Abstracts

Children in Diverse Family Forms:
Is There an Optimal Environment for Child Development?

Douglas A. Abbott, PhD*
Child, Youth & Family Studies
University of Nebraska Lincoln

The purpose of this presentation is to review the literature on development of children reared in a variety of family forms including: two parent families, single parent families, adoptive families, foster care families, and grandparent families. The goal of the review is to identify factual information on family structures, family characteristics, and family processes (e.g., communication, affection, discipline, decision making) that influence positive outcomes in children’s mental, emotional, social, and spiritual health and development.
Marriage and the Family, Rights of Parents and Children
In International law

by

Jane Adolphe
Professor of Law, Ave Maria School of Law

Important international human rights documents recognize the right to marry and found a family as well as the rights and duties of parents and children. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR), the foundational text for the modern human rights movement. It was followed by two Covenants in 1966: the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These documents became known collectively as the International Bill of Human Rights. While the UDHR differs from the two Covenants because it was originally intended to be a statement of good intentions and not a document intended to create legal obligations between State Parties, it remains the linchpin for understanding documents such as the 1989 Convention on the Rights of the Child (CRC).

This paper offers an interpretation of the aforementioned texts based on the international principles of interpretation, and in light of certain truths, known by right reason, regarding humanity and society. It argues that these documents, when considered as an integral whole, reveal an interconnectedness between the nature and meaning of the human person, his or her human dignity, as well as the rights of the family, based on heterosexual marriage, of parents and of children. In terms of an outline, the paper is divided into six parts. Part I provides an overview of the nature and sources of international law. Part II discusses the human person and his or her dignity, the foundation of human rights. Part III studies the special protection given the family, based on marriage, between one man and one woman, the “natural and fundamental group unit of society.” Part IV explores the rights and duties of parents, especially the right to educate their child in accordance with their moral and religious convictions. Part V considers the rights and duties of the child as they relate to their family and parents, in particular, the child’s right to know and be raised by his or her parent. Part VI responds to certain objections to the interpretation provided herein, especially, those coming from proponents of “same-sex” marriage, and “same-sex” parenting.

5 Art. 16, UDHR, supra, note 1.
6 Art.???, CRC, supra, note 4.
“No Difference” Claims and the Deprivation of Parental Bonds*

George W. Dent
Schott-van den Eynden Professor of Law
Case Western Reserve Law School
(*- Attributed Title for Working Abstract)

The homosexual movement claims that homosexual couples are just as good "married" couples and just as good as parents as are traditional married couples. These claims are both empirically and normatively dubious. The bond between a woman and a man has been molded by hundreds of millions of years of evolution. There is no evolutionary basis for homosexual bonding. The difference is empirically confirmed by the shorter duration of and higher rates of violence and sexual infidelity within homosexual relationships. These facts alone cast serious doubt on the [parenting] claim [of] homosexual couples

There is also a strong evolutionary bond between biological parents and children. This is evidenced by the persistent concern of adopted children about their biological parents despite legal efforts to sever all ties between them. It is also evidenced by the universal assumption that custody of children belongs with their biological parents unless they are unwilling or unable to care for their children. A child raised by a homosexual couple, then, is disadvantaged by the deprivation of at least one parent. Adoption has always been considered an unfortunate necessity; the loss of one or both parents has always been considered a great misfortune. The demand of the homosexual movement for equality, however, leads to demands that homosexuals be allowed to employ modes of reproduction that entail intentionally depriving a child of one or both of his biological parents. Acts calculated to deprive a child of his parents are usually considered crimes, and may well be considered child abuse.
The courts use the standard, best interests of the child, when determining custody and parental rights. The child is viewed as someone who is under 18 who needs supervision. The court has the duty to pick the best party to ensure that the child’s needs are met. These needs are usually summed up as “finding a safe, caring, and permanent home for the child”.

Safety, guidance, and love are important to caring for any child, but meeting these needs and others is far more complex. Within the period of childhood, there is significant growth and development that spans 18 years and includes major changes in physical growth, thinking, feeling, socializing, and even spirituality. Infant, toddler, school age, preteen, and teenage children are so different that each child may not be recognizable from one stage to another. Childhood is not a stage, but rather a continuum of coordinated changes and growth that follow predictable stages. Each stage includes a set of tasks that the child learns to master. The child cannot master these tasks without parents and others who help them.

As the Courts grapple with the current challenges of determining custody and parental rights, knowledge of child and adolescent development plays a key role in ensuring that the standard, best interests of the child, is met. That infant being placed for adoption will soon be a toddler. That toddler will be school age trying to connect with his peer group. Then preteen years are followed by adolescence. It is a long and complicated road. The Court must consider that road when deciding who is best able to parent.
The “rights of children” in adoption or ART cannot even be described – much less protected – without a clear understanding of the legal and ethical obligations of the professionals who make both procedures possible. Medical and pharmacy professionals must bring their knowledge, skills, and values to bear on each individual case in order for ART to result in a live birth. The integrity and justice of an adoption decree rests on evidence prepared and submitted by a lawyer, who has formalized and organized the professional opinions of a series of “adoption professionals” – nurses, social workers, guardians ad litem, adoption agency personnel, and others. A judge may not approve a final adoption placement unless the requirements of due process have been met, and the record contains clear and convincing evidence that the proposed adoption is consistent with that child’s best interests.

All of these professions have codes of ethics and professional conduct. A reviews of the law and ethical considerations governing their work leads inexorably to the conclusion that a “professional responsibility” (or “duty”) model provides a powerful and precision-crafted lens through which to examine the issue of children’s rights in the context of ART and adoption. At the center of all debates over “children’s rights” is a child, whose needs are unique and whose dignity as a person is not abstract. It is the contention of this paper that the nature, content, shape, and scope of the rights of the children conceived and born through ART and placed for adoption are defined by the ethical obligations of these professions.
In 2010, several studies were published that purported to demonstrate that two lesbian mothers would provide their children with an equal or superior parenting environment and child outcomes than heterosexual parents. On the surface this appears to be a “case closed” sort of climax to decades of research on gay and lesbian parenting. Surely, some wish and assume that is the case, scientifically and legally. For example, in Britain recently, the debate has shifted from whether gay or lesbian parents are fit to whether religious – specifically Christian – parents are fit. Here, numerous logical and methodological errors are examined that cast doubt on the validity of any such conclusions. In sum, the best literature to date suggests that if you compare high income, highly educated gay or lesbian parents to lower income, much less educated heterosexual parents, you might find them somewhat similar in child outcomes, for young children. Furthermore, the best evidence to date suggests that lesbian mothers have less stable relationships than married heterosexual parents, with such instability being a known “harm” to children. Second, there is growing evidence that gay or lesbian parents are more likely to socialize their children to grow up as lesbian, gay, or bisexual, identities associated with harms such as drug abuse and suicide, at least for adolescents. Third, there is some weaker evidence that children of gay or lesbian parents are more likely to be delinquents or to engage in casual sexual activities. On the positive side, from a progressive perspective, children of gay or lesbian parents are more likely to be tolerant of a diversity of sexual lifestyles and to be more androgynous in terms of sex role development.
Children’s Right to Their Parents: A Better World for the Next Generation?
By Lynn D. Wardle
Bruce C. Hafen Professor of Law
J. Reuben Clark Law School
Brigham Young University
Provo, Utah 84602 USA
Tel: 801-422-2617
Email: wardlel@law.byu.edu

Proposal for Paper to be Presented at the
Caribbean Regional Conference of the International Society of Family Law
The Legal and Social Consequences of the Disintegration and Reconstitution of Families
March 18-19, 2011
Nassau, The Bahamas

Throughout history a common goal of beneficent civilizations has been to build for the future; for parents and the adult generation of a society to give their children better opportunities and a better world than they (the adults) had. Yet it has become common for commentators today to observe that children (at least in North America) today are unlikely to enjoy the quality of life and standard of living that their parents enjoyed. This paper will begin with a review of the validity of the Jeremiad predictions that children today have a bleak future, less promising than their parents had when they were growing up. The evidence will show that it is “the best of times and the worst of times,” to recall Charle’s Dickens famous description, and that living side-by-side in the same generation are children who are and will be significantly disadvantaged and children who do and will enjoy unprecedented advantages. While there are many factors that reflect life fortunes, the single most critical difference between them is one factor – whether they are raised in a stable, functional healthy home by their own parents. Another name for that factor is traditional conjugal (co-parental) marriage.

The paper also will undertake a comparative law examination of the legal protection in American and European law that critical factor – marital parenting. This section will focus in particular on the legal protection for children to enjoy a parental relationship with their own (biological) mother and father. This will distinguish traditional adoption, in which parentless children are placed from or near infancy in an family home designed to imitate and replicate their birth family, where they are raised by their carefully-screened adoptive mother and father, as well as step-parent adoptions where the child-rearing parent re/marries and his/her spouse adopts to provide a mother and a father for the child.
The Best Interests of the Child: Same-Sex Couple Adoption from a Comparative, Historical, Sociological and Religious Perspective

Jim Wilets
Professor of Law & Chair of the International Center for Human Rights
Nova Southeastern University Law School

Law, and the underlying attitudes towards same sex adoption are heavily influenced by the sociological conditions of the societies in which the various laws on the subject are made. Those societal conditions forming those attitudes are themselves heavily informed by the religions shared by the body politic creating legal policy. This article will discuss the underpinnings of the different perspectives on same-sex adoption from a comparative, historical, sociological and religious perspective.
Biographies

Douglas A. Abbott is currently a professor of Child, Youth & Family Studies at the University of Nebraska Lincoln. He received a bachelor’s degree in biology from Oregon State University, a master’s in child development from Brigham Young University in 1980, and a doctorate in Child & Family Studies from the University of Georgia in 1983. His current research interests include adolescent sexual decision making, adolescent sexual orientation, and cross cultural family studies. He completed two U.S. Fulbright Scholar Awards to India in 1996 and to Israel and Palestine in 2006.

Jane Adolphe holds a Bachelor of Arts from the University of Calgary as well as common-law and civil-law degrees from McGill University in Montreal, Canada. Professor Adolphe earned a Licentiate in Canon Law and a Doctorate in Canon Law from the Pontificia Università della Santa Croce in Rome, Italy. She began her legal career clerking for the Alberta Court of Appeal and Court of Queen's Bench in Calgary, Canada. After practicing with the Bennett Jones law firm, in Calgary, she served as a prosecutor with the Alberta Crown Prosecutor's Office in the same city. She then worked as a consultant with the law firm of Capua, Varrenti e Associati in Rome, Italy, and since 2001, she has taught law at Ave Maria School of Law, first in Michigan, and then later, in Florida where it relocated in 2008. She has served at the United Nations by participating in conferences on women, children and international criminal law. She has also been a delegate for the Holy See at various international and regional meetings and conferences and has worked as a consultant to its Secretariat of State since July 2007. Professor Adolphe’s course offerings include Family Law, Canon Law, Criminal Law, International Law, International Human Rights and International Law and the Holy See. She has published articles and book chapters on a variety of topics, most notably the protection of the natural family, and the rights/duties of parents and children in international law.

George W. Dent, Jr., has been a Professor of Law at Case Western Reserve University Law School since 1990 and the Schott-van den Eynden Professor of Law since 1998. Before joining the faculty at Case Professor Dent taught at New York Law School, Cardozo School of Law (Yeshiva University) and New York University School of Law. Professor Dent holds a B.A. (1969) and J.D. (1973) from Columbia, and an LL.M. from New York University. Professor Dent has published extensively in the areas of corporate and securities law; law and religion; and same-sex marriage. Among his publications in recent years are: Civil Rights for Whom?: Gay Rights Versus Religious Freedom, 95 UNIVERSITY OF KENTUCKY LAW JOURNAL 553 (2006-07); "How Does Same-Sex Marriage Threaten You?,” 59 RUTGERS LAW REVIEW 233 (2007); Race, Trust, Altruism, and Reciprocity, 39 UNIVERSITY OF RICHMOND LAW REVIEW 1001 (2005); Traditional Marriage: Still Worth Defending, 18 BRIGHAM YOUNG UNIVERSITY JOURNAL OF PUBLIC LAW 419 (2004).

Brenda C. Destro, Ph.D. received her doctorate in social work from the Catholic University of America. Her primary interest is in adolescent development and teenage pregnancy. She serves as the Executive Director of the Association of Adoption Professionals, an organization she found to train professionals in the field of adoption and child welfare. Most recently, she has served as a Senior Advisor to the Assistant Secretary for Health at the US Department of Health and Human Services, working on teen health and related issues. She also served as Deputy
Director of a national adoption training program for public health nurses at the National Council for Adoption. She has taught, written, and consulted on many topics related to teens and the delivery of services to them and their families.

Robert A. Destro is Professor of Law and founding Director of the Interdisciplinary Program in Law & Religion at The Catholic University of America’s Columbus School of Law in Washington, D.C. He has been a member of the faculty since 1982 and served as Interim Dean from 1999-2001. From 1983 to 1989 Professor Destro served as a Commissioner on the United States Commission on Civil Rights, and led the Commission's discussions in the areas of discrimination on the basis of disability, national origin and religion. He has served as Special Counsel to the Ohio Attorney General and the Ohio Secretary of State on election law matters from 2004-2006; as General Counsel to the Catholic League for Religious and Civil Rights from 1977 to 1982, and as an Adjunct Associate Professor of Law at Marquette University from 1978-1982. From 1975 to 1977, he was engaged in the private practice of law with the law firm of Squire, Sanders & Dempsey in Cleveland, Ohio. Professor Destro was born and raised in Akron, Ohio. He received his Bachelor of Arts Degree in 1972 from Miami University in Oxford, Ohio, and his law degree (J.D.) in 1975 from the University of California at Berkeley. His areas of specialization, scholarship and litigation include: freedom of speech and religion; bioethics; discrimination on the basis of disability, national origin and religion; comparative constitutional law; election law; private international law (conflict of laws); legal ethics, and bioethics. He is co-author, with Michael S. Ariens, of RELIGIOUS LIBERTY IN A PLURALISTIC SOCIETY (Carolina Academic Press, 2d ed., 2002; 3d edition, forthcoming in 2011).

Professor Destro lives in Arlington, Virginia with his wife Brenda and their two children, Gina and Mark.

Walter R. Schumm, Ph.D., is a professor of family studies at Kansas State University where he has taught and conducted research since 1979. Dr. Schumm has authored nearly 300 articles and book chapters, along with co-editing one major textbook Sourcebook of family theories and methods: a contextual approach (Plenum, 1993; Springer, 2009). Dr. Schumm is a retired colonel, U.S. Army Reserve, recipient of 26 military decorations, including the Meritorious Service Medal (with two oak leaf clusters) and the Legion of Merit. He and his wife, Kimberly, have seven children, ages 14 to 29, and eight grandchildren. Dr. Schumm served as an expert witness for the State of Florida in an adoption trial in 2008. He has published recently in journals such as the St. Thomas Law Review, Marriage and Family Review, the Journal of Biosocial Science, the Journal of Medical Ethics, Psychological Reports, Journal of Couple and Relationship Therapy, and The Therapist, among others.

Lynn D. Wardle is the Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at Brigham Young University where he has taught for over three decades. His primary fields of teaching and writing are family law, comparative family law, conflict of laws, U.S. constitutional history, and biomedical ethics and law. Professor Wardle was President (2000-02) and Secretary-General (1994-2000) of the International Society of Family Law (ISFL), and still serves on the ISFL Executive Council. He also is a member of the American Law Institute, and has been an academic visitor at Howard University School of Law, Sophia University Faculty of Law,
Jim Wilets is a Professor of Law at Nova Southeastern University and is Chair of the Inter-American Center for Human Rights. He received his M.A. in International Human Rights Law from Yale University, his J.D. from Columbia Law School, and his B.A. from the University of Washington. Professor Wilets prepared, at the request of the UN Secretary-General, the first two drafts of a proposal for reforming the human rights functions of the United Nations, which was subsequently incorporated into the U.N.’s Agenda for Peace. He worked as an attorney for the International Human Rights Law Group’s Rule of Law Project in Romania, specifically addressing ethnic tension in the context of the judiciary and elections. He also represented the National Democratic Institute in a joint mission to Liberia with the Carter Center. Professor Wilets worked in Paris on some of the first negotiations between Israelis and Palestinians for a two-state solution and assisted in drafting a proposed Basic Law for a future Palestinian state. Professor Wilets has written extensively on international law, human rights, reparations, gender and sexual identity, and has most recently published an article titled a “A Unified Theory of International Law, the State, and the Individual: Transnational Legal Harmonization in the Context of Economic and Legal Globalization.”
Contact Information

**Douglas A. Abbott**
Professor of Child, Youth & Family Studies  
105 HE Bldg.  
University of Nebraska Lincoln  
Lincoln, Ne, 68588-0801  
phone: 402.472.1665,  
email: dabbott1@unl.edu

**Professor Jane Adolphe**
Ave Maria School of Law  
1025 Commons Circle  
Naples, FL 34119  
Office: (239) 687-5387  
Fax: (239) 687-5340  
Email: jadolphe@avemarialaw.edu, jadolphert@gmail.com

**George W. Dent**
Schott-van den Eynden Professor of Law  
Case Western Reserve University School of Law  
11075 East Boulevard  
Cleveland, OH 44124  
USA  
Telephone: [216] 360-0131.  
FAX: [216] 595-9511.  
Email: george.dent@case.edu.

**Brenda C. Destro, Ph.D.**
Executive Director, The Association of Adoption Professionals  
2312 N Powhatan Street  
Arlington, VA 22205  
(703) 534-9079  
destros4@verizon.net

**Robert A. Destro**
Professor of Law & Director  
Interdisciplinary Program in Law & Religion  
Columbus School of Law  
The Catholic University of America  
Washington, D.C. 20064  
+1 202-319-5202 phone  
+1 202-319-4459 fax  
+1 202-905-6064 mobile  
robertdestro@hotmail.com (preferred email)
Dr. Walter R. Schumm
Professor of Family Studies
School of Family Studies and Human Services
Justin Hall
Kansas State University
1700 Anderson Avenue
Manhattan, Kansas 66506-1403
Home address:
5900 Lake Elbo Road
Manhattan, Kansas 66502-8996
785 539-3641 (home)
785 532-1494 (office)
785 564-1604 (cell)
785 532-5505 (office FAX)
Email: schumm@ksu.edu, wrschumm@aol.com

Lynn D. Wardle
Bruce C. Hafen Professor of Law
518 JRCB
J. Reuben Clark Law School
Brigham Young University
Provo, UT 84602
Office: (801) 422-2517
Email: wardlel@law.byu.edu

James D. Wilets
Professor of Law & Chair, Inter-American Center for Human Rights
Nova Southeastern University Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, FL 33314
wiletsj@nsu.law.nova.edu
Ph: 954.262.6017
Fx: 954.262.3835