

## S.A.H. Students Against Hate

*“Our Mission statement is to legalize gay marriage. We seek to educate people about equal love, acceptance and preferences. We want to show people that just because it’s different, it doesn’t mean it’s wrong.”*

New York Times

Florida Gay Adoption Ban is Ruled Unconstitutional

November 26, 2008

**Who:** Gay Couples

**What:** The legalization of same sex adoption

**When:** November 26, 2008

**Where:** Florida

The law barring the adoption of children to same sex couples has been ruled unconstitutional

### Quote

*“It is clear that sexual orientation is not a predictor of a person’s ability to parent.” - Cindy S. Lederman of Miami-Dade Circuit Court.”*

Cindy Lederman is a Miami-Dade Circuit Court spokesperson, who’s views most match mine on this subject. She says that bottom line a person’s orientation has nothing to do with their ability to parent. The entire article deals with Florida’s adoption law and how the law insinuates that gays not only make bad parents, but should not even have the right to become adoptive parents. This law has been ruled unconstitutional by the district court.

### Summary

In Miami, Florida, a law that has banned gay couples to adopt for over three decades has finally been ruled unconstitutional by judges. Cindy S. Lederman of Miami-Dade Circuit Court says that the law violates equal rights for children and their prospective parents. “The best interests of children are not preserved by prohibiting homosexual adoption.” A spokeswoman for the attorney general’s office said the case is likely to go before the state supreme court, and the state would appeal.

Florida is the only state with a law that not only prohibits gay couples from adopting children, but it prohibits homosexual individuals from adoption as well. This was established by Legislatures’ vote to prohibit adoptions by gay people in 1977 in a campaign led by Anita Bryant to repeal a gay rights ordinance adopted by Dade County. Later, in 2005, the United States Supreme Court refused to challenge the law in Florida. Mississippi and Utah also do not allow same sex couples to adopt, by not allowing “unmarried” couples to adopt. Similarly, Arkansas has also passed a law that prohibits gay adoption.

In Court, the state representatives argued that homosexual couples had a higher chance to abuse drugs and alcohol, and tended to have less stable relationships than their heterosexual counterparts, implying that a homosexual couple would provide an unhealthy environment in which to raise children. All these accusations were proved wrong by evidence provided by lawyers for Mr. Gill, a 47 year old homosexual man from North

Miami, who sought to adopt two foster children, whom he had been raising since 2004. In her decision, Judge Lederman wrote “It is clear that sexual orientation is not a predictor of a person’s ability to parent.” Ruling the law unconstitutional. Robert Rosenwald, director of the LGBT Advocacy project of the American Civil Liberties Union of Florida, and one of the lawyers of the case, was happy that the two foster boys raised by Mr. Gill could now be adopted by him and continue to be part of his family. As well as another 1000 children, waiting to be adopted now could be by gay and lesbian couples. He saw it as a victory for gay and lesbian parents, and their new children.

### **Opinion:**

It seems that the Gay Rights movement is picking up speed, since Florida was the only state to ban not only same sex couples from adoption, but also homosexual individuals. I’d say this isn’t anything short of a landmark decision. I also think it’s great that 1000 children can now be adopted and at least have gay parents, rather than no parents at all. I feel like just having parents is more important than whether or not they’re straight. I think this isn’t even something that should have been an issue. If all these heterosexuals so bent of keeping ‘traditional’ families alive really cared about how the children were being raised, why are there so many adoptable children not going to heterosexual families?

Now that Florida has changed an old 1977 law, maybe Utah and Mississippi can be swayed as well. Specifically from their “Separate but equal” way of getting around the rules. People in a civil union cannot adopt because they are technically not married, causing them to be part of the “unmarried” people, banned from adoption by the those laws. However hopeful, I’m also afraid it is only the law that has changed and that there still remains a large number of people who would most likely otherwise continue to ban same sex adoption. Similar to the Civil Rights movement, as you have changed the law, but you’ll always have some people who are still racist.

I wonder what the ratio is of children who were raised by heterosexual families and turned out gay, to children who were raised by gay families and turned out heterosexual. I don’t agree with the arguments Florida State representatives put forth, saying that homosexual relationships were less stable than that of heterosexual’s, in an attempt to keep this absurd law barring homosexuals from adopting. I’m glad that lawyers were able to provide a counterexample and disprove every accusation causing the judge to find it unconstitutional, but while the article failed to mention just what those counterexamples were, I still disagree with their statements. I believe in the State of Florida, you have no idea how a homosexual couple would raise a child, because you don’t allow them to.

### **Question:**

Why do you think it took so long (over 30 years) for Florida to find a law such as this unconstitutional?

### **Answer:**

First of all, Florida is a southern state, and southern states seem to tend to be less open to change. This law in particular banned not only same sex couples from adopting, but also homosexual individuals, which should give us an idea to just what degree people dislike homosexuality in Florida, which would be harder to change in general, as we not only must change the law itself, but in order to do that we need to change enough people’s way of thinking.