

# The Impact of Parental Homosexuality in Child Custody Cases: A Review of the Literature

David J. Kleber; Robert J. Howell, PhD; and Alta Lura Tibbits-Kleber

**As a result of the relatively high rate of divorce in this country and the increasing awareness that many parents (an estimated 1.5 million) are homosexual, the courts, as well as divorce mediators, have become actively involved in child custody placement decisions involving homosexual parents. While custody decisions have tended to reflect stereotyped beliefs or fears concerning the detrimental effects of homosexual parenting practices on child development, a review of the research consistently fails to document any evidence substantiating these fears. A number of specific custody issues are discussed as well as social factors relevant to lesbian motherhood. In conclusion, several authors call for increased awareness of the facts of homosexual parenting by lawyers, judges, and other professionals involved in homosexual parent-child custody cases.**

From time to time, in child custody decisions, the courts deal with the issue of placement of the child with a homosexual parent. While a great deal of debate has been given to joint custody issues, less emphasis has been given to clarifying the actual risks, if any, in a child custody placement with a homosexual parent. Hoeffler<sup>1</sup> estimates that approximately 1.5 million lesbian mothers reside with their children; Wittlin<sup>2</sup> suggests that the number of children parented by lesbian mothers may be as high as 7 million. Obviously, with the frequency of marital dissolution remaining at an approximate rate of 1:3, the

extensive involvement of the courts in homosexual custody cases is clearly evident. As substantive information is currently available regarding homosexual parenting practices and their relationship to children's gender role identity, children's social/sexual preferences, and other child development issues, the courts need no longer feel uninformed or obliged to base a custody decision solely on a parent's homosexual status. Admittedly, however, the research regarding parental homosexuality has focused almost exclusively on lesbian mothers, with Bozett<sup>3</sup> being the one exception, attempting to discuss the unique situation of the homosexual father. The following discussion will then primarily pertain to lesbian motherhood and will present the data generated by a number of researchers over the

Dr. Howell is a professor of psychology and director of the doctoral program in clinical psychology, Brigham Young University, Provo, UT. David Kleber and Alta Tibbits-Kleber are doctoral students in the Clinical Psychology Department, Brigham Young University.

past decade on custody issues related to lesbian mothers child-rearing practices. A review of the Bozett<sup>3</sup> article is also included.

As indicated by a number of authors,<sup>4-6</sup> the courts have been consistent in their concerns for placement of a child with a homosexual parent, with primary consideration placed on honoring the "best interests of the child."<sup>7</sup> Somerville<sup>8</sup> suggested that rather than homosexuality per se being the issue, the object of the law is to place the child with the individual best able to care for, protect, maintain, and educate him. The courts have consistently argued that being lesbian directly deters from a mother's ability to care for her children.<sup>4</sup> More specifically, arguments include: (1) an increased likelihood for the child to become homosexual; (2) a likelihood for social stigma or child-peer rejection due to parental homosexuality; (3) a likelihood for the homosexual liaison to allow little time for ongoing mother-child interaction; and (4) the increased likelihood for child psychopathology.<sup>9</sup>

Green<sup>5</sup> and Golombok *et al.*<sup>6</sup> suggest that the court's concerns for the lesbian mother family stem from at least two theoretical frameworks, psychoanalytic and social learning/modeling theory. The psychoanalytic premise would suggest that a homosexual parent-child relationship would disrupt the oedipal process, resulting in aberrant gender identity and inappropriate sex-typed behavior. According to the social learning/modeling theory, one's gender identity is based on significant same sex models and differential reinforcement of appro-

priate sex role behaviors. The court's implied concern is that without a traditional sex role model within the home, the child will not develop a proper sex role identity or behavior. A second implication, somewhat less direct, is that reinforcement for appropriate sex role behaviors for either boys or girls will not occur because the lesbian mother "hates men" and discourages any interaction with them.<sup>6</sup>

An early case study by Weeks *et al.*<sup>10</sup> investigated sex role identity and sexual object choice for two children of opposite sex homosexual parents. Sally, 18 years old, has lived with her mother since the divorce at age 8. She occasionally visits her homosexual father and reports she experiences no emotional trauma with his life-style. She is heterosexual in orientation. Ted, age 12 years, currently lives with his homosexual mother and her lover. Weeks *et al.*<sup>10</sup> indicated that Ted struggles with this living arrangement, with peer teasing, and with repressed hostility regarding the secrecy of the mother-lover situation. Although his reported gender identity is male, object choice has not yet been established.

Although interesting, case study investigations often do not help clarify the more general trends or issues directly related to homosexual parenting and child custody placements. Green<sup>11</sup> conducted a data-oriented descriptive study involving 37 children raised by either transsexual parents or homosexual parents. He measured emergent sexual identity by means of toy and game preference and for adolescents through in-

formation on dating, sexual fantasy, and sexual behavior. In all cases, gender identity and sex role behavior were determined to be heterosexual. Additionally, Green<sup>11</sup> indicated that when asked, no cases of peer teasing or social degradation were reported. Green<sup>11</sup> hypothesized that the conventional sexual orientation of his sample reflected the significant portion of the children's time and interaction with school, television, and other interpersonal experiences, and that parental life-style simply is not the single most significant factor in determining a child's psychosexual development.

More well-controlled comparison studies investigating differences in children raised in single-parent heterosexual families and those raised in lesbian mother families have continued to report no evidence of aberrant gender identity, social development, or sexual object choice. Hoeffler<sup>1</sup> compared the toy play and activity interests of two groups composed of lesbian and heterosexual single parents' children. In this study, the two groups of mothers were matched for educational background, occupation, marital status, and age. One significant difference between parent groups was self-reported identification with feminism, where 95% of lesbian mothers identified moderately or strongly and only 55% of heterosexual mothers identified either moderately or strongly. In terms of the children, two groups of 20 children each were matched on age, gender, age at which father became absent from home, and time spent with father following divorce. No significant differ-

ences were found between child groups in sex role behavior. Interestingly, however, lesbian mothers were much more likely to encourage play with a varied mixture of masculine and feminine sex-typed toys than were heterosexual mothers. Children, however, were the active agents in toy preference and selection and were seemingly influenced by models other than their mothers. Hoeffler<sup>12</sup> previously pointed out in her work on children's acquisition of sex role characteristics that boys raised by lesbian mothers rated themselves as more gentle and aware of others' feelings and that girls raised by lesbian mothers rated themselves as higher in leadership and adventurousness, when compared with either boys or girls raised by heterosexual mothers.

Kirkpatrick *et al.*<sup>13</sup> also investigated gender identity in two groups of children of lesbian and single heterosexual mothers, and found no significant differences between groups. Lesbian parents were, however, found to demonstrate greater concern for providing male figures for their children. Interested also in the relative emotional stability of the children, the authors blindly evaluated both groups and rated each child as either severely disturbed, moderately disturbed, or showing no disturbance. Although more than half of the total sample evidenced severe or moderate pathology, no significant differences were noted between child groups. The seemingly high degree of pathology was felt to relate to the distressing effects of the marital discord for all of the children studied. In regard to the aspect of a live-

in "companion" in the lesbian mother families, Kirkpatrick *et al.*<sup>13</sup> reported that the children viewed this individual as an additional mother or big sister and not as a pretend "father."

Perhaps the most sophisticated comparison study involving children raised in either lesbian or single-parent households was conducted by Golombok *et al.*<sup>6</sup> Twenty-seven families in each group, involving 37 children in the lesbian group and 38 children in the single-parent group were compared in terms of maternal characteristics, child characteristics, psychosexual features, and social-emotional features. In summary, children in either group demonstrated *no* differences in terms of gender identity, sex role behavior, or sexual orientation. These results are consistent with all other comparison studies conducted previously.<sup>4,14</sup> Golombok *et al.*<sup>6</sup> also reported no significant differences in terms of children's emotional status or socialization skills. Lesbian mothers interacted more frequently than heterosexual mothers with their former spouses and to a slight degree were involved in more professional occupations. No lesbian mothers expressed any preference or encouragement of their children to become homosexual, and, in fact, they demonstrated a substantial effort to provide the children with a variety of social contacts with other adults as well as with the children's own father. Golombok *et al.*<sup>6</sup> hypothesized that lesbian households would likely be as individualized and varied as heterosexual households and that, as in any household, children would be exposed to a multiplicity of values, ideas, beliefs, or experiences with

regard to socialization and development of one's sexual identity and/or behavior.

When children raised in lesbian families were interviewed, a number of issues addressed in the above mentioned comparison studies were elaborated upon. Lewis<sup>15</sup> conducted structured interviews with 21 children from eight families whose mothers were declared lesbians and currently living with their lovers. In general, all children agreed that the marital discord and consequent divorce was more upsetting than was finding out that their mother was homosexual. There appeared to be an intellectual acceptance of their mothers' sexual orientation, although there was also a general trend to deny or repress anger or pain related to the mother's decision. A number of children did report deferred hostility toward their mother's lover, particularly in response to any "parenting" involvement from this person. Some mention was also made by younger children that they feared telling friends about their home situation and had to keep it a secret. In terms of their own sexual development, some children reported a concern that they might become homosexual if they were dissatisfied in a heterosexual relationship though other children (males) seemed to identify strongly with their father's masculinity. Lewis<sup>15</sup> indicated how difficult it was to separate the impact of divorce from the impact of the mother's lesbianism. Children appeared to convey a relief that their mother had the support of another adult in the home and Lewis<sup>15</sup> suggested that the issues involved in adjusting to a live-in lover were similar to the issues a heterosexual

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mother faces in remarriage. The most striking feature noted by Lewis<sup>15</sup> in her interviews was the consistent desire by the children to accept and adapt to their mother's new life-style.

Several authors<sup>9,16</sup> have investigated a number of social aspects related to lesbian motherhood, a so-called double deviant life-style. Lewin<sup>9</sup> reported that heterosexual single mothers and lesbian mothers are similar in their establishment of systems of social support following divorce, relying heavily on support from kin. Additionally, lesbian mothers frequently attempt to strengthen their children's relationships with their father, a trend noted in other studies. Pagelow<sup>16</sup> found that lesbian mothers tend to feel oppressed to a greater extent than single heterosexual mothers, specifically in the case of child custody, housing, and employment. Data indicated that whereas 13% of heterosexual respondents live with another adult, 60% of lesbian mothers live with another adult. Twenty percent of the lesbian respondents reported having been evicted from rental housing due to a "morals" complaint. A great many other lesbians reported using a variety of "passing" techniques to avoid discovery of their homosexuality. In terms of employment considerations, lesbians reported frequent job dismissals for either suspected homosexuality or announced homosexuality. Fifteen percent of the respondents had specifically been informed that their homosexuality was the reason for job dismissal, and future employment was significantly affected due to loss of employment references. Pagelow<sup>16</sup> indicated that lesbian mothers reported 30% self-employment

as compared with a 2% national average. In her sample, no heterosexual single mothers reported self-employment. Pagelow<sup>16</sup> concluded her investigation of problems unique to lesbian mothers by noting that, although they faced many life management situations in a manner similar to single heterosexual mothers, that lesbian mothers were more oppressed and were forced to implement a number of passing strategies to conceal their sexual orientation.

Although almost all of the research conducted on child-homosexual parent issues have involved lesbian mothers, with an implied suggestion that the issues are similar for the homosexual father, Bozett<sup>3</sup> definitively asserts that such is not the case. Based on structured interviews with 18 gay fathers, Bozett<sup>3</sup> indicated that the gay father must reconcile two identities: homosexuality at one extreme of social acceptance and fatherhood at the opposite extreme of acceptance. The problems in converging one's homosexuality with fatherhood are reportedly made more difficult in the male gay world because of a number of constraints. For example, the male gay world is considered a single world, with financial freedom, few time commitments, and freedom in terms of living arrangement. Gay fathers are considered less independent than other gay males. Additionally, gay relationships are considered more transient than has been indicated for lesbian relationships. Finally, the male gay world is regarded as youth oriented, with greater difficulty in establishing relationships, especially long-term relationships, after age 35. Bozett<sup>3</sup> states explicitly that children are

viewed as a stigma in this male homosexual culture, with few if any men willing to couple with a gay father. In conclusion, Bozett<sup>3</sup> indicates a need for greater understanding of the importance of children to a gay father and calls for a more willing acceptance from the gay male world. In terms of custody issues relevant to child placement with a homosexual father, there appears to be a strong need for further exploration of these factors.

### Conclusions

Perhaps the strongest statement to be made on child custody decisions involving a homosexual parent was made by Wittlin<sup>2</sup>: "The greatest single trap the mental health professional can fall into is to approach a 'homosexual' custody case differently from other custody cases." In this regard, custody decisions appear best determined by which parent (perhaps both) can facilitate the maximum growth and development of the child, regardless of sexual orientation per se. Research regarding lesbian motherhood has consistently failed to provide any evidence for necessarily inferior parenting styles. Children of lesbian mothers have not demonstrated aberrant gender identity development, increased preference for homosexual object choice, nor enhanced social/emotional maladjustment, when compared with children raised by single heterosexual mothers. Live-in "lovers" have appeared to pose adjustment demands for children similar to remarriage issues for a heterosexual family unit. Children in lesbian households appear to receive at least as much exposure to mixed adult

role models as do children of heterosexual mothers. Green<sup>5</sup> has emphasized the need for and apparent presence of family stability in the quality of relationships in lesbian households. He indicated that his focus in custody cases centers on the global family unity and on issues related more to the trauma associated with the divorce per se. The evident and clearly expressed priority of mental health professionals knowledgeable of the research findings in this area is to identify objectively all aspects of the divorce and custody situation and to evaluate these factors, inclusive of parental sexual orientation, in terms of factual certainty as opposed to presumptive subjective bias. Finally, Hitchens<sup>17</sup> calls for the legal system to increase its awareness of the realities of homosexual parenting, to help assure the rights of homosexual persons to be parents.

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