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FLORIDA’S GAY ADOPTION BAN: WHAT DO FLORIDIANS THINK?

Scott D. Ryan, Laura Bedard,** and Marc Gertz****

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I. INTRODUCTION

Florida’s ban on the adoption of children by gay men and lesbians was enacted by the legislature in 1977.¹ Since that time, there has not been any randomly collected data published in the scholarly press regarding

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1. Act of June 8, 1977, 1977 Fla. Laws ch. 77-140 § 1 (codified at FLA. STAT. ch. 63.042(3) (2004)) (adding the language “[n]o person eligible to adopt under this statute may adopt, if that person is a homosexual”); *see also* Lofton v. Sec’y of the Dep’t of Children & Family Servs., 358 F.3d 804 (11th Cir. 2004) (upholding statute prohibiting gay adoption); Bill Rankin, *Gay Adoption Ban Upheld Take Debate to Florida’s Legislature, Court Says*, ATLANTA J. CONSTITUTION, Jan. 29, 2004, at A1; Allan H. Terl, *An Essay on the History of Lesbian and Gay Rights in Florida*, 24 NOVA L. REV. 793 (2000).

Floridian's opinion of this law. Using a phone survey design, 413 registered voters were randomly contacted to gather their views on this law. This Article explores these respondents' positions, as well as the factors contributing to their views. Bivariate and multivariate analyses were conducted to help illuminate those factors significantly influencing the issue. Finally, a discussion regarding the significance of specific variables and their impact on public policy has been provided.

The rights of gay men and lesbians have been debated for centuries.² Recent court rulings in Texas,³ and Massachusetts,⁴ have brought the issue to the forefront of contemporary public opinion. The U.S. Supreme Court recently struck down a Texas law that made some forms of sexual behavior, particularly homosexual behavior, criminal.⁵ The recent Massachusetts ruling, which allows same-sex couples to marry, states that the stability marriage provides will help the children of these couples in the long run.⁶ The Massachusetts Supreme Court decided that children should not be penalized "because the State disapproves of their parents' sexual orientation."⁷ The research for this Article was conducted immediately after the Massachusetts Supreme Court ruling allowing gay marriages. It assesses public opinion about whether gays should be allowed to take part in the adoption process.

According to the Florida Department of Children and Family Services, Florida currently has almost 5,000 abused, neglected, and abandoned children awaiting homes.⁸ Nationwide, the number is much larger. In 2000

2. See generally A.P. MacDonald & Richard G. Games, *Some Characteristics of Those Who Hold Positive and Negative Attitudes Toward Homosexuals*, 1 J. HOMOSEXUALITY 9, 9-27 (1974); HOMOSEXUALITY: RESEARCH IMPLICATIONS FOR PUBLIC POLICY (John C. Gonsorek & James D. Weinrich eds., 1991).

3. See *Lawrence v. Texas*, 41 S.W.3d 349 (Tex. App. 2001), *rev'd*, 539 U.S. 558, 123 S. Ct. 2472 (2003) (overturning case law supporting sodomy laws).

4. See *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941 (Mass. 2003) (rejecting denial of marriage licenses to same-sex couples).

5. *Lawrence*, 123 S. Ct. at 2484; see generally Press Release, *ACLU Challenge to Florida's Anti-Gay Adoption Law Gets a Boost from Supreme Court Gay Rights Ruling*, American Civil Liberties Union (July 21, 2003) (explaining the impact of the *Lawrence* decision on efforts to challenge the Florida statute prohibiting adoptions by homosexuals), available at <http://www.aclu.org/lesbianGayRights/LesbianGayRights.cfm?ID=1318&c=104> (last visited May 25, 2004).

6. *Goodridge*, 798 N.E.2d at 956-57; see generally Fred A. Bernstein, *Married or Not, It's a Full House*, N.Y. TIMES, Nov. 20, 2003, at F1 (describing the situation of one gay couple raising several foster children for many years whom they are prohibited by law from adopting).

7. *Goodridge*, 798 N.E.2d at 964.

8. Maya Bell, *Florida Overhauls Rules on Adoption; Changes Good, Bad, Child Advocates Say*, ORLANDO SENTINEL, Oct. 12, 2003, at A1. According to the Director of Florida's Adoption Information Center, Bob Rooks, there are currently 4600 children in the state's custody eligible for

an estimated 118,000 children were awaiting placement in adoptive families.⁹ With literally tens of thousands of American children needing loving homes in which to live, it seems that the public would be willing to look at the possibility of non-traditional couples participating in the adoption process.

Recent rule changes in Florida have allowed for single people to adopt but have still barred both homosexual couples and singles from the adoption process.¹⁰ In light of the numerous children in need of good homes as well as the public push in some states for expanding the rights of gay men and lesbians, this research was conducted to assess Floridian's opinions regarding the right for gays and lesbians to adopt. Florida was selected as the location for this research due to its history of restrictive adoption laws, the great need for homes in which to place children, and the continuing public scrutiny of Florida's Department of Children and Family Services.¹¹

Data from more than four hundred telephone surveys were assessed to measure support for including gay men and lesbians in the adoption process. These data were analyzed by looking at a number of characteristics, including religiosity, political ideology, age, race, educational level, income and gender. In addition, respondents were asked to reveal his or her sexual orientation.

There are often misconceptions about gay men and lesbians as parents,¹² including perceptions that homosexuals are sick, dangerous and unable to appropriately care for children.¹³ Therefore, because laws are often spurred by public sentiment it is important to understand current public opinion. This research includes questions concerning the public's views about gays and lesbians including whether homosexuals need

adoption – with 2100 of these children having no current prospective adoptive family identified. Interview – with Bob Rooks, Director of Florida's Adoption Information Center (May 13, 2004).

9. Fact Sheet, *Interested in Becoming a Foster or Adoptive Parent?*, U.S. Dep't of Health and Human Servs., Admin. for Children & Families [hereinafter Fact Sheet], at <http://www.acf.hhs.gov/programs/cb/publications/foster.htm> (last visited May 25, 2004).

10. See FLA. STAT. ch. 63.042(2)(b) (2004); Bell, *supra* note 8.

11. See Terl, *supra* note 1; Fact Sheet, *supra* note 9; Shana Gruskin & Megan O'Matz, *DCF Flunks Federal Test, Faces Cash Cut*, S. FLA. SUN-SENTINEL, Aug. 19, 2003, at 1A, available at 2003 WL 60150828.

12. David M. Rosenblum, *Custody Rights of Gay and Lesbian Parents*, 36 VILL. L. REV. 1665 (1991); Ronald J. Testa et al., *Heterosexual Bias in the Perception of Loving Relationships of Gay Males and Lesbians*, 23 J. SEX. RES. 163, 163-72 (1987); Darrell J. Steffensmeier & Renée Steffensmeier, *Sex Differences in Reactions to Homosexuals: Research Continuities and Further Developments*, 10 J. SEX RES. 52, 52-67 (1974).

13. Isiaah Crawford & Elizabeth Solliday, *The Attitudes of Undergraduate College Students Toward Gay Parenting*, 30 J. HOMOSEXUALITY 63, 63-77 (1996).

psychotherapy, whether same sex couples make their adoptive children gay, and whether gay men and lesbians are mentally ill. Much of this research replicated questions from a previously developed scale administered to social workers working in the field of adoption.¹⁴ This research seeks to ascertain and illuminate current public opinion of a law passed more than two decades ago.

II. LITERATURE REVIEW

Families are being redefined in America to include same-sex couples. However, most same-sex couples do not enjoy the same legal benefits as heterosexual couples, such as insurance, the right to marry, and the right to adopt children.¹⁵ The debate about family values is dichotomous. One side argues that the family should be defined along gender lines, rooted in nature and wrought with long standing tradition.¹⁶ The other side, a more liberal perspective, includes non-traditional elements in the definition of a family, such as unwed parents, singles, and same-sex couples.¹⁷ These polarized views have impacted public opinion in the United States.

Prior literature is divided into three basic areas: public opinion about gay men and lesbians; attitudes about gays as parents; and a small number of studies addressing attitudes about same-sex people as adoptive parents. The first category of research, public opinion about gay men and lesbians, includes research examining gender differences in attitudes about gay men and lesbians,¹⁸ attitudes among college students about gays before and after

14. Scott D. Ryan, *Examining Social Workers' Placement Recommendations of Children with Gay and Lesbian Adoptive Parents*, 81 FAMS. IN SOC'Y: J. CONTEMP. HUM. SERV. 517, 517-28 (2000), available at 2000 WL 15451353.

15. See generally HUMAN RIGHTS CAMPAIGN FOUNDATION, *THE STATE OF THE FAMILY: LAWS AND LEGISLATION AFFECTING GAY, LESBIAN, BISEXUAL AND TRANSGENDERED FAMILIES* (2002), available at http://www.hrc.org/Content/ContentGroups/Publications1/State_of_the_Family/SoTF.pdf (last visited May 25, 2004).

16. MARY LYNDON SHANLEY, *MAKING BABIES, MAKING FAMILIES: WHAT MATTERS MOST IN AN AGE OF REPRODUCTIVE TECHNOLOGIES, SURROGACY, ADOPTION, AND SAME-SEX AND UNWED PARENTS* 148-57 (2002).

17. *Id.*; see also CHILD, FAMILY, AND STATE (Stephen Macedo & Iris Marion Young eds., 2003) (through essays the authors consider the philosophical, political, and legal dilemmas that surround difficult and divisive questions facing modern families); Elena P. Bishop & Noel Myricks, *Sex Reassignment Surgery: When is a "He" a "She" for the Purpose of Marriage in the United States?*, 18 AM. J. FAM. L. 30 (2004).

18. Gregory M. Herek, *Gender Gaps in Public Opinion about Lesbians and Gay Men*, 66 PUB. OPINION Q. 40, 40-66 (2002); see also Gail L. Kenyon et al., *Public Adoption by Gay and Lesbian Parents in North Carolina: Policy and Practice*, 84 FAM. SOC. 571 (2003) (reviewing the

taking social work courses,¹⁹ homophobia among different groups of professionals,²⁰ and self reported sex roles and attitudes towards gay men and lesbians.²¹

Gregory Herek, professor psychology at the University of California, Davis, found gender differences in public attitude towards homosexuals. Women were more supportive than men in the area of gay adoptions and overall, lesbians were viewed more favorably than gay men.²² In addition, Herek's nationally sampled telephone survey of 1335 respondents indicated that heterosexual men were not supportive of gay men and did not favor allowing same-sex couples to adopt.²³

Researchers, Beverly Black, Thomas Oles, and Linda Moore, found male social work students more "homophobic" than their female counterparts.²⁴ The researchers attempted to measure attitude changes of students at Florida International University and Texas Christian University who were enrolled in social work courses from 1993 to 1995. In studying the two cohorts of college students, with a total of 331 respondents, the researchers found that levels of sexism and homophobia were correlated.²⁵ Their findings partially support prior research on the importance of gender as a salient variable in homophobic attitudes and strongly support the importance of gender as a salient variable in sexist attitudes.²⁶ This finding

literature concerning the changing definition of family and the impact of sexual orientation on the development of children and examining relevant state and federal legislation and adoption policy in North Carolina); Gregory M. Herek & Erik K. Glunt, *Interpersonal Contact and Heterosexuals' Attitudes Toward Gay Men: Results from a National Survey*, 30 J. SEX RES. 239 (1993) (finding that interpersonal contact experience with a lesbian or gay man was strongly associated with positive attitudes toward gay men).

19. Beverly Black et al., *The Relationship Between Attitudes: Homophobia and Sexism Among Social Work Students*, 13 AFFILIA J. WOMEN & SOC. WORK 166 (1998); Adital Tirosh Ben-Ari, *An Experimental Attitude Change: Social Work Student's and Homosexuality*, 36 J. HOMOSEXUALITY 59 (1998).

20. Cathy S. Berkman & Gail Zinberg, *Homophobia and Heterosexism in Social Workers*, 42 SOC. WORK 319 (1997); Lynn Rose, *Homophobia Among Doctors*, 308 BRIT. MED. J. 586 (1994); George Byron Smith, *Homophobia and Attitudes Toward Gay Men and Lesbians by Psychiatric Nurses*, 7 ARCHIVES PSYCHIATRIC NURSING 377 (1993); Jack J. Wisniewski & Beverly G. Toomey, *Are Social Workers Homophobic?*, 32 SOC. WORK 454 (1987).

21. See generally Kathryn N. Black & Michael R. Stevenson, *The Relationship of Self-Reported Sex-Role Characteristics and Attitudes Toward Homosexuality*, 10 J. HOMOSEXUALITY 3, 3-93 (1984); Ben-Ari, *supra* note 19.

22. See generally Herek, *supra* note 18.

23. *Id.* at 50-52.

24. Black et al., *supra* note 19, at 166-81 (finding that "the female students expressed significantly less homophobic attitudes than did the male students").

25. *Id.*

26. *Id.* at 177-78.

supports the notion that combating sexist attitudes may help reduce homophobic feelings.²⁷

In 1987, scholars Jack Wisniewski and Beverly Toomey purposefully sampled ten agencies recognized as offering services where, in their opinion, issues of sexuality were likely to surface. These included agencies that served, "a wide range of geographic areas, socioeconomic levels, age groups (children to elderly adults), and presenting problems. They provided outpatient and residential services under both public and private auspices."²⁸ Within these agencies, they specifically targeted only those people possessing a Master of Social Work degree for inclusion in the sample. In addition, they supplemented this group with social workers in their geographic vicinity who were also listed in the National Association of Social Workers' clinical registry. Albeit dated, this research found that the sample of seventy-seven social workers "manifest[ed] signs of homophobia"²⁹ which can be negatively associated with the level of services they provide.³⁰

George Byron Smith's research examined the attitudes of psychiatric nurses toward gay men and lesbians by using the Index of Homophobia³¹ and the Attitudes toward Gays and Lesbians Scale (ATGLS) developed by Smith himself.³² The ATGLS contains fifteen attitudinal statements about homosexuality in which respondents answer using a four-point Likert-type scale ranging from strongly agree to strongly disagree.³³ Among other attitudes, the measure is intended to assess negative attitudes about same-sex couples.³⁴ One example of a statement found in the ATGLS is

27. *Id.* at 173 (operationalizing sexism using the Sexist Attitudes toward Woman Scale (SATWS)). The SATWS is a 40 statement survey regarding women and their positions in the community. *Id.* Respondents are asked to agree or disagree using a seven-point Likert scale. *Id.* On the SATWS scores range from 40 to 280 with higher scores representing higher levels of sexism. *Id.* SATWS was reliable with an alpha coefficient of .93. Black et al., *supra* note 19, at 173.

28. See Wisniewski & Toomey, *supra* note 20, at 454-55.

29. *Id.* at 455.

30. *Id.*

31. Walter W. Hudson & Wendell A. Ricketts, *A Strategy for the Measurement of Homophobia*, 5 J. HOMOSEXUALITY 357, 357-72 (1980) (explaining Hudson & Ricketts Index of Homophobia). This scale contains 25 items which are scored from 1-5 depending on the respondent's level of agreement. *Id.* at 360. The scale is scored on a 100 point continuum with high scores indicating homophobia. *Id.* Coefficient alphas for the index range from .90 to .95. *Id.* at 363. The limitation is that the index measures only attitudes towards gay men, not lesbians. *Id.* at 361. For further discussion concerning limitations of the study. See *id.* at 379-71.

32. See Smith, *supra* note 20, at 380-81.

33. *Id.* at 380.

34. *Id.*

"Homosexuality will only lead to unhappiness."³⁵ Smith found that nearly seventy percent of the psychiatric nurses surveyed displayed moderate to severe homophobia.³⁶ In addition, he found neutral to mildly positive scores on the ATGLS.³⁷ From his research, Smith summarizes that although the nurses may show cognitive acceptance of same-sex couples, they continue to have negative attitudes which may impact their ability to treat gay and lesbian clients.³⁸

Prior research on attitudes about gay men and lesbians as parents include a study of undergraduate students about gay parenting.³⁹ Researchers Isiaah Crawford and Elizabeth Solliday found that the ninety-seven undergraduates surveyed at a large Midwestern university felt that gay men and lesbians were more likely to create an unsafe environment for children, were more likely to have an insecure home, be unstable, and were less likely to be awarded custody of a child than heterosexual parents.⁴⁰

A later study revealed that among the psychologists surveyed, the majority held positive attitudes towards gay men and lesbians as parents and appeared to be sensitive to issues same-sex couples may encounter by society.⁴¹ Researchers Isiaah Crawford, Andrew McLoed, Brian D. Zamboni, and Michael B. Jordan provided the psychologists with vignettes describing couples who wished to adopt a child.⁴² The scenarios were the same with the exception of the sexual orientation of the couples and the gender of the child.⁴³ Overall, they found that the 388 psychologists surveyed held affirming attitudes towards gay and lesbian parenting.⁴⁴ Most of the psychologists did not perceive gay men and lesbians as a threat to the welfare of children reared in their homes.⁴⁵

Professor Scott Ryan's study in 2000 examined social workers' opinions about whether gay men and lesbians should be allowed to adopt.⁴⁶ Much of the research for this Article replicates the survey questions asked

35. *Id.* tbl.2

36. *Id.* at 382.

37. Smith, *supra* note 20, at 381. Limitations include limited sample size and demographic characteristics, a highly educated population, and geographic limitations among others. *Id.* at 383.

38. *Id.* at 382-83.

39. See generally Crawford & Solliday, *supra* note 13.

40. *Id.* at 69-71.

41. Isiaah Crawford et al., *Psychologists' Attitudes Toward Gay and Lesbian Parenting*, 30 PROF. PSYCHOL. 394, 394-401 (1999).

42. *Id.* at 395-96.

43. *Id.* at 396.

44. *Id.* at 398.

45. *Id.*

46. See generally Ryan, *supra* note 14.

in Ryan's 2000 study. Ryan found that the attitudes of social workers within the adoption field were influenced by race, number of years in the field, and training.⁴⁷ Research on whether the general public feels gay men and lesbians would make good adoptive parents, however, is relatively scarce. The research presented in this Article serves to fill that void. Building upon past research, this study used key variables known to affect a person's attitude towards gays and lesbians. Characteristics such as religiosity, gender, educational level achieved, and ethnicity have been shown to contribute to negative attitudes towards gay men and lesbians in general.⁴⁸ This research examines whether those same characteristics can predict whether registered voters favor allowing gay men and lesbians to adopt.

III. METHODS

A. Survey Sample

Data collected for this research was gathered through a telephone survey of a random sample of 413 registered voters in Florida. Data was collected immediately after the Massachusetts Supreme Court struck down denial of same-sex couple marriage licenses; media coverage of the rights of gay men and lesbians was on the forefront.⁴⁹ A random digit dialer was used and survey administrators were trained to read the questions from a scripted survey.⁵⁰ Respondents could terminate the survey at anytime.⁵¹ Using criteria established by the American Association for Public Opinion Research,⁵² the study achieved an overall cooperation rate of thirty-five percent,⁵³ which is a typical rate for telephone surveys.⁵⁴ Of those

47. *Id.*

48. *See, e.g.,* Herek, *supra* note 18; Black et al., *supra* note 19; Ryan, *supra* note 14.

49. *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941 (Mass. 2003).

50. For a complete copy of the survey please write: M. Gertz, 634 W. Call St., Tallahassee, FL, 32306.

51. This research was approved by the Florida State University Institutional Review Board prior to implementation.

52. *See generally*, THE AMERICAN ASSOCIATION FOR PUBLIC OPINION RESEARCH, STANDARD DEFINITIONS: FINAL DISPOSITIONS OF CASE CODES AND OUTCOME RATES FOR SURVEYS (2000) [hereinafter AAPOR] (explaining the response and cooperation rates in public opinion research).

individuals actually beginning the survey, ninety-two percent completed it.⁵⁵ According to the AAPOR, this is a good percentage of completed surveys.⁵⁶

B. Research Instrument

The overall questionnaire included demographic questions,⁵⁷ as well as a series of single-question items regarding politics, government approval ratings, and adoptions by gay men and lesbians.⁵⁸ In addition, a scale used in a previous study to gauge the respondent's overall level of approval or disapproval of gay men or lesbians as adoptive parents was used.⁵⁹ The Attitude towards Gay Men and Lesbians as Adoptive Parents Scale (APS) was used to measure the affective responses, or attitudes, towards allowing gay men or lesbians to become adoptive parents. The fourteen questions contained in the scale were summed and divided by the number of questions to yield an average score. A 5-point Likert-type scale was used, with possible answers ranging from 1 (strongly agree) to 5 (strongly disagree). Scores ranged from homophobic/nonplacement (1.00) to nonhomophobic/placement (5.00). To minimize response sets, six items were written to require reverse scoring.⁶⁰

53. This overall cooperation rate figure is determined by the number of completes divided by (completes + refusals + terminates + incompletes).

54. For more on cooperation rates, see AAPOR, *supra* note 52; DONALD S. TULL & GERALD S. ALBAUM, *SURVEY RESEARCH: A DECISIONAL APPROACH* 142 (1973) (stating that phone surveys are advantageous because of high first trial contacts).

55. The completion rate is determined by the number of completes divided by (completes + terminates + incompletes).

56. For more on completion rates, see AAPOR, *supra* note 52; *see generally* WILLIAM LAWRENCE NEUMAN, *SOCIAL RESEARCH METHODS: QUALITATIVE AND QUANTITATIVE APPROACHES* (3d ed., Allyn & Bacon 1997) (explaining phone surveys typically have higher completion rates than mail surveys; phone surveys can yield completion rates of up to 90%).

57. *See infra* Part IV.A.tbl.1.

58. *See infra* Part IV.B.tbl.2.

59. Ryan, *supra* note 14.

60. *Id.* For this sample, the scale yielded a Chronbach's alpha (α) of .84. Although within an acceptable range, the Chronbach's alpha for this sample (equal to .95) is somewhat less than that previously obtained in a sample of social workers.

IV. SURVEY RESULTS

A. Characteristics of the Survey Sample

The characteristics of the respondents illustrate the various attributes of the sample utilized for later bivariate and multivariate analyses. As can be seen in Table 1, the sample was overwhelmingly Caucasian (86.6%). Since their overall representation was limited, for later statistical calculations minority respondents were grouped together; however, the actual breakdown is as follows: African-Americans (8.1%), American Indian/Native American (.8%), Asian-American (.3%), Hispanic (3.1%), and Other (1.0%).

Table 1: Respondent Demographics

Questions	Distribution
Caucasian = Yes	86.6%
Married = Yes	74.7%
Do you have children? = Yes	82.3%
Are you or your children adopted? = Yes	12.2%
Christian = Yes	89.4%
Heterosexual = Yes	92.8%
Female = Yes	62.2%
Age	55.69 (16.95)

Table 1 (Continued)

Political Ideology	
Democrat	37.6%
Republican	41.9%
Other	20.5%
Education	
High School or Less	33.4%
Some College/Bachelor's Degree	50.1%
Master's or Doctorate Degree	16.4%
Household Income	
Up to \$30,000	24.8%
\$30,001 - \$60,000	39.4%
\$60,001 +	35.8%

NOTE: Mean (SD); %=Valid Percent

Almost three-fourths of the sample were married (74.7%), with 82.3% of the total sample having children. Of those families with children, fully 9.6% were adopted, which is over three and a half times greater than that found in the general population of Florida.⁶¹ In addition, respondents were themselves adopted at a rate slightly higher than that currently found in the United States (2.7% versus 2.6%).⁶² To determine if the respondent had any personal experience with adoption (for example, he or she was adopted or is an adoptive parent), the frequencies were combined to get those people that had experienced either being adopted or having an adopted child. The result was that 12.2% of respondents had some intimate adoption experience.

The sample contained a large percentage of people who were of the Christian faith (89.4%). The sample contained a smaller percentage of people who were Jewish (4.6%), Buddhist (.5%), Other (1.1%), and None (4.3%). Respondents also identified whether they were or were not heterosexual, with 7.2% of the sample self-identifying as other than

61. Rose M. Kreider, *Adopted Children and Stepchildren: 2000*, U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau (2003) (based on the 2000 national census, this is the most comprehensive national data on adopted children to date).

62. *Id.*

heterosexual.⁶³ The sample had 62.2% female respondents, who were, on average, 55.69 years old.⁶⁴

The political affiliation of respondents included Democrats (37.6%), Republicans (41.9%), and Other (20.5%), which included Independents (18.4%), Libertarians (.5%), and Others (1.6%). Fully one-third had a high school diploma or less, with 50.1% of the sample having some college or a Bachelor's Degree. The smallest grouping (16.4%) had either a Master's or Doctorate Degree. Lastly, household income was split into three groups: low income (up to \$30,000; 24.8%), middle income (\$30,001 — \$60,000; 39.4%), and high income (\$60,001 +; 35.8%).

B. *The Attitude Towards Gay Men and Lesbians as Adoptive Parents Scale*

To examine each respondent's level of openness to adoptive placements with gay men or lesbians, the APS was included in the overall survey instrument. The scale, which was previously used to gauge the level of a social worker's willingness to place children with gay men or lesbian prospective adoptive parents,⁶⁵ contained questions on various items commonly identified as concerns by those people considering placing a child with gay and lesbian adoptive parents.⁶⁶ As shown in Table 2, the scores range from 1 (strongly agree) to 5 (strongly disagree), with six items reverse scored, for example, 1=strongly disagree to 5=strongly agree. For the overall scale a mean of 1 equates to homophobic/nonplacement, while a mean of 5 equates to nonhomophobic/placement. To illustrate the variance in responses, the scale items with the three highest and lowest mean scores as well as the overall sample scale score will be discussed below.

63. Respondents answered the question "Are you a heterosexual?" with the choices yes or no.

64. Since the standard deviation was 16.95 years, 64% of all respondents should be within 38.74 and 72.64 years of age. Also, 95% of subjects should fall within plus/minus two standard deviations of the mean, and 99% should fall within plus/minus three standard deviations. As such, the standard deviation provides a reference to the dispersion of the scores around the mean.

65. Ryan, *supra* note 14.

66. See DAVID K. FLAKS, *Research Issues, in ISSUES IN GAY AND LESBIAN ADOPTIONS* 21-38 (Ann Sullivan ed., Child Welfare League of America 1995) (discussing the factors that may influence placement decisions).

**Table 2: Attitude Toward Gay Men and Lesbians
as Adoptive Parents Scale**

Questions	Distribution 1. Strongly Agree 2. Agree 3. Neutral 4. Disagree 5. Strongly Disagree
1) Children raised by homosexual parents will experience more ridicule by peers.*	4.00 (1.04)
2) Gay men and lesbians should be required to undergo psychotherapy.	3.64 (1.28)
3) Gay and lesbian couples should be allowed to adopt children.*	2.79 (1.55)
4) Homosexuality is detrimental to society because it breaks down family values.	2.87 (1.49)
5) Gay men and lesbians make suitable parents.*	2.89 (1.46)
6) Homosexuality is a mental illness.	3.82 (1.14)
7) Children who grow up in homosexual homes have no significant developmental differences than children raised in heterosexual ones.*	2.94 (1.25)

Table 2 (Continued)

8) Homosexuals are more likely than heterosexuals to sexually abuse their children.	3.84 (1.01)
9) Homosexual relationships are as stable as heterosexual ones.*	2.77 (1.25)
10) Homosexuals practice sexual acts in front of their children.	4.22 (.79)
11) Homosexual parents will not deny a spiritual upbringing for their children.*	3.17 (1.41)
12) If allowed, gay and lesbian parents should only be able to adopt hard-to-place children.	4.16 (1.02)
13) A child raised by gay and lesbian parents will probably become homosexual.	3.66 (1.18)
14) Homosexuals are more likely to have short-term sexual relationships.	3.20 (1.12)

NOTE: Mean (SD); Questions with * were reversed scored (i.e., scores of 5 were changed to 1, 4 to 2, etc.).

As expected, no question had a mean of either 1.00 or 5.00, which would be total strong agreement or disagreement that a question was an accurate representation of gay men or lesbians as adoptive parents. Respondents disagreed with Question #10, having a mean of 4.22, that homosexuals would practice sexual acts in front of their children. They also disagreed with Question #12 (4.16), that gay and lesbian parents should only be able to adopt hard-to-place children. And, Question #1 asked if children raised by homosexual parents will experience more ridicule by peers and on average (4.00), respondents disagreed with this statement.

The third lowest scale item was Question #4 (2.87), to which respondents agreed or were neutral regarding whether homosexuality is

detrimental to society. The next lowest scoring item was Question #3, which asked if gay or lesbian couples should be allowed to adopt. For this specific question, respondents, with a mean score of 2.79, fell into the agree/neutral range. Finally, the lowest scoring single item on the scale was Question #9. With a mean of 2.77, respondents agreed, or were neutral, toward the statement that homosexual relationships are as stable as heterosexual ones.

Individual total scale scores ranged from 1.79 to 5.00, with the total sample receiving a mean scale score of 3.43 (standard deviation = .70). While significantly lower than the mean for the sample in the Ryan's 2000 study,⁶⁷ the average for this sample fell in the nonhomophobic/placement range of the spectrum. Statistically speaking, plus or minus two standard deviations from the mean should include 95% of the score distribution. However, for this sample, fully 97% fell within this range. Of these, 66.1% fell from the 3.00 (neutral) mark to 4.83 (nonhomophobic/placement), with an additional 1.5% higher. Thus this random sample of registered voters, either neutral or supportive of gay men or lesbians as adoptive parents, was 67.6%. Sixty-seven percent of Floridians surveyed held beliefs contrary to the law banning homosexuals from adopting children.

C. Bivariate Findings

To determine if significant differences on the APS were present among the demographic data collected, t-tests or ANOVAs were conducted for each variable.⁶⁸ Because some categories had too few respondents, those with less than 10% were collapsed into other categories as needed. Several categories exhibited statistically significant differences between APS scores. While all APS scores by category can be viewed in Table 3, only those with significant differences will be discussed below.

67. Ryan, *supra* note 14 ($t = -6.533$, $df = 412$, $p < .001$).

68. Inferential statistics, such as t-tests and analyses of variance (ANOVA), identify, within a prior probability level usually set at $p < .05$, whether there are statistically significant differences between specific measures. See generally FRANK H. DIETRICH & THOMAS J. KERANS, BASIC STATISTICS: AN INFERENTIAL APPROACH (1986); HERMAN J. LOETHER & DONALD G. MCTAVISH, DESCRIPTIVE AND INFERENTIAL STATISTICS: AN INTRODUCTION (1980).

Table 3: Bivariate Analyses of Key Demographic Variables with the APS

Questions	Distribution
Caucasian?*	
Yes	3.48 (.69)
No	3.08 (.75)
Married?*	
Yes	3.39 (.70)
No	3.55 (.75)
Children in the home?	
Yes	3.40 (.69)
No	3.55 (.85)
Anyone in the home adopted?	
Yes	3.42 (.68)
No	3.41 (.70)
Christian?*	
Yes	3.37 (.71)
No	3.93 (.61)
Heterosexual?	
Yes	3.43 (.72)
No	3.34 (.77)
Female?*	
Yes	3.52 (.71)
No	3.27 (.65)
Age Range	
18-37	3.52 (.90)
38-57	3.44 (.71)
58-77	3.38 (.69)
77 and Over	3.43 (.55)

Table 3 (Continued)

Political Ideology*1	
Democrat	3.46 (.75)
Republican	3.23 (.63)
Other	3.75 (.68)
Education*2	
High School or Less	3.29 (.63)
Some College/Bachelor's Degree	3.44 (.74)
Master's or Doctorate Degree	3.73 (.75)
Household Income	
Up to \$30,000	3.32 (.74)
\$30,001 - \$60,000	3.48 (.73)
\$60,001 +	3.54 (.77)

NOTE: Mean (SD); * $p < .05$; 1 Significant differences between all three categories; 2 Significant difference between "Master's or Doctorate Degree" and both other categories

As a group, those respondents identified as Caucasian had a significantly higher score than did minority respondents ($t = 3.777$, $df = 380$, $p < .001$), which put them into the nonhomophobic/placement range of the scale.⁶⁹ In addition, persons who were not married scored significantly higher than those who were married ($t = -1.983$, $df = 378$, $p < .048$). Persons of the Christian faith scored significantly lower (i.e., homophobic/nonplacement) than those persons not holding the same beliefs ($t = -4.773$, $df = 366$, $p < .001$). The last significant t-test obtained was for gender. Female respondents, as a whole, scored significantly higher on the APS than did their male counterparts ($t = 3.598$, $df = 411$, $p < .001$).

69. Cf. Gregory M. Herek & John P. Capitanio, *Black Heterosexuals' Attitudes Toward Lesbians and Gay Men in the United States*, 32 J. SEX RES. 95, 95-105 (1995) (finding that while black men appeared to hold more negative attitudes toward gay men than did black women, the data did not show negative attitudes toward homosexuality to be more prevalent among blacks than among whites).

There were significant differences between each of the three categories of political ideology (Democrat, Republican, and Other). Those persons identified as Other scored significantly higher than those identified as Democrats or Republicans; those who identified as Democrat scored significantly higher than those who identified as Republican ($f = 14.876$, $df = 374$, $p < .001$). Significant differences were also noted for education. Those persons possessing a Master's degree or higher had significantly higher scale scores than those with any other educational background ($f = 7.787$, $df = 370$, $p < .001$). No other significant educational differences were found.

D. Multivariate Findings

Using the variables previously found to have significant differences, a regression equation was calculated to examine how the interplay of these variables impact respondent APS score. As shown in Table 4, the regression equation was significant, with an adjusted R2 of .22.⁷⁰

Adjusted R2 = .22*		
Independent Variables	Std. B.	SE
Constant*	2.87	.15
Caucasian (Yes = 0)*	-.51	.11
Married (Yes = 0)	.07	.08
Christian (Yes = 0)*	.47	.12
Female (Yes = 0)*	-.32	.07
Democrat (Yes = 0)*	.20	.10
Republican (Yes = 0)*	.52	.09
High School or Less (Yes = 0)*	.26	.11
Some College/Bachelor's Degree (Yes = 0)	.14	.10

NOTE: * $p < .05$

70. The adjusted R2 illustrates how much of the variance in the scale score is explained by the variables included in the regression model, which, in this case, is significant at 22%. See *infra* Part IV.D. This amount is slightly lower than that obtained in Ryan's 2000 study (36%). Ryan, *supra* note 14. However, although the dependent variables in each model were the same (i.e., they both used the same scale), the independent variables included in each model differed significantly. This is discussed in Part IV.D.

Consistent with the earlier reported significant findings, scores dropped .51 points for those people from minority groups. Unlike earlier findings, marital status was not significant in the overall model.⁷¹ Religion was a significant predictor, with those who were not of the Christian faith scoring .47 points higher than persons identified as Christian. Gender was also a significant predictor, with female respondents scoring .32 points more than their male counterparts. Political ideology was a significant predictor as well. Persons in the sample who identified as Republican scored only .20 points; whereas Democrats in the sample scored .52 points. However, the highest incremental score (.72) was earned by those identified as having Other as their political ideology. Finally, only one of the two education variables was a significant predictor. For those who had more than a high school diploma, .26 points were added to their score. However, the level or amount of college did not impact the respondent's APS score significantly.

V. DISCUSSION

Assessing public opinion is important not only because attitudes are indicators of behavior but also because attitudes determine the social climate by which behavior is judged.⁷² Changes in public opinions facilitate

71. The findings are unlike those found earlier in this same Article. Marriage was used in the bivariate analyses and the scores were found to be significantly different based on this variable. However, when placed into the multivariate model, the significance of the variable was lost (i.e., it was accounted for by the other variables).

72. See Jacqueline Scott, *Changing Attitudes to Sexual Morality: A Cross-National Comparison*, 32 *SOCIOLOGY* 815, 815-45 (1998) [hereinafter Scott, *Changing Attitudes*]. Scott stated:

Attitudes are important indicators of people's latent tendencies to respond to the opportunities and constraints that are posed by the structural conditions of life. Yet politicians are not the only people who say one thing and do another. Certainly, when it comes to sexual morality, there is likely to be quite a gulf between attitude and practice and even when the two are related, it is not clear which causes which. The primary reason, however why attitudes are important is not because they are indicators of behavior, but rather because they help constitute the climate of opinion against which behaviour is judged. In this way shifts in public attitudes undoubtedly facilitate as well as reflect social change. Public opinion is important not just because it is an important mediating factor for the acceptability of different public and private behaviours, but also because it is an important factor that politicians have to consider when weighing policy and legislative decisions.

as well as reflect social change.⁷³ Understanding voters' opinions helps gauge the direction in which politicians are guided, thus impacting social policy. The results described above help to illustrate Floridians' view of the ban on adoptions by gay men and lesbians. However, before discussing the implications of the findings, it is important to note that the study contained several limitations. First, since the sample was drawn from a list of super-voters,⁷⁴ they are, by definition, likely voters. However, they were never specifically asked how they would actually vote on this issue, or if this issue would be enough to sway their vote in relation to other key issues including tax relief, abortion rights, etc.

Another limitation was the sampling method. Although the sample was drawn randomly, the majority of people contacted declined to participate. Thus, without the analysis of both groups, which is not possible with the available data, it is not known if there could be a differential bias between those individuals choosing to respond and those who did not. Additionally, several independent variables were operationalized in a unidimensional fashion, ignoring the potential multi-faceted dynamics often inherent within them. For example, the respondents were asked to identify their religious affiliation (i.e., Jewish, Muslim, etc.). However, in future studies, the collection of respondent's religiosity versus religious identity may be more reflective of their belief system and the impact it has on their attitudes toward gay men and/or lesbians as adoptive parents.⁷⁵

Despite the limitations described, this study contained numerous strengths, such as a large sample size of 413 respondents to answer the research questions.⁷⁶ In addition, the sample was drawn randomly, which,

Changes in laws regarding the age of heterosexual or homosexual consent or whether guilt or fault is a relevant concept in divorce proceedings, are issues where public stance is likely to have some impact on private choices and vice versa.

Id. at 818 (citing Jacqueline Scott et al., *Generations and Changing Sex-Role Attitudes: Britain in a Cross-National Perspective*, 30 *SOCIOLOGY* 471, 471-92 (1996)). Also, better understand of public opinion helps researchers construct better tools to measure public opinion, thereby ultimately improving our understanding of important social issues. See Herek, *supra* note 18, at 43.

73. Scott, *Changing Attitudes*, *supra* note 72, at 818.

74. A "super-voter" is a person who has voted in any three of the last four possible elections. As such, they are those voters most likely to vote in future elections.

75. Religiosity, as opposed to just identifying one's religious affiliation, may include such features as how often one attends formal religious services, or how often one prays to a higher power.

without evidence to the contrary, would allow the researchers to generalize to the larger population of super-voters since any biases should be distributed equivalently between respondents and non-respondents. Finally, the questions asked allow the researchers to compare and contrast across studies using the same questions to identify the current sample's attitudes about this issue in relation to another sample.

To summarize the findings, the sample consisted primarily of White, Christian women, who are married with children.⁷⁷ The respondents are equitably distributed across political ideology, educational level and household income. For the full sample, the mean score on the APS was 3.43 (sd = .70), which shows a skew toward allowing gay men or lesbians to adopt children. For Democrats and those of other political ideologies, the majority of respondents 63% and 58%, respectively, indicated either strong agreement, agreement, or neutrality on the issue. This amount was reversed for respondents identified as Republicans, with 63% indicating strong disagreement or disagreement.

From the regression model, the following examples can be used to illustrate two extreme respondent profiles. First, for a White, single female respondent not of the Christian faith who does not belong to one of the two major political parties possessing more than a bachelor's degree would, on average, score approximately 4.63 out of 5.00 on the APS. This score is far into the range of supporting gay men and lesbians as potential adoptive parents. In contrast, a racial/ethnic minority married male of the Christian faith who is a registered Republican, with less than a high school diploma, would score, on average, about 2.38 out of 5.00 on the APS. An individual with this profile would, typically, not support the placement of children with gay men or lesbians for adoption.

VI. CONCLUSION

If the goal is to increase the number of registered voters in Florida who hold the view that gay men and lesbians should be allowed to adopt children, some possible steps that could be taken include establishing a media campaign to illustrate adoptive families headed by gay male and lesbian parents currently living in the state, with content that exposes voters to new interpretations of closely held beliefs such as biblical

76. SPSS Sample Power 2.0 was used to calculate the minimum sample size needed. Using a regression model with eight independent variables and a cumulative R² of .22, a minimum sample size of 62 respondents would be needed to obtain Power of .80 with an Alpha of .05.

77. See *supra* Part IV.A.tbl.1.

references. In addition, the campaign should highlight the growing body of literature that demonstrates that families headed by gay men or lesbian parents are not detrimental or contrary to successful child-rearing. However, the impact of these actions remains unknown because although there is a significant body of literature demonstrating the effectiveness of gay male and lesbian parents, there is a dearth of research specifically investigating this relationship within the dynamics of adoptions, as well as society's view of these family forms. As such, continued research needs to be done so that more appropriate models can be created to better understand what, if anything, may specifically influence the position of those who disagree with placing adoptive children with gay men or lesbians. In addition, it would be helpful to know, for those people agreeing that gay men and lesbians should be allowed to adopt children, what factors helped them reach this decision.

As a result of the 1997 enactment of the Adoption and Safe Families Act,⁷⁸ which requires a more expedient termination of birth parent rights than had previously existed, the number of children waiting to be adopted in Florida has grown from 4203 in 1998 to 7982 in 2001 — the most recent numbers available.⁷⁹ However, one untapped sector of the populace potentially willing to adopt, that is gay men and lesbians, has been made ineligible to adopt these or any other children, pursuant to Florida Statute section 63.042(3).⁸⁰ This law is in direct conflict with the position taken by most major professional health care, mental health, and child welfare organizations including the American Academy of Pediatrics, the American Psychiatric Association, the Child Welfare League of America, and the National Association of Social Workers. These organizations have all taken a stand similar to that of the American Psychological Association that states, "The sex, gender identity, or sexual orientation of natural, or prospective adoptive or foster parents should not be the sole or primary variable considered in custody or placement cases."⁸¹ It is clear that no one person or class of persons has the absolute right to adopt a child. However, conversely, no one person or class of persons should be excluded from potential consideration as an adoptive parent based on a single demographic criteria upon which there is no credible evidence of risk of

78. See Adoption and Safe Families Act of 1997, P.L. No. 105-89, 111 Stat. 2115.

79. Child Welfare League of America, 2004 *National Data Analysis System*, available at <http://ndas.cwla.org> (last visited May 25, 2004).

80. FLA. STAT. ch. 63.042 (2004).

81. This is the first such organization to take an outward position on this issue. John J. Conger, *Proceedings of the American Psychological Association, Inc., for the Year 1976: Minutes of the Annual Meeting of the Council of Representatives*, 32 AM. PSYCHOLOGIST 408, 432 (1977).

harm to the child. As this study demonstrates, it appears that the majority of Floridians agree with this position.

