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FOSTER-CARE BAN ON GAYS IS REVERSED
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The Dukakis administration yesterday announced the reversal of a 1985 policy that essentially banned lesbians and gay men from becoming foster parents.

A new state policy would make parenting experience -- not sexual orientation or marital status -- the key factor in assigning children for foster care in Massachusetts. The policy change comes as the result of the out-of-court settlement of a lawsuit challenging the earlier ban. Leaders in the lesbian and gay communities hailed the decision.

"We've contended all along that the decision about parenting should be based on the best interest of the child, and nothing else," said Boston City Councilor David Scodras.

Philip Johnston, state secretary of human services, said the policy should be in place in 45 to 50 days. "We want to make sure that everyone in the state has the opportunity to be foster parents," he said. "This policy certainly supports that view." Calling the earlier policy "regrettable," Johnston said that it raised "unnecessary fears in the minds of some people who misunderstand the behavior of gay people."

[CLARIFICATION: Human Services Secretary Philip Johnston's position on the Dukakis administration's previous policy on foster care placement was misrepresented in a story on page one of Thursday's editions of the Globe. Johnston said the uproar that followed the removal of two boys from the home of a gay couple was "regrettable" and proved to be an embarrassment to the administration.]

He said that the issue became "politicized" five years ago when the Globe broke a story about two gay men in Roxbury who had two small boys in foster care. The boys were removed from the home of Don Babets and David Jean at Gov. Dukakis' insistence.

In 1986, Babets and Jean filed suit, challenging the state's position. That suit has been settled out of court. The policy reversal, said Johnston, is a result of the settlement agreement. "We've been persuaded that the key factor should not be marital status but parenting experience."

Babets and Jean, who now live south of Boston, could not be reached for comment.

Administration memos, released under court order in August 1988, detailed attempts to balance the needs of foster children against the political imperatives of placating the homosexual community while assuring the general public that "nontraditional" placements would be used only as a last resort.

Removal of the children triggered immediate protest from politically active gays and lesbians in Boston and throughout the country. During the 1988 presidential campaign, gay men and lesbians showed up to protest at many Dukakis appearances.

Johnston said that the policy had proven to be an embarrassment to the administration. [PLEASE SEE CLARIFICATION PRINTED ABOVE.] He acknowledged that it had come about because of "heavy media attention" about the two gay men having two small boys in foster care. The removal of the boys fueled the controversy, gaining national and international publicity. In its wake, everybody "overreacted," said Johnston.

"We never intended the policy to be discriminatory," he said. "We are particularly interested in increasing the number of placements with relatives, regardless of sexual orientation or income." Johnston said it took the administration five years to come to terms with the lesbian and gay community because of the lawsuit filed by Babets and Jean.

Litigation "makes it more difficult for agreements to be reached on particular issues so, rather than being able to sit down and work things out, lawyers became involved, and that usually extends the process," said Johnston.

Scondras called the new policy "a positive sign that the needs of the kids have been placed above all other considerations. It is a correct, positive, and courageous thing for the administration to do." He also said that the decision saves the state money -- "money that can go for the kids" instead of litigation.

Kevin Cathcart of Gay and Lesbian Advocates & Defenders, a law group representing Babets and Jean, said that the policy "dramatically changes the ban on lesbians and gay men."

Boston attorney Katherine Triantafillou said: "It's about time. Short of an outright apology to the gay community, the revision of the policy merits applause."

Donald Gorton of the Greater Boston Lesbian and Gay Political Alliance said that "we are thrilled and delighted to see that they finally recognize that the best interests of children, not a heterosexual home, should be the standard."

The previous policy of the state's Department of Social Services stipulated placement of foster children with relatives or "with a married couple preferably with parenting experience and time available for parenting. . ."

Social workers in the state's 23 DSS offices were prohibited from placing children with foster care applicants until they had signed statements of sexual orientation. New Hampshire subsequently adopted a similar policy, which is currently being challenged in the courts.

Massachusetts' previous policy stated that any placement exceptions -- for example, single people or unmarried couples -- must have written approval of DSS Commissioner Marie Matava. DSS provides foster homes for 8,455 children, and 20 percent now are in the care of relatives. New regulations put decisions about atypical placements in the hands of the state's social workers, in consultation with supervisors. Placements will be made case-by-case, said Johnston, with final decisions up to DSS area directors, not Matava.

Johnston said he had discussed the new policy "at length" with Gov. Dukakis. "He always felt strongly that parenting experience should be very important and that no single group should be prohibited from becoming foster parents. He is comfortable with this."

The governor could not be reached for comment.

Though the new policy may take the administration off the political hook with lesbian and gay individuals and couples, it could conceivably raise questions from single people and couples without parenting experience.

DSS spokesman Joseph Landolfi said, placements could not be made to households without parenting experience "without review at a higher level. The key factor is parenting experience. If they don't have it, that would be considered an atypical placement, and decisions would be made case by case."

Landolfi said final decisions would be made by DSS area directors in the regions they serve.