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An act relating to child welfare and adoption; providing a specified preference regarding adoptive placements of children in DCFS custody; and providing an effective date.

TEXT

Be it enacted by the Legislature of the state of _____:

SECTION 1. Legislative intent – Best interests of child.

(A) **Purpose.** The purpose of adoption, as a legal institution, is to serve the best interests of children whose natural mother and father are unable or unwilling to fulfill their parental responsibilities.

(B) **Judicial Findings.** In each adoption proceeding, the court shall make a specific finding regarding the best interest of the child in writing or in oral reasons dictated in the record, in accordance with the provisions of this chapter.

(C) **Legislative Findings.** The Legislature finds that:

(1) Every child is born with a natural mother and father. When the state severs the legal obligations and rights of these natural parents in order to free a child for adoption, it is in the child’s best interest (where possible) to provide that child with the closest possible restoration of that child’s natural right to the care and protection of both a mother and a father.

(2) A broad array of social science evidence confirms that, all things being equal, children do best when raised by their own married mother and father.¹ The legislature acknowledges and praises the many single parents who do heroic work raising their children well. Single parents who successfully raise children are especially admirable and deserving of social support because children raised outside of intact marriages remain at increased risk for a wide variety of risks, including increased poverty, physical and mental illness, high-school drop-outs, conduct disorders and juvenile delinquency, infant mortality, suicide, substance abuse, unwed teen parenthood.² Family structure is highly relevant to

¹ See, e.g., Kristin Anderson Moore, et al., 2002. “Marriage from a Child’s Perspective: How Does Family Structure Affect Children and What Can We Do About It?”, *Child Trends Research Brief* (Washington, D.C.: Child Trends) (June): 1 (“Research clearly demonstrates that family structure matters for children.”).

² See, e.g., William J. Doherty, et al., 2002. *Why Marriage Matters: Twenty-One Conclusions from the Social Sciences* (New York: Institute for American Values); Sara McLanahan and Gary Sandefur, 1994.

child well-being, and no other family structure has been found to benefit children as much as a family headed by the child's biological parents in a low-conflict marriage.³

- (3) In non-familial adoptions, the best interests of an adoptive child are normally served by placing the child with a married mother and father.

SECTION 2. Child Custody and Placement – Marital Preference

The Department of Children and Family Services shall place children who are in the custody of the State and available for adoption with any person(s) qualified to adopt subject to the following policies:

- (A) Primary consideration shall be given to the application of married couples.
- (B) Single persons whose application to adopt has been submitted to the Department shall be considered only if there is no qualified married couple, except in the following circumstances:
 - (1) The applicant is a legal relative of the child; or
 - (2) The alternative for the child is extended foster home care; or
 - (3) There already exists a meaningful and healthy relationship between the applicant and the child; or
 - (4) The best interest of the child to be adopted requires placement with a single parent.

SECTION 3. Implementation.

The Department of Child and Family Services shall establish by rule the policy of the Department in accordance with the requirements of this chapter.

SECTION 4. Effective date.

The effective date of this Act shall be _____.

Growing Up With a Single Parent: What Hurts, What Helps (Cambridge, MA: Harvard University Press); Paul Amato and Alan Booth, 1997. *A Generation At Risk: Growing Up in an Era of Family Upheaval* (Cambridge, MA: Harvard University Press); Linda J. Waite and Maggie Gallagher, 2000. *The Case for Marriage: Why Married People are Happier, Healthier and Better-Off Financially* (New York: Doubleday).

³ Kristin Anderson Moore, et al., 2002. "Marriage from a Child's Perspective: How Does Family Structure Affect Children and What Can We Do About It?", *Child Trends Research Brief* (Washington, D.C.: Child Trends) (June): 1 (available at <http://www.childtrends.org/PDF/MarriageRB602.pdf>) ("Research clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two-biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes."). This research brief on family structure does not compare outcomes for children in same-sex couple households to children in other types of families.