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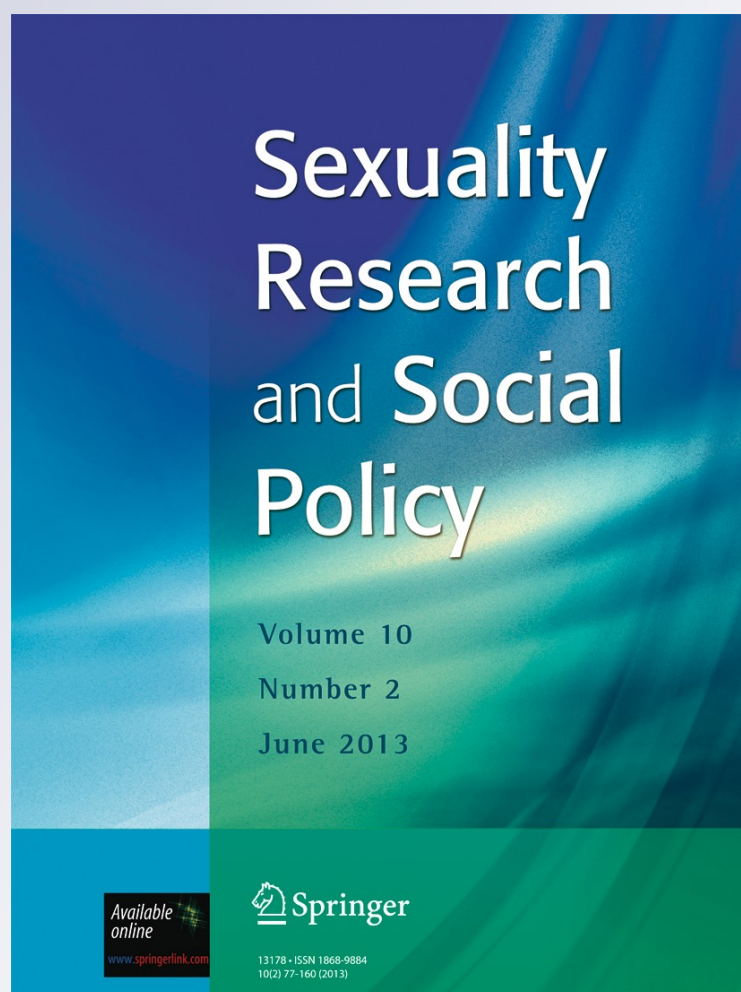
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# What Changed When the Gay Adoption Ban was Lifted?: Perspectives of Lesbian and Gay Parents in Florida

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**Abstract** This exploratory, qualitative study examined the perspectives of 22 lesbian and gay parents (15 female and seven male) who were residents of Florida while the state's gay adoption ban was in effect and who had adopted or were in the process of adopting a child. Participants were interviewed about their experiences before and after the lifting of the gay adoption ban, which occurred in 2010. Participants described numerous negative consequences of the ban, including the inability to adopt foster children and the legal invisibility of one partner's parental status (e.g., among lesbian couples who had become parents via donor insemination). Parents described various positive changes that occurred in their families once the ban was lifted, such as a profound sense of relief for parents and their children, as well as legal recognition of both partners as parents. Our findings highlight the negative consequences of discriminatory legislation on lesbian/gay-parent families, as well as some subsequent positive effects once such legislation is removed.

**Keywords** Adoption · discrimination · Florida · Gay · Laws · Lesbian

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Lesbians and gay men encounter numerous barriers in achieving the legal status of “parent.” Many states do not allow openly lesbian/gay couples to co-adopt (i.e., to adopt their child jointly). As of this writing, there are 18 states that allow same-sex couples to petition for co-adoption of a child, and two other states (Minnesota and Colorado) where same-sex couples have successfully petitioned to co-adopt in some counties (HRC 2012). In many of the remaining states, same-sex couples have had success adopting serially. That is, one partner initially adopts the child as a single parent and then the other partner petitions for a *second-parent adoption*, allowing both partners to be legally recognized as the child's parents (Federle 2005). Second-parent adoptions are also employed by lesbian couples in which one partner has given birth to the child; in this case, the nonbiological mother does not have automatic legal rights to the child (although in some states, such as Massachusetts, the nonbiological mother does have legal status as a parent, *if* the women are married; Ritter 2010; Shapiro 2013). Notably, second-parent adoptions by same-sex partners are not universally available. Some states explicitly permit them, some states explicitly prohibit them, and in some states, whether or not they are granted depends upon where the couple lives and/or which judge hears their case (Federle 2005; Ritter 2010).

Florida was the only state that explicitly prohibited openly lesbian/gay persons to adopt until 2010, when it lifted its ban on gay adoption (Shapiro 2013). No research to date has examined the perspectives or experiences of lesbians and gay men in Florida who have become legal parents since the gay adoption ban was lifted, although scholars have studied heterosexual adoptive parents' attitudes toward gay adoption in Florida (Averett et al. 2011). Knowledge of how lesbians and gay men experience the impact of this legal change may shed light on the real-life consequences of anti- and pro-gay legislation. Some lesbians and gay men—particularly gay men, for whom there are fewer possible family building

routes—may not have viewed parenthood as a viable option until the ban was lifted. Thus, the lifting of the ban may have enabled them to fulfill their dream of becoming a parent (Goldberg 2012). For lesbian couples who pursued donor insemination (DI) as a means of becoming parents, the lifting of the ban may be valued for enabling the nonbiological mother to become a legal parent. Indeed, some authors (e.g., Meezan and Rauch 2005) have argued that legislation that enables *both* partners to be legally recognized as their children's parents has the potential to increase family well-being. It increases material well-being by enabling children to receive benefits from both parents, provides emotional security by assuring children that their parents are in fact their “real” parents, and ties parents to their children, potentially increasing parental investment (Goldberg 2010). Children and families may also benefit indirectly in that legal recognition of parent–child relations validates these relationships, encouraging society to view them as “real,” which may decrease stigma toward lesbian, gay, and bisexual (LGB)-parent families (Goldberg and Kivalanka 2012).

In light of the momentous legal shifts that have recently occurred in Florida, this study examines the perceptions and experiences of lesbians and gay men who became the legal adoptive parents of their children, or who were actively seeking to adopt their children, since the lifting of the ban. Drawing from qualitative interviews of 22 lesbians and gay men, all of whom were parents and residents of Florida during the ban, we examine the perceived consequences of both the ban, and the lifting of the ban, for same-sex couples. We address (a) reasons why participants chose to live in Florida—a state with a long history of discriminatory legislation against same-sex couples, especially where parenting rights are concerned; (b) perceived negative consequences of the ban; (c) protective legal strategies that they sought to implement prior to the lifting of the ban; and (d) perceived positive changes that occurred for families after the ban was lifted. Our sample includes couples that adopted serially (i.e., one partner adopted first, and then the other partner completed a second-parent adoption) since the lifting of the ban, as well as couples in which one woman gave birth to the child (prior to the lifting of the ban, in most cases) and her partner completed a second-parent adoption for that child. These two types of cases are distinguished by the fact that, in the latter, the children had one legal parent before the lifting of the ban.

Next, we (a) review the recent changes in legal policy that have occurred concerning Florida's gay adoption ban, (b) introduce the theoretical framework that guides the study, and (c) review the relevant literature.

### Gay Adoption in Florida

Florida's 1977 law prohibiting adoption by openly gay men and women was long regarded as the “toughest anti-

homosexual adoption measure in the country” (American Civil Liberties Union 2001). The original Florida statute stated that “no person eligible to adopt under the statute may adopt if that person is a homosexual” but did not bar lesbians and gay men from becoming foster parents (Sioco 2009). This statute was enacted after a long anti-gay rights campaign (i.e., the “Save Our Children” campaign) led by Anita Bryant, a pop singer and Florida Citrus spokesperson, who insisted that parents needed to “save their children from the homosexual influence” because “homosexuals cannot reproduce, they must recruit, and to freshen their ranks, they must recruit the youth of America” (Frank 2013, p. 127). When the statute was declared unconstitutional by a trial court in 2010, the legal landscape for gay adoption in Florida changed. Specifically, the overturning of the gay adoption ban enabled openly gay men and women to adopt. Furthermore, lesbians and gay men in Florida can now use second-parent adoptions to gain legal parentage for both partners. Prior to the lifting of the ban, second-parent adoptions by same-sex partners were prohibited (Shapiro 2013).

How did the legal landscape change? On November 25, 2008, a Miami-Dade County judge ruled that the Florida statute that prohibited lesbians and gay men from adopting children was unconstitutional [in *Gill v. Florida*, 2008 WL 5006172 (Fla., Dade Co. Cir. Nov 25 (2008))]. “The challenged statute, in precluding otherwise qualified homosexuals from adopting available children, does not promote the interests of children,” Judge Cindy Lederman wrote. “The exclusion [of gay applicants] causes some children to be deprived of a permanent placement with a family that is best suited to their needs” (as cited in Walters 2009, p. 65). The case concerned Martin Gill and his partner, who fostered two half-brothers, beginning in December 2004. In 2006, after the boys' mother's and father's parental rights were terminated, Gill petitioned to adopt the children. The local Center for Family and Child Enrichment evaluated the family's home and found that Gill was a suitable parent; however, the state Department of Children and Families (DCF) denied his adoption petition because he was gay. Gill sued the state, arguing that the Florida prohibition against adoption by sexual minorities violated the Florida Constitution because it denied lesbians and gay men equal protection and substantive due process rights (“Prohibition against adoption by homosexuals is unconstitutional,” Unknown author, 2008). The state claimed that the restriction served an important state interest in protecting children's well-being.

Presented with a robust body of literature by the plaintiff's experts, which showed that same-sex couples' intimate relationships are similar in stability and satisfaction to those of heterosexual couples—and, further, that sexual orientation is not a predictor of parenting ability—Lederman concluded that “the best interests of children are not preserved by prohibiting homosexual adoption” and “sexual orientation, solely, should

not interfere with a child's right to enjoy the accoutrements of a legal family" (Walters 2009, p. 65). She ruled that the Florida statute violated Gill's constitutional rights and declared Gill to be the children's legal parent (Walters 2009).

On September 22, 2010, the Third District Court of Appeal affirmed the trial court's ruling and struck down the ban as violating the equal protection guarantees of the state of Florida (in re Matter of Adoption of X. X. G. and N. R. G., Appellees 2010). On October 22, 2010, the Florida Attorney General announced that he would not appeal the case (Ramos 2010). After the ruling, the governor ordered DCF to stop enforcing the law; DCF then removed the question on applicants' sexual orientation from its adoption forms ("Bar didn't violate free speech," Unknown author, 2009).

Thus, as of this writing, lesbians and gay men in Florida can become adoptive parents. The unchallenged ruling of the Florida Court of Appeals is a binding precedent throughout the state and the adoption ban is unenforceable. Even so, it is possible that, amidst this new reality, sexual minorities who are adopting in Florida may experience uncertainty about the permanence of the current legal landscape. Indeed, historically, lesbians and gay men have been dependent upon an unpredictable judicial system, which has often been biased against them based on their sexual orientation, particularly in cases where legal parentage is concerned (Richman 2005). As Richman (2005) explains, judges have the responsibility to determine who is "deserving" and "undeserving" of rights, and, in cases where the petitioners are lesbian/gay, these decisions are often made on the basis of sexual orientation. In turn, some sexual minorities in Florida may voice unsubstantiated—but troubling nonetheless—anxieties about their legal rights.

### Theoretical Framework

Our study is informed by an integrative theoretical framework that incorporates ecological and minority stress perspectives. According to Bronfenbrenner's (1986) ecological framework, development occurs within multiple interacting contexts, with influences ranging from distal contexts, or macrosystems (e.g., national legal climate), to proximal settings, or microsystems (e.g., neighborhood, family). Bronfenbrenner has emphasized the role of context in shaping development and has urged scholars to adopt an interactionist approach that integrates personal and contextual variables in predicting adjustment. One variable with both personal and contextual manifestations that is relevant in the lives of sexual minorities is minority stress (Buffie 2011; Meyer 1995). Meyer (1995, p. 675) defined minority stress as "the excess stress to which individuals from stigmatized social categories are exposed as a result of their social, often minority, position," and proposed that such minority stress, particularly manifesting as heterosexism

and homophobia, contributes to stress and mental health challenges in sexual minorities.

The denial of civil rights and protections, such as the right to adopt a child, "perpetuates an opportunity structure that disenfranchises gay men and lesbians in the sociocultural, legal, economic, and political aspects of their lives" (Herdt and Kertzner 2006, p. 33). Experiencing legal discrimination can create a sense of disharmony between the individual and the oppressive social context in which s/he lives (Meyer 1995; Meyer et al. 2011). In turn, lesbians and gay men who are unable to adopt—and, in particular, lesbians and gay men who are parenting or fostering children without legal recognition as parents—may experience stress, as they navigate interactions with heterosexist institutions (Knauer 2012; Meyer et al. 2011). They may experience what Meyer et al. refers to as "the less studied minority stressors...minor, or everyday events and circumstances [such as] being overlooked, denied services, and treated with disrespect [which represent] reminders that the person's social identity is stigmatized and rejected by society" (p. 205). Meyer et al. note that "the symbolic meaning of these occurrences may have a stronger impact than their actual occurrence" (p. 205). For example, a woman whose partner gave birth to their child, and who is therefore a functional but not legal parent, may experience school forms as a reminder that her parental status is not recognized by her state. It is expected that recognition as a legal parent may ameliorate some of the everyday stressors that sexual minorities face and enhance their sense of harmony and well-being in their social environment, including their sense of belonging and being "valued" (Buffie 2011; Meyer et al. 2011).

### The Effects of Institutionalized Discrimination on Lesbian-/Gay-Parent Families

Although no research that we know of has examined the effects of state bans on gay adoption on lesbians' and gay men's mental health, a few studies have examined the impact of same-sex marriage bans on sexual minorities (e.g., Hatzenbuehler et al. 2010; Rostosky et al. 2009; Wight et al. 2012). These find that amendments banning same-sex marriage have a negative impact on sexual minorities' well-being. For example, Hatzenbuehler et al. (2010) found that rates of mental health problems increased among LGB people after their states passed constitutional amendments banning same-sex marriage; rates did not increase for LGB people living states without marriage amendments.

By extension, research shows that legislation aimed at removing legal inequities between sexual minority and heterosexual people can have beneficial effects (Buffie 2011). Rothblum et al. (2011) studied 452 LGB persons who had obtained civil unions in Vermont shortly after it became the

first US state to legalize same-sex relationships via civil unions and found that many participants described such unions as having psychologically beneficial effects. Some felt that obtaining a civil union provided them with a sense of permanence to their relationships; others felt that the very act of obtaining a civil union provided them with a sense of “legitimacy.” Tangible benefits (e.g., being able to add one’s partner to one’s health insurance) were also noted.

Quantitative research has also shown that legal relationship recognition may confer mental health advantages (Herdt and Kertzner 2006; Wight et al. 2012). For example, a recent study found that there was a 13 % decrease in medical and mental health care needs among gay and bisexual men in Massachusetts after same-sex marriage was legalized, in contrast to the statewide trend of increasing health care needs. Particularly notable was the decrease in stress related disorders (Hatzenbuehler et al. 2012). Likewise, Shapiro et al. (2009) found that lesbian mothers in Canada tended to demonstrate better mental health, and fewer worries about legal status and discrimination, than lesbian mothers in the USA, which the authors attributed to the more LGB-supportive legal, social, and political context of Canada.

Indeed, heterosexism at the broad, distal level (i.e., anti-gay laws and policies) may have direct and indirect effects on the more proximal settings in which sexual minorities live, thereby contributing to an anti-gay atmosphere, which has negative consequences for lesbians’ and gay men’s mental health. Illustrating this, some research has found that LGB persons living in cities with nondiscrimination policies that included sexual orientation perceived a less negative environment and experienced less minority stress (Riggle et al. 2010). Furthermore, a study of lesbian and gay adoptive couples found that, even after controlling for whether or not both parents had legally recognized relationships to their children, parents living in states with a history of more favorable rulings regarding gay adoption had greater well-being than parents living states with a history of more unfavorable rulings (Goldberg and Smith 2011).

A handful of studies lend insight into the experiences of lesbian/gay parents who sought legal recognition of their parental status via second-parent adoptions—which, again, allow children to have two legal parents. In a study of 20 lesbian and gay parents who had obtained second-parent adoptions, Connolly (2002) found that all participants were motivated to pursue such adoptions to secure legal protections for their children, and a few pursued them to alleviate concerns about what could happen if the legal parent died (i.e., they worried that the deceased parent's family might demand custody). In a study of nine lesbian mothers, Hequembourg and Farrell (1999) found that nonbiological lesbian mothers who obtained second-parent adoptions felt that they offered them legal and symbolic recognition as

parents. In turn, their families of origin were more likely to recognize them as “real” parents and to invest in their grandchildren.

These studies highlight the multiple stresses that may be incurred as a function of living amidst institutionalized discrimination and, specifically, being denied legal recognition of one’s role as a parent. They also point to potential motivations for and positive effects of gaining legal recognition as a parent. The current study seeks to build on this literature by illuminating the perspectives of lesbian and gay parents who resided in Florida both before and after the lifting of the gay adoption ban. To contextualize their narratives, we also seek to understand why they chose to live in Florida – and, given the challenging legal context for parenthood, whether and why they have considered moving.

## Method

### Description of the Sample

Twenty-two persons (15 female and seven male), ages 28–59 ( $M=41.73$ ,  $SD=9.07$ ), participated in the study. Of the 15 women, 10 identified as lesbian, three as gay, one as homosexual, and one as “gay or lesbian.” All seven men were identified as gay. Twenty participants were currently partnered with a person of the same sex and had become parents in the context of that union. Two female participants had become parents in the context of prior same-sex unions that had ended; one of these participants had repartnered. Participants were mostly white and fairly affluent (Table 1). Four participants lived in Miami, two in Boca Raton, two in Fort Lauderdale, two in Leesburg, and one each in Fort Myers, Hobe Sound, Jacksonville, Key West, Kissimmee, Land O’Lakes, Oakland Park, Ocala, Pompano Beach, Tallahassee, and Tampa. One woman had recently moved to another state; prior to that, she lived in Jacksonville. Examination of US census data on the distribution of same-sex couple households in Florida shows that, although some of these participants were raising children in the cities most heavily populated by same-sex couples (e.g., Miami and Fort Lauderdale rank number 3 and 4 in the state), others were not (e.g., Boca Raton and Ocala rank number 97 and 121; Gates and Cooke 2010).

In terms of family building routes (Table 1), three male participants fostered children with their partners before the lifting of the ban, whom they adopted after the lifting of the ban. Four participants initiated the adoption process after the ban was lifted, with two men and one woman adopting via public domestic adoption, and one man adopting via private domestic adoption. In three of these seven cases, both the participants and their male partners were legal parents: One partner had completed the initial adoption and the other had obtained a second-parent adoption. In three cases (two male

**Table 1** Demographics and family building routes

|  | Total sample ( $n=22$ ),<br>$M$ , $SD$ , range, or $n$ , % | Women ( $n=15$ ), $M$ , $SD$ ,<br>range, or $n$ , % | Men ( $n=7$ ), $M$ , $SD$ ,<br>range, or $n$ , % |
|--|--|---|--|
| <b>Demographics</b>                                    |  |   |  |
| Personal income (\$)                                   | \$84,000 (\$66,945,<br>\$0–\$300,000)                      | \$68,786 (\$40,141,<br>\$0–\$150,000)               | \$115,714 (\$98,666,<br>\$12,000–\$300,000)      |
| Age (years)  | 41.73 (9.07, 28–59)  | 42.07 (9.42, 28–59)                                 | 41.00 (8.93, 31–57)                              |
| Relationship length (years)                            | 9.47 (6.12, 0–30)  | 9.10 (6.68, 0–30)                                   | 10.29 (5.11, 5.50–19.50)                         |
| Participant race (% white)                             | 18 (82%)   | 13 (87%)  | 5 (71%)  |
| Child race (% white)                                   | 22 (67%)   | 17 (77%)  | 5 (45%)  |
| Number of children                                     | 33   | 22  | 11   |
| <b>Family building routes</b>                          |  |   |  |
| Became parents via DI, before the ban was lifted       | 9 (41%)  | 9 (60%)   | –  |
| Biological mothers                                     | 2  | 2   | –  |
| Nonbiological mothers                                  | 7  | 7   | –  |
| Became parents via DI, after the ban was lifted        | 3 (14%)  | 3 (20%)   | –  |
| Biological mothers                                     | 2  | 2   | –  |
| Nonbiological mothers                                  | 1  | 1   | –  |
| Became parents via adoption, before the ban was lifted | 4 (18%)  | 0   | 4 (57%)  |
| Public domestic adoption <sup>a</sup>                  | 3  | 0   | 3  |
| Private domestic adoption                              | 0  | 0   | 0  |
| International adoption <sup>b</sup>                    | 1  | 0   | 1  |
| Became parents via adoption, after the ban was lifted  | 4 (18%)  | 1 (7%)  | 3 (43%)  |
| Public domestic adoption                               | 3  | 1   | 2  |
| Private domestic adoption                              | 1  | 0   | 1  |
| International adoption                                 | 0  | 0   | 0  |
| Became legal guardians, before the ban was lifted      | 1 (4.5%)   | 1 (7%)  | 0  |
| Adopted in another state, before the ban was lifted    | 1 (4/5%)   | 1 (7%)  | 0  |

*DI* donor insemination

<sup>a</sup> The three male participants who fostered their children pre-ban ultimately adopted them post-ban

<sup>b</sup> The participant who adopted internationally pre-ban also pursued a private domestic adoption post-ban

and one female), the participant had adopted the child, but their partner had not yet completed a second-parent adoption. In one case, the participant's partner had adopted the child, but the participant had not yet completed a second-parent adoption.

Twelve female participants (four biological and eight nonbiological mothers) had become parents to their children via DI. Of the four biological mothers, two had become parents prior to the lifting of the ban, and two became parents after. In all four cases, their female partners completed second-parent adoptions after the ban was lifted. Of the eight nonbiological mothers, seven became parents before the ban was lifted, and one became a parent after. Of these eight women, seven had obtained second-parent adoptions (in one case, she and her partner had then separated). One nonbiological mother was currently seeking a second-parent adoption for a child to whom her ex-partner had given birth prior to their separation.

One male participant had adopted internationally prior to the ban (i.e., he closeted himself and presented as a single

man, in order to adopt), and then, after the ban was overturned, pursued a private domestic adoption with his partner (i.e., he completed the adoption first, and his partner was currently seeking a second-parent adoption). One female participant and her partner had become the legal guardians for a relative's daughter, pre-ban, but had not yet adopted her because they were waiting for the child's parents to terminate their parental rights. One female participant and her partner had left Florida to pursue a private domestic adoption in another state, prior to the lifting of the ban. They returned after the ban was lifted with their infant child—whom they had jointly adopted—and were in the process of adopting a second child, in Florida.

## Participant Recruitment

Participants were invited via email and listserv announcements to participate in a study aimed at understanding the

perspectives of lesbian, gay, bisexual, queer, and transgender (LGBTQ) parents with regard to the gay adoption ban, and the lifting of the ban. We sought “LGBTQ parents who reside in Florida and have been living there since before 2008” to participate in a project “aimed at understanding how the gay adoption ban, as well as the lifting of the ban, has affected the lives of LGBTQ parents and families in Florida.” We expressed an interest in hearing from parents in a range of circumstances, including parents who obtained second-parent adoptions of the children that their partners gave birth to, and parents who adopted via the child welfare system, private domestic adoption, and from abroad. Calls for participants were placed on listservs maintained by Equality Florida (a civil rights organization that promotes equal rights for LGBTQ Floridians) as well as listservs aimed at attorneys, particularly those with experience serving the LGBTQ community. We also asked personal and professional contacts in Florida to disseminate study information to LGBTQ parents.

### Procedure

The first author's contact information was included in the study description; participants contacted her for details. They were mailed a consent form detailing the conditions of participation and confidentiality, and then completed a semistructured telephone interview (45 min to 1 h) with the first author or one of three graduate research assistants. Prior to conducting interviews, the graduate research assistants participated in training that included (a) becoming familiar with the interview protocol by reading it multiple times, (b) sitting in on a phone interview by a previously trained peer or the first author, (c) conducting a mock interview, and (d) receiving feedback from a trained peer or the first author. Participants were interviewed in the summer of 2012. Interviews were transcribed and pseudonyms were assigned.

*Interview Questions* Our analysis focused on the following interview questions: (1) Why do you live in Florida? (Because of a job, family, is it where you grew up...?). (2) How gay-friendly do you perceive Florida to be? (3) How gay-friendly do you perceive your city/town to be? (4) What do you like about living in Florida? (5) What do you *not* like about living in Florida? (6) How have you been affected by the gay adoption ban? What challenges did it create for you? Your children? Your partner? (7) How have you been affected by the lifting of the ban? How has your family been affected? Your children? What is different? (8) What legal concerns do you have, if any, related to your family's safety, rights, or well-being? (9) If relevant, what have you done to protect your children, family, and partner relationship? (10) Do you ever think of moving?

### Data Analysis Process

We conducted a thematic analysis of the data (Bogdan and Biklen 2003; Braun and Clarke 2006), which involves a thorough exploration of recurrent patterns to create a coding system to organize the data. Both the empirical literature and our theoretical framework informed the analysis. The first, second, and third authors coded all of the data, engaging in a process of analytic triangulation. This process involves having multiple persons analyze the same data and compare findings, and ensures that multiple interpretations are considered (Patton 2002). First, we engaged in line-by-line analysis to generate initial theoretical categories (Bogdan and Biklen 2003). Line-by-line coding closely tracked each participant's responses to the interview questions. Throughout the coding process, we independently wrote and shared memos on the common themes that were emerging. In weekly coding meetings, we discussed common and discrepant codes that began to emerge as we combed through each interview. For example, we observed that many participants who had become parents prior to the lifting of the ban (e.g., using DI) described concerns related to custody as creating stress. For them, the lifting of the ban—and obtaining legal recognition—was viewed as instrumental in reducing tension and enhancing well-being. The literature supports these themes (Hequembourg and Farrell 1999), which touch on concepts that are central to minority stress theory (Meyer 1995). Thus, we drew from the literature and our theoretical framework in the initial coding phase. As we moved to focused coding, we refined our codes. For example, the code “strategies for protecting the nonlegal parent” was replaced by two more specific codes: “legal strategies” and “symbolic strategies.” We further specified our codes by developing subcodes (Bogdan and Biklen 2003). For example, the larger code “why did the participants move to Florida” was supplemented with subcodes of “family,” “career,” “financial,” “weather,” and “other.” Throughout our iterative process of coding, some themes were revised and clarified, some were merged, and others were added or dropped.

We discussed the emerging codes and our differences in interpretation throughout the coding process. Thus, at each stage of analysis, we worked through inconsistencies until 100% consensus was achieved. The final scheme was established once we had reached agreement with respect to the independently coded data. We continued to reapply the scheme to the data and made revisions until all data were accounted for with the codes. The coding scheme was revised six times; the final coding scheme appears in Table 2. The findings are presented in response to our four research questions: Why did the participants choose to reside in Florida?; How were their lives affected by the gay adoption ban?; What strategies, if any, did they use to protect themselves prior to the lifting of the ban?; and How did their lives change after the lifting of the ban?



**Table 2** Participants' endorsement of themes

|   | Total<br>( <i>n</i> =22) | Women<br>( <i>n</i> =15) | Men<br>( <i>n</i> =7) |
|---|--------------------------|--------------------------|-----------------------|
| <b>Reasons for moving to Florida</b>                      |                          |                          |                       |
| Family  | 8                        | 5                        | 3                     |
| Career/job  | 8                        | 6                        | 2                     |
| Economic  | 3                        | 2                        | 1                     |
| Climate   | 5                        | 3                        | 2                     |
| Other   | 2                        | 2                        | 0                     |
| Considered moving   | 9                        | 7                        | 2                     |
| <b>Community type</b>                                     |                          |                          |                       |
| Gay friendly  | 9                        | 5                        | 4                     |
| Neutral   | 7                        | 4                        | 3                     |
| Conservative  | 6                        | 6                        | 0                     |
| <b>Negative consequences of the ban<sup>a</sup></b>       |                          |                          |                       |
| Inability to adopt foster children                        | 3                        | 0                        | 3                     |
| Legal invisibility of one partner                         | 12                       | 11                       | 1                     |
| <b>Strategies to protect nonlegal partner<sup>b</sup></b> |                          |                          |                       |
| Wills   | 15                       | 11                       | 4                     |
| Statement of guardianship                                 | 3                        | 2                        | 1                     |
| Powers of attorney  | 17                       | 13                       | 4                     |
| Coparenting agreements                                    | 2                        | 2                        | 0                     |
| Name changes  | 5                        | 4                        | 1                     |
| No strategies/protections                                 | 2                        | 1                        | 1                     |
| Financial strains associated with purchasing protections  | 6                        | 5                        | 1                     |
| <b>Positives after the ban was lifted<sup>b</sup></b>     |                          |                          |                       |
| Security/relief for self                                  | 12                       | 11                       | 1                     |
| Security for children                                     | 6                        | 3                        | 3                     |
| Can be "out" in adoption process                          | 2                        | 0                        | 2                     |
| Inspired to parent  | 5                        | 2                        | 3                     |
| <b>Lingering concerns<sup>a</sup></b>                     |                          |                          |                       |
| Ban could be reintroduced                                 | 10                       | 7                        | 3                     |
| Marriage inequality                                       | 8                        | 6                        | 2                     |

<sup>a</sup> Not all participants described endorsed these themes; thus, the total *n* is under 22

<sup>b</sup> Some participants described multiple categories within this theme; thus, the total *n* exceeds 22

## Results

### Why Florida? Participants' Reasons for Residing in Florida

Given the historical challenges associated with gay family building in Florida (American Civil Liberties Union 2001), of interest is why participants—some of whom began their

family building process before the lifting of the ban—chose to live in Florida.

Participants named a range of reasons, sometimes more than one, as to why they were living in Florida. Eight participants cited family-related reasons (see Table 2 for a breakdown of each theme by gender). According to these participants, they or their partners had grown up in Florida, and they had therefore stayed in or returned to Florida to be close to their families of origin. Some of them said that they remained in Florida because they simply valued being close to family ("I like the familiarity of it just because I was raised there and I like that my family's there"), whereas others described staying out of a sense of obligation (e.g., to assist ill or elderly family members: "My parents...are in their 80s now; if not for that we wouldn't be here").

Eight participants cited career considerations in explaining why they remained in Florida. As Amber explained, "I've had a business for 13 years here. I just don't see [moving] happening because financially, we're rooted here." Related to this theme, three participants named economic reasons (i.e., no income tax, low cost of living) for being in Florida. Five participants described the warmer climate as a primary reason for moving to and continuing to reside in Florida. Erik, who had moved to Florida from Massachusetts, explained, "The stuff we like to do is warm weather stuff. I'll take the two month of super hot over the six months of dank and grey cold in a minute!" Finally, one participant named the "slower and more relaxed pace," and one participant mentioned the "ease of traveling to other places," as reasons for moving to and living in Florida.

Nine participants noted that they had seriously considered moving to more gay-friendly states, but the above-described considerations (e.g., family, job) kept them rooted in Florida. Rachel explained, "We thought about...moving to a more accepting state. But it was just so hard with our jobs and with our ties here in Florida." Two women specifically noted that, while they were tempted to move to more progressive states, they did not like the idea of having to leave just to obtain those rights. Emily, for example, was drawn to the East Coast but "[didn't] want to feel forced to move somewhere just because they're the only places that will give us rights."

Many participants contrasted their immediate communities with the state of Florida, noting that while Florida as a whole was "conservative and homophobic," their communities were "not nearly as bad," which made living in Florida "tolerable." Nine participants—who resided in cities such as Key West and Fort Lauderdale—were quite positive about their communities, describing them as gay-friendly and liberal. Allison, for example, noted that while she disliked the "conservative climate" of Florida, "there's no place I would rather raise a family like ours...We have [gay] elected officials and [gay] churches and synagogues." Likewise, Erik described his county as "pretty well-educated and pretty progressive...[but] even though we do

feel very different in south Florida, we're still part of a conservative state, so that can be discouraging. You're like, 'Oh God, there goes Florida doing something really stupid again' (*laugh*)."

Seven participants, who lived in cities such as Tampa and Fort Myers, characterized their communities as relatively "neutral"—that is, they were not particularly gay-friendly and not particularly homophobic: "Mostly people let people be, for the most part." Adara, for instance, described her community as "Okay. You know, unfortunately it's not as progressive as, say, South Florida is but it's also not as backwards as, say, Northern Florida."

Finally, six female participants, who lived in cities such as Jacksonville and Leesburg, described their immediate areas as conservative, noting that they were "not very gay-friendly at all" and "in the sense of 'don't ask, don't tell,' it's like the military." Rachel described her city as "not very gay-friendly, and it's getting worse all the time it seems like. At least since the current governor came into power....The [political climate] makes it very uncomfortable and unhappy to raise a family here and to not feel like you're being looked at sideways." Kimana offered up this example to illustrate the climate of her immediate community: "We were walking down the street...we were touching nothing. . .and [a homeless man] was like, 'Shame, shame, shame.'"

Thus, participants described varied experiences in their immediate and distal communities (Bronfenbrenner 1986). Indeed, although Florida has historically enacted legal policies that discriminate against LGB individuals and parents especially, same-sex couples continue to live there. Our participants gave voice to a variety of reasons for this and suggested that despite their experiences of the anti-gay climate of the state as a whole, the possibility of gay-friendly communities did exist. This is important inasmuch as living in a supportive community can offset the negative effects of nonsupport at the more distal (i.e., state) level (Oswald and Culton 2003).

#### Perceived Negative Consequences of the Bans

The gay adoption ban in Florida did not prevent same-sex couples from raising children, but it did create legal hurdles for them. In turn, we sought to understand perceived challenges associated with becoming parents and raising a family in this unsupportive legal environment.

*Inability to Adopt Foster Children* Three male participants described challenges related to being able to foster children before the ban was lifted, but not adopt them. They specifically emphasized the stress that this legal constraint put on the children they were raising. Erik, for instance, described the emotional toll it had on his son: "I have to tell you that despite the fact that I assured [son] up, down, and sideways

when we got the guardianship that he was our boy and that he would be with us forever, he told us he was really relieved after I adopted him. It felt different and it felt better." Carl explained: "To [my foster children at the time], it was so utterly and completely perplexing, because from their perspective it was like, we are just like everybody else, what's the big deal? Why on earth would anyone have any idea other than, we're a family and that's that?" Thus, the children being raised by these gay men were portrayed as experiencing confusion and anxiety regarding their parents' inability to adopt them, illustrating how minority stress related to legal discrimination can affect both parents and children (Goldberg and Kuvallanka 2012). That this challenge was raised by men only is indicative of the fact that, prior to the lifting of the gay adoption ban, female same-sex couples in Florida had more family building options than men: that is, as reflected in our data, female couples could build their families via DI, as opposed to male couples, whose reproductive options were more limited (i.e., surrogacy is very expensive, and only an option for the most affluent gay male couples; Goldberg 2010).

*Legal Invisibility of One Partner* In discussing the challenges that they experienced associated with the gay adoption ban, participants who had become parents before the ban was lifted ( $n=12^1$ ) emphasized stress and tension associated with the legal invisibility of one partner's parental status, and, in turn, the inequity between the partners with respect to legal recognition. In particular, this stress took the form of worries about the future, should the legal parent die or become incapacitated. Debbie, whose partner had given birth to two of their three children, noted that the absence of legal protections "created some underlying anxiety that somehow, something could happen and we wouldn't be able to have control over a situation because we didn't have the legal standing." She added, "I would say there was a lot of anxiety for me especially, since my partner was the biological parent." Nerissa, who had given birth to a son before the lifting of the ban, and whose partner had only recently been able to adopt him, noted:

When our son was born, it was really a scary time....We asked tons of questions like, "What happens if I die during childbirth? Is anybody going to argue the fact that, even though we have this agreement written up and notarized, that he would go to her? Will the state of Florida allow him to go to her [when] we're not married and we're gay?" It was always a huge, huge fear for us. Like, every day we

<sup>1</sup> This group includes 9 women via DI, 1 woman via adoption in another state, 1 woman via legal guardianship, and 1 man via international adoption, and excludes the 10 participants who became parents after the lifting of the ban (7 via adoption and 3 via DI).

would be like, “Well God, if something happens...” Before the ban [was lifted] we spent 24 hours a day worried.

The legal insecurity associated with their own or their partner's parental status contributed to a cascade of worries and “what ifs” as participants tried to anticipate the future and the various circumstances that might create problems for their families, and, specifically, custody of their child. Denise, whose partner had given birth to their preschool-aged son, recalled, “The first year [after he was born] was me truly worrying about if something happened to [partner]. Every time she got in a plane, every time she got in a car. Just that underlying anxiety I lived with: ‘Oh my God, what would I do if something happened to her? How do I keep my kid?’” In addition to worrying about custody, some participants anguished over the fact that their child would not be entitled to their nonlegal parent's benefits, should something happen to the legal parent. Marilyn, who had given birth to toddler-aged twins prior to the lifting of the ban, described “living day to day thinking ‘What if?’...if something were to happen to Joan, the kids wouldn't get any social security benefits even though her income would be gone, and I couldn't make that up...[thinking about that] was emotionally stressful.” Amber, who was the nonbiological mother of school-aged twins whom she had recently adopted, recalled thinking that “if something were to happen to me, my kids would have no legal rights to [my] years of work...this money and decades of working hard would just disappear and they would not be eligible for that.” These participants spoke to the significant impact of being denied legal recognition of their own or their partner's parental status, whereby they possessed a chronic sense of vulnerability and anxiety (Meyer et al. 2011).

For one participant, Laurie, and her partner, the anticipated stress of their child not having two legal parents was described as too great to bear. As Laurie shared, they decided to leave and adopt in another state; then, after they completed a joint adoption, they moved back to Florida:

We ended up having to leave our jobs. We took salary cuts to go to a different state to get other jobs, to apply for adoption. We had to rent our house out, rent something else up there, all with the hopes of adopting in the time to get back, which ended up happening through some miracle. But that's the length to which we had to go to protect our family, pre-adoption ban. . . But we are now both on her birth certificate and now we have come back to the state of Florida and everything's fine and we're both parents.

Thus, Laurie and her partner used the resources that they had available to them to circumvent one major form of discrimination, thereby alleviating some degree of anxiety

and tension (Meyer et al. 2011). However, they did incur significant time and financial costs in their efforts to become parents. Thus, they did not escape the experience of stress altogether.

Seven of these participants voiced explicit concerns about the possibility that the legal parent's family of origin would have more of a legal “right” to the child than the nonlegal parent, which could cause problems if something happened to the legal parent. Gabrielle, who had recently obtained a second-parent adoption for her son (whom her partner gave birth to), noted:

Only one of us was the legal parent and the other, in the eyes of the law, was a stranger to the child. And we still live in somewhat hostile world, and it's certainly conceivable that some lunatic relative who thinks being gay is wrong might [in the event that something happened to the legal parent] go off and do something really unfortunate with respect to a child that is left with a parent who's not legally a parent.

In three of these cases, participants voiced concerns about specific members of their own or their partner's family, who might try to “swoop in and gain custody,” should something happen to the legal parent. Debbie, whose partner Shelley had given birth to two of their children (whom Debbie had recently adopted), described Shelley's parents as “religious fundamentalists” and recalled worrying that “they or one of her sisters would take us to court and try to get our kids” if Shelley died. Adara, who had given birth to her and her partner's infant daughter, explained:

My mother is very religious, and she would consider it her duty unto God to take this child away from the heathen environment we're providing. So we were pretty sure that if anything happened to me, that she would just be thrilled! Florida has a horrible case history of the maternal grandmother winning over the domestic partner. That terrified me.

The ongoing threat of the possibility that an extended family member could win custody over the nonlegal partner appeared to create significant anxiety for these individuals. Moreover, these parents felt that the laws in their state would not protect them or their families, illustrating the added stress they experienced due to their sexual minority status (Meyer et al. 2011).

#### Strategies to Protect the Nonlegal Parent Before (and, in Some Cases, After) the Lifting of the Ban

In the absence of full legal recognition of both partners, participants described employing various legal and nonlegal strategies in an effort to protect, or at least validate, the nonlegal parent's parental status. Thus, they sought to

minimize practical and symbolic stressors that might arise as a function of legal nonrecognition (Oswald and Kuvalanka 2008). Fifteen participants stated that they and their partners had revised or drawn up wills to specify that their child(ren) should go to the nonlegal parent should anything happen to the legal parent. This group of 15 participants included 12 persons who became parents pre-ban; two men who had adopted their children but whose partners had not completed second-parent adoptions; and one man who had not completed a second-parent adoption for the child his partner had adopted. Thus, the latter group of three men spoke to current, but temporary, legal inequities within the couple, whereas the former group spoke to legal inequities that existed pre-ban. Marilyn, the biological mother of twins, noted: “There’s nobody in my immediate family that we would have been interested in having the kids go to. So that’s all been made very clear in...our wills. That was obviously a big concern—that the kids be with their [other] mom, if something were to happen to me.” Similarly, three participants had pursued a statement of guardianship, which declared who should be the legal guardian of a child if that child’s legal parent was no longer able to care for her. Adara, who had given birth to her and her partner’s daughter, explained, “Our statement of guardianship has a fairly obvious clause: if either of us should perish the child goes in custody to the other, but if we both go at once...to my partner’s parents. Then we have a secondary after that and there’s a specific exclusion for my mother. Never, ever, ever, it says! We cannot state that more clearly.”

Seventeen participants described having obtained powers of attorney or health care proxies, which enabled the nonlegal partner to make health care decisions on behalf of the child. Claude, who had adopted two sons (one international, one domestic), explained, “We had our attorney prepare a ‘power of attorney on steroids’ that we had at [older son’s] school and kept in the car with us [and] at the doctor’s office. That enabled John to make all the decisions that a parent could make.” Yet, as several of them pointed out, such protections were “not ironclad.” Rose, whose partner had given birth to their teen son and whom Rose had adopted, said, “That stuff can be more easily overruled [than a second-parent adoption]....Like if he were hurt and going to the hospital, that wouldn’t necessarily get me in there. Thankfully we never had to have that issue.” Two female participants said that they and their partners had co-parenting agreements drawn up; these are not legally binding but outline the partners’ intent to raise the child together, and may specify the obligations of each partner should the couple separate (Shapiro 2013). Six participants spoke specifically to the financial stresses associated with purchasing these “extras” in an effort to protect the nonlegal partner. They noted that it was expensive to meet with lawyers in order to revise their wills and obtain other legal paperwork,

all in an attempt to protect the nonlegal parent—but without the “guarantee” of a second-parent adoption: “We spent a lot of money for the thinnest layer of protection.” Amber, whose partner had given birth to twins, shared: “My partner and I had to spend \$1500 having a lawyer draw up all sorts of wills and...health care surrogates and power of attorney....We’ve had to be very proactive to make sure that our families are as financially secure as families get to be if they’re married.” Denise, whose partner had given birth to their preschool-aged son, stated simply, “It’s not fair that a gay person has to spend more money in protecting rights that straight people get automatically.” Thus, these participants described frustration associated with both the practical and symbolic consequences of legal discrimination (Meyer et al. 2011).

Some participants described pursuing symbolic strategies to communicate the parental status of the nonlegal parent. For example, five participants reported employing naming practices (Oswald 2002), wherein the participant or his/her partner had changed their last name so that the entire family, parents and child(ren), had the same last name. Although this name change did not carry any formal legal protections, participants hoped it would minimize the degree to which the nonlegal partner’s parental status was questioned. Robyn, whose ex-partner, Ann, had conceived and given birth to their school-aged son, recalled that Ann had “changed her last name to match mine, so that way when the child did come into the world he could share my last name...[Since] I couldn’t legally be on the birth certificate as being the second parent, [we thought] if we shared the same last name, less questions would arise.” Claude, who had adopted his first child, Evan, internationally, as a single parent, recalled:

John was starting to feel uncomfortable because he had a different last name from Evan—the whole question of, “Are you his father?” and him having to say no and Evan hearing that a little bit was becoming very awkward. John changed his last name to my last name to kind of—you know, it had no legal significance, but it just kind of avoided the question so to speak. It was hard, and it was always something that frustrated us.

Here, Claude highlights how the legal differential between he and John caused stress in terms of whether outsiders recognized John as a parent—which the couple sought to alleviate by employing the symbolic strategies that they had available to them (i.e., name changes). His narrative suggests that the legal differential between partners may have caused intra- and interpersonal tensions for some couples, beyond the issues that they tended to highlight most frequently (i.e., imagined future scenarios in which the legal parent died or became incapacitated).

Finally, two participants, Rachel and Richard, did not pursue any legal or symbolic protections, which they attributed to financial constraints. Rachel explained: “We did not pursue anything beforehand...it was a short period of time [between when we fostered him and adopted him] and just the process of going through the adoption with him was expensive in ways that we had never even begun to think about. We didn't have the financial resources to pursue those kinds of documents at the time.” Consistent with their subjective description of financial stress, it is notable that both Rachel and Richard reported lower personal incomes compared to the sample average (i.e., \$52K and \$38K, respectively, compared to \$84K for the sample). This highlights the reality that social class is an important context that shapes sexual minorities' ability to pursue parenthood and can buffer or exacerbate systemic inequalities at the state level (Goldberg 2012).

#### After the Lifting of the Ban: Positive Changes

Many participants described significant, positive emotional shifts after the lifting of the ban—and in some cases, subsequently obtaining a second-parent adoption—including decreased anxiety and greater security regarding the potential for legal recognition of the legally invisible parent, among those participants who had become parents pre-ban. The knowledge that both parents were or would be legally recognized as their children's parents was described by 12 participants as creating a powerful sense of relief and comfort. Nerissa, who had given birth to her and her partner's preschool-aged son, explained, “Knowing that legally he's 100% hers as much as he is mine now, and that if I die that she has custody of him...our level of comfort is just awesome now.” Debbie, the nonbiological mother of two children, elaborated, “I didn't even understand the kind of stress that it was putting on me until after the adoption went through. A huge weight was lifted...I don't think a lot of people realize just the stress of wondering, ‘Oh my God, how am I going to keep them?’ You know, ‘Am I going to have to flee to Canada?’”

Likewise, Gabrielle, whose partner had given birth to their toddler-aged son, had experienced a great deal of anxiety before the lifting of the ban, but noted that she now felt much more secure. She spoke to this shift, as well as the change in her attachment to her child:

Going from having in the back of my head this thought that something bad could happen and I could lose custody of somebody that I love and created and wanted can be taken from me because the law doesn't recognize me for some bologna reason to suddenly now he's mine like, emotionally it's made a tremendous difference for me. It's like, he doesn't really

belong to me to now he does. And it's this one piece of paper that kind of changed that and it's kind of a sour way to say it but the reality is, I knew he could be taken away from me at any moment, and that interfered with the bonding...Now, like, I'm all-in emotionally because he's mine. Nobody's taking him from me.

Gabrielle's description illustrates how a change in legislation may have consequences for parent–child relationships (Meezan and Rauch 2005). By enhancing Gabrielle's emotional and legal security in relation to her child, the second-parent adoption was viewed as enabling her to bond more fully to her child—a sentiment that was voiced by two other participants as well.

In addition to creating a greater sense of security for themselves and their partners, six participants hoped that the removal of the ban—and adoption by the nonlegal parent—would create a greater sense of security and legitimacy for their children. Those with older children (i.e., whom they had adopted via child welfare) were particularly likely to speak to this greater sense of security. Carl, who had adopted two young boys via foster care, observed: “At some official level we were granted a legitimacy that we didn't previously have...For the boys it gave them a sense of security that they didn't have before...We really get to say ‘these are our kids’ and they really get to say ‘these are our dads.’” For children who have been adopted via child welfare—and who may have a history of loss and insecure attachment—being adopted may have especially profound implications. By signaling that the placement is permanent, a legal adoption may enable children to more fully settle in and bond to their parents (Goldberg et al. 2012).

Two men voiced their appreciation of the lifting of the ban inasmuch as they were able to be “out” in the adoption process. Both had experiences under the “old” system. Claude had adopted his first child prior to the lifting of the ban, via international adoption, and had recently adopted a second child, with his partner, after the lifting of the ban; and Richard had started the process to become a foster parent with his partner before the lifting of the ban. Richard explained:

There were several gay families [at our classes to become foster parents] and we all knew each other, but we never could talk to people about anything that had to do with our lives that pertained to being gay. It was just scary, because the thought was...if the wrong person finds out, they're going to take away our kids. [It's] scary when you have that lingering overhead, always watching your back. And it's like, all you're trying to do is start a family like everybody else in the world. But when it was lifted it was like we could exhale and we could be like, “Oh thank God we can finally be true! We can finally fill out forms and tell

the truth!.” It was a huge weight lifted off of our shoulders.

Finally, five participants noted that the lifting of the ban ultimately inspired them to pursue parenthood (via adoption in four cases and DI in one case). Angelo, for example, shared that he had not wanted to foster a child for fear of forming a bond and having the child be taken away; in turn, he had not seriously considered parenthood until the ban was lifted. For Adara, who pursued parenthood via DI, “it was a great relief because it meant that we were able to start our family without doing something untenable like moving out of state.” Finally, Shawn noted:

We began fostering when the ban was lifted. We didn't do anything towards fatherhood until we knew we could, legally. I've always wanted a child. I just didn't quite know how it would happen....Over the years I've known lots of lesbian friends that have wanted babies that have asked me to donate sperm but to not be necessarily a part of the child's life, to be an uncle. And that never sat right with me. I guess the idea of fatherhood is so precious to me that I couldn't imagine being one and not being able to be one.

Thus, for some participants, the removal of one major tangible form of discrimination was perceived as opening up practical possibilities for parenthood, as well as shifting their personal and symbolic representations of themselves, ultimately enabling them to imagine themselves as parents (Goldberg 2012; Meyer et al. 2011).

#### Continued Challenges, Lingering Concerns

Ten participants expressed that, while they were grateful that the ban had been lifted, they did experience continued anxiety about whether the decision might be overturned. Gabrielle, who had recently completed a second-parent adoption, shared, “The fact that it hasn't been overturned by the Florida Supreme Court just makes me nervous. They can't touch me anymore, but I want people like me in the future that want to have kids to be able to have kids and not have to worry about it.” Erik, who had adopted his son via foster care but whose partner had not yet completed a second-parent adoption, explained his concerns: “The issue is that the law is still on the books, it's just that there's an appellate decision....It's not as secure as—ideally, the law would be off the books. There are a lot of conservative folks in the state who would like it to go back to the way it is.” Two of these participants stated that if the ban were re-enforced, they might move. As Nerissa said, “I'm always a little bit worried that maybe they will...change their minds. Kind of like when they said no more marriage in California....We're thinking about having a second child

and if they were to overturn it and say ‘no more [adoptions]’ that would be a big problem for us.”

Some participants acknowledged that although the lifting of the ban solved certain problems, they continued to have anxieties and concerns related to other ongoing inequalities. The absence of marriage equality, for example, was raised as a concern by eight participants. As Denise said, “My partner doesn't get to share her benefits with me. I'm on my own. I have to get my own health insurance....So the fact that there's no recognition, just the fact that I'm on my own...thankfully our son isn't, I mean he's covered under all her benefits, but I'm on my own, and not being treated by the law as a couple is just really...disheartening.” Richard exclaimed:

There's no tax benefits at this point. This has never affected me before, but now that I'm getting into my mid-30s and we're settling down...it's coming up. We have to think about, can I get into the hospital if he's got an issue and vice versa, and what does it look like when we own a house together? So, some of my future concerns have to do with the fact that currently there are no rights for marriage or things like that.

#### Discussion

This study examined how lesbian and gay parents in Florida describe the effects of the gay adoption ban and the lifting of the ban. Our findings shed light on the role of laws and policies in shaping the lived experiences of lesbian/gay-parent families. Specifically, they point to some of the ways in which legal discrimination may create or exacerbate minority stress for lesbian/gay parents and their children. They also suggest that legal recognition as a parent may help reduce some of the stress that impacts lesbian/gay parents on a daily basis (Meyer et al. 2011).

It is perhaps easy to ask, “Why don't they just move?” of lesbian and gay parents living in Florida. Our data reveal that participants often reported conflicting emotions about living in Florida. On the one hand, they expressed disgust regarding the anti-gay laws and policies of their state. Furthermore, some of them described their immediate communities as homophobic, highlighting how the effects of discriminatory state laws (such as those that deny basic civil rights) may trickle down into communities, creating a noxious social environment (Goldberg and Smith 2011). Yet, many of the participants described the pull of family, career, and climate as keeping them rooted where they were. These findings echo prior work showing that same-sex couples who choose to reside in rural, less LGB-progressive areas often do so out of a desire to remain closer to family (Kinkler and Goldberg 2011; Oswald and Culton 2003) and suggest that, although sexual minorities in Florida may dislike and endure stress

related to their state's laws, many also enjoy strong ties to their families and communities, which may buffer minority stress (Kinkler and Goldberg 2011).

Participants gave voice to the wide-ranging effects of legal discrimination on decision making about, and enactment of, parenthood. Many described significant stress associated with the legal invisibility of their own or their partner's parental status, with some describing chronic worry about the potential consequences of such legal nonrecognition (e.g., with regard to custody and finances). Some also highlighted the anxiety expressed by their foster children (whom they ultimately adopted) related to the lack of legal security created by the adoption ban. Our findings complement studies that have documented the negative mental health effects of other types of institutionalized discrimination, such as same-sex marriage bans (Hatzenbuehler et al. 2010). Furthermore, we found that participants with unsupportive family members voiced heightened concern about the consequences of their legally invisible status as a parent, echoing some prior work (Hequembourg and Farrell 1999). They recognized that, in a court of law, their partners' families were more likely to be recognized as "kin," and given custody, than they were, illustrating the effects of legal discrimination on children and their nonlegal parents (Meezan and Rauch 2005).

Many participants reported employing legal and symbolic strategies to minimize the negative effects associated with legal nonrecognition, and to protect their families from discrimination (e.g., in the event of a medical emergency). Yet, as some participants noted, obtaining legal documents is expensive, indicating how the consequences of legal discrimination may be more severe for couples without financial resources. Whereas some same-sex couples can afford to pay an attorney to draw up legal documents, others cannot; in turn, the latter group is additionally vulnerable to discrimination and the effects of minority stress (Goldberg 2010).

Furthermore, the reality is that both legal and symbolic strategies (e.g., name changes) are incomplete and inadequate solutions to the problem of legal discrimination. The legal documents that same-sex couples draw up may not be legally enforceable, or they may only be enforceable in some states (National Center for Lesbian Rights 2008) and may thus offer a thin layer of protection to vulnerable couples. In addition, there are some legal entitlements (e.g., the right to receive a legal parent's social security benefits) that cannot be conferred by private agreement—only status as a legal parent will do.

Participants who were able to secure legal recognition of their parental roles since the ban had been lifted described various ways in which their lives had been improved. For some, the lifting of the ban was recounted as instrumental in their decision and ability to pursue parenthood. Others specifically highlighted the reduction of anxiety and stress

related to their greater sense of security and legitimacy as a family. The knowledge that their child(ren) had two legal parents appeared to enhance their well-being, bringing them into greater harmony with their environment (Meyer et al. 2011). A few participants described how becoming their children's legal parents had facilitated their ability to more fully bond to their children, in that they now felt more legally and emotionally secure in their parental roles. This complements prior research showing that parents who are placed with children via foster care often feel that the lack of legal recognition associated with their parental roles interferes with bonding (Goldberg et al. 2012).

Notably, however, even after the lifting of the ban, some participants described lingering concerns regarding the possibility that the ban might be re-enforced. Such anxieties must be understood in historical context: Lesbians and gay men in the USA have long been dependent upon an unpredictable and often discriminatory judicial system, particularly where parenting rights are concerned (Richman 2005). Other participants voiced concerns about other systemic inequalities, such as marriage inequality. It is possible that becoming parents may have heightened their awareness of these broader inequalities: Prior research on gay adoptive fathers found that, for some men, parenthood fostered greater consciousness of, and political mobilization surrounding, marriage inequality (Goldberg 2012). Indeed, it is notable that the participants in the sample were witness to a historical shift in their ability to gain legal validation for their parental relationships—but they continued to lack legal recognition of their intimate partner relationships. Future work might explore how lesbian/gay parents who are able to establish legal ties with their children but not their partners make sense of and experience such legal inconsistencies within their families. In addition, future research should explore the effects on both parents and children of living amidst marriage inequality (Goldberg and Kivalanka 2012; Oswald 2002).

Thus, consistent with other work, our findings suggest that legal protections and recognition may result in enhanced well-being for families (Hatzenbuehler et al. 2012). At the same time, they suggest that even amidst legal and policy change at the state level, continued legal inequalities at the federal level (e.g., via laws that prohibit same-sex couples from marrying) serve as a painful reminder of societal stigma and discrimination (Goldberg and Kivalanka 2012).

#### Implications for Practitioners, Attorneys, and Policymakers

Our findings suggest that adoption professionals should consider the impact that state and federal legislation has on the well-being of lesbian/gay-parent families. Furthermore, they should be cognizant of the additional complexities

faced by lesbian/gay adoptive parents in the form of incomplete and often expensive legal protections. Professionals can best serve their clients by remaining up-to-date on the legislative proceedings that impact same-sex parenting, including those that are occurring in other states (Shapiro 2013). By understanding the national legal context surrounding gay adoption, and the implications of legislative changes for their lesbian/gay clients, professionals will be in a better position to serve them. Attorneys who work with same-sex couples should remain up-to-date on legislation that impacts lesbian/gay-parent families, and be able to assist them in obtaining adoptions and second-parent adoptions (Shapiro 2013).

Our findings have implications for policymakers, in that they point to the detrimental effects of the gay adoption ban on children, parents, and families, as well as the beneficial effects of the lifting of the ban for family security. In turn, the findings of the current study, alongside the findings of other studies (Hatzenbuehler et al. 2012; Rothblum et al. 2011) suggest that laws and policies that minimize legal inequities between sexual minority and heterosexual persons have the potential to alleviate stress and other mental health difficulties in lesbians and gay men.

#### Limitations and Conclusions

Our exploratory study included a small, mostly white, middle-class sample; thus, the opinions of these parents do not represent the perspectives of all sexual minority parents in Florida. More work is needed to examine the ways in which legal discrimination shapes the experiences of diverse lesbian-/gay-parent families. Studies of low-income lesbian/gay parents may yield different results such that the ban may have had a more significant impact in certain ways (i.e., the financial barriers to legal protections may be more salient). Another limitation is the uneven gender distribution of participants. Had our sample included a more even distribution of men and women, our analysis may have illuminated more ways in which gender differentiated participants' accounts of their experiences. Furthermore, we recruited persons interested in "sharing their experiences about the how the gay adoption ban, as well as the lifting of the ban, has affected their lives." In turn, our sample may have been biased towards persons who had experienced more distress related to the ban. Finally, participants were often reporting on their feelings about events that occurred both the immediate and more distant past. We are unaware of the extent to which these feelings and descriptions correspond to the events as they were experienced at the time.

Despite these limitations, the current study makes a contribution in that it is the first to explore lesbian/gay parents' accounts of the effects of the Florida adoption ban. Participants' narratives illustrate the multiple complex ways in

which the ban created obstacles in forming and protecting their families. They also highlight how, even in the wake of the ban being overturned, lesbian/gay parents may harbor worries regarding the permanence of the legislation, and the legal security of their families. This study deepens our understanding of the ways in which institutionalized heterosexism negatively impacts lesbian- and gay-parent families, particularly with regard to adoption.

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