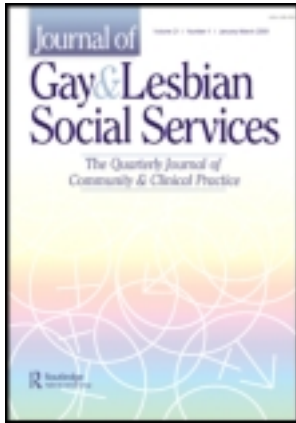


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Seeking to Adopt in Florida: Lesbian and Gay Parents Navigate the Legal Process

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Utilizing interview data from 22 lesbian and gay parents in Florida, the current exploratory study examined participants' experiences navigating the legal and social service systems after the repeal of the Florida ban on gay adoption. Participants reported both positive and negative experiences in seeking out lawyers (e.g., some attorneys were accommodating and knowledgeable about gay adoption; others demonstrated discomfort about working with same-sex couples), working with social service agencies in an effort to adopt, and interfacing with the judicial system. This study furthers our knowledge of the lingering effects of discriminatory laws even after such laws have been formally removed, and holds implications for social workers and other practitioners who seek to support lesbian and gay parents and prospective parents as they adjust to the removal of antigay legislation (e.g., regarding marriage or adoption). Based on our findings, we provide recommendations for ensuring that legal and social service practitioners keep up with the rapid pace of legal reform and adapt their practices accordingly.

KEYWORDS *adoption, agencies, Florida, gay, legal, lesbian*

INTRODUCTION

Lesbians and gay men who seek to become parents may encounter many barriers in their quest to do so. In addition to facing practical and financial barriers, lesbian and gay couples may also encounter formal legal barriers to parenthood. Indeed, for lesbian and gay couples becoming parents, legal

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parenthood for *both* members of the couple is typically the goal, inasmuch as arrangements where one person is a legal parent and the other is not are potentially extremely problematic. The sole legal parent has a nearly insurmountable advantage in any dispute with a non-parent, including a non-parent partner (or, more likely, former partner). Thus, legal inequities between same-sex partners create a substantial power imbalance even in intact families.

One of the primary ways that same-sex couples seek to become parents is through adoption. However, it is not always possible for same-sex partners to jointly adopt (i.e., to both adopt, as a couple, such that their child has two legal parents; Killian, 2010). As of this writing, there are 23 jurisdictions (including 22 states and the District of Columbia) that explicitly allow same-sex couples to jointly adopt a child (Human Rights Campaign [HRC], 2013). In a small number of states (e.g., Louisiana, Mississippi, and Utah), the law explicitly bars unmarried couples—which necessarily includes all same-sex couples in those states—from adopting. In the remaining states, the status of laws pertaining to lesbian, gay, bisexual, transgender, and queer (LGBTQ) parenting remains unclear, although same-sex couples have had success adopting serially in some of these states. That is, one partner initially adopts the child as a single parent (since all states currently allow single people to adopt), and then the other partner petitions for a second-parent adoption, which enables a second person to adopt the child without terminating the first person's parental rights. This allows both members of the couple to be legally recognized as parents (Federle, 2005). But second-parent adoptions are not always available: Indeed, while 22 states clearly permit second-parent adoptions, in the remaining states, the legal status of second-parent adoptions is unclear and/or varies from place to place (HRC, 2013). Thus, in the absence of a second-parent adoption, the child has two social parents but only one legal parent—the partner who adopted the child (National Center for Lesbian Rights, 2012).

In addition to pursuing adoption, same-sex couples may also use assisted reproductive technology (ART) to bring children into their families. For lesbian couples this typically means insemination with sperm from a donor (donor insemination; DI), and for gay male couples this may mean surrogacy. A lesbian who gives birth to a child conceived via ART will be recognized as a legal mother by virtue of giving birth. Then, second-parent adoptions may be used to establish legal parenthood for the non-childbearing partner. Similarly, gay male couples who pursue surrogacy may also seek second-parent adoptions for the nonbiological father (Shapiro, 2013). But again, as with joint adoptions, second-parent adoptions by same-sex partners are not always available: some states permit them, some states prohibit them, and in some states, whether they are granted depends on where the couple lives, or which judge hears their case (Ritter, 2010).

GAY ADOPTION IN FLORIDA

From 1977 until 2010, Florida explicitly barred adoptions by any person who identified as lesbian or gay. In addition to being prevented from completing primary adoptions (via private agencies as well as the child welfare system), second-parent adoptions were also unavailable to lesbians and gay men (Shapiro, 2013). Thus, while lesbians and gay men who had children via ART in Florida were routinely recognized as legal parents by virtue of their biological relationship to the child, their same-sex partners could not gain similar legal recognition as parents. Critically, though, despite being prohibited from adopting children, lesbians and gay men were permitted to be foster parents. In turn, they could serve as temporary parents for children in foster care but could not gain recognition as full (and thus permanent) legal parents (Sioco, 2009). Thus, for more than 30 years, many lesbians and gay men were functioning as parents in Florida, but without full legal protections for the relationships they had with their children.

The 1977 Florida statute, which stated that “no person eligible to adopt under the statute may adopt if that person is a homosexual,” was judicially challenged multiple times (1991, 1995, and 2004); each of these challenges failed, and the statute was repeatedly upheld (Meeks & Alonso, 2011). Eventually, two different trial courts in Florida found the ban unconstitutional. Namely, the courts held that the Florida ban could not be understood to serve the interests of children, and thus violated the Florida Constitution. Critically, one of the two trial court rulings was appealed to the mid-level appellate court, and that court affirmed the trial court’s ruling, also finding the statute unconstitutional (*Florida Department of Children and Families, Appellant, vs. In re: Matter of Adoption of X. X. G. and N. R. G. Appellees*, 2010). The Florida Attorney General did not appeal the ruling, and the Department of Children and Families (DCF) also declined to seek review (Meeks & Alonso, 2011; Ramos, 2010). Thus, the ruling of the appellate court became final. The governor instructed DCF to cease enforcing the statute, and DCF removed the question regarding applicants’ sexual orientation from its adoption forms.

These actions opened the way for lesbians and gay men to adopt throughout Florida. Second-parent adoptions also became available at this time. It is noteworthy, however, that the Florida Supreme Court never considered the constitutionality of the gay adoption ban. Thus, access to adoption may be somewhat more tenuous than it would be had the Florida Supreme Court spoken. In turn, the possibility that the appellate court incorrectly interpreted the Florida Constitution remains. Indeed, if another case were to reach the Florida Supreme Court, that court could ultimately determine that the ban was permissible under the Florida Constitution, and would not have to override any precedent to reach that conclusion.

In sum, the overturning of the gay adoption ban in Florida created a major shift in the legal landscape. Currently, openly gay men and women are pursuing adoptive parenthood, as well as employing second-parent adoptions to gain legal parentage for both partners—and yet they are doing so against a legal backdrop that for some may still seem uncertain and in flux. In light of the extensive and complex history of gay adoption in Florida, the current study seeks to understand the perceived impact that these legal events have had on same-sex couples. We also aim to understand how these couples are affected indirectly, in that the expressive power of the law affects legal and social structures, community competencies, and expertise (e.g., by attorneys and social workers; Arnold, 2000). Given the recent change in the legal landscape surrounding gay adoption in Florida, we expect that lesbians and gay men seeking to adopt may still encounter barriers. For example, although Florida's DCF was required to remove the question about applicants' sexual orientation from its adoption forms after the statute was ruled unconstitutional, both the child welfare system and private adoption agencies may continue to stigmatize same-sex adopters (e.g., due to homophobia, or simply out of habit), albeit in subtle ways (Brooks & Goldberg, 2001; Gianino, 2008). Likewise, attorneys who specialize in adoption may not be open to same-sex couples as clients, or may lack knowledge about how to effectively assist same-sex couples in their quest to adopt (Shapiro, 2013).

The current study of 22 lesbian and gay parents in Florida examines their experiences of navigating the legal and social service systems after the ban on gay adoption was lifted. Our sample includes both couples that adopted serially (i.e., one parent adopted first, and then the other parent completed a second-parent adoption) since the lifting of the ban, and couples in which one woman gave birth to the child (typically prior to the lifting of the ban) and her partner completed a second-parent adoption. Therefore, in the latter case, the children in question had one legal parent prior to the lifting of the ban. We explore participants' experiences seeking out lawyers to assist them in adopting, working with social service agencies in an effort to adopt, and interfacing with the judicial system. By examining how lesbians and gay men adjust to legislation that promises to change their lives for the better, as well as the barriers that they encounter in the process of actualizing their right to adopt, our study provides insights into the types of challenges that can accompany changes in laws regarding marriage and adoption rights for sexual minorities. In turn, our findings hold implications for practitioners in law, social work, advocacy, and policy arenas that may interface with sexual minorities both in general and immediately after legislative or judicial change. These implications are particularly important as we live in a time when the legal rights and status of same-sex couples are shifting rapidly (Sherman, 2013). Public opinion, legislation, and other judicial decisions are steadily moving toward more comprehensive rights for

same-sex couples and families (Willettts, 2011). However, while the shift for the most part favors same-sex couples, there is also a significant counterproductive backlash in some states (Keck, 2009). Thus, the experience in Florida surrounding adoption may hold lessons for practitioners in many other states as well.

THEORETICAL FRAMEWORK

The current 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., the national legal climate; societal values), to proximal settings, or microsystems (e.g., the family). Institutionalized values, norms, and attitudes—such as heteronormativity, or the assumption that heterosexuality is normative and superior to other forms and expressions of sexuality—form the foundation for macrosystem policies which are in turn enacted in organizations, communities, and agencies (Arnold, 2000). To the extent that macro- and microsystems enact and perpetuate heteronormativity, thus silencing, policing, and stigmatizing homosexuality, sexual minorities may endure minority stress. Meyer (1995) defines minority stress as the excess stress to which persons from stigmatized social categories are exposed as a result of their social, and often minority, position, and suggests that such stress—particularly manifesting as heteronormativity and heterosexism—contributes to distress and mental health challenges in sexual minorities.

Lesbians and gay men who encounter stigmatizing institutions or agents in their quest to adopt may experience stress (Meyer, Ouellette, Haile, & McFarlane, 2011). Indeed, even though sexual minorities in Florida are no longer barred from adopting children, they may still encounter stigma and discrimination in the wake of this legal change, in that both attitudes and practices—such as those of adoption agencies and attorneys—may lag behind formal legislative change (Goldberg, 2010). As Knauer (2012) notes, the fast and uneven pace of legislative change throughout the United States in the area of LGBT civil rights has made it difficult for practitioners (e.g., social workers, attorneys) to keep up with the recent developments, and to adapt their approach to LGBT clients accordingly. Lesbians and gay men who seek to adopt in Florida may be particularly vulnerable to “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” (Meyer et al., 2011, p. 205). Being turned away by attorneys as potential clients, for example, may serve as

a reminder that sexual minorities are still the victims of heterosexist treatment in society and by the legal system specifically. As Meyer and colleagues (2011) point out, the symbolic meaning of these occurrences may have a stronger impact than their actual occurrence. Thus, sexual minorities who experience such rejection may find themselves more affected by the meaning of such encounters than the trouble of looking elsewhere for an attorney.

Thus, in the current study, we examine how the legal system—at the broadest level of the social structure—informs and shapes the practices and expertise of subordinate social networks and institutions (e.g., attorneys, social workers), who interpret and deploy the law in ways that have the potential to exacerbate, minimize, or offset minority stress (Richman, 2005). In this way, lesbians and gay men are at the mercy of the expertise, norms, and practices of the adoption agencies, lawyers, and judges whom they encounter throughout the adoption process. While the law may have changed quickly, the subordinate social networks and institutions may respond much more slowly. Indeed, at the point when the ban had been lifted, there was not yet an infrastructure (e.g., established set of norms and practices regarding gay adoption) in place.

The implications of our findings extend beyond the Florida context; they provide insight into the possible sequelae of legislation or judicial action concerning marriage and adoption rights for sexual minorities. For example, the passage of legislation that allows same-sex couples to marry has often been followed by a period of confusion, as the government, legal officials (e.g., attorneys), community organizations, and couples themselves grapple with what this means in terms of (changes in) longstanding (heteronormative) policies and practices (Lofholm, 2013; Peters, 2013). This confusion may be directly related to what some researchers have described as an “implementation gap” that occurs between policy and practice when legislative changes occur that impact LGBTQ rights. This is often evident when changes are made at the institutional level, yet little change is seen in everyday practice (Richardson & Monro, 2013). Given that currently only 22 states offer same-sex couples some degree of legal relationship recognition, and only 22 states (and the District of Columbia) allow same-sex couples to petition to jointly adopt (Freedom to Marry, Inc., 2013; HRC, 2013), the possibility of future legislative change related to marriage and adoption rights for sexual minorities remains (Willetts, 2011). In turn, as more states continue to pass legislation for adoption and marriage equality, similar instances of confusion may arise. And, as the federal government extends marriage recognition to same-sex couples after the demise of the federal Defense of Marriage Act, the status of same-sex couples becomes even more complicated. The complexity is particularly apparent for those couples living in states that deny relationship recognition to same-sex couples, and where there has historically been hostility toward lesbians and gay men. Professionals who work

with same-sex couples in these states may encounter similar experiences to those documented in Florida.

LESBIANS' AND GAY MEN'S EXPERIENCES WITH ADOPTION AGENCIES

Although no research has specifically examined sexual minorities' experiences with adoption agencies after the removal of legislation that barred them from adopting children, some research has explored the challenges that sexual minorities encounter in relation to adoption agencies and professionals (Brooks & Goldberg, 2001; Brown, Smalling, Groza, & Ryan, 2009; Gianino, 2008; Goldberg, 2012; Goldberg, Downing, & Sauck, 2007; Matthews & Cramer, 2006). These studies have identified several common obstacles reported by sexual minorities seeking to adopt, including both explicit (direct) and more subtle (indirect) forms of discrimination (Goldberg, 2012). Lesbian and gay applicants have described encountering ignorance and negative beliefs about homosexuality on the part of social workers, which may lead them to question lesbian and gay applicants' parenting capacities (Brooks & Goldberg, 2001; Gianino, 2008; Goldberg et al., 2007). They have also reported encountering forms and programming that are aimed exclusively at heterosexual couples (e.g., they refer only to the adoptive "mother and father"; Goldberg, 2012; Matthews & Cramer, 2006). Finally, some lesbian and gay applicants have wondered whether agencies engage in a practice of trying to match the "least preferred children" (i.e., those with severe special needs) to the "least preferred applicants" (i.e., gay people; Brown et al., 2009; Goldberg, 2012; Matthews & Cramer, 2006), such that they are offered the "damaged kids [that no one wants]" (Goldberg et al., 2007, p. 53).

Some lesbian and gay applicants have reported challenges related to the home study process (Connolly, 2002; Goldberg, 2012). The home study represents a formal evaluation of the prospective adoptive parents' home, which is conducted and written up by a social worker. Lesbian and gay parents who seek second-parent adoptions—and who are already parenting the children in their care—must go through the same evaluation process as prospective adopters who are strangers to the children they will adopt (Goldberg, 2012). (By contrast, married heterosexual stepparents seeking to adopt their spouse's child are not required to have a home study in Florida.) Connolly (2002), who interviewed 20 lesbian and gay parents who had successfully pursued second-parent adoptions, found that her participants often expected the home study process to be different, since the children already lived in their homes and, regardless of the state decision regarding adoption, would continue to live with them. Some were surprised by the formal, in-depth nature of the home study, and found it humiliating. Some

disclosed annoyance that they were often in a position of having to educate the social worker who visited them about the unique aspects of their situation (e.g., they had to explain state laws related to gay couples).

Several studies have examined the adoption agency practices that lesbians and gay men perceive as supportive (Goldberg, 2012; Goldberg et al., 2007; Ryan & Whitlock, 2007). Such practices have the potential to offset the stresses that sexual minorities experience in other domains (Kinkler & Goldberg, 2011). Indeed, being encouraged to be “out” in the adoption process, being treated with the same respect as heterosexual applicants, being offered resources that address their unique positioning as same-sex applicants, and having knowledge of the state laws pertaining to gay adoption, have all been identified as positive agency practices that are appreciated by same-sex applicants (Goldberg, 2012; Goldberg et al., 2007).

LESBIANS' AND GAY MEN'S EXPERIENCES WITH THE LEGAL SYSTEM

Little research has examined lesbian and gay adoptive parents' experiences with attorneys, who may, like adoption agencies, reflect and perpetuate the values of the macrosystem; or, who may represent supportive bodies of knowledge that buffer lesbians and gay men from sexual minority stress. In Connolly's (2002) study of 20 lesbian and gay parents who had successfully pursued second-parent adoptions, she found that participants sought attorneys who were familiar with family law and the specifics of handling second-parent adoptions. According to participants, their attorneys “forum shopped,” choosing courts or judges that were reputed to be sympathetic, in an effort to ensure the best possible outcome of their case (p. 331). Thus, they viewed their attorneys as advocates who helped them to navigate a potentially discriminatory legal system.

In many states, including Florida, court rulings on second-parent adoptions by lesbian and gay persons have the potential to vary, depending on where the couple lives and which judge hears their case (Shapiro, 2013). In turn, same-sex partners who seek second-parent adoptions are ultimately dependent upon an unpredictable judicial system, which may not rule in their favor (Richman, 2005). Some research has explored the experiences of gay men seeking second-parent adoptions amidst legal uncertainty. In a study of 35 gay male couples who were seeking to adopt, Goldberg (2012) found that 13 couples lived in states that did not allow partners to jointly adopt a child; thus, one man adopted as a single parent. Six of the non-legal partners were confident about their ability to obtain second-parent adoptions once the initial adoption was finalized. Five of them were uncertain, noting that there was only one county in their state with a record of granting second-parent adoptions to same-sex partners, and they did not live in that

county. Two men were doubtful that they would be able to adopt, based on a history of unfavorable rulings in their state or jurisdiction. Uncertainty about whether they would be able to adopt created intrapersonal conflict for these men; in turn, some were more passionate about gay rights after having children, now that they had to contend more directly with legal inequities.

Adoptions typically occur in confidential legal proceedings, the governing practices and procedures may vary from jurisdiction to jurisdiction within and among states, and there is a great deal of discretion in court rulings on adoption. Thus, the practice and customs of adoption law are difficult to study. In turn, our study provides insight into firsthand experiences with such practices and customs, from the perspective of a legally disfavored minority group that has, up until recently, been systematically barred from adopting children. Our findings have implications for understanding the experiences and perspectives of lesbian and gay people in the United States and beyond who suddenly obtain legal rights (e.g., related to adoption or marriage) but whose broader social climate may be slow to adjust to or accept their changed legal standing (Keck, 2009; Willetts, 2011). Our findings are also relevant to those who must negotiate between different legal statuses—i.e., those now considered married for federal purposes whose marriages are not recognized by the states in which they live.

THE CURRENT STUDY

This study examines the perspectives of 22 lesbian and gay parents in Florida, exploring how they navigated the social service and legal systems after they learned that the gay adoption ban had been lifted. We attend to multiple aspects of their journey, highlighting both positive and negative experiences, in various contexts and social structures. The following are our research questions:

1. *The lifting of the ban.* How do lesbian and gay parents learn about the lifting of the gay adoption ban, and how do they respond?
2. *Experiences with attorneys.* How do parents navigate the process of searching for an attorney? What positive and negative experiences do they describe? To what extent do they perceive attorneys as knowledgeable about gay adoption in Florida?
3. *Experiences with social service agencies.* What positive and negative practices do parents identify with regard to the social service system? To what extent do parents perceive social service agencies as knowledgeable about gay adoption in Florida?
4. *Experiences of the judicial system.* What concerns do parents voice with regard to the judicial system? Among those who had, as adoption

petitioners, directly interfaced with judges and the court system, what were their experiences?

METHOD

Procedure

Participants completed semistructured telephone interviews (45 minutes to 1 hour) with the first author or 1 of 3 graduate research assistants. Prior to conducting interviews, the graduate research assistants participated in training that included the following:

- becoming familiar with the interview protocol by reading it multiple times,
- sitting in on a phone interview by a previously trained peer or the first author,
- conducting a mock interview, and
- receiving feedback from a trained peer or the first author.

Participants were interviewed in summer 2012. We utilized a semistructured interview schedule; in turn, interviewers were trained on how and when to conduct follow-up probes to the basic interview questions (e.g., they were trained on when and how to probe for additional information, illustrative examples, etc.). Interviews were transcribed verbatim and pseudonyms were assigned.

INTERVIEW QUESTIONS

Our analysis focused on the following interview questions:

1. Where were you when you heard about the lifting of the ban? How did you respond? What did you do?
2. When and how did you become parents?
3. Did you use an adoption agency for your adoption? A lawyer? How satisfied were you with them? Explain.
4. Tell me about the process of seeking out agencies/lawyers.
5. Is there anything else about your experience navigating the adoption system in Florida that you think would be useful for us to know?

Data Analysis Process

To examine our data qualitatively, we conducted a thematic analysis of the data (Bogdan & Biklen, 2003; Braun & Clarke, 2006), which involves a thorough exploration of recurrent patterns to create a coding system to organize

the data. Our analysis was informed by both the empirical literature and our theoretical framework. The first three authors coded 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 (Braun & Clarke, 2006; Patton, 2002). First, we engaged in line-by-line analysis of the interview transcripts to generate initial theoretical categories (Bogdan & Biklen, 2003; Braun & Clarke, 2006). That is, we carefully read each line of every participant's interview and organized them based on commonalities. Line-by-line coding allowed for close tracking of each person's responses to the interview questions. In weekly meetings, we discussed common and discrepant codes that began to emerge as we combed through each interview. For example, we observed that participants described both positive and negative encounters with social service agencies. The prior literature supports these themes (Goldberg et al., 2007), which touch on concepts that are central to minority stress theory (Meyer, 1995). Thus, we used the thickness of data, supported by the literature and our theoretical framework, to follow this lead in the initial coding phase.

As we moved to focused coding (the next stage in thematic analysis), we refined our codes and deepened our analysis (Bogdan & Biklen, 2003; Braun & Clarke, 2006). For example, we noted that most participants who described positive experiences with social service agencies were adopting via child welfare, suggesting that social workers' appreciation for the expanded pool of prospective parents may have outweighed concerns about parents' sexuality. We further specified our codes by developing subcodes (Patton, 2002). For example, the larger code "process of seeking out lawyers" was broken into subcodes of "positive experiences," "negative experiences," and "mixed experiences" with attorneys. Throughout our iterative process of coding, some themes were revised, 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. We established our final coding scheme once we had attained agreement among all the independently coded qualitative 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 findings are presented in response to our four research questions.

Quantitative data analysis included calculating descriptive statistics (i.e., means, standard deviations, ranges) for our sample demographics.

Participant Recruitment

Participants were invited via e-mail and electronic discussion list announcements to participate in a study focused on the perspectives of LGBTQ parents

with regards 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 study “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 a desire to hear from parents in a wide range of circumstances, including parents who obtained second-parent adoptions of the children that their partners gave birth to; parents who adopted via the child welfare system; parents who adopted via private domestic adoption; and parents who adopted internationally. We cast a wide net in our recruitment. Calls for participants were placed on electronic discussion lists maintained by Equality Florida (a civil rights organization that promotes equal rights for LGBTQ Floridians), and electronic discussion lists aimed at attorneys, especially those with experience serving the LGBTQ community. We also asked personal and professional contacts in Florida to disseminate study information to LGBTQ parents and prospective parents.

The first author’s contact information was included in the study description; participants contacted her for details. Only individuals, not couples, contacted the first author regarding the possibility of participating, likely because we did not specifically seek to recruit couples. Participants were mailed a consent form detailing the conditions of participation and confidentiality. Upon signing the consent form, they participated in semistructured interviews.

Description of the Sample

Twenty-two individuals, ages 28 to 59 years ($M = 41.73$, $SD = 9.07$), participated in the study. Fifteen participants self-identified as female, and seven as male. Of the 15 female participants, 10 self-identified as lesbian, 3 as gay, 1 as homosexual, and 1 as “gay or lesbian.” All seven male participants self-identified as gay. Twenty participants were currently in a same-sex relationship, and they had become parents in the context of that union. Two female participants had become parents in the context of prior same-sex relationships that had ended; one of these participants had since re-partnered. Participants were mostly White and fairly affluent (Table 1). Four participants resided 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.

Participants built their families in a variety of ways (Table 1). Three male participants fostered children with their partners before the lifting of the ban, whom they legally adopted after the ban was lifted. Four participants initiated the adoption process after the ban was lifted, with two men and one woman

TABLE 1 Demographics and Family Building Routes

	Total Sample (<i>N</i> = 22) <i>M</i> , <i>SD</i> , range, or <i>N</i> , %	Women (<i>N</i> = 15) <i>M</i> , <i>SD</i> , range, or <i>N</i> , %	Men (<i>N</i> = 7) <i>M</i> , <i>SD</i> , range, or <i>N</i> , %
Demographics			
Personal Income (\$)	\$84,000 (\$66,945, \$0–\$300,000)	\$68,786 (\$40,141, \$0–\$150,000)	\$115,714 (\$98,666, \$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
Family-Building Routes			
Became Parents via DI, <i>before</i> the ban was lifted	9 (41%)	9 (60%)	—
Biological Mothers	2	2	—
Nonbiological Mothers	7	7	—
Became Parents via DI, <i>after</i> the ban was lifted	3 (14%)	3 (20%)	—
Biological Mothers	2	2	—
Nonbiological Mothers	1	1	—
Became Parents via Adoption, <i>before</i> the ban was lifted	4 (18%)	0	4 (57%)
Public Domestic Adoption ^a	3	0	3
Private Domestic Adoption	0	0	0
International Adoption ^b	1	0	1
Became Parents via Adoption, <i>after</i> 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, <i>before</i> the ban was lifted	1 (4.5%)	1 (7%)	0
Adopted in Another State, <i>before</i> the ban was lifted	1 (4/5%)	1 (7%)	0

Note. DI = Donor Insemination.

^aThe three male participants who fostered their children pre-ban ultimately adopted them post-ban.

^bThe participant who adopted internationally pre-ban also pursued a private domestic adoption post-ban.

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: that is, one partner had completed the initial adoption and the other had attained a second-parent adoption. In three cases (two male, one female), the participant had adopted the child but the 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 mothers and eight nonbiological mothers) had become parents via donor insemination (DI), in the context of a same-sex relationship. Of the four biological mothers, two became parents prior to the lifting of the ban, and two became parents after the lifting of the ban. 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 it was lifted. Of these eight women, seven had completed second-parent adoptions (in one case, the participant and her partner had subsequently separated). One nonbiological mother was currently pursuing a second-parent adoption for a child to whom her ex-partner had given birth prior to their separation.

One male participant had completed an international adoption prior to the ban (i.e., he closeted himself and presented as a single man), and then, after the ban was overturned, he 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 of a relative's daughter before the ban was lifted, 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. After it was lifted, they returned to Florida with their child—whom they had jointly adopted—and were in the process of adopting a second child, in Florida. (Of note is that even prior to the lifting of the ban, Florida was obligated to recognize both original and second-parent adoptions completed by sexual minorities in other states; Shapiro, 2013.)

RESULTS

We first detail how participants in the current study learned the news that the ban had been lifted, as this provides important context for understanding the meaning of the lifting of the ban for sexual minorities. Then, we discuss how participants went about navigating the legal process after the ban was lifted, addressing both their perceived challenges and negative experiences, and positive experiences, with attorneys, social service agencies, and the judges/court system.

Learning the News

Many participants remembered exactly when and how they heard the news that the ban on gay adoption had been lifted. Most of them noted that they learned of the news through breaking news alerts from gay political organizations or on Facebook. This led many of the participants to try to validate the news by doing an Internet search or calling their lawyers or partners. For example, Adara “heard a rumor” on Facebook, and decided to “Google it . . . and I just had that little kernel of hope . . . and I was like, ‘What is this!’ [laugh]. I was so excited. I didn’t believe it! I’m like, ‘No, surely

the Web site has made a mistake.’” A few participants learned of the news through calls they received at work, from their partners or family members, including, in one case, “my very Republican, conservative father.” In turn, the majority of respondents recalled that their initial response to the news was “excited,” “hopeful,” and “a little disbelieving.”

For five participants (three male, two female), news of the ruling on the gay adoption ban meant the difference between not pursuing and pursuing parenthood. In three of these cases, the couple pursued public adoption; in one case, they pursued private domestic adoption; and in one case, a participant and her partner finally began the process of insemination (this couple had not wished to begin this process in Florida for fear of only one parent having legal rights, and had been considering a move to another state). Dante, who had recently adopted his teenage son via public adoption, and whose partner was currently pursuing a second-parent adoption, recalled the following:

I was actually just kind of flabbergasted because honestly I didn't think it would happen in Florida. . . . We waited . . . just to let the political dust settle. We didn't want to start the process and then have them go, “Oh, just kidding!” We had given up hope at that point. [Before the ruling] we were like, “Okay, it's never going to happen, we're never going to get out of Florida, maybe we're just never going to have children.”

For four participants (three female, one male), the news was perceived more as a “whimper than a roar,” because they had been carefully following the details of the case. In turn, they were not shocked by the news, as they understood that it was neither sudden nor necessarily definitive. Allison, the biological mother of an infant son, noted, “It wasn't like the Supreme Court found something unconstitutional or anything; even now, officially it is still on the books, just not being enforced . . . it was sort of a phase thing . . . [more of] a whimper rather than a bang.” Likewise, Claude, who had adopted one child internationally, before the lifting of the ban (as a closeted gay man) and one child domestically, after the ban was lifted, and whose partner was currently seeking a second-parent adoption for both children, shared the following:

When it was lifted, there wasn't all of a sudden this sense that it was all over because there was a lot of waiting; there was a statute of limitations that the Attorney General had during which time he could appeal it. And down here . . . the gay community is so suspect of the political machine of Florida that . . . no one wanted to get too excited.

Thus, participants who had been following the details of the case were neither startled nor overjoyed; rather, they reported having responded to

the news with measured enthusiasm. They were aware of the potential impact that the ruling could have on their lives, but were also savvy enough about the details of the case to be cautious not to celebrate too soon. Familiar with Florida's longstanding antigay regime (Knauer, 2012), they did not immediately shift their expectations to imagine a different social reality.

Navigating the Legal Process After the Ban Was Lifted

After the reality and implications of the ruling began to set in, many of the participants were eager to find an attorney to help them navigate the adoption process. Yet some described encountering challenges in trying to find an attorney who had sufficient knowledge about the case, and its implications for their "unique" situation, to be helpful and effective. Ultimately, many participants did report having found supportive and knowledgeable lawyers. For some, though, it was an uphill journey to get there.

CHALLENGES AND NEGATIVE EXPERIENCES WITH LAWYERS

Eight participants, all female—and all of whom were pursuing second-parent adoptions for either themselves or their partners—described negative interactions with attorneys after the ban was lifted. Namely, they reportedly confronted ignorance or homophobia during the process of searching for and interacting with attorneys. Excited about the possibility of completing a second-parent adoption, some participants recalled having reached out to prospective attorneys right away, only to find that many of them were unaware of the change in legislation, and, in turn, continued to maintain that adoption by openly gay individuals or couples was "illegal." In this way, attorneys were perceived as failing to effectively cultivate and employ knowledge of the law, perhaps in the service of preserving their own antigay values and attitudes (Aldridge, 2011). As Emily, who lived with her partner and two children (one biological, one nonbiological) explained,

I called probably forty lawyers after the ban was lifted, and got lots of negative feedback ("we do not allow lesbians to adopt in this state"). And I'd be like, "Well, the ban has been lifted." None of them were very educated on that, which I found appalling because they're adoption attorneys.

Emily said that she ultimately did find a lawyer to do her second-parent adoption, but only after a long, frustrating process: "There were only two lawyers that would do it. I had three hours or something of a drive north to get it done . . . that was really hard." Thus, Emily, as well as two other women, had many frustrating experiences with lawyers before locating one

far outside of their communities. In this way, these participants assumed the lesser stressor of having to drive several hours to meet with a lawyer to avoid the more significant stressor of working with an ignorant, possibly homophobic, attorney (Kinkler & Goldberg, 2011).

Even when these eight participants did find attorneys who were aware of the change in legislation, and were willing to work with them, this was no guarantee that they had knowledge of the unique circumstances of gay adoption. In this way, an attorney's willingness to take their case was not necessarily an indicator of their legal competence. Adara, the biological mother of an infant son, reported having met with a lawyer who was willing to work with her and her partner (who was seeking a second-parent adoption) but who was "very ignorant about the laws":

Our local attorney said, "No one has done one in this county. If you can find someone elsewhere who's done one, go with them; otherwise we'll give it a try," and that's not very reassuring when you're trying to adopt! He had given us some misleading information at first; he said, "You should be able to do a stepparent adoption if you were married in another state," even though Florida doesn't recognize that. So we went to [state], we got married, came back, and started talking to other attorneys who said, "Nice try! But Florida has to recognize your marriage to qualify for stepparent adoption."

Marilyn, whose partner was seeking a second-parent adoption for the two children to whom Marilyn had given birth, also received misinformation from several attorneys, who reportedly told her, "If you want [partner] to adopt, you have to give up all your legal rights as a parent to them.' And, well, that kind of defeats the purpose [laugh]. . . . It didn't make any sense."

Likewise, several participants noted that while they were glad to have finally found attorneys that would work with them, they were "disappointed" by their attorneys' apparent expectation that they should be "happy with what [they] could get." For example, two female participants noted that their lawyers expected them to be "fine with being listed as the father on the birth certificate." Emily, whose partner had given birth to their younger child, explained:

We're fighting the process getting [younger child's] birth certificate. Because he was born in [other state] and they won't issue it as a "parent"/"parent". They want to put me under the birth certificate as the father. And the lawyer is sort of like, "Just take what you get," and I'm like, "Well, what if I go get a passport and they're like, 'Where's his father?' and I'm like, 'That's me!'" . . . So the lawyer kind of doesn't want to ruffle any feathers . . . [but] I don't want to be the father on my kid's birth certificate!

Six participants (five female, one male) were upset about the high fees that they were required to pay lawyers to complete second-parent adoptions. A few of them felt that perhaps they were being taken advantage of (e.g., because there was not yet an infrastructure for handling gay adoption in place). Claude, who described encountering several lawyers who charged “exorbitant fees,” reflected: “I think that now that the ban has lifted there are a lot of shadier types who are looking to take advantage of the gay parents who are new to this. It’s a new industry. You have lawyers who aren’t terrific, who are going to exploit gay families looking to adopt.” These participants, then, were in the frustrating predicament of feeling that attorneys were capitalizing on their vulnerability. Presumed both desperate to adopt, and ignorant of the typical fee structure for such adoptions, they were, by their own accounts, seen as easy targets. Thus, a lack of regulation and infrastructure may leave these families vulnerable to attorneys who are looking to exploit them, thereby leading to additional stress (Meyer et al., 2011).

It is notable that five out of the six participants who complained about the financial aspect of completing the second-parent adoption were women, and, furthermore, the women in the sample had lower incomes, on average, than the men. Thus, women’s fewer financial resources may have served as an additional stressor for them, creating additional financial strain and possibly constraining their access to high-quality legal resources, thus compounding the stress that they experienced related to their sexual minority status (and the additional legal hurdles they were forced to jump through in order to become legally recognized as a parent; Meyer et al., 2011).

POSITIVE EXPERIENCES WITH LAWYERS

Eleven participants (nine female, two male) described very positive experiences with attorneys. These participants appreciated their attorneys’ assistance in navigating the muddy waters of the post-ban adoption process, and emphasized their knowledge of the law, experience with gay adoption, and “professionalism” as valued qualities that “helped the whole process go so much easier.” Angelo, who had adopted two young children via child welfare, for whom his partner Ed was seeking second-parent adoptions, described how he and Ed had met with an attorney who was very forthcoming about her lack of experience with gay adoption, and did the legwork to find him and Ed a competent attorney who dealt with gay adoptions. Angelo voiced appreciation for the first attorney’s honesty and professionalism, as well as the expertise of the lawyer they were referred to: “He was great. He was extremely helpful throughout the process. He gave us heads-up on what was happening, what could happen . . . timelines, things like that.”

Adara, whose partner was seeking to adopt their daughter, to whom Adara had given birth, was similarly enthusiastic about their attorney:

She was outstanding, very professional. . . . I wanted someone who could speak with confidence about the laws in the state. . . . I can't speak highly enough of her. . . . In that first consultation she answered all the questions I'd been wondering about for months that I just couldn't find an attorney that could answer. . . . It was a relief.

By effectively deploying the law in the service of assisting sexual minority men and women in their quest to adopt, attorneys served as valuable agents of social change and advocacy (Rostosky & Riggle, 2011). In turn, receiving professional assistance by competent attorneys appeared to reassure participants such as Adara, possibly offsetting some of the stress that had built up over the course of months or even years of legal invisibility (Kinkler & Goldberg, 2011). For a few, such positive experiences came after a series of negative, sometimes very stressful encounters with prospective attorneys. Erik described a "headache" of phone calls and "back and forth" before finally finding a "unique" lawyer who was "a pioneer in this law even before it became law." Marilyn described herself as "lucky" to have found her current lawyer, noting, "I don't know how many attorneys I talked to. . . . nobody knew what they were doing in West Palm. No one had taken any cases on yet, whereas [current lawyer] had already done over a hundred of them."

Experiences with Social Service Agencies

Regardless of whether participants or their partners were pursuing primary adoptions or second-parent adoptions, participants had no choice but to interface with the social service system. That is, as prospective adoptive parents, they were required to complete a home study. Most participants who had intersected with agencies and social workers reported relatively positive experiences, overall; however, a minority did describe challenges in this regard.

CHALLENGES AND NEGATIVE EXPERIENCES WITH SOCIAL SERVICE AGENCIES

Six participants (three female, three male) described challenges with social service agencies and social workers during the home study process. Of these six participants, four (three female, one male) articulated struggling to find an agency that was even willing to do their home study. Adara recalled the following:

Our attorney contacted a few of the local home study agencies and they all said, “Sorry, we do so many adoptions through the private Catholic institutions. It’s not that we don’t want to; we’re afraid we’ll lose other business if we do a home study for a gay family. It’ll hurt our professional reputation.”

Robyn, who was seeking a second-parent adoption after splitting up with her partner, and who described struggling to find a lawyer who would take her case, also struggled to find an agency willing to work with her. When she finally did, she learned the following:

I needed a home study. But the adoption agency [I contacted] wouldn’t even do a home study. . . . When questioned, they said it’s against their company policy. Really? All I want is a home study. . . . I’m not asking you to say anything other than to honestly present whether you think I can parent this child or not. I’ve been doing it for almost six years now, and it’s been fine, it’s been great. So, it was disheartening to say the least.

Robyn then faced a series of challenges in trying to find professionals who would assist her in her quest to adopt her child. The agency’s refusal to work with Robyn served as both a symbolic affirmation of societal heteronormativity, and a practical barrier to achieving legal recognition as a parent (Meyer et al., 2011). By rejecting same-sex applicants, agencies engaged in symbolic and structural resistance to the new regime, thus upholding and perpetuating institutionalized discrimination against lesbian and gay adopters, which ultimately had the effect of creating and exacerbating minority stress (Knauer, 2012; Meyer et al., 2011).

Difficulties with homophobic case workers were cited by three female participants. Rachel, who lived with her teenage daughter, whom she had adopted via child welfare, and her partner, who was seeking a second-parent adoption, explained:

[The social worker] who did our home study, every time that she was in the house she would talk about how great it was that we were adopting, and she had a gay cousin and blah blah blah . . . we thought she was so gay-friendly and was going to do a good job for us. She gave us a date when our home study was going to be finished and we could come [to] sign it. We showed up, and she not only wasn’t there, but she had quit, and not only was it not complete but it was highly inaccurate. She had written some very inflammatory things about our family and our relationship. . . . It turns out she is very much against gay adoption. Her way to keep gay people from adopting was sabotaging the home study.

Debbie, who ultimately adopted two children that her partner gave birth to, recalled encountering several agencies that refused to work with her. She aptly summed up the experience of navigating the social service system:

The ban had been lifted but only very recently before we adopted. [We found] that the people who were involved in adoptions didn't know how to handle gay adoptions. They didn't know what the procedure was. There was a lot of misinformation out there, and there were still people working in the system who weren't on board with gay adoption.

Rachel and Debbie both speak to the stress and uncertainty of navigating a system where the law has been incompletely and/or ineffectively deployed. In turn, agencies continued to operate under the legacy of institutionalized discrimination, failing to respond to legislative change at the macro level (Arnold, 2000; Goldberg et al., 2007).

Of note is that five female participants, all of whom were the nonbiological mothers of children their partners gave birth to, did not voice explicitly negative experiences with social service agencies, but expressed profound frustration with the fact that they needed to complete a home study in order to be granted legal recognition of the child that they were already parenting. These five women viewed this reality as unfair and "insulting," inasmuch as this requirement signified the legal system's refusal to acknowledge them for what they already were: parents. Denise, who lived with her partner and their preschool-age son, shared the following:

It took me a while to decide to actually go ahead and do it. Not because I was fearful of it, but did I want to put myself in a situation to where other people are judging me, other people are determining whether or not I'm okay to parent my own child? . . . It angers me, to really no end. I have been much more [of a parent] than a lot of other parents. I've taken care of him, I've supported him. I've done everything that a quote-unquote parent should do and now I'm waiting for someone else to tell me whether I'm worthy or not.

These participants, then, rejected the notion that they should have to endure a lengthy evaluation process of their parenting abilities when, in their eyes, they already were parents.

Positive Experiences with Social Service Agencies

Nine participants (five male, four female) delighted in the fact that they had had very positive experiences with social service agencies. This included individual social workers, the home study process, and the required classes offered by the agencies, all of which they felt were "affirming" and

“supportive.” The validation that they received from these agencies minimized the stress that they experienced during the adoption process (Meyer et al., 2011). It is notable that most of these participants were male, and four out of five of the men had adopted via the child welfare system. Angelo, who had adopted two children via child welfare with his partner, shared the following:

They really made us feel welcomed and gave us all the information that they had. It just felt like a normal process and we were treated like every other couple. . . . We never felt discriminated against by any of them. All of the social workers that came to visit were very open-minded and never really batted an eye to the fact that we’re two men.

Likewise, Dante, who lived with his partner and their teenage son, for whom he had completed the primary adoption (his partner was now pursuing a second-parent adoption), said, “We never encountered any discrimination in the adoption process. We did our training at a huge Baptist church where we were welcomed with open arms. There were three families that were interested in adopting [a child] and the gay family, us, was chosen to be the best family for him.” Perhaps these men were met with such positive treatment in part because they sought to adopt through foster care. Indeed, the number of children waiting to be adopted in the child welfare system far exceeds the number of interested adoptive parents (U.S. Department of Health and Human Services, 2012).

A particularly positive experience was described by Sean, who had adopted an infant son via private domestic adoption with his partner. He explained how he and his partner were in a class that was treated as a “testing pond,” inasmuch as the agency had never before provided training to openly gay men and/or couples, and actively solicited their feedback in helping them to make their materials more inclusive and gay-affirming: “The director of ChildNet in Florida came in to let us know that we were part of the first openly gay group going through ChildNet. . . . and so it ended up being kind of interesting, because we weren’t only just doing the MAPP (Massachusetts Approach to Partnerships in Parenting) work and the classes. We were also kind of helping them a little bit, which I think was kind of cool.”

Experiences with Judges/the Court System

Not all participants had directly interfaced with the judicial system, although they were all aware of its power where gay adoption was concerned. Those who had not yet completed legal adoptions sometimes expressed concerns related to how a judge would rule. Those who had completed legal adoptions largely described positive experiences with the judicial system.

CHALLENGES AND CONCERNS RELATED TO JUDGES/THE COURT SYSTEM

Seven participants (three male, four female) had not yet finalized their second-parent adoptions. In three of these cases, the male participant or his partner had already completed a single-parent adoption of a child via child welfare, and the other partner was pursuing a second-parent adoption of that child. In one case, a female participant had adopted a teenager and her partner was “considering” pursuing a second-parent adoption, but “wasn’t sure” whether it was worth pursuing, since that child was now legally an adult. In one case, a female participant was the legal guardian for a relative’s daughter, but had not yet adopted her (and thus, neither had her partner), because they were waiting for the child’s parents to terminate their parental rights. In two other cases, the women had separated from their partners. One female participant’s ex-partner was pursuing a second-parent adoption of the participant’s biological child. The other female participant was seeking a second-parent adoption of her ex-partner’s biological child; notably, she and her ex-partner did currently have shared custody of that child.

Despite the legal obligation for judges to grant same-sex adoptions after the lifting of the ban, some of these participants worried that their petition for adoption would still be denied. In discussing their desire to complete second-parent adoptions, three participants voiced lingering concerns regarding how a judge would rule, based on the fact that, in their eyes, “every county is different.” Aware of the long history of legal discrimination against lesbian/gay parents (Richman, 2005), as well as the still very recent nature of the lifting of the ban, these participants were sensitive to the possibility that, particularly in some areas of Florida, judicial bias against lesbian/gay adoption petitioners was not necessarily a thing of the past. Coral, who lived with her partner and a relative’s daughter, whom she hoped to adopt, voiced anxiety about what she perceived was an “unsettled legal situation.” She explained: “My county is very conservative. So, depending on which judge I get, I could have problems. . . . You truly are holding your breath every time.” Dante, who resided with his teenage son and partner, also conveyed concern—despite reassurance from his lawyer that the law had changed:

We are pursuing a second-parent adoption even though [son] is eighteen for the sole purposes of solidifying legally, and I think emotionally and spiritually, the relationship between [son] and [partner]. . . . Although our attorney says that the law is on our side, there is still a possibility the judge could say, “No, I’m not going to allow you a second-parent adoption because you’re gay.” They’re circumnavigating the laws as they’re currently set.

It may well be that denying an adoption based on homophobia would constitute reversible error, which is to say that the result could be changed following an appeal. But this may not totally reassure anxious prospective

adoptive parents. Appeals are expensive and time-consuming. Even an incorrect ruling denying adoption would exact a high toll in terms of stress and expense. The prospect of (even incorrect) denial is clearly stressful (Connolly, 2002; Meyer et al., 2011).

POSITIVE EXPERIENCES WITH JUDGES/THE COURT SYSTEM

Fifteen participants had completed adoptions since the ban was lifted. In 5 cases, the participants and their partners adopted serially (i.e., 1 partner completed the initial adoption, as a single parent, and then the other partner completed a second-parent adoption); in 10 cases, the participants or their partners completed a second-parent adoption. Three of these participants (two female, one male) described the process as “easy” and their experience in court as “positive and uneventful.” Allison, who lived with her partner and biological infant son, noted, “It was six weeks from the time that we first met our lawyer until we were in front of the judge getting the papers signed. We went through the background checks. We had all the reference letters. We had all the financial documents signed. [Lawyer] said it was the fastest adoption she’s done.” Two of these three participants invoked their geographic locale as a contributing factor in the “ease” of the process. Sean, who adopted an infant with his partner via a private domestic adoption, shared, “Our adoption was done in [county]. It was pretty easy there. They’re pretty gay-friendly there.” Thus, the degree to which the law is effectively interpreted and deployed by subordinates may vary based upon geographic and social contexts, whereby a shift in practice may come more easily to lawyers/agencies in more progressive and liberal pockets of the state (Richman, 2005).

Four female participants commented on the emotionally powerful nature of the second-parent adoption proceedings. Their narratives speak to the fact that legislation that enables same-sex parents to enjoy legally recognized ties to their loved ones (e.g., children, partners) has both structural and symbolic functions, and may ultimately offset minority stress (Meyer et al., 2011). Nerissa, whose partner was seeking to adopt their toddler-aged son, to whom Nerissa had given birth, explained, with emotion, “We lived in fear right up to the point where the judge said, ‘He’s yours.’ Even that morning, sitting in court, we were pretty terrified and anxious. . . . He finally said that, and it was like, ‘Wow, we can finally exhale.’” Amber, whose partner had given birth to the couple’s two children, said, “I didn’t expect it, but the legal recognition—there was an absolute physical and emotional reaction to it. Just to be in the court and be legally recognized. . . . To have the judge recognize our family, stand, have to comment on what they were witnessing. . . . That recognition was great.” Likewise, Debbie, who had adopted two children that her partner gave birth to, said, “We were considering doing it via phone with the judge in Miami and my older son said ‘Absolutely not.’ He wanted

to have his day in court. It was important to him to go and stand up in court and be recognized as a family. It turned out to be an excellent thing to do.”

Notably, Debbie and two other participants said that they had entered into the proceedings with some of the same legal anxieties as the prior group of participants. That is, they had worried about the potential for judges to refuse them the right to adopt. This suggests that many same-sex parents in Florida may experience lingering anxieties regarding the certainty and permanence of the current legal environment—even if these concerns do not ultimately come to bear.

DISCUSSION

The current exploratory study is the first to address how lesbians and gay men in Florida navigate the legal and social service systems in the wake of the lifting of the gay adoption ban. Their narratives echo prior work on lesbian and gay adoptive parents (Connolly, 2002; Goldberg, 2012) but also raise new concerns and issues that are specific to their positioning as sexual minorities seeking to adopt amidst a legal climate that is “in flux.” Adopting within a seemingly uncertain legal climate may contribute to minority stress by causing anxiety and confusion about one’s legal rights and one’s ability to be legally recognized as a parent—particularly when various agents and organizations involved in the adoption process are perceived as unsupportive and willing to undermine the recent change in the law (Meyer et al., 2011). Our findings have implications for understanding the experiences of lesbians and gay men as they adapt to legal changes and seek to actualize their hard-won civil rights, and can inform the policies, practices, and programming of agencies and practitioners who work with sexual minorities. They are especially relevant in understanding the experiences, challenges, and needs of those lesbians and gay men who must negotiate a two-tiered status. For example, lesbians and gay men in the military may be recognized as married by the federal government but many may be stationed in states where their relationships are not recognized.

Our findings provide compelling and nuanced firsthand accounts of what it is like to learn of a policy change that has the potential to change one’s life. Participants’ responses to news of the lifting of the ban varied, in part based on their parental status (i.e., for some, the decision meant the difference between being a parent and not being a parent; for others, it meant the possibility of finally being legally recognized *as* a parent), as well as on their level of exposure to the case (i.e., whether they had been following it or not). For those who had been following the case, the news was met with caution, perhaps in part because of the long and frustrating legal history associated with Florida’s gay adoption ban (Meeks & Alonso, 2011). Familiarity with the long history of legal discrimination against sexual

minorities may have also contributed to their cautious stance regarding the meaning and implications of the lifting of the ban (Richman, 2005).

Our data on participants' experiences seeking out attorneys complement the findings of Connolly (2002), who documented the challenges and creative strategies employed by lesbians and gay men seeking second-parent adoptions. Like the participants in Connolly's study, our participants described persistent and sometimes lengthy efforts to find a lawyer that would work effectively on their behalf. However, likely reflecting the recency of the legal changes in Florida, some participants described encountering attorneys who were ignorant about the law and its implications for gay adopters. In turn, attorneys sometimes outright refused to work with them; or, they agreed to work with them, but demonstrated such alarming ignorance of the laws that participants quickly realized that they would not be successful in helping them to adopt, and promptly searched for a new lawyer. Such confusion illustrates the "implementation gap" that often occurs in the wake of legislative change—particularly change affecting LGBTQ rights (Richardson & Monro, 2013). The struggle of searching for a legal professional who is knowledgeable about, and willing to work with, same-sex couples can serve as a painful reminder of one's minority status and the experience of being perpetually devalued by society (Meyer et al., 2011). Such experiences created layers of minority stress for participants, as they searched anxiously, and sometimes extensively, for an attorney who could effectively interpret and deploy the law, thus enabling them to realize their dream of adopting (Kinkler & Goldberg, 2011).

Some participants ultimately found attorneys whom they liked. These participants valued their attorneys' professionalism, expertise, and knowledge regarding gay adoption. Finding an attorney who presented himself or herself as capable, competent, and confident may have served to offset some of the stress associated with the adoption process as a whole, as well as the heterosexism that participants faced in society at large (Meyer et al., 2011). Indeed, some of these participants even viewed their attorneys as advocates of gay adoption, who supported them in navigating a tricky legal system still riddled with discrimination. Attorneys who support lesbian/gay adopters are acting not only as advocates on behalf of their individual clients, but are also operating as agents of social change, effectively deploying the law in pursuit of equality, justice, and antidiscrimination (Anleu, 2010; Rostosky & Riggle, 2011). Thus, expanding research on same-sex adoptive parents' experiences with attorneys is important inasmuch as attorneys may potentially represent supportive bodies of knowledge and expertise that could ultimately buffer lesbians and gay men from minority stress (Meyer et al., 2011).

Participants who had intersected with social service agencies by and large reported positive experiences, particularly those who were seeking to adopt via the child welfare system. Thus, social workers—even those who may not be advocates of gay adoption per se—may come to see lesbian and

gay applicants as fulfilling an important social need: that is, they may help to decrease the number of children in foster care (Brooks & Goldberg, 2001). Some participants, however, reported negative experiences with agencies or social workers. A few were refused services, which represents a direct and potentially harmful manifestation of societal heterosexism, which can create minority stress (Meyer et al., 2011) and serves as an unfortunate example of how the implementation gap may manifest after changes in policy occur (Richardson & Monro, 2013). Several encountered social workers who seemed to purposefully compromise their written home study in an effort to prevent them from adopting. Finally, some participants—in particular, those who were pursuing second-parent adoptions of children whom they had been parenting since birth—voiced an additional layer of dissatisfaction about the requirement to complete a home study. They felt that their parental status was being undermined, inasmuch as they had to be approved as a fit parent by someone else, despite already *being* a parent. For these parents, such experiences may serve as an additional reminder that their minority status is stigmatized and they must be evaluated before being granted legal parenthood (Meyer et al., 2011).

The experience of these same-sex couples stands in sharp contrast to the experience of heterosexual married couples. For heterosexual couples, the institution of marriage brings with it a presumption that when a married woman gives birth, the non-childbearing spouse (the husband) is a legal parent to the child. But same-sex couples who do not enjoy access to marriage cannot generally avail themselves of this presumption. And, even for same-sex couples who marry in states where they are allowed to do so, the presumption does not provide adequate legal protection for the parent/child relationship. A state hostile to same-sex couples will refuse to recognize parental status just as it will refuse to recognize the marriage. Indeed, only an adoption provides protection in these states. Finally, as noted earlier, although same-sex couples can use a second-parent adoption to secure legal parental rights, they will be treated less favorably than married heterosexual couples traveling the same path, as they will be subjected to a home study whereas those completing a stepparent adoption will not be (Florida Bar, 2011).

Regarding their experiences in the judicial system, some participants expressed anxiety regarding the potential for judges in their counties to deny them the right to adopt. Lesbian and gay participants in other studies have also expressed uneasiness regarding the unpredictable nature of the judicial system with regard to gay adoption (Goldberg, 2012). Yet, unlike participants in prior studies, these participants were truly swimming in murky waters: that is, their ability to speculate on a particular judge's potential to rule in their favor was compromised by the fact that there is no set precedent on which to base such speculation. For some participants, distrust of the legal system may have perpetuated their anxiety about being refused legal

recognition as a parent inasmuch as it led them to believe there was still a possibility of their adoption being turned down by a judge. Attorneys and agencies that were uninformed of the recent change in the law may have also contributed to the general confusion of when and where the law was being enforced (Richardson & Monro, 2013). In reality, adoptions and second-parent adoptions by lesbians and gay men are being granted throughout the state of Florida; yet, as we see, some participants did not believe this was truly the case (Stutzman, 2011). Living with such uncertainty, and anticipating discrimination, created stress for these parents (Meyer et al., 2011).

Implications for Legal and Social Service Practitioners

Our findings highlight how the legal system—as the broadest level of the social structure—not only shapes the practices of social institutions when discriminatory legislation is in place, but also may exert a lingering influence after such legislation is lifted. Indeed, the heteronormative attitudes and practices of social institutions may not change as quickly as the laws that guide them, which can create lingering effects of discriminatory laws even after such laws have been formally removed (Richardson & Monro, 2013).

Our findings suggest that practitioners should consider the potential challenges that lesbian and gay adoptive parents may encounter when navigating the social service and legal system, particularly the subjective feeling of anxiety regarding the potential for unexpected problems in the judicial system. Indeed, our findings have implications for attorneys and social service agencies in Florida and beyond. Namely, attorneys and agencies should follow any changes in the legislative proceedings that impact same-sex parenting, and should aim to become well-versed in the most current legal changes (Shapiro, 2013). Specifically, we recommend the following:

1. After a change in legislation or judicial action occurs, information should be disseminated to professionals (e.g., attorneys, social workers, school officials, etc.) and others who may work with members of the LGBTQ community. This may be accomplished through local and state advocacy groups creating and disseminating educational materials and/or trainings that provide a comprehensive review of the most recent legal changes, and their impact on local practices.
2. In that some of our participants described continued stigma after the lifting of the ban, attorneys and adoption professionals should be mindful of the ways in which their attitudes toward gay adoption may be impacted by past legislation regarding same-sex parenting. It is clear that adjustments need to be made so that attitudes and practices correspond with the formal legal changes (Richardson & Monro, 2013).

3. Graduate programs that train social workers and other practitioners who may interface with lesbian and gay parents and prospective parents should educate their students about the current laws, within the context of a social justice framework that advocates for equal treatment of all individuals, regardless of sexual orientation (Einbinder, Fiechter, Sheridan, & Miller, 2012). We recommend that graduate programs aim to:
 - a. Emphasize the possible impact of the fluidity of laws, especially those pertaining to families with same-sex parents.
 - b. Educate students about the history of laws that have impacted gay and lesbian couples, providing students with the necessary background to understand the discrimination and prejudice that has been experienced by this population.
 - c. Provide clear, easy-to-read legal resources that are updated regularly (e.g., by national organizations) to students, to which they can refer once they are in their professional roles so they can stay current on their knowledge of the law.

Given the relatively rapid pace of legal change with regard to lesbian/gay rights (e.g., with respect to gay adoption and marriage equality; Willetts, 2011), it is difficult and yet imperative for attorneys, practitioners, and advocacy groups to stay up-to-date with the most recent changes and to mobilize their efforts accordingly (Killian, 2010). At the same time, one must remember that as fast as the law may change, legal institutions may change more slowly (Richardson & Monro, 2013). That is, formal legal change does not translate immediately into real change. We recommend that legal professionals, adoption practitioners, and mental health professionals who interface with lesbians and gay men be proactive in consulting timely sources for information about changes in the law (Knauer, 2012). The following are a few excellent sources for such information:

- The Human Rights Campaign (www.hrc.org) regularly updates their state-by-state listing of marriage and adoption laws in the United States.
- The Williams Institute at the UCLA School of Law (<http://williamsinstitute.law.ucla.edu/>) produces demographic and empirical research on topics relevant to the LGBTQ community, emphasizing law and public policy.
- The National Center for Lesbian Rights (www.nclrights.org/) provides information about current legislation affecting the LGBTQ community.

Limitations and Conclusions

The current study must be viewed as exploratory, given the small size and the racially and socioeconomically homogeneous nature of our sample.

Clearly, our findings do not generalize to all lesbian and gay adoptive parents in Florida. Future work should examine experiences with the legal system among lesbian and gay adoptive parents from more ethnically and economically diverse backgrounds, to understand how multiple minority statuses may complicate such experiences. Also, we recruited persons willing to “share their experiences about how the gay adoption ban, as well as the lifting of the ban, has affected their lives.” Therefore, our sample may have been biased toward individuals who had experienced more difficulties and distress in their experiences with attorneys, social service agencies, and judicial system. We also interviewed individuals, not couples, in the current study. The participants’ partners may have had very different perspectives and concerns. In turn, our findings (including the themes we identified) may have been different if both members of each couple were included. Future research on lesbian and gay adoptive parents should aim to examine both members of the dyad, in order to capture a fuller picture of their experiences and perceived challenges (Goldberg, 2010).

This study furthers our knowledge of the lingering effects of institutionalized heterosexism on lesbian and gay adoptive families, even in the wake of legal discrimination. Specifically, it reveals how the remnants of a formal legal regime continue to shape the new regime during the transitional period that occurs after the removal of antigay legislation, and how the legally disfavored minority—i.e., sexual minorities—navigates this process. Our findings hold implications for our understanding of the types of challenges that sexual minorities may encounter in the wake of the passage of pro-gay legislation, or the removal of antigay legislation. Furthermore, our findings provide a snapshot of a particular stage in the battle for equality. As other scholars have acknowledged (e.g., Andersen, 2005), legislative change may not by itself produce social change; however, it can often contribute—even in subtle ways—to shifting the legal and cultural discourse surrounding gay rights.

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