



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: September 23, 2010

TO: Regional Directors

THROUGH: Pete Digre, Assistant Secretary for Operations
David L. Fairbanks, Assistant Secretary for Programs

copy to ALK Digre
copy to David L. Fairbanks

FROM: Alan Abramowitz, State Director, Office of Family Safety

A handwritten signature in black ink, appearing to read 'Alan Abramowitz'.

SUBJECT: Third District Court of Appeal ruling on the state's ban on adoption by homosexuals as unconstitutional

ACTION REQUIRED: Discontinue asking potential adoptive parents their sexual orientation and update necessary forms deleting any reference to potential adoptive parents' sexual orientation

DATE DUE: Effective immediately

PURPOSE: The purpose of this memorandum is to provide policy and practice guidance to support Florida's Third District Court of Appeal in Miami that found Florida's ban on adoption by homosexuals as unconstitutional.

BACKGROUND: To implement s. 63.042(3), F.S., which prohibits homosexuals from adopting children, the Department and Community-Based Care Lead Agencies current practice includes questioning the potential adoptive parents to determine if they are homosexual and to consider that information in determining their suitability as applicants in the adoption process.

The law has been challenged in both state courts and has been found unconstitutional by two circuit courts. The Third District Court of Appeal in Miami ruled on September 22 that the state's ban on gay adoption is unconstitutional.

In light of the district court's ruling, we have submitted language repealing s. 63.042(3), F.S., as part of the Department's proposed legislative package.

ACTION REQUIRED: Effective immediately, staff will discontinue asking prospective adoptive parents their sexual orientation including questioning whether they are heterosexual, homosexual, gay or lesbian. Staff should be instructed not to use this information as a factor in determining the suitability of applicants to adopt and should focus his/her attention on the quality of parenting that prospective adoptive parents would provide, and their commitment to and love for our children.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

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Any reference to potential adoptive parents' sexual orientation during the adoption process must be immediately discontinued whether verbally or in writing. Forms staff use in the adoption process must also be reviewed and any reference to sexual orientation of the potential adoptive parents must be deleted immediately.

Please disseminate this policy and practice guidance to the Community-Based Care Lead Agencies immediately.

CONTACT INFORMATION: For additional information please contact Alan Abramowitz at 850-488-8762 or by email at alan_abramowitz@dcf.state.fl.us.

cc: Mary Cagle, Children's Legal Services