

GUEST WRITER: Stability favored

By ROGER HIATT SPECIAL TO THE DEMOCRAT-GAZETTE

Monday, May 9, 2011

LITTLE ROCK — The story is told of a community facing a terrible dilemma—what to do about a dangerous cliff over which children were increasingly falling to the valley below. Two solutions were proposed: some advocated building a fence on the hill, while others preferred placing an ambulance down in the valley. Ultimately, those who promoted the ambulance prevailed; then proceeded to ridicule and demean those who maintained that it would be far better to construct a fence.

Fifty years ago, fewer than 1,000 children required placement in Arkansas state custody. Today, that number has increased sevenfold to more than 7,000 souls. As a child and adolescent psychiatrist, I have personally worked with over a thousand of these innocent victims of physical abuse, sexual abuse or neglect by their family of origin. Yet, in spite of their unspeakable tragedy, the children's cries of "Mommy" and their impassioned pleas to go home persistently ring out. No substitute living arrangement, however well-designed, seems capable of completely erasing the pain of these tender hearts.

While about half of all children in Arkansas live with their married biological father and mother, only a very few foster children were removed from such a home. Once placed in state custody, the Division of Children and Family Services mission statement mandates, "We will focus on the safety, permanency and well being for all children and youth." The most critical aspect of child advocacy is provision of a stable home environment in which to live. Unmarried, cohabitating relationships are, by definition, characterized by a lesser level of commitment than marriage and thus more unstable and prone to disrupt. Consequently, children who have already been traumatized in the chaotic environment provided by their family of origin are placed at greater risk for repeat trauma and even abuse when the foster or adoptive home is marked by instability and uncertainty, as is far more typical of the unmarried, cohabitating living arrangement.

During the recent court case challenging the voter-approved Adoption and Foster Care Act, a legal brief considered by the Arkansas Supreme Court stated, "Arkansas has consistently recognized marriage as the unique and favored foundation for families. Marriage is distinguished from all other domestic relationships; it is privileged and prioritized in the law. This State's preference for marriage is consistent with the significant social science evidence that marriage 'is the single most significant factor distinguishing two categories of children: one group advantaged, the other disadvantaged.' When family relationships are damaged or severed and children are separated from their mothers or fathers or both, the Arkansas Supreme Court has recognized that placement with unmarried, cohabitating couples is not an acceptable substitute, even if one member of the couple is a biological parent."

The brief continued, "In one recent decision, the Court stated that 'a parent's unmarried cohabitation with a romantic partner, or a parent's promiscuous conduct or lifestyle, in the presence of a child cannot be abided.' Indeed, Arkansas courts have never condoned extramarital cohabitation, finding instead that it is contrary to the public policy of promoting a stable environment for children. The courts have not been interested in merely monitoring a parent's sexual conduct but in promoting a stable environment for children. As outlined above, Arkansas's consistent preference has been to encourage marriage and the development of

children within strong marriages. The support for this position in social science research is 'simply overwhelming' in its findings of 'substantial disadvantages for children raised by non-marital, cohabitating parents or a parent and his adult partner.'"

Notwithstanding, the Arkansas Supreme Court has ignored its own judicial precedent, overwhelming social science research and the will of a majority of Arkansas voters by ending the legal debate as to what constitutes an acceptable replacement home for abused and neglected children with an opinion permitting cohabitating couples to foster or adopt children. But the question remains undebatable as to what constitutes an optimal home for children-the home of a loving, nurturing, married biological father and mother. Indeed, the solution to adoption and foster care challenges in Arkansas lies not in lowering the standards for adequate replacement families, nor even in raising community awareness of the need for excellent ones, but rather in strengthening families of origin and supporting the traditional nuclear family.

Roger Hiatt is a Little Rock psychiatrist.

Editorial, Pages 11 on 05/09/2011