

## **Adoption for Rainbow Families Still a Complicated Issue in Finland**

When the general discussion about the Act on Assisted Fertility Treatments was at its peak, there was often the question asked as to why same-sex couples do not want to adopt children - maybe internationally as well - instead of trying to have children that would at least partially be their biological offspring. Then again, that is the concept that has been fiercely opposed by the more conservative views. At the same time there has also been talk about second-parent adoption where one member of a same-sex couple could adopt his or her spouse's biological/judicial children. The concept of "the right of gays to adopt" has been used to encompass a very large field of different thoughts about who can become a parent to whom and in what ways.

According to the law, a same-sex couple cannot adopt a child *together*, and second-parent adoption does not extend to registered partnerships. However, a registered partnership does not prevent one member of the union to adopt a child *by oneself*, as is clearly stated in the preamble of the law.

For all practical purposes the situation is different. When adoption agencies have been contacted and asked about their attitude towards a person who is applying for adoption by oneself but lives in a registered partnership with a member of their own sex, the agencies have either failed to answer or said that they cannot serve the applicant. Reasons given include the lack of proper directions from the Ministry of Social Affairs and Health, or that the donor country refuses to accept an openly homosexual applicant. The Finnish Rainbow Families Association and SETA (Sexual Equality) are not aware of even one case in Finland where an openly homosexual person would have adopted a child.

It is hard to see it as anything else than discrimination when homosexual applicants are rejected even before any review process has been started. Time will tell if the adoption agencies will change their attitude in case the second-parent adoption will be allowed in the future and the associated adoption counselling will be carried out by the same agencies. It is also possible that a potential applicant will need to file suit for discrimination in order to change the practices.

The situation is even more complex when it comes to second-parent adoption. It is not possible at present, but even if that changes in the future there will still be many things left to consider. One example could be the family of a lesbian couple where the child was not conceived via anonymous sperm but a familiar donor. Second-parent adoption may then be affected even by the phrasing used in the papers that deal with detection of paternity; whether the detection has been "discontinued" or "forbidden".

Even if second-parent adoption became available, it would still not give the families where a child in fact has more than two parents the right to confirm more than two official parents. This problem also affects stepfamilies of heterosexual couples where a stepparent hopes to leave inheritance to one's stepchildren on the same conditions as to one's biological/judicial children.

Studies have proven that same-sex couples make as good parents as opposite-sex couples. Children growing up in their families are not bullied more than others, they

have no more social problems than average, and they do not even turn out to be homosexual or bisexual at a greater ratio than the children of heterosexual couples. Against this backdrop it is inconceivable that homosexuals are still being discriminated against in adoption procedures regarding both non-relative adoption and second-parent adoption.

Families are born out of love, not biological nor judicial ties. For the time being I will have to answer to anyone who asks that yes, I would like to adopt my own daughter and yes, I would have liked to adopt internationally in the first place, but that's impossible. It would be to the benefit of all concerned that rainbow families could adopt on equal terms with heterosexual couples and that those terms would be changed regarding second-parent adoption so that children living in stepfamilies, as well as other families with more than two parents, were taken into consideration. .

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On behalf of the Finnish Rainbow Families Association

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