

# The Association of Politically Active Christians

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## 2010 MEMORANDUM OF OPPOSITION JOINT ADOPTION BY TWO UNMARRIED PERSONS (S.1523/A.5652) Contact: Stephen P. Hayford (518-364-5324)

APAC opposes joint adoption by two unmarried persons for the following reasons:

- **Existing limitations on joint adoption make sense.** Existing statutory law allows for adoption by individuals or by married couples. While some court decisions have (wrongly, in our opinion) interpreted existing law to allow for joint adoption by unmarried partners, the Legislature should not follow the lead of those courts. To put it simply, it makes sense to place reasonable limitations on adoption. Generally speaking, children do best with a married mother and father. New York has a strong public interest in furthering the well-being of children. At the very least, that interest militates in favor of continuing the current limitations.
- **Joint adoption by unmarried persons of the opposite sex is unnecessary.** If unmarried opposite-sex couples wish to adopt children in New York, they are at liberty to marry one another. By marrying one another, those couples provide each other and any children they may wish to adopt with the legal and societal benefits that flow from a permanent, committed relationship. New York should encourage opposite-sex couples to make this commitment before they embark on the journey of parenthood.
- **Joint adoption by same-sex partners would be bad public policy.** Children need both mothers and fathers. While same-sex couples do parent children in New York, the New York State Legislature should not encourage or promote the formation of such family structures; by definition, those family structures deprive children of either a mother or a father.
- **The argument contained in the bill memorandum does not hold water.** In particular, the suggestion that a child has a “right to have both parents named on the birth certificate” defies common sense when same-sex partners are being referred to. A child’s two birth parents should be placed on that child’s birth certificate. Given that it is biologically impossible for two persons of the same sex to bring a child into the world, it would be dishonest to list two same-sex partners on a birth certificate.