

# Second-Parent Adoption: North Carolina Same-Sex Couples and Foster Care Adoptions

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## Abstract

A qualitative phenomenological study about the experiences of same-sex couples with children adopted from foster care in a southeastern U.S. state. Interview data from 8 couples were coded and analyzed. Emerging themes included legal, social, and financial struggles and the couple's trailblazing experiences to become their children's legal parents. Implications for positive social change included informing same-sex parents, policy makers and social workers about the families' experiences and needs.

## Problem

Over 400,000 children are in foster care in the United States, according to the Department of Health and Human Services (Administration for Children and Families, 2012).

There has been an increased presence of gay, lesbian, bisexual, and transgender individuals willing to adopt children out of foster care, but in some states both parents are not given legal parental rights.

**Second-parent adoption** is the adoption of a child by a second-parent in the home who is not married to the legal parent (first parent) of the child. This type of adoption allows the first parent to retain his or her parental rights while giving the second-parent the same legal rights as biological parents (Perrin et al., 2013, pp. 1374-1383).

In a southeastern U.S. state, same sex couples can foster a child jointly, but only one person is allowed to be the legal parent. The law discriminates against same sex parents and adversely affects them financially and socially, because some children adopted from foster care have medical or developmental special needs.

## Purpose

The purpose of the phenomenological study was to explore the lived experiences of gay and lesbian adoptive parents who both wish to be the legal parents of foster children they adopt in North Carolina.

## Relevant Literature

### Theoretical Frameworks

- **procedural justice theory** (Solum, 2004)
- Solum: "dignity, equality and autonomy" (p. 94).
- **representation reinforcement** theory (Ely, 1980)

### Relevant Research

Researchers have described the experiences of similar families in other regions of the U.S. including California and Ohio, but no research has explored the issues in North Carolina.

- *Boseman v. Jarrell* (2010) brought attention to adoption rights by gays and lesbians in North Carolina. Second-parent adoption would not be an option for nonmarried and same-sex couples.
- The average child experiences three or more moves while in foster care, and each move directly impacts the child's emotional and physical wellbeing (Herrick et al, 2007).
- Federal mandate: Children in foster care must be placed in "permanent homes." (Child Welfare Information Gateway, 2012).
- Cultural norms and "institutional discrimination" are concerns for LGBT parents (Mallinger, 2010, p. 23).
- Gay and lesbian parents experience social isolation, which has significant physical and mental health implications (Weber, 2011, pp. 29-48).
- Gays and lesbians are resilient in the face of discrimination in their struggle to create families (Wells, 2011, p. 155).

## Research Questions

**How do same-sex parents who adopt children from foster care in North Carolina describe the experience of adopting a child from foster care?**

**How do same-sex parents who adopt children from foster care in North Carolina describe their experience with regard to the state foster care system?**

### Dissertation Committee

Chair: Gary Kelsey, Committee Members:  
Andrew Garland-Forshee and Linda Day

## Procedures

### Design

- Phenomenological study

### Sample

- Snowball sampling was used.
- 8 couples were interviewed, 4 from each gender pairing.

### Collection

- Open-ended interview protocol with 16 questions (merged Wells, 2005 & Deveny-Leggitt, 2012).

### Procedure

- Recorded 90 minutes interviews.
- Local spaces were used for the interviews.
- Two interviews were conducted via Skype.

## Data Analysis

The verbatim-transcription of interview data were coded for each couple.

Emerging patterns were compared with assumptions, and substantive themes were determined.

## Findings

Some respondents described their trail-blazing decisions made to create their families and protect their children, while respecting their extended families and southern culture.

Some couples reported discrimination, as well as legal and social challenges which created financial hardships.

### Marty

*It pisses me off and I think it is wrong. I can't claim Margo as a dependent and all these years I have been paying for half of her care. So you don't get the tax and the benefits, my last name, it is frustrating. I would love to have had Margo not just spiritually but legally as my daughter. If we both had been able to adopt her... we would have.*

## Limitations

The study should be expanded to include the experiences of minority couples.

Future research should include grounded theory and quantitative data.

The study should be expanded to include additional states.

## Conclusions

The findings can be applied to change laws and policies that create legal and social hardships for same-sex adoptive parents. LGBT couples with children adopted from foster care should experience "dignity, equality and autonomy" under federal and state laws.

## Social Change Implications

The implications for positive social change include informing same-sex parents with children adopted from foster care, policymakers, and social workers about the experiences and needs of the families.

### William

*We are tax paying citizens. We are doing all the right things. We are the island of misfit toys. We take all toys that nobody else wants. We take all of the children that the straight families make and abandon or abuse and try to destroy and we end up taking care of them. So we are not looking for any awards, but I think ultimately that our neighbors and even the people who don't particularly understand us will come to see us as part of the solution. As part of a vibrant, frenetic and crazy community known as America and they will force change so that our lives will be easier.*