

CHAPTER 11

AN ANALYTICAL STUDY OF STANCHION RIGHTS OF CHILDREN OF SAME SEX COUPLE

Dr Vijeta Verma, Assistant Professor, Christ (Deemed to be University) Delhi NCR

Ms. Tanvi Sharma, Research Scholar, GGSIP University (Delhi)

ABSTRACT

“When you label anything, you say – this is the way it is and the only way it can be. This only serves to limit your own understanding. To be truly free from the constraints of belief systems one must be able to constantly change their views to accommodate new truths.” Homosexuality is one such thing that the society needs to comprehend and welcome. Homosexuality people are forced to suppress their feelings because of the homophobic attitude displayed by the society. A gay couple or a lesbian couple can also provide their child whether biological or adopted just as much care as any heterosexual couples can. The ill-favoured attitude towards same sex couples and their children is causing much of ridicule. It is time we try to understand the changing patterns of family structure in the globalising world. This paper deals with the all the problems are faced by the child of a same sex marriage and laws and legislations related to it at the national and international level.

Keywords – Children, Homosexuality, inequality, citizenship, adoption

INTRODUCTION

“When you label anything, you say – this is the way it is and the only way it can be. This only serves to limit your own understanding. To be truly free from the constraints of belief systems one must be able to constantly change their views to accommodate new truths.” Homosexuality is one such thing that the society needs to comprehend and welcome. For a long span of time world over, the concept of homosexuality was considered downright disgrace. Terming “Homosexuality” as a disgrace which is actually the product which denotes the actual thinking of the orthodox society, which has been unable to accept the fact that homosexuality is not a lifestyle or a matter of choice but it is congenital. Homosexuality has always existed in our society but the people were forced to suppress their feelings because of the homophobic attitude displayed by the society. In fact, it is absurd to know that homosexuality is still not legalised in India, in spite of the fact that traces of homosexual behaviours are found in our very own Indian Mythology. Few countries across the globe have now accepted homosexuality and have also legalised same-sex marriages.

Only 12% countries have legalised same sex marriages as against 39.5% countries in which homosexuality is still considered illegal. In a historic judgement, the US Supreme Court case of *Obergefell v. Hodges, Director, Ohio Department of Health* issued a resolution in favor of making the United States of America the 23rd country that allows same-sex marriage. Recently the Supreme Court of Texas in the case of *Christopher v. The City of Houston* has filed a lawsuit challenging the city's Houston policy of providing same-sex workers with benefits equal to those offered to a married spouse. of the opposite sex. Same-sex couples want to have a family just like any other couple of the opposite sex. Some predict that a Texas Supreme Court decision could overturn a ruling in *Obergefell*. Couples have long been debated over child rearing and the rights of their children. Every child is responsible for the world's governing system. Until again unless the regions do not develop the status of same-sex couples the status of their children would also not improve. Currently the laws that exist have a damaging impact on the children of same sex couples. In this paper the authors would be talking about the ethical and legal rights of the children of same sex couples.

ETHICAL ISSUES RELATING TO CHILDREN RAISED BY SAME SEX COUPLES

Everyone has the right to recognition everywhere as a person before the law. Same-sex couples may also have children born or adopted. Natural offspring are born through processes such as artificial insemination or in vitro fertilization. Studies have shown that same-sex couples give their children loving, caring homes, whether they are born or not. Children of the same sex will often have a better chance of being open-minded and sensitive, and they will enjoy all the stability and benefits of being raised in a two-parent home. Yet some people in our community who are strong-minded people were of the opinion that same-sex couples would have a negative impact on their children because of their sexual orientation. It is important to understand that being a parent is not just about doing biological work but more than that. Parents should do some important work, such as recording the child's personality, directing him to life, instilling in him good habits and teaching him to behave properly in life. As per Article 9 of the Convention on the Rights of the Child, children have the right to live with a foster family. A gay couple or a gay couple can also give their child the same natural or adoptive care as any other couple of the opposite sex. The only negative influence on foster children by same sex couples is that they need to muddle through societies homophobic behaviour. We need to consider this union of marriage in a secular manner and not religious. Children of same sex couples should be treated just as the children of opposite sex couples are treated. Anything less would amount to violation of their human right and their right to existence. There is no uniform or a universally accepted definition of family. Majority of the constitutional laws across the globe describe family as living community of parents, children and other relatives. There is no definition which expressly says that the parenting is to be carried out only by the married couples of the opposite sex and not of the same sex. Negative attitudes toward same-sex couples and their children cause great frustration. It is time to try to understand the changing patterns of family structure in the world of globalization. Only if society freely accepts such a family structure by deviating from the 'traditional family structure' only then the children of the same sex be able to live a normal life.

DETERMINING NATIONALITY OR CITIZENSHIP OF THE CHILD

In the present scenario is that many new-borns to same-sex couples are not recognised as a citizen of nowhere. As there are two major issues with determining the nationality of children of the same sex. First, same-sex couples who are unable to marry in a traditional country should marry overseas and because such a union is not recognized in the country of origin, determining the nationality of their children becomes grim. There is a lot of discrimination against same-sex marriages from overseas, which ultimately undermines their children's right to citizenship. Second, when same-sex couples must find their own child, procedures can be costly. So many of them prefer to go to places like Thailand where the procedure is relatively cheaper. If so, children also have problems with their nationality. Under the UN Convention on the Rights of the Child, Article 8 states that even a child has the right to nationality, that is, to become a citizen. A person always acquires his Nationality in accordance with the rules framed by the municipal law of the respective states. Nationality can be acquired either through birth or descent. By descent means the nationality of a state acquired by a person on the basis of the nationality of any parent. Thus, a child acquires the nationality of his or her biological parents. In the case of same-sex couples, for example, a lesbian couple may become pregnant and give birth and another becomes a co-mother with. The status of being the mother also varies on the basis of methods used in childbirth. In the case of gay couples, who engage in surrogacy a few countries consider the spouse to be a legal parent. These issues therefore need to be handled with the utmost care in the interests of children. In several countries the courts have tried to deal with these issues, and these decisions can be helpful in determining the nationality of children.

On June 15, 2016, the Federal Court of Justice (Bundesgerichtshof, BGH) issued a ruling on April 20 stating that South African law that awarded co-motherhood to a German wife of the biological mother of a child born in a same sex marriage should be recognized in Germany. The Court granted the child German citizenship on the basis of the citizenship of his co-mother, although her biological mother holds only South African citizenship. In this case in 2008, there were two women who were living in South Africa had entered into the civil union type of marriage. One of them had German and South African citizens, and the other woman who had South African citizens was the one who gave birth to the child conceived through artificial insemination agreed by both the spouses. They wanted to register the birth of their child in Germany. Their application was also rejected by South African law regarding parenthood was not recognised. They appealed the decision. Germany does not recognize same-sex marriages, but it does allow for the acquisition of registered life relationships that offer rights and duties equal to those of marriage.

In the case of children, when a child is born out of wedlock the other spouse does not automatically become a co-parent, and they will not be able to have a child together. However, they are allowed to choose the descent of a child is governed either by the law of the place where the child resides, by the law of the country of nationality of the parent, or the law governing the consequences of marriage. of parents. As all other alternatives to this provision lead to the application of South African law, the Court concluded that the couple were considered to be the sole parents of the child. The Federal Court of Justice then answered the

question of status “successive adoption,” in which an individual adopts a child already adopted by their partner or adopts the biological child of their partner. In South Africa same-sex couples are allowed to enter into a civil union which is either called a marriage or a civil partnership. If a child conceived through artificial insemination is born to one spouse during the civil union, with the consent of both same-sex spouses then both spouses are considered parents of that child. They follow the *jus sanguinis* principle of nationality under the German nationality law. So, if a German was born abroad, the parents or the child can apply to the registry of births in Berlin to have the birth recorded. The federal court of justice finally reiterated that foreign birth had to be recorded in the German registry of births, because the child was descended from the wife of the birth mother and therefore had German citizenship. As per the German laws the descent of a child is governed either by the law of the place where the child has his or her habitual residence, by the law of the country of his or her parent’s nationality, or by the law that governs the general effects of the marriage of the parents. As all the alternatives of this provision lead to the application of South African law, the Court concluded that the spouses were considered co-parents of the child.

The Federal Court of Justice then addressed the question of status of the same-sex marriages concluded abroad and whether they had effects on parentage. The lower courts had been split on the question of whether a foreign same-sex marriage could be recognized as a marriage in Germany or only as a registered life partnership. The Federal Court of Justice held that due to the fact that same-sex marriage does not exist in Germany, German law recognizes same-sex marriages concluded abroad only as registered life partnerships under conflict of laws rules. Even if the foreign law provides more rights to the couple, German law will only award them the rights established for German registered life partners. The Court concluded that the “rights cap” had no bearing on the present case, because the status of the wife as co-parent of the child was a result of a legal provision concerning descent and not an effect of the registered life partnership. Lastly the Court declared that the recognition of the South African rule concerning parentage did not violate German *ordre public* rules. In the opinion of the Court, growing up in a committed same-sex registered partnership benefitted children the same way as growing up in an opposite-sex marriage. The Court concluded that the best interests of the child therefore did not prevent the recognition of co-parenthood.

In yet another case, two men in a registered life partnership had entered into a surrogacy agreement with a Californian single woman. One of the men donated the semen; the egg cell was obtained through an anonymous donation from an unknown woman. In September 2010, the surrogate mother became pregnant with twins, one of whom aborted spontaneously in the 30th week. In December 2010, the biological father acknowledged paternity before the German consulate in San Francisco and declared joint custody with the surrogate mother. In April 2011, the Californian Superior Court recognized the two men as fathers of the unborn children, at the exclusion of the surrogate mother. The surviving child was born in May 2011 and travelled back to Germany with its fathers four weeks later. The registrar’s office refused to certify the birth abroad; the lower courts upheld this decision based on *ordre public*.

In a judgment handed down on 30 September 2016 the Italian Supreme Court, First Civil Division, made civil status registrar to recognize and register a Spanish birth certificate mentioning two mothers. In the

instant case, the gestational mother was a Spanish citizen, whereas the egg was donated to the partner by her Italian co-mother, who held the status of spouse under Spanish law. As the current law on assisted reproductive techniques has already been found by the Italian Constitutional Court to represent but a choice among many possibilities open to the Parliament to opt for, heterologous insemination (i.e. with donated gametes), currently accessible to different-gender couples, but not allowed to lesbian couples, cannot be said to collide with a constitutionally binding principle. Further argument based on non-discrimination, best interest of the child, citizenship rights, conflict of laws and other principles added to the conclusion that the Spanish birth must be given full recognition in Italy.

In 2014 the US Citizenship Laws were modernized to allow mothers, genetic or gestational to pass on their US citizenship to their children. US follow the principle of Jus Soli, so if you are born in US, you are born American citizen. They have tried to partially resolve the problem by allowing a few families to transmit American citizenship to their children. However, there are a few categories of families and their children that are excluded among which Bi-national lesbian couples where the biological and gestational mother is not a US citizen and Bi-national gay couples who rely on a gestational surrogate where the biological father is not a US citizen. If there is a situation where there is a bi-national gay couple with a gestational surrogate outside of the US and the couple has twins and each partner is the biological father of one of the babies, one of the twins would be eligible for US citizenship, and the other would not. Depending on where the child is born and the nationality of the biological parent, the child might face statelessness.

ADOPTION LAWS GOVERNING SAME SEX COUPLES

Studies have shown that same-sex couples are four times more likely to be raising an adopted child and six times more likely to be raising foster children than heterosexual couples. Today, 4 percent of adopted children and 3 percent of foster children are raised by gay and lesbian parents. In general, the process of adoption by same-sex couples is the same as that for other parents. There are basically three types of adoption i.e. Second parent adoption, Joint adoption and equitable adoption.

A second parent adoption (also called a co-parent adoption) legally allows a same-sex parent to adopt her or his partner's biological or adoptive child without terminating the first parent's legal status as a parent. The child enjoys benefits such as inheritance rights, wrongful death and other tort damages, Social Security benefits, and child support. If the adoptive parents ever separate, the child can have visitation with the second parent, the second parent can have custody of the child, and the second parent will remain responsible for support of the child. The United States, Vermont, New Jersey, Massachusetts, Pennsylvania, California, Connecticut, New York, Illinois, Colorado, Connecticut, Delaware, Hawaii, Indiana, Iowa, Maine, Nevada, New Hampshire, Oregon, Rhode Island, Washington and the District of Columbia-expressly permit second-parent adoption.

Joint adoption is a legal process in which two unmarried people simultaneously adopt a child who is not legally related to them. This process involves only one step and is quicker as compared to second parent

adoption. Nowadays California and Massachusetts have allowed joint adoptions by gay and lesbian couples, but many other states have denied them.

Equitable adoption is a form of "adoption" that may be used by a child of same-sex parents as a tool to protect the child's rights to his or her parent's assets should a parent die intestate. In order for a successful equitable adoption to occur, five elements must be proven: (1) an agreement must have existed between the natural parents and the adoptive parents; (2) the natural parents must have performed by giving up the child; (3) the child must have performed by living in the adoptive parents' home; (4) the adoptive parents must have partially performed by raising the child as their own; and (5) the adoptive parent(s) must have died intestate. If all the elements of an equitable adoption are proven, the adopted child will be able to inherit his or her intestate share of the parents' estates; otherwise, this child will be left without a share of the inheritance.

Only seven states (Iceland, Netherland, South-Africa, Spain, Sweden and Luxembourg) have expressly prescribed adoption laws governing same sex couples out of which the authors have reviewed the adoption laws of Netherland and Iceland.

In Netherland, the general law is that when a child is adopted by the new partner of one of the child's biological parents, that new partner must have been living with the biological parent for at least three years immediately preceding the request for adoption, and must have cared for and educated the child for at least one year. But the one year term for care and education does not apply to lesbian who have been living together for at least three years immediately preceding the adoption request. In this case female partners of biological mothers are treated differently than male partners. Then in cases where two persons seek to jointly adopt a child, it is not relevant whether they are married or not, but they must have been living together for at least three years immediately preceding the request for adoption, and they must have cared for and raised the child for at least one year. It does not matter whether these are same sex couples or not. Adoption of foreign children is open to two persons of a different sex who are married. It is also open to single persons alone hence same sex couples are debarred from taking up inter country adoption.

In Iceland same-sex couples were allowed to adopt since 2006 provided they fulfill the following requirements:

- They must be at least 25 years old, but not more than 45 years old;
- lived together in a proxy marriage (cohabitation registered with the National Registry) for at least 5 years can adopt together;
- Individuals can adopt children in special circumstances and if the adoption benefits the welfare of the child.
- They should not have any criminal record.

INHERITANCE RIGHTS OF CHILDREN OF SAME SEX COUPLES

Gay and lesbian litigation and advocacy traditionally is known to be an unequal treatment for both the couples as well as their children in terms of providing them in-adequate rights. Children born out of such

relationship are the most sufferers from unequal rights and one such right is right to inheritance. The right of inheritance means the process of inheriting property by the decedent's survivors. A recent study in this area comes from Cambridge University's Centre for Family Research says that this research into the experiences of adoptive families headed by same-sex couples suggests that children adopted by gay or lesbian couples are just as likely to thrive as those adopted by heterosexual couples. It also reveals that new families cope just as well as traditional families with the big challenges that come with taking on children who have had a poor start in life.

Modern family law has adjusted to the sexual revolution of the twentieth century, the mobility of our twenty-first century population, and the social acceptance of non-traditional families. The law of inheritance, however, remains largely mired in nineteenth century values and expectations, based on the lives and needs of the landed classes, where inheritance and bloodline determined personal success and ensured social and political stability. And still in twenty first century the situation still remains the same in respect to the rights of children arising out of relationship of same sex people. The Civil Partnership Act of Ireland does not extend inheritance rights to a non-biological child of a deceased civil partner parent. This means that such children are excluded from the rules of inheritance that apply where a person dies without making a valid will. Where a parent does leave a will, the right to challenge it for failing to provide adequately for a child does not apply to non-biological children even when the deceased civil partner was in fact parenting that child.

In the country like USA, most probate codes define "child" for purposes of intestate succession to be a biological child or an adopted child only. Stepchildren, foster children, or other minors raised by a decedent, even those in a functional parent-child relationship, do not qualify as "children" under most probate codes. This means that a minor who is raised by an adult, treated as a child, given that adult's name, listed as a dependent on the adult's tax returns, and treated in all ways as the biological child of the adult, will not be able to inherit from that person if the child is not formally adopted. Instead, distant collateral heirs may take the estate to the exclusion of the person who had the closest relationship with the decedent and who the decedent most likely would have wanted to have inheritance rights.

GLOBAL SURROGACY ALL AROUND THE WORLD

Commercial Surrogacy has gone worldwide in the most recent decade. This is the practice wherein one woman bears a child for another woman which is considered to be one of the most debated procedures in the field of assisted proliferation. According to Article 23 of International Covenant on Civil and Political rights which talks about right to marry and to found a family is one of the integral right given to each and every human being throughout the globe which also applies to same sex couples.

Numerous same-sex couples are anxious to grow their families. One choice for individuals from the LGBT people group is surrogacy, and as view of family have turned out to be more comprehensive, lesbian and gay surrogacy has turned out to be progressively normal.

Every state has laws managing surrogacy, and few states don't permit or perceive surrogacy contracts. As a result of which surrogacy process among same sex couples will be a tedious task

THE LEGAL STATUS OF SURROGACY ARRANGEMENTS

Worldwide, surrogacy policies on same-sex marriage are not the same. There are countries that support surrogacy laws and there are many that oppose it. Surrogacy can be a discouraging task, especially for those same-sex couples living in those areas where reproduction is restricted.

- Surrogacy in the USA - Prior to the 2015 decision on Obergefell vs Hodges, there was no legal statutes deals with the surrogacy in the United States of America. It used to fluctuate between national law and published law. It was presumed that the act of surrogacy is valid and legal. In mid-2015, the Supreme Court ruled in Obergefell that the right to marry is sacred right and applies to everyone, regardless of gender and social preferences. As a result of this decision, same-sex couples are entitled to marry throughout the USA. From then on, there has been a gradual increase in the influence of marriage and the fact that the states have opened up their own reproductive systems to same-sex couples.
- Surrogacy in Britain – As per the last section of The Human Fertilization and Embryology Act 2008, same-sex couples and unmarried couples will be allowed to be a safe and secured lawful parenthood in a new and simple way that prefers for surrogacy as the medium to increase their family structure.
- Surrogacy in Australia – The situation of surrogacy in Australia is very vague and well controlled. The Code of Conduct for the Australian National Health and Medical Research Council does not legally regulate fertility and does so indirectly. All areas except the Northern Territory have passed legislation allowing parties to engage in altruistic surrogacy. However, these agreements are uncertain. As a result, the birth mother is not obliged to surrender her child. Even if the laws do not support the adoption on a large scale, it is surprising that there have been no cases involving childbirth in the courts. However, in 2010 the Queensland Regional Court issued a custody order of a gay male couple . Moreover, in 2012 when making orders in the New South Wales Supreme Court transferring parentage from a surrogate to a gay male couple, Brereton J commented, “this is the first application under the Act of which I am aware in which the intended parents are a same sex couple”. Surrogacy is a legally complicated process that can be even more difficult for same-sex parents, depending on state laws.

CHILD RIGHTS OUT OF SURROGACY

The rights of children of same-sex couples cannot be declined simply because they were born without any surrogacy arrangement. The European Court of Human Rights has ruled in its favour in the case of *Mennesson & Labassee v. France* that the interests of the child should be considered. In this landmark decision of June 2014, the Court laid stressed on the ‘best interest of the child principle’, and pronounced

that the France had violated Article 8 of the European Convention on Human Rights by refusing to recognize the legal relationship between parent and child, a relationship between a genetic father with his surrogate- born child.

According to the United Nations Convention on the Rights of the Child (UNCRC) the following are the rights granted to children for more than 25 years now:

- a. the right to registration immediately after birth and the right from birth to the name, the right to acquire citizenship and, as far as possible, the right to know and be cared for by his or her parents (Article 7);
- b. the right not to be separated from his or her parents, and to maintain a personal and intimate relationship with both parents on a regular basis, unless it is in the best interests of the child (Article 9);
- c. the right to the best interests of the child to be considered primarily (Article 3)

Enshrined in the Convention on the Rights of the Child, this guarantees the right to dignity, protection from trade or trafficking, registration of his or her birth and the knowledge of his or her parents.

In India a surrogate mother is not considered a legal mother. According to the ICMR Guidelines 2005, a surrogate mother is not genetically related to the child. She has been legally and psychologically advised that she will not have rights over the child. Her rights and obligations to the intended parents and child are based on the adoption agreement. In addition, the child born by birth will be regarded as the legal child of the intended parents / parents and will have all the legal rights to maintain the parents, inheritance and all other rights of the natural child to the intended parents had. According to the Indian Council of Medical Research (ICMR Guidelines) the surrogate mother should not have biological contact with the child (Guidance 1.2.33). Indian law recognizes the surrogate mother only as the legal mother in the adoption plans. And Guidelines 3.10.1 and 3.16.1 do it very much clear that the intended parents only would be the legal parents of the child with all the attendance rights, parental responsibility etc. Also, Guideline 3.5.4 states that the surrogate mother shall not be the legal mother. But in the recent years there were incidents reported in regard to commercial surrogacy wherein the commissioning parents leave the child because of the disability caused due to surrogacy arrangements. The child is left abandoned.

During the commission of surrogacy and the birth of the child, the couple seeks divorce and get separated or any of the couple dies due to sudden event, the couple tends to change their mind after this. In these circumstances also the child is deserted and devoid of human rights.

CONCLUSION

All over the world, there are children growing up in diverse in families and now even same sex couples wish to form a family. Even after the International Convention of Rights of Children and many other legislations related to rights of children all around the world, the rights of children of same sex couples haven't got equal rights and till now there are no strong legal mechanism which protects these children from the violation of their basic legal rights. In the landmark judgement of Levy v. Louisiana, U.S. Supreme

Court drew the line at the moving sands of the life-war path and refused to allow children to be part of the government-sponsored protest in its efforts to regulate adult communication. As a general society, we think back to the treatment of unmarried children and marvel at their senseless indifference and limited sense of Parent. Today children from same-sex marriages and society are in a comparatively wealthy state. All over the world, children of the same sex are denied basic social and economic rights. Such government-sponsored discrimination is not permitted on the basis of maintaining normal family values or ensuring good governance. Globally including strong countries like the U.S.A., a child of the same sex is denied state benefits and deserves to be corrected for this violation of its equal protection of the law. Such children are part of a growing world. They need such kind of organization and law that can give them equal human rights and protection on the basis of equality.

Nations around the world need to ensure that the world must respect their all the human beings equally, without any kind of discrimination. In addition, the most important thing that should always be a concern is that the interests of the child should be taken care of.

Countries should make an effort to improve the situation in relation to same-sex children and parents. States should ensure that there should be no discrimination in the enjoyment of family rights on the basis of their birth status, or the choice of the gender or sexual orientation of their parents; to abolish any limitations of parental rights and obligations based on sexual orientation or gender identity; ensure that all children can enjoy a legally recognized and protected parental relationship, regardless of whether they have a biological link with their parent (s); ensure that children are not separated from their parents only on the basis of their birth status, or the sexual orientation or gender identity of their parent(s).

As stated in these lines which says “It should be borne in mind that this is not a hypothetical problem. The omission of robust protections for the children of civil partners will have real consequences for the young people concerned and it is in their interests that the law reflect and provide for the reality of their lives.” It will be indeed a better place for the children of same sex parents to survive and grow only if their rights are protected.

References

Articles

ILGA-Europe’s ‘Marriage and Partnership Rights for Same-sex Partners: country-by-country survey’, available at www.ilgaeurope.org/europe/issues/marriage_and_partnership/same_sex_marriage_and_partnership_country_by_country

THE RIGHTS OF CHILDREN RAISED IN LESBIAN, GAY, BISEXUAL OR TRANSGENDER FAMILIES: A EUROPEAN PERSPECTIVE Written by Dr Loveday Hodson on behalf of ILGA-Europe December 2008 ISBN 978-92-95066-02-1

Millbank, J. (2002), Meet the Parents: A Review of the Research on Lesbian and Gay Families (The Gay & Lesbian Rights Lobby). Available at www.glr.org.au/publications/major_reports/meet_the_parents.pdf

Millbank, J. (2008), 'The Limits of Functional Family: Lesbian Mother Litigation in the era of the Eternal Biological Family', *International Journal of Law, Policy and the Family*, 22, 149-177.

Paige, R. U. (2005), *Proceedings of the American Psychological Association, Incorporated, for the legislative year 2004. Minutes of the meeting of the Council of Representatives July 28 & 30, 2004, Honolulu, HI.* Patterson, C.J. (2000), 'Family relationships of lesbians and gay men', *Journal of Marriage and Family*, 62, 1052- 1069.

Patterson, C.J. (2004), 'Lesbian and gay parents and their children: Summary of research findings', in *Lesbian and gay parenting: A resource for psychologists* (Washington, DC: American Psychological Association).

Perrin, E. C., and the Committee on Psychosocial Aspects of Child and Family Health (2002), 'Technical Report: Co parent or second-parent adoption by same-sex parents', *Pediatrics*, 109, 341 - 344.

Websites

- 1) www.ilgaeurope.org/europe/issues/marriage_and_partnership/same_sex_marriage_and_partnership_country_by_country
- 2) www.girl.org.au/publications/major_reports/meet_the_parents.pdf
- 3) http://surrogacylawsindia.com/faq.php?id=%2010&menu_id=73
- 4) <http://theconversation.com/making-surrogacy-legal-would-violate-childrens-rights-30716>
- 5) http://www.marriageequality.ie/download/pdf/childrens_rights_online.pdf
- 6) <http://www.euronews.com/2015/01/07/italy-court-grants-legal-rights-to-child-born-to-lesbian-couple>
- 7) <http://www.esserlawoffice.com/blog/2014/02/12/modernizing-us-citizenship-laws-regarding-assisted-reproduction/>
- 8) <http://www.dailyo.in/politics/why-all-good-indians-must-embrace-their-homosexual-heritage/story/1/4704.html>
- 9) <http://www.pewforum.org/2015/06/26/gay-marriage-around-the-world-2013/>
- 10) https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf
- 11) <http://www.ca5.uscourts.gov/opinions%5Cpub%5C14/14-20125-CV0.pdf>
- 12) <http://www.urban.org/sites/default/files/publication/46401/411437-Adoption-and-Foster-Care-by-Lesbian-and-Gay-Parents-in-the-United-States.PDF>