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Parenting Options for LGBT and Single Parents: An International Review of Policy and Practice

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This international review was commissioned by and funded with the assistance of the Senior Division for Research, Planning and Training and by the Child Service in the Individual and Social Services Administration at the Ministry of Welfare and Social Affairs.

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Jerusalem | December 2021

Abstract

Background

Over the past several decades, the traditional family comprised of a heterosexual married couple and their biological children has become but one of a wide range of possible family structures. The new structures include single-parent families by choice, LGBT couples, and shared parenting families. The paths to parenthood have also become diversified, and include fostering and adoption, fertility treatments and artificial insemination, and surrogacy. Nevertheless, the options open to LGBT couples or single individuals seeking to fulfill their wish to become parents and to be recognized as such are still limited, in terms of both rights and access. The Child Service in the Individual and Social Services Administration at the Ministry of Welfare and Social Affairs commissioned the Myers-JDC-Brookdale Institute to conduct an international review of the possibilities available to singles and LGBT couples for becoming parents and establishing parental relations in select countries. The review was conducted throughout 2021.

Objective

The goal of this review is to provide policymakers with comprehensive information about all possibilities available for realizing parenthood by singles and LGBT couples, and particularly about fertility and treatments, surrogacy, fostering and adoption. Specifically, the review aims to provide information about the options for achieving and establishing parenthood from the aspects of policy and legislation, de facto barriers and challenges, and types of assistance provided by the state or other organizations, as well as public attitudes toward LGBT parenthood in the various countries, states and territories.

Method

First, legal and social aspects related to LGBT rights in 108 countries, states and territories were mapped, and interviews were conducted with six Israeli experts in the field of new families and LGBT parenthood.

Second, the Ministry of Welfare and Social Affairs and the research team selected seven countries and territories to be reviewed in depth, according to one or more of the following criteria: (1) Countries with progressive legislation relating to parenthood of LGBT couples and single individuals; (2) Countries that allow international adoption by LGBT couples; and (3) Countries that are similar to Israel in terms of prevailing cultural views and the role of religious institutions in public affairs. The seven cases selected were Australia, New Zealand, Scotland, Northern Ireland, Netherlands, California (USA) and Ontario (Canada).

Third, we conducted 24 semi-structured in-depth interviews with experts from each of the countries selected: LGBT rights activists, academics, government representatives, attorneys, and LGBT parents. Simultaneously, we conducted an in-depth review of each country and territory regarding policy and legislation, attitudes and practices related to the possibilities of parenthood by LGBT couples and single parents by choice. We wrote a separate analysis of each case as well as an integrated analysis of each issue.

Findings

1. **Policy and legislation:** In all cases reviewed, policy and legislation are largely informed by the views regarding the extent to which LGBT couples and single parents by choice are “appropriate parents”.
2. **The influence of public attitudes toward LGBT parenthood on policy and legislation:** Public attitudes in each state, both positive and negative, influence policy and legislation regarding LGBT parenting. Accordingly, together with promoting legislation and policy, it is essential to change social norms, prejudices and homophobic attitudes in order to promote parenting options.
3. **Challenges and barriers:** Even when legislation allows LGBT and single parent parenthood, barriers preventing or obstructing LGBT accessibility to the various paths to parenthood remain in place, including in terms of exercising rights, high costs, and prolonged procedures.
4. **Establishing parenthood:** Marriage or official recognition of LGBT couples can help establish formal parenthood, although there are many countries where entitlement to parenthood is granted prior to formal recognition of LGBT marriage. The challenges in establishing LGBT parenthood involve, among other things, the fact that biological parenthood is assigned a significant weight in determining formal parenthood, and difficulties in regulating the parenthood of a partner without a biological relation to the child.
5. **Tension between the right to parenthood and other rights:** The child’s best interests represent the guiding principle for legislators. In some jurisdictions, there are laws enabling organizations to deny service to LGBT individual and couples based on recognition of the provider’s right to religious freedom. In practice, this means that LGBT individuals and couples are sometimes discriminated against in accessing the various possibilities for achieving parenthood.
6. **Differences in public acceptance of different parenthood models:** There are differences in public support for various types of parenthood – from broad support for the parenting of heterosexual as opposed to same-sex couples, through broader support for the parenting of couples (including same-sex couples) as opposed to single parenthood, to very weak support for transgender parenthood.