

A Communication from Senator Graves

Bennett Law

MONTPELIER -- At the height of legislative activity surrounding amendments to the Adoption Bill in mid-March, I placed a number of calls to Senator Leon C. Graves (D - Franklin) both at his home and through the Sergeant at Arms' office at the Vermont Statehouse, requesting an interview. Senator Graves did not make himself available for a traditional interview, but he did graciously respond in writing to a list of nine questions that I had delivered to him at the Statehouse. Senator Graves' response was dated March 27, 1995.

OITM: What was your intent in drafting the amendment to the Adoption Bill (the "Graves Amendment") which you introduced in the Health & Welfare Committee? Simply stated, what concern of yours (or others) did you see this addressing?

Sen. Graves: The Senate Health and Welfare Committee amendment returns the language in bill S.136 to the existing language in Vermont statute regarding "who may adopt." The so-called "Graves Amendment" was a committee position supported by Senators Bloomer, Greenwood and myself after considerable discussion relative to the issue of "who may adopt." Our concern was related to meeting the "best interest of the child" test, realizing that the courts will be required to make that determination. We were interested in narrowing the focus and options available to the court.

OITM: What motivated your introduction of this amendment?

Sen. Graves: I simply made the motion to amend the bill, not knowing for sure that it would be approved.

OITM: Do you have any personal life experiences involving adoption?

Sen. Graves: No.

OITM: This amendment is specifically contrary to a recent Vermont Supreme Court ruling involving second-parent adoptions. Who did you believe was disadvantaged by that ruling, and so might benefit from this amendment?

Sen. Graves: My initial interest in this issue stems from the belief that married couples offer a slightly more stable family unit than two individuals who choose to live together. It is hard to argue stability with 50 percent divorce rates; however, I believe that during difficult situations in a relationship, married couples have a little more incentive to work out their problems. The care and custody issues of children from a married family are spelled out very clearly in the family courts and would not necessarily be provided for in other family arrangements.

OITM: Were you addressing the expressed concerns of a particular constituency in drafting this bill? If so, can you identify or describe this constituency?

Sen. Graves: No. My concerns are the result of my own thoughts on the subject.

OITM: Did you anticipate that classes of Vermont citizens would feel that their rights were being infringed upon by this bill? Have you been surprised by the depth of feeling from (a) the gay community, (b) adoptive families (parents and children), and (c) unmarried heterosexual parents surrounding this amendment?

Sen. Graves: Yes. I knew that there would be controversy surrounding this issue irrespective of what position was taken by the Health and Welfare Committee.

a. I was surprised at the depth and intensity of the reaction from the gay community. I was equally surprised at the apparent anger directed at me personally from many members of the gay community.

b.&c. I was equally surprised at the lack of response from the heterosexual individuals who might be affected by this amendment. The majority of comments received from heterosexuals on this amendment related to the issue of prohibiting the second person in a homosexual couple from being able to adopt.

OITM: Vermont's social service agencies utilize a number of processes (including interviews and home studies) in the determination of whether adoption applicants would in fact be suitable parents for an adopted child. Do you feel that our Social Service agencies are competent to address the best interests of the child in approving or disallowing adoption applicants? If not, why not?

Sen. Graves: I agree that our social service agencies are an important part of the process in making recommendations to the court for adoption placements.

OITM: The Vermont Children's Forum joined the Human Rights Commission (and a host of concerned Vermonters, including attorneys, adoptive parents, unmarried heterosexual parents, children raised by gay and lesbian parents, gays who have adopted, and others who hope to adopt) in testifying against the Graves Amendment. Have Vermont's social service agencies been supportive of this amendment?

Sen. Graves: I have not heard comments for or against the amendment from Vermont's social service agencies, other than the organizations that you have mentioned.

OITM: Can you cite evidence of any kind that some party to a second-parent adoption is harmed?

Sen. Graves: No. ▼

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