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# **Adoption: Protecting the children and families of gays & lesbians**

gay & lesbian equality  
human rights at risk: fact sheet

## ***The issue:***

### **Protect all families and children**

Western Australia has a diversity of families – many of which are two-parent families with a mum and dad.

But our society has other types of families – and they deserve security and protection under the law.

Some families are single parent families. Similarly, gay and lesbian people have been having children and forming families for decades.

Western Australia's adoption laws are geared towards protecting children in these relationships.

This is why almost all adoptions are by non-biological guardians to protect these dynamic families.

For a fair outcome for all families, WA's adoption laws should protect all families and adoption should stay available to gay and lesbian families.

## ***The current laws:***

### **Equal access to adoption for families**

In 2001, the Government identified that many children within families of gay and lesbian parents were not protected adequately – for example, if their birth parent died.

The Attorney-General's report found that: "The current status whereby same sex couples, in particular the non-biological parent, cannot adopt children leads to uncertainty and insecurity that surely goes against the best interests of the children."

In response, the Government changed the *Adoption Act 1994* to allow the non-biological partner to be recognised as a parent under adoption laws.

The law still requires that adopting parents are assessed as suitable and in the best interests of the child. The law also allows same-sex couples to general adoption, but the parents of any child being given up for adoption have the right to stop the child being placed with gay or lesbian parents.

## ***The Liberal plan:***

### **Liberals will hurt kids in gay families**

The WA Liberal Party now wishes to fiddle with WA's fair adoption laws to stop gay families from being protected.

The Liberal Party says they need to ban gay and lesbian parents from adoption to save marriages and families.

This is plainly untrue – removing adoption for gay families won't protect one heterosexual family or marriage.

Also the Liberal Party's colleagues – the Nationals – have said moves to undo these laws are a "waste of time".

The rollback of adoption laws by the WA Liberal Party will deprive the children of gays and lesbians from protections and security under law.

It is cruel and hurtful to penalise kids just for having gay and lesbian parents.

***The myths and facts:***

## Same-sex parents don't want your kids

**Myth: Gays and lesbians seek adoption to get an unwanted baby as a child.**

Fact: Gay and lesbian parents can use adoption to protect their own children. Also, stranger adoption is extremely limited – in 1998/1999 only six stranger adoptions occurred.

**Myth: Gays and lesbians adopting is not in the best interests of children.**

Fact: Protecting the families of gay and lesbian parents is in the best interest of the child – by protecting the rights of the child and securing the family in law.

**Myth: Gays and lesbians want to adopt as they can't have children naturally.**

Fact: Gay and lesbian people have been producing children and families for decades. Their desire to parent is not diminished solely because they happen to be gay or lesbian.

**Myth: Recognising gay families affects the institutions of marriage and family.**

Fact: Removing laws to protect gay and lesbian parenting and families equally under the law will not enhance or create one straight family or marriage.

***Talking points:***

## Speak up about unfair adoption laws

Gays and lesbians clearly need to have access to adoption laws, including to:

- protect and secure the families and children of gay people and recognise the family in law
- protect the co-adoptive parent's rights if denied access to their child, e.g. by a hospital or school
- secure the children's rights if the birth parent dies or is disabled
- allow a child of an adoptive parent to make claims if the parent dies or is disabled
- protect a child's right of succession and inheritance from the adoptive parent

***What you can do:***

## Help keep fairness in WA law

There are a number of ways you can oppose the Liberal Party's plans to undo equality for gays, lesbians, single women and de facto straight couples.

You can write letters to newspapers, ask to meet your local Liberal MP or candidate, and tell friends and family

about the issues. You could also vote for a progressive political party like the ALP, Greens and Australian Democrats.

Every individual can make a difference. For more information on what you can do to keep WA's adoption laws, please visit our website at [www.galewa.asn.au](http://www.galewa.asn.au)

***More information:***

## About Gay and Lesbian Equality

Gay and Lesbian Equality is WA's peak gay and lesbian human rights body.

We also lobby to keep the human rights of others in related issues – like the reproductive rights of single women and relationship rights for de factos.

Our website at [www.galewa.asn.au](http://www.galewa.asn.au) contains more fact sheets.

Topics include the age of consent, reproductive rights for single women and lesbians, and Family Court access to straight and gay de facto couples.