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## LGBT Adoption And Fostering

The question of adoption or fostering by LGBT whether living with a partner or not remains controversial. There is one view that such applicants should not be excluded from consideration providing they can satisfy an agency that they can provide a home in which a child's interest would be safeguarded and promoted. Others take the view that placement with LGBT could never be in the interests and could never provide a suitable environment for the care and nurture of a child (Department of Health, 1991). Despite the welcome legal changes, the realization of lived equality is unlikely to be achieved for some time to come. For example, 'gay-bashing', pejorative stereotypes and disrespectful jibes are still common in the UK (Ref).

With the current shortage of foster carers and adopters, children services department is under pressure to increase the numbers of families able to care for children (Brown and Cocker, 2008). Therefore, the research aims to identify social attitudes to sexuality and associated patterns of living. Equalizing the rights of different groups and dismantling institutional and social barriers to the assessment and uptake of adoption and fostering

### Purpose of the study

Adoption and Fostering by lesbian, gay, bisexual and transgender (LGBT) is currently legal in many countries including the United Kingdom (UK). According to Cocker and Brown (2010), in the last 15 years the United Kingdom (UK), have seen a profound change in the way that lesbians and gay men have been socially and politically located and acknowledged. Equally, the past several decades have seen an increasing controversy over lesbian and gay parenthood. Nonetheless, I believe it is fair to say that LGBT adoptive parents and foster carers have contributed to diversifying family forms in the United Kingdom.

LGBTQ communities have been further liberated by the legalization of same-sex marriage in 2013, representing a largely positive stance towards LGBT parenting (ref). However, same

sex-marriage is still among the huge concerns that continue to take center stage in many countries around the world. According to the Department of Education (DfE), 1 in 8 adoptions in the UK was by LGBT couples (Gov. uk, ). The rise in LGBT parenting in the UK has transformed the way people conceive of how family functions in a multi-cultural society. All though there has been a great deal of social progression for LGBT communities, their expedition for parenthood still faces challenges.

With these challenges, Cocker and Brown (2010) argue that the paramountcy of the child's welfare must remain central to developments in adoption and fostering practice. Hence, deconstructing the accepted discourse of Anti Discriminatory Practice (ADP) to enable new understandings of working with diversity, as this remains a central tenet of effective social work practice. It is important to address these issues (unique to gay and lesbian adoptive parents) so that social workers can examine their personal bias to make informed choices and configure society's paradigm of what encompasses a family. I hope the study has highlighted further areas for research development as well as add to a practitioner's knowledge of these issues. Along with creating a new climate in which there is much greater emphasis on the social

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acceptance and inclusivity of LGBT in adoption and fostering.

Further to this, there is an urgent need for more adopters and foster carers in the UK. In 2016, 9.6% of all adoptions in England involved same-sex couples. An increase from 8.4% the previous year. In 2018, around 460 of 3820 adopters which equates to 12% in England involved same-sex couples (ref). Although LGBT households have through adoption and fostering practices become a node of diverse family configurations, such parenting continuously involves controversies. (Ref)

On a more personal note, I come from a country and a culture which holds very strong homophobic views and opinions. This is also seen in Laws of the country such as the Offences Against the Person Act 1864 (OAPA) also known as the “Buggery” statute. Such Act means that same-sex marriages are constitutionally banned since 1962. Homosexual acts are illegal in Jamaica under article 76 of the Act levying sentences of up to 10 years of imprisonment with hard labor. With such strong cultural and religious influence, it is important for me to aware of, sensitive to and competent in working with issues of social difference, aspect of difference in beliefs, power and lifestyle to avoid unintentional discrimination. Burnham (2013) posit that “social graces” helps people to explore more fully the influence of particular aspects of lives that may have a dominant presence or, alternatively may be invisible or unnoticed as well as facilitating thinking around social differences.

Therefore, this research is relevant to social work practice as it aims to explore the extent to which discriminatory practices remain and deconstruct the accepted discourse of Anti-discriminatory Practice (ADP) to enable new understandings of working effectively with diversity, as this is a central tenet of effective social work practice. Arguably, social workers need to be capable of working in an inclusive and facilitative manner with all people, ensuring that negative discrimination experienced by clients are mitigated.

For the development of adoption practice, the welfare of the child always takes the presidency as enshrined by the Children Act 1989; 2004 (DoH, 2011). Therefore, highlighting the social barriers for potential LGBT parents through a systematic review of the existing literature will enable practitioners to identify the barriers of gay and lesbian adopters and foster carers, and how social workers can respond to both individual identities and diverse family norms to enable effective adoption/fostering. Bearing in mind, this dissertation is geared not only to fight discrimination but also to provide better support of LGBT people through the adoption process.

## **Significance of the Research for Social Work Practices**

As adoptions by LGBT are becoming more widely available, social workers must be prepared to provide culturally competent services to LGBT adoptive and foster parents and their families. As stated by (Hicks, 2006; Ryan 2000; Ryan et al., 2004, Ryan and Whitlock, 2008) culturally competent services must go beyond gay and lesbian “friendly” policies and seek to educate social workers about LGBT families and their lives.

Although definitions of family have changed and adoption has become more popular, it is implied that biological families are constructed as more legitimate than are adoptive families more specific LGBT families. This is still present in social attitudes towards LGBT individuals

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Make links to social work student was barred from studying because of his views and the judge whose appeal was not overturned because of sharing his opinion.

Legislative development in many European countries has marked important steps towards equal rights for lesbian, gay, bisexual and transgender (LGBT) people (IGLA, 2016; Nothdurfer and Nagy, 2016). Equally, notable changes in legislation have helped remove some of the structural barriers into the route of parenting for LGBT. However, transforming the everyday lives and experiences of LGBT people is not only a matter of legal requirements but also shaped by institutions, dominant discourses and practices in society (Cocker and Hafford-Letchfield, 2010; Nothdurfer and Nagy, 2016).

Many people hold their own biases and prejudices about same-sex adoption. The main idea of changing stereotypes is the recognition that emotional security, stability and criteria assessing the best interest of the child are the ideal basis for decisions regarding adoption rather than criteria relating to sexual orientation and marital status. In the future, I hope to work as a member in the Adoption and Fostering team and I believe it is necessary to explore the extent to which discriminatory practices remain and identify rigorous, critical and proficient assessment of prospective adopters to ensure that children are placed in families that will facilitate their overall development. Hence the reason for my research question.

I aim to explore the experiences of both LGBT adoptive and foster parents and highlight the need for social workers to deconstruct the idea of rigid sexual and gender identities. Also, learn to respond to the complexities of human identities and family composition.

## **Background/History**

Fostering is the placement of a child with a family or lone carer other than their birth family for full-time day-to-day care on a temporary, long-term or permanent basis (Alcock and Erskine, 2002; Pierson and Thomas, 2010). On the other hand, Adoption is the term for the permanent transfer of legal rights concerning the parental responsibility of a child (Pierson and Thomas, 2010). Whilst the number of looked after children continues to rise, the number of children looked after being adopted decreased to 3820 from 5360 in 2015.

According to the Department of Education (2018), on the 31st March 2018, there were 75420 looked after children in England. Although the number of children been adopted or fostered as increase each year since xxx, there is still a shortage of qualified adoptive or foster carers/parents. Xxx states that many gay and lesbian families are interested in adopting and are willing to adopt children. Xxx states that there are approximately xxx gay and lesbian people interesting in adopting. However, social stigma, cultural and personal discrimination have created barriers for LGBT couples in the adoption process.

According to Wood (2018), the UK has seen significant changes in policies and legislation in the context of adoption and fostering during the last 15 years. This includes the most pertinent piece of legislation concerning social work practice, the Adoption and Children Act (2002), which allowed unmarried couples including lesbian and gay men to adopt jointly, putting them on equal standing as heterosexual couples (Hicks, 2006; Wood, 2008). The Children Act 1989 was herald as a landmark piece of legislation. Acknowledging that no adult has an automatic right to parent looked after children, limiting lesbian and gay men's opportunity to be parents. Research

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by Mellish et al (2013) and Logan (2010) highlights the importance of legislations in constructing parenthood beyond biological connectedness.

Nonetheless, since its implementation, statistics have revealed that there has been a steady increase in the number of gay and lesbian adopters in England (Gov. uk, 2018; New Family Social, 2016). Further support to adopt and foster by gay and lesbian were made with the introduction to legislation such as the Equality Act (Sexual Orientation) Regulations 2007 and the Equality Act 2010. This meant that lesbians and gay men could not be discounted from assessment purely based on their sexuality (Brown and Cocker, 2008). Conversely, the introduction of the sexual orientation Regulations on 30th April 2007 saw controversies as Catholic adoption agencies were exempted from sexual orientation regulations. Stating that the legislation contradicted church "moral values" (Ref).

Despite the fore mentioned legislations to help eradicate some of the structural inhibitions for lesbian and gay men accessing this route into parenting, nonheterosexuality relationships are frequently associated with a high degree of stigma and marginalization (Weeks et al, 2001). Besides, historical exclusionary policies such as Section 28 of the 1988 Local Government Act discriminated against lesbian and gay families, specifying that they could only form a "pretend family relationship" (Smith, 1994, p.183). This remained the case until 2000 in Scotland and until 2003 in England and Wales. Such policies replicate an ideological abyss between lesbian and gay men and the care of children.

## Theories

LGBT people experience exclusion and segregation by discourses, which set the notion of heterosexuality as the problematic norm and do not challenge the binary and essentialist views and compulsory connection of sex, gender and desire (Ellison and Gunstone, 2009). Foucauldian understanding of discourse as a powerful system of thoughts, signs, and communication that constantly construct the subjects and legitimate current truths (Foucault, 1972). This is further supported by Hicks (2005) who argued that viewing lesbian or gay relationships as inherently radical or conservative' is redundant and that these are 'social constructions and are not statements of facts'. The ontological assumption is that truth is subjective.

Social learning theory assumes that behaviors are learned through modeling, imitation, and observation (Hepworth et al, 2006). Gay bias is a problem not only in mainstream society but also within numerous helping professions (Chonody, Rutledge & Siebert, 2009). Despite many years of training, many social workers fall prey to the biases that are held by the population at large (Brownlee et al, 2005). Social work students may possess their attitudes about gay men and lesbian that was developed from learned experiences. I do agree with this statement, because as previously mentioned, when you grow up in an environment where you are taught that any other relationship other than and a male and female is forbidden, you grow up to believe that and for some it may be difficult to change such perspective whether they are visible or invisible, voiced or unvoiced. Socialization theory suggests that one function of the family is to teach children the correct behavior associated with gender if they are two separate genders, male and female. Further arguing that a child requires both a male and female parent to achieve correct socialization.

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The queer theory derives largely from post-structuralist thinking and deconstruction and its academic roots are to be found in US literature and philosophy of the 1980s and 1990s (Jagose, 1996; Degele, 2008). It offers a critical analytical focus on issues of sexual identity, and especially on the construction of a normative heterosexual ideology (Jagose, 1996; Warner, 1993). Queer theorists challenge normative expectations in connection to sexuality and gender, and question heterosexuality as the norm taken for granted. They offer a perspective that refutes essentialist notions of identity that connect sex, gender and heterosexual desire but shows the socially constructed and normative nature of sexual and gender identities. The potential of a queer perspective consists in questioning the binary, essentialist and hierarchically structured opposition of man and woman and the causal and compulsory connection of sex, gender and desire within the heterosexual matrix (Butler, 1999). Queer theory concentrates on bringing to light the flaws in heteronormativity and on the cast-off parts while establishing strong and unmistakable sexual and gender identities (Jagose, 1996). Such an approach helps to better understand the structural nature of discriminations and inequalities.