID (382 P.2d 784)	Mother [+ , + , + , ?]
1965 NE (137 N.W.2d 861)	Father [- , ? , - , ?] harm: father beat the mother in front of the child
1966 MD (224 A.2d 870)	Father [+ , + , - , -] harm: children sobbed during an extensive verbal and physical assault on the father's relatives by the mother
1966 MO (399 S.W.2d 641)	Father [- , ? , - (lied in court), ?]
1968 OR (446 P.2d 185)	Mother [- , ? , + , ?]
1968 MS (208 So.2d 573)	Father [+ , ? , - , +]
1969 TX (448 S.W.2d 560)	Father [+ , ? , - , -]
1970 OR (468 P.2d 548)	Mother [+ , + , + , ?]
1970 WI (174 N.W.2d 474)	Father [- , ? , + , +]
1070 AZ (475 P.2d 268)	Father [+ , + , - , ?]
1970 MO (455 S.W.2d 31)	Mother [+ , + , - , +]
1971 LA (250 So.2d 498)	Father [+ , ? , + , +]
1972 FL (263 So.2d 588)	Mother [+ , ? , - , -]
1972 IA (201 N.W.2d 728)	Father [+ , + , - , -]
1974 IA (214 N.W.2d 131)	Father [+ , ? , - (she lied in court), -]
1974 KS (519 P.2d 720)	Father [+ , ? , - , ?]
1977 IL (366 N.E.2d 1114)	Father [+ , ? , + , ?]

(continued on next page)

TABLE 3 (CONT'D)  
CHARACTER RATINGS, HARMS TO CHILDREN, AND CHARACTER FLAWS: 38 HETEROSEXUAL CASES

Year	State	Citation	Appellant [Character: Father, Father's Associates, Mother, Mother's Associates]
1980	ME	(410 A.2d 1027)	Mother [+ , + , + , ?]
1980	NY	(433 N.Y.S.2d 259)	Mother [+ , ? , + , ?]
1981	LA	(398 So.2d 48)	Father [- , + , - , +]
1981	TN	(614 S.W.2d 49)	Both [- , ? , + , +]
1981	NE	(312 N.W.2d 294)	Mother [+ , + , - , +]
1981	NC	(284 S.E.2d 171)	Mother [+ , + , + , +]
1982	ME	(444 A.2d 396)	Mother [+ , + , - , - (convicted of assault—criminality), harm: mother physically abused the child]
1983	IA	(342 N.W.2d 876)	Father [- , ? , - , ?]
1983	IA	(344 N.W.2d 271)	Mother [- (probable criminality: forgery), - , - (lied in court), -]
1984	IA	(359 N.W.2d 420)	Mother [- , + , + , +]
1986	AL	(494 So.2d 95)	Mother [+ , ? , - , -]
1987	VT	(541 A.2d 79)	Mother [+ , ? , + , +]
1987	ID	(746 P.2d 1016)	Father [+ , ? , + , ?]
1988	AL	(532 So.2d 1041)	Mother [+ , + , - , +]
1989	UT	(776 P.2d 84)	Father [+ , ? , + , ?]
1989	AL	(555 So.2d 1117)	Father [- , ? , + , ?]
1990	AL	(580 So.2d 1350)	Both [+ , ? , - , ?]
1991	NY	(565 N.Y.S.2d 508)	Both [- (lied about finances), ? , + , ?]
1991	IL	(567 N.E.2d 760)	Father [+ , ? , + , ?]

More fathers in these cases were scored of good character (26/38=68%) than were mothers (17/38=45%). The appellant (60% of good character) scored somewhat better than that of the appellee (54% of good character). Three harms to the 70 children and two instances of criminality were recorded.

The second set of 20 cases included one which was too brief to score (552 P.2d 1375) and a case we had drawn before. The remaining 18 cases, involving 31 children, were subjected to the same analysis as in the above heterosexual *vs* heterosexual cases; and are summarized in Table 4.

In these "general" custody cases the proportion of fathers with higher character scores (15/18=83% good) was greater than that of the heterosexual mothers (11/17=65% good) and the proportion of appellants with a higher character score (61% good) was less than that of appellees (83% good). Three harms to the 35 children, and one instance of criminality were recorded.

##### 5. *Comparison of Homosexual vs Heterosexual With Heterosexual vs Heterosexual Cases*

The character of the heterosexual principal was scored as 82% good when they had been married to homosexuals, 43/76=57% good in the "character" sample, and 26/35=74% good in the "general" sample (*vs* 18%

TABLE 4  
CHARACTER RATINGS, HARMS TO CHILDREN, AND CHARACTER FLAWS: 18 HETEROSEXUAL CASES

Year State Citation	Appellant [Character: Father, Father's Associates, Mother, Mother's Associates]
1978 NY (403 N.Y.S.2d 373)	Mother [+ , ? , + , ?]
1978 SC (245 S.E.2d 612)	Mother [+ , + , - (possibly bisexual, "bohemian"), -]
1979 TX (590 S.W.2d 582)	Mother [+ , ? , + , ?]
1979 IA (276 N.W.2d 402)	Father [- , ? , - , - (criminality: drug dealing by both parents)]
1979 IN (387 N.E.2d 1360)	Father [- , + , - , +]
1980 OR (618 P.2d 465)	Mother [+ , ? , + , +]
1980 CT (429 A.2d 801)	Mother [+ , + , - (mother disturbed/harmed children with tales of their being watched by others), ?]
1981 NE (303 N.W.2d 783)	Mother [+ , + , + , +]
1986 MN (393 N.W.2d 511)	Father [+ , ? , + , ?]
1987 MN (413 N.W.2d 127)	Mother [+ , + , + (mother harmed children by ill-tempered remarks against father in their presence), +]
1987 NH (525 A.2d 704)	Mother [+ , ? , - , ?]
1988 VT (546 A.2d 208)	Mother [- , - , - , -]
1988 WV (371 S.E.2d 362)	Mother [+ , ? , + , ?]
1989 AR (775 S.W.2d 513)	Mother [+ , + , + , +]
1989 UT (776 P.2d 84)	Father [+ , ? , + , ?]
1990 OR (801 P.2d 874)	Father [+ , ? , + , ?]
1990 MN (452 N.W.2d 219)	Mother [+ , + , - (mother attempted to alienate the children from the father), +]
1991 IL (567 N.E.2d 760)	Father [+ , ? , + , ?]

good for the 40 homosexuals). When character could be scored, 82% of heterosexuals' associates in the disputes involving homosexual parents, 25/36 = 69% of the "character" sample, and 13/17 = 76% of the "general" sample were scored as of good character (vs 46% for the associates of homosexuals). The 41 heterosexuals or their associates were recorded as responsible for two harms to 73 children in the disputes involving homosexuals. The 76 heterosexuals in the 38 "character" cases were recorded as responsible for three harms to 70 children. The 35 heterosexuals in the 18 "general" case were recorded as responsible for three harms to 35 children. Thus the 152 heterosexuals in the 96 cases were recorded as causing eight harms, an overall rate of approximately 1 per 20 heterosexual litigants. In contrast, homosexuals were recorded as being responsible for 63 harms to the 73 children in the 40 cases in which they were involved—that is, in 31 (78%) of the cases. Six lies by heterosexuals (four about financial and two about sexual matters) were recorded in the 96 cases, while four lies by homosexuals plus three false claims of sexual molestation against the heterosexual parents were recorded in the 40 cases in which homosexuals were involved. Three cases of explicit criminality were recorded in the 56 heterosexual comparison cases. Six cases of explicit criminality were attributed to homosexuals among their 40 cases.

## DISCUSSION

*Homosexual vs Nonhomosexual Appeals*

The cases brought forward by the homosexual parents would appear to be those most likely to "prove" the equivalency of homosexual and heterosexual parenting. Instead, they differed little from those brought by the heterosexual parent. Further, although we know of no way to sample heterosexual disputes that are completely comparable with heterosexual vs homosexual ones, since about the same incidence of harms to children were recorded in the two samples of nonhomosexual disputes, the possibility that the homosexuality of one of the parents contributed to the excess of harms to children in the heterosexual *vs* homosexual cases cannot easily be dismissed. Indeed, while judges are typically reluctant to record harms to children in public records, harms by homosexuals were recorded in 31 (78%) of the 40 cases in which homosexual parents were involved, compared with harms by heterosexuals which were recorded in two (5%) of those 40 cases and six (11%) of the 56 comparison cases.

*Older vs Younger Children In Appeals Involving Homosexual Parents*

For the 29 older children (aged 10 or above), 16 (55%) were recorded as having emotional or social problems because of their parent's homosexuality, 5 (17%) as displaying no harm. For the 34 younger children, 16 (47%) were recorded as harmed and one (3%) as not harmed. These results provide limited support for the general psychiatric belief that older children will be distressed more frequently by a parent's homosexuality.

*Real Life vs Psychiatric/Social Science Testimony*

The above comparison involving homosexual parents took place over three decades in a number of different settings and 21 states. Different judges and circumstances were involved in each—the only constant was the presence of a parent who opted for a homosexual lifestyle. In the decisions involving homosexual parents there were 73 children. Among these children, 31 (42%) were recorded as harmed, six (8%) as unharmed. The comparison group of heterosexual divorces occurred during the same time-frame and came from 29 different states. Of the 105 children involved in the heterosexual *vs* heterosexual disputes, 13 (12%) were recorded as harmed. These results bring into sharp question the favorable picture of homosexual parenting depicted in contemporary summaries of social science/psychiatric literature in prestigious journals (e.g., Gold, *et al.*, 1994, "[c]hildren of gay or lesbian parents are less likely to be victims of parental sexual or physical abuse" p. 354). In the 96 cases we examined, the courts affixed blame to homosexuals for the two children who were recorded as sexually abused and for three of the four instances of physical abuse. Three false claims of sexual



abuse of children were made by the homosexual parents or their associates. Neither a claim of sexual abuse by nor an instance of sexual abuse attributed to heterosexual parents in the 96 cases was recorded. Gold, *et al.*, did not reference their claim that homosexual parents are *less* likely to abuse their children sexually or physically, and we could find no evidence in their cited studies to support that claim.

Of course, everyone wants to “look good”—whether on a test, to a psychiatrist, or before a court; however, unlike a score on a test or an interview with a psychologist, this database came from actual life in a situation that “really counted” and bore directly upon custodial matters. Further, our subjects were evaluated in an adversarial situation in which their opponent knew them well, could, and typically did, publicly expose their failings. Because predictions from a group in one situation to a group in the same situation are always better than predictions from one situation to another, it seems probable that our findings may be substantially more generalizable to actual disputes over custody which involve homosexual parents than the findings generated from examining volunteers’ scores on social science tests and scales.

The discrepancy between what was recorded in the 40 cases involving a homosexual parent *vs* the 56 comparison cases and the “social science literature” that various experts (e.g., Gold, *et al.*, 1994; Patterson, 1995; Patterson & Redding, 1996) have purportedly objectively summarized is stark. If Patterson and Redding are correct and not “a single study has found children of gay or lesbian parents to be disadvantaged in any important way relative to children of heterosexual parents” (p. 43), how could there be so little correspondence between these “studies” and “real life” as recorded in court? The courtroom, after all, is the venue our society regards as generating the most definitive level of truth. Although Gold, *et al.* (1994), Patterson (1995), Patterson and Redding (1996) did not cite and apparently could not “find” Javaid’s study (1993), we located 11 comparative studies of homosexual *vs* heterosexual parenting in the professional literature through 1995. All 11 compared the children of *volunteer* lesbian mothers who had reason to “look good” versus the children of *volunteer* heterosexuals. Studies based upon volunteers are like Potemkin villages, that is, they are substantially less than they appear. To be sure, their structure looks “real” given accepted research methods, results based upon statistical tests, and standard conclusions, but their subjects—children of highly motivated volunteers—make them “artificial” and ungeneralizable to any population.

Perhaps there are hints in these studies of the realities of children raised by lesbians. But given the limited correspondence between the present findings and the findings from studies of these homosexual volunteers, the relevance to child custody decisions of giving “tests” and “psychometric

scales" to groups of children of volunteer homosexual parents and comparing their scores against groups of children of volunteer heterosexual parents is highly questionable. That such evidence may verge on irrelevance appears in the only longitudinal evaluation of children being raised by volunteer lesbian mothers (Tasker & Golombok, 1997). The correlation between putative mental health score at age 10 and having visited a mental health professional 14 years later was zero (p. 141). Additionally, the findings from the only comparative study utilizing a nonvolunteer sample of children of homosexuals (Cameron & Cameron, 1996) generated results more similar to the findings of this comparison of court cases than to the findings from studies of volunteers. Less ideologically-driven reviews of the literature (e.g., Belcastro, Gramlich, Nicholson, Price, and Wilson, 1993) have also reported some findings more similar to those we found as well.

Since our investigation involved 40 avowed homosexual parents (and at least three of their lovers and their children) and 73 children as compared to 111 heterosexual parents and their 105 children, our set of homosexual parent *vs* heterosexual parent cases constitutes the largest comparative study of the issue. In the next largest studies, Golombok, Tasker, and Murray (1997) compared 30 young children being raised by volunteer lesbians with 83 children being raised by heterosexuals and Green, Mandel, Hotvedt, Gray, and Smith (1986) reported a comparison of 56 young children of 50 lesbian mothers who volunteered with 48 children of 40 single/divorced volunteering heterosexual mothers along a number of different social-psychological dimensions. Golombok, Spence, and Rutter (1983) similarly compared 27 lesbian mothers and their 37 children who volunteered with 38 children of 27 single/divorced volunteering heterosexual mothers along a number of different social-psychological dimensions. Javaid (1993), who interviewed 13 volunteer lesbian mothers and their 26 children and compared them with 15 volunteering single/divorced heterosexual mothers and their 28 children would claim the fifth largest effort. As small and deficient as these studies are, they surpass in size any comparative study done on children of gay fathers—since there are none. Yet consider the review statements of Gold, *et al.* (1994) that there "are *no data* to suggest that children who have gay or lesbian parents are different in *any* aspects of psychological, social, and sexual development from children in heterosexual families" (p. 357) and "[c]ontrary to common misconceptions, the data available *strongly* suggest that children who have gay or lesbian parents grow and develop normally" (p. 355). Patterson and Redding (1996) opined that "not a *single* study has found children of gay or lesbian parents to be disadvantaged in *any* important way relative to children of heterosexual *parents*" (p. 43) [emphasis added]. Since children reared by gays and those reared by heterosexuals have never been

comparatively studied, even with volunteer samples, these professionals would have us believe that the absence of information is evidence!

Major professional associations also promote what appears to be the opposite of the empirical reality regarding homosexual parenting. The American Psychological Association (APA) considered the fact that 30 lesbians scored higher than 15 mother-father pairs in verbal solutions to "18 [hypothetical] child-care problems" (Flaks, Ficher, Masterpasqua, & Joseph, 1995) sufficient to alert the press to the finding (Neergard, 1993). The APA and National Association of Social Workers have presented this rather limited finding as near-definitive in a number of amicus briefs on child custody involving homosexuals, saying, "Indeed, the research suggests that lesbian mothers have parenting skills that are equivalent to or better than those of heterosexual parents" (see Cameron & Cameron, 1997, pp. 322-323). Likewise, Golombok, *et al.* (1997) claimed that Flaks, *et al.* "found lesbian couples to show more parenting awareness than a comparison group of heterosexual couples" (p. 784). Can anyone reliably assess superiority of "parenting skills" or "parenting awareness" from *the number of words* people used to address 18 hypothetical child-care problems? Even Flaks, *et al.* considered this an artifact of 30 lesbians, e.g., 30 women, being more verbal than 15 wives, e.g., 15 women, and 15 husbands, e.g., 15 men! Something is dreadfully amiss in psychiatric or social science when common sense (which appears to be rather robust in regard to the effects of homosexual parenting upon children) is so readily discarded in favor of results from a single study utilizing the verbalizations of a small sample of highly motivated volunteers.

#### *Consistency With Published Literature*

The results of our analysis display consistencies with the depictions of homosexual parenting recorded in the limited literature on the topic. The instability of homosexual relationships is attested to by Green's first study (1978) in which two of the seven lesbian couples were already "separated" over the 2-yr. period of his investigation. Likewise, Golombok and Tasker (1996) recorded an average of four different partners for the lesbian mothers over the 14-yr. period of their study. The difficulties in social and personal adjustment of the older children of homosexuals have been reported by Lewis (1980) and Javaid (1993). Our study of 96 appeals cases is the first to examine (1) the character of homosexual and heterosexual parents and their associates recorded in an adversarial setting, (2) a comparison with random samples of comparable heterosexual cases, (3) the proportionate contribution of homosexual and heterosexual parents to the recorded harms experienced by the affected children, and (4) the proportion of harms to children in homosexual *vs* heterosexual compared to heterosexual *vs* heterosexual cases.

### Conclusion

Although an imperfect 'natural comparison,' the 40 appeal cases of record involving homosexual parents were selected from public records involving about half the states. There is no way to establish whether these cases are representative of all such cases or, for that matter, of families who include a homosexual parent. Likewise, although the 56 cases for comparison were selected randomly, there is no way to establish whether they are representative of all such cases or, for that matter, of families that include heterosexual parents. While the facts of the 40 'homosexual' cases appear 'typical' of the 30-odd cases involving a homosexual parent in which the senior author has been involved (although the character of the heterosexuals in the homosexual cases seems "too good"), and the comparison cases appear similar to his heterosexual custody cases, his experience may not be representative of such cases either. Even so, since the bulk of the literature on the topic has been assembled from small sets of volunteers, the evidence we have assembled from nonvolunteers warrants serious consideration.

This study largely validated traditional common sense—that which emphasizes the importance of the character of parents and the characterological deficiencies of those pursuing homosexual inclinations. Psychiatric opinion in these cases, in line with the main-line reviews and professional associations we have cited, sided heavily with the homosexual parent. Yet, character seemed to make a considerable difference—harm to children was markedly related to parental character in each of the three sets of cases examined here. Professional lore as expressed in cited journal reviews or as represented in amicus briefs by the psychiatric or social work associations before the courts seems to emphasize other, nonempirical, attributes. If the present survey of cases is representative of custody disputes, it appears that children are considerably more apt to be harmed in the custody of a homosexual than of a heterosexual parent, at least in cases reaching our appellate courts.

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