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**Title of paper:** Adoption by same-sex couples -- reaffirming evidence: Could more children be placed?

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**Abstract:**

A sea-change in attitudes toward the acceptability of same-sex relationships has taken place in the twenty-first century. The UK has been at the forefront of legal changes in allowing same-sex couples to adopt children (the Adoption and Children Act 2002) and ground-breaking research on the wellbeing of these children. Over a decade on from our previous review for *Family Law* we evaluate the empirical evidence on the gains for children adopted by same-sex couples in the following areas: psychological adjustment, family relationships, and openness about adoption. Further examination is given to considering the motivations to adopt expressed by lesbian and gay adoptive parents. This includes a willingness to adopt children who have often been deemed hard-to-place, which is reflected in our local authority data too. Yet both adoption services and prospective lesbian and gay adoptive parents still appear hesitant at points of assessment and placement. Given national statistics on the numbers of children waiting for adoption, could more be done to place these children in suitable homes headed by a same-sex couple?

## **Adoption by same-sex couples -- reaffirming evidence:**

### **Could more children be placed?**

Over a decade ago Family Law published our article, *Reviewing Lesbian and Gay Adoption and Foster Care: The Developmental Outcomes for Children* – [2007] Family Law 524. The Adoption and Children Act 2002 had been in force for only 18 months. One of the changes introduced by the Act was to widen the categories of those eligible to apply for an adoption order to include same-sex couples (whether or not in a civil partnership). Yet none of the UK research related to outcomes for children placed for adoption with same-sex couples. Assumptions concerning the appropriateness of such placements had to be based on generalising results from the wider literature on the developmental outcomes for children growing up in a family led by a lesbian or gay (biological) parent and a little work on the experiences of single lesbian and gay adoptive parents (see S Hicks and J McDermott (eds), *Lesbian and Gay Fostering and Adoption: Extraordinary Yet Ordinary* (Jessica Kingsley, 1999)). As the Adoption and Children Bill passed through Parliament some described this as a ‘leap in the dark of which we should have no part’ (Hansard: Adoption and Children Bill - *HL Deb 16 October 2002 vol 639 cc860-950* – per Lord Jenkin of Roding).

A decade on, the landscape has changed again. The Marriage (Same-Sex Couples) Act 2013 has been in force since 13 March 2014. Section 1(1) of the Act provides that: ‘Marriage of same sex couples is lawful’. Same-sex relationships have undergone a process of acceptance and normalisation which is, perhaps, not yet fully reflected in fostering and adoption practice.

What about the numbers of children in the care system? Recent Department for Education statistics have indicated that the numbers of looked after children in the local authority care system in England and Wales have continued to increase: as of the 31 March 2017 there were 72,670 looked after children, representing a rise of 3% on the previous

year's figures (Department for Education, 2017, Children looked after in England (including adoption), year ending 31 March 2017 SFR 50/2017). However the number of children transitioning from the care system to adoption has continued to fall away from peak numbers in 2015 with 4,350 adopted. Social workers and judges may have become understandably more cautious regarding placement orders. In *Re B-S (Children [2013] EWCA Civ 1146* the Court of Appeal emphasised that a child should be placed for adoption: "only in exceptional circumstances and where motivated by overriding requirements pertaining to the child's welfare, in short, where nothing else will do". In similar proportions to recent years, just over 70% of those adopted were aged between 1-4 years old and over 80% were of white origin. Older children, and those of mixed or Black or Asian British ethnicity, were still less likely than others to be adopted from the care system.

Whilst the numbers of placements of children for adoption with same-sex couples have grown over the last 7 years, numbers remain low. Of the children adopted from the care system 73% were adopted by a different-sex married couples and only 6% were adopted by a same-sex married couple or those in a civil partnership (Department for Education 7 December 2017 Children looked after in England (including adoption), year ending 31 March 2017: additional tables SFR 50/2017). Only 10% of children were placed with a single adopter and 8% and 4% respectively with a different or a same-sex unmarried couple. Irrespective of the legal change allowing same-sex marriage the numbers of married or civil partnered same-sex couples adopting has not changed notably since 2013. Nonetheless, we detect a slight increase in the percentage of adoption applications by same-sex couples from 4% in 2011 to 10% in 2017 (Ministry of Justice 28 June 2018, Family Court Statistics Quarterly, England and Wales, Tables 20 and 21, <https://www.gov.uk/government/collections/family-court-statistics-quarterly>).

Five local authorities in the Midlands have provided us with details concerning the placement of children for adoption by same-sex couples in their areas (see Table 1). The information they have provided is for illustrative purposes and not part of a systematic research study. We know nothing about the other demographic characteristics of same-sex couples who have adopted and how, for instance, employment, social class and ethnicity intersect with presumed sexual identity. Mirroring the national figures, our statistics confirm that the number of children placed with same-sex couples is low. Furthermore, as a proportion of the whole, the numbers of hard to place children placed with same-sex adopters were noteworthy and possibly disproportionately high. None of these five local authorities has a policy concerning the recruitment of and placement of children with same-sex adopters, although one highlights its membership of Adoption Central England ('ACE') which sets targets: 'To ensure a wider pool of prospective adopters for those children who need a permanent family through adoption'.

Table 1. Local Authority Statistics on adoption placements made to same-sex couples.

Local Authorities listed in order of return with dates of data collection.	A 2013- 2018	B 2013- 2018	C 2013- 2018	D 2013- 2018	E 2012- 2018
Number of same-gender couples approved to adopt	6	16	21	5*	17
Number of children placed with same-gender adopters	18	29	28	20	18
Number of those children considered hard to place	16	10	20	N/A	13
Adoption placement breakdowns	0	0	0	0	0

\*Data from a two-year period

The purpose of this article is to reflect on new research during the last decade and to encourage policy makers and practitioners to consider making greater use of currently untapped resources to enable more children to have the opportunity to be brought up in nurturing families. We assess whether adopted children are advantaged or disadvantaged by being brought up by two parents of the same sex, or whether this has made no noticeable difference to outcomes. For consistency we use the legal term same-sex relationship in this paper rather than same-gender relationship, although the latter is a better reflection of psychosocial practice. The broad outcomes that we examine are: children's psychological well-being; the quality of adoptive family relationships; the child's birth family contact. We then turn our attention to considering research into why LGBT adults are motivated to seek to adopt. Lastly we consider the gaps in the available research evidence.

In our review we prioritize evidence from UK studies that have examined adoption mostly from local authority care by lesbian or gay couples. However, to expand the available pool of investigations we also consider evidence mainly from studies in the US and these

include adoptions via private agencies offering to place babies nationally or internationally with couples for a fee (<https://www.childwelfare.gov/pubPDFs/adopted0812.pdf>).

### **Children's psychological well-being**

If adoption by a same-sex couple is not to disadvantage children, then a key criterion is that the psychological well-being of children adopted by lesbian or gay couples is comparable with that of children adopted by heterosexual parents. The Cambridge Adoption Study (CAS) of children aged 4-9 years old, who had been placed from local authority care with their families for more than 12 months, revealed no significant differences between the psychiatric problem profiles of children adopted by lesbian, gay or heterosexual couples (S Golombok, L Mellish, S Jennings, P Casey, F Tasker, & M Lamb, 'Adoptive gay father families: Parent-child relationships and children's psychological adjustment' (2014) 85 *Child Development* 456). Likewise children in all three types of adoptive family were found to be similar in their levels of emotional or behavioural problems on the Strengths & Difficulties Questionnaire (SDQ) according to their main class teacher at school or their primary parent, although children adopted by heterosexual parents tended to show higher levels of externalizing behaviour. Irrespective of family type the variable most associated with children's SDQ scores was parenting stress and to a lesser extent parental disciplinary aggressiveness (anger). Although a follow-up to the CAS is underway, the findings reported above were statistical associations – as likely to be a response to behavioural problems as they were to cause them. Research in the US also has indicated similar associations regardless of family type between adopted children's psychological well-being at 3 years old and family processes, i.e. child adjustment was independent of parental sexual identity but parenting stress, parental disciplinary style, and couple relationship satisfaction were all associated with adjustment (R Farr, S Forsell and C Patterson, 'Parenting and child

development in adoptive families: Does sexual orientation matter?' (2010) 14 *Applied Developmental Science* 164).

Findings from the UK online survey Empowering Adoptive Families (EAF) have indicated a similar picture to the studies detailed above, but surveyed a wider group of adoptive parents of children and young people who were aged between 5-18 years old at the time of the survey (P Costa, F Tasker & I Leal 'Psychosocial Adjustment of Children in Adoptive LGBT+ and Heterosexual Families in the U.K' International Conference on Adoption Research July 8-12 2018, Montreal, Canada). In the EAF adopted children's SDQ and positive-negative well-being scores were not associated either with their adopted parent's sexual identity or with whether they were adopted into a single or two-parent home. Irrespective of family type, what made a difference to child wellbeing was the child's pre-adoption history: the higher number of placements, risk factors (including abuse and neglect) and the extent of health or disability problems.

Findings from two large US data sets have provided a comparison between younger children (aged 18 months to 5 years) and older children (aged 6 to 18 years) adopted by lesbian or gay adoptive parents and those adopted by heterosexual adoptive parents (P Averett, B Nalavany and S Ryan, 'An Evaluation of Gay/Lesbian and Heterosexual Adoption' (2009) 12(3-4) *Adoption Quarterly* 129). Averett and colleagues found no differences between the children adopted by lesbian and gay parents and those adopted by heterosexual parents on scores on a parent completed checklist of problematic behaviours. Irrespective of family type it was the adopted parents' reports of family functioning, and level of household income, that were associated with the extent of older adopted children's problematic behaviour: families who were operating positively as a smooth unit, or more affluent families, contained children with fewer problems. Further factors associated with



problems were: if the adopted child had a pre-adoption history of abuse, if the child was a boy rather than a girl, or if the child was older rather than younger.

Do looked after children also make developmental gains if they are adopted by lesbian or gay parents? Longitudinal research in the US has affirmed that children adopted from foster care by lesbian or gay parents experience post-adoption gains in cognitive and socio-emotional development in much the same way as do children adopted by heterosexual parents. These developmental gains could be seen even when children placed with lesbian or gay parents were at a higher level of initial risk because of their pre-adoptive histories (J Lavner, J Waterman & L Peplau, 'Can gay and lesbian parents promote healthy development in high-risk children adopted from foster care?' (2012) 82 *American Journal of Orthopsychiatry* 465).

In terms of school and peer relationships, over 90% of the children in adoptive families led by lesbian, gay, or heterosexual parents in the CAS seemed to be enjoying school and adoptive parents were generally satisfied with the school's response to their child (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). Most children did not have problems with friendships. In each family type about a third of children had given some indication of having being bullied or teased. However, victimization appeared not to be related to reasons connected with parental sexual identity and in only two cases did it seem connected to the child's adopted status. Some parents reported that they, or their child, had encountered some curiosity about having two mums or two dads, but these instances had been straightforward to deal with.

### **The quality of family relationships in the adopted family**

From video-recorded observations of family interaction on a set task, face-to-face interviews with all the 130 adoptive parents, and just under half of their children, in the CAS, it was clear that most of the parent-child relationships were positive and children had routine-based family lives (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)).

Notwithstanding, parents often stated that parent-child relationships had taken time to build and in some cases parents were still struggling to establish a connection. Irrespective of family type, in a fifth of these two parent families both parents reported sharing responsibilities for their child's daily care. In the other families one parent clearly identified as the primary caregiver and the other played a more secondary role. In contrast, data from Farr and Patterson's US study of lesbian, gay and heterosexual adoptive parents revealed that lesbian and gay couples were more likely to divide child care evenly, whereas amongst the heterosexual couples mothers tended to take the lead (R Farr & C Patterson, 'Coparenting Among Lesbian, Gay, and Heterosexual Couples: Associations With Adopted Children's Outcomes' (2013) 84 *Child Development* 1226). In Farr and Patterson's study lesbian couples engaged in more supportive co-parenting in terms of sharing parenting interactions with their child compared with either the heterosexual couples or particularly the gay couples.

Furthermore, the lesbian couples were the least likely to undermine each other's parenting whereas the heterosexual couples tended to be the most undermining. In the CAS gay fathers who had been nominated as their child's primary parent seemed to show the most positive and responsive interactions with their children, while among secondary parents heterosexual fathers on average recorded slightly higher levels of disciplinary anger than did secondary parents in either the lesbian or gay parent groups.

Becoming a parent is a major life transition for all new parents whatever their route to parenthood. How parents cope with the challenge is in part dependent upon the timing of parenthood and the socioeconomic resources available and how planned or wanted a child is. US data indicate that similar to heterosexual adopters, lesbian and gay adoptive parents are likely to be older and thus tend to have more resources available (recording higher educational attainment and household incomes) than most biological parents, especially so when compared with the birth families of the children they adopt (R Farr & C Patterson, 'Lesbian and gay adoptive parents and their children' in A Goldberg and K Allen (eds.), *LGBT-Parent Families: Innovations In Research And Implications For Practice* (Springer, 2013). Furthermore, all adoptive parents will have been waiting on an approved list in a period of seemingly endless expectation, only to be plunged into parenthood once a placement decision has been made and a child swiftly arrives. How do lesbian and gay adopters cope with new parenthood? Most adopting couples quickly experience an increase in their feeling of competence in parenting, with heterosexual and gay men experiencing greater gains in confidence than did heterosexual women or lesbians three months into placement (A Goldberg & J Smith, 'Perceived parenting skill across the transition to adoptive parenthood among lesbian, gay, and heterosexual adoptive couples' (2009) 23 *Journal of Family Psychology* 861).

Given the lengthy pre-adoption screening process undertaken prior to adoption it is perhaps not surprising that data from one US study found a very low rate of separation among the groups of lesbian, gay and heterosexual adoptive parents, despite the challenges of parenthood (A Goldberg & R Garcia, 'Predictors of relationship dissolution in lesbian, gay, and heterosexual adoptive parents' (2015) 29 *Journal of Family Psychology* 394). Over a five year follow up from pre- to post-adoption the factors associated with couple relationship dissolution were: adopting an older child, feeling less prepared for the adoption at the start of

placement, and either a blasé attitude or an over- concentrated concern regarding their couple relationship prior to adopting.

### **Openness about adoption and contact with the child's birth family**

Over 90% of the lesbian and gay adoptive parents in the CAS had talked to their children about being brought up in a two-mum or a two-dad family. Parents generally framed their discussions by talking about family diversity and different types of loving family relationships when reading age-appropriate books about “families like ours” with their child or when referring to other families that they knew. Irrespective of family type, most of the adoptive parents in the CAS had been open with their children about the adoption (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). The few that had not yet spoken to their children had hesitated because they felt their child was too young, or because their child showed signs of developmental delay.

CAS findings indicated that irrespective of family type around half the children in the sample had some contact with their birth mother over the last year, usually via a letterbox system, and around a quarter of children had similar indirect contact with their birth father (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). The adoptive parent's dissatisfaction with contact seemed to be attributable either to concerns about the birth parent's characteristics or the prior history of contact events.

Results from a study by Goldberg and colleagues, sampling adoptive parents who have received children from private domestic adoption agencies in the US, indicated that

lesbian or gay adoptive parents might be more open than heterosexual adopters to maintaining contact with the child's birth family relatives (A Goldberg, L Kinkler, H Richardson and J Downing, 'Lesbian, gay, and heterosexual couples in open adoption arrangements: A qualitative study' (2011) 73 *Journal of Marriage & Family* 502). Findings from another US study -- the Modern Adoptive Families project -- have revealed a contrasting picture for a larger sample of parents of adopted children (D Brodzinsky and A Goldberg, 'Contact with birth family in adoptive families headed by lesbian, gay male, and heterosexual parents' (2016) 62 *Children and Youth Services Review* 9). On the one hand, no difference in contact was found between different types of adoptive families if the child was adopted via a private agency or facilitator. Furthermore, birth family contact levels were higher across all family types for children adopted privately rather than from state welfare, not surprising since US agencies facilitating private domestic adoptions often promoted openness. On the other hand, of the children received from the US child welfare system those adopted by lesbian and gay parents were more likely to have contact with at least one member of their birth family compared with children adopted by heterosexual parents under similar circumstances. Intriguingly, Farr and colleagues have noted that gay adoptive parents might be the family of choice, perhaps particularly for some birth mothers who relinquished parental care yet still retained their notional role as the child's mother (R Farr, Y Ravvina and H Grotevant, 'Birth Family Contact Experiences Among Lesbian, Gay, and Heterosexual Adoptive Parents With School-Age Children' (2017) 67 *Family Relations* 132). Also noteworthy were the number of lesbian and gay adoptive parents who reported that they had been picked by birth relatives because of a positive attribution about lesbian or gay adoptive parents, say from having an LGBT relative in their extended family.

### **Motivations to parent**

Most adoptive parents record a strong desire to become a parent, which no doubt motivates and sustains along often arduous journeying through the adoption system. Results from the annual survey conducted by the charity New Family Social (NFS) survey indicated that LGBTQ people seeking to adopt want to do so because this would be a way of achieving permanent parenthood, creating a “forever family” (P Costa & F Tasker, ““We wanted a forever family”: Altruistic, Individualistic, and Motivated Reasoning Motivations for Adoption among LGBTQ Individuals’ (2018) 39 *Journal of Family Issues* 4156). In the NFS survey the LGBTQ adoptive parents and those seeking to adopt expressed both personal reasons for parenthood and altruistic reasons concerned with helping a needy child. However, we know very little about the motivations for foster caring as we have minimal research information about either same-sex couples who foster, or the children they look after, nor do we know much about children with bisexual or transgender parents (H Brown, J Sebba & N Luke, ‘The recruitment, assessment, support and supervision of lesbian, gay, bisexual and transgender foster carers: An international literature review’ (University of Oxford, Rees Centre, 2015).

Goldberg and colleagues interviewed gay couples in the US who were waiting to adopt their first child (A Goldberg, J Downing and A Moyer, ‘Why parenthood, and why now?: Gay men’s motivations for pursuing parenthood’ (2012) 61 *Family Relations* 157). Gay couples gave very similar motivations for parenthood to those cited by heterosexual men and women in other studies: personal fulfilment in parenthood, enjoyment of children, and completion in relation to their own family. The gay men waiting to adopt also mentioned their age and maturity, their relationship status, and their solid financial position as factors that indicated to them that they were ready to become parents. Goldberg’s participants had often moved to a bigger house in a more accepting and tolerant neighbourhood in preparation for having children.

Most of the heterosexual couples interviewed in the CAS had been unsuccessful in their attempts to conceive a child prior to pursuing adoption and nearly half of the lesbian adoptive parents had tried to have a child through the assistance of reproductive technology (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). Many lesbian and gay couples stated a preference for adoption over other routes to parenthood, because it would give them both an equal non-biological connection with their child and legally equal one too. Most gay fathers had only ever pursued adoption as their route to parenthood.

Evidence from Table 1 above, from the UK online survey EAF, and the CAS indicates that lesbian and gay adoptive parents may disproportionately adopt children who social services have traditionally found to be hard-to-place. In the EAF compared with heterosexual adoptive parents gay men were more likely to have adopted older children (who were also older when a care order was made) and lesbians adopted more children from minority ethnic backgrounds (P Costa, F Tasker and I Leal, 'Different Adoption Practices for Different Families? Gay, Lesbian, and Heterosexual Adopters and "Hard-To-Place" Children' European Scientific Association on Residential & Family Care for Children and Adolescents, 2-5th October 2018, Porto, Portugal). In the CAS the children adopted by gay fathers had a longer care history than those adopted by heterosexual couples in the comparison group, and ethnic background diversity was more evident in the subsamples of lesbian and gay adoptive parents than amongst the subsample of heterosexual couples (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). In the US too findings have indicated that lesbian and gay couples also seem to be more willing than heterosexual couples to adopt

a child with a different racial or ethnic background to their own, which together with an appreciation of community diversity, partially explained by the greater likelihood lesbian and gay couples being of mixed ethnicity (D Brodzinsky, *Expanding the resource for children III: Research-based best practices in adoption by gays and lesbians* (Evan B. Donaldson Adoption Institute, 2011).

### **Experience of the adoption system**

A number of commentators in the UK and elsewhere have pointed to the pervasive but narrow notions of what is acceptable in terms of family life underlying the assessment of potential adopters. Hicks emphasized how both applicants and adoption professionals persist in exploring how same-sex couples will provide appropriate gender-role models for children (S Hicks *Lesbian, Gay and Queer Parenting: Families, Intimacies, Genealogies* (Palgrave Macmillan, 2011). Monk drew attention to how UK social workers assessing a gay couple as foster carers interpreted the disclosure that the couple had an open relationship as a reason for initially rejecting them as prospective carers (D Monk, 'Sexuality and children post-equality' in R Leckey (ed), *After Legal Equality: Family, Sex, Kinship* (Routledge, 2015). Qualitative findings from a small sample Canadian study of lesbian and queer adoptive parents have detailed the stressful process of adoption (L Ross, R Epstein, C Goldfinger, L Steele, S Anderson and C Strike, 'Lesbian and queer mothers navigating the adoption system: The impacts on mental health' (2008) 17 *Health Sociology Review* 254). Ross and colleagues found that for lesbian and queer adopters the inherent uncertainties of successful matching were exacerbated by either a nagging suspicion of prejudice or an actual experience of discrimination. Ross and colleagues pointed to the complex and stressful intersection of multiple systems of oppression, including those of ethnicity, race, and class.



Perhaps the most notable difference between the groups of lesbian, gay and heterosexual adoptive parents in the CAS were their divergent reports of satisfaction with the adoption system (L Mellish, S Jennings, F Tasker, M Lamb and S Golombok, *Gay, Lesbian and Heterosexual Adoptive families: Family Relationships, Child Adjustment and Adopters' Experiences* (British Association for Adoption & Fostering, 2013)). While only 30% of heterosexual parents felt they had experienced some negative reaction as they journeyed through the adoption system, over 50% of the gay parents reported this, and 75% of the lesbian mothers did. For many of these adoptive parents, who were beginning their adoption journey shortly after the enactment of the Adoption & Children Act, negativity seemed to be encountered upon making an initial contact. Once a more open-minded adoption agency was found professionals were deemed very supportive.

Over a decade after the landmark legal change to allow same-sex couples to adopt has there been a change in LGBTQ people's experiences of adoption and foster care services? One study, analysing data from the 2014 annual survey conducted by the charity New Family Social (NFS) that facilitates a UK network for LGBT adoptive and foster families, found that the majority of the 350 plus LGBTQ adoptive parents and prospective adopters surveyed said that they had not experienced discrimination in the adoption system (P Costa & F Tasker, '“We wanted a forever family”: Altruistic, Individualistic, and Motivated Reasoning Motivations for Adoption among LGBTQ Individuals' (2018) 39 *Journal of Family Issues* 4156). However, gay men seeking to adopt thought they were more likely than others on the waiting list to be matched with harder-to-place children, while lesbians who had already adopted were more likely than other participants to state that they had indeed been matched with hard-to-place children. Another UK-based interview study of 22 lesbian and gay foster carers and adoptive parents indicated that overt refusal, or even excessive scrutiny of sexual identity, was a rare experience (S Wood, '“It's all a bit pantomime”: An exploratory study of

gay and lesbian adopters and foster-carers in England and Wales' (2016) 46 *British Journal of Social Work* 1708). Yet many of Wood's interviewees spoke of their caution in presenting their relationship to adoption professionals because they felt they did not fit with heteronormative nuclear family model that adoption professionals, or panels, seemed to expect. In order to fit perfectly couples received a strong impression that they needed to gloss over complexities (such as having a previous heterosexual relationship, a non-monogamous relationship, or mental health problems) however long ago these were. In not encouraging discussion of these nuanced complexities the adoption system loses out on honest exploration of issues and detailed consideration (Cocker and Brown, 'Sex, sexuality and relationships: Developing confidence and discernment when assessing lesbian and gay prospective adopters' (2010) 34 *Adoption & Fostering* 20; A de Jong & S Donnelly, Recruiting, assessing and supporting lesbian and gay adopters (BAAF, 2015). This consideration that might point to both the potential impact these issues might have on children and the potential strengths from resilience that adopters and foster carers might contribute to bringing up children from the welfare system.

## **Conclusion**

Twenty years ago, in another article in *Family Law* Barton wrote, 'Other, perhaps, than as spouses for each other, no suggested family membership for gays tends to attract a more disdainful reaction than that of child-raiser...For the time being English law remains, in practice, deeply suspicious' (J Barton, 'The Homosexual in the Family', 26 *Family Law* (1996) 626 p.626). That statement is no longer true. The paramount legal consideration of the adoption agency and of the court is the child's welfare throughout her life. The sexual identity of adopters is just one of the factors the court will take into account along with all of the factors set out in s.1(4) of the Adoption and Children Act 2002. The focus of the Family Court is on individuals, remaining always concerned with this child and this family. The

Family Court is assisted by research. ‘The truth is that research is about generalisations but practice is about individuals’ (S Jackson and N Thomas, *On the move again*, (Barkingside: Barnardo’s, 1999 p.5)). The importance of research is that it gives practitioners and judges alike the confidence to make placement decisions that would have been thought incredible twenty years ago and in so doing gives some children a route out of care that might otherwise be closed to them.

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