Throughout history, rights have been given and taken from diverse groups of Americans. We have seen races, genders, and relations being beaten down because of the differences they have in the United States. History changes before our eyes though; we see an example of this through President Barack Obama’s election this November. Many hope to see this type of event happen in their lives privileging them with different rights. We see this in the lives of homosexuals across the world. Every day, homosexuals struggle with the emotional burdens of condemnation because of their sexual relations. We also see them struggle with the burden of having no way to bear a child conventionally. In this essay, homosexual individuals and couples rights and different resources to having children and creating a family will be explored; also, the exploration will continue with the different aspects and views of homosexuals having children.

There are many ways a homosexual couple can opt to have children, which include the following: insemination, surrogacy, embryo donation and adoption. Each option has many different characteristics and emotions that come along with the baggage of having children unconventionally. First, insemination is a process where the sperm is inserted into a woman’s body (Sember). Perrin writes, “Most lesbians who conceive a child do so using alternative insemination techniques with a donor’s sperm” (341). Many lesbians use this as a resource for having children, but gay men can also use this as well. An example would be Clay Aiken and his use of insemination with another woman, who he has no relations with. She is just a close friend. Because of his homosexuality, it is obvious why his path veered towards insemination. This use of insemination gave a child to a single mother and a gay man; they are both single, but raise this child together, which fulfills the lifelong passion of Aiken, who always wanted children. One reason this could be considered a good choice for homosexuals is because there are no laws against unmarried couples and single parents desiring to have children: “Anyone is free to pursue this option” (Sember 165). There are also two types of donors, which are called known and unknown. A known donor is usually a friend or family member who will have contact with the child. An unknown donor is “located through the sperm bank” which has no attachment to the parent once this sperm is donated (Sember 169). Because of the fluidity that insemination provides, this is a great option for lesbian and gay couples (Sember). This option is a great example of an ap-
proach gay and lesbian families can take on legally having a child.

Another option for homosexual couples in becoming parents is surrogacy. We see it increasing in the gay community. Perrin writes, “A growing number of gay men have chosen to become fathers through the assistance of a surrogate mother who bears their child” (341). Even though there is an increasing amount of surrogates in the country, surrogacy is one of the most controversial options in the world of having children. A surrogate woman is one that agrees with a patron to carry their child. We see biological and non-biological surrogacy, along with traditional and gestational surrogacy. Biological surrogacy is when the surrogate mother is “biologically related to the child” and non-biological surrogacy is when “she has no biological connection” (Sember 197). Traditional surrogacy is when the woman’s eggs are used for the pregnancy and gestational surrogacy is when an embryo is created for the mother from the biological mother who wants the child. Although, there are many legal issues with surrogacy; there are no patterns in laws in the United States pertaining to surrogacy. Paying for surrogacy is a crime in five states: New Mexico, New York, Washington, Michigan, and Utah (Sember). There are eight states that actually recognize legally the agreements between a surrogate mother and a patron: West Virginia, Arkansas, New Hampshire, Nevada, Tennessee, Texas, Washington, and Florida. Sember writes:

Surrogacy is an emotional issue for many people, which is why the states do not agree. Some people vehemently oppose it, suggesting it is like selling a baby or renting a womb. Other people feel it is a logical extension of adoption and is an option that presents couples with a greater opportunity to bond with the baby and include the birth mother in the child’s life. (199)

Surrogacy is a divisive issue in the world of having children because of the many factors that add up to being a surrogate mother and receiving a child from surrogacy. This option of surrogacy is a deeper debate in the realm of homosexuals having children.

Embryo donation is also an option for lesbian couples. An egg that has already been fertilized and has started to develop into a baby is placed inside a woman. This occurs rarely because most families that donate these embryos are usually couples that have gone through artificial procedures and end up with extra embryos; they usually want to freeze these embryos because of their attachment to the embryo, because of the hard work they have had to put in to develop them (Sember). They also want to keep these embryos because they want more children later or they feel “uncomfortable…having another couple raise their biological child” (Sember 187). In the end, this option is very rare and can only assist lesbian couples.

The primary resource for homosexuals/homosexual couples in their want for children is adoption. There are two options for gay and lesbian couples to
adopt—excluding the option of adopting when married because of the scarcity of legal marriage. These options are single-parent adoption and second-parent adoption. Single-parent adoption is a definition in itself; a single mother or father adopts a child for themselves alone. Open adoption is also a smaller option and can provide biological parents with an outlet to give a homosexual parent a child, because it is the biological parents’ choice not the law’s (Sember). Second-parent adoption is permitted in eight states which include, District of Columbia, Massachusetts, New Jersey, New York, Illinois, Vermont, California, and Connecticut. There are other states that have loose laws about gay and lesbian adoptions which are Alaska, Delaware, Alabama, Washington, Rhode Island, Texas, Oregon, Minnesota, New Mexico, Nevada, Michigan, Maryland, Iowa, Indiana, Louisiana, Hawaii, and Georgia (Sember 124). Florida, Mississippi, and Utah do not allow any form of gay or lesbian adoption and Utah disallows adoption from “unmarried people who are cohabiting to adopt” which excludes a high percentage of the gay and lesbian community (Sember 124). Gay and lesbian couples can adopt together in New York, New Jersey, California, Vermont, and Washington D.C. According to The Complete Adoption & Fertility Legal Guide, even though gay and lesbians adopting together is not clearly stated in the legislatives of many states, there are still chances adopting together is an option. Also, even if adopting together is not an option, a procedure to enable both partners in adopting a child, is to have one partner adopt the child and then when that adoption process is over the second partner goes through second-parent adoption (where it is permitted). International adoption is not allowed in any country, unless the gay or lesbian couple keeps their orientation to themselves in the process (Sember). Elizabeth Patterson explains that agencies that place a child with a gay or lesbian couple can be called out for a controversial choice, and maybe even come into contact with a legal problem. She also explains that two people, not married, are not allowed to adopt together. But, other than that, there has to be legitimate reasons for a homosexual not to be able to adopt; it cannot be just because they are gay or lesbian. In the end, there are many different options in the adoptive community for gay and lesbian couples, but legally they have very limited rights (Patterson 28).

Second-parent adoption occurs when a parent does not give up legal rights as the parent; it is when another adult steps in and gains the rights as a legal parent along with the original biological parent or adoptive parent. Federle writes, “A same-sex partner adopts the child of the other partner without terminating that partner’s parental rights” (79). Second-parent adoption usually occurs when a gay or lesbian partner had a child from a previous relationship or marriage, either a heterosexual or a homosexual (Miller, Adamec). Shelley-Sireci and Ciano-Boyce write, “Most families headed by lesbian couples were formed biologically, that is the couple used assisted fertilization, or the family is a step-family and the child or children result from a previous heterosexual
relationship” (34). Because of this research, we see lesbian couples are more likely to perform a second-parent adoption and use insemination. Second-parent adoption is not recognized everywhere, and we see a lot of controversy where it is acknowledged and legal. We also see: “Second parent adoptions that are valid in other states will be recognized as valid” (Federle 79). Even though second-parent adoption is recognized in all states it does not mean that it is easy to undergo. Second-parent adoption ensures security for the child in many situations. We see it provides healthcare from both parents, both parents are legally bound to providing child support if they separate and if a gay or lesbian couple decides to end their relationship, the coparent has the right to gain custody and visitation. In the opinion of the American Academy of Pediatrics: “Children who are born to or adopted by 1 member of a same-sex couple deserve the security of 2 legally recognized parents” (339). We see this group of Pediatrics believe that same-sex couples should have the right to co-parent or second-parent adoption. In conclusion, second-parent adoption is an option for the homosexual couples, but it is not the easiest route or process.

According to Janice Kroeger, in the book, Other Kinds of Families: Embracing Diversity in Schools, she concludes that “The number of children with sexual minority parents [is] between 6 and 14 million” (121). Because of this increasingly large number, gay and lesbian families are gradually becoming more accepted. Homosexual couples still struggle and deal with discrimination in the world of children. Research shows that the adoption process for the gay and lesbian family is a harder procedure than for the heterosexual family because of the discrimination that comes with their sexual orientation: “Despite a decline in discrimination against most ‘non-traditional’ families, lesbian mothers and gay fathers continue to struggle with legal, public policy, and social biases making the process of becoming a family difficult” (Shelley-Sireci, Ciano-Boyce 33). Because of these biases, homosexual families have to go the extra mile to be able to adopt the child or use artificial tactics. According to the research Shelley-Sireci and Ciano-Boyce have documented: “The adoption process was similar for both lesbian and heterosexual parents, but lesbian adoptive parents perceived more discrimination and were more inclined to omit information” (34). During the adoption process, lesbian and gay couples are somewhat compelled to the “Don’t ask, Don’t tell” rule, which lessens the problems that an adoption agency will exclude you from the adoption process. The American Academy of Pediatrics and the American Psychological Association support the gay and lesbian community in their exhibitions to gain rights in the adopting or fostering world (Shelley-Sireci, Ciano-Boyce 35).

There are many extreme beliefs when it comes to the realm of gay and lesbian families. Many people believe that children are not better off in a home with two homosexual parents and that it is not in the child's best interest when it comes to growing up psychologically healthy. An example would be senior policy analyst, Peter LaBarbera. He believes gay activists who promote gay
adoption (and say that it is in the best interest of the child) are misled and selfish. He also believes that they use this as a template for the real wants for themselves. Researchers who are pro-gay have found that homosexual-raised children are more likely to go against the norm sexually (LaBarbera). Because of this, he believes homosexual adoption is wrong, especially when a child can be adopted by a nuclear family. LaBarbera writes, “This radical social experiment, if successful, will only put more kids in unstable homes and expose innocent children to homosexual behavior when they could have had both a mom and a dad” (2). Along with LaBarbera’s ideas, many people believe that if homosexuals are legally allowed to adopt, many heterosexual families will have that privilege taken away. But because there are so many kids in the foster care system that need homes, many homosexual families need to take in these children.

In contrast to LaBarbera’s beliefs, Ellen Perrin believes that a homosexual family is just as healthy as a heterosexual family and that this lifestyle has no extra psychological distress on the child. Perrin writes, “There is no systematic difference between gay and nongay parents in emotional health, parenting skills, and attitudes toward parenting” (343). According to Perrin, children develop into better adults because of the nature of the family, not because of the actual family type itself. Also, we see in The Encyclopedia of Adoption an example of an Alaskan court case in 1985:

A minor child’s GUARDIAN AD LITEM recommended that a lesbian couple be allowed to adopt a child they had both parented since birth. The adoption was allowed because the court determined the mother’s lesbian relationship was a not a factor in whether she was a good parent or not. (Miller, Adamec 117)

Because of the court’s concern for the best interest of the child, they allowed this adoption to follow through, which many believe is the best choice. All in all, many people believe that homosexual families can benefit the children more than a heterosexual family.

Both extremes are considered and contemplated by many people. Many people believe that homosexual adoption should be considered on a “case-by-case” basis. Miller and Adamec write, “The sexual orientation of the prospective parent should not be considered as relevant” (117). Because of this belief, many people are neutral in the ideas of gay and lesbian families adopting.

One factor which affects same-sex couples after they have gained a legal child is the discrimination that comes with being a homosexual couple and having a family. Williams describes the “parenting in a fishbowl concept” which many gay and lesbian couples feel. Williams writes, “Many lesbian and gay parents feel as if they are parenting on some strange sort of stage – that the world watching and waiting to see how their kids turn out” (1). Gelnaw, an early child development specialist describes parenting: “I think, in most cases,
it makes us even better parents because our parenting is so unintentional, so carefully thought out” (Williams 2). To bring to a close, many can say a same-sex couple can raise a child well through the discrimination they receive.

In conclusion, homosexual individuals and couples have limited rights, but have many options for having children and creating a family. Also, same-sex couples are discriminated against, fully supported, and accepted by case according to the person’s personal beliefs. A final closing thought: Homosexual families have no certainty of positive or negative outcomes for their future, but researching the topic now shows the outcome as a positive in their eyes, because of the disappearing discrimination and the occurring laws they are working for, including gay marriage, gay adoption, and having more rights in the family aspect of life.

Works Cited


A Mixed Up World: The Legal Rights and Uses of Homosexuals Gaining Children


