



**NATIONAL RESOURCE CENTER
FOR FOSTER CARE
& PERMANENCY PLANNING**

at the Hunter College
School of Social Work

INFORMATION PACKET:

Gay & Lesbian Foster Care and Adoption

By Joanne Smith

MAY 2002

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The increasing number of homosexuals choosing to adopt has brought the issue of gay and lesbian parenting to the forefront. Social workers are being asked to look carefully at their own feelings and to make reasonable judgments about what is in the best interest of

children who need families. The increasing number of children needing adoptive families puts pressure on workers to find appropriate families. Should stable, nurturing, mature applicants be turned away only on the basis of sexual preference?¹

Gay men and lesbians have always adopted, though in the past they usually hid their sexual orientation. Today, as they have become more visible in all aspects of society, they are determined to be considered seriously as potential adoptive parents. This may become easier in light of the fact that the number of gay and lesbian biological parents in the United States has increased dramatically during the past two decades. In 1976, there were an estimated 300,000 to 500,000; today, there are an estimated 1.5 to 5 million lesbian mothers and 1 to 3 million gay fathers. As of 1990, an estimated 6 to 14 million children were being raised in gay and lesbian households.²

Until the 1950s and '60s, adoption was predominately used to place healthy white babies in the homes of middle class, married couples. In the decades since, adoption practices have changed dramatically, and adoption has become a way for increasingly diverse populations to form families.

Rosie O'Donnell has helped all Lesbian and Gay families wanting to adopt children by raising awareness and putting a face on the loving homes that children can find with all kinds of families. The AIA supports Steve Lofton and Roger Croteau, a gay couple fighting to keep their family together by trying to overturn the state of Florida's ban on gay adoption who are challenging Florida's law which states: **"No person eligible to adopt under this statute may adopt if that person is a homosexual."** Title IV, Chapter 63, Article 63.042: Who may be adopted; who may adopt. ³

¹ Written by Gloria Hochman, Mady Prowler, and Anna Huston of the National Adoption Center in Philadelphia, Pennsylvania, for the National Adoption Information Clearinghouse, 1995. Used by permission.

² **Kreisher, Kristen. (January 2002) is Managing Editor of *Children's Voice Article, Child Welfare League of America Children's Voice.***

³ American Infertility Association (AIA). (2002). Supports Gay/Lesbian Adoptive Families; Calls for an end to "Gender Politics" New York, NY

FACT SHEET/GENERAL STATISTICS

(The Following Facts have been compiled from Lesbian & Gay Rights, American Civil Liberties Union, Freedom Network)

- The issue of adoption is best decided by parents and professionals on a case-by-case basis, not by politicians or the government.
- The goal of adoption is to make sure that the child has a permanent home with people who have the skills to be good parents.
- Lesbians and gay men can and do make good parents.
- There is a critical shortage of adoptive parents, and children will be stuck in foster care *permanently* if we start adopting exclusionary adoption policies.
- According to the Adoption and Foster Care Analysis and Reporting System, on September 30, 2001, 132,000 children in the public child welfare system were waiting to be adopted. The median age of children in this group was 7.7 years, and many had spent more than 36 continuous months in foster care.
- 21 states have granted second-parent adoptions to lesbian and gay couples, ensuring that their children can enjoy the benefits of having two legal parents, especially if one of the parents dies or becomes incapacitated.

- More than 22 states to date have allowed lesbians and gay men to adopt children either through state-run or private adoption agencies.
- One state (Florida) has a law that expressly bars lesbians and gay men from ever adopting children.
- Arkansas has just adopted a policy prohibiting lesbians, gay men, and those who live with them, from serving as foster parents.

MYTHS VS FACTS

About Lesbian and Gay Foster and Adoptive Parents

(The following is adopted from the American Civil Liberties Union Fact Sheet: Overview of Lesbian and Gay Parenting, Adoption and Foster Care, April 1999)

Myth: The only acceptable home for a child is one with a mother and father who are married to each other.

Fact: Children without homes do not have the option of choosing between a married mother and father or some other type of parent(s). These children have neither a mother nor a father, married or unmarried. There simply are not enough married mothers and fathers who are interested in adoption and foster care. Last year only 20,000 of the 100,000 foster children in need of adoption were adopted, including children adopted by single people as well as married couples. Our adoption and foster care policies must deal with reality, or these children will never have stable and loving homes.

Myth: Children need a mother and a father to have proper male and female role models.

Fact: Children without homes have neither a mother nor a father as role models. And children get their role models from many places besides their parents. These include grandparents, aunts and uncles, teachers, friends, and neighbors. In a case-by-case

evaluation, trained professionals can ensure that the child to be adopted or placed in foster care is moving into an environment with adequate role models of all types.

Myth: Gays and lesbians don't have stable relationships and don't know how to be good parents.

Fact: Like other adults in this country, the majority of lesbians and gay men are in stable committed relationships.⁴ Of course some of these relationships have problems, as do some heterosexual relationships. The adoption and foster care screening process is very rigorous, including extensive home visits and interviews of prospective parents. It is designed to screen out those individuals who are not qualified to adopt or be foster parents, for whatever reason. All of the evidence shows that lesbians and gay men can and do make good parents. The American Psychological Association, in a recent report reviewing the research, observed that "not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents," and concluded that "home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth."⁵ That is why the Child Welfare League of America, the nation's oldest children's advocacy organization, and the North American Council on Adoptable Children say that gays and lesbians seeking to adopt should be evaluated just like other adoptive applicants.

Myth: Children raised by gay or lesbian parents are more likely to grow up gay themselves.

Fact: All of the available evidence demonstrates that the sexual orientation of parents has no impact on the sexual orientation of their children and that children of lesbian and gay parents are no more likely than any other child to grow up to be gay.⁶ There is some evidence that children of gays and lesbians are more tolerant of diversity, but this is certainly not a disadvantage. Of course, some children of lesbians and gay men will grow up to be gay, as will some children of heterosexual parents. These children will have the added advantage of being raised by parents who are supportive and accepting in a world that can sometimes be hostile.

Myth: Children who are raised by lesbian or gay parents will be subjected to harassment and will be rejected by their peers.

Fact: Children make fun of other children for all kinds of reasons: for being too short or too tall, for being too thin or too fat, for being of a different race or religion or speaking a different language. Children show remarkable resiliency, especially if they are provided with a stable and loving home environment. Children in foster care can face tremendous abuse from their peers for being parentless. These children often internalize that abuse, and often feel unwanted. Unfortunately, they do not have the emotional support of a loving permanent family to help them through these difficult times.

Myth: Lesbians and gay men are more likely to molest children.

Fact: There is no connection between homosexuality and pedophilia. All of the legitimate scientific evidence shows that. Sexual orientation, whether heterosexual or homosexual, is an adult sexual attraction to others. Pedophilia, on the other hand, is an adult sexual attraction to children. Ninety percent of child abuse is committed by

heterosexual men. In one study of 269 cases of child sexual abuse, only two offenders were gay or lesbian. Of the cases studied involving molestation of a boy by a man, 74 percent of the men were or had been in a heterosexual relationship with the boy's mother or another female relative. The study concluded that "a child's risk of being molested by his or her relative's heterosexual partner is over 100 times greater than by someone who might be identifiable as being homosexual, lesbian, or bisexual."⁷

Myth: Children raised by lesbians and gay men will be brought up in an "immoral" environment.

Fact: There are all kinds of disagreements in this country about what is moral and what is immoral. Some people may think raising children without religion is immoral, yet atheists are allowed to adopt and be foster parents. Some people think drinking and gambling are immoral, but these things don't disqualify someone from being evaluated as an adoptive or foster parent. If we eliminated all of the people who could possibly be considered "immoral," we would have almost no parents left to adopt and provide foster care. That can't be the right solution. What we can probably all agree on is that it is immoral to leave children without homes when there are qualified parents waiting to raise them. And that is what many gays and lesbians can do.

⁴Overlooked Opinions, "The Gay Market," Chicago, January 1992.

⁵American Psychological Association, *Lesbian And Gay Parenting: A Resource For Psychologists* (1995).

⁶See Bailey, J.M., Bobrow, D., Wolfe, M. & Mikach, S. (1995), Sexual orientation of adult sons of gay fathers, *Developmental Psychology*, 31, 124-129; Bozett, F.W. (1987). *Children of gay fathers*, F.W. Bozett (Ed.), *Gay and Lesbian Parents* (pp. 39-57), New York: Praeger; Gottman, J.S. (1991), Children of gay and lesbian parents, F.W. Bozett & M.B. Sussman, (Eds.), *Homosexuality and Family Relations* (pp. 177-196), New York: Harrington Park Press; Golombok, S., Spencer, A., & Rutter, M. (1983), Children in lesbian and single-parent households: psychosexual and psychiatric appraisal, *Journal of Child Psychology and Psychiatry*, 24, 551-572; Green, R. (1978), Sexual identity of 37 children raised by homosexual or

transsexual parents, *American Journal of Psychiatry*, 135, 692-697; Huggins, S.L., (1989) A comparative study of self-esteem of adolescent children of divorced lesbian mothers and divorced heterosexual mothers, F. W. Bozett (Ed.), *Homosexuality and the Family* (pp. 123-135), New York: Harrington Park Press; Miller, B. (1979), Gay fathers and their children, *The Family Coordinator*, 28, 544-52; Paul, J.P. (1986).

Carole Jenny, et al., Are Children at Risk for Sexual Abuse by Homosexuals?, *Pediatrics*, Vol. 94, No. 1 (1994); see also David Newton, Homosexual Behavior and Child Molestation: A Review of the Evidence, *Adolescence*, Vol. XIII, No. 49 at 40 (1978) ("A review of the available research on pedophilia provides no basis for associating child molestation with homosexual behavior.")
 Carole Jenny, et al., *Are Children at Risk for Sexual Abuse by Homosexuals?*, *Pediatrics*, Vol. 94, No. 1 (1994); see also David Newton, *Homosexual Behavior and Child Molestation: A Review of the Evidence*, *Adolescence*, Vol. XIII, No. 49 at 40 (1978) ("A review of the available research on pedophilia provides no basis for associating child molestation with homosexual behavior.")

LEGISLATIVE STRATEGIES/ BEST PRACTICE TIPS

(The following Legislative Strategies have been compiled from www.ACLU.org website)

- The ACLU's policy memorandum contains information, "Defending Fair And Sensible Adoption Policies" and should be used to defeat anti-gay, anti-child adoption legislation.
- Introduce Legislators And The Public To Lesbian And Gay Families. To effectively debunk biases and stereotypes invoked by opponents of "gay adoption" show the public and legislators who lesbian and gay parents are.
- Get lesbian and gay families to tell their stories in testimony before legislative committees, to the media, and in public meetings. Try to find lesbian or gay couples or individuals who have adopted or are otherwise raising children and who are willing to tell their story in public.

(The following statistics have been compiled from the websites listed in the resources)

- Build Alliances With Children's Advocacy Groups And Other Non-Gay Organizations, pediatricians, interested members of communities of faith, and

others who have historically expressed a strong interest in the interests of children.

- Representatives of children's advocacy groups and pediatricians can testify before legislators and speak at public events. Children's groups can join with you to publish supportive op ed pieces.
- Where possible, you should work to defeat hostile adoption legislation in an "up or down" vote on the proposed legislation. However, depending on the circumstances, this may not be the approach most likely to succeed. What follows are a number of proposed alternatives that can be introduced either as amendments or alternatives if it does not appear possible to kill a bad adoption bill on a straight vote.
- Child Welfare League of America's Standards for Adoption Service state, All applicants should have an equal opportunity to apply for the consideration of their qualifications as adoptive parents, under applicable law. (5.4) Applicants should be fairly assessed on their abilities to successfully parent a child needing family membership and not on their appearance, differing lifestyle, or sexual preference.
- The American Psychological Association adopted the belief that homosexuality per se implies no impairment in judgment, stability, reliability, or general social and vocational capabilities. The American Psychological Association urges all mental health professionals to take the lead in moving the stigma of mental illness that has long been associated with homosexual orientations.
- The February 4, 2002 NY Times states that the American Academy of Pediatrics says it will support right of gay men and lesbians to adopt their partners' children; says most

studies over past two decades indicate children of gay or lesbian parents are as well adjusted socially and psychologically as those of heterosexual parents; experts say endorsement is likely to carry weight in courts and legislatures because group, which represents 55,000 pediatricians, enjoys wide respect; three states currently ban such adoptions, while seven and Washington (DC) permit them by law or court ruling; otherwise, legal status of such adoptions varies widely (Goode, 2002).

- The American Psychological Association deplores all public and private discrimination in such areas as employment, housing, public, accommodation, and licensing against those who engage in or have engaged in homosexual activities and urges the enactment of civil rights legislation at the local, State and Federal level that would offer citizens who engage in acts of homosexuality the same protections now guaranteed to others on the basis of race, creed, color, etc.
- The Statement of National Association of Social Workers Code of Ethics on Gay and Lesbian Issues is that social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status etc. Social workers should act to expand choice and opportunity for all persons, with special regard to disadvantaged or oppressed groups and persons.

Laws and Practices Vary From State to State

(Work Compiled from Child Welfare League. Children's Voice Article; Gay Adoption (January 2002))

- Federal and state laws govern adoption, but practices within states often vary from region to region-and even from agency to agency and judge to judge. By researching state laws and analyzing court records, the Human Rights Campaign

(HRC), the nation's largest gay and lesbian organization, have determined 21 states and the District of Columbia are "open" to gay adoption. "More and more states recognize gay and lesbian adoption as a fine thing," says Lisa Bennett, Deputy Director of HRC's Family Net. "Some have explicit, welcoming language."

- New Jersey was the first state to specify that sexual orientation and marital status cannot be used to discriminate against couples who are seeking to adopt. The state also allows second-parent adoption, a legal procedure by which a co parent can adopt the biological or adopted child of his or her nonmarital partner.
- New York also grants second-parent adoptions statewide and forbids discrimination in adoption decisions. California recently enacted a new domestic partnership law that legalizes second-parent adoption.
- Utah prohibits adoption by any unmarried couple or individual. And while Mississippi does not explicitly ban gay and lesbian individuals from adopting, it does prohibit adoption by same-sex couples, and the climate is reported as unwelcoming.
- The policies in most states, however, are unwritten, and experts assume they will stay that way. According to Joan Heifetz Hollinger, a visiting professor at the University of California Berkeley School of Law and a leading scholar on adoption law and practice, much of the decision making in adoption cases "happens behind public view, without much scrutiny."

- Informal, variable policies are the rule in most states. Louisiana, for example, restricts adoption to married couples and single individuals and has no reported cases of gays adopting. CWLA's White, previously a Louisiana social worker and state adoption director, however, says, "I myself placed kids with gay parents," stressing that many were already foster parents to the children and her decisions were based purely on their "ability to parent."
- The new permanency guidelines in the Adoption and Safe Families Act of 1997 have led to an increased number of children in the child welfare system who need homes, and a growing acceptance of nontraditional families who want to adopt. Freundlich says agencies want to "maximize adoptive family resources without drawing

MODEL PROGRAMS AND ORGANIZATIONS

(Hundreds of support groups for lesbian and gay families exist throughout the country. The following list is modified from [The Gay and Lesbian Parenting Handbook](#).)

Information Specific to Gay and Lesbian Issues In Adoption State by State:

ARIZONA	Gay and Lesbian Parent Support Network P.O. Box 66823 Phoenix, AZ 85082-6823 (602) 256-9173
CALIFORNIA	Ysabel Llerena, M.A., M.S.W. International Adoption Consultant 1121 La Cienega Blvd., Ste. 205 West Hollywood, CA 90069 (310) 652-2412
National Center for Lesbian Rights http://www.nclrights.org 870 Market Street, Suite 570 San Francisco, CA 94102 (415) 392-6257 Fax: (415) 392-8442 info@nclrights.org	"Just For Us" Newsletter c/o COLAGE (Children of Lesbians and Gays Everywhere) 2300 Market Street, Box 165 San Francisco, CA 94114

<p>"The Family Next Door" Magazine for Lesbian and Gay Parents and their Friends P.O. Box 21580 Oakland, CA 94620 (510) 482-5778</p>	<p>Gay Fathers of Long Beach c/o The Center 2017 East Fourth St. Long Beach, CA 90814</p>
<p>Lesbian Mothers Group of Long Beach 2017 E. 4th St. Long Beach, CA 90814 (310) 434-4455</p>	<p>The Lyon-Martin Women's Health Clinic 1748 Market St., Ste. 201 San Francisco, CA 94102 (415) 565-7674</p>
<p>Outreach for Couples 405 W. Washington St., #86 San Diego, CA 92103</p>	<p>Gay and Lesbian Parents of Los Angeles Suite 109-346 7985 Santa Monica Blvd. West Hollywood, CA 90046 (213) 654-0307</p>
<p>AASK Adopt A Special Kid http://www.adoptaspecialkid.org 7700 Edgewater Drive, Suite 125 Oakland, CA 94621 (510) 553-1748 ext. 12 andrea@adoptaspecialkid.org</p>	<p>Family Pride Coalition http://www.familypridecoalition.org PO Box 34337 San Diego, CA 92163 (619) 296-0199 Fax: (619) 296-0699 pride@familypride.org</p>
<p>Children of Lesbians and Gays Everywhere – COLAGE http://www.colage.org 3543 18th Street #17 San Francisco, CA 94110 (415) 861-5437 colage@colage.org</p>	<p>!OutProud! The National Coalition for Gay, Lesbian, Bisexual & Transgender Youth 369 Third Street, Suite B-362 Web site: http://www.outproud.org San Rafael, CA 94901-3581 E-mail: info@outproud.org</p>
<p>COLORADO</p>	<p>Gay and Lesbian Parents-Denver P.O. Box Drawer E Denver, CO 80218 (303) 937-3625</p>
<p>DISTRICT OF COLUMBIA</p>	<p>Gay Fathers Coalition of Washington, DC P.O. Box 19891 Washington, DC 20036 (202) 583-8029</p>
<p>Parents, Families, Friends of Lesbians and Gays - PFLAG http://pflag.org/pflag.html 1101 14th Street NW, Suite 1030 Washington, DC 20005 (202) 638-4200 Fax: (202) 638-0243</p>	<p>Sexual Minority Youth Assistance League (SMYAL) http://www.smyal.com 410 Seventh Street SE Washington, DC 20003-2707 (202) 546-5940 Fax: (202) 544-1306</p>

<i>info@pflag.org</i>	<i>smyal@aol.com</i>
Child Welfare League of http://www.cwla.org 440 First Street NW, Third Floor Washington, DC 20001-2085 <i>info@cwla.org</i> (202) 638-2952 Fax: (202) 638-4004	Gay and Lesbian Alliance Against Defamation – GLAAD http://www.glaad.org 1825 Connecticut Ave NW, 5th Floor Washington, DC 20009 (800) GAY-MEDIA
Gay Fathers Coalition PO Box 19891 Washington, DC 20036 (202) 583-8029	
MASSACHUSETTS	Lesbian/Gay Family Parenting Services Fenway Community Health Center 7 Haviland St. Boston, MA 02115
Gay Fathers of Greater Boston P.O. Box 1373 Boston, MA 02205	
NEW JERSEY	National Gay and Lesbian Parent Coalition Newsletter (quarterly) P.O. Box 43206 Upper Montclair, NJ 07043 (201) 783-6204
NEW YORK	
April Martin, Ph.D. Clinical Psychologist 429 W. 24th St. New York, NY 10011 (212) 675-6872	Center Kids-Terry Boggis, Director 208 West 13th St. New York, NY 10011 (212) 620-7310
Gay Fathers Coalition of Buffalo Westside Station P.O. Box 404 Buffalo, NY 14213 (716) 633-2692	Gay Fathers NY Church Street Station P.O. Box 2553 New York, NY 10008-7727
Gay Fathers Forum of Greater New York Midtown Station P.O. Box 1321 New York, NY 10018-0725 (212) 721-4216	Gay Fathers of Long Island P.O. Box 2483 Patchogue, NY 11772-0879
American Civil Liberties Union - Lesbian and Gay Rights Project http://www.aclu.org 125 Broad Street	<i>Gay, Lesbian, and Straight Education Network</i> – <i>GLSEN</i> http://www.glsen.org <i>121 West 27th Street, Suite 804</i>

New York, NY 10004 (212) 549-2627 LGRPACLU@aol.com	New York, NY 10001 (212) 727-0135 Fax: (212) 727-0254: glsen@glsen.org
Lambda Legal Defense and Education Fund http://www.lambdalegal.org 120 Wall Street, Suite 1500 New York, NY 10005-3904 (212) 809-8585 Fax: (212) 809-0055n lambda@lambdalegal.org	Lesbian and Gay Rights Project http://www.aclu.org 125 Broad Street New York, NY 10004 (212) 549-2627
NORTH CAROLINA	GLP/Queen City-Charlotte 4417-F Sharon Chase Dr. Charlotte, NC 28215
OHIO	Lesbian Mothers/Co-Parents Support Group Cincinnati, OH (513) 631-5812
Momazons http://www.glbnet.com/~momazons PO Box 02069 Columbus, OH 43202 (614) 267-0193 momazons@aol.com	Denise Goodman, Ph.D. Consultant and Trainer 1824 Snouffer St. Worthington, OH 43085 (614) 436-6838
Gay and Lesbian Parenting Group of Central Ohio P.O. Box 16235 Columbus, OH 43216	Gay Fathers 1319 W. 106th St. Cleveland, OH 44102 (216) 228-4550
Gay/Lesbian Parenting Coalition Ashtabula, Lake and Geauga Co. (216) 974-8909	Momazons P.O. Box 02069 Columbus, OH 43202 (614) 267-0193
OREGEN	Love Makes a Family http://www.teleport.com/~lmfamily PO Box 5163 Portland, OR 97208-5163
Love Makes a Family Bonnie Tinker 6243 NE 19th St. Portland, OR 97211 (503) 288-4306	
PENNSYLVANIA	CALM, Inc. (Custody Action for Lesbian Mothers) P.O. Box 281

	Narberth, PA 19072 (215) 667-7508
Abby Ruder Adoption Information Services 901B E. Willow Grove Ave. Wyndmoor, PA 19118 (215) 233-1380	Philadelphia Family Pride P.O. Box 4995 Philadelphia, PA 19119 (215) 843-1596
Women's Law Project 125 S. Ninth St., Ste. 401 Philadelphia, PA 19107 (215) 928-9801	Custody Action for Lesbian Mothers - CALM, Inc. PO Box 281 Narberth, PA 19072 (215) 667-7508
TEXAS	Gay Fathers of Austin c/o Robert H. Havican P.O. Box 16181 Austin, TX 78761-6181
Gay Fathers/Fathers First of Houston P.O. Box 981053 Houston, TX 77098-1053 (713) 782-5414	Houston Gay and Lesbian Parent Support P.O. Box 35709-262 Houston, TX 77235 (713) 666-8260
SAGL Parents P.O. Box 15094 San Antonio, TX 78212 (512) 828-4092	ABC Adoption Agency 417 San Pedro Ave. San Antonio, TX 78212 (512) 227-7820
VERMONT	Friends in Adoption Buxton Ave., Box 7270 Middletown Springs, VT 05751 (802) 235-2312
Children's Home Society of Washington Gay Adoptive Parent Support Group 3300 N.E. 65th St. Seattle, WA 98115-0190 (206) 524-6020	Lavender Families Resource Network PO Box 21567 Seattle, WA 98111 (206) 325-2643
Partners Task Force for Gay and Lesbian Couples http://www.buddybuddy.com Box 9685 Seattle, WA 98109-0685 (206) 935-1206 demian@buddybuddy.com	

INTERNATIONAL:	Gay and Lesbian Parents Coalition International P.O. Box 34337 San Diego, CA 92163 (619) 296-0199 (619) 296-0699 (fax) http://www.glpci.org
The International Lesbian and Gay Association Web site: http://www.ilga.org ILGA Administrative Office 81 Kolenmarkt B 1000, Brussels, Belgium +32-2-5022471 E-mail: ilga@ilga.org	Lesbian Mothers Support Society PO Box 61 Station M Calgary, Alberta Canada T2P2G9 (403) 265-6433 <i>highs@cadivision.com</i>

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<http://www.gaycenter.org/kidstalk/index.html>- Family Talk

A publication of Center Kids (the Family Program of Lesbian and Gay Community Service Center)

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PO Box 750852, Forest Hills, NY 11375-0852, (718) 793-6641, gayparentmag@banet.net

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