

No. 19-2064

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CHRISTOPHER DOYLE, LPC, LCPC, individually and on behalf of his clients,
Plaintiff – Appellant,

v.

LAWRENCE J. HOGAN, JR., Governor of the State of Maryland,
in his official capacity;

BRIAN E. FROSH, Attorney General of the State of Maryland,
in his official capacity,
Defendants - Appellees

On Appeal from the United States District Court
for the District of Maryland

In Case No. 1:19-cv-00190-DKC before the Honorable Deborah K. Chasanow

JOINT APPENDIX - VOLUME I

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U.S. District Court
District of Maryland (Baltimore)
CIVIL DOCKET FOR CASE #: 1:19-cv-00190-DKC

Doyle v. Hogan et al
Assigned to: Judge Deborah K. Chasanow
Case in other court: USCA, 19-02064
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 01/18/2019
Date Terminated: 09/20/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

LPC, LCPC Christopher Doyle
Individually and on behalf of his clients

represented by **John R Garza**
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V.

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Date Filed	#	Docket Text
01/18/2019	<u>1</u>	COMPLAINT against Christopher Doyle, filed by Christopher Doyle. (Attachments: # <u>1</u> Exhibit A - SB1028, # <u>2</u> Exhibit B - APA Task Force Report, # <u>3</u> Exhibit C - Article of Dr. Nicholas Cummings, # <u>4</u> Exhibit D - Statement of American College of Pediatricians, # <u>5</u> Exhibit E - Letter of California Mental Health Associations, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons to Defendant Gov. Lawrence Hogan, # <u>8</u> Summons to Defendant Attorney General Frosh)(Garza, John) (Entered: 01/18/2019)
01/18/2019	<u>2</u>	MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i>

		by Christopher Doyle (Attachments: # 1 Exhibit Declaration of Plaintiff Christopher Doyle)(Garza, John) (Entered: 01/18/2019)
01/18/2019	3	MOTION to Appear Pro Hac Vice for Mathew D. Staver (Filing fee \$100, receipt number 0416-7793675.) by Christopher Doyle(Garza, John) (Entered: 01/18/2019)
01 18/2019	4	MOTION to Appear Pro Hac Vice for Horatio G. Mihet (Filing fee \$100, receipt number 0416-7793689.) by Christopher Doyle(Garza, John) (Entered: 01/18/2019)
01 18/2019	5	MOTION to Appear Pro Hac Vice for Roger K. Gannam (Filing fee \$100, receipt number 0416-7793707.) by Christopher Doyle(Garza, John) (Entered: 01/18/2019)
01 22/2019	6	QC NOTICE: 3 Motion to Appear Pro Hac Vice filed by Christopher Doyle needs to be modified. See attachment for details and corrective actions needed regarding the signature(s) on the motion. (srd, Deputy Clerk) (Entered: 01/22/2019)
01/22/2019	7	QC NOTICE: 4 Motion to Appear Pro Hac Vice filed by Christopher Doyle needs to be modified. See attachment for details and corrective actions needed regarding the signature(s) on the motion. (srd, Deputy Clerk) (Entered: 01/22/2019)
01/22/2019	8	QC NOTICE: 5 Motion to Appear Pro Hac Vice filed by Christopher Doyle needs to be modified. See attachment for details and corrective actions needed regarding the signature(s) on the motion. (srd, Deputy Clerk) (Entered: 01/22/2019)
01/22/2019	9	CORRECTED MOTION to Appear Pro Hac Vice for Mathew Staver by Christopher Doyle. The fee has already been paid.(Garza, John) (Entered: 01/22/2019)
01 22/2019	10	CORRECTED MOTION to Appear Pro Hac Vice for Roger Gannam by Christopher Doyle. The fee has already been paid.(Garza, John) (Entered: 01/22/2019)
01 22/2019	11	CORRECTED MOTION to Appear Pro Hac Vice for Horatio Mihet by Christopher Doyle. The fee has already been paid.(Garza, John) (Entered: 01/22/2019)
01/22/2019	12	Summons Issued 21 days as to Brian E Frosh, Lawrence Joseph Hogan, Jr.(heps, Deputy Clerk) (Entered: 01/22/2019)
01 24/2019	13	PAPERLESS ORDER granting 9 Corrected Motion to Appear Pro Hac Vice on behalf of Mathew Staver. Directing attorney Mathew Staver to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 1/24/2019. (srd, Deputy Clerk) (Entered: 01/24/2019)
01/24/2019	14	PAPERLESS ORDER granting 10 Corrected Motion to Appear Pro Hac Vice on behalf of Roger Gannam. Directing attorney Roger Gannam to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 1/24/2019. (srd, Deputy Clerk) (Entered: 01/24/2019)
01/24/2019	15	PAPERLESS ORDER granting 11 Corrected Motion to Appear Pro Hac Vice on behalf of Horatio Mihet. Directing attorney Horatio Mihet to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 1/24/2019. (srd, Deputy Clerk) (Entered: 01/24/2019)
02/04/2019	16	SUMMONS Returned Executed by Christopher Doyle. Lawrence Joseph Hogan, Jr served on 1 25/2019, answer due 2/15/2019.(Gannam, Roger) (Entered: 02/04/2019)
02 04/2019	17	SUMMONS Returned Executed by Christopher Doyle. Brian E Frosh served on 1 25/2019, answer due 2/15/2019.(Gannam, Roger) (Entered: 02/04/2019)
02 04/2019	18	MOTION for Extension of Time to File Response/Reply as to 1 Complaint, 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i> by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Ellis, Kathleen) (Entered: 02/04/2019)

2 04/2019	19	RESPONSE in Opposition re 18 MOTION for Extension of Time to File Response/Reply as to 1 Complaint, 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i> filed by Christopher Doyle (Gannam, Roger) (Entered 02/04/2019)
02/05/2019	20	REPLY to Response to Motion re 18 MOTION for Extension of Time to File Response/Reply as to 1 Complaint, 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i> filed by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Ellis, Kathleen) (Entered: 02/05/2019)
02/05/2019	21	PAPERLESS NOTICE SCHEDULING a recorded telephone conference with counsel on Thursday, February 7, 2019, at 9:00 a.m. Chambers will initiate the conference call. (sat, Chambers) (Entered 02/05/2019)
02/07/2019	22	RECORDED Telephone Conference held on 2/7/2019 re: 18 Motion of Defendants for Extension of Time to File Response to Complaint and Motion for Preliminary Injunction - Proposed Schedule discussed - Conference Call SUSPENDED until Tuesday, February 12, 2019 at 9:00 a.m.; Counsel shall continue discussions and advise the Court in writing of any Agreements reached regarding Proceeding Forward, all as stated by and before Judge Deborah K. Chasanow. (FTR - Derro - 3A) (tds, Deputy Clerk) (Entered: 02/07/2019)
02/11/2019	23	Correspondence from the court re schedule (attachment Plaintiff's email re schedule with attached proposed order). (sat, Chambers) (Entered: 02/11/2019)
02 11/2019	24	PAPERLESS ORDER GRANTING 18 motion for extension of time. The telephone conference with counsel scheduled February 12 is REMOVED from the court's calendar, Plaintiff will serve written discovery requests and a notice of Rule 30(b)(6) deposition to Defendants by 2/15/19, Defendants will serve written discovery to Plaintiff by 2/19/19, Defendants will respond to the complaint and motion for preliminary injunction by 3/8/19, the parties will serve their respective discovery responses via same-day electronic transmission by 3/18/19, Defendants will take Plaintiff's deposition on 3/26/19, Plaintiff will take the 30(b)(6) deposition of the State of Maryland prior to 4/1/19, and a hearing on Plaintiff's motion for preliminary injunction may be held on April 11 and 12, 2019, in Greenbelt, unless a postponement or an additional date is necessary if essential witnesses are unavailable on those dates. Signed by Judge Deborah K. Chasanow on 2/11/2019. (Chasanow, Deborah) (Entered: 02/11/2019)
03/08/2019	25	RESPONSE in Opposition re 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i> filed by Brian E Frosh, Lawrence Joseph Hogan, Jr (Attachments: # 1 Attachment Exhibit List, # 2 Exhibit SAMHSA Report, # 3 Exhibit Chapter 685, # 4 Exhibit HB0902 History, # 5 Exhibit HB 902 Bill File, # 6 Exhibit SB1028 History - Incorrect PDF attached - see ECF 27 for correction, # 7 Exhibit SB 1028 Bill File, # 8 Exhibit SB 1028 Fiscal and Policy /Note, # 9 Exhibit Conversion Therapy and LGBT Youth, # 10 Exhibit 1993 AAP Position Statement, # 11 Exhibit 2000 Am. Psychiatric Ass'n Position Statement, # 12 Exhibit Am Psychoanalytic Ass'n Position Statement, # 13 Exhibit Pan American Health Org. Statement, # 14 Exhibit 2012 AACAP Practice Parameter, # 15 Exhibit AASECT Position on Reparative Therapy, # 16 Exhibit 2014 Am. School counselor Position Statement, # 17 Exhibit 2105 ACP Position Paper, # 18 Exhibit Family Rejection, # 19 Exhibit Letter from IRS, # 20 Exhibit MPI Profile for Christopher Doyle)(Ellis, Kathleen) Modified on 3/11/2019 (kns, Deputy Clerk). (Entered: 03/08/2019)
03/08/2019	26	MOTION to Dismiss for Failure to State a Claim by Brian E Frosh, Lawrence Joseph Hogan, Jr (Attachments: # 1 Memorandum in Support Defendants' Memorandum in Support of Motion to Dismiss, # 2 Attachment Exhibit List)(Ellis, Kathleen) (Entered: 03/08/2019)
03/11/2019	27	Correspondence Correcting Earlier Submission 25 Response in Opposition to Motion,,,,,

		(Attachments # 1 Exhibit Exhibit 5 SB1028 History)(Ellis, Kathleen) (Entered 03/11/2019)
03/15/2019	28	MOTION for Leave to File <i>Brief of Amicus Curiae in Support of Defendants' Motion to Dismiss and Opposition to Plaintiff's Motion for Preliminary Injunction</i> by FreeState Justice, Inc. (Attachments: # 1 Attachment Proposed Amicus Brief, # 2 Attachment Exhibit 1 to Proposed Amicus Brief)(Kent, Jennifer) (Entered: 03/15/2019)
03/15/2019	29	Amicus Curiae APPEARANCE entered by Howard Sean Hogan on behalf of The Trevor Project(Hogan, Howard) (Entered 03/15/2019)
03 15/2019	30	NOTICE of Appearance by Jennifer Lauren Kent on behalf of FreeState Justice, Inc. Kent, Jennifer) (Entered: 03/15/2019)
3 15/2019	31	MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction</i> by The Trevor Project (Attachments: # 1 Exhibit A: The Trevor Project Amicus Brief)(Hogan, Howard) (Entered 03/15/2019)
03/15/2019	32	Local Rule 103.3 Disclosure Statement by FreeState Justice, Inc. (Kent, Jennifer) Entered: 03/15/2019)
3 15/2019	33	Local Rule 103 3 Disclosure Statement by The Trevor Project (Hogan, Howard) (Entered 03 15/2019)
03 18/2019	34	NOTICE of Appearance by Brett E. Felter on behalf of All Defendants (Felter, Brett) Entered: 03/18/2019)
03 18/2019	35	Consent MOTION for Extension of Time to File Response/Reply as to 26 MOTION to Dismiss for Failure to State a Claim, 25 Response in Opposition to Motion,,,, by Christopher Doyle(Gannam, Roger) (Entered: 03/18/2019)
03/19/2019	36	PAPERLESS ORDER GRANTING 35 Plaintiff's unopposed motion for extension of time. Plaintiff's consolidated opposition to 26 motion to dismiss and reply to 2 motion for preliminary injunction is now due by April 5, 2019. Signed by Judge Deborah K. Chasanow on 3/19/2019. (Chasanow, Deborah) (Entered: 03/19/2019)
03/29/2019	37	RESPONSE in Opposition re 28 MOTION for Leave to File <i>Brief of Amicus Curiae in Support of Defendants' Motion to Dismiss and Opposition to Plaintiff's Motion for Preliminary Injunction</i> , 31 MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction</i> filed by Christopher Doyle (Attachments # 1 Exhibit A)(Gannam, Roger) (Entered: 03/29/2019)
04 01/2019	38	MOTION to Continue <i>PRELIMINARY INJUNCTION HEARING</i> , MOTION for Extension of Time to File Response/Reply as to 36 Order on Motion for Extension of Time to File Response/Reply, 24 Order on Motion for Extension of Time to File Response/Reply,,, <i>AND REQUEST FOR EXPEDITED CONSIDERATION OR TELEPHONIC STATUS CONFERENCE (TIME SENSITIVE)</i> by Christopher Doyle(Gannam, Roger) (Entered: 04/01/2019)
04/01/2019	39	PAPERLESS ORDER: The court is not available for a telephone conference until April 9. If Plaintiff wishes to litigate a motion to compel and postpone the preliminary injunction hearing, a telephone conference with counsel can be scheduled on or after April 9. Alternatively, Plaintiff may file a consolidated reply and opposition to Defendants' motion to dismiss addressing the issues without the disputed discovery and argument would remain scheduled April 11 and 12 If the disputed discovery remains relevant to a preliminary injunction, a continued hearing will be set if the motion to compel is granted. Signed by Judge Deborah K. Chasanow on 4/1/2019 (Chasanow, Deborah) (Entered 04/01/2019)

04/03/2019	40	RESPONSE re 39 Order,, <i>AND REQUEST FOR TELEPHONE CONFERENCE</i> filed by Christopher Doyle.(Gannam, Roger) (Entered: 04/03/2019)
04/04/2019	41	PAPERLESS NOTICE SCHEDULING a recorded telephone conference with counsel on Wednesday, April 10, 2019, at 2:30 p.m. Chambers will initiate the conference call. (sat, Chambers) (Entered: 04/04/2019)
04/10/2019	42	RECORDED Telephone Scheduling Conference held on 4/10/2019 before Judge Deborah K. Chasanow. (Court Reporter: Renee Ewing) (tds, Deputy Clerk) (Entered: 04/10/2019)
04/11/2019	43	LETTER/ORDER CONFIRMING the matters discussed and the schedule set during the telephone conference. Plaintiff's motion to compel is due by 4/11/19, Plaintiff's response to 26 motion to dismiss is due by 4/22/19, Defendants' response to Plaintiff's motion to compel is due by 4/25/19, Defendants' reply to 26 motion to dismiss is due by 4/29/19, Plaintiff's reply to his motion to compel is due by 5/2/19, and the hearing on the motion for preliminary injunction is tentatively rescheduled to June 19 and 20, 2019. Signed by Judge Deborah K. Chasanow on 4/11/2019. (sat, Chambers) (Entered: 04/11/2019)
04/11/2019	44	MOTION to Compel, Memorandum in Support, <i>and Request for Expedited Consideration</i> by Christopher Doyle (Gannam, Roger) Modified on 4/15/2019 to add Memorandum in Support (tds, Deputy Clerk). (Entered: 04/12/2019)
04/12/2019	45	NOTICE by Christopher Doyle re 44 MOTION to Compel <i>and Request for Expedited Consideration (Notice of Filing Exhibits to Motion)</i> (Attachments: # 1 Exhibit A. Deposition Transcript, # 2 Exhibit B. Notice of Deposition)(Gannam, Roger) (Entered: 04/12/2019)
04/16/2019	46	PAPERLESS NOTICE RESCHEDULING the hearing on the motion for preliminary injunction to August 5 and 6, 2019. (sat, Chambers) (Entered: 04/16/2019)
04/22/2019	47	RESPONSE in Opposition re 26 MOTION to Dismiss for Failure to State a Claim filed by Christopher Doyle.(Gannam, Roger) (Entered: 04/22/2019)
04/24/2019	48	Consent MOTION for Extension of Time to File Response/Reply <i>to Motion to Compel</i> by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Ellis, Kathleen) (Entered: 04/24/2019)
04/24/2019	49	PAPERLESS ORDER GRANTING 48 unopposed motion for extension of time. Defendant's response to 55 motion to compel is now due by May 2 and Plaintiff's reply is now due by May 9, 2019. Signed by Judge Deborah K. Chasanow on 4/24/2019. (Chasanow, Deborah) (Entered: 04/24/2019)
04/29/2019	50	Consent MOTION for Extension of Time to File Response/Reply <i>to Motion to Dismiss</i> by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Felter, Brett) (Entered: 04/29/2019)
04/30/2019	51	PAPERLESS ORDER GRANTING 50 unopposed motion for extension of time. Defendants' reply to 26 motion to dismiss is now due by May 6, 2019. Signed by Judge Deborah K. Chasanow on 4/30/2019. (Chasanow, Deborah) (Entered: 04/30/2019)
05/02/2019	52	RESPONSE in Opposition re 44 MOTION to Compel <i>and Request for Expedited Consideration</i> filed by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Felter, Brett) (Entered: 05/02/2019)
05/06/2019	53	REPLY to Response to Motion re 26 MOTION to Dismiss for Failure to State a Claim filed by Brian E Frosh, Lawrence Joseph Hogan, Jr. (Attachments: # 1 Attachment Exhibit List, # 2 Exhibit Exhibit 1 - Excerpts from the Deposition of Christopher Doyle, # 3 Exhibit Exhibit 2 - Christopher Doyles Answers to Interrogatories, # 4 Exhibit Exhibit 3 - Informed Consent and Release dated January 2016 (Doyle Deposition Exhibit 2), # 5 Exhibit Exhibit 4 - Informed Consent and Release dated May 2017, # 6 Exhibit Exhibit 5 - Informed Consent and Release dated May 2018 (Doyle Deposition Exhibit 3), # 7 Exhibit

		Exhibit 6 - Order, Pickup v. Brown, No. 12-17681 (9th Cir. Nov. 6, 2018), # 8 Exhibit Exhibit 7-Order, Pickup v. Brown, No. 12-17681 (9th Cir. Dec. 21, 2018), # 9 Exhibit Exhibit 8 - Letter from Scott S. Harris, Clerk to Clerk (Mar. 25, 2019), # 10 Exhibit Exhibit 9 - Docket, King v. Governor of New Jersey, No. 18-1073 (U.S.))(Ellis, Kathleen) (Entered: 05/06/2019)
05/09/2019	54	REPLY to Response to Motion re 44 MOTION to Compel <i>and Request for Expedited Consideration</i> filed by Christopher Doyle.(Gannam, Roger) (Entered: 05/09/2019)
05/14/2019	55	MOTION to Appear Pro Hac Vice for Shannon Minter (Filing fee \$100, receipt number 0416-8012296.) by FreeState Justice, Inc.(Kent, Jennifer) (Entered: 05/14/2019)
05 14/2019	56	MOTION to Appear Pro Hac Vice for Omar Gonzalez-Pagan (Filing fee \$100, receipt number 0416-8012318.) by FreeState Justice, Inc.(Kent, Jennifer) (Entered: 05/14/2019)
05 14/2019	57	MOTION to Appear Pro Hac Vice for Christopher Stoll (Filing fee \$100, receipt number 0416-8012330.) by FreeState Justice, Inc.(Kent, Jennifer) (Entered: 05/14/2019)
05 16/2019	58	MOTION for Leave to File <i>Sur Reply in Opposition to Defendants' Motion to Dismiss</i> by Christopher Doyle (Attachments: # 1 Exhibit A. Deposition Transcript)(Gannam, Roger) (Entered: 05/16/2019)
05/16/2019	59	PAPERLESS ORDER granting 55 Motion to Appear Pro Hac Vice on behalf of Shannon Minter. Directing attorney Shannon Minter to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/16/2019. (srd, Deputy Clerk) (Entered: 05/16/2019)
05/16/2019	60	PAPERLESS ORDER granting 56 Motion to Appear Pro Hac Vice on behalf of Omar Gonzalez-Pagan. Directing attorney Omar Gonzalez-Pagan to use the attorney's existing CM/ECF login and password previously issued in this Court. The account password can be reset at http://www.mdd.uscourts.gov/electronic-case-filing-password-reset . Signed by Clerk on 5/16/2019. (srd, Deputy Clerk) (Entered: 05/16/2019)
05/16/2019	61	PAPERLESS ORDER granting 57 Motion to Appear Pro Hac Vice on behalf of Christopher Stoll. Directing attorney Christopher Stoll to register online for CM/ECF at http://www.mdd.uscourts.gov/electronic-case-filing-registration . Signed by Clerk on 5/16/2019. (srd, Deputy Clerk) (Entered: 05/16/2019)
05/29/2019	62	RESPONSE in Opposition re 58 MOTION for Leave to File <i>Sur Reply in Opposition to Defendants' Motion to Dismiss</i> filed by Brian E Frosh, Lawrence Joseph Hogan, Jr.(Felter, Brett) (Entered: 05/29/2019)
06/04/2019	63	REPLY to Response to Motion re 58 MOTION for Leave to File <i>Sur Reply in Opposition to Defendants' Motion to Dismiss</i> filed by Christopher Doyle. (Attachments: # 1 Attachment Plaintiff's Proposed Sur Reply in Opposition to Defendants' Motion to Dismiss, # 2 Exhibit Exhibit A to Plaintiff's Proposed Sur Reply in Opposition to Defendants' Motion to Dismiss)(Gannam, Roger) (Entered: 06/04/2019)
08/01/2019	64	ORDER permitting Kathleen R. Perrin to use a laptop computer in the gallery of Courtroom 3A for the duration of the hearing on August 5-6, 2019, for the limited purpose of note taking. Signed by Judge Deborah K. Chasanow on 7/31/2019. (Attachment: # 1 Application of Kathleen R. Perrin for Permission to Use Laptop) (c/e/m to Ms. Perrin 8/1/2019 tds, Deputy Clerk) (Entered: 08/01/2019)
08/01/2019	65	MEMORANDUM OPINION. Signed by Judge Deborah K. Chasanow on 8/1/2019. (sat, Chambers) (Entered: 08/01/2019)
08 01/2019	66	ORDER GRANTING 28 and 31 motions for leave to file an amicus curiae brief, DENYING 44 motion to compel, and GRANTING 58 motion for leave to file surreply.

		Signed by Judge Deborah K. Chasanow on 8/1/2019. (sat, Chambers) (Entered: 08/01/2019)
08/02/2019	67	NOTICE by Christopher Doyle re 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support (Notice of Filing Journal Articles in Support of Motion for Preliminary Injunction)</i> (Attachments: # 1 Attachment Guidelines for Psychological Practice with Transgender and Gender Nonconforming People, # 2 Attachment Gender Identity Disorder in Young Boys_A Parent- and Peer-Based Treatment Protocol)(Gannam, Roger) (Entered: 08/02/2019)
08/04/2019	68	NOTICE by Brian E Frosh, Lawrence Joseph Hogan, Jr re 25 Response in Opposition to Motion,,,,, of <i>Filing Additional Documents</i> (Attachments: # 1 Attachment Supporting and Caring for Transgender Children, # 2 Attachment APA Applauds SAMHSA Report, # 3 Attachment APA Reiterates Opposition to Conversion Therapy)(Ellis, Kathleen) (Entered: 08/04/2019)
08/05/2019	69	NOTICE by Christopher Doyle re 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support (Notice of Filing Plaintiff's Deposition Exhibits in Support of Motion for Preliminary Injunction)</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17)(Gannam, Roger) (Entered: 08/05/2019)
08/05/2019	70	NOTICE by Christopher Doyle of <i>Filing Defendants' Response to Plaintiff's Request for Admissions in Support of Motion for Preliminary Injunction</i> (Attachments: # 1 Attachment Defendants' Response to Plaintiff's Request for Admissions)(Gannam, Roger) (Entered: 08/05/2019)
08/05/2019	71	REPLY to Response to Motion re 2 MOTION for Preliminary Injunction <i>with Incorporated Memorandum of Law In Support</i> filed by Christopher Doyle. (Attachments: # 1 Exhibit A)(Gannam, Roger) (Entered: 08/05/2019)
08/05/2019	72	Motion Hearing held on 8/5/2019 re 2 MOTION for Preliminary Injunction filed by Christopher Doyle and 26 MOTION to Dismiss for Failure to State a Claim filed by Defendants Brian E. Frosh, Lawrence Joseph Hogan, Jr. - Argued - TAKEN UNDER ADVISEMENT; Oral Motion of Defendants to Strike 71 Plaintiff's Reply to Response to his 2 Motion for Preliminary Injunction - Argued - RESERVED (Counsel for Defendants to Notify the Court if they wish to File a Surreply or otherwise Respond to ECF No. 71); Counsel to Notify the Court of any other Court Decisions, all as stated and before Judge Deborah K. Chasanow. (Court Reporter: Renee Ewing) (tds, Deputy Clerk) (Entered: 08/05/2019)
08/05/2019	73	MOTIONS HEARING EXHIBIT LIST by Defendants Brian E Frosh, Lawrence Joseph Hogan, Jr. (tds, Deputy Clerk) (Entered: 08/05/2019)
08/08/2019	74	NOTICE of Appearance by Abigail Graber on behalf of FreeState Justice, Inc. (Graber, Abigail) (Entered: 08/08/2019)
08/08/2019	75	MOTION to Withdraw as Attorney <i>for Jennifer Kent</i> by FreeState Justice, Inc. (Attachments: # 1 Text of Proposed Order)(Kent, Jennifer) (Entered: 08/08/2019)
08/14/2019	76	PAPERLESS ORDER GRANTING 75 Motion to Withdraw. Attorney Jennifer Lauren Kent terminated. Signed by Judge Deborah K. Chasanow on 8/14/2019. (Chasanow, Deborah) (Entered: 08/14/2019)
09/20/2019	77	MEMORANDUM OPINION. Signed by Judge Deborah K. Chasanow on 9/20/2019. (sat, Chambers) (Entered: 09/20/2019)

09/20/2019	78	ORDER DENYING as moot 2 motion for preliminary injunction, GRANTING 26 motion to dismiss, DISMISSING Plaintiff's complaint, and DIRECTING the Clerk to CLOSE this case. Signed by Judge Deborah K. Chasanow on 9/20/2019. (sat, Chambers) (Entered: 09/20/2019)
09/30/2019	79	NOTICE OF APPEAL as to 78 Order on Motion to Dismiss for Failure to State a Claim, Order on Motion for Preliminary Injunction by Christopher Doyle. Filing fee \$ 505, receipt number 0416-8263979.(Gannam, Roger) (Entered: 09/30/2019)
09/30/2019	80	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 79 Notice of Appeal. IMPORTANT NOTICE: To access forms which you are required to file with the United States Court of Appeals for the Fourth Circuit please go to http://www.ca4.uscourts.gov and click on Forms & Notices.(nu, Deputy Clerk) (Entered: 09/30/2019)
10/01/2019	82	USCA Case Number 19-2064 for 79 Notice of Appeal filed by Christopher Doyle. Case Manager - Richard H. Sewell. (kns, Deputy Clerk) (Entered: 10/02/2019)
10/02/2019	81	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 08/05/2019, before Judge Chasanow. Court Reporter/Transcriber Renee Ewing, Telephone number 301-344-3227. Total number of pages filed: 118. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Redaction Request due 10/23/2019. Redacted Transcript Deadline set for 11/4/2019. Release of Transcript Restriction set for 12/31/2019.(re, Court Reporter) (Entered: 10/02/2019)

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Billable Pages:	9	Cost:	0.90

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHRISTOPHER DOYLE, LPC, LCPC,)
individually and on behalf of his clients,)

Plaintiff,)

v.)

LAWRENCE J. HOGAN, JR., Governor of)
the State of Maryland, in his official capacity,)
and BRIAN E. FROSH, Attorney General of)
the State of Maryland, in his official capacity,)

Defendants.)

Civil Action No. _____

INJUNCTIVE RELIEF SOUGHT

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF,
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, AND DAMAGES**

Plaintiff, CHRISTOPHER DOYLE, LPC, LCPC, individually and on behalf of his clients, sues Defendants, LAWRENCE J. HOGAN, JR., Governor of the State of Maryland, in his official capacity, and BRIAN E. FROSH, Attorney General of the State of Maryland, in his official capacity, and alleges:

INTRODUCTION

1. Since time immemorial, the relationship between clients and their mental health professionals has represented a sacred trust. In this vital relationship, licensed mental health professionals (“LMHPs”) are tasked with providing essential care to their clients and forming critical therapeutic alliances that represent the unique relationship between professional and client. This therapeutic alliance is designed to facilitate the foundational principle of all mental health counseling: the client’s fundamental right to self-determination. Throughout the history of this learned profession, clients have provided mental health professionals with their goals, and objectives that conform to their sincerely held desires and concepts of self, and mental health

professionals have provided counseling that aligns with the clients' fundamental right to self-determination. That unique relationship has, until now, been protected, revered, and respected as sacrosanct and inviolable. Now, Defendants have seen fit to storm the office doors of mental health professionals, thrust themselves into the therapeutic alliance, violate the sacred trust between client and counselor, and run roughshod over the fundamental right of client self-determination and the counselors' cherished First Amendment liberties. Defendants' purported justifications for such unconscionable actions: they do not like the goals, objectives, or desires of certain clients when it comes to one type of counseling. The First Amendment demands more, and Defendants' actions have caused, are causing, and will continue to cause irreparable injury to Plaintiff's fundamental and cherished liberties.

2. Plaintiff brings this civil action to challenge the constitutionality of Senate Bill 1028 ("SB 1028" or the "Counseling Ban") to prevent the statute from violating his respective federal and state constitutional guarantees of Freedom of Speech and Free Exercise of Religion, and the corresponding rights of his minor clients. SB 1028 was signed into law by Defendant Governor Larry Hogan on May 15, 2018 and became effective on October 1, 2018 as Md. Code Ann., Health Occ. § 1-212.1 (West). Thus, time is of the essence because Plaintiff and his clients have suffered, are currently suffering, and will continue to suffer immediate and irreparable injury to their most cherished constitutional liberties absent injunctive relief.

3. Plaintiff engages in licensed, ethical, and professional counseling that honors his clients' autonomy and right to self-determination, that permits clients to prioritize their religious and moral values above unwanted same-sex sexual attractions, behaviors, or identities, and that enables clients to align their values with a licensed counselor who can address these values. Plaintiff has First Amendment and state constitutional rights as a licensed counselor to engage in

and provide counseling consistent with his and his clients' sincerely held religious beliefs, and his clients have First Amendment and state constitutional rights to receive such counseling free from Defendants' viewpoint discrimination against such counseling.

4. By preventing minors from seeking counseling to address the conflict about or questions concerning their unwanted same-sex sexual attractions, behaviors, and identities and from seeking to reduce, eliminate, or resolve their unwanted same-sex sexual attractions, behaviors, or identities through counseling, SB 1028 denies or severely impairs Plaintiff's clients and all minors' right to self-determination, their right to prioritize their religious and moral values, and their right to receive effective counseling consistent with those values.

5. By denying Plaintiff's clients and all minors access to counseling from licensed counselors that can best help minors who desire to reduce, eliminate, or resolve their unwanted same-sex attractions, behaviors, or identity, SB 1028 infringes on the fundamental rights of Plaintiff's clients, and the rights of the parents of Plaintiff's clients to direct the upbringing and education of their children, which includes the right to meet each child's individual counseling, developmental, emotional, psychological, physical, and spiritual needs.

6. By prohibiting them from engaging in any efforts that seek to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, even when the client, the parents, and the LMHP all consent to such counseling, SB 1028 also violates Plaintiff's constitutional rights.

7. Despite the value and benefit that Plaintiff has provided by offering such counseling, SB 1028 prohibits counseling to minors seeking to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity by licensed professionals, which is causing immediate and irreparable harm to Plaintiff and Plaintiff's clients.

8. SB 1028 harms licensed counselors and their clients by prohibiting minors and their parents from obtaining the counseling services they choose, after receiving full disclosure and providing informed consent, to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, and harms counselors by placing them in a Catch-22 forcing them to choose between violating ethical standards by complying with SB 1028, or violating the law by disobeying SB 1028.

9. By denying minors the opportunity to pursue a particular course of action that can most effectively help them address the conflicts between their sincerely held religious beliefs and goals to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, SB 1028 is causing those minors confusion and anxiety over same-sex sexual attractions, behaviors, and identity and infringing on their free speech and religious liberty rights.

10. Plaintiff seeks preliminary and permanent injunctive relief against Defendants, enjoining the enforcement of SB 1028 because it violates: (1) the rights of Plaintiff and his clients to freedom of speech and free exercise of religion, guaranteed by the First and Fourteenth Amendments to the United States Constitution, and (2) the rights of Plaintiff to liberty of speech and free exercise and enjoyment of religion, guaranteed by Articles 10, 40 and 36 of the Declaration of Rights of the Maryland Constitution

11. Plaintiff also prays for declaratory relief from this Court declaring that SB 1028, both on its face and as-applied, is an unconstitutional violation of the First and Fourteenth Amendments to the United States Constitution and Articles 10, 40 and 36 of the Declaration of Rights of the Maryland Constitution.

12. An actual controversy exists between the parties involving substantial constitutional issues in that SB 1028, both facially and as-applied, violates Plaintiff's and his clients' rights to free speech and free exercise under the First Amendment.

PARTIES

13. Plaintiff, Christopher Doyle, LPC, LCPC is a licensed psychotherapist who is licensed to practice mental health counseling in Maryland as a clinical professional counselor.

14. Defendant Lawrence J. Hogan, Jr. is the Governor of the State of Maryland and responsible for executing the laws of the State of Maryland, including SB 1028.

15. Defendant Brian E. Frosh is the Attorney General of the State of Maryland and charged with enforcement of the laws of the State of Maryland, including SB 1028.

JURISDICTION AND VENUE

16. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983. This action also arises under Articles 10, 40, and 36 of the Declaration of Rights of the Maryland Constitution.

17. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367.

18. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants are situated in this judicial district.

19. This Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. § 2201-02, implemented through Rule 57, Fed. R. Civ. P., and is authorized to grant injunctive relief pursuant to Rule 65, Fed. R. Civ. P.

20. This Court is authorized to grant Plaintiffs' prayer for relief regarding costs, including a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988.

GENERAL ALLEGATIONS

A. ENACTMENT OF SB 1028 COUNSELING BAN.

21. On May 15, 2018 Defendant Governor Hogan signed SB 1028 which, effective October 1, 2018, added § 1-212.1 to the Health Occupations Article of the Maryland Code. A copy of SB 1028 is attached hereto as Exhibit A and incorporated herein.

22. The Counseling Ban provides, in pertinent part:

1-212.1.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(2) (I) “CONVERSION THERAPY” MEANS A PRACTICE OR TREATMENT BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT SEEKS TO CHANGE AN INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER IDENTITY.

(II) “CONVERSION THERAPY” INCLUDES ANY EFFORT TO CHANGE THE BEHAVIORAL EXPRESSION OF AN INDIVIDUAL’S SEXUAL ORIENTATION, CHANGE GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

(III) “CONVERSION THERAPY” DOES NOT INCLUDE A PRACTICE BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT:

1. PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING, OR THE FACILITATION OF COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION–NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES; AND

2. DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY.

(3) “MENTAL HEALTH OR CHILD CARE PRACTITIONER” MEANS:

(I) A PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE 14, TITLE 17, TITLE 18, TITLE 19, OR TITLE 20 OF THIS ARTICLE; OR

(II) ANY OTHER PRACTITIONER LICENSED OR CERTIFIED UNDER THIS ARTICLE WHO IS AUTHORIZED TO PROVIDE COUNSELING BY THE PRACTITIONER’S LICENSING OR CERTIFYING BOARD.

(B) A MENTAL HEALTH OR CHILD CARE PRACTITIONER MAY NOT ENGAGE IN CONVERSION THERAPY WITH AN INDIVIDUAL WHO IS A MINOR.

(C) A MENTAL HEALTH OR CHILD CARE PRACTITIONER WHO ENGAGED IN CONVERSION THERAPY WITH AN INDIVIDUAL WHO IS A MINOR SHALL BE CONSIDERED TO HAVE ENGAGED IN UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINE BY THE MENTAL HEALTH OR CHILD CARE PRACTITIONER’S LICENSING OR CERTIFYING BOARD.

(D) NO STATE FUNDS MAY BE USED FOR THE PURPOSE OF:

(1) CONDUCTING, OR REFERRING AN INDIVIDUAL TO RECEIVE CONVERSION THERAPY;

(2) PROVIDING HEALTH COVERAGE FOR CONVERSION THERAPY; OR

(3) PROVIDING A GRANT TO OR CONTRACTING WITH ANY ENTITY THAT CONDUCTS OR REFERS AN INDIVIDUAL TO RECEIVE CONVERSION THERAPY.

(Ex. A at 5–6.)¹

B. SB 1028’s DUBIOUS RECITALS.

23. The SB 1028 Preamble includes twenty-four dubious recitals, purporting to make an evidentiary case supporting enactment of the total counseling ban. (Ex. A, SB 1028, at 1–4.) The paramount “evidentiary” reference is to the 2009 Report of the American Psychological Association’s Task Force on Appropriate Therapeutic Responses to Sexual Orientation (the “APA Report”) and an accompanying resolution (the “APA Resolution”). (Ex. A at 1–2.) A true and

¹ As codified in the Maryland Code, the letters and Roman numerals of SB 1028’s subdivisions are in the lowercase. *See, e.g.*, Md. Code. Ann., Health Occ. § 1-212.1 (West), § 1-212.1(a)(2)(i) (“Conversion therapy” means . . .”).

correct copy of the APA Report, which incorporates in its Appendix A the APA Resolution, is attached hereto as Exhibit B and incorporated herein. The recitals that follow are references primarily to position papers from various organizations which do not update, supplement, or otherwise augment the APA Report. Indeed, in some cases the position papers patently misrepresent the empirical record described in the APA Report by making causal claims of harm from counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity that the APA Report expressly precluded.

24. Propped up by the inflated preamble “evidence,” Maryland claims an interest “in protecting minors against exposure to serious harm.” (Ex. A at 4.)

25. Maryland’s legislative reliance on the APA Report and Resolution and uninformed position papers, as proof of harm caused by counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, misrepresents the empirical record and ignores the substantial limitations the APA Report noted extensively throughout its findings.

26. The APA Report specifically noted that “sexual orientation issues in children are **virtually unexamined.**” (Ex. B, APA Rep., at 91 (emphasis added).)

27. The APA Report stated that “[t]here is a lack of published research on (counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity) among children.” (*Id.* at 72).

28. The APA Report also noted that it could make no conclusions about counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity (sometimes known as Sexual Orientation Change Effort therapy, or SOCE) **for those adolescents who request such counseling.** (*Id.* at 73 (“We found no empirical research on adolescents who request SOCE.”); (*id.* at 76 (noting its conclusions are not based on specific studies from individuals,

including minors, who request counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, and stating its conclusions were thus necessarily limited).)

29. The APA Report also concluded that “there is a dearth of scientifically sound research on the safety of SOCE. **Early and recent research studies provide no clear indication of the prevalence of harmful outcomes.**” (*Id.* at 42 (emphasis added).)

30. But, from the research the APA Report examined, it found evidence of benefits achieved from counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, while noting that there was “some” evidence of certain harm for others. (*Id.* at 91.)

31. Because it noted that there was evidence of benefits for some, the APA Report concluded that “it is still unclear which techniques or methods may or may not be harmful.” (*Id.*)

32. The APA Report also specifically noted that “for some, sexual orientation identity [is] fluid or has an indefinite outcome.” (*Id.* at 2.)

33. In fact, the APA Report found among its studies that “[s]ome individuals report that they went on to lead outwardly heterosexual lives, developing a sexual relationship with an other-sex partner, and adopting a heterosexual identity.” (*Id.* at 3.)

34. The APA Report does not support Defendants’ conclusions that counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity causes harm to minors and therefore justifies Defendants’ efforts to ban such counseling.

35. The APA Report itself is also highly partisan and politicized as a result of its researchers. Although many qualified conservative psychologists were nominated to serve on the task force, all of them were rejected.

36. The director of the APA's Lesbian, Gay and Bisexual Concerns Office, Clinton Anderson, stated that such practitioners were rejected because the group could not take into account what are fundamentally negative religious perceptions of homosexuality because they do not fit into the APA's worldview.

37. In seeking to reach conclusions in the APA Report, the APA operated with a litmus test when considering task force membership—the only views of homosexuality that were tolerated were those that uniformly endorsed same-sex behavior as a moral good. Thus, from the outset of the task force, it was predetermined that conservative or religious viewpoints would only be acceptable when they fit within their pre-existing worldview.

38. One example of this is the APA Report's failure to recommend any religious resources that adopt a traditional or conservative approach to addressing conflicts between religious beliefs and sexual orientation. This bias can hardly be said to respect religious diversity and had predictable consequences for how the task force addressed its work.

39. The APA Report contains a significant contrast between the exceptionally rigorous methodological standards applied to outcomes of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity and the considerably less rigorous and uneven standards applied to the question of harm. With regard to outcomes of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, the APA Report dismisses most of the relevant research because of methodological limitations, which are outlined in great detail (Ex. B, APA Rep., at 26–34.)

40. Studies pertaining to outcomes of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity that fall short of the task force's rigorous standards were deemed unworthy of examination and dismissed as containing no evidence of value

to the questions at hand. But, the APA Report appears to adopt very different evidentiary standards for making statements about alleged harms attributed to counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity.

41. The standard as regards efficacy ruled out allegedly substandard studies as irrelevant; however, no such efficacy standards were employed in considering studies purporting to document harm. Additionally, the APA Report uses the absence of evidence to argue that counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity is unlikely to produce change and thus strongly questions the validity of such counseling, but shows no parallel reticence to endorse affirmative therapy despite acknowledging that such therapy “has not been evaluated for safety and efficacy” (Ex. B, APA Rep., at 91.)

C. RELEVANT PERSPECTIVES DISREGARDED BY SB 1028.

42. Dr. Nicolas Cummings, former president of the American Psychological Association, has also noted that counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity can provide enormous benefits. A copy of Dr. Cummings article discussing such counseling is attached hereto as Exhibit C and incorporated herein.

43. Dr. Cummings noted that Defendants’ premise for adopting SB 1028 is damaging and incorrect. (Ex. C, Cummings Art., at 1 (“The sweeping allegation that [counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity] must be a fraud because homosexual orientation can’t be changed is damaging.”).)

44. Dr. Cummings personally counseled countless individuals in his years of mental health practice, and he reported that hundreds of those individuals seeking to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity were successful. (*Id.* (“Of the patients I oversaw who sought to change their orientation, **hundreds were successful.**” (emphasis added)).)

45. Dr. Cummings said that the assertion that same-sex sexual attractions, behaviors, or identity is one identical inherited characteristic is unsupported by scientific evidence and that “**contending that all same-sex attraction is immutable is a distortion of reality.**” (*Id.* at 2 (emphasis added).)

46. Dr. Cummings went on to criticize efforts to prohibit counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity as violative of the client’s right to self-determination and therapeutic choice. (*Id.* (“Attempting to characterize all sexual reorientation therapy as unethical violates patient choice and gives an outside party a veto over patients’ goals for their own treatment.”).)

47. Dr. Cummings concluded that “[a] political agenda shouldn’t prevent gays and lesbians who desire to change from making their own decisions.” (*Id.*)

48. Dr. Cummings concluded by condemning political efforts to prohibit counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity as harmful to clients and counselors. (*Id.* (“Whatever the situation at an individual clinic, accusing professionals from across the country who provide treatment to fully informed persons seeking to change their sexual orientation of perpetrating a fraud **serves only to stigmatize the professional and shame the patient.**” (emphasis added).))

49. The American College of Pediatricians (ACPed) has noted that the political position statements of numerous mental health organizations, including many relied upon by the City here, have “no firm basis” in evidentiary support. A copy of the ACPed statement on counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity is attached hereto as Exhibit D and incorporated herein.

50. ACPeds noted that, “[t]he scientific literature, however, is clear: **Same-sex attractions are more fluid than fixed, especially for adolescents—many of whom can and do change.**” (Ex. D, ACPeds Stmt. at 1 (emphasis added).)

51. ACPeds also noted that “there is a body of literature demonstrating a variety of positive outcomes from SOCE.” (*Id.*)

52. Like Dr. Cummings, ACPeds concluded that counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity is beneficial and that laws like SB 1028, that prohibit such counseling, serve only to impose harm on minors who seek it. (*Id.* (“Banning change therapy or SOCE will threaten the health and well-being of children wanting therapy.”).)

D. PRE-EXISTING LEGAL AND ETHICAL OBLIGATIONS OF LICENSED CLINICAL PROFESSIONAL COUNSELORS PROTECTING MINOR CLIENTS.

53. SB 1028 falsely asserts that the statute is necessary to protect minors from the purported harms of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity (Ex. A at 4.)

54. Prior to SB 1028, licensed clinical professional counselors in Maryland such as Plaintiff were already subject to legal and ethical obligations imposed by Title 17 of the Health Occupations Article of the Maryland Code and Title 10, Subtitle 58 of the Maryland Code of Regulations.

55. Pre-existing law already prohibited licensed clinical professional counselors like Plaintiff from “[making any] willful misrepresentation while counseling or providing therapy” and “[violating] the code of ethics adopted by the [State Board of Professional Counselors and Therapists].” Md. Code Ann., Health Occ. § 17-509 (West).

56. Pre-existing law already required licensed clinical professional counselors like Plaintiff to “[p]ractice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials.” Md. Code Regs. 10.58.03.03.A(1).

57. Pre-existing law already required licensed clinical professional counselors like Plaintiff to “[i]nform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed” Md. Code Regs. 10.58.03.05.A(1)(a).

58. Pre-existing law already prohibited licensed clinical professional counselors like Plaintiff from “[p]lac[ing] or participat[ing] in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public” or “[a]bandon[ing] or neglect[ing] clients in counseling.” Md. Code Regs. 10.58.03.05.A(2)(a), (c).

59. Pre-existing law already prohibited licensed clinical professional counselors like Plaintiff from “plac[ing] advertisements or mak[ing] public statements that . . . [c]ontain false, fraudulent, misleading, deceptive, or unfair statements or information” Md. Code Regs. 10.58.03.07.A(3)(a).

60. Pre-existing law already required licensed clinical professional counselors like Plaintiff to “[p]rovide sufficient information to a client to allow a client to make an informed decision regarding treatment, including the following: (a) The purpose and nature of an evaluation or treatment process; (b) Additional options to the proposed treatment; (c) Potential reactions to the proposed treatment” Md. Code Regs. 10.58.03.08.A(5).

61. In addition to the compulsory, legal ethical standards regulating licensed clinical professional counselors like Plaintiff, Plaintiff also subscribes and submits to the ethical practice guidelines established by the Alliance for Therapeutic Choice and Scientific Integrity (the “Alliance”) for the practice of Sexual Attraction Fluidity Exploration in Therapy (SAFE-T), which

is defined as the client-centered exploration of sexual attraction fluidity among clients reporting unwanted same-sex attractions utilizing established psychotherapeutic modalities.

62. SAFE-T Guideline 1 provides, “Clinicians are encouraged to recognize the complexity and limitations in understanding the etiology of same-sex attractions.”

63. SAFE-T Guideline 2 provides, “Clinicians strive to understand how their values, attitudes, and knowledge about homosexuality affect their assessment of and intervention with clients who present with unwanted same-sex attractions and behavior.”

64. SAFE-T Guideline 3 provides, “Clinicians are encouraged to respect the value of clients’ religious faith and refrain from making disparaging assumptions about their motivations for pursuing SAFE-T.”

65. SAFE-T Guideline 4 provides, “Clinicians strive to respect the dignity and self-determination of all their clients, including those who seek to change unwanted same-sex attractions and behavior.”

66. SAFE-T Guideline 5 provides, “At the outset of treatment, clinicians strive to provide clients with accurate information on SAFE-T processes and outcomes, sufficient for informed consent.”

67. SAFE-T Guideline 6 provides, “Clinicians are encouraged to be aware of the legal environment in their state or local jurisdiction with respect to the presence of therapy bans and to seek competent legal counsel as appropriate under the circumstances.”

68. SAFE-T Guideline 7 provides, “Clinicians are encouraged to utilize accepted psychological approaches to psychotherapeutic interventions that minimize the risk of harm when serving clients with unwanted same-sex attractions.”

69. SAFE-T Guideline 8 provides, “Clinicians are encouraged to be knowledgeable about the psychological and behavioral conditions which often accompany same-sex attractions and offer relevant treatment services to help clients manage these issues.”

70. SAFE-T Guideline 9 provides, “Clinicians strive to understand the difficult pressures (e.g., culture, religious community) which clients with unwanted same-sex attractions confront.”

71. SAFE-T Guideline 10 provides, “Clinicians are encouraged to acknowledge and accommodate the unique experiences of women who experience SSA [same-sex attraction].”

72. SAFE-T Guideline 11 provides, “Clinicians are encouraged to recognize the special difficulties and risks which exist for youth who experience same-sex attractions.”

73. SAFE-T Guideline 12 provides, “Clinicians make reasonable efforts to familiarize themselves with relevant medical, mental health, spiritual, and religiously oriented resources that can support clients in their pursuit of attraction fluidity and change.”

74. SAFE-T Guideline 13 provides, “Clinicians are encouraged to increase their knowledge and understanding of the literature relevant to clients who request SAFE-T, and seek continuing education, training, supervision, and consultation to improve their clinical work in this area.”

75. Unlike the outright ban on counseling imposed by SB 1028, the SAFE-T Guidelines are actually consistent with the approaches commended by the APA Report.

76. Thus, existing legal and ethical obligations regulating licensed clinical professional counselors, both compulsory and voluntary, demonstrate that Maryland’s stated rationales for adopting SB 1028 are fallacious, pretextual, and unsupported by any governmental interest.

E. VAGUENESS OF SB 1028.

77. Despite SB 1028's presumptions that same-sex attractions, behaviors, or identity are easily understandable and measurable, it is widely understood that there are actually tremendous difficulties in measuring sexual orientation or gender identity.

78. Because of the difficulty in measuring sexual orientation or gender identity, the prohibitions in SB 1028 are hopelessly vague and leave Plaintiff guessing at what practices are permitted or prohibited.

79. Even in Defendants' primarily cited study, the APA Report, the difficulty in understanding exactly what is prohibited by SB 1028 is recognized. The APA Report explains that “[s]ame-sex sexual attractions occur in the context of a variety of sexual orientations and sexual orientation identities, and for some, sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) is fluid or has an indefinite outcome.” (Ex. B, APA Rep., at 2 (emphasis added).)

80. SB 1028 prohibits Plaintiff under any circumstances from engaging in any practice that seeks to reduce or eliminate same-sex sexual attractions, behaviors, or identity. This prohibition is virtually impossible for Plaintiff to comply with because it is well understood in the mental health profession, and conceded by Defendants' own references, that sexual orientation and gender identity are difficult to define and encompass a number of factors, including behavior, practices, identity, attractions, sexual fantasy, romantic attractions, and erotic desires.

81. Given that sexual orientation is considered “fluid,” even among the references the Defendants cite in SB 1028, Plaintiff is left to guess at what counseling practices might constitute a violation of the Ordinance.

82. SB 1028 does not specify which clients would be classified as seeking to “change” and those that would merely be deemed conforming their behavior with their original “sexual

orientation.” As clients do not always present wanting immediately to “change,” Plaintiff and other counselors are left to guess at which point their counseling practices would be deemed to constitute efforts to reduce or eliminate unwanted same-sex attractions.

83. Sexual orientation is also nearly impossible to measure, and there is no agreement on whether sexual orientation is a categorical construct or exists on a continuum. A client’s motives, attractions, identification, and behaviors vary over time and circumstances with respect to one another, which makes them dynastically changing features of a client’s concept of self and sexual orientation.

84. Despite the difficulty in measuring sexual orientation and its fluid and changing nature, Plaintiffs must now put their professional licenses in jeopardy when even discussing something that could be perceived as “changing” sexual orientation or identity.

85. SB 1028 also permits licensed counselors to provide counseling that provides “acceptance, support, and understanding” of a client’s unwanted same-sex attractions, behaviors, or identity. This presents another major source of confusion, uncertainty, and vagueness for Plaintiff.

86. Under SB 1028, it is impossible for Plaintiff to provide acceptance and support to a client who comes in for counseling and requests assistance in seeking to eliminate unwanted same-sex attractions, behaviors, or identity.

87. Some of Plaintiff’s clients initially do not request counseling specifically to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity, but instead want help and counseling to understand the sources, causes, and origins of their distress over such feelings.

88. During the course of such counseling, and without ever specifically setting out to reduce or eliminate unwanted same-sex attractions, behaviors, or identity, some clients will

experience a change in their sexual attractions, behaviors, or identity, and this is true despite never specifically seeking to experience such a change or eliminate their unwanted feelings.

89. Plaintiff is left to guess at whether counseling simply discussing the confusion, anxiety, conflict, or stress clients feel about their unwanted same-sex attractions, behaviors, or identity, without specifically seeking to reduce or eliminate such feelings, runs afoul of SB 1028's prohibitions.

90. As the APA Report upon which SB 1028 relies admits, same-sex attractions, behaviors, or identities are fluid and can often spontaneously disappear, particularly in minors. If Plaintiff is merely counseling an individual to understand the origins of his attractions or helping him to understand and resolve the conflict with his religious beliefs, Plaintiff is unable to know whether such counseling may result in a spontaneous change for the minor client, even though it was not the topic or goal of the counseling.

91. Plaintiff is left to guess at what topics are permissible when a minor client presents with anxiety, confusion, distress, or conflict over his unwanted same-sex attractions, behaviors, or identity, and SB 1028 provides no clear guideposts on such issues.

F. INDIVIDUALIZED EXEMPTIONS IN SB 1028.

92. SB 1028 also establishes a system of individualized exemptions.

93. When a minor client who is experiencing unwanted change in sexual orientation or gender identity through, for example, unwanted though increasing same-sex or cross-gender attractions, feelings, behaviors, or identity, SB 1028 prohibits counseling to assist the client in changing, reducing, or eliminating the unwanted attractions, feelings, behaviors, or identity. (Ex. A, SB 1028, at 5–6.)

94. On its face, however, SB 1028 permits counseling that affirms and commends “acceptance, support, and understanding, or the facilitation of coping, social support, and identity

exploration and development” towards increasing same-sex or cross-gender attractions, feelings, behaviors, or identity, even if such attractions, feelings, behaviors, or identity are unwanted by the client. (*Id.*)

95. Thus, SB 1028 prohibits counseling that affirms a minor client’s desire to change his developing sexual orientation or related attractions, feelings, behaviors, or identity to conform to his own concept of self and biological identity, but provides an individual exemption for counseling on the same subject matter that affirms and commends the development of a changing sexual orientation.

96. Thus also, SB 1028 exempts counseling that affirms and commends a minor’s voluntary transitioning from one gender identity to another, but prohibits counseling that affirms a minor’s seeking to eliminate gender identity confusion or to de-transition to conform his gender identity to his own concept of self and biological identity.

G. PLAINTIFF’S VOLUNTARY TALK THERAPY PRACTICE FOR MINORS WITH SEXUAL AND GENDER IDENTITY CONFLICTS.

97. Plaintiff is a licensed psychotherapist who is licensed to practice mental health counseling in Maryland as a clinical professional counselor.

98. Plaintiff earned his master’s degree in professional counseling from Liberty University, and holds a bachelor’s degree in political science and history from Grove City College

99. Plaintiff is the Executive Director of the Institute for Healthy Families, a non-profit Judeo-Christian therapeutic organization in the Washington, D.C. area, where he also maintains a counseling practice.

100. Plaintiff is also a leader in the #TherapyEquality movement of Equality and Justice for All, and the co-founder of the National Task Force for Therapy Equality.

101. Plaintiff has devoted most of his professional life to providing counseling to young people and their parents who are seeking help for unwanted same-sex attractions, the type of counseling now banned by SB 1028.

102. As part of his commitment to helping children and families dealing with sexual and gender identity concerns, Plaintiff created several experiential therapeutic retreats, including the Breakthrough Healing Weekend for Men with Unwanted Same-Sex Attractions, Key to Your Child's Heart Healing Weekend for Fathers, Key to Your Child's Heart Healing Weekend for Mothers, and Break Free Your Inner Child Healing Weekend.

103. Through the weekend retreats and his counseling practice, Plaintiff has helped and is continuing to help children with unwanted same-sex attractions and gender identity conflicts, and their parents, by addressing the underlying issues that lead to the achievement of their therapeutic goals.

104. Plaintiff's current practice includes voluntary counseling of minors who are experiencing unwanted same-sex attractions, behaviors, and identity.

105. Plaintiff has five minor clients he is counseling with unwanted same-sex attractions and/or gender identity conflicts, and roughly a dozen families with minor children who are consulting with him regarding their children's unwanted same-sex attractions and/or gender identity conflicts, who have been seeing improvement and progress toward their therapeutic goals.

106. These minor clients will suffer significant mental health consequences if they are required to halt their counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity because of SB 1028, which consequences potentially include anxiety, depression, and suicidal ideation.

107. Many of Plaintiff's clients who desire counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity profess to be Christians, Mormons, Jews, or Muslims with sincerely held religious beliefs that homosexuality is harmful and destructive and therefore seek counseling in order to live a lifestyle that is in congruence with their faith and to conform their identities, concepts of self, attractions, and behaviors to their sincerely held religious beliefs.

108. Prior to engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity with any client, Plaintiff provides the client with an informed consent form and requires the client to review and sign the form prior to commencing counseling. This informed consent form outlines the nature of counseling (which Plaintiff identifies as "Sexual/Gender Identity Affirming Therapy"), explains the controversial nature of such counseling, including the fact that some therapists do not believe sexual orientation or gender identity can or should be changed, and informs the client of the potential benefits and risks associated with counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity. In Plaintiff's informed consent form, he quotes research both from the 2009 APA Report and from the 2009 research overview of the National Association for Research and Therapy of Homosexuality (NARTH), titled "What Research Shows," which summarizes decades of research on the efficacy of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity.

109. Plaintiff does not coerce his clients into engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, but respects the clients' right of self-determination and treats each client with unconditional positive respect regardless of the client's concept of self or feelings of unwanted same-sex attractions, behaviors, or identity.

110. Plaintiff does not engage in aversive techniques, nor is he aware of any practitioner who engages in such practices with clients seeking to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity.

111. In his practice, Plaintiff helps clients with their unwanted same-sex attractions, behaviors, and identity by talking with them about root causes, about gender roles and identities, and about their anxieties and confusion that arise from these attractions. Through the use of standard psychological counseling methods, including therapeutic methods to resolve traumatic experiences, clients' unwanted same-sex attractions, behaviors, and identities can dissipate or resolve when therapy is successfully delivered.

112. Speech is the primary tool that Plaintiff uses in his counseling with minors seeking to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity. With some clients, Plaintiff also administers a standard psychological instrument to resolve trauma that provides soothing (not aversive), tactile bi-lateral stimulation to the brain called Eye-Movement Desensitization and Reprocessing (EMDR). This tactile bi-lateral stimulation is accompanied by speech as he helps clients resolve traumatic memories and experiences that may have led to the development of unwanted same-sex attractions, behaviors, or identity. EMDR is a widely-used, therapeutic best-practice, employed and endorsed by all mainstream licensed counselors and found in the psychological literature to be highly efficacious to reprocess and resolve trauma. While using EMDR, Plaintiff sits across from his clients and talks to them about past traumatic experiences while they reprocess and resolve these memories and experiences, which helps them reach their goals and objectives while honoring their religious beliefs, desires, and identities.

113. Plaintiff employs speech and standard psychological instruments and practices to help clients understand and identify their anxiety, distress, and/or confusion regarding their

attractions, behaviors, or identity and then to help each client formulate the method of counseling that will most benefit that particular client.

114. Often times, a client is not ready or does not desire immediately to begin seeking to reduce or eliminate unwanted same-sex attractions, behaviors, or identity. When that is the case, Plaintiff focuses on helping the client and parents to heal any wounds or frustrations and to begin working on loving and accepting the minor client, despite any challenges that arise from the unwanted same-sex attractions, behaviors, or identity.

115. Throughout SB 1028, the position statements refer to counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity as having the single goal of changing an individual's sexual orientation or gender identity. But, Plaintiff does not begin counseling with any predetermined goals other than those that the clients themselves identify and set. This is consistent with the clients' fundamental right of self-determination, and is consistent with the approach recommended by the APA Report. (Ex. B, APA Rep., at 60 (recommending "affirmative approach . . . supportive of clients' identity development without an a priori treatment goal for how clients identify or live out their sexual orientation), 79–80 (recommending "approaches [that] support children and youth in identity exploration and development without seeking predetermined outcomes" for "children and adolescents who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change").)

116. Plaintiff has never received any complaint or report of harm from any of his clients seeking and receiving counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, including the many minors that he has counseled.

117. Many of the position statements and studies referenced in SB 1028 improperly attempt to conflate aversive and involuntary practices allegedly used by some in the past with the voluntary, non-aversive approaches that Plaintiff and all ethical practitioners use in their counseling and therapy practices with clients who wish to reduce or eliminate same-sex sexual attractions, behaviors, or identity. SB 1028 indiscriminately bans both types.

118. The presumption of SB 1028 that all such counseling from Plaintiff is premised on the notion that homosexuality is an illness, defect, or shortcoming does not accurately reflect Plaintiff's practices, and it ignores the fact that Plaintiff seeks to treat the anxiety, distress, and/or confusion that arises from a client's unwanted same-sex attractions, behaviors, or identity. Plaintiff has never publicly stated that he believes homosexuality or same-sex attractions is a mental illness in need of a "cure."

119. The presumption of SB 1028 that Plaintiff seeks to "cure" clients of same-sex attractions is false because Plaintiff seeks only to assist clients with their stated desires and objectives in counseling, which sometimes include reducing or eliminating unwanted same-sex attractions. In most cases, clients do not even identify as "homosexual" or "gay" or "lesbian," but rather believe they are heterosexual and experiencing conflicts with their heterosexual identities due to traumatic or other experiences that have caused unwanted same-sex attractions or behaviors.

120. The presumption of SB 1028 that counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity result from Plaintiff's viewing homosexuality as an "illness" does not reflect the truth of such counseling, and it ignores the point of mental health counseling in general.

121. The only relevant consideration in Plaintiff's counseling is that same-sex attractions and/or behaviors are at variance with a client's self-described heterosexual identity, causing the

client anxiety or distress, and that the client seeks to eliminate the attractions or behaviors that lead to such anxiety or distress.

122. This is the same relevant consideration in all forms of mental health counseling, and is true of many issues for which clients seek counseling, including many that are not mental illnesses but that nevertheless impose great stress, anxiety, confusion, or grief on the client.

123. As a psychotherapist licensed in Maryland who engages in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, Plaintiff is subject to potential professional discipline under SB 1028.

124. SB 1028 prohibits Plaintiff from engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity with his minor clients, and requires Plaintiff to discontinue ongoing counseling despite the clients' and their parents' consent and requests to continue, or face penalties under the statute.

125. SB 1028 will prevent Plaintiff's clients from continuing to progress in their individually-determined course of counseling, and from continuing to receive counseling in accordance with their sincerely held religious beliefs. In addition, SB 1028 will adversely affect future clients. Plaintiff periodically receives requests for therapy for both unwanted homosexual attractions and gender identity confusion, and he and other licensed professionals in Maryland will be prohibited from providing, and the clients prohibited from receiving, help they want and need.

126. SB 1028 also leaves Plaintiff on an irresolvable collision course with his ethical requirements as a licensed clinical professional counselor. According to Maryland Code of Regulations 10.58.03.05.A(2)(c), abandonment of a client is unethical. If a client wants to continue therapy that could be regarded as violating SB 1028 and Plaintiff does not continue the treatment because of the sanctions of SB 1028, it could be considered abandonment under the legal ethical

regulations applicable to Plaintiff. Furthermore, halting counseling when a client requests assistance with changing unwanted same-sex attractions, behaviors, or identity is contraindicated by the APA Report. (Ex. B, APA Rep., at 56.) Therefore, Plaintiff must either violate SB 1028 or violate his legal ethical obligations; he cannot comply with both.

H. IRREPARABLE HARM TO PLAINTIFF AND HIS CLIENTS.

127. Consistent with his First Amendment rights, Plaintiff wants to offer his counseling, including counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, to clients and potential clients, including minors.

128. Consistent with his First Amendment rights, Plaintiff would like to be able to inform religious leaders, organizations, and ministries that there is help from a LMHP with expertise in this area and that it is available to individuals desiring assistance in the area of unwanted same-sex attractions, behaviors, and identity.

129. Because of SB 1028, Plaintiff is prohibited from offering voluntary counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to minor clients and potential clients.

130. Because of SB 1028, Plaintiff is prohibited from engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity with minor clients and potential clients, including minors who desire such counseling.

131. Because of SB 1028, Plaintiff is restricted from engaging in constitutionally protected speech, including advertising his counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to minor clients and potential clients.

132. Because of SB 1028, Plaintiff has been chilled in his constitutionally protected expression.

133. Because of SB 1028, Plaintiff is prohibited from engaging in constitutionally protected speech, including providing counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to willing clients and potential clients in violation of his clients and potential clients' First Amendment right to receive information.

134. Because of SB 1028, Plaintiff has been and will be forced to deny voluntary counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to his clients and potential clients in violation of his and his clients' sincerely held religious beliefs.

135. Because of SB 1028, Plaintiff has been and will be forced to deny counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to willing clients and potential clients in violation of the clients' fundamental rights to self-determination.

136. Because of SB 1028, Plaintiff has suffered, is suffering, and will continue to suffer ongoing, immediate, and irreparable injury to his cherished First Amendment right to freedom of speech.

137. Because of SB 1028, Plaintiff has suffered, is suffering, and will continue to suffer ongoing, immediate, and irreparable injury to his cherished First Amendment right to free exercise of religion.

138. Because of SB 1028, Plaintiff's clients have suffered, are suffering, and will continue to suffer ongoing, immediate, and irreparable injury to their cherished First Amendment rights to receive information.

139. Because of SB 1028, Plaintiff's current minor clients are prohibited from receiving counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity that the clients desire to obtain from a licensed professional with expertise in this area.

140. Plaintiff's minor clients have thus suffered, are suffering, and will continue to suffer ongoing, immediate, and irreparable injury to their cherished First Amendment rights to receive information.

141. Because of SB 1028, Plaintiff's clients have suffered, are suffering, and will continue to suffer ongoing, immediate, and irreparable injury to their cherished First Amendment rights to free exercise of religion.

142. Plaintiff's minor clients face substantial obstacles to bringing the claims herein, including their fear of embarrassment, stigmatization, and opprobrium from publicly disclosing not only their needs and desires to receive mental health counseling in general, but also their needs and desires to receive specifically counseling that involves intimate details of their development, growth, and sexuality, and that the State of Maryland officially abhors.

143. Plaintiff and his clients and potential clients have no adequate remedy at law to protect the ongoing, immediate, and irreparable injury to their cherished First Amendment liberties.

COUNT I
SB 1028 VIOLATES PLAINTIFF'S
RIGHT TO FREEDOM OF SPEECH UNDER THE FIRST AMENDMENT.

144. Plaintiff hereby reallege and adopt by this reference each and every allegation in paragraphs 1–143.

145. The Free Speech Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits Defendants from abridging Plaintiff's freedom of speech.

146. SB 1028, on its face and as applied, is an unconstitutional prior restraint on Plaintiff's speech.

147. SB 1028, on its face and as applied, unconstitutionally discriminates on the basis of viewpoint.

148. SB 1028, on its face and as applied, authorizes only one viewpoint on counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity by forcing Plaintiff to present only one viewpoint on the otherwise permissible subject matters of sexual orientation, gender identity and same-sex attractions, behaviors, and identity. SB 1028 also forces Plaintiff's clients and their parents to receive only one viewpoint on these otherwise permissible subject matters.

149. SB 1028, on its face and as applied, discriminates against Plaintiff's speech on the basis of the content of the message he offers, and that Plaintiff's clients seek to receive.

150. Maryland lacks any compelling, legitimate, significant, or even rational governmental interests to justify SB 1028's infringement of the right to free speech.

151. SB 1028, on its face and as applied, is not the least restrictive means to accomplish any permissible government purpose sought to be served by the law.

152. Informed consent provisions outlining required disclosures prior to engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity with a minor would have been far less restrictive of Plaintiff's speech, and mental health counseling organizations have urged legislatures to adopt informed consent provisions. A copy of the letter to the California legislature from multiple California mental health organizations concerning legislation virtually identical to SB 1028 is attached as Exhibit E and incorporated herein.

153. SB 1028 does not leave open ample alternative channels of communication for Plaintiffs.

154. SB 1028, on its face and as applied, is irrational and unreasonable, and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

155. SB 1028, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiff to freely communicate information pertaining to unwanted same-sex sexual attractions, behaviors, or identity.

156. SB 1028, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiff's clients to freely receive information pertaining to unwanted same-sex sexual attractions, behaviors, or identity.

157. SB 1028's prohibitions on licensed mental health counselors' offering voluntary counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity that could change, reduce, or otherwise address a minor client's unwanted same-sex attractions, behaviors, or identity, which would include a referral to someone who offers such counseling, on its face and as applied, abridges Plaintiff's right to offer and Plaintiff's clients' right to receive information.

158. SB 1028 vests unbridled discretion in government officials to apply or not apply SB 1028 in a manner that restricts free speech, and subjects Plaintiff to ethical code violations.

159. SB 1028, on its face and as applied, is impermissibly vague as it requires licensed professionals subject to its dictates and government officials tasked with enforcing them to guess at their meaning and differ as to their application.

160. SB 1028, on its face and as applied, is under-inclusive by limiting the prohibition on using counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity for minors.

161. SB 1028, on its face and as applied, is unconstitutionally overbroad as it chills and abridges the free speech rights of all licensed mental health providers in Maryland who use counseling techniques to provide assistance to minors seeking to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity, and does not leave open alternative methods of communication.

162. SB 1028's violations of Plaintiff's right of free speech have caused, are causing, and will continue to cause Plaintiff and his clients to suffer undue and actual hardship and irreparable injury.

163. Plaintiff has no adequate remedy at law to correct the continuing deprivation of his most cherished constitutional liberties.

WHEREFORE, Plaintiff respectfully prays for the relief against Defendants as hereinafter set forth in his prayer for relief.

COUNT II
SB 1028 VIOLATES PLAINTIFF'S CLIENTS'
FIRST AMENDMENT RIGHT TO RECEIVE INFORMATION

164. Plaintiff realleges and adopts by this reference each and every allegation in paragraphs 1–163.

165. The First Amendment, as applied to the states by the Fourteenth Amendment, protects an individual's freedom of speech, and the corollary right to receive information.

166. Plaintiff's clients have sincerely held religious beliefs that shape their desire to receive counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, and the information that Plaintiff can provide on reducing or eliminating unwanted same-sex attractions, behaviors, and identity.

167. SB 1028 prevents Plaintiff's clients from receiving counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity and deprives them of the opportunity even to obtain information about such counseling from LMHPs.

168. Maryland lacks any compelling, legitimate, significant, or even rational governmental interests to justify SB 1028's infringement of the right to receive information.

169. Even if SB 1028 were supported by any compelling or other governmental interest, it is not narrowly tailored to achieve any such purpose and therefore violates Plaintiff's clients' fundamental rights to receive information.

170. SB 1028, on its face and as applied, is not the least restrictive means to accomplish any permissible governmental purpose sought to be served by the law.

171. SB 1028's violations of the fundamental rights of Plaintiffs' clients have caused, are causing, and will continue to cause undue and actual hardship and irreparable injury.

172. Plaintiff's clients have no adequate remedy at law to correct the continuing deprivation of their most cherished constitutional liberties.

WHEREFORE, Plaintiff prays for the relief against Defendants as hereinafter set forth in his prayer for relief.

COUNT III

SB 1028 VIOLATES PLAINTIFF'S RIGHT TO FREE EXERCISE OF RELIGION

173. Plaintiff realleges and adopts by this reference each and every allegation in paragraphs 1–172.

174. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits Defendants from abridging Plaintiff's right to free exercise of religion.

175. Many of Plaintiff's clients have sincerely held religious beliefs that same-sex sexual attractions, behaviors, or identity are wrong, and they seek to resolve these conflicts between their religious beliefs and their attractions in favor of their religious beliefs.

176. Plaintiff also has sincerely held religious beliefs motivating him to provide spiritual counsel and assistance to his clients who seek such counsel. Plaintiff sincerely holds religious beliefs that he should counsel clients on the subject matter of same-sex attractions, behaviors, or identity from a religious viewpoint that aligns with his religious beliefs and those of his clients when requested by his clients.

177. SB 1028, on its face and as applied, targets Plaintiff's and his clients' sincerely held religious beliefs regarding human nature, gender, ethics, morality, and counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, which beliefs are informed by the Torah, Bible, Book of Mormon, and Koran and constitute central components of their faith. SB 1028 causes them a direct and immediate conflict with their religious beliefs by prohibiting them from offering, referring, and receiving counseling that is consistent with their religious beliefs.

178. SB 1028, on its face and as applied, has impermissibly burdened Plaintiff's and his clients' sincerely held religious beliefs and compels them either to change those religious beliefs or to act in contradiction to them. SB 1028 has forced Plaintiff and his clients to choose between the teachings and requirements of their sincerely held religious beliefs and the value system imposed by the State of Maryland.

179. SB 1028 places Plaintiff and his clients in an irresolvable conflict between compliance with their sincerely held religious beliefs and compliance with SB 1028.

180. SB 1028 also puts substantial pressure on Plaintiff and his clients to violate their sincerely held religious beliefs by ignoring the fundamental tenets of their faith concerning same-sex attractions, behaviors, and identity.

181. SB 1028, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious speech, beliefs, and viewpoint of those individuals who believe change is possible, and thus expressly constitutes a substantial burden on sincerely held religious beliefs that are contrary to the State-approved viewpoints on same-sex attractions, behavior, and identity.

182. The State's purported interests in protecting minors from the so-called harm of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity are unsubstantiated and do not constitute compelling governmental interests.

183. No compelling, legitimate, significant, or even rational governmental interest justifies the burdens Maryland imposes on Plaintiff's and his clients' rights to the free exercise of religion.

184. Even if SB 1028 were supported by any compelling governmental interest, the Counseling Ban is not the least restrictive means to accomplish any permissible governmental purpose which SB 1028 ostensibly seeks to serve.

185. SB 1028, both on its face and as-applied, evidences Maryland's failure and refusal to accommodate Plaintiff's sincerely held religious beliefs.

186. SB 1028, both on its face and as-applied, specifically targets religion for disparate treatment and has set up a system of individualized exemptions that permits certain counseling on same-sex attractions, behaviors, or identity while denying religious counseling on the same subjects.

187. SB 1028, both on its face and as-applied, constitutes a religious gerrymander.

188. SB 1028's violations of Plaintiff's and his clients' rights to free exercise of religion have caused, are causing, and will continue to cause Plaintiff and his clients to suffer undue and actual hardship and irreparable injury.

189. Plaintiff has no adequate remedy at law to correct the continuing deprivation of his most cherished constitutional liberties.

WHEREFORE, Plaintiff respectfully prays for the relief against Defendants as hereinafter set forth in his prayer for relief.

COUNT IV
**SB 1028 VIOLATES PLAINTIFF'S RIGHT TO
LIBERTY OF SPEECH UNDER ARTICLES 10 AND 40 OF THE
DECLARATION OF RIGHTS OF THE CONSTITUTION OF MARYLAND**

190. Plaintiff realleges and adopts by this reference each and every allegation in paragraphs 1–189.

191. Article 10 of the Declaration of Rights of the Constitution of Maryland states:

[We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:]

That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

192. Article 40 of the Declaration of Rights of the Constitution of Maryland states:

[We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:]

That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and

publish his sentiments on all subjects, being responsible for the abuse of that privilege.

193. SB 1028, on its face and as applied, is an unconstitutional prior restraint on Plaintiff's speech.

194. SB 1028, on its face and as applied, unconstitutionally discriminates on the basis of viewpoint.

195. SB 1028, on its face and as applied, authorizes only one viewpoint on and unwanted same-sex sexual attractions, behaviors, or identity and counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity and forces Plaintiff to present only one viewpoint on the otherwise permissible subject matters of same-sex attractions, behaviors, or identity. SB 1028 also forces Plaintiff's clients to receive only one viewpoint on these otherwise permissible subject matters.

196. SB 1028, on its face and as applied, discriminates against Plaintiff's speech on the basis of the content of the message he offers or that Plaintiff's clients seek to receive.

197. Maryland lacks any compelling, legitimate, significant, or even rational governmental interest to justify SB 1028's infringements of the right to free speech.

198. SB 1028, on its face and as applied, is not the least restrictive means to accomplish any permissible governmental purpose ostensibly sought to be served by the law.

199. Informed consent provisions outlining required disclosures prior to engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity with a minor would have been far less restrictive of Plaintiff's speech, and mental health counseling organizations have urged legislatures to adopt informed consent provisions. (Ex. E, Cal. Ltr.)

200. SB 1028 does not leave open ample alternative channels of communication for Plaintiff.

201. SB 1028, on its face and as applied, is irrational and unreasonable and imposes unjustifiable and unreasonable restrictions on constitutionally protected speech.

202. SB 1028, on its face and as applied, unconstitutionally chills and abridges the right of Plaintiff to freely communicate information pertaining to unwanted same-sex sexual attractions, behaviors, or identity.

203. SB 1028, on its face and as applied, unconstitutionally chills and abridges the rights of Plaintiff's clients to freely receive information pertaining to unwanted same-sex sexual attractions, behaviors, or identity.

204. SB 1028's prohibitions on licensed mental health counselors' offering voluntary counseling that could change, reduce, or otherwise address a minor client's unwanted same-sex attractions, behaviors, or identity, which would include a referral to someone who offers counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, on its face and as applied, abridges Plaintiff's rights to offer and Plaintiff's clients' rights to receive information.

205. SB 1028 vests unbridled discretion in government officials, including Defendants, to apply or not apply SB 1028 in a manner that restricts free speech, and subjects Plaintiff to ethical code violations.

206. SB 1028, on its face and as applied, is impermissibly vague as it requires licensed professionals subject to its dictates and government officials tasked with enforcing them to guess at their meaning and differ as to their application.

207. SB 1028, on its face and as applied, is under-inclusive by limiting the prohibition on counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity to minors.

208. SB 1028, on its face and as applied, is unconstitutionally overbroad as it chills and abridges the free speech rights of all LMHPs licensed in Maryland who use voluntary counseling techniques have the potential to help minors reduce or eliminate their unwanted same-sex attractions, behaviors, or identity and does not leave open alternative methods of communication.

209. SB 1028's violation of Plaintiff's rights of free speech has caused, is causing, and will continue to cause Plaintiff and his clients to suffer undue and actual hardship and irreparable injury.

210. Plaintiff has no adequate remedy at law to correct the continuing deprivation of his most cherished constitutional liberties.

WHEREFORE, Plaintiff respectfully prays for the relief against Defendants as hereinafter set forth in his prayer for relief.

COUNT V
**SB 1028 VIOLATES PLAINTIFF'S RIGHT TO
FREE EXERCISE AND ENJOYMENT OF RELIGION UNDER ARTICLE 36 OF THE
DECLARATION OF RIGHTS OF THE CONSTITUTION OF MARYLAND**

211. Plaintiff realleges and adopts by this reference each and every allegation in paragraphs 1–210.

212. Article 36 of the Declaration of Rights of the Maryland Constitution states, in pertinent part:

[We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:]

That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain, any place of worship, or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief, provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come.

Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place.

Nothing in this article shall constitute an establishment of religion.

213. Many of Plaintiff's clients have sincerely held religious beliefs that same-sex sexual attractions, behaviors, or identity are wrong, and they seek to resolve these conflicts between their religious beliefs and their attractions in favor of their religious beliefs.

214. Plaintiff also has sincerely held religious beliefs motivating him to provide spiritual counsel and assistance to his clients who seek such counsel. Plaintiff sincerely holds religious beliefs that he should counsel clients on the subject matter of same-sex attractions, behaviors, or identity from a religious viewpoint that aligns with his religious beliefs and those of his clients when requested by his clients.

215. SB 1028, on its face and as applied, targets Plaintiff's and his clients' sincerely held religious beliefs regarding human nature, gender, ethics, morality, and counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, which are informed by the Torah, Bible, Book of Mormon, and Koran and constitute central components of their faith.

SB 1028 will cause them a direct and immediate conflict with their religious beliefs by prohibiting them from offering, referring, and receiving counseling that is consistent with their religious beliefs.

216. SB 1028, on its face and as applied, has impermissibly burdened Plaintiff's and his clients' sincerely held religious beliefs and compel them either to change those religious beliefs or to act in contradiction to them. SB 1028 has also forced Plaintiff and his clients to choose between the teachings and requirements of their sincerely held religious beliefs and the value system imposed by the State.

217. SB 1028 places Plaintiff and his clients in an irresolvable conflict between compliance with their sincerely held religious beliefs and compliance with SB 1028.

218. SB 1028 puts substantial pressure on Plaintiff to violate his sincerely held religious beliefs by ignoring the fundamental tenets of his faith concerning same-sex attractions, behaviors, or identity

219. SB 1028, on its face and as applied, is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious speech, beliefs, and viewpoint of those individuals who believe change is possible. SB 1028, expressly on its face and as applied, constitutes a substantial burden on sincerely held religious beliefs that is contrary to the State-approved viewpoint on same-sex attractions, behavior, and identity.

220. The State's purported interests in protecting minors from the so-called harm of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity are unsubstantiated and do not constitute compelling governmental interests.

221. No compelling, legitimate, significant, or even rational governmental interest justifies the burdens Maryland imposes on Plaintiff's and his clients' rights to the free exercise of religion.

222. Even if SB 1028 were supported by any compelling governmental interest, the Counseling Ban is not the least restrictive means to accomplish any permissible governmental purpose which SB 1028 ostensibly seeks to serve.

223. SB 1028, both on its face and as-applied, evidences Maryland's failure and refusal to accommodate Plaintiff's sincerely held religious beliefs.

224. SB 1028, both on its face and as-applied, specifically targets religion for disparate treatment and has set up a system of individualized exemptions that permits certain counseling on same-sex attractions, behaviors, or identity while denying religious counseling on the same subject.

225. SB 1028, both on its face and as-applied, constitutes a religious gerrymander.

226. SB 1028's violations of Plaintiff's and his clients' rights to free exercise of religion have caused, are causing, and will continue to cause Plaintiff and his clients to suffer undue and actual hardship and irreparable injury.

227. Plaintiff has no adequate remedy at law to correct the continuing deprivation of his most cherished constitutional liberties.

WHEREFORE, Plaintiff respectfully prays for the relief against Defendants as hereinafter set forth in his prayer for relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

A. That this Court issue a preliminary injunction enjoining Defendants and Defendants' officers, agents, servants, employees, and attorneys, and all other persons who are in

active concert or participation with them, during the pendency of this action or until further order from the Court, from enforcing SB 1028 so that:

- i. Defendants will not use SB 1028 in any manner to infringe Plaintiff's constitutional and statutory rights in the counseling of his clients or from offering a viewpoint on an otherwise permissible subject matter;
- ii. Defendants will not use SB 1028 in any manner to prohibit Plaintiff from engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity distress or confusion, with those minor clients who seek such counseling;
- iii. Defendants will not use SB 1028 to prohibit Plaintiff's clients from seeking or receiving counseling for unwanted same-sex sexual attractions, behaviors, or identity, or unwanted gender identity distress or confusion; and
- iv. Defendants will not use SB 1028 in any manner to punish Plaintiff or his clients for engaging, referring to, seeking, or receiving voluntary counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity distress or confusion.

B. That this Court issue a permanent injunction enjoining Defendants and Defendants' officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with them, from enforcing SB 1028 so that:

- i. Defendants will not use SB 1028 in any manner to infringe Plaintiff's constitutional and statutory rights in the counseling of his clients or from offering a viewpoint on an otherwise permissible subject matter;

- ii. Defendants will not use SB 1028 in any manner to prohibit Plaintiff from engaging in counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity distress or confusion, with those minor clients who seek such counseling;
- iii. Defendants will not use SB 1028 to prohibit Plaintiff's clients from seeking or receiving counseling for unwanted same-sex sexual attractions, behaviors, or identity, or unwanted gender identity distress or confusion; and
- iv. Defendants will not use SB 1028 in any manner to punish Plaintiff or his clients for engaging, referring to, seeking, or receiving voluntary counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity distress or confusion.

C. That this Court render a declaratory judgment declaring unconstitutional SB 1028 and Defendants' actions in applying SB 1028 under the United States Constitution and Constitution of Maryland, and declaring that:

- i. Maryland violated Plaintiff's and his clients' rights to freedom of speech by prohibiting them from providing, referring to, seeking, or receiving information concerning counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity or confusion; and
- ii. Defendants violated Plaintiff's and his clients' rights to free exercise of religion by prohibiting them from providing, referring to, seeking, or receiving information concerning counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, or unwanted gender identity or confusion, in accordance with their sincerely held religious beliefs;

D. That this Court award Plaintiff nominal damages for the violation of Plaintiff's constitutional rights;

E. That this Court award Plaintiff actual damages in an amount to be determined at trial;

F. That this Court adjudge, decree, and declare the rights and other legal relations with the subject matter here in controversy so that such declaration shall have the force and effect of final judgment;

G. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's order;

H. That this Court award Plaintiff the reasonable costs and expenses of this action, including attorney's fees, in accordance with 42 U.S.C. § 1988; and

I. That this Court grant such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted,

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VERIFICATION

I, Christopher Doyle, am over the age of 18 and the Plaintiff in this action, and I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing statements and allegations about me or which I make in this VERIFIED COMPLAINT are true and correct, based upon my personal knowledge (unless otherwise indicated), and if called upon to testify as to their truthfulness, I would and could do so competently.

Executed this January 18, 2019.

/s/ Christopher Doyle*
Christopher Doyle

*Counsel hereby certifies that he has a signed copy of the foregoing document available for inspection at any time by the Court or a party to this action.

Chapter 685

(Senate Bill 1028)

AN ACT concerning

**Health Occupations – Conversion Therapy for Minors – Prohibition
(Youth Mental Health Protection Act)**

FOR the purpose of prohibiting certain mental health or child care practitioners from engaging in conversion therapy with individuals who are minors; providing that a certain mental health or child care practitioner who engages in conversion therapy with an individual who is a minor shall be considered to have engaged in unprofessional conduct and shall be subject to discipline by a certain licensing or certifying board; prohibiting the use of State funds for certain purposes; requiring the Maryland Department of Health to adopt certain regulations; defining certain terms; making this Act severable; and generally relating to conversion therapy.

BY adding to

Article – Health Occupations

Section 1–212.1

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, Contemporary science recognizes that being lesbian, gay, bisexual, or transgender (LGBT) is part of the natural spectrum of human identity and is not a disease, a disorder, or an illness; and

WHEREAS, The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation that conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts and concluded in its 2009 report that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidal intentions, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources; and

WHEREAS, The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009 stating that it “advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services

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2018 LAWS OF MARYLAND

that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth”; and

WHEREAS, The American Psychiatric Association stated in 2000 that “psychotherapeutic modalities to convert or ‘repair’ homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of ‘cures’ are counterbalanced by anecdotal claims of psychological harm. In the last four decades, ‘reparative’ therapists have not produced any rigorous scientific research to substantiate their claims of cure. Until there is such research available, the American Psychiatric Association recommends that ethical practitioners refrain from attempts to change individuals’ sexual orientation, keeping in mind the medical dictum to first, do no harm”; and

WHEREAS, The American Psychiatric Association also stated in 2000 that “the potential risks of reparative therapy are great, including depression, anxiety, and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed”; and

WHEREAS, The American Psychiatric Association further stated in 2000 that it “opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his/her sexual homosexual orientation”; and

WHEREAS, The American Academy of Pediatrics in 1993 published an article in its journal “Pediatrics” stating “[t]herapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation”; and

WHEREAS, The American Medical Association Council on Scientific Affairs prepared a report in 1994 in which it stated “[a]version therapy (a behavioral or medical intervention which pairs unwanted behavior, in this case, homosexual behavior, with unpleasant sensations or aversive consequences) is no longer recommended for gay men and lesbians”; and

WHEREAS, The American Medical Association Council on Scientific Affairs further stated in its 1994 report that “[t]hrough psychotherapy, gay men and lesbians can become comfortable with their sexual orientation and understand the societal response to it”; and

WHEREAS, The National Association of Social Workers prepared a 1997 policy statement in which it stated “[s]ocial stigmatization of lesbian, gay, and bisexual people is widespread and is a primary motivating factor in leading some people to seek sexual

orientation changes. Sexual orientation conversion therapies assume that homosexual orientation is both pathological and freely chosen. No data demonstrates that reparative or conversion therapies are effective, and, in fact, they may be harmful”; and

WHEREAS, The American Counseling Association Governing Council issued a position statement in April 1999 that stated it opposed the promotion of reparative therapy as a “cure” for homosexual individuals; and

WHEREAS, The American School Counselor Association issued a position paper in 2014 in which it stated that “[i]t is not the role of the professional school counselor to attempt to change a student’s sexual orientation or gender identity” and that “[p]rofessional school counselors do not support efforts by licensed mental health professionals to change a student’s sexual orientation or gender as these practices have been proven ineffective and harmful”; and

WHEREAS, The American Psychoanalytic Association issued a position statement in June 2012 regarding attempts to change sexual orientation, gender identity, or gender expression, and in the position statement the Association states “as with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice”; and

WHEREAS, The American Psychoanalytic Association also stated in June 2012 that “psychoanalytic technique does not encompass purposeful attempts to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes”; and

WHEREAS, The American Academy of Child and Adolescent Psychiatry published in 2012 an article in its journal entitled “The Journal of the American Academy of Child and Adolescent Psychiatry”, stating “[c]linicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial, or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated”; and

WHEREAS, The Pan American Health Organization, a regional office of the World Health Organization, issued a statement in May 2012 that states “[t]hese supposed conversion therapies constitute a violation of the ethical principles of health care and

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violate human rights that are protected by international and regional agreements”; and

WHEREAS, The Pan American Health Organization also noted that reparative therapies “lack medical justification and represent a serious threat to the health and well-being of affected people”; and

WHEREAS, The American Association of Sexuality Educators, Counselors, and Therapists issued a statement in 2014 that states “same sex orientation is not a mental disorder and that [it] opposes any ‘reparative’ or conversion therapy that seeks to ‘change’ or ‘fix’ a person’s sexual orientation”; and

WHEREAS, The American Association of Sexuality Educators, Counselors, and Therapists further stated in 2014 its belief that sexual orientation is not “something that needs to be ‘fixed’ or ‘changed’” and provided as its rationale for this position that “[r]eparative therapy (for minors, in particular) is often forced or nonconsensual[,]”, has “been proven harmful to minors[,]”, and that “[t]here is no scientific evidence supporting the success of these interventions”; and

WHEREAS, The American Association of Sexuality Educators, Counselors, and Therapists also stated in 2014 that “[r]eparative therapy is grounded in the idea that non-heterosexual orientation is ‘disordered’” and that “[r]eparative therapy has been shown to be a negative predictor of psychotherapeutic benefit”; and

WHEREAS, The American College of Physicians wrote a position paper in 2015 stating that it “opposes the use of ‘conversion,’ ‘reorientation,’ or ‘reparative’ therapy for the treatment of LGBT persons[,]”, that “[a]vailable research does not support the use of reparative therapy as an effective model in the treatment of LGBT persons[,]”, and that “[e]vidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons”; and

WHEREAS, Minors who experience family rejection based on their sexual orientation face especially serious health risks; and

WHEREAS, In a study published in 2009 in the journal “Pediatrics”, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse when compared with peers from families that reported no or low levels of family rejection; and

WHEREAS, Maryland has a compelling interest in protecting the physical and psychological well-being of minors, including LGBT youth, and in protecting minors against exposure to serious harm caused by sexual orientation change efforts; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Health Occupations

1-212.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “CONVERSION THERAPY” MEANS A PRACTICE OR TREATMENT BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT SEEKS TO CHANGE AN INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER IDENTITY.

(II) “CONVERSION THERAPY” INCLUDES ANY EFFORT TO CHANGE THE BEHAVIORAL EXPRESSION OF AN INDIVIDUAL’S SEXUAL ORIENTATION, CHANGE GENDER EXPRESSION, OR ELIMINATE OR REDUCE SEXUAL OR ROMANTIC ATTRACTIONS OR FEELINGS TOWARD INDIVIDUALS OF THE SAME GENDER.

(III) “CONVERSION THERAPY” DOES NOT INCLUDE A PRACTICE BY A MENTAL HEALTH OR CHILD CARE PRACTITIONER THAT:

1. PROVIDES ACCEPTANCE, SUPPORT, AND UNDERSTANDING, OR THE FACILITATION OF COPING, SOCIAL SUPPORT, AND IDENTITY EXPLORATION AND DEVELOPMENT, INCLUDING SEXUAL ORIENTATION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR UNSAFE SEXUAL PRACTICES; AND

2. DOES NOT SEEK TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY.

(3) “MENTAL HEALTH OR CHILD CARE PRACTITIONER” MEANS:

(I) A PRACTITIONER LICENSED OR CERTIFIED UNDER TITLE 14, TITLE 17, TITLE 18, TITLE 19, OR TITLE 20 OF THIS ARTICLE; OR

(II) ANY OTHER PRACTITIONER LICENSED OR CERTIFIED UNDER THIS ARTICLE WHO IS AUTHORIZED TO PROVIDE COUNSELING BY THE PRACTITIONER’S LICENSING OR CERTIFYING BOARD.

(B) A MENTAL HEALTH OR CHILD CARE PRACTITIONER MAY NOT ENGAGE IN CONVERSION THERAPY WITH AN INDIVIDUAL WHO IS A MINOR.

(C) A MENTAL HEALTH OR CHILD CARE PRACTITIONER WHO ENGAGED IN

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CONVERSION THERAPY WITH AN INDIVIDUAL WHO IS A MINOR SHALL BE CONSIDERED TO HAVE ENGAGED IN UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINE BY THE MENTAL HEALTH OR CHILD CARE PRACTITIONER'S LICENSING OR CERTIFYING BOARD.

(D) NO STATE FUNDS MAY BE USED FOR THE PURPOSE OF:

(1) CONDUCTING, OR REFERRING AN INDIVIDUAL TO RECEIVE, CONVERSION THERAPY;

(2) PROVIDING HEALTH COVERAGE FOR CONVERSION THERAPY; OR

(3) PROVIDING A GRANT TO OR CONTRACTING WITH ANY ENTITY THAT CONDUCTS OR REFERS AN INDIVIDUAL TO RECEIVE CONVERSION THERAPY.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Report of the American Psychological Association Task Force on
Appropriate Therapeutic Responses
to Sexual Orientation



EXHIBIT B

JA63

Report of the American Psychological Association Task Force on
**Appropriate Therapeutic Responses
to Sexual Orientation**



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Report of the American Psychological Association Task Force on
**Appropriate Therapeutic Responses
to Sexual Orientation**

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APA reports synthesize current psychological knowledge in a given area and may offer recommendations for future action. They do not constitute APA policy or commit APA to the activities described therein. This particular report originated with the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation.

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ABSTRACT

The American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation conducted a systematic review of the peer-reviewed journal literature on sexual orientation change efforts (SOCE) and concluded that efforts to change sexual orientation are unlikely to be successful and involve some risk of harm, contrary to the claims of SOCE practitioners and advocates. Even though the research and clinical literature demonstrate that same-sex sexual and romantic attractions, feelings, and behaviors are normal and positive variations of human sexuality, regardless of sexual orientation identity, the task force concluded that the population that undergoes SOCE tends to have strongly conservative religious views that lead them to seek to change their sexual orientation. Thus, the appropriate application of affirmative therapeutic interventions for those who seek SOCE involves therapist acceptance, support, and understanding of clients and the facilitation of clients' active coping, social support, and identity exploration and development, without imposing a specific sexual orientation identity outcome.

EXECUTIVE SUMMARY

In February 2007, the American Psychological Association (APA) established the Task Force on Appropriate Therapeutic Responses to Sexual Orientation with a charge that included three major tasks:

1. Review and update the Resolution on Appropriate Therapeutic Responses to Sexual Orientation (APA, 1998).
2. Generate a report that includes discussion of the following:
 - The appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change.
 - The appropriate application of affirmative therapeutic interventions for adults who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both.
 - The presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.
 - Education, training, and research issues as they pertain to such therapeutic interventions.
3. Inform APA's response to groups that promote treatments to change sexual orientation or its behavioral expression and support public policy that furthers affirmative therapeutic interventions.
 - Recommendations regarding treatment protocols that promote stereotyped gender-normative behavior to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.

As part of the fulfillment of its charge, the task force undertook an extensive review of the recent literature on psychotherapy and the psychology of sexual orientation. There is a growing body of evidence concluding that sexual stigma, manifested as prejudice and discrimination directed at non-heterosexual sexual orientations and identities, is a major source of stress for sexual minorities. This stress, known as *minority stress*, is a factor in mental health disparities found in some sexual minorities. The minority stress model also provides a framework for considering psychotherapy with sexual minorities, including understanding stress, distress, coping, resilience, and recovery. For instance, the affirmative approach to psychotherapy grew out of an awareness that sexual minorities benefit

Note. We use the term *sexual minority* (cf. Blumenfeld, 1992; McCarn & Fassinger, 1996; Ullerstam, 1966) to designate the entire group of individuals who experience significant erotic and romantic attractions to adult members of their own sex, including those who experience attractions to members of both their own and the other sex. This term is used because we recognize that not all sexual minority individuals adopt a lesbian, gay, or bisexual identity.

when the sexual stigma they experience is addressed in psychotherapy with interventions that reduce and counter internalized stigma and increase active coping.

The task force, in recognition of human diversity, conceptualized affirmative interventions within the domain of cultural competence, consistent with general multicultural approaches that acknowledge the importance of age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status. We see this multiculturally competent and affirmative approach as grounded in an acceptance of the following scientific facts:

- Same-sex sexual attractions, behavior, and orientations per se are normal and positive variants of human sexuality—in other words, they do not indicate either mental or developmental disorders.
- Homosexuality and bisexuality are stigmatized, and this stigma can have a variety of negative consequences (e.g., minority stress) throughout the life span.
- Same-sex sexual attractions and behavior occur in the context of a variety of sexual orientations and sexual orientation identities, and for some, sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) is fluid or has an indefinite outcome.
- Gay men, lesbians, and bisexual individuals form stable, committed relationships and families that are equivalent to heterosexual relationships and families in essential respects.
- Some individuals choose to live their lives in accordance with personal or religious values (e.g., telic congruence).

Summary of the Systematic Review of the Literature

Efficacy and Safety

In order to ascertain whether there was a research basis for revising the 1997 Resolution and providing more specific recommendations to licensed mental health practitioners, the public, and policymakers, the task force performed a systematic review of the peer-reviewed literature to answer three questions:

- Are sexual orientation change efforts (SOCE) effective at changing sexual orientation?
- Are SOCE harmful?
- Are there any additional benefits that can be reasonably attributed to SOCE?

The review covered the peer-reviewed journal articles in English from 1960 to 2007 and included 83 studies. Most studies in this area were conducted before 1978, and only a few studies have been conducted in the last 10 years. We found serious methodological problems in this area of research, such that only a few studies met the minimal standards for evaluating whether psychological treatments, such as efforts to change sexual orientation, are effective. Few studies—all conducted in the period from 1969 to 1978—could be considered true experiments or quasi-experiments that would isolate and control the factors that might effect change (Birk, Huddleston, Miller, & Cohler, 1971; S. James, 1978; McConaghy, 1969, 1976; McConaghy, Proctor, & Barr, 1972; Tanner, 1974, 1975). Only one of these studies (i.e., Tanner, 1974) actually compared people who received a treatment with people who did not and could therefore rule out the possibility that other things, such as being motivated to change, were the true cause of any change the researchers observed in the study participants.

None of the recent research (1999–2007) meets methodological standards that permit conclusions regarding efficacy or safety. The few high-quality studies of SOCE conducted recently are qualitative (e.g., Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001) and aid in an understanding of the population that undergoes sexual orientation change but do not provide the kind of information needed for definitive answers to questions of safety and efficacy. Given the limited amount of methodologically sound research, claims that recent SOCE is effective are not supported.

We concluded that the early high-quality evidence is the best basis for predicting what would be the outcome of valid interventions. These studies show that enduring change to an individual's sexual orientation is uncommon. The participants in this body of research continued to experience same-sex attractions following SOCE and did not report significant change to other-sex attractions that could be empirically validated, though some showed lessened physiological arousal to all sexual stimuli. Compelling evidence of decreased same-sex sexual behavior and of engagement in sexual behavior with the other sex was rare. Few studies

provided strong evidence that any changes produced in laboratory conditions translated to daily life. Thus, the results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex sexual attractions through SOCE.

We found that there was some evidence to indicate that individuals experienced harm from SOCE. Early studies documented iatrogenic effects of aversive forms of SOCE. These negative side effects included loss of sexual feeling, depression, suicidality, and anxiety. High drop rates characterized early aversive treatment studies and may be an indicator that research participants experienced these treatments as harmful. Recent research reports on religious and nonaversive efforts indicate that there are individuals who perceive they have been harmed. Across studies, it is unclear what specific individual characteristics and diagnostic criteria would prospectively distinguish those individuals who will later perceive that they been harmed by SOCE.

Individuals Who Seek SOCE and Their Experiences

Although the recent SOCE research cannot provide conclusions regarding efficacy or safety, it does provide some information on those individuals who participate in change efforts. SOCE research identified a population of individuals who experienced conflicts and distress related to same-sex attractions. The vast majority of people who participated in the early studies were adult White males, and many of these individuals were court-mandated to receive treatment. In the research conducted over the last 10 years, the population was mostly well-educated individuals, predominantly men, who consider religion to be an extremely important part of their lives and participate in traditional or conservative faiths (e.g., The Church of Jesus Christ of Latter-Day Saints, evangelical Christianity, and Orthodox Judaism). These recent studies included a small number of participants who identified as members of ethnic minority groups, and a few studies included women.

Most of the individuals studied had tried a variety of methods to change their sexual orientation, including psychotherapy, support groups, and religious efforts. Many of the individuals studied were recruited from groups endorsing SOCE. The relation between the characteristics of the individuals in samples used in

these studies and the entire population of people who seek SOCE is unknown because the studies have relied entirely on convenience samples.

Former participants in SOCE reported diverse evaluations of their experiences: Some individuals perceived that they had benefited from SOCE, while others perceived that they had been harmed. Individuals who failed to change sexual orientation, while believing they should have changed with such efforts, described their experiences as a significant cause of emotional and spiritual distress and negative self-image. Other individuals reported that SOCE was helpful—for example, it helped them live in a manner consistent with their faith. Some individuals described finding a sense of community through religious SOCE and valued having others with whom they could identify. These effects are similar to those provided by mutual support groups for a range of problems, and the positive benefits reported by participants in SOCE, such as reduction of isolation, alterations in how problems are viewed, and stress reduction, are consistent with the findings of the general mutual support group literature. The research literature indicates that the benefits of SOCE mutual support groups are not unique and can be provided within an affirmative and multiculturally competent framework, which can mitigate the harmful aspects of SOCE by addressing sexual stigma while understanding the importance of religion and social needs.

Recent studies of SOCE participants do not adequately distinguish between sexual orientation and sexual orientation identity. We concluded that the failure to distinguish these aspects of human sexuality has led SOCE research to obscure what actually can or cannot change in human sexuality. The available evidence, from both early and recent studies, suggests that although sexual orientation is unlikely to change, some individuals modified their sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) and other aspects of sexuality (i.e., values and behavior). They did so in a variety of ways and with varied and unpredictable outcomes, some of which were temporary. For instance, in some research, individuals, through participating in SOCE, became skilled in ignoring or tolerating their same-sex attractions. Some individuals report that they went on to lead outwardly heterosexual lives, developing a sexual relationship with an other-sex partner, and adopting a heterosexual identity. These results were less common for those with no prior heterosexual experience.

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*Literature on Children
 and Adolescents*

As part of the fulfillment of our charge, we reviewed the limited research on child and adolescent issues and drew the following conclusions. There is no research demonstrating that providing SOCE to children or adolescents has an impact on adult sexual orientation. The few studies of children with gender identity disorder found no evidence that psychotherapy provided to those children had an impact on adult sexual orientation. There is currently no evidence that teaching or reinforcing stereotyped gender-normative behavior in childhood or adolescence can alter sexual orientation. We have concerns that such interventions may increase self-stigma and minority stress and ultimately increase the distress of children and adolescents.

We were asked to report on adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation. The limited published literature on these programs suggests that many do not present accurate scientific information regarding same-sex sexual orientations to youths and families, are excessively fear-based, and have the potential to increase sexual stigma. These efforts pose challenges to best clinical practices and professional ethics, as they potentially violate current practice guidelines by not providing treatment in the least-restrictive setting possible, by not protecting client autonomy, and by ignoring current scientific information on sexual orientation.

Recommendations and Future Directions

Practice

The task force was asked to report on the appropriate application of affirmative therapeutic interventions for adults who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both. The clinical literature indicated that adults perceive a benefit when they are provided with client-centered, multicultural, evidence-based approaches that provide (a) acceptance and support, (b) assessment, (c) active coping, (d) social support, and (e) identity exploration and development. Acceptance and support include unconditional acceptance and support for the various aspects of the client; respect for the

client's values, beliefs, and needs; and a reduction in internalized sexual stigma. Active coping includes both cognitive and emotional strategies to manage stigma and conflicts, including the development of alternative cognitive frames to resolve cognitive dissonance and the facilitation of affective expression and resolution of losses. Identity exploration and development include offering permission and opportunity to explore a wide range of options and reducing the conflicts caused by dichotomous or conflicting conceptions of self and identity without prioritizing a particular outcome.

This framework is consistent with multicultural and evidence-based practices in psychotherapy (EBPP) and is built on three key findings:

- Our systematic review of the early research found that enduring change to an individual's sexual orientation was unlikely.
- Our review of the scholarly literature on individuals distressed by their sexual orientation indicated that clients perceived a benefit when offered interventions that emphasize acceptance, support, and recognition of important values and concerns.
- Studies indicate that experiences of felt stigma—such as self-stigma, shame, isolation and rejection from relationships and valued communities, lack of emotional support and accurate information, and conflicts between multiple identities and between values and attractions—played a role in creating distress in individuals. Many religious individuals' desired to live their lives in a manner consistent with their values (telic congruence); however, telic congruence based on stigma and shame is unlikely to result in psychological well-being.

In terms of formulating the goals of treatment, we propose that, on the basis of research on sexual orientation and sexual orientation identity, what appears to shift and evolve in some individuals' lives is *sexual orientation identity*, not *sexual orientation*. Given that there is diversity in how individuals define and express their sexual orientation identity, an affirmative approach is supportive of clients' identity development without an a priori treatment goal concerning how clients identify or live out their sexual orientation or spiritual beliefs. This type of therapy can provide a safe space where the different aspects of the evolving self can be acknowledged, explored, and respected and potentially re woven into a more coherent sense of self that feels authentic to the client, and it can be helpful to

those who accept, reject, or are ambivalent about their same-sex attractions. The treatment does not differ, although the outcome of the client's pathway to a sexual orientation identity does. Other potential targets of treatment are emotional adjustment, including shame and self-stigma, and personal beliefs, values, and norms.

We were asked to report on the appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or the behavioral expression of their sexual orientation, or both, or whose parent or guardian expresses a desire for the minor to change. The framework proposed for adults (i.e., acceptance and support, assessment, active coping, social support, and identity exploration and development) is also relevant—with unique relevant features—to children and adolescents. For instance, the clinical literature stresses interventions that accept and support the development of healthy self-esteem, facilitate the achievement of appropriate developmental milestones—including the development of a positive identity—and reduce internalized sexual stigma.

Research indicates that family interventions that reduce rejection and increase acceptance of their child

LMHP can provide to parents who are concerned or distressed by their child's sexual orientation accurate information about sexual orientation and sexual orientation identity and can offer anticipatory guidance and psychotherapy that support family reconciliation.

offer anticipatory guidance and psychotherapy that support family reconciliation (e.g., communication, understanding, and empathy) and maintenance of the child's total health and well-being.

Additionally, the research and clinical literature indicates that increasing social support for sexual minority children and youth by intervening in schools and communities to increase their acceptance and safety is important. Services for children and youth should support and respect age-appropriate issues of self-determination; services should be provided in the least restrictive setting that is clinically possible and should maximize self-determination. At a minimum, the assent of the youth should be obtained and, whenever possible,

a developmentally appropriate informed consent to treatment.

Some religious individuals with same-sex attractions experience psychological distress and conflict due to the perceived irreconcilability of their sexual orientation and religious beliefs. The clinical and research literature encourages the provision of acceptance, support, and recognition of the importance of faith to individuals and communities while recognizing the science of sexual orientation. This includes an understanding of the client's faith and the psychology of religion, especially issues such as religious coping, motivation, and identity. Clients' exploration of possible life paths can address the reality of their sexual orientation and the possibilities for a religiously and spiritually meaningful and rewarding life. Such psychotherapy can enhance clients' search for meaning, significance, and a relationship with the sacred in their lives; increase positive religious coping; foster an understanding of religious motivations; help integrate religious and sexual orientation identities; and reframe sexual orientation identities to reduce self-stigma.

Licensed mental health providers strive to provide interventions that are consistent with current ethical standards. The APA *Ethical Principles of Psychologists and Code of Conduct* (APA, 2002b) and relevant APA guidelines and resolutions (e.g., APA, 2000, 2002c, 2004, 2005a, 2007b) are resources for psychologists, especially Ethical Principles B (Benefit and Harm), D (Justice), and E (Respect for People's Rights and Dignity, including self-determination). For instance, LMHP reduce potential harm and increase potential benefits by basing their scientific and professional judgments and actions on the most current and valid scientific evidence, such as the evidence provided in this report (see APA, 2002b, Standard 2.04, Bases for Scientific and Professional Judgment). LMHP enhance principles of social justice when they strive to understand the effects of sexual stigma, prejudice, and discrimination on the lives of individuals, families, and communities. Further, LMHP aspire to respect diversity in all aspects of their work, including age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, and socioeconomic status.

Self-determination is the process by which a person controls or determines the course of her or his own life (according to the *Oxford American Dictionary*). LMHP maximize self-determination by (a) providing effective psychotherapy that explores the client's assumptions and goals, without preconditions on the outcome; (b) providing resources to manage and reduce distress;

and (c) permitting the client to decide the ultimate goal of how to self-identify and live out her or his sexual orientation. Although some accounts suggest that providing SOCE increases self-determination, we were not persuaded by this argument, as it encourages LMHP to provide treatment that has not provided evidence of efficacy, has the potential to be harmful, and delegates important professional decisions that should be based on qualified expertise and training—such as diagnosis and type of therapy. Rather, therapy that increases the client's ability to cope, understand, acknowledge, and integrate sexual orientation concerns into a self-chosen life is the measured approach.

Education and Training

The task force was asked to provide recommendations on education and training for licensed mental health practitioners working with this population. We recommend that mental health professionals working with individuals who are considering SOCE learn about evidence-based and multicultural interventions and obtain additional knowledge, awareness, and skills in the following areas:

- Sexuality, sexual orientation, and sexual identity development.
- Various perspectives on religion and spirituality, including models of faith development, religious coping, and the positive psychology of religion/
- Identity development, including integration of multiple identities and the resolution of identity conflicts.
- The intersections of age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status.
- Sexual stigma and minority stress.

We also recommend that APA (a) take steps to encourage community colleges, undergraduate programs, graduate school training programs, internship sites, and postdoctoral programs in psychology to include this report and other relevant material on lesbian, gay, bisexual, and transgender (LGBT) issues in their curriculum; (b) maintain the currently high standards for APA approval of continuing professional education providers and programs; (c) offer symposia and continuing professional education workshops at APA's annual convention that

focus on treatment of individuals distressed by their same-sex attractions, especially those who struggle to integrate religious and spiritual beliefs with sexual orientation identities; and (d) disseminate this report widely, including publishing a version of this report in an appropriate journal or other publication.

The information available to the public about SOCE is highly variable and can be confusing and misleading. Sexual minorities, individuals aware of same-sex attractions, families, parents, caregivers, policymakers, the public, and religious leaders can benefit from accurate scientific information about sexual orientation and about appropriate interventions for individuals distressed by their same-sex attractions. We recommend that APA take the lead in creating informational materials for sexual minority individuals, families, parents, and other stakeholders, including religious organizations, on appropriate multiculturally competent and client-centered interventions for those distressed by their sexual orientation and who may seek SOCE and that APA collaborate with other relevant organizations, especially religious organizations, to disseminate this information.

Research

The task force was asked to provide recommendations for future research. We recommend that researchers and practitioners investigate multiculturally competent and affirmative evidence-based treatments for sexual minorities. In addition, we recommend that researchers and practitioners provide such treatments to those who are distressed by their sexual orientation but not aim to alter sexual orientation. For such individuals, the focus would be on frameworks that include acceptance and support, assessment, active coping, social support, and identity exploration, development, and integration without prioritizing one outcome over another.

The research on SOCE has not adequately assessed efficacy and safety. Any future research should conform to best-practice standards for the design of efficacy research. Research on SOCE would (a) use methods that are prospective and longitudinal; (b) employ sampling methods that allow proper generalization; (c) use appropriate, objective, and high-quality measures of sexual orientation and sexual orientation identity; (d) address preexisting and co-occurring conditions, mental health problems, other interventions, and life histories to test competing explanations for any changes; and (e) include measures capable of assessing harm.

Policy

The task force was asked to inform (a) the association's response to groups that promote treatments to change sexual orientation or its behavioral expression and (b) public policy that furthers affirmative therapeutic interventions. We encourage APA to continue its advocacy for LGBT individuals and families and to oppose stigma, prejudice, discrimination, and violence directed at sexual minorities. We recommend that APA take a leadership role in opposing the distortion and selective use of scientific data about homosexuality by individuals and organizations and in supporting the dissemination of accurate scientific and professional information about sexual orientation in order to counteract bias. We encourage APA to engage in collaborative activities with religious communities in pursuit of shared prosocial goals when such collaboration can be done in a mutually respectful manner that is consistent with psychologists' professional and scientific roles.

Finally, the task force recommends that the 1997 APA Resolution on Appropriate Responses to Sexual Orientation be retained. This resolution focuses on ethical issues for practitioners and still serves this purpose. However, on the basis of (a) our systematic review of efficacy and safety issues, (b) the presence of SOCE directed at children and adolescents, (c) the importance of religion for those who currently seek SOCE, and (d) the ideological and political disputes that affect this area, we recommend that APA adopt a new resolution, the Resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, to address these issues (see Appendix A).

PREFACE

In February 2007, the American Psychological Association (APA) established the Task Force on Appropriate Therapeutic Responses to Sexual Orientation with the following charge:

1. Review and update the Resolution on Appropriate Therapeutic Responses to Sexual Orientation (APA, 1998);
2. Generate a report that includes discussion of the following:
 - The appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change.
 - The appropriate application of affirmative therapeutic interventions for adults who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both.
 - The presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.
 - Education, training, and research issues as they pertain to such therapeutic interventions.
 - Recommendations regarding treatment protocols that promote stereotyped gender-normative

behavior to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.

3. Inform APA's response to groups that promote treatments to change sexual orientation or its behavioral expression and support public policy that furthers affirmative therapeutic interventions.

Nominations of task force members were solicited through an open process that was widely publicized through professional publications, electronic media, and organizations. The qualifications sought were (a) advanced knowledge of current theory and research on the development of sexual orientation; (b) advanced knowledge of current theory and research on therapies that aim to change sexual orientation; and (c) extensive expertise in affirmative mental health treatment for one or more of the following populations: children and adolescents who present with distress regarding their sexual orientation, religious individuals in distress regarding their sexual orientation, and adults who present with desires to their change sexual orientation or have undergone therapy to do so. An additional position was added for an expert in research design and methodology. Nominations were open to psychologists, qualified counselors, psychiatrists, or social workers, including members and nonmembers of APA. Nominations of ethnic minority psychologists, bisexual psychologists, psychologists with disabilities, transgender psychologists, and other psychologists

who are members of underrepresented groups were welcomed. In April 2007, then-APA President Sharon Stephens Brehm, PhD, appointed the following people to serve on the task force: Judith M. Glassgold, PsyD (chair); Lee Beckstead, PhD; Jack Drescher, MD; Beverly Greene, PhD; Robin Lin Miller, PhD; and Roger L. Worthington, PhD.

The task force met face-to-face twice in 2007 and supplemented these meetings with consultation and collaboration via teleconference and the Internet. Initially, we reviewed our charge and defined necessary bodies of scientific and professional literature to review to meet that charge. In light of our charge to review the 1997 resolution, we concluded that the most important task was to review the existing scientific literature on treatment outcomes of sexual orientation change efforts.

We also concluded that a review of research before 1997 as well as since 1997 was necessary to provide a complete and thorough evaluation of the scientific literature. Thus, we conducted a review of the available empirical research on treatment efficacy and results published in English from 1960 on and also used common databases such as PsycINFO and Medline, as well as other databases such as ATLA Religion Database, LexisNexis, Social Work Abstracts, and Sociological Abstracts, to review evidence regarding harm and benefit from sexual orientation change efforts (SOCE). The literature review for other areas of the report was also drawn from these databases and included lay sources such as GoogleScholar and material found through Internet searches. Due to our charge, we limited our review to sexual orientation and did not address gender identity, because the final report of another APA task force, the Task Force on Gender Identity and Gender Variance, was forthcoming (see APA, 2009).

The task force received comments from the public, professionals, and other organizations and read all comments received. We also welcomed submission of material from the interested public, mental health professionals, organizations, and scholarly communities. All nominated individuals who were not selected for the task force were invited to submit suggestions for articles and other material for the task force to review. We reviewed all material received. Finally, APA staff met with interested parties to understand their concerns.

The writing of the report was completed in 2008, with editing and revisions occurring in 2009. After a draft report was generated in 2008, the task force asked for professional review by noted scholars in the area who were also APA members. Additionally, APA boards and

committees were asked to select reviewers to provide feedback to the task force. After these reviews were received, the report was revised in line with these comments. In 2009, a second draft was sent to a second group of reviewers, including those who had previously reviewed the report, scholars in the field (including some who were not members of APA), representatives of APA boards and committees, and APA staff. The task force consulted with Nathalie Gilfoyle, JD, of the APA Office of General Counsel, as well as with Stephen Behnke, PhD, JD, of the APA Ethics Office. Other staff members of APA were consulted as needed.

We would like to thank the following two individuals who were invaluable to the accomplishment of our charge: Clinton W. Anderson, PhD, and Charlene DeLong, who supported the task force. Dr. Anderson's knowledge of the field of LGBT psychology as well as his sage counsel, organizational experience, and editorial advice and skills were indispensable. Ms. DeLong was fundamental in providing technological support and aid in coordinating the activities of the task force. Mary Campbell also provided editorial advice on the report, and Stephanie Liotta provided assistance in preparing the final manuscript.

We would also like to acknowledge 2007 APA President Sharon Stephens Brehm, PhD, who was supportive of our goals and provided invaluable perspective at our first meeting, and to thank Alan E. Kazdin, PhD, past president, James H. Bray, PhD, president, and Carol D. Goodheart, EdD, president-elect, for their support. Douglas C. Haldeman, PhD, served as the Board of Director's liaison to the task force in 2007–2008 and provided counsel and expertise. Melba J.T. Vasquez, PhD, Michael Wertheimer, PhD, and Armand R. Cerbone, PhD, members of the APA Board of Directors, also reviewed this report and provided feedback.

We would very much like to thank Gwendolyn Puryear Keita, PhD, the executive director of the APA Public Interest Directorate, for her advice, support, and expertise. In addition, we acknowledge Rhea Farberman, executive director, and Kim Mills, associate executive director, of the APA Public and Member Communications office, for their expertise and support. Stephen H. Behnke, PhD, director of the APA Ethics Office, and Nathalie Gilfoyle, APA Office of the General Counsel, provided invaluable feedback on the report.

We acknowledge the following individuals, who served as scholarly reviewers of the first and second drafts of the report; their feedback on the content was invaluable (in alphabetical order): Eleonora Bartoli,

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1. INTRODUCTION

In the mid-1970s, on the basis of emerging scientific evidence and encouraged by the social movement for ending sexual orientation discrimination, the American Psychological Association (APA) and other professional organizations affirmed that homosexuality per se is not a mental disorder and rejected the stigma of mental illness that the medical and mental health professions had previously placed on sexual minorities.¹ This action, along with the earlier action of the American Psychiatric Association that removed *homosexuality* from the *Diagnostic and Statistical Manual of Mental Disorders (DSM; American Psychiatric Association, 1973)*, helped counter the social stigma that the mental illness concept had helped to create and maintain. Through the 1970s and 1980s, APA and its peer organizations not only adopted a range of position statements supporting nondiscrimination on the basis of sexual orientation (APA, 1975, 2005a; American Psychiatric Association, 1973; American Psychoanalytic Association, 1991, 1992; National Association of Social Workers [NASW], 2003) but also acted on the basis of those positions to advocate for legal and policy changes (APA, 2003, 2005a, 2008b; NASW, 2003). On the basis of growing scientific evidence (Gonsiorek, 1991), licensed mental health providers

¹ We use the term *sexual minority* (cf. Blumenfeld, 1992; McCarn & Fassinger, 1996; Ullerstam, 1966) to designate only those individuals who experience significant erotic and romantic attractions to adult members of their own sex, including those who experience attractions to members of both their own and the other sex. This term is used because we recognize that not all sexual minority individuals adopt a lesbian, gay, or bisexual identity.

(LMHP)² of all professions increasingly took the perspective throughout this period that homosexuality per se is a normal variant³ of human sexuality and that lesbian, gay, and bisexual (LGB) people deserve to be affirmed and supported in their sexual orientation,⁴ relationships, and social opportunities. This approach to psychotherapy is generally termed *affirmative, gay affirmative, or lesbian, gay, and bisexual (LGB) affirmative*.

Consequently, the published literature on psychotherapeutic efforts to change sexual orientation that had been relatively common during the 1950s and 1960s began to decline, and approaches to psychotherapy that were not LGB affirmative came under increased scrutiny (cf. Mitchell, 1978; Wilson & Davison, 1974). The mainstream organizations for psychoanalysis and behavior therapy—the two types of therapeutic orientation most associated with the published literature on sexual orientation change therapies—publicly rejected these practices (American Psychoanalytic Association, 1991, 1992; Davison, 1976, 1978; Davison & Wilson, 1973; Martin, 2003).

² We use the term *licensed mental health providers (LMHP)* to refer to professional providers of mental health services with a variety of educational credentials and training backgrounds, because state licensure is the basic credential for independent practice.

³ We use the adjective *normal* to denote both the absence of a mental disorder and the presence of a positive and healthy outcome of human development.

⁴ We define sexual orientation as an individual's patterns of erotic, sexual, romantic, and affectional arousal and desire for other persons based on those persons' gender and sex characteristics (see pp. 29–32 for a more detailed discussion).

In the early 1990s, some APA members began to express concerns about the resurgence of individuals and organizations that actively promoted the idea of homosexuality as a developmental defect or a spiritual and moral failing and that advocated psychotherapy and religious ministry to alter homosexual feelings and behaviors, because these practices seemed to be an attempt to repathologize sexual minorities (Drescher & Zucker, 2006; Haldeman, 1994; S. L. Morrow & Beckstead, 2004). Many of the individuals and organizations appeared to be embedded within conservative political and religious movements that supported the stigmatization of homosexuality (Drescher, 2003; Drescher & Zucker, 2006; Southern Poverty Law Center, 2005).

The concerns led to APA's adoption in 1997 of the Resolution on Appropriate Therapeutic Responses to Sexual Orientation (APA, 1998). In the resolution, APA reaffirmed the conclusion shared by all mainstream health and mental health professions that homosexuality is not a mental disorder and rejected any form of discrimination based on sexual orientation. In addition, APA highlighted the ethical issues that are raised for psychologists when clients present with a request to change their sexual orientation—issues such as bias, deception, competence, and informed consent (APA, 1997; Schneider, Brown, & Glassgold, 2002). APA reaffirmed in this resolution its opposition to “portrayals of lesbian, gay, and bisexual youths and adults as mentally ill due to their sexual orientation” and defined appropriate interventions as those that “counteract bias that is based in ignorance or unfounded beliefs about sexual orientation” (APA, 1998, p. 934).

In the years since APA's adoption of the 1997 resolution, there have been several developments that have led some APA members to believe that the resolution needed to be reevaluated. First, several professional mental health and medical associations adopted resolutions that opposed sexual orientation change efforts⁵ (SOCE) on the basis that such efforts were ineffective and potentially harmful (e.g., American Counseling Association, 1998; American Psychiatric Association, 2000; American Psychoanalytic Association, 2000; NASW, 1997). In most cases, these statements

⁵ In this report, we use the term *sexual orientation change efforts* (SOCE) to describe methods that aim to change a same-sex sexual orientation (e.g., behavioral techniques, psychoanalytic techniques, medical approaches, religious and spiritual approaches) to heterosexual, regardless of whether mental health professionals or lay individuals (including religious professionals, religious leaders, social groups, and other lay networks, such as self-help groups) are involved.

were substantially different from APA's position, which did not address questions of efficacy or safety of SOCE.

Second, several highly publicized research reports on samples of individuals who had attempted sexual orientation change (e.g., Nicolosi, Byrd, & Potts, 2000; Shidlo & Schroeder, 2002; Spitzer, 2003) and other empirical and theoretical advances in the understanding of sexual orientation were published (e.g., Blanchard, 2008; Chivers, Seto, & Blanchard, 2007; Cochran & Mays, 2006; Diamond, 2008; Diaz, Ayala, & Bein, 2004; DiPlacido, 1998; Harper, Jernewall, & Zea, 2004; Herek, 2009; Herek & Garnets, 2007; Mays & Cochran, 2001; Meyer, 2003; Mustanski, Chivers, & Bailey, 2002; Mustanski, Rahman & Wilson, 2005; Savic & Lindstrom 2008; Szymanski, Kashubeck-West, & Meyer, 2008).

Third, advocates who promote SOCE as well as those who oppose SOCE have asked that APA take action on the issue. On the one hand, professional organizations and advocacy groups that believe that sexual orientation change is unlikely, that homosexuality is a normal variant of human sexuality, and that efforts to change sexual orientation are potentially harmful⁶ wanted APA to take a clearer stand and to clarify the conflicting media reports about the likelihood of sexual orientation change (Drescher, 2003; Ståhlström & Nissinen, 2003). On the other hand, the proponents of SOCE that consist of organizations that adopt a disorder model of homosexuality and/or advocate a religious view of homosexuality as sinful or immoral wanted APA to clearly declare that consumers have the right to choose SOCE (Nicolosi, 2003; Nicolosi & Nicolosi, 2002; Rosik, 2001).

For these reasons, in 2007, APA established the Task Force on Appropriate Therapeutic Responses to Sexual Orientation, with the following charge:

1. Revise and update the Resolution on Appropriate Therapeutic Responses to Sexual Orientation (APA, 1998);
2. Generate a report that includes discussion of the following:
 - The appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or their behavioral expression of their sexual orientation, or both, or

⁶ Two advocacy organizations (Truth Wins Out and Lambda Legal) are encouraging those who feel they were harmed by SOCE to seek legal action against their providers.

whose guardian expresses a desire for the minor to change.

- The appropriate application of affirmative therapeutic interventions for adults who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both.
 - The presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.
 - Education, training, and research issues as they pertain to such therapeutic interventions.
 - Recommendations regarding treatment protocols that promote stereotyped gender-normative behavior to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.
3. Inform APA's response to groups that promote treatments to change sexual orientation or its behavioral expression and support public policy that furthers affirmative therapeutic interventions.

The task force addressed its charge by completing a review and analysis of the broad psychological literature in the field. After reviewing the existing 1997 resolution in light of this literature review, we concluded that a new resolution was necessary. The basis for this conclusion, including a review and analysis of the extant research, is presented in the body of this report, and a new resolution for APA adoption is presented in Appendix A.

The report starts with a brief review of the task force charge and the psychological issues that form the foundation of the report. The second chapter is a brief history of the evolution of psychotherapy, from treatments based on the idea that homosexuality is a disorder to those that focus on affirmative approaches to sexual orientation diversity. Chapters 3 and 4 are a review of the peer-reviewed research on SOCE. Chapter 3 provides a methodological evaluation of this research, and Chapter 4 reports on the outcomes of this research. Chapter 5 reviews a broader base of literature regarding the experience of individuals who seek SOCE in order to elucidate the nature of clients' distress and identity conflicts. Chapter 6 then examines affirmative approaches for psychotherapy practice with adults and presents a specific framework for interventions. Chapter

7 returns to the 1997 APA resolution and its focus on ethics to provide an updated discussion of the ethical issues surrounding SOCE. Chapter 8 considers the more limited body of research on SOCE and reports of affirmative psychotherapy with children, adolescents, and their families. Chapter 9 summarizes the report and presents recommendations for research, practice, education, and policy. The policy resolution that the task force recommends for APA's adoption is Appendix A.

Laying the Foundation of the Report

Understanding Affirmative Therapeutic Interventions

The task force was asked to report on appropriate application of affirmative psychotherapeutic interventions for those who seek to change their sexual orientation. As some debates in the field frame SOCE and conservative religious values as competing viewpoints to affirmative approaches (cf. Throckmorton, 1998; Yarhouse, 1998a) and imply that there is an alternative "neutral" stance, we considered it necessary to explain the term *affirmative therapeutic interventions*, its history, its relationship to our charge and current psychotherapy literature, and our application and definition of the term. The concept of gay-affirmative therapeutic interventions emerged in the early literature on the psychological concerns of sexual minorities (Paul, Weinrich, Gonsiorek, & Hotvedt, 1982; Malyon, 1982), and its meaning has evolved over the last 25 years to include more diversity and complexity (Bieschke, Perez, & DeBord, 2007; Herek & Garnets, 2007; Perez, DeBord, & Bieschke, 2000; Ritter & Terndrup, 2002).

The affirmative approach grew out of a perception that sexual minorities benefit when the sexual stigma⁷ they experience is addressed in psychotherapy with interventions that address the impacts of stigma (APA, 2000; Brown, 2006; Browning, Reynolds, & Dworkin, 1991; Davison, 1978; Malyon, 1982; Ritter & Terndrup, 2002; Shannon & Woods, 1991; Sophie, 1987). For example, Garnets, Hancock, Cochran, Goodchilds, and Peplau (1991) proposed that LHMP use an understanding of societal prejudice and discrimination to guide treatment for sexual minority clients and help these clients overcome negative attitudes about themselves.

⁷ See p. 15 for the definition of sexual stigma.

The most recent literature in the field (e.g., APA, 2000, 2002c, 2004, 2005b, 2007b; Bartoli & Gillem, 2008; Brown, 2006; Herek & Garnets, 2007) places affirmative therapeutic interventions within the larger domain of cultural competence, consistent with general multicultural approaches. Multicultural approaches recognize that individuals, families, and communities exist in social, political, historical, and economic contexts (cf. APA, 2002b) and that human diversity is multifaceted and includes age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status. Understanding and incorporating these aspects of diversity are important to any intervention (APA, 2000, 2002c, 2004, 2005b, 2007b).

The task force takes the perspective that a multiculturally competent and affirmative approach with sexual minorities is based on the scientific knowledge in key areas: (a) homosexuality and bisexuality are stigmatized, and this stigma can have a variety of negative consequences throughout the life span (D'Augelli & Patterson, 1995, 2001); (b) same-sex sexual attractions, behavior, and orientations per se are normal and positive variants of human sexuality and are not indicators of either mental or developmental disorders (American Psychiatric Association, 1973; APA, 2000; Gonsiorek, 1991); (c) same-sex sexual attractions and behavior can occur in the context of a variety of sexual orientation identities (Klein, Sepekoff, & Wolf, 1985; McConaghy, 1999; Diamond, 2006, 2008); and (d) lesbians, gay men, and bisexual people can live satisfying lives and form stable, committed relationships and families that are equivalent to heterosexuals' relationships and families in essential respects (APA, 2005c; Kurdek, 2001, 2003, 2004; Peplau & Fingerhut, 2007).

Although affirmative approaches have historically been conceptualized around helping sexual minorities accept and adopt a gay or lesbian identity (e.g., Browning et al., 1991; Shannon & Woods, 1991), the recent research on sexual orientation identity diversity illustrates that sexual behavior, sexual attraction, and sexual orientation identity are labeled and expressed in many different ways, some of which are fluid (e.g., Diamond, 2006, 2008; Firestein, 2007; Fox, 2004; Patterson, 2008; Savin-Williams, 2005;

R. L. Worthington & Reynolds, 2009). We define an affirmative approach as supportive of clients' identity development without a priori treatment goals for how clients identify or express their sexual orientations. Thus, a multiculturally competent affirmative approach aspires to understand the diverse personal and cultural influences on clients and enables clients to determine (a) the ultimate goals for their identity process; (b) the behavioral expression of their sexual orientation; (c) their public and private social roles; (d) their gender roles, identities, and expression;⁸ (e) the sex⁹ and gender of their partner; and (f) the forms of their relationships.

EVIDENCE-BASED PRACTICE AND EMPIRICALLY SUPPORTED TREATMENTS

Interest in the efficacy,¹⁰ effectiveness, and empirical basis of psychotherapeutic interventions has grown in the last decade. Levant and Hasan (2009) distinguished between two types of treatments: empirically supported treatments (EST) and evidence-based approaches to psychotherapy (EBPP). EST are interventions for individuals with specific disorders that have been demonstrated as effective through rigorously controlled trials (Levant & Hasan, 2009). EBPP is, as defined by APA's Policy Statement on Evidence-Based Practice in Psychology¹¹ (2005a), "the integration of the best available research with clinical expertise in the context of patient characteristics, culture, and preferences" (p. 1; see also, Sackett, Rosenberg, Gray, Haynes, & Richardson, 1996).

We were not able to identify affirmative EST for this population (cf. Martell, Safran, & Prince, 2004). The lack of EST is a common dilemma when working with diverse populations for whom EST have not been developed or when minority populations have not been

⁸ *Gender* refers to the cultural roles, behaviors, activities, and psychological attributes that a particular society considers appropriate for men and women. *Gender identity* is a person's own psychological sense of identification as male or female, another gender, or identifying with no gender. *Gender expression* is the activities and behaviors that purposely or inadvertently communicate our gender identity to others, such as clothing, hairstyles, mannerisms, way of speaking, and social roles.

⁹ We define *sex* as biological maleness and femaleness in contrast to gender, defined above.

¹⁰ *Efficacy* is the measurable effect of an intervention, and *effectiveness* aims to determine whether interventions have measurable effects in real-world settings across populations (Nathan, Stuart, & Dolan, 2000).

¹¹ Discussion of the overall implications for practice can be found in Goodheart, Kazdin, and Sternberg (2006) and the *Report of the 2005 Presidential Task Force on Evidence-Based Practice* (APA, 2005b).

included in trials (Brown, 2006; Martell et al., 2004; Sue & Zane, 2006; Whaley & Davis, 2007). Thus, we provide an affirmative model in Chapter 6 that is consistent with APA's definition of EBPP in that it applies the most current and best evidence available to guide decisions about the care of this population (APA, 2005a; Sackett et al., 1996). We considered the APA EBPP resolution as utilizing a flexible concept of evidence, because it incorporates research based on well-designed studies with client values and clinical expertise. Given that the distress surrounding sexual orientation is not included in psychotherapy research (because it is not a clearly defined syndrome) and most treatment studies in psychology are for specific mental health disorders, not for problems of adjustment or identity relevant to sexual orientation concerns, we saw this flexibility as necessary (Brown, 2006). However, EST for specific disorders can be incorporated into this affirmative approach (cf. Martell et al., 2004). We acknowledge that the model presented in this report would benefit from rigorous evaluation.

Affirmative approaches, as understood by this task force, are evidence-based in three significant ways:

- They are based on the evidence that homosexuality is not a mental illness or disorder, which has a significant empirical foundation (APA, 2000; Gonsiorek, 1991).
- They are based on studies of the role of stigma in creating distress and health disparities in sexual minorities (Cochran & Mays, 2006; Mays & Cochran, 2001; Meyer, 1995, 2003; Pachankis, 2007; Pachankis & Goldfried, 2004; Pachankis, Goldfried, & Ramrattan, 2008; Safren & Heimberg, 1999).
- They are based on the literature that has shown the importance of the therapeutic alliance and relationship on outcomes in therapy and that these outcomes are linked to empathy, positive regard, honesty, and other factors encompassed in the affirmative perspective on therapeutic interventions (Ackerman & Hilsenroth, 2003; Brown, 2006; Farber & Lane, 2002; Horvath & Bedi, 2002; Norcross, 2002; Norcross & Hill, 2004).

The affirmative approach was the subject of a recent literature review that found that clients describe the safety, affirmation, empathy, and nonjudgmental acceptance inherent in the affirmative approach as helpful in their therapeutic process (M. King, Semlyen, Killaspy, Nazareth, & Osborn, 2007; see also, M. A.

Jones & Gabriel, 1999). King et al. concluded that a knowledge base about sexual minorities' lives and social context is important for effective practice.

Sexual Stigma

To understand the mental health concerns of sexual minorities, one must understand the social psychological concept of stigma (Herek & Garnets, 2007). Goffman (1963) defined stigma as an undesirable difference that discredits the individual. Link and Phelan (2001) characterized stigma as occurring when (a) individual differences are labeled; (b) these differences are linked to undesirable traits or negative stereotypes; (c) labeled individuals are placed in distinct categories that separate them from the mainstream; and (d) labeled persons experience discrimination and loss of status that lead to unequal access to social, economic, and political power. This inequality is a consequence of stigma and discrimination rather than of the differences themselves (Herek, 2009). Stigma is a fact of the interpersonal, cultural, legal, political, and social climate in which sexual minorities live.

The stigma that defines sexual minorities has been termed *sexual stigma*:¹² "the stigma attached to any non-heterosexual behavior, identity, relationship or community" (Herek, 2009, p. 3). This stigma operates both at the societal level and at the individual level. The impact of this stigma as a stressor may be the unique factor that characterizes sexual minorities as a group (Herek, 2009; Herek & Garnets, 2007; Katz, 1995).

Further, stigma has shaped the attitudes of mental health professions and related institutions toward this population (Drescher, 1998a; Haldeman, 1994; LeVay, 1996; Murphy, 1997; Silverstein, 1991). Moral and religious values in North America and Europe provided the initial rationale for criminalization, discrimination, and prejudice against same-sex behaviors (Katz, 1995). In the late modern period, the medical and mental health professions added a new type of stigmatization and discrimination

¹² Herek (2009) coined this term, and we use it because of the comprehensive analysis in which it is embedded. There are other terms for the same construct, such as Balsam and Mohr's (2007) *sexual orientation stigma*.

by conceptualizing and treating homosexuality as a mental illness or disorder (Brown, 1996; Katz, 1995).

Sexual minorities may face additional stigmas, as well, such as those related to age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status. At the societal level, sexual stigma is embedded in social structures through civil and criminal law, social policy, psychology, psychiatry, medicine, religion, and other social institutions. Sexual stigma is reflected in disparate legal and social treatment by institutions and is apparent in, for example, (a) the long history of criminalization of same-sex sexual behaviors; (b) the lack of legal protection for LGB individuals from discrimination in employment, health care, and housing; and (c) the lack of benefits for LGB relationships and families that would support their family formation, in contrast to the extensive benefits that accrue to heterosexual married couples and even sometimes to unmarried heterosexual couples.¹³ The structural sexual stigma, called *heterosexism* in the scholarly literature, legitimizes and perpetuates stigma against sexual minorities and perpetuates the power differential between sexual minorities and others (Herek, 2007; see also Szymanski et al., 2008).

Expressions of stigma, such as violence, discrimination, rejection, and other negative interpersonal interactions, are *enacted stigma* (Herek, 2009). Individuals' expectations about the probability that stigma will be enacted in various situations is *felt stigma*. Individuals' efforts to avoid enacted and *felt stigma* may include withdrawing from self (e.g., self-denial or compartmentalization) and withdrawing from others (e.g., self-concealment or avoidance) (e.g., see Beckstead & Morrow, 2004; Drescher, 1998a; Malyon, 1982; Pachankis, 2007; Pachankis, Goldfried, & Ramrattan, 2008; Troiden, 1993).

In Herek's (2009) model, *internalized stigma*¹⁴ is the adoption of the social stigma applied to sexual

¹³ Same-sex sexual behaviors were only recently universally decriminalized in the United States by Supreme Court action in *Lawrence v. Texas* (2003). There is no federal protection from employment and housing discrimination for LGB individuals, and only 20 states offer this protection. Only 4 states permit same-sex couples to marry, 7 permit civil unions or domestic partnerships, and 5 have some limited form of recognition. For more examples, see National Gay and Lesbian Task Force, n.d.).

¹⁴ Herek (2009) defined internalization as "the process whereby individuals adopt a social value, belief, regulation, or prescription for conduct as their own and experience it as part of themselves" (p. 7). The internalization of negative attitudes and assumptions concerning homosexuality has often been termed *internalized homophobia*

minorities. Members of the stigmatized groups as well as nonmembers of the group can internalize these values. *Self-stigma* is internalized stigma in those individuals who experience same-sex sexual attractions and whose self-concept matches the stigmatizing interpretations of society. Examples of this self-stigma are (a) accepting society's negative evaluation and (b) harboring negative attitudes toward oneself and one's own same-sex sexual attractions. *Sexual prejudice* is the internalized sexual stigma held by the non-stigmatized majority.

The Impact of Stigma on Members of Stigmatized Groups

One of the assumptions of the stigma model is that social stigma influences the individual through its impact on the different settings, contexts, and relationships that each human being is a part of (D'Augelli, 1994). This hypothesis appears to be confirmed by a body of literature comparing sexual minority populations to the general population that has found health disparities between the two (Cochran & Mays, 2006; Mays & Cochran, 2001). The concept of minority stress (e.g., DiPlacido, 1998; Hatzenbuehler, Nolen-Hoeksema, & Erickson, 2008; Meyer, 1995, 2003) has been increasingly used to explain these health disparities in much the same way that concepts of racism-derived stress and minority stress have been used to explain health disparities and mental health concerns in ethnic minority groups (Carter, 2007; Harrell, 2000; Mays, Cochran, & Barnes, 2007; Saldaina, 1994; Wei, Ku, Russell, Mallinckrodt, & Liao, 2008). Theoretically any minority group facing social stigma and prejudice, including stigma due to age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status, could develop minority stress.

In theory, minority stress—chronic stress experienced by members of minority groups—causes distress in certain sexual minority individuals (DiPlacido, 1998; Meyer, 1995, 2003). Meyer (2003) described these stress processes as due to (a) external objective events and conditions, such as discrimination and violence; (b) expectations of such events, and the vigilance that

(Malyon, 1982; Sophie, 1987; Weinberg, 1972). However, this term has been criticized because holding negative attitudes does not necessarily involve a phobia; in other words, "an exaggerated usually inexplicable and illogical fear of a particular object, class of objects, situation (Merriam-Webster's Online Dictionary, n.d.).

such expectations bring; and (c) internalization of negative social and cultural attitudes. For instance, mental health outcomes among gay men have been found to be influenced by negative appraisals of stigma-related stressors (Meyer, 1995).

The task force sees stigma and minority stress as playing a manifest role in the lives of individuals who seek to change their sexual orientation (Davison, 1978, 1982, 1991; Herek, Cogan, Gillis, & Glunt, 1998; Green, 2003; Silverstein, 1991; Tozer & Hayes, 2004). Davison, in particular, has argued that individuals who seek psychotherapy to change their sexual orientation do so because of the distress arising from the impact of stigma and discrimination. A survey of a small sample of former SOCE clients in Britain supports this hypothesis, as many of the former participants reported that hostile social and family attitudes and the criminalization of homosexual conduct were the reasons they sought treatment (Smith, Bartlett, & King, 2004).

One of the advantages of the minority stress model is that it provides a framework for considering the social context of stress, distress, coping, resilience (Allen, 2001; David & Knight, 2008; Herek, Gillis, & Cogan, 2009; Selvidge, Matthews, & Bridges, 2008; Levitt et al., 2009; Pachankis, 2007), and the goals of affirmative psychotherapy (Beckstead & Israel, 2007; Bieschke, 2008; Frost & Meyer, 2009; Glassgold, 2007; Rostosky, Riggle, Horne, & Miller, 2009; Martell et al., 2004; Russell & Bohan, 2007). Some authors propose that lesbians, gay men, and bisexual men and women improve their mental health and functioning through a process of positive coping, termed *stigma competence* (David & Knight, 2008). In this model, it is proposed that through actions such as personal acceptance of one's LGB identity and reduction of internalized stigma, an individual develops a greater ability to cope with stigma (cf. Crawford, Allison, Zamboni, & Soto, 2002; D'Augelli, 1994). For instance, Herek and Garnets (2007) proposed that collective identity (often termed *social identity*)¹⁵ mitigates the impact of minority stress above and beyond the effects of individual factors such as coping skills, optimism, and resiliency. Individuals with a strong sense of positive collective identity integrate their group affiliation into their core self-concept and have community resources for responding to stigma (Balsam & Mohr, 2007; Crawford et al., 2002; Levitt et al., 2009). In support of this hypothesis, Balsam and Mohr (2007) found that collective identity,

¹⁵ A collective or social identity refers to an individual's sense of belonging to a group (the collective), and the collective or social identity forms a part of his or her personal identity.

community participation, and identity confusion predicted coping with sexual stigma.

Psychology, Religion, and Homosexuality

Most of the recent studies on SOCE focus on populations with strong religious beliefs (e.g., Beckstead & Morrow, 2004; Nicolosi et al., 2000; Schaeffer, Hyde, Kroencke, McCormick, & Nottebaum, 2000; Ponticelli, 1999; Spitzer, 2003; Tozer & Hayes, 2004; Wolkomir, 2001). Beliefs about sexual behavior and sexual orientation rooted in interpretations of traditional religious doctrine also guide some efforts to change others' sexual orientation as well as political opposition to the expansion of civil rights for LGB individuals and their relationships (Burack & Josephson, 2005; S. L. Morrow & Beckstead, 2004; Southern Poverty Law Center, 2005; Pew Forum on Religion and Public Life, 2003; Olyam & Nussbaum, 1998). One of the issues in SOCE is the expansion of religiously based SOCE. Religious beliefs, motivations, and struggles play a role in the motivations of individuals who currently engage in SOCE (Beckstead & Morrow, 2004; Ponticelli, 1999; Shidlo & Schroeder, 2002; Wolkomir, 2001; Yarhouse, Tan, & Pawlowski, 2005). Thus, we considered an examination of issues in the psychology of religion to be an important part in fulfilling our charge.

Intersections of Psychology, Religion, and Sexual Orientation

World religions regard homosexuality from a spectrum of viewpoints. It is important to note that some religious denominations' beliefs and practices have changed over time, reflecting evolving scientific and civil rights perspectives on homosexuality and sexual orientation (see, e.g., Dorff, Nevins, & Reisner, 2006; Hebrew Union College, n.d.; Olyam & Nussbaum, 1998; Ontario Consultants on Religious Tolerance, n.d.). A number of religious denominations in the United States welcome LGB laity, and a smaller number ordain LGB clergy (e.g., Reconstructionist Judaism, Reform Judaism, Conservative Judaism, Buddhist Peace Fellowship, Buddhist Churches of America, Episcopal Church of America, Friends General Conference, Unitarian Society, United Church of Christ Congregational) (Greenberg, 2004; Hebrew Union College, n.d.; Olyam & Nussbaum, 1998; Ontario Consultants on Religious Tolerance, n.d.). However,

others view homosexuality as immoral and sinful (e.g., Christian Reformed Church of North America, Church of Jesus Christ of Latter-Day Saints, Eastern Orthodox Christianity, Orthodox Judaism, Presbyterian Church in American, Roman Catholicism, Southern Baptist Convention, United Methodist Church) (Ontario Consultants on Religious Tolerance, n.d.). These issues are being discussed within numerous denominations (e.g., Van Voorst, 2005), and some views are in flux (e.g., the Presbyterian Church (USA) (Ontario Consultants on Religious Tolerance, n.d.).

Several professional publications (e.g., *Journal of Gay and Lesbian Psychotherapy*, 2001, 5[3/4]; *Professional Psychology*, 2002, 33[3]; *Archives of Sexual Behavior*,

Some difficulties arise because the professional psychological community considers same-sex sexual attractions and behaviors to be a positive variant of human sexuality, while some traditional faiths continue to consider it a sin, moral failing, or disorder that needs to be changed.

2003, 32[5]; *The Counseling Psychologist*, 2004, 32[5]; *Journal of Psychology and Christianity*, 2005, 24[4]) have specifically considered the interactions among scientific views of sexual orientation, religious beliefs, psychotherapy, and professional ethics. Some difficulties arise because the professional

psychological community considers same-sex sexual attractions and behaviors to be a positive variant of human sexuality, while some traditional faiths continue to consider it a sin, moral failing, or disorder that needs to be changed.

The conflict between psychology and traditional faiths may have its roots in different philosophical viewpoints. Some religions give priority to *telic congruence* (i.e., living consistently within one's valuative goals¹⁶) (W. Hathaway, personal communication, June 30, 2008; cf. Richards & Bergin, 2005). Some authors propose that for adherents of these religions, religious perspectives and values should be integrated into the goals of psychotherapy (Richards & Bergin, 2005; Throckmorton & Yarhouse, 2006). Affirmative and multicultural models of LGB psychology give priority to *organismic congruence* (i.e., living with a sense of wholeness in one's experiential self¹⁷) (W. Hathaway, personal

¹⁶ These conflicts are not unique to religious individuals but are applicable to individuals making commitments and decisions about how to live according to specific ethics and ideals (cf. Baumeister & Exline, 2000; Diener, 2000; Richards & Bergin, 2005; Schwartz, 2000).

¹⁷ Such naturalistic and empirically based models stress the

communication, June 30, 2008; cf. Gonsiorek, 2004; Malyon, 1982). This perspective gives priority to the unfolding of developmental processes, including self-awareness and personal identity.

This difference in worldviews can impact psychotherapy. For instance, individuals who have strong religious beliefs can experience tensions and conflicts between their ideal self and beliefs and their sexual and affectional needs and desires (Beckstead & Morrow, 2004; D. F. Morrow, 2003). The different worldviews would approach psychotherapy for these individuals from dissimilar perspectives: The telic strategy would prioritize values (Rosik, 2003; Yarhouse & Burkett, 2002), whereas the organismic approach would give priority to the development of self-awareness and identity (Beckstead & Israel, 2007; Gonsiorek, 2004; Haldeman, 2004). It is important to note that the organismic worldview can be congruent with and respectful of religion (Beckstead & Israel, 2007; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Mark, 2008), and the telic worldview can be aware of sexual stigma and respectful of sexual orientation (Throckmorton & Yarhouse, 2006; Tan, 2008; Yarhouse, 2008). Understanding this philosophical difference may improve the dialogue between these two perspectives represented in the literature, as it refocuses the debate not on one group's perceived rejection of homosexuals or the other group's perceived minimization of religious viewpoints but on philosophical differences that extend beyond this particular subject matter. However, some of the differences between these philosophical assumptions may be difficult to bridge.

Contrasting views exist within psychology regarding religious views about homosexuality. One way in which psychology has traditionally examined the intersections between religion and homosexuality is by studying the impact of religious beliefs and motivations on attitudes and framing the discussion in terms of tolerance and prejudice (Fulton, Gorsuch, & Maynard, 1999; Herek, 1987; Hunsberger & Jackson, 2005; Plugge-Foust & Strickland, 2000; Schwartz & Lindley, 2005). For instance, one finding is that religious fundamentalism is correlated with negative views of homosexuality, whereas a quest orientation is associated with decreased discriminatory or prejudicial attitudes (Batson, Flink, Schoenrade, Fultz, & Pych, 1986; Batson, Naifeh, & Pate, 1978; Fulton et al., 1999; Plugge-Foust & Strickland, 2000). However, some authors have argued,

organization, unity, and integration of human beings expressed through each individual's inherent growth or developmental tendency (see, e.g., Rogers, 1961; Ryan, 1995).

in contrast to this approach, that conservative religious moral beliefs and evaluations about same-sex sexual behaviors and LGB individuals and relationships should be treated as religious diversity rather than as sexual prejudice (e.g., Rosik, 2007; Yarhouse & Burkett, 2002; Yarhouse & Throckmorton, 2002).

APA Policies on the Intersection of Religion and Psychology

APA has addressed the interactions of religion and psychology in two recent resolutions: the Resolution Rejecting Intelligent Design as Scientific and Reaffirming Support for Evolutionary Theory (APA, 2008b) and the Resolution on Religious, Religion-Related, and/or Religion-Derived Prejudice (2008c). The first resolution articulates psychology's epistemological commitment: Hypothesis testing through rigorous scientific methods is the best means to gain new knowledge and to evaluate current practices, and psychologists base their theories on such research:

While we are respectful of religion and individuals' right to their own religious beliefs, we also recognize that science and religion are separate and distinct. For a theory to be taught as science it must be testable, supported by empirical evidence and subject to disconfirmation. (APA, 2007a)

This is in contrast to viewpoints based on faith, as faith does not need confirmation through scientific evidence. Further, science assumes some ideas can be rejected when proven false; faith and religious beliefs cannot be falsified in the eyes of adherents.

The APA Council of Representatives also passed a Resolution on Religious, Religion-Related, and/or Religion-Derived Prejudice (2008b). This resolution

The resolution affirms APA's position that prejudices directed at individuals because of their religious beliefs and prejudices derived from or justified by religion are harmful to individuals, society, and international relations.

acknowledges the existence of two forms of prejudice related to religion: one derived from religious beliefs and another directed at religions and their adherents. The APA strongly condemns both forms of prejudice. The resolution affirms APA's position that

prejudices directed at individuals because of their religious beliefs and prejudices derived from or justified

by religion are harmful to individuals, society, and international relations.

In areas of conflicts between psychology and religion, as the APA Resolution on Religious, Religion-Related, and/or Religion-Derived Prejudice (2008b) states, psychology has no legitimate function in "arbitrating matters of faith and theology" (line 433) or to "adjudicate religious or spiritual tenets," and psychologists are urged to limit themselves to speak to "psychological implications of religious/spiritual beliefs or practices when relevant psychological findings about those implications exist" (line 433). Further, the resolution states that faith traditions "have no legitimate place arbitrating behavioral or other sciences" (line 432) or to "adjudicate empirical scientific issues in psychology" (line 432).

The APA (2002b, 2008c) recommends that psychologists acknowledge the importance of religion and spirituality as forms of meaning-making, tradition, culture, identity, community, and diversity. Psychologists do not discriminate against individuals based on those factors. Further, when devising interventions and conducting research, psychologists consider the importance of religious beliefs and cultural values and, where appropriate, consider religiously and culturally sensitive techniques and approaches (APA, 2008c).

Psychology of Religion

Historically, some in psychology and psychiatry have held negative views of religion (Wulff, 1997). Yet, with the development of more sophisticated methodologies and conceptualizations, the field of the psychology of religion has flourished in the last 30 years (Emmons & Paloutzian, 2003), culminating in new interest in a diverse field (e.g., Koenig & Larson, 2001; Paloutzian & Park, 2005; Pargament, 2002; Pargament & Mahoney, 2005; Richards & Bergin, 2005; Sperry & Shafranske, 2004; Spilka, Hood, Hunsberger, & Gorsuch, 2003).

Many scholars have attempted to elucidate what is significant and unique about religious and spiritual faith, beliefs, and experiences (e.g., George, Larson, Koenig, & McCullough, 2000; McClennon, 1994). Pargament, Maygar-Russell, and Murray-Swank (2005) summarized religion's impact on people's lives as a unique form of motivation regarding how to live one's life and how to respond to self, others, and life events; a source of significance regarding what aspects of life one imbues with meaning and power; a contributor to mortality and health; a form of positive

and negative coping; and a source of fulfillment and distress. Others, such as Fowler (1981, 1991) and colleagues (Oser, 1991; Streib, 2001, 2005) have posited developmental models of religious identity that are helpful in understanding personal faith.

Additionally, there is a growing literature on integrating spirituality into psychotherapy practice (Richards & Bergin, 2000, 2004, 2005; Shafranske, 2000; Sperry & Shafranske, 2004; E. L. Worthington, Kurusu, McCullough, & Sandage, 1996). These approaches include delineating how LMHP can work effectively with individuals from diverse religious traditions (Richards & Bergin, 2000, 2004; Sperry & Shafranske, 2004). Many of these techniques can be effective (McCullough, 1999) and improve outcomes in clinical treatment with religious clients (Probst, Ostrom, Watkins, Dean, & Mashburn, 1992; Richards, Berrett, Hardman, & Eggett, 2006; E. L. Worthington et al., 1996), even for clients in treatment with secular LMHP (Mayers, Leavey, Vallianatou, & Barker, 2007). These innovations point to ways that psychology can explore and understand religious beliefs and faith in an evidence-based and respectful manner.

There have been claims that some LMHP do not address the issues of conservative religious individuals who are distressed by their same-sex sexual attractions (e.g., Yarhouse, 1998a; Throckmorton, 2002; Yarhouse & Burkett, 2002; Yarhouse & Throckmorton, 2002). One of the problems in the field has been an either/or perspective in which sexual orientation and religion are seen as incompatible (Phillips, 2004). Certainly, some individuals may perceive their religion and their sexual orientation as incompatible, because in some faiths homosexuality is perceived as sinful and immoral. However, there is a growing body of evidence illustrating that many individuals do integrate their religious and sexual orientation identities (Coyle & Rafalin, 2000; Kerr, 1997; Mahaffy, 1996; Rodriguez, 2006; Rodriguez & Ouellete, 2000; Thumma, 1991; Yip, 2002, 2003, 2005). Thus, this dichotomy may be enabling a discourse that does not fully reflect the evidence and may be hindering progress to find a variety of viable solutions for clients.

Recently, some authors have suggested alternative frameworks, many of which are drawn from a variety of models of psychotherapy, such as multicultural views of psychology and the psychology of religion, that provide frames for appropriate psychotherapeutic interventions seeking to bridge this divide (Bartoli & Gillem, 2008; Beckstead & Israel, 2007; Buchanon, Dzelme, Harris, & Hecker, 2001; Glassgold, 2008; Gonsiorek, 2004;

Haldeman, 2004; Lasser & Gottlieb, 2004; S. L. Morrow & Beckstead, 2004; Ritter & O'Neill, 1989; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse, 2008). For instance, a growing number of authors

We take the perspective that religious faith and psychology do not have to be seen as being opposed to each other. Further, psychotherapy that respects faith can also explore the psychological implications and impacts of such beliefs.

address the religious and spiritual needs of LGBT individuals from integrative and affirmative perspectives that provide resources for LMHP working with this population (Astramovich, 2003; Beckstead & Israel, 2007; Beckstead & Morrow, 2004;

Glassgold, 2008; Haldeman, 1996, 2004; Horne & Noffsinger-Frazier, 2003; Mark, 2008; D. F. Morrow, 2003; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989; Throckmorton & Yarhouse, 2006; Yarhouse, 2008). Based on of these scholarly contributions, we take the perspective that religious faith and psychology do not have to be seen as being opposed to each other. Further, psychotherapy that respects faith can also explore the psychological implications and impacts of such beliefs.

We support affirmative and multi-culturally competent approaches that integrate concepts from the psychology of religion and the modern psychology of sexual orientation. These perspectives are elaborated later in this report. In the next chapter we review the history of SOCE in order to provide a perspective on the foundation and evolution of these approaches.

2. A BRIEF HISTORY OF SEXUAL ORIENTATION CHANGE EFFORTS

Sexual orientation change efforts within mental health fields originally developed from the science of sexuality in the middle of the 19th century (Katz, 1995). At that time, same-sex eroticism and gender nonconforming behaviors came under increased medical and scientific scrutiny. New terms, such as *urnings*, *inversion*, *homosexual*, and *homosexuality*, emerged as scientists, social critics, and physicians sought to make sense of what was previously defined as sin or crime (Katz, 1995). This shift to a scientific approach did not challenge the underlying social values, however, and thus continued to reflect the existing sexual stigma, discrimination, criminalization, and heterosexism. Much of the medical and scientific work at that time conceptualized homosexual attractions and behaviors as abnormal or as an illness (Katz, 1995).

In that era, homosexuality was predominantly viewed as either a criminal act or a medical problem, or both (Krafft-Ebing, 1886/1965). Homosexuality was seen as caused by psychological immaturity (i.e., as a passing phase to be outgrown on the road to adult heterosexuality) or pathology (e.g., genetic defects, gender-based confusions, intrauterine hormonal exposure, too much parental control, insufficient parenting, hostile parenting, seduction, molestation, or decadent lifestyles) (Drescher, 1998a, 2002). The first treatments attempted to correct or repair the damage done by pathogenic factors or to facilitate maturity (Drescher, 1998a, 2002; LeVay, 1996; Murphy, 1992, 1997). These perspectives on homosexuality lasted into the first half of the 20th century, shaping the views of

psychoanalysis, the dominant psychiatric paradigm of that time (Drescher, 1998a).

Homosexuality and Psychoanalysis

Initial psychotherapeutic approaches to homosexuality of the first half of the 20th century reflected psychoanalytic theory. Freud's own views on sexual orientation and homosexuality were complex. Freud viewed homosexuality as a developmental arrest and heterosexuality as the adult norm, although bisexuality was normative (Freud, 1905/1960). However, in a now-famous letter, Freud (1935/1960) reassured a mother writing to him about her son that homosexuality was "nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness, but a variation of sexual function" (p. 423). He further went on to say that psychoanalysts could not promise to "abolish homosexuality and make normal heterosexuality take its place" (p. 423), as the results of treatment could not be determined. Freud's only report (1920/1960) about his deliberate attempt to change someone's sexual orientation described his unsuccessful efforts at changing the sexual orientation of a young woman brought for involuntary treatment by her parents. At the end of this case, Freud concluded that attempts to change homosexual sexual orientation were likely to be unsuccessful.¹⁸

¹⁸ Analyses of this case have focused on Freud's intense negative reactions to this young woman and his attempts to enforce social

In the psychoanalysis that dominated the mental health fields after Freud, especially in the United States, homosexuality was viewed negatively, considered to be abnormal, and believed to be caused by family dynamics (Bieber et al., 1962; Rado, 1940; Socarides, 1968). Other approaches based loosely on psychoanalytic ideas advocated altering gender-role behaviors to increase conformity with traditional gender roles (Moberly, 1983; Nicolosi, 1991). Significantly impacting psychiatric thought in the mid-20th century, these theories were part of the rationale for including homosexuality as a mental illness in both the first (1952) and second (1968) editions of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, thus reinforcing and exacerbating sexual stigma and sexual prejudice. It was during this period that the first attempts to study the efficacy of SOCE were conducted (e.g., Bieber et al., 1962).

Sexual Orientation Change Efforts

The pathologizing psychiatric and psychological conception of homosexuality and concomitant efforts to alter sexual orientation through psychoanalytic and behavior therapy were prevalent through the 1960s and into the early 1970s. Although behavior therapy emerged in the 1960s, adding a different set of techniques to psychotherapy, the goals of SOCE did not change. For example, Ovesey (1969) based his behavioral interventions on the belief that homosexuality developed from a phobia of taking on the normal qualities of one's gender and that sexual intercourse with the other¹⁹ sex would cure the so-called phobia.

Behavior therapists tried a variety of aversion treatments, such as inducing nausea, vomiting, or paralysis; providing electric shocks; or having the individual snap an elastic band around the wrist when the individual became aroused to same-sex erotic images or thoughts. Other examples of aversive behavioral treatments included covert sensitization, shame aversion, systematic desensitization, orgasmic

conformity—especially with regard to traditional female gender roles and sexuality (e.g., Lesser & Schoenberg, 1999; O'Connor & Ryan, 1993).

¹⁹ We use *other sex* instead of *opposite sex*, as the latter term makes assumptions regarding the binary nature of male and female that are unsupported. We acknowledge that this term also has limitations, as there are fluid and diverse representations of sex and gender in many cultures.

reconditioning, and satiation therapy (Beckstead & Morrow, 2004; S. James, 1978; Langevin, 1983; LeVay, 1996; Katz, 1995; Murphy, 1992, 1997). Some nonaversive treatments used an educational process of dating skills, assertiveness, and affection training with physical and social reinforcement to increase other-sex sexual behaviors (Binder, 1977; Greenspoon & Lamal, 1987; Stevenson & Wolpe, 1960). Cognitive therapists attempted to change gay men's and lesbians' thought patterns by reframing desires, redirecting thoughts, or using hypnosis, with the goal of changing sexual arousal, behavior, and orientation (e.g., Ellis, 1956, 1959, 1965).

Affirmative Approaches: Kinsey; Ford and Beach; and Hooker

At the same time that the pathologizing views of homosexuality in American psychiatry and psychology were being codified, countervailing evidence was accumulating that this stigmatizing view was ill founded. The publication of *Sexual Behavior in the Human Male* (Kinsey, Pomeroy, & Martin, 1948) and *Sexual Behavior in the Human Female* (Kinsey, Pomeroy, Martin, & Gebhard, 1953) demonstrated that homosexuality was more common than previously assumed, thus suggesting that such behaviors were part of a continuum of sexual behaviors and orientations. C. S. Ford and Beach (1951) revealed that same-sex behaviors and homosexuality were present in a wide range of animal species and human cultures. This finding suggested that there was nothing unnatural about same-sex behaviors or homosexual sexual orientation.

Psychologist Evelyn Hooker's (1957) research put the idea of homosexuality as mental disorder to a scientific test. She studied a nonclinical sample of homosexual men and compared them with a matched sample of heterosexual men. Hooker found, among other things, that based on three projective measures (the Thematic Apperception Test, the Make-a-Picture-Story test, and the Rorschach), the homosexual men were comparable to their matched heterosexual peers on ratings of adjustment. Strikingly, the experts who examined the Rorschach protocols could not distinguish the protocols of the homosexual cohort from the heterosexual cohort, a glaring inconsistency with the then-dominant understanding of homosexuality and projective assessment techniques. Armon (1960)

performed research on homosexual women and found similar results.

In the years following Hooker's (1957) and Armon's (1960) research, inquiry into sexuality and sexual orientation proliferated. Two major developments marked an important change in the study of homosexuality. First, following Hooker's lead, more researchers conducted studies of nonclinical samples of homosexual men and women. Prior studies primarily included participants who were in distress or incarcerated. Second, quantitative methods to assess human personality (e.g., Eysenck Personality Inventory, Cattell's Sixteen Personality Factor Questionnaire [16PF]) and mental disorders (Minnesota Multiphasic

Research conducted with these newly developed measures indicated that homosexual men and women were essentially similar to heterosexual men and women in adaptation and functioning.

Personality Inventory [MMPI]) were developed and were a vast psychometric improvement over prior measures, such as the Rorschach, Thematic Apperception Test,

and House-Tree-Person Test. Research conducted with these newly developed measures indicated that homosexual men and women were essentially similar to heterosexual men and women in adaptation and functioning (Siegelman, 1979; M. Wilson & Green, 1971; see also review by Gonsiorek, 1991). Studies failed to support theories that regarded family dynamics, gender identity, or trauma as factors in the development of sexual orientation (e.g., Bell, Weinberg, & Hammersmith, 1981; Bene, 1965; Freund & Blanchard, 1983; Freund & Pinkava, 1961; Hooker, 1969; McCord, McCord, & Thurber, 1962; D. K. Peters & Cantrell, 1991; Siegelman, 1974, 1981; Townes, Ferguson, & Gillem, 1976). This research was a significant challenge to the model of homosexuality as psychopathology.

Homosexuality Removed From the Diagnostic and Statistical Manual

In recognition of the legal nexus between psychiatric diagnosis and civil rights discrimination, especially for government employees, activists within the homophile²⁰ rights movement, including Frank Kameny and the Mattachine Society of Washington, DC, launched a campaign in late 1962 and early 1963 to

²⁰ *Homophile* is an early term for what would become the gay rights or gay and lesbian rights movement.

remove homosexuality as a mental disorder from the American Psychiatric Association's *DSM* (D'Emilio, 1983; Kameny, 2009). This campaign grew stronger in the aftermath of the Stonewall riots in 1969. Those riots were a watershed, as the movement for gay and lesbian civil rights was embraced openly by thousands rather than limited to small activist groups (D'Emilio, 1983; Katz, 1995). In the area of mental health, given the results of research, activists within and outside of the professions led a large and vocal advocacy effort directed at mental health professional associations, such as the American Psychiatric Association, the American Psychological Association, and the American Association for Behavior Therapy, and called for the evaluation of prejudice and stigma within mental health associations and practices (D'Emilio, 1983; Kameny, 2009). At the same time, some LGB professionals and their allies encouraged the field of psychotherapy to assist sexual minority clients to accept their sexual orientation (Silverstein, 2007).

As a result of the research and the advocacy outside of and within the American Psychiatric Association, that association embarked upon an internal process of evaluating the literature to address the issue of homosexuality as a psychiatric disorder (Bayer, 1981; Drescher 2003; Drescher & Merlino, 2007; Sbordone, 2003; Silverstein, 2007). Upon the recommendation of its committee evaluating the research, the American Psychiatric Association Board of Trustees and general membership voted to remove homosexuality *per se*²¹ from the *DSM* in December 1973 (Bayer, 1981). The American Psychiatric Association (1973) then issued a position statement supporting civil rights protection for gay people in employment, housing, public accommodation, and licensing, and the repeal of all sodomy laws.

In December 1974, the American Psychological Association (APA) passed a resolution affirming the resolution of the American Psychiatric Association. APA concluded:

Homosexuality *per se* implies no impairment in judgment, stability, reliability, or general social and vocational capabilities. Further, the American Psychological Association urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been

²¹ The diagnoses of *sexual orientation disturbance* and *ego-dystonic homosexuality* sequentially replaced *homosexuality*. These diagnoses, however, were ultimately removed, due to conceptual problems and psychiatry's evolving evidence-based approach for delineating a mental disorder (Drescher, Stein, & Byne, 2005).

associated with homosexual orientations. (APA, 1975, p. 633)

Since that time, the APA has passed numerous resolutions supporting LGB civil rights and psychological well-being (see APA, 2005a).

Other mental health associations, including the NASW and the American Counseling Association, and medical associations, including the American Medical Association and the American Academy of Pediatrics, have passed similar resolutions. Gradual shifts began to take place in the international mental health community as well. In 1992, the World Health Organization removed homosexuality per se from the *International Classification of Diseases* (Nakajima, 2003).

Decline of SOCE

Following the removal of homosexuality from the *DSM*, the publication of studies of SOCE decreased dramatically, and nonaffirming approaches to psychotherapy came under increased scrutiny. Behavior therapists became increasingly concerned that aversive therapies designed as SOCE for homosexuality were inappropriate, unethical, and inhumane (Davison, 1976, 1978; Davison & Wilson, 1973; M. King, Smith, & Bartlett, 2004; Martin, 2003; Silverstein, 1991, 2007). The Association for Behavioral and Cognitive Therapies (formerly the Association for Advancement of Behavior Therapy) as well as other associations affiliated with cognitive and behavior therapies currently reject the use of SOCE (Martin, 2003). Behavior therapy for LGB individuals now focuses on issues of increasing adjustment, as well as on addressing a variety of their mental health concerns (Campos & Goldfried, 2001; Hart & Heimberg, 2001; Martell et al., 2004; Pachankis & Goldfried, 2004; Safren & Rogers, 2001).

Prominent psychoanalytic practitioners (see, e.g., Mitchell, 1978, 1981) began questioning SOCE within their own profession and challenged therapies that started with assumptions of pathology. However, such a movement did not take hold until the late 1980s and early 1990s (Drescher, 1998a, 1998b; Glassgold & Iasenza, 1995). In 1991, the American Psychoanalytic Association (ApsaA) effectively ended stigmatization of homosexuality by mainstream psychoanalysis when it adopted a sexual orientation nondiscrimination policy regarding the selection of candidates for psychoanalytic training. This policy was revised in 1992 to include selection of faculty and training analysts as well

(ApsaA, 1991, 1992). In 2000, ApsaA adopted a policy against SOCE, attempting to end that practice within the field:

As in all psychoanalytic treatments, the goal of analysis with homosexual patients is understanding. Psychoanalytic technique does not encompass purposeful efforts to “convert” or “repair” an individual’s sexual orientation. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized homophobic attitudes. (¶ 1)

Numerous publications document the theoretical limitations and problems with SOCE within psychoanalysis (Drescher, 1998a, 1998b; O’Connor & Ryan, 1993). In the last decade, many psychoanalytic publications have described an affirmative approach to sexual orientation variation and diversity.²²

Currently, mainstream mental health professional associations support affirmative approaches that focus on helping sexual minorities cope with the impact of minority stress and stigma (American Counseling Association Governing Council, 1998; American Psychiatric Association, 2000; APA, 1997, 2000; NASW, 1997). The literature on affirmative psychotherapy has grown enormously during this time (e.g., Bieschke et al., 2007; Eubanks-Carter, Burckell, & Goldfried, 2005; Ritter & Terndrup, 2002). Included in this literature are publications that aim to support individuals with strong religious beliefs and same-sex sexual orientation in exploring ways to integrate the two (e.g., Astramovich, 2003; Beckstead & Israel, 2007; Glassgold, 2008; Haldeman, 1996, 2004; Horne & Noffsinger-Frazier, 2003; Mark, 2008; D. F. Morrow, 2003; O’Neill & Ritter, 1992; Ritter & O’Neill, 1989, 1995; Ritter & Terndrup, 2002; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse, 2008). These changes within the mental health fields are reflected in the larger society, where there have been increasing shifts in acceptance of LGB individuals (National Gay and Lesbian Task Force, n.d.). For instance, in 2003, the U.S. Supreme Court made a landmark ruling in *Lawrence v. Texas* that declared as unconstitutional the sodomy laws of the 13 states that still criminalized homosexuality. However,

²² ApsaA and Divisions 39 (Psychoanalysis) and 44 (Society for the Psychological Study of Lesbian, Gay, & Bisexual Concerns) have collaborated on a bibliography of affirmative resources in psychoanalysis, and the American Psychoanalytic Association maintains its own bibliography: <http://www.apsa.org/APSAAMEMBERSSECTION/COMMITTEEWORORKROOMS/GAYANDLESBIANISSUES/tabid/381/Default.aspx>.

issues such as same-sex marriage are still controversial (Phy-Olsen, 2006).

However, SOCE is still provided by LMHP. Some LMHP (Nicolosi, 2003, Nicolosi & Nicolosi, 2002; Rosik, 2001) advocate for SOCE to be provided to distressed individuals, and an organization was founded to advocate for these types of treatments (National Association for Research and Treatment of Homosexuality). Additionally, a survey of randomly selected British LMHP (psychologists, counselors, and psychiatrists) completed in 2003 found that 17% of the total sample of 1,328 had provided SOCE in the past and that 4% would consider providing such therapy upon client request in the future. Among those who provided such services, the number of clients provided SOCE had remained constant over time (cf. M. King et al., 2004).

Sexual Orientation Change Efforts Provided to Religious Individuals

The visibility of SOCE has increased in the last decade (Drescher, 2003; Drescher & Zucker, 2006; Herek, 2003). From our survey of recent publications and research, most SOCE currently seem directed to those holding conservative religious and political beliefs, and recent research on SOCE includes almost exclusively individuals who have strong religious beliefs (e.g., Beckstead & Morrow, 2004; S. L. Jones & Yarhouse, 2007; Nicolosi et al., 2000; Ponticelli, 1999; Shidlo & Schroeder, 2002; Spitzer, 2003). In an evolution for some religious communities, sexual minorities are not automatically expelled or shunned (Drescher & Zucker, 2006; Sanchez, 2007; SPLC, n.d.). Instead, individuals with a same-sex sexual orientation are embraced for renouncing their homosexuality and seeking “healing” or change (Burack & Josephson, 2005; Erzen, 2006; Ponticelli, 1999). This development has led to a movement of religiously based self-help groups for distressed individuals who often refer to themselves as ex-gay (Erzen, 2006; Ponticelli, 1999; Wolkomir, 2001, 2006). Individuals and organizations that promote religion-based efforts to change sexual orientation often target messages to adults, adolescents, and their families that include negative portrayals of homosexuality, religious outreach efforts, and support groups, as well as psychotherapy (Burack & Josephson, 2005; Cianciotto & Cahill, 2006; Wolkomir, 2006).

Debates between those who advocate SOCE and those who oppose it have at times become polemical,

with charges that professional psychology has not reflected the concerns of religious individuals,²³ and both supporters and opponents of SOCE have presented themselves as advocates for consumers (cf. Brooke, 2005). Despite the polarization, there have been recent attempts to envision alternate frameworks to address these issues (e.g., Bartoli & Gillem, 2008; Beckstead & Israel, 2007; Benoit, 2005; Haldeman, 2004; McMinn, 2005; Phillips, 2004; Tan, 2008; Throckmorton & Yarhouse, 2006).

We conclude that these debates can only be resolved through an evidence-based appraisal of the potential benefits and harm of SOCE. In the next two chapters, we consider the research evidence on SOCE. In Chapter 3 we discuss methodological concerns; in Chapter 4, the results that can be drawn from this literature.

²³ APA has received correspondence from individuals and organizations asserting this point.

3. A SYSTEMATIC REVIEW OF RESEARCH ON THE EFFICACY OF SOCE: OVERVIEW AND METHODOLOGICAL LIMITATIONS

Although the charge given to the task force did not explicitly call for a systematic review of research on the efficacy and safety of sexual orientation change efforts (SOCE), we decided in our initial deliberations that such a review was important to the fulfillment of our charge. First, the debate over SOCE has centered on the issues of efficacy, benefit, and harm. Thus, we believe it was incumbent on us to address those issues in our report. We attempt to answer the following questions in this review:

- Do SOCE alter sexual orientation?
- Are SOCE harmful?
- Do SOCE result in any outcomes other than changing sexual orientation?

Second, systematic literature reviews are frequently used to answer questions about the effectiveness of interventions in health care to provide the basis for informed treatment decisions (D. J. Cook, Mulrow, & Haynes, 1998; Petticrew, 2001). Current criteria for effective treatments and interventions are specific in stating that to be considered effective, an intervention has consistent positive effects without serious harmful side effects (Beutler, 2000; Flay et al., 2005). Based on Lilienfeld's (2007) comprehensive review of the issue of harm in psychotherapy, our systematic review examines harm in the following ways:

- Negative side effects of treatment (iatrogenic effects)
- Client reports of perceptions of harm from treatment

- High drop-out rates
- Indirect harm such as the costs (time, energy, money) of ineffective interventions

Finally, we were charged to “inform APA’s response to groups that promote treatments to change sexual orientation or its behavioral expression and support public policy that furthers affirmative therapeutic interventions.” We decided that a systematic review²⁴ would likely be the only effective basis for APA’s response to advocacy groups for SOCE.

In our review, we considered only peer-reviewed research, in keeping with current standards for conducting scientific reviews (see Khan, Kunz, Kleijnen, & Antes, 2003), which exclude the grey literature²⁵ and lay material. In this chapter, we provide an overview of the review and a detailed report on the methodological concerns that affect the validity²⁶ of the research. In the next chapter, we present our review of the outcomes of the research.

²⁴ A systematic review starts with a clear question to be answered, strives to locate all relevant research, has clear inclusion and exclusion criteria, and carefully assesses study quality and synthesizes study results (Petticrew, 2001).

²⁵ Grey literature refers to any publication in any format published outside of peer-reviewed scientific journals.

²⁶ Validity is defined as the extent to which a study or group of studies produce information that is useful for a specific purpose. It also includes an overall evaluation of the plausibility of the intended interpretations—in this case, does SOCE produce a change in sexual orientation (see American Educational Research Association, APA, & National Council on Measurement in Education, 1999).

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Overview of the Systematic Review

Our review included peer-reviewed empirical research on treatment outcomes published from 1960 to the present. Studies were identified through systematic searches of scholarly databases including PsycINFO and Medline, using such search terms as *reparative therapy*, *sexual orientation*, *homosexuality*, and *ex-gays* cross-referenced with treatment and therapy. Reference lists from all identified articles were searched for additional nonindexed, peer-reviewed material. We also obtained review articles and commentaries and searched the reference lists from these articles to identify refereed publications of original research investigations on treatment of same-sex attraction that had not been identified via the aforementioned procedures. In all, we obtained and reviewed original publications of 83 studies. The reviewed studies are listed in Appendix B.²⁷

The vast majority of research on SOCE was conducted prior to 1981. This early research predominantly focused on evaluating behavioral interventions, including those using aversive methods. Following the declassification of homosexuality as a mental disorder in 1973 (American Psychiatric Association, 1973) and subsequent statements of other mental health professional associations, including APA (Conger, 1975), research on SOCE declined dramatically. Indeed, we found that the peer-reviewed empirical literature after 1981 contains no rigorous intervention trials on changing same-sex sexual attractions.

There is a small, more recent group of studies conducted since 1999 that assess perceived effects of SOCE among individuals who have participated in psychotherapy as well as efforts based in religious beliefs or practices, including support groups, faith healing, and prayer. There are distinct types of research within this recent literature. One type focused on evaluating individuals' positive accounts of sexual orientation change (Nicolosi et al., 2000; Schaeffer et al., 2000; Spitzer, 2003). Another type examined

²⁷ A meta-analytic review of 14 research articles (Byrd & Nicolosi, 2002) is not discussed in this report. The review suffers from significant methodological shortcomings and deviations from recommended meta-analytic practice (see, e.g., Durlak, Meerson, & Ewell-Foster, 2003; Lipsey & Wilson, 2001) that preclude reliable conclusions to be drawn from it. However, studies that were included in the meta-analysis and were published in refereed journals between 1960 and the present are included and described in the current review. Additionally, a recent study (Byrd, Nicolosi, & Potts, 2008) is not included, as it was published after the review period and appears to be a reworking of an earlier study by Nicolosi, Byrd, and Potts (2000).

potential harm of SOCE and experiences of those who seek sexual orientation (Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002). A third type is high-quality²⁸ qualitative research investigations that provide insight into people's experiences of efforts aimed at altering their same-sex sexual attractions (e.g., Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkimir, 2001).²⁹

In all areas of intervention evaluation, the quality of the methods used in the research affects the validity and credibility of any claims the researcher can make about whether the intervention works, for whom it works, and under what circumstances it works. Many

Overall, we found that the low quality of the research on SOCE is such that claims regarding its effectiveness and widespread applicability must be viewed skeptically.

have described methodological concerns regarding the research literature on sexual orientation change efforts (e.g., Cramer, Golom, LoPresto,

& Kirkley, 2008; Haldeman, 1994; S. L. Morrow & Beckstead, 2004; Murphy, 1992; Sandfort, 2003). Overall, we found that the low quality of the research on SOCE is such that claims regarding its effectiveness and widespread applicability must be viewed skeptically.

As shown in Appendix B, few studies on SOCE produced over the past 50 years of research rise to current scientific standards for demonstrating the efficacy of psychological interventions (Chambless & Hollon, 1998; Chambless & Ollendick, 2001; Flay et al., 2005; Shadish, Cook, & Campbell, 2002; Society for Prevention Research, 2005) or provide for unambiguous causal evidence regarding intervention outcomes. Indeed, only six studies, all conducted in the early period of research, used rigorous experimental³⁰ procedures. Only one of these experiments (Tanner,

²⁸ These studies meet the standards of research rigor that are used for the qualitative research paradigms that informed each of the studies (e.g., grounded theory, ethnomethodology, phenomenology).

²⁹ These studies are discussed more thoroughly in later sections of the report.

³⁰ True experiments have more methodological rigor because study participants are randomly assigned to treatment groups such that individual differences are more equally distributed and are not confounded with any change resulting from the treatment. Experiments are also rigorous because they include a way for the researcher to determine what would have happened in the absence of any treatment (e.g., a counterfactual), usually through the use of a no-treatment control group. Quasi-experimental designs do not have random assignment but do incorporate a comparison of some kind. Although they are less rigorous than experiments, quasi-experiments, if appropriately designed and conducted, can still provide for reasonable causal conclusions to be made.

1974) assessed treatment outcomes in comparison to an untreated control group. Only three additional studies used strong quasi-experimental procedures such as a nonequivalent comparison group (see Appendix B). All of these studies were also from the early period. The rest of the studies that we reviewed are nonexperimental (see Appendix B). We thus concluded that there is little in the way of credible evidence that could clarify whether SOCE does or does not work in changing same-sex sexual attractions.

The studies in this area also include a highly select group of people who are unique among those who experience same-sex sexual attractions. Thus, psychologists should be extremely cautious in attributing success to SOCE and assuming that the findings of the studies of it can be applied to all sexual minorities. An overview of the methodological problems in determining the effects of SOCE and making treatment decisions based on findings from these studies follows.

Methodological Problems in the Research Literature on SOCE

Problems in Making Causal Claims

A principal goal of the available research on SOCE was to demonstrate that SOCE consistently and reliably produce changes in aspects of sexual orientation. Overall, due to weaknesses in the scientific validity of research on SOCE, the empirical research does not provide a sound basis for making compelling causal claims. A detailed analysis of these issues follows.

INTERNAL VALIDITY CONCERNS

Internally valid research convincingly demonstrates that a cause (such as SOCE) is the only plausible explanation for an observed outcome such as change

Research on SOCE has rarely used designs that allow for confident conclusions regarding cause-and-effect relationships between exposure to SOCE and outcomes.

in same-sex sexual attractions. Lack of internal validity limits certainty that observed changes in people's attitudes, beliefs, and behaviors are a function of the

particular interventions to which they were exposed. A major limitation to research on SOCE, both the early and the recent research, stems from the use of weak research designs that are prone to threats to internal

validity. Research on SOCE has rarely used designs that allow for confident conclusions regarding cause-and-effect relationships between exposure to SOCE and outcomes.

As noted previously, true experiments and rigorous quasi-experiments are rare in the SOCE research. There are only a few studies in the early period that are experiments or quasi-experiments, and no true experiments or quasi-experiments exist within the recent research. Thus, none of these recent studies meet current best practice standards for experimental design and cannot establish whether SOCE is efficacious.

In early studies, comparison and no-treatment control groups were uncommon procedures, and early studies rarely employed multiple baseline assessments, randomization to condition, multiple long-term follow-up assessments, or other procedures to aid in making causal inferences. These procedures are widely accepted as providing the most compelling basis for ruling out the possibility that an alternative source is responsible for causing an observed or reported treatment effect.

Common threats to internal validity in early studies include history (i.e., other events occurring over the same time period as the treatment that could produce the results in the absence of the intervention), regression (i.e., extreme scores are typically less extreme on retest in the absence of intervention), and testing (i.e., taking a test once influences future scores on the test in the absence of intervention). Within-subject and patient case studies are the most common designs in the early SOCE research (see Appendix B). In these designs, an individual's scores or clinical status prior to treatment is compared with his or her scores or status following treatment. These designs are particularly vulnerable to internal validity threats, notably threats to internal validity due to sample attrition and retrospective pretests.

Sample attrition

Early research is especially vulnerable to threats to internal validity related to sample attrition. The proportions of participants in these studies who dropped out of the intervention and were lost to follow-up are unacceptably high; drop-out rates go as high as 74% of the initial study sample. Authors also reported high rates of refusal to undergo treatment after participants were initially enrolled in the studies. For instance, 6 men in Bancroft's (1969) study refused to undergo treatment, leaving only 10 men in the study. Callahan and Leitenberg (1973) reported that of 23 men enrolled,

7 refused and 2 dropped out of treatment; 8 also showed inconsistent baseline responses in penile arousal to the experimental stimuli so could not be included in the analysis, leaving only 6 subjects on whom treatment analyses could be performed. Of 37 studies reviewed by H. E. Adams and Sturgis (1977), 31 studies lost from 36% to 58% of the sample. In many studies, therefore, what appear to be intervention effects may actually reflect systematic changes in the composition of the study sample; in the handful of available comparison group studies, differences between the groups in the studies in the rate of dropout and in the characteristics of those who drop out may be the true cause of any observed differences between the groups. Put simply, dropout may undermine the comparability of groups in ways that can bias study outcomes.

Retrospective pretest

With the exception of prospective ethnographic studies (e.g., Ponticelli, 1999; Wolkomir, 2001), the recent research relies exclusively on uncontrolled retrospective pretest designs. In these studies, people who have been exposed to SOCE are asked to recall and report on their feelings, beliefs, and behaviors at an earlier age or time and are then asked to report on these same issues at present. Change is assessed by comparing contemporary scores with scores provided for the earlier time period based on retrospective recall. In a few studies, LMHP who perform SOCE reported their view of how their clients had changed. The design is problematic because all of the pretest measures are not true pretests but retrospective accounts of pretest status. Thus, the recent research studies on SOCE have even weaker designs than do nonexperimental studies from the early period of research on SOCE. Again, none of these recent studies can establish whether SOCE is efficacious.

An extensive body of research demonstrates the unreliability of retrospective pretests. For example, retrospective pretests are extremely vulnerable to response-shift biases resulting from recall distortion and degradation (Schwarz & Clore, 1985; Schwartz & Rapkin, 2004). People find it difficult to recall and report accurately on feelings, behaviors, and occurrences from long ago and, with the passage of time, will often distort the frequency, intensity, and salience of things they are asked to recall.

Retrospective pretests are also vulnerable to biases deriving from impression management (Fisher & Katz, 2000; Schwarz, Hippler, Deutsch, & Strack, 1985; Wilson & Ross, 2001), change expectancy (Hill & Betz,

2005; Lam & Bengo, 2003; Norman, 2003; M. A. Ross, 1989; Sprangers, 1989), and effort justification (Aronson & Mills, 1959; Beauvois & Joule, 1996; Festinger, 1957). Individuals tend to want to present themselves in a favorable light. As a result, people have a natural tendency to report on their current selves as improved over their prior selves (impression management). People will also report change under circumstances in which they have been led to expect that change will occur, even if no change actually does occur (change expectancy) and will seek to justify the time and effort that they have made in treatment to reduce any dissonance they may feel at experiencing no or less change than they had expected by overestimating the effectiveness of the treatment (effort justification). Effort justification has been demonstrated to become stronger as intervention experiences become more unpleasant. In combination, these factors lead to inaccurate self-reports and inflated estimates of treatment effects, distortions that are magnified in the context of retrospective pretest designs.

CONSTRUCT VALIDITY CONCERNS

Construct validity is also a significant concern in research on SOCE. Construct validity refers to the degree to which the abstract concepts that are investigated in the study are validly defined, how well these concepts are translated into the study's treatments and measures, and, in light of these definitional and operational decisions, whether the study findings are appropriately interpreted. For instance, do the researchers adequately define and measure sexual orientation? Are their interpretations of the study results regarding change in sexual orientation appropriate, given how the constructs were defined and translated into measures? On the whole, research on SOCE presents serious concerns regarding construct validity.

Definition of sexual orientation

Sexual orientation is a complex human characteristic involving attractions, behaviors, emotions, and identity. Modern research of sexual orientation is usually seen as beginning with the Kinsey studies (Kinsey et al., 1948, 1953). Kinsey used a unidimensional, 7-category taxonomic continuum, from 0 (*exclusively heterosexual*) to 6 (*exclusively homosexual*), to classify his participants. As the research has developed since the Kinsey studies, the assessment of sexual orientation has focused largely on measuring three variables—identity,

behavior, and attraction. Many studies measure only one or two, but very seldom all three, of these aspects.

A key finding in the last 2 decades of research on sexual orientation is that sexual behavior, sexual attraction, and sexual orientation identity are labeled and expressed in many different ways (Carrillo, 2002; Diamond, 2003, 2006; Dunne, Bailey, Kirk, & Martin, 2000; Laumann, Gagnon, Michael, & Michals, 1994; Savin-Williams, 2005). For instance, individuals with sexual attractions may not act on them or may understand, define, and label their experiences differently than those with similar desires because of the unique cultural and historical constructs regarding ethnicity, gender, and sexuality (Harper et al., 2004; Mays & Cochran, 1998; Walters, Simoni, & Horwath, 2001; Weinrich & Williams, 1991).

Further, a subset of individuals who engage in same-sex sexual behaviors or have same-sex sexual attractions do not self-identify as LGB or may remain unlabeled and some self-identified lesbian and gay individuals may engage in other-sex sexual behaviors without self-identifying as bisexual or heterosexual (Beckstead, 2003; Carrillo, 2002; Diamond, 2003, 2008; Diamond & Savin-Williams, 2000; Dunne et al., 2000; Fox, 2004; Gonsiorek, Sell, & Weinrich, 1995; Hoberg, Konik, Williams, & Crawford, 2004; Kinsey et al., 1948, 1953; Klein et al., 1985; Masters & Johnson, 1979; McConaghy, 1987; McConaghy, 1999; McConaghy, Buhrich, & Silove, 1994; Storms, 1980; Thompson &

A number of scholars have argued that the construct of sexual orientation would be more easily and reliably assessed and defined if it were disentangled from sexual orientation identity.

contexts, ethnicity, nationality, and relationships.

As a result, a number of scholars have argued that the construct of sexual orientation would be more easily and reliably assessed and defined if it were disentangled from sexual orientation identity (e.g., Chang & Katayama, 1996; Drescher, 1998a, 1998b; Drescher, Stein, & Byne, 2005; Rust, 2003; Stein, 1999; R. L. Worthington, Savoy, Dillon, & Vernaglia, 2002). Recent research has found that distinguishing the constructs of sexual orientation and sexual orientation identity adds clarity to an understanding of the variability inherent in reports of these two variables (R. L. Worthington et al., 2002; R. L. Worthington & Reynolds, 2009).

We adopted this current understanding of sexuality to clarify issues in the research literature. For instance, *sexual orientation* refers to an individual's patterns of sexual, romantic, and affectional arousal and desire for other persons based on those persons' gender and sex characteristics. Sexual orientation is tied to physiological drives and biological systems that are beyond conscious choice and involve profound emotional feelings, such as "falling in love." Other dimensions commonly attributed to sexual orientation (e.g., sexual behavior with men and/or women; social affiliations with LGB or heterosexual individuals and communities, emotional attachment preferences for men or women, gender role and identity, lifestyle choices) are potential correlates of sexual orientation rather than principal dimensions of the construct.

Sexual orientation identity refers to acknowledgment and internalization of sexual orientation and reflects self-exploration, self-awareness, self-recognition, group membership and affiliation, culture, and self-stigma. Sexual orientation identity involves private and public ways of self-identifying and is a key element in determining relational and interpersonal decisions, as it creates a foundation for the formation of community, social support, role models, friendship, and partnering (APA, 2003; Jordan & Deluty, 1998; McCarn & Fassinger, 1996; Morris, 1997; Ponticelli, 1999; Wolkomir, 2001).

Given this new understanding of sexual orientation and sexual orientation identity, a great deal of debate surrounds the question of how best to assess sexual orientation in research (Gonsiorek et al., 1995; Kinsey et al., 1948, 1953; Masters & Johnson, 1979; Sell, 1997). For example, some authors have criticized the Kinsey scale for dichotomizing sexual orientation—with heterosexuality and homosexuality as opposites along a single dimension and bisexuality in between—thus implying that in increasing desire for one sex represents reduced desire for the other sex (Gonsiorek et al., 1995; Sell, 1997; R. L. Worthington, 2003; R. L. Worthington & Reynolds, 2009). An alternative that has been proposed suggests that same-sex and other-sex attractions and desires may coexist relatively independently and may not be mutually exclusive (Diamond, 2003, 2006; 2008; Fox, 2004; Klein et al., 1985,³¹ Sell, 1997; Shively & DeCecco, 1977; Storms,

³¹ Although Klein advanced the notion of sexual orientation as a multidimensional variable, his Sexual Orientation Grid confounds constructs of sexual orientation and sexual orientation identity, as it includes attraction; behavior; identification; and emotional, political, and social preferences.

1980; R. L. Worthington, 2003; R. L. Worthington & Reynolds, 2009). Models with multiple dimensions that permit the rating of the intensity of an individual's sexual desire or arousal for other-sex individuals separately from the intensity of that individual's sexual desire or arousal for same-sex individuals allow individuals to have simultaneous levels of attractions. Some commentators believe such models allow for greater understanding of sexual diversity and its interactions with other aspects of identity and culture (Mays & Cochran, 1998; R. L. Worthington et al. 2002).

Considered in the context of the conceptual complexities of and debates over the assessment of sexual orientation, much of the SOCE research does not adequately define the construct of sexual orientation, does not differentiate it from sexual orientation identity, or has misleading definitions that do not accurately assess or acknowledge bisexual individuals. Early research that focuses on sexual arousal may be more precise than that which relies on self-report of behavior. Overall, recent research may actually measure sexual orientation identity (i.e., beliefs about sexual orientation, self-report of identity or group affiliation, self-report of behavior, and self-labeling) rather than sexual orientation.

Study treatments

In general, what constitutes SOCE in empirical research is quite varied. As we show in Appendix B, early studies tested a variety of interventions that include aversive conditioning techniques (e.g., electric shock, deprivation of food and liquids, smelling salts, chemically induced nausea), biofeedback, hypnosis, masturbation reconditioning, psychotherapy, systematic desensitization, and combinations of these approaches. A small number of early studies compare approaches alone or in combination. The more recent research includes an even wider variety of interventions (e.g., gender role reconditioning, support groups, prayer, psychotherapy) and providers (e.g., licensed and unlicensed LMHP in varied disciplines, pastoral counselors, laypersons). The recent studies were conducted in such a way that it is not possible to attribute results to any particular

intervention component, approach, or provider.

For instance, these interventions were provided simultaneously or sequentially, without specific separate evaluations of each intervention. The recent research and much of the early research cannot provide clarity regarding which specific efforts are associated with which specific outcomes.

Outcome measures

Regarding assessment mode, outcomes in early studies were assessed by one or more of the following: gauging an individual's physiological responses when presented with sexual stimuli, obtaining the person's self-report of recent sexual behavior and attractions, and using clinical opinion regarding improvement. In men especially, physiological measures are considered more dependable for detecting sexual arousal in men and women than self-report of sexual arousal or attraction (McConaghy, 1999). However, these measures have important limitations when studying sexual orientation. Many men are incapable of sexual arousal to any stimuli in the laboratory and must be excluded from research investigations in which the measure is the sole outcome measure. More recent research indicates that some penile circumference gauges are less consistent than penile volume gauges (Kuban, Barbaree, & Blanchard, 1999; McConaghy, 1999; Quinsey & Lalumiere, 2001; Seto, 2004) and that some men can intentionally produce false readings on the penile circumference gauges by suppressing their standard sexual arousal responses (Castonguay, Proulx, Aubut, McKibben, & Campbell, 1993; Lalumiere & Harris, 1998) or consciously making themselves aroused when presented with female erotic stimuli (Freund, 1971, 1976; Freund, Watson, & Rienzo, 1988; Lalumiere & Earls, 1992; McConaghy, 1999, 2003). The physiological measure used in all the SOCE experiments was the penile circumference gauge. McConaghy (1999) has questioned the validity of the results of SOCE research using this gauge and believes that data illustrating a reduction in same-sex sexual attraction should be viewed skeptically.

In recent research on SOCE, overreliance on self-report measures and/or on measures of unknown validity and reliability is common. Reliance on self-reports is especially vulnerable to a variety of reactivity biases such that shifts in an individual's score will reflect factors other than true change. Some of these biases are related to individual motivations, which have already been discussed, and others are

due to features of the experimental situation. Knowing that one is being studied and what the experimenter hopes to find can heighten people's tendency to self-report in socially desirable ways and in ways that please the experimenter.

Measures used in early studies vary tremendously in their psychometric acceptability, particularly for attitudinal and mental health measures, with a limited number of studies using well-validated measures. Recent research has not advanced significantly in using psychometrically sound measures of important study variables such as depression, despite the widespread use of measures that permit accurate assessment of these variables in other studies. Measures in these studies are also sources of bias due to problems such as item wording and response anchors from which participants may have inferred that other-sex attraction is a normative standard, as well as from the exclusion of items related to healthy homosexual functioning to parallel items that ask for reports on healthy heterosexual functioning.

Study operations

Regarding the adequacy of study operations, few of the early studies attempted to overcome the demand characteristics associated with the interventionists, obtaining measures of change themselves. In other words, few studies sought to minimize the possibility that people receiving treatment would be motivated to please their treatment providers by providing them with reports that were consistent with what the providers were perceived to desire and expect. Issues in recruitment of participants may also contribute to this effect; subjects were aware of the goals of the study, were recruited by individuals with that knowledge, or were participating in treatment to avoid legal and/or religious sanction. Novelty effects associated with exposure to an experimental laboratory situation may also have influenced study results. People may become excited and energized by participating in a research investigation, and these reactions to being in the research environment may contribute to change in scores. Recent research is also vulnerable to demand characteristics as a function of how individuals are recruited into samples, which is discussed in more detail in the section on sampling concerns.

CONCLUSION VALIDITY CONCERNS

Conclusion validity concerns the validity of the inferences about the presence or absence of a

relationship among variables that are drawn from statistical tests. Small sample sizes, sample heterogeneity, weak measures, and violations to the assumptions of statistical tests (e.g., non-normally distributed data) are central threats to drawing valid conclusions. In this body of research, conclusion validity is often severely compromised. Many of the studies from the early period are characterized by samples that are very small, containing on the average about 9 subjects (see Appendix B; see also H. E. Adams & Sturgis, 1977). Coupled with high rates of attrition, skewed distributions, unreliable measures, and infrequent use of statistical tests designed for small and skewed samples, confidence in the statistical results of many of these studies may be misplaced. The recent research involved unreliable measures and inappropriate selection and performance of statistical tests, which are threats to their statistical conclusion validity,³² even though these studies involved larger samples than the early research.

Problems in Generalizing Findings

A significant challenge to interpreting the research on SOCE is establishing external validity—that is, judging to whom and to what circumstances the results of any particular study might reasonably be generalized.

³² For instance, to assess whether sexual orientation had changed, Nicolosi et al. (2000) performed a chi-square test of association on individuals' prior and current self-rated sexual orientation. Several features of the analysis are problematic. Specifically, the nature of the data and research question are inappropriate to a chi-square test of association, and it does not appear that the tests were properly performed. Chi-square tests of association assume that data are independent, yet these data are not independent because the row and column scores represent an individual's rating of his or her past and present self. Chi-square tests ought not to be performed if a cell in the contingency table includes fewer than five cases. Other tests, such as the nonparametric McNemar's test for dichotomous variables (McNemar, 1969) or the sign (Conover, 1980) or Wilcoxon signed-rank tests (Wilcoxon, 1945) for nominal and ordinal data, respectively, are used to assess whether there are significant differences between an individual's before and after score and are appropriate when data fail to meet the assumptions of independence and normality, as these data do and would have been more appropriate choices. Paired *t*-tests for mean differences could also have been performed on these data. There are procedural problems in performing the chi-square test such as missing data, and the analyses are conducted without adjustment for chance, with different numbers of subjects responding to each item, and without corrections to the gain scores to address regression artifacts. Taken together, however, the problems associated with running so many tests without adjusting for chance associations or correcting for regression artifacts and having different respondents in nearly every test make it difficult to assess what changes in scores across these items actually reflect.

SAMPLE COMPOSITION

Concerns regarding the sample composition in these studies are common in critiques (e.g., Cramer et al., 2008). The studies from the early period are characterized by samples that are narrow in their demographic characteristics, composed almost exclusively of Caucasian males over the age of 18. No investigations are of children and adolescents exclusively, although adolescents are included in a very few study samples. Few SOCE studies in the early period include women. Although more recent research

The research findings from early and recent studies may have limited applicability to non-Whites, youth, or women.

Ponticelli, 1999; Schaeffer et al., 2000; Spitzer, 2003; Wolkomir, 2001), White men continue to dominate recent study samples. Thus, the research findings from early and recent studies may have limited applicability to non-Whites, youth, or women. The samples in the recent research have been narrowly defined in other respects, focusing on well-educated, middle-class individuals to whom religion is extremely important (e.g., Beckstead & Morrow, 2004; Nicolosi et al., 2000; Pattison & Pattison, 1980; Schaeffer et al., 2000; Spitzer, 2003; Wolkomir, 2001). Same-sex sexual attraction and treatments are confounded with these particular demographic characteristics across the recent literature. These research findings may be most applicable to educated White men who consider themselves highly religious.

The early research sometimes included men who were receiving intervention involuntarily (e.g., Barlow, Agras, Abel, Blanchard, & Young, 1975; Callahan & Leitenberg, 1973; S. James, 1978; MacCulloch & Feldman, 1967; MacCulloch et al., 1965; McConaghy, 1969, 1976; McConaghy, Proctor, & Barr, 1972), usually men who were court referred as a result of convictions on charges related to criminalized acts of homosexual sex.³³ The samples also include men who were not receiving intervention because of same-sex sexual attractions; rather, some of the men receiving intervention are described as pedophiles, exhibitionists, transvestites, and fetishists (Callahan & Leitenberg, 1973; Conrad & Wincze, 1976; Fookes, 1960; Hallam & Rachman, 1972; Marquis, 1970; Thorpe, Schmidt,

³³ Shidlo and Schroeder (2002) found that roughly 24% of their respondents perceived that SOCE was imposed on them rather than pursued voluntarily.

Brown, & Castell, 1964; Thorpe, Schmidt, & Castell, 1963). Thus, the early samples are notable for including men who may not be same-sex attracted at all or who may not be distressed by their attractions but who had to undergo intervention by court order or out of fear of being caught by law enforcement in the future.

Moreover, in the early research—to the extent that it was assessed—the samples contained individuals who varied widely along the spectrum of same-sex sexual orientation prior to intervention, so that the studies included men who were other-sex sexually attracted to varying degrees alongside men who were primarily or exclusively same-sex sexually attracted (Bancroft, 1969; Barlow et al., 1975; Birk, 1974; Conrad & Wincze, 1976; Fookes, 1960; Hallman & Rachman, 1972; Kendrick & MacCulloch, 1972; LoPiccolo, Stewart, & Watkins, 1972; Marquis, 1970; McCrady, 1973). Additionally, study samples included men with and without histories of current and prior sexual contact with men and women (Bancroft, 1969; Colson, 1972; Curtis & Presly, 1972; Fookes, 1960; Freeman & Meyer, 1975; Gray, 1970; Hallman & Rachman, 1972; Herman, Barlow, & Agras, 1974; Larson, 1970; Levin, Hirsch, Shugar, & Kapche, 1968; LoPiccolo et al., 1972; MacCulloch & Feldman, 1967; McConaghy, 1969; McConaghy et al., 1972, 1981; McConaghy & Barr, 1973; Segal & Sims, 1972; Thorpe

Including participants with attractions, sexual arousal, and behaviors to both sexes in the research on SOCE makes evaluating change more difficult.

et al., 1964), so that men who are or have been sexually active with women and men, only women, only men, or neither are combined. Some recent studies of SOCE have similar problems (e.g., Spitzer, 2003). Including participants with attractions, sexual arousal, and behaviors to both sexes in the research on SOCE makes evaluating change more difficult (Diamond, 2003; Rust, 2003; Vasey & Rendell, 2003; R. L. Worthington, 2003).

Data analyses rarely adjust for preintervention factors such as voluntary pursuit of intervention, initial degree of other-sex attraction, or past and current other-sex and same-sex behaviors; in very few studies did investigators perform and report subgroup analyses to clarify how subpopulations fared as a result of intervention. The absence of these analyses obscure results for men who are primarily same-sex attracted and seeking intervention regarding these attractions versus any other group of men in these studies, such as men who could be characterized as bisexual in their attractions and behaviors or those on whom treatment

was imposed. For these reasons, the external validity (generalizability) of the early studies is unclear, with selection-treatment interactions of particular concern. It is uncertain which effects observed in these studies would hold for which groups of same-sex attracted people.

SAMPLING AND RECRUITMENT PROCEDURES

Early and recent study samples are typically of convenience, so it is unclear precisely what populations these samples represent. Respondents in the recent studies are typically recruited through ex-gay ministries and advocates of SOCE rather than through population-based probability sampling strategies designed to obtain a representative sample of same-sex attracted people or the subset of them who experience their attractions as distressing and have sought and been exposed to SOCE. Additionally, study respondents are often invited to participate in these studies by LMHP who are proponents of SOCE, introducing unknown selection biases into the recruitment process (cf. Beckstead, 2003; Shidlo & Schroeder, 2002).

Qualitative studies have been more successful in applying a variety of purposive stratified sampling strategies (e.g., Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001) and developing appropriate comparison samples. However, the qualitative studies were not undertaken with the purpose of determining if SOCE interventions are effective in changing sexual orientation. These studies focused on understanding aspects of the experience of participating in SOCE from the perspective of same-sex attracted people in distress.

As noted previously, recent research has used designs that are incapable of making attributions of intervention effects. In many of the recent studies, the nature of the procedures for recruiting samples is likely to have accentuated response-shift biases rather than to have minimized them, because study recruiters were open proponents of the techniques under scrutiny; it cannot be assumed that the recruiters sought to encourage the participation of those individuals whose experiences ran counter to their own view of the value of these approaches. Proponents of these efforts may also have limited access to the research for former clients who were perceived to have failed the intervention or who experienced it as harmful. Some of the recent research to assess harm resulting from these interventions (Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002) suffers from sampling weaknesses and biases of a similar nature.

Treatment Environments

Clinically trained professionals using reasonably well-described change efforts generally conducted early research in clinical laboratory settings. By contrast, the recent research included a wide variety of change efforts, providers, and settings in which these efforts may take place. The recent research has not been performed in a manner that permits examination of the interactions among characteristics of change efforts, providers, settings, and individuals seeking to change, nor does the research associate these patterns with outcomes.

Summary

Our analysis of the methodology of SOCE reveals substantial deficiencies. These deficiencies include limitations in making causal claims due to threats to internal validity (such as sample attrition, use of retrospective pretests, lack of construct validity including definition and assessment of sexual orientation, and variability of study treatments and outcome measures). Additional limitations with

The recent empirical literature provides little basis for concluding whether SOCE has any effect on sexual orientation. recent research include problems with conclusion validity (the ability to make inferences from the data) due to small or skewed samples, unreliable measures, and inappropriate selection and performance of statistical tests. Due to these limitations, the recent empirical literature provides little basis for concluding whether SOCE has any effect on sexual orientation. Any reading of the literature on SOCE outcomes must take into account the limited generalizability of the study samples to the population of people who experience same-sex sexual attraction and are distressed by it. Taking into account the weaknesses and limitations of the evidence base, we next summarize the results from research in which same-sex sexual attraction and behavior have been treated.

4. A SYSTEMATIC REVIEW OF RESEARCH ON THE EFFICACY OF SOCE: OUTCOMES

In Chapter 3, we provided an overview of our systematic review of research on sexual orientation change efforts³⁴ (SOCE) and the results of the review for methodological concerns. In this chapter, we describe the evidence on outcomes associated with SOCE, whether beneficial or harmful. No studies reported effect size estimates or confidence intervals, and many studies did not report all of the information that would be required to compute effect sizes. As a result, statistical significance and methodology are considered in interpreting the importance of the findings. As the report will show, the peer-refereed empirical research on the outcomes of efforts to alter sexual orientation provides little evidence of efficacy and some evidence of harm. We first summarize the evidence of efficacy and then the evidence of unintended harmful effects.

Reports of Benefit

Sexual orientation change efforts have aimed to address distress in individuals with same-sex sexual attractions by achieving a variety of different outcomes:

- Decreased interest in, sexual attraction to, and sexual behavior with same-sex sexual partners

³⁴ In this report, we use the term *sexual orientation change efforts* (SOCE) to describe a method that aims to change a same-sex sexual orientation (e.g., behavioral techniques, psychoanalytic techniques, medical approaches, religious and spiritual approaches) to heterosexual, regardless of whether mental health professionals or lay individuals (including religious professionals, religious leaders, social groups, and other lay networks, such as self-help groups) are involved.

- Increased interest in, sexual attraction to, and sexual behavior with other-sex sexual partners
- Increased healthy relationships and marriages with other-sex partners
- Improved quality of life and mental health

Although not all of these aims are equally well studied, these are the outcomes that have been studied frequently enough to be reported in this systematic review. One general point that we wish to emphasize as we begin the discussion of the outcomes that have been reported in this literature is that nonexperimental studies often find positive effects that do not hold up under the rigor of experimentation. The literature on SOCE is generally consistent with this point. In other words, the least rigorous studies in this body of research generally provide a more positive assessment of efficacy than do studies that meet even the most minimal standards of scientific rigor.

Decreasing Same-Sex Sexual Attraction

EARLY STUDIES

A number of investigators have assessed aversion therapy interventions to reduce physiological and self-reported sexual arousal in response to same-sex stimuli and self-reports of same-sex sexual attraction (see Appendix B).

Experimental studies

Results from the experimental studies of aversive techniques provide some evidence that these treatments can reduce self-reported and physiological sexual arousal for some men. The experimental studies that we reviewed showed lower rates of change in sexual arousal toward the same sex than did the quasi-experimental and nonexperimental studies. This finding was consistent with H. E. Adams and Sturgis's (1977) review of studies published through 1976.

In their review, H. E. Adams and Sturgis (1977) found that across the seven studies that they classified as controlled studies, 34% of the 179 subjects that were retained in these studies decreased their same-sex sexual arousal. McConaghy (1976) found that roughly half of the men who received one of four treatment regimens reported less intense sexual interest in men at 6 months. McConaghy, Proctor, and Barr (1972) found reductions in penile response in the laboratory following treatment. However, penile response to female nudes also declined for those men who initially responded to female stimuli. McConaghy (1969) similarly reported a decline in sexual arousal to all stimuli as a result of treatment for some men and that treatment also increased same-sex sexual arousal for some men. Overall, however, a majority of participants showed decreases in same-sex sexual arousal immediately following treatment. McConaghy and Barr (1973) found that about half of men reported that their same-sex sexual attractions were reduced. Tanner (1975) found that aversive shock could lessen erectile response to male stimuli.

An important caveat in considering the results of these experiments is that none compared treatment outcomes to an untreated control group. That is, these studies compared treatments to one another. The fact that four of these studies also involved men who were being treated by court referral should also be considered in interpreting the findings. These experiments cannot address whether men would have changed their sexual arousal pattern in the absence of treatment. Only one of the experiments that we identified compared treatment outcomes against the outcomes for an untreated control group. Tanner (1974) examined change in sexual arousal among 8 men receiving electric shock therapy. Tanner found that physiological arousal to male stimuli in the laboratory had declined at the 8-week follow-up, when scores among the 8 men in the treatment were compared with those of the 8 men in a control group. Changes were not achieved for all of the men, and there were no

differences between the experimental and control groups in the frequency of same-sex sexual behavior.

The results of the experimental studies suggest that some men who participate in clinical treatment studies may be conditioned to control their sexual arousal response to sexual stimuli, although McConaghy's (cf. McConaghy, 1999) studies suggest that aversive treatments may affect sexual arousal indiscriminately. These studies found that not all men reduce their sexual arousal to these treatments and that changes in sexual arousal in the lab are not necessarily associated with change in sexual behavior.

Quasi experimental studies

The three quasi-experiments listed in Appendix B all compare treatment alternatives for nonequivalent groups of men. Birk et al. (1971) found that 5 (62%) of the 8 men in the aversive treatment condition reported decreased sexual feelings following treatment; one man out of the 8 (12%) demonstrated reduced sexual arousal at long-term follow-up. In comparing groups, the researchers found that reports of same-sex "cruising," same-sex sexual "petting," and orgasm declined significantly for men receiving shocks when compared with men receiving associative conditioning. McConaghy and colleagues (1981) found that 50% of respondents reported decreased sexual feelings at 1 year. S. James (1978) reported that anticipatory avoidance learning was relatively ineffective when compared with desensitization. In their review, H. E. Adams and Sturgis (1977) found that 50% of the 124 participants in what they termed uncontrolled studies reported reduced sexual arousal.

Nonexperimental studies

Nonexperimental studies, which lack sufficient rigor to assess efficacy but which may be useful in identifying potential treatment approaches, offer a similar view of the impact of aversive treatment on reductions in sexual arousal. For instance, Bancroft (1969), in a within-subject study without a comparison group, delivered electric shocks based on males' penile volume response to photographs of nude men as they were fantasizing about homosexual sexual encounters. Research subjects underwent a minimum of 30 treatment sessions. Bancroft reported that of the men who were initially sexually attracted to both sexes, 30% ($n = 3$) of these men lessened their same-sex sexual interest over the long-term. Among those with no initial other-sex sexual attraction, no lasting changes were observed in sexual

arousal and attraction. Several other uncontrolled studies found reductions in participants' self-reported sexual attraction and physiological response under laboratory conditions (range = 7%–100%; average = 58%) (Callahan & Leitenberg, 1973; Feldman & MacCulloch, 1965; Fookes, 1960; Hallan & Rachman, 1972; MacCulloch & Feldman, 1967; Sandford, Tustin, & Priest, 1975).

As is typically found in intervention research, the average proportion of men who are reported to change in uncontrolled studies is roughly double the average proportion of men who are reported to change in controlled studies. For instance, as noted previously, results from controlled studies show that far less change can be produced in same-sex sexual arousal by aversion techniques. H.E. Adams and Sturgis (1977) reported that in the nonexperimental studies in their review, 68% of 47 participants reduced their same-sex sexual arousal, as compared with 34% of participants in experimental studies.

The studies of nonaversive techniques as the primary treatment, such as biofeedback and hypnosis, were only assessed in the nonexperimental within-subject and patient case studies. For example, Blicht and Haynes (1972) treated a single female who was heterosexually experienced and whom they described as strongly committed to reducing her same-sex sexual attractions. Using relaxation, rehearsal, and masturbation reconditioning, she was reported to be able to masturbate without female fantasies 2 months after intervention. Curtis and Presly (1972) used covert sensitization to treat a married man who experienced guilt about his attraction to and extramarital engagement with men. After intervention, he showed reduced other-sex and same-sex sexual interest, as measured by questionnaire items. Huff (1970) treated a single male who was interested in becoming sexually attracted to women. Following desensitization, his journal entries showed that his same-sex sexual fantasies continued, though the ratio of other-sex to same-sex sexual fantasies changed by the 6-month follow-up to favor other-sex sexual fantasies. His MMPI scores showed improvement in his self-concept and reductions in his distress.

By contrast, among the 4 men exposed to orgasmic reconditioning by Conrad and Wincze (1976), all reported decreased same-sex sexual attractions immediately following intervention, but only one demonstrated a short-term measurable alteration in physiological responses to male stimuli. Indeed, one subject's sexual arousal to same-sex sexual stimuli

increased rather than decreased, a result that was obtained for some men in the experimental studies. In a study by Barlow and colleagues (1975), among 3 men who were each exposed to unique biofeedback treatment regimens, all maintained same-sex sexual arousal patterns at follow-up, as measured by penile circumference change in response to photos of male stimuli.

Mintz (1966) found that 8 years after initiating group and individual therapy, 5 of his 10 research participants (50%) had dropped out of therapy. Mintz perceived that among those who remained, 20% ($n = 1$) were distressed, 40% ($n = 2$) accepted their same-sex sexual

Overall, the low degree of scientific rigor in these studies is likely to lead to overestimates of the benefits of these treatments on reductions in same-sex sexual arousal and attraction and may also explain the contradictory results obtained in nonexperimental studies.

attractions, and 40% ($n = 2$) were free from conflict regarding same-sex sexual attractions. Birk (1974) assessed the impact of behavioral therapy on 66 men, of whom 60% ($n = 40$) had dropped out of intervention by 7 months. Among those

who remained in the study, a majority shifted toward heterosexual scores on the Kinsey scale by 18 months.

Overall, the low degree of scientific rigor in these studies is likely to lead to overestimates of the benefits of these treatments on reductions in same-sex sexual arousal and attraction and may also explain the contradictory results obtained in nonexperimental studies.

RECENT STUDIES

Recent studies have investigated whether people who have participated in efforts to change their sexual orientation report decreased same-sex sexual attractions (Nicolosi et al., 2000; Schaeffer et al., 2000; Spitzer, 2003) or how people evaluate their overall experiences of SOCE (Beckstead & Morrow 2004; Pattison & Pattison, 1980; Ponticelli, 1999; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Wolkomir, 2001). These studies all use designs that do not permit cause-and-effect attributions to be made. We conclude that although these studies may be useful in describing people who pursue SOCE and their experiences of SOCE, none of the recent studies can address the efficacy of SOCE or its promise as an intervention. These studies are therefore described elsewhere in the

report in places where they contribute to understanding respondents' motivations for and experiences of SOCE.

SUMMARY

Overall, early studies suggest that modest short-term effects on reducing same-sex sexual arousal in the laboratory may be obtained for a minority of study participants through some forms of SOCE, principally interventions involving aversion procedures such as electric shock. Short-term reductions in sexual arousal to other-sex stimuli were also reported for some treatments. When outcomes were described for individual participants or subgroups of participants, short-term reductions in same-sex sexual arousal patterns were more commonly reported for people described as having other-sex sexual attractions prior to intervention and high levels of motivation to change. Initial and sustained reductions in sexual arousal were reported less commonly for people who were described as having no other-sex sexual attraction prior to intervention. The results from the uncontrolled studies are more positive than those from the controlled studies, as would be expected. Yet these studies also found that reduction in sexual arousal may not occur for study participants. Recent studies provide no sound scientific basis for determining the impact of SOCE on decreasing same-sex sexual attraction.

Decreasing Same-Sex Sexual Behavior

EARLY STUDIES

Early studies show that SOCE have limited impact on same-sex sexual behavior, even in cases when lab results show some reduction in same-sex sexual arousal.³⁵

Experimental studies

In their review, H. E. Adams and Sturgis (1977) found that across the seven controlled studies published between 1960 and 1976, 18% of 179 subjects in these studies were reported to have decreased same-sex sexual behavior; the percentage reporting reductions in sexual arousal was nearly double that percentage, at 34%. In our review, we found that the results of the experimental studies that we reviewed provided a

³⁵ In considering the results of early studies on this outcome, readers are advised that data on this outcome are not always reported. In some cases, not all research participants in these studies had engaged in sexual activity with same-sex partners prior to treatment, though they may have fantasized about doing so. In other studies, reducing sexual arousal under lab conditions was examined and not behavior in daily life.

picture of the effects of aversive forms of SOCE similar to that painted by H. E. Adams & Sturgis.

For instance, in his study comparing aversion and aversion relief therapies,³⁶ McConaghy (1969) reported that about 20% of men had engaged in same-sex sexual behavior within 2 weeks following treatment. No longer term data are reported. McConaghy (1976) found that 50% of men had reduced the frequency of their same-sex behavior, 25% had not changed their same-sex behavior, and 25% reported no same-sex behavior at 1 year. McConaghy and Barr (1973) reported that 25% of men had reduced their same-sex sexual behavior at 1-year. Tanner (1975) reported a significant decline in same-sex behavior across treatments. In the only untreated control group study that we identified, Tanner (1974) found that intervention had no effect on rates of same-sex behavior, even though the intervention did reduce changes in penile circumference in response to male stimuli in the lab.

Quasi experimental studies

Birk and colleagues (1971) found that 2 of 18 men (11%) had avoided same-sex behavior at 36 months. McConaghy, Armstrong, and Blaszczyński (1981) reported that among the 11 men who were sexually active with same-sex partners, about 25% reduced their same-sex behavior. S. James (1978) did not report on behavior. In their review, H. E. Adams and Sturgis (1977) found that 50% of the 124 participants in what they called uncontrolled group studies reported reduced sexual arousal, and 42% reported less frequent same-sex sexual behavior. Among the quasi-experiments that we reviewed, the reported reductions in sexual behavior were lower (i.e., 11% and 25%) than what was reported by Adams and Sturgis. These differences may be due to our more rigorous criteria of what constitutes a quasi-experiment than the criteria employed by Adams and Sturgis.

Nonexperimental studies

Among the case and single-group within-subject studies, the results are mixed. Some studies found that people reported having abstained from same-sex behavior in the months immediately following intervention or having decreased its frequency. Bancroft (1969) found that 4 of the 10 men in his study had reduced their behavior at follow-up. Freeman and Meyer (1975) found that 7 of the 9 men in their study were abstinent at 18

³⁶ Aversive therapy is the application of a painful stimuli; aversion relief therapy is the cessation of an aversive stimulus.

months. Other single-subject and case study subjects reported declines in or no same-sex behavior (Gray, 1970; Huff, 1970; B. James, 1962, 1963; Kendrick & McCullough, 1972; Larson, 1970; LoPiccolo, 1971; Segal & Sims, 1972).

Not all individuals, however, successfully abstained on every occasion of sexual opportunity (Colson, 1972; Rehm & Rozensky, 1974), and some relapse occurred within months following treatment (Bancroft, 1969; Freeman & Meyer, 1975; Hallam & Rachman, 1972; Levin et al., 1968; MacCulloch et al., 1965; Marquis, 1970). In other studies, the proportion reporting that they changed their sexual behavior is a minority. For instance, among Barlow et al.'s (1975) research participants, 2 of the 3 men demonstrated no change in their same-sex behavior. In the case studies, clients who were described as exclusively attracted to the same sex prior to treatment were most commonly reported to have failed to avoid same-sex sexual behavior following treatment.

RECENT STUDIES

As we have noted, recent studies provide no sound basis for attributing individual reports of their current behavior to SOCE. No results are reported for these studies.

SUMMARY

In the early studies with the greatest rigor, it appears that SOCE may have decreased short-term same-sex sexual behavior for a minority of men. However, in the only randomized control group trial, the intervention had no effect on same-sex sexual behavior. Quasi-experimental results found that a minority of men reported reductions in same-sex sexual behavior following SOCE. The nonexperimental studies found that study participants often reported reduced behavior but also found that reductions in same-sex sexual behavior, when reported, were not always sustained.

Increasing Other-Sex Sexual Attraction

Early studies provide limited evidence for reductions in sexual arousal to same-sex stimuli and for reductions in same-sex sexual behavior following aversive treatments. The impact of the use of aversive treatments for increasing other-sex sexual arousal is negligible.

EARLY STUDIES

Experimental studies

In many of the early experiments on aversive treatments, sexual arousal to female sexual stimuli was a desired outcome. McConaghy (1969) found that about 16% of 40 men increased their sexual arousal to female stimuli immediately following treatment and that 5% increased their sexual arousal to male stimuli. It is unclear how the 50% of men in this study who were aroused by females prior to the treatment were distributed among the men who increased their sexual arousal and among those who did not. In other words, it is possible that most of the men who changed were sexually aroused by women initially. In interviews following treatment, McConaghy (1976) reported that 25% of 157 men indicated that they felt more sexual arousal toward females than they did before treatment. McConaghy, Proctor, and Barr (1972) found no change in rates of sexual arousal to female stimuli. McConaghy et al.'s (1972) research participants showed no change in penile volume in response to female stimuli after intervention.

In a randomized control trial, Tanner's (1974) 8 research participants reported increases in sexual fantasizing about other-sex partners after aversive conditioning. However, penile circumference data showed no increased sexual arousal to female stimuli. H. E. Adams and Sturgis (1977) found that 26% of 179 participants in the controlled studies that they reviewed increased their sexual arousal toward the other-sex.

Quasi experimental studies

Birk and colleagues (1971) found no difference between their treatment groups in reported sexual arousal to women. Two men (11% of 18 participants) in the study reported sustained sexual interest in women following treatment. McConaghy and colleagues (1981) reported no significant improvement in attraction to females. S. James (1978) reported little impact of treatment on participants in anticipatory avoidance learning. He noted a general improvement among 80% of the 40 men undergoing desensitization to other-sex situations.

Nonexperimental studies

Among the nonexperimental studies, for men who were described as having some degree of other-sex sexual attraction and experience before the intervention, the balance of studies showed an increase in other-sex sexual attraction over time, although given the

nonexperimental nature of these studies, this change cannot be validly attributed to SOCE. For men with little or no preintervention other-sex sexual attraction, the research provides little evidence of increased other-sex sexual attraction.

As in some of the experimental studies, the results reported in the nonexperiments were not always in the desired direction. Studies occasionally showed that reductions in sexual arousal and interest may occur for same- and other-sex partners, suggesting the possibility that treatments may lower sexual arousal to sexual stimuli in general. For instance, Curtis and Presly's (1972) married male subject reported slightly lower rates of sexual arousal in response to women than before intervention, in addition to reduced same-sex sexual arousal.

Among early studies, many found little or no increases in other-sex sexual attraction among participants who showed limited or no other-sex sexual attraction to begin with. For instance, 2 of the 3 men in Barlow et al.'s (1975) within-subject biofeedback investigation reported little or no other-sex sexual interest prior to intervention. As measured by penile circumference, one of these men demonstrated negligible increases in other-sex sexual attraction; one other individual showed stable low other-sex sexual attraction, which contradicted his self-report.

In contrast, a handful of the early single-patient case studies found increases in other-sex attraction. For instance, Hanson and Adesso's (1972) research participant, who was reported to be primarily same-sex sexually attracted at the onset of intervention, increased his sexual arousal to women and ultimately reported that he enjoyed sex with women. Huff's (1970) male research participant also reported increased other-sex sexual attraction at 6 months following desensitization.

RECENT STUDIES

As we have noted, recent studies provide no sound basis for attributing individual reports of their current other-sex sexual attraction to SOCE. No results are reported for these studies.

SUMMARY

Taken together, the research provides little support for the ability of interventions to develop other-sex sexual attraction where it did not previously exist, though it may be possible to accentuate other-sex sexual attraction among those who already experience it.

Increasing Other-Sex Sexual Behavior

Studies on whether interventions can lead to other-sex sexual activity show limited results. These studies show more success for those who had an other-sex sexual orientation (e.g., sexual arousal) and were sexually experienced with members of the other sex prior to intervention than for those who had no other-sex sexual orientation and no history of other-sex sexual behavior. The results for this outcome suggest that some people can initiate other-sex sexual behavior whether or not they have any observed other-sex sexual orientation.

As previously noted, in the early studies many people were described as heterosexually experienced. From the data provided by H.E. Adam and Sturgis in their 1977 review, 61%–80% of male research participants appeared to have histories of dating women, and 33%–63% had sexual intercourse with women prior to intervention. Additionally, some of the men were married at the time of intervention. Because so many of the research participants in these studies had other-sex sexual attractions or intimate relationships at the outset, it is unclear how to interpret changes in their levels of other-sex sexual activity.

EARLY STUDIES

Experimental studies

According to H. E. Adams and Sturgis (1977), only 8% of participants in controlled studies are reported to have engaged in other-sex sexual behavior following SOCE. Among those studies we reviewed, only 2 participants showed a significant increase in other-sex sexual activity (McConaghy & Barr, 1973; Tanner, 1974). In Tanner's randomized controlled trial, men increased the frequency of intercourse with females but maintained the frequency of intercourse with males.

Quasi experimental studies

McConaghy et al. (1981) found no difference in the frequency of other-sex sexual behavior following SOCE.

Nonexperimental studies

Among within-subject patient studies in which aversion techniques were used, some studies reported that a subset of 12%–40% of people in the multiple-subject studies and all people in single-patient studies engaged in other-sex sexual behavior following intervention (e.g., Bancroft, 1969; Fookes, 1960; Hallam & Rachman, 1972; Hanson & Adesso, 1972; Kendrick & McCullough, 1972; Larson, 1970). Regarding other techniques

studied in early intervention research, Barlow et al. (1975) reported that 1 of 3 research participants began to date women after biofeedback. Huff's (1970) research participant also began to date women after desensitization training. LoPiccolo (1971) used orgasmic reconditioning to treat a male–female couple. The male could not achieve an erection with his female partner and found sex with women dissatisfying. At 6 months, he was able to develop and maintain an erection and ejaculate intravaginally.

RECENT STUDIES

As previously noted, recent studies provide no sound basis for attributing individual reports of their current sexual behavior to SOCE. No results are reported for these studies.

SUMMARY

In general, the results from studies indicate that while some people who undergo SOCE do engage in other-sex sexual behavior afterward, the balance of the evidence suggests that SOCE is unlikely to increase other-sex sexual behavior. Findings show that the likelihood of having sex with other-sex partners for those research participants who possess no other-sex sexual orientation prior to the intervention is low.

Marriage

One outcome that some proponents of efforts to change sexual orientation are reported to value is entry into heterosexual marriage. Few early studies reported on whether people became heterosexually married after intervention. In a quasi-experimental study, Birk et al. (1971) found that 2 of 18 respondents (11%) were married at 36 months. Two uncontrolled studies (Birk, 1974; Larson, 1970) indicated that a minority of research participants ultimately married, though it is not clear what role, if any, intervention played in this outcome. Recent research provides more information on marriage, though research designs do not permit any attribution of marital outcomes to SOCE.

Improving Mental Health

The relationship between mental health, psychological well-being, sexual orientation, sexual orientation identity, and sexual behavior is important. Few studies report health and mental health outcomes, and those that do report outcomes tend to use psychometrically

weak measures of these constructs and weak study designs. Among the early studies that report on mental health, three nonexperimental single-patient case studies report that clients were more self-assured (Blitch & Haynes, 1972) or less fearful and distressed (Hanson & Adesso, 1972; Huff, 1970).

Overall, the lack of high-quality data on mental health outcomes of efforts to change sexual orientation provide no sound basis for claims that people's mental health and quality of life improve. Indeed, these studies add little to understanding how SOCE affects people's long-term mental health.

Reports of Harm

Determining the efficacy of any intervention includes examination of its side effects and evidence of its harm (Flay et al., 2005; Lilienfeld, 2007). A central issue in the debates regarding efforts to change same-sex sexual attractions concerns the risk of harm to people that may result from attempts to change their sexual orientation. Here we consider evidence of harm in early and recent research.

EARLY STUDIES

Early research on efforts to change sexual orientation focused heavily on interventions that include aversion techniques. Many of these studies did not set out to investigate harm. Nonetheless, these studies provide some suggestion that harm can occur from aversive efforts to change sexual orientation.

EXPERIMENTAL STUDIES

In McConaghy and Barr's (1973) experiment, 1 respondent of 46 subjects is reported to have lost all sexual feeling and to have dropped out of the treatment as a result. Two participants reported experiencing severe depression, and 4 others experienced milder depression during treatment. No other experimental studies reported on iatrogenic effects.

QUAS-EXPERIMENTAL STUDIES

None reported on adverse events.

NONEXPERIMENTAL STUDIES

A majority of the reports on iatrogenic effects are provided in the nonexperimental studies. In the study conducted by Bancroft (1969), the negative outcomes reported include treatment-related anxiety (20% of 16

participants), suicidal ideation (10% of 16 participants), depression (40% of 16 participants), impotence (10% of 16 participants), and relationship dysfunction (10% of 16 participants). Overall, Bancroft reported the intervention had harmful effects on 50% of the 16 research subjects who were exposed to it. Quinn, Harrison, and McAllister (1970) and Thorpe et al. (1964) also reported cases of debilitating depression, gastric distress, nightmares, and anxiety. Herman and Prewett (1974) reported that following treatment, their research participant began to engage in abusive use of alcohol that required his rehospitalization. It is unclear to what extent and how his treatment failure may have contributed to his abusive drinking. B. James (1962) reported symptoms of severe dehydration (acetonuria), which forced treatment to be suspended. Overall, although most early research provides little information on how research participants fared over the longer term and whether interventions were associated with long-term negative effects, negative effects of treatment are reported to have occurred for some people during and immediately following treatment.

High dropout rates characterize early treatment studies and may be an indicator that research participants experience these treatments as harmful. Lilienfeld's (2007) review of harm in psychotherapy identifies dropout as not only an indicator of direct harm but also of treatment ineffectiveness.

RECENT STUDIES

Although the recent studies do not provide valid causal evidence of the efficacy of SOCE or of its harm, some recent studies document that there are people who perceive that they have been harmed through SOCE (Beckstead & Morrow, 2004; Nicolosi et al., 2000; Schaeffer et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Smith et al., 2004), just as other recent studies document that there are people who perceive that they have benefited from it (Beckstead & Morrow, 2004; Nicolosi et al., 2000; Pattison & Pattison, 1980; Schaeffer et al., 2000; Spitzer, 2003). Among those studies reporting on the perceptions of harm, the reported negative social and emotional consequences include self-reports of anger, anxiety, confusion, depression, grief, guilt, hopelessness, deteriorated relationships with family, loss of social support, loss of faith, poor self-image, social isolation, intimacy difficulties, intrusive imagery, suicidal ideation, self-hatred, and sexual dysfunction. These reports of perceptions of harm are countered by accounts of

perceptions of relief, happiness, improved relationships with God, and perceived improvement in mental health status, among other reported benefits. Many participants in studies by Beckstead and Morrow (2004) and Shidlo and Schroeder (2002) described experiencing first the positive effects and then experiencing or acknowledging the negative effects later.

Overall, the recent studies do not give an indication of the client characteristics that would lead to perceptions of harm or benefit. Although the nature of these studies precludes causal attributions for harm or benefit to SOCE, these studies underscore the diversity of and range in participants' perceptions and evaluations of their SOCE experiences.

Summary

We conclude that there is a dearth of scientifically sound research on the safety of SOCE. Early and recent research studies provide no clear indication of the

Studies from both periods indicate that attempts to change sexual orientation may cause or exacerbate distress and poor mental health in some individuals, including depression and suicidal thoughts. The lack of rigorous research on the safety of SOCE represents a serious concern, as do studies that report perceptions of harm.

prevalence of harmful outcomes among people who have undergone efforts to change their sexual orientation or the frequency of occurrence of harm because no study to date of adequate scientific rigor has been explicitly designed to do so. Thus, we cannot conclude how likely it is that harm will occur from SOCE. However, studies from both periods indicate

that attempts to change sexual orientation may cause or exacerbate distress and poor mental health in some individuals, including depression and suicidal thoughts. The lack of rigorous research on the safety of SOCE represents a serious concern, as do studies that report perceptions of harm (cf. Lilienfeld, 2007).

Conclusion

The limited number of rigorous early studies and complete lack of rigorous recent prospective research on SOCE limits claims for the efficacy and safety of SOCE. Within the early group of studies, there are a small number of rigorous studies of SOCE, and those focus on the use of aversive treatments. These studies show that

enduring change to an individual's sexual orientation is uncommon and that a very small minority of people in these studies showed any credible evidence of reduced

Few studies provided strong evidence that any changes produced in laboratory conditions translated to daily life.

same-sex sexual attraction, though some show lessened physiological arousal to all sexual stimuli. Compelling evidence of decreased same-sex sexual behavior and increased

attraction to and engagement in sexual behavior with the other sex was rare. Few studies provided strong evidence that any changes produced in laboratory conditions translated to daily life. We found that nonaversive and recent approaches to SOCE have not been rigorously evaluated. Given the limited amount of methodologically sound research, we cannot draw a conclusion regarding whether recent forms of SOCE are or are not effective.

We found that there was some evidence to indicate that individuals experienced harm from SOCE. Early studies do document iatrogenic effects of aversive forms of SOCE. High dropout rates characterize early aversive treatment studies and may be an indicator that research participants experience these treatments as harmful. Recent research reports indicate that there are individuals who perceive they have been harmed and others who perceive they have benefited from nonaversive SOCE. Across studies, it is unclear what specific individual characteristics and diagnostic criteria would prospectively distinguish those individuals who will later perceive that they have succeeded and benefited from nonaversive SOCE from those who will later perceive that they have failed or been harmed. In the next chapter, we explore the literature on individuals who seek to change their sexual orientation to better understand their concerns.

5. RESEARCH ON ADULTS WHO UNDERGO SEXUAL ORIENTATION CHANGE EFFORTS

In the three chapters preceding this one, we have focused on sexual orientation change efforts³⁷ (SOCE), because such interventions have been the primary focus of attention and contention in recent decades. Now we turn from the problem of sexual orientation change, as it has been defined by “expert” narratives of sin, crime, disorder, and dysfunction in previous chapters, to the problem of sexual orientation distress, as it exists in the lives of individuals who seek sexual orientation change. We try to present what the research literature reveals—and clarify what it does not—about the natural history of the phenomenon of people who present to LMHP seeking SOCE.

We do this for two major reasons. The first is to provide a scholarly basis for responding to the core task force charge: “the appropriate application of affirmative therapeutic interventions” for the population of those individuals who seek sexual orientation change. The second is our hope to step out of the polemic that has defined approaches to sexual orientation distress. As discussed in the introduction, some professional articles (e.g., Rosik, 2001, 2003; Yarhouse & Burkett, 2002), organizations, and accounts of polemical debates (cf. Drescher, 2003) have argued that APA and mainstream psychology are ignoring the needs of those for whom same-sex sexual attractions are unwanted, especially

³⁷ In this report, we use the term *sexual orientation change efforts* (SOCE) to describe a method that aims to change a same-sex sexual orientation (e.g., behavioral techniques, psychoanalytic techniques, medical approaches, religious and spiritual approaches) to heterosexual, regardless of whether mental health professionals or lay individuals (including religious professionals, religious leaders, social groups, and other lay networks, such as self-help groups) are involved.

We hope that an empathic and comprehensive review of the scholarly literature of the population that seeks and participates in SOCE can facilitate an increased understanding of the needs of this population so that an affirmative therapeutic approach may be developed.

the needs of this population so that an affirmative therapeutic approach may be developed.

We decided to expand our review beyond empirical literature to have a fuller view of the population in question. Because of the lack of empirical research in this area, the conclusions must be viewed as tentative. The studies that are included in this discussion are (a) surveys and studies of individuals who participated in SOCE and their perceptions of change, benefit, and harm (e.g., S. L. Jones & Yarhouse, 2007; Nicolosi et al., 2000; Schaeffer et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Spitzer, 2003; Throckmorton & Welton, 2005);³⁸ (b) high-quality qualitative studies of the concerns of participants and the dynamics of SOCE (e.g., Beckstead & Morrow, 2004; Erzen, 2006; Ponticelli, 1999; Wolkomir, 2001, 2006); (c) case reports, clinical articles, dissertations, and reviews where sexual

for religious populations. We hope that an empathic and comprehensive review of the scholarly literature of the population that seeks and participates in SOCE can facilitate an increased understanding of

³⁸ As previously noted, these studies, due to their significant methodological issues, cannot assess whether actual sexual orientation change occurred.

orientation or sexual orientation identity change were considered or attempted (e.g., Borowich, 2008; Drescher, 1998a; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Karten, 2006; Mark, 2008; Tan, 2008; Yarhouse et al., 2005; Yarhouse, 2008); and (d) scholarly articles on the concerns of religious individuals who are conflicted by their same-sex sexual attractions, many of whom accept their same-sex sexual orientation (e.g., Coyle & Rafalin, 2000; Horlacher, 2006; Kerr, 1997; Mahaffy, 1996; Moran, 2007; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995; Smith et al., 2004; Thumma, 1991; Yip, 2000, 2002, 2003, 2005). We also reviewed a variety of additional scholarly articles on subtopics such as individuals in other-sex marriages and general literature on sexual orientation concerns.

Demographics

The majority of participants in research studies on SOCE have been Caucasian men. Early studies included some men who were court-referred (S. James, 1978; McConaghy, 1969, 1976; McConaghy et al., 1972) and whose participation was not voluntary, but more recent research primarily includes men who indicated that their religion is of central importance (Beckstead & Morrow, 2004; S. L. Jones & Yarhouse, 2007; Wolkomir, 2001). Some studies included small numbers of women (22%–29%; Nicolosi et al., 2000; S. L. Jones & Yarhouse, 2007; Schaeffer et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Spitzer, 2003), and two studies focused exclusively on women (Moran, 2007; Ponticelli, 1999). However, these studies do not examine if there are potential differences between the concerns of men and women. Members of racial-ethnic groups are not included in some samples (Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001) and are a small percentage (5%–14%) of the sample in other studies (S.

To date, the research has not fully addressed age, gender, gender identity, race, ethnicity, culture, national origin, disability, language, and socioeconomic status in the population of distressed individuals who have sought SOCE.

the sample and others. Thus, there is no evidence that can elucidate concerns of ethnic minority individuals who have sought SOCE. To date, the research has

L. Jones & Yarhouse, 2007; Nicolosi et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Spitzer, 2003). In the recent studies, no comparisons were reported between the ethnic minorities in

not fully addressed age, gender, gender identity, race, ethnicity, culture, national origin, disability, language, and socioeconomic status in the population of distressed individuals who have sought SOCE.

Samples in recent SOCE studies have been composed predominantly of individuals from conservative Christian denominations (Beckstead & Morrow, 2004; Erzen, 2006; Nicolosi et al., 2000; Ponticelli, 1999; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002; Spitzer, 2003; Wolkomir, 2001). These studies included very few nonreligious individuals, and the concerns of religious individuals of faiths other than Christian are not described. The published literature focused on the impact of religiously oriented self-help groups or was performed by those who sought referrals from groups that advocate SOCE. Thus, the existing literature limits information to the concerns of a particular group of religious individuals. Finally, most individuals in studies of SOCE have tried multiple ways to change their sexual orientation, ranging from individual psychotherapy to religiously oriented groups, over long periods of time and with varying degrees of satisfaction and varying perceptions of success (Beckstead & Morrow, 2004; Comstock, 1996; Horlacher, 2006; S. L. Jones & Yarhouse, 2007; Mark, 2008; Nicolosi et al., 2000; Shidlo & Schroeder, 2002).

Why Individuals Undergo SOCE

Because no research provides prevalence estimates of those participating in SOCE, we cannot determine how prevalent the wish to change sexual orientation is among the conservative Christian men who have predominated in the recent research, or among any other population. Clients' motivations to seek out and participate in SOCE seem to be complex and varied and may include mental health and personality issues, cultural concerns, religious faith, internalized stigma, as well as sexual orientation concerns (Beckstead & Morrow, 2004; Drescher, 1998a; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Lasser & Gottlieb, 2004; S. L. Jones & Yarhouse, 2007; Nicolosi et al., 2000). Some of the factors influencing a client's request for SOCE that have been identified in the literature include the following:

- Confusion or questions about one's sexuality and sexual orientation (Beckstead & Morrow, 2004; Smith et al., 2004)

- Religious beliefs that consider homosexuality sinful or unacceptable (Erzen, 2006; Haldeman, 2004; S. L. Jones & Yarhouse, 2007; Mark, 2008; Ponticelli, 1999; Tan, 2008; Tozer & Hayes, 2004; Wolkomir, 2001, 2006; Yarhouse, 2008)
- Fear, stress, and anxiety surrounding the implications of an LGB identity (especially the illegitimacy of such an identity within the client's religious faith or community) (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004; Mark, 2008; Shidlo & Schroeder, 2002)
- Family pressure to be heterosexual and community rejection of those who are LGB (Haldeman, 2004; Glassgold, 2008; Mark, 2008; Shidlo & Schroeder, 2002; Smith et al., 2004)

Some individuals who have pursued SOCE report having had only unsuccessful or unfulfilling same-sex sexual experiences in venues such as bars or sexual “cruising” areas (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). These experiences reflected and re-created restricted views that the “gay lifestyle” is nonspiritual, sexually desperate, or addicted, depressive, diseased, and lonely (Drescher, 1998a; Green, 2003; Rosik, 2003; Scasta, 1998). Many sexual minority individuals who do not seek SOCE are also affected by these factors. Thus, these findings do not explain why some people seek SOCE and others do not.

There are some initial findings that suggest differences between those who seek SOCE and those who resolve their sexual minority stress through other means. For example, Ponticelli (1999) and S. L. Jones and Yarhouse (2007) reported higher levels of self-reported family violence and sexual abuse in their samples than were reported by Laumann et al. (1994) in a population-based sample. Beckstead and Morrow (2004) and S. L. Jones and Yarhouse reported high levels of parental rejection or authoritarianism among their religious samples (see also Smith et al., 2004). Wolkomir (2001) found that distress surrounding nonconformity to traditional gender roles distinguished the men in her sample who did not accept their sexual orientation from those who did. Similarly, Beckstead and Morrow found that distress and questions about masculinity were an important appeal of SOCE; some men who sought SOCE described feeling distress about not acting more traditionally masculine. In reviewing the SOCE literature, Miville and Ferguson (2004) proposed that White, conservatively religious men

might not feel adept at managing a minority status and thus seek out SOCE as a resolution.

Licensed mental health providers' views about SOCE and homosexuality appear to influence clients' decision making in choosing SOCE; some clients reported being urged by their provider to participate in SOCE (M. King et al. 2004; Schroeder & Shidlo, 2001; Smith et al., 2004). For example, Smith et al. (2004) found that some who had received SOCE had not requested it. These individuals stated they had presented with confusion and distress about their orientation due to cultural and relational conflicts and were offered SOCE as the solution.

Specific Concerns of Religious Individuals

In general, the participants in research on SOCE have come from faiths that believe heterosexuality and other-sex relationships are part of the natural order and are morally superior to homosexuality (Beckstead & Morrow, 2004; Ponticelli, 1999; Shidlo & Schroeder, 2002; Wolkomir, 2001, 2006). The literature on SOCE suggests that individuals reject or fear their same-sex sexual attractions because of the internalization of the values and attitudes of their religion that characterize homosexuality negatively and as something to avoid (Beckstead & Morrow, 2004; Erzen, 2006; Glassgold, 2008; Mark, 2008; Nicolosi et al., 2000; Ponticelli, 1999; Wolkomir, 2001, 2006).

The experiences of some conservative religious individuals with same-sex sexual attractions who undergo SOCE appear to involve significant stress due to the struggle to live life congruently with their religious beliefs (S. L. Jones & Yarhouse, 2007; Yarhouse et al., 2005; Yarhouse & Tan, 2004). These individuals perceive homosexuality to be irreconcilable with their faith and do not wish to surrender or change their faith (Wolkomir, 2006). Some report fearing considerable shifts or losses in their core identity, role, purpose, and sense of order if they were to pursue an outward LGB identity (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004; Mark, 2008; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995; Wolkomir, 2006). Some report difficulty coping with intense guilt over the failure to live a virtuous life and inability to stop committing unforgivable sins, as defined by their religion (Beckstead & Morrow, 2004; Glassgold, 2008; Mark, 2008). Some struggled with the belief in their Higher Power, with the perception that this Power was punishing or abandoning them—or would if they acted

on their attractions; some expressed feelings of anger at the situation in which their Power had placed them (Beckstead & Morrow, 2004; Glassgold, 2008; cf. Exline, 2002; Pargament, Smith, Koenig, & Perez, 1998, 2005).

Some individuals' distress took the form of a crisis of faith in which their religious beliefs that a same-sex sexual orientation and religious goodness are diametrically opposed led them to question their faith and themselves (Glassgold, 2008; Moran, 2007; Tozer & Hayes, 2004). Spiritual struggles also occurred for

The distress experienced by religious individuals appeared intense, for not only did they face sexual stigma from society at large but also messages from their faith that they were deficient, sinful, deviant, and possibly unworthy of salvation unless they changed sexual orientation.

religious individuals appeared intense, for not only did they face sexual stigma from society at large but also messages from their faith that they were deficient, sinful, deviant, and possibly unworthy of salvation unless they changed sexual orientation (Beckstead & Morrow, 2004).

These spiritual struggles had mental health consequences. Clinical publications and studies of religious clients (both male and female) (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004; Mark, 2008) have described individuals who felt culpable, unacceptable, unforgiven, disillusioned, and distressed due to the conflict between their same-sex sexual attractions and religion. The inability to integrate religion and sexual orientation into a religiously sanctioned life (i.e., one that provides an option for positive self-esteem and religiously sanctioned sexuality and family life) has been described as causing great emotional distress (Beckstead & Morrow, 2004; Glassgold, 2008; Mark, 2008; D. F. Morrow, 2003). These spiritual struggles were sometimes associated with anxiety, panic disorders, depression, and suicidality, regardless of the level of religiosity or the perception of religion as a source of comfort and coping (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004). The emotional reactions reported in the literature on SOCE among religious individuals are consistent with the literature in the psychology of religion that describes both the impact of an inability to live up to religious motivations and the effects of

religion and positive and negative religious coping (Ano & Vasconcelles, 2005; Exline, 2002; Pargament & Mahoney, 2002; Pargament et al., 2005; Trenholm, Trent, & Compton, 1998).

Some individuals coped by trying to compartmentalize their sexual orientation and religious identities and behaviors or to suppress one identity in favor of another (Beckstead & Morrow, 2004; Haldeman, 2004; Glassgold, 2008; Mark, 2008). Relief came as some sought repentance from their "sins," but others continued to feel isolated and unacceptable in both religious and sexual minority communities (Shidlo & Schroeder, 2002; Yarhouse & Beckstead, 2007). As an alternative, some with strong religious motivations and purpose were willing to make sexual abstinence a goal and to limit sexual and romantic needs in order to achieve congruence with their religious beliefs (S. L. Jones & Yarhouse, 2007; Yarhouse et al., 2005; Yarhouse, 2008). These choices are consistent with the psychology of religion that emphasizes religious motivations and purpose (cf. Emmons, 1999; Emmons & Paloutzian, 2003; Hayduk, Stratkotter, & Rovers, 1997; Roccas, 2005). Success with this choice varied greatly and appeared successful in a minority of participants of studies, although not always in the long term, and both positive and negative mental health effects have been reported (Beckstead & Morrow, 2004; Horlacher, 2006; S. L. Jones & Yarhouse, 2007; Shidlo & Schroeder, 2002).

Some conservatively religious individuals felt a need to change their sexual orientation because of the positive benefits that some individuals found from religion (e.g., community, mode of life, values, sense of purpose) (Beckstead & Morrow, 2004; Borowich, 2008; Glassgold, 2008; Haldeman, 2004; Mark, 2008; Nicolosi et al., 2000; Yarhouse, 2008). Others hoped that being heterosexual would permit them to avoid further negative emotions (e.g., self-hatred, unacceptability, isolation, confusion, rejection, and suicidality) and expulsion from their religious community (Beckstead & Morrow, 2004; Borowich, 2008; Glassgold, 2008; Haldeman, 2004; Mark, 2008).

The literature on non-Christian religious denominations is very limited, and no detailed literature was found on most faiths that differed from the descriptions cited previously. There is limited information on the specific concerns of observant and Orthodox Jews³⁹ (e.g., Blechner, 2008; Borowich,

³⁹ Among Jewish traditions, Orthodox Judaism is the most conservative and does not have a role for same-sex relationships or sexual orientation identities within its faith (Mark, 2008). Individuals

2008; Glassgold, 2008; Mark, 2008; Wolowelsky & Weinstein, 1995). This work stresses the conflicts that emerge within a communal and insular culture that values obedience to religious law and separates itself from mainstream society and other faiths, including mainstream LGB communities, thus isolating those in conflict and distress (Glassgold, 2008; Mark, 2008). As marriage, family, and community are the central units of life within such a religious context, LGB individuals do not have a place in Orthodox Judaism and traditional Jewish society and may fear losing contact with family and society or bringing shame and negative consequences to their family if their sexual orientation is disclosed.⁴⁰ Many of the responses and concerns of the conservative Christian population appear relevant to those who are Orthodox Jews, especially those that arise from the conflicts of faith and sexual orientation, such as feelings of guilt, doubt, crisis of faith, unworthiness, and despair (Glassgold, 2008; Mark, 2008).

We found no scholarly psychological literature on sexual minority Muslims who seek out SOCE. There is some literature on debates about homosexuality

It is important to note that not all sexual minorities with strong religious beliefs experience sexual orientation distress, and some resolve such distress in other ways than SOCE

within Islam and cultural conflicts for those Muslims who live in Western societies with more progressive attitudes toward homosexuality (Halstead & Lewicka,

1998; Hekma, 2002; de Jong & Jivraj, 2002; Massad, 2002; Nahas, 2004). Additionally, there is some literature on ways in which individuals integrate LGBT identities with their Muslim faith (Minwalla, Rosser, Feldman, & Varga, 2005; Yip, 2005). We did not find scholarly articles about individuals from other faiths who sought SOCE, except for one article (Nicolosi et al., 2000) that did not report any separate results for individuals from non-Christian faiths.

It is important to note that not all sexual minorities with strong religious beliefs experience sexual orientation distress, and some resolve such distress in other ways than SOCE (Coyle & Rafalin, 2000; Mahaffy, 1996; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995; Rodriguez & Ouellette, 2000; Rodriguez,

in other denominations (e.g., Conservative, Reform, Reconstructionist) may not face this type of conflict or this degree of conflict.

⁴⁰ These conflicts may also be relevant to those whose religion and community are similarly intertwined and separate from larger society; see Cates (2007), for instance, regarding an individual from an Old Amish community.

2006; Yip, 2000, 2002, 2003, 2005). For instance, some individuals are adherents of more accepting faiths and thus experience less distress. Some end their relationship with all religious institutions, although they may retain the religious and spiritual aspects of their original faiths that are essential to them. Others choose another form of religion or spirituality that is affirming of sexual minorities (Lease, Horne, & Noffsinger-Frazier, 2005; Ritter & O'Neill, 1989, 1995; Ritter & Terndrup, 2002; Rodriguez & Ouellette, 2000; Yip, 2000, 2002, 2003, 2004).

Conflicts of Individuals in Other-Sex Marriages or Relationships

There is some indication that some individuals with same-sex sexual attractions in other-sex marriages or relationships may request SOCE. Many subjects in the early studies were married (H. E. Adams & Sturgis, 1977). In the more recent research, some individuals were married (e.g., Horlacher, 2006; Spitzer, 2003), and there are clinical reports of experiences of SOCE among other-sex married people (e.g., Glassgold, 2008; Isay, 1998). For some, the marriage to another-sex person was described as based on socialization, religious views that deny same-sex sexual attractions, lack of awareness of alternatives, and hopes that marriage would change them (Gramick, 1984; Higgins, 2006; Isay, 1998; Malcolm, 2000; Ortiz & Scott, 1994; M. W. Ross, 1989). Others did not recognize or become aware of their sexuality, including same-sex sexual attractions, until after marriage, when they became sexually active (Bozett, 1982; Carlsson, 2007; Schneider et al. 2002). Others had attractions to both men and women (Brownfain, 1985; Coleman, 1989; Wyers, 1987).

For those who experienced distress with their other-sex relationship, some were at a loss as to how to decide what to do with their conflicting needs, roles, and responsibilities and experienced considerable guilt, shame, and confusion (Beckstead & Morrow, 2004; Bozett, 1982; Buxton, 1994, 2004, 2007; Gochros, 1989; Hays & Samuels, 1989; Isay, 1998; Shidlo & Schroeder, 2002; Yarhouse & Seymore, 2006). Love for their spouse conflicted with desires to explore or act on same-sex romantic and sexual feelings and relationships or to connect with similar others (Bridges & Croteau, 1994; Coleman, 1981/1982; Yarhouse & Seymore, 2006). However, many individuals wished to maintain their marriage and work at making that relationship last (Buxton, 2007; Glassgold, 2008; Yarhouse, Pawlowski,

& Tan, 2003; Yarhouse & Seymore, 2006). Thus, the sexual minority individual sometimes felt frustrated and hopeless in facing feelings of loss and guilt that result from trying to decide whether to separate from or remain in the marriage as they balanced hopes and ambiguities (e.g., the chances of finding a same-sex romantic or sexual partner or the possibilities of experiencing further intimacy with one's heterosexual spouse) (Hernandez & Wilson, 2007).

Reported Impacts of SOCE

Perceived Positives of SOCE

In this section we review the perceptions of individuals who underwent SOCE in order to examine what may be perceived as being helpful or detrimental by such individuals, distinct from a scientific evaluation of the efficacy or harm associated with sexual orientation change efforts, as reported in Chapter 4.

Individuals have reported that SOCE provided several benefits: (a) a place to discuss their conflicts (Beckstead & Morrow, 2004; Erzen, 2006; Ponticelli, 1999; Wolkomir, 2001); (b) cognitive frameworks that permitted them to reevaluate their sexual orientation identity, attractions, and selves in ways that lessened shame and distress and increased self-esteem (Erzen, 2006; Karten, 2006; Nicolosi et al., 2000; Ponticelli, 1999; Robinson, 1998; Schaeffer et al., 2000; Spitzer, 2003; Throckmorton, 2002); (c) social support and role models (Erzen, 2006; Ponticelli, 1999; Wolkomir, 2001, 2006); and (d) strategies for living consistently with their religious faith and community (Beckstead & Morrow, 2004; Erzen, 2006; Horlacher, 2006; S. L. Jones & Yarhouse, 2007; Nicolosi et al., 2000; Ponticelli, 1999; Robinson, 1998; Wolkomir, 2001, 2006; Throckmorton & Welton, 2005).

For instance, participants reporting beneficial effects in some studies perceived changes to their sexuality, such as in their sexual orientation, gender identity, sexual behavior, sexual orientation identity (Beckstead, 2001; Nicolosi et al., 2000; Schaeffer et al., 2000; Spitzer, 2003; Throckmorton & Welton, 2005), or improving nonsexual relationships with men (Karten, 2006). These changes in sexual self-views were described in a variety of ways (e.g., ex-gay, heterosexual, heterosexual with same-sex sexual attractions, heterosexual with a homosexual past) and with varied and unpredictable outcomes, some of which were temporary (Beckstead, 2003; Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). McConaghy (1999)

reported that some men felt they had more control in their sexual behavior and struggled less with their attractions after interventions, although same-sex sexual attractions still existed (cf. Beckstead & Morrow, 2004). Additionally, some SOCE consumers describe that trying and failing to change their same-sex sexual orientation actually allowed them to accept their same-sex attractions (Beckstead & Morrow, 2004; Smith et al., 2004).

Participants described the social support aspects of SOCE positively. Individuals reported as positive that their LMHP accepted their goals and objections and had similar values (i.e., believing that a gay or lesbian identity is bad, sick, or inferior and not supporting same-sex relationships) (Nicolosi et al., 2000; Throckmorton & Welton, 2005). Erzen (2006), Ponticelli (1999), and Wolkomir (2001) described these religiously-oriented ex-gay groups as a refuge for those who were excluded both from conservative churches and from their families, because of their same-sex sexual attractions, and from gay organizations and social networks, because of their conservative religious beliefs. In Erzen's experiences with these men, these organizations seemed to provide options for individuals to remain connected to others who shared their religious beliefs, despite ongoing same-sex sexual feelings and behaviors. Wolkomir (2006) found that

...such groups built hope, recovery, and relapse into an ex-gay identity, thus expecting same-sex sexual behaviors and conceiving them as opportunities for repentance and forgiveness.

ex-gay groups recast homosexuality as an ordinary sin, and thus salvation was still achievable. Erzen observed that such groups built hope, recovery, and relapse into an ex-

gay identity, thus expecting same-sex sexual behaviors and conceiving them as opportunities for repentance and forgiveness.

Some participants of SOCE reported what they perceived as other positive values and beliefs underlying SOCE treatments and theories, such as supporting celibacy, validating other-sex marriage, and encouraging and supporting other-sex sexual behaviors (Beckstead & Morrow, 2004; S. L. Jones & Yarhouse, 2007; Nicolosi et al., 2000; Throckmorton & Welton, 2005). For instance, many SOCE theories and communities focus on supporting clients' values and views, often linked to religious beliefs and values (Nicolosi et al., 2000; Schaeffer et al., 2000; Throckmorton & Welton, 2005). Ponticelli (1999)

described that ex-gay support groups provide alternate ways of viewing same-sex attractions that permit individuals to see themselves as heterosexual, which provided individuals a sense of possibility.

Participants' interpretations of their SOCE experiences and the outcomes of their experiences appeared to be shaped by their religious beliefs and by their motivations to be heterosexual. In Schaeffer et al. (2000), people whose motivation to change was

These findings underscore the importance of the nature and strength of participants' motivations, as well as the importance of religious identity in shaping self-reports of perceived sexual orientation change.

strongly influenced by their Christian beliefs and convictions were more likely to perceive themselves as having a heterosexual sexual orientation after their efforts. Schaeffer et al. also found that those who were less religious

were more likely to perceive themselves as having an LGB sexual orientation after the intervention. Some of the respondents in Spitzer's (2003) study concluded that they had altered their sexual orientation, although they continued to have same-sex sexual attractions. These findings underscore the importance of the nature and strength of participants' motivations, as well as the importance of religious identity in shaping self-reports of perceived sexual orientation change.

A number of authors (Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001; Yarhouse et al., 2005; Yarhouse & Tan, 2004) have found that identity exploration and reinterpretation were important parts of SOCE. Beckstead and Morrow (2004) described the identity development of their research participants who were or had been members of the Church of Jesus Christ of Latter-Day Saints and had undergone therapy to change their sexual orientation to heterosexual. In this research, those who experienced the most satisfaction with their lives seemed to undergo a developmental process that included the following aspects: (a) becoming disillusioned, questioning authorities, and reevaluating outside norms; (b) wavering between ex-gay, "out" gay, heterosexual, or celibate identities that depended on cultural norms and fears rather than on internally self-informed choices; and (c) resolving their conflicts through developing self-acceptance, creating a positive self-concept, and making decisions about their relationships, religion, and community affiliations based on expanded information, self-evaluations, and priorities. The participants had multiple endpoints, including LGB identity, "ex-gay" identity, no sexual

orientation identity, and a unique self-identity. Some individuals chose actively to *disidentify* with a sexual minority identity so the individual's sexual orientation identity and sexual orientation may be incongruent (Wolkomir, 2001, 2006; Yarhouse, 2001; Yarhouse & Tan, 2004; Yarhouse et al., 2005).

Further, the findings suggest that some participants may have reconceptualized their *sexual orientation identity* as heterosexual but *not* achieved sexual orientation change, as they still experienced same-sex sexual attractions and desires (for a discussion of the distinction between sexual orientation and sexual orientation identity, see Chapter 3; see also R. L. Worthington, 2003; R. L. Worthington et al., 2002). For these individuals, sexual orientation identity may not reflect underlying attractions and desires (Beckstead, 2003; Beckstead & Morrow, 2004; McConaghy, 1999; Shidlo & Schroeder, 2002).

Perceived Negatives of SOCE

Participants in the studies by Beckstead and Morrow (2004) and Shidlo and Schroeder (2002) described the harm they experienced as (a) decreased self-esteem and authenticity to others; (b) increased self-hatred and negative perceptions of homosexuality; (c) confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, and suicidality; (d) anger at and a sense of betrayal by SOCE providers; (e) an increase in substance abuse and high-risk sexual behaviors; (f) a feeling of being dehumanized and untrue to self; (g) a loss of faith; and (h) a sense of having wasted time and resources. Interpreting SOCE failures as individual failures was also reported in this research, in that individuals blamed themselves for the failure (i.e., weakness, and lack of effort, commitment, faith, or worthiness in God's eyes). Intrusive images and sexual dysfunction were also reported, particularly among those who had experienced aversion techniques.

Participants in these studies related that their relationships with others were also harmed in the following ways: (a) hostility and blame toward parents due to believing they "caused" their homosexuality; (b) anger at and a sense of betrayal by SOCE providers; (c) loss of LGB friends and potential romantic partners due to beliefs they should avoid sexual minority people; (d) problems in sexual and emotional intimacy with other-sex partners, (e) stress due to the negative emotions of spouses and family members because of expectations that SOCE would work (e.g., disappointment, self-blame for failure of change,

perception of betrayal by partner) (see also J. G. Ford, 2001); (f) guilt and confusion when they were sexually intimate with other same-sex members of the ex-gay groups to which they had turned for help in avoiding their attractions.

Licensed mental health providers working with former participants in SOCE noted that when clients who formerly engaged in SOCE consider adopting an LGB identity or experience same-sex romantic and sexual relationships later in life, they have more difficulty with identity development due to delayed developmental tasks and dealing with any harm associated with SOCE (Haldeman, 2001; Isay, 2001). Such treatments can harm some men's understanding of their masculine identity (Haldeman, 2001; Schwartzberg & Rosenberg, 1998) and obscure other psychological issues that contribute to distress (Drescher, 1998a).

These individuals identified aspects of SOCE that they perceived as negative, which included (a) receiving pejorative or false information regarding sexual orientation and the lives of LGB individuals; (b) encountering overly directive treatment (told not to be LGB) or to repress sexuality; (c) encountering treatments based on unsubstantiated theories or methods; (d) being misinformed about the likelihood of treatment outcomes (i.e. sexual orientation change); (e) receiving inadequate information about alternative options; and (f) being blamed for lack of progress of therapy. Some participants in Schroeder and Shidlo's (2001) study reported feeling coerced by their psychotherapist or religious institution to remain in treatment and pressured to represent to others that they had achieved a "successful reorientation" to heterosexuality.

Religiously Oriented Mutual Support Groups

Much of the literature discusses the specific dynamics and processes of religiously oriented mutual self-help groups. A reduction of distress through sexual orientation identity reconstruction or development is described in the literature of self-help or religious groups, both for individuals who reject (Erzen, 2006; Ponticelli, 1999; Wolkomir, 2001, 2006) and for individuals who accept a minority sexual orientation identity (Kerr, 1997; Rodriguez, 2006; Rodriguez & Ouellette, 2000; Thumma, 1991; Wolkomir, 2006).

Ponticelli (1999) and Wolkomir (2001, 2006) found several emotional and cognitive processes that seemed central to the sexual orientation "identity reconstruction" (i.e., recasting oneself as ex-gay, heterosexual, disidentifying as LGB) (Ponticelli, 1999, p. 157) that appeared to relieve the distress caused by conflicts between religious values and sexual orientation (Ponticelli, 1999). Ponticelli identified certain conditions necessary for resolving identity conflicts, including (a) adopting a new discourse or worldview, (b) engaging in a biographical reconstruction, (c) embracing a new explanatory model, and (d) forming strong interpersonal ties. For those rejecting a sexual minority identity, these changes occurred by participants taking on "ex-gay" cultural norms and language and finding a community that enabled and reinforced their primary religious beliefs, values, and concerns. For instance, participants were encouraged to rely on literal interpretations of the Bible, Christian psychoanalytic theories about the causes of homosexuality, and "ex-gay" social relationships to guide and redefine their lives.

Interesting counterpoints to the SOCE support groups are LGB-affirming religious support groups. These groups employ similar emotional and cognitive strategies to provide emotional support, affirming ideologies, and identity reconstruction. Further, they appear to facilitate integration of same-sex sexual attractions and religious identities into LGB-affirming identities (Kerr, 1997; Thumma, 1991; Wolkomir, 2001, 2006).

Both sexual-minority-affirming and ex-gay mutual help groups potentially appear to offer benefits to their participants that are similar to those claimed for self-help groups, such as social support, fellowship, role models, and new ways to view a problem through unique philosophies or ideologies (Levine, Perkins, & Perkins, 2004).

Mutual help groups' philosophy often gives a normalizing meaning to the individual's situation and may act as an "antidote" to a sense of deficiency (Antze, 1976). New scripts can shape how a member views and shares her or his life story by replacing existing personal or cultural scripts with the group ideology (Humphreys, 2004; Mankowski, 1997, 2000; Maton, 2000). For instance, individuals who are involved in SOCE or LGB-affirming groups may adopt a new explanation for their homosexuality that permits reconceptualizing themselves as heterosexual or acceptable as LGB people (Ponticelli, 1999; Wolkomir, 2001, 2006).

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Remaining Issues

Ponticelli (1999) ended her article with the following questions: “What leads a person to choose Exodus and a frame that defined them as sinful and in need of change?” (p. 170). Why do some individuals choose SOCE over sexual-minority-affirming groups, and why are some individuals attracted to and able to find relief in a particular ideology or group over other alternatives?

There are some indications that the nature and type of religious motivation and faith play a role. In comparing individuals with intrinsic⁴¹ and quest religious motivations, Tozer and Hayes (2004) proposed that those with a greater intrinsic religiosity may be motivated to seek out SOCE more than those with the quest motivation. However, within both groups (intrinsic and quest motivation), internalized stigma influenced who sought SOCE; those who sought SOCE had higher levels of internalized stigma. Tozer and Hayes (2004) and Mahaffy (1996) found that individuals in earlier stages of sexual minority identity development (see, e.g., Cass, 1979; Troiden, 1993) were more likely to pursue SOCE.

Wolkomir (2001, 2006) found some evidence that biographical factors may be central to these choices. Wolkomir (2006) found that motivations for participation in faith distinguished individuals who joined ex-gay groups from sexual-minority-affirming groups. For instance, men who joined conservative Christian communities as a solution to lives that had been lonely and disconnected and those who turned to faith when they felt overwhelmed by circumstance were more likely to join ex-gay groups. Wolkomir hypothesized that these men perceived homosexuality as a threat to the refuge that conservative faith provided (cf. Glassgold, 2008).

The other common path to an ex-gay (as well as, to some degree, to a sexual-minority-affirming) group was remaining in the community of faith in which one was raised and meeting the expectations of that faith, such as heterosexuality. The loss of a personal relationship or a betrayal by a loved one might influence an individual’s choice of a group, and the stress of loss and the self-blame that accompany such a loss may constitute factors that lead someone to seek SOCE (Wolkomir, 2001, 2006).

Additionally, Wolkomir found that a sense of gender inadequacy (see also “gender role strain”; Levant, 1992;

⁴¹ Internal motivation refers to a motivation that focuses on belief and values as ends in themselves, and quest sees religion as a process of exploration.

Pleck, 1995) made groups that embraced traditional gender roles and gender-based models of homosexuality appealing to some men. Gender-based internalized stigma and self-stigma increased distress in these men.

Finally, “contractual promises” to God (Wolkomir, 2001, p. 332) regarding other concerns (e.g., drug/alcohol abuse) increased the likelihood that men would choose ex-gay groups. However, these issues are as yet underresearched and remain unresolved.

Very little is known about the concerns of other religious faiths and diverse ethnicities and cultures (Harper et al., 2004; Miville & Ferguson, 2004). There are some studies in the empirical and theoretical literature, clinical cases, and material from other fields (e.g., anthropology, sociology) on sexual orientation among ethnic minorities and in different cultures and countries. Sexual orientation identity may be constructed differently in ethnic minority communities and internationally (Carillo, 2002; Boykin, 1996; Crawford et al., 2002; Harper et al., 2004; Mays, Cochran, & Zamudio, 2004; Miville & Ferguson, 2004; Walters, Evans-Campbell, Simoni, Ronquillo, & Bhuyan, 2006; Wilson & Miller, 2002; Zea, Diaz, & Reisen, 2003). There is some information that such populations experience distress or conflicts due to legal discrimination, cultural stigma, and other factors (McCormick, 2006), and in some other countries, homosexuality is still seen as a mental disorder or is illegal (Forstein, 2001; International Gay & Lesbian Human Rights Commission, n.d.). We did not identify empirical research on members of these populations who had sought or participated in SOCE other than as part of the research already cited.

Summary and Conclusion

The recent literature identifies a population of predominantly White men who are strongly religious and participate in conservative faiths. This contrasts with the early research that included nonreligious individuals who chose SOCE due to the prejudice and discrimination caused by sexual stigma. Additionally, there is a lack of research on non-Christian individuals and limited information on ethnic minority populations, women, and nonreligious populations.

The religious individuals in the recent literature report experiencing serious distress, including depression, identity, confusion, and fear due to the strong prohibitions of their faith regarding same-sex sexual orientation, behaviors, and relationships.

These individuals struggle to combine their faiths and their sexualities in meaningful personal and social identities. These struggles cause them significant distress, including frequent feelings of isolation from both religious organizations and sexual minority communities. The ensuing struggles with faith, sexuality and identity lead many individuals to attempt sexual orientation change through professional interventions and faith-based efforts.

These individuals report a range of effects from their efforts to change their sexual orientation, including

Mutual self-help groups (whether affirming or rejecting of sexual minorities) may provide a means to resolve the distress caused by conflicts between religious values and sexual orientation. both benefits and harm. The benefits include social and spiritual support, a lessening of isolation, an understanding of values and faith and sexual orientation identity

reconstruction. The perceived harms include negative mental health effects (depression and suicidality), decreased self-esteem and authenticity to others, increased self-hatred and negative perceptions of homosexuality; a loss of faith, and a sense of having wasted time and resources.

Mutual self-help groups (whether affirming or rejecting of sexual minorities) may provide a means to resolve the distress caused by conflicts between religious values and sexual orientation (Erzen, 2006; Kerr, 1997; Ponticelli, 1999; Thumma, 1991; Wolkomir, 2001, 2006). Sexual orientation identity reconstruction found in such groups (Ponticelli, 1999; Thumma, 1991) and identity work in general may provide reduction in individual distress (Beckstead & Morrow, 2004). Individuals may seek out sexual-minority-affirming religious groups or SOCE in the form of ex-gay religious support groups due to (a) a lack of other sources of social support; (b) a desire for active coping, including both cognitive and emotional coping (Folkman & Lazarus, 1980); and (c) access to methods of sexual orientation identity exploration and reconstruction (Ponticelli, 1999; Wolkomir, 2001).

The limited information provided by the literature on individuals who experience distress with their sexual attractions and seek SOCE provides some direction to LMHP in formulating affirmative interventions for this population. The following appear to be helpful to clients:

- Finding social support and interacting with others in similar circumstances

- Experiencing understanding and recognition of the importance of religious beliefs and concerns
- Receiving empathy for their very difficult dilemmas and conflicts
- Being provided with affective and cognitive tools for identity exploration and development

Reports of clients' perceptions of harm also provide information about aspects of interventions to avoid:

- Overly directive treatment that insists on a particular outcome
- Inaccurate, stereotypic, or unscientific information or lack of positive information about sexual minorities and sexual orientation
- The use of unsound or unproven interventions
- Misinformation on treatment outcomes

It is important to note that the factors that are identified as benefits are not unique to SOCE and can be provided within an affirmative and multiculturally competent framework that can mitigate the harmful aspects of SOCE by addressing sexual stigma while understanding the importance of religion and social needs. An approach that integrates the information identified in this chapter as helpful is described in an affirmative model of psychotherapy in Chapter 6.

6. THE APPROPRIATE APPLICATION OF AFFIRMATIVE THERAPEUTIC INTERVENTIONS FOR ADULTS WHO SEEK SOCE

Our charge was to “generate a report that includes discussion of “the appropriate application of affirmative therapeutic interventions for children, adolescents, and adults who present [themselves for treatment expressing] a desire to change either their sexual orientation or their behavioral expression of their sexual orientation.” In this chapter, we report on affirmative interventions for adults. Affirmative interventions for children and adolescents are reported separately in Chapter 8.

The appropriate application of affirmative therapeutic interventions for adults is built on three key findings in the research:

- Our systematic review of the research on SOCE found that enduring change to an individual’s sexual orientation as a result of SOCE was unlikely. Further, some participants were harmed by the interventions.
- What appears to shift and evolve in some individuals’ lives is sexual orientation identity, not sexual orientation (Beckstead, 2003; Beckstead & Morrow, 2004; Buchanan, Dzelme, Harris, & Hecker, 2001; Cass, 1983/1984; Diamond, 1998, 2006; McConaghy, 1999; Ponticelli, 1999; Rust, 2003; Tan, 2008; Throckmorton & Yarhouse, 2006; Troiden, 1988; Wolkomir, 2001, 2006; R. L. Worthington, 2003, 2004).
- Some participants in SOCE reported benefits, but the benefits were not specific to SOCE. Rather, clients perceived a benefit when offered interventions that

emphasized acceptance, support, and recognition of important values and concerns.

The appropriate application of affirmative psychotherapy is based on the following scientific facts:

- Same-sex sexual attractions, behavior, and orientations per se are normal and positive variants of human sexuality; in other words, they are not indicators of mental or developmental disorders.
- Homosexuality and bisexuality are stigmatized, and this stigma can have a variety of negative consequences (e.g., minority stress) throughout the life span (D’Augelli & Patterson, 1995; DiPlacido, 1998; Herek & Garnets, 2007; Meyer, 1995, 2003).
- Same-sex sexual attractions and behavior can occur in the context of a variety of sexual orientations and sexual orientation identities (Diamond, 2006; Hoberg et al., 2004; Rust, 1996; Savin-Williams, 2005).
- Gay men, lesbians, and bisexual individuals can live satisfying lives as well as form stable, committed relationships and families that are equivalent to heterosexual relationships in essential respects (APA, 2005c; Kurdek, 2001, 2003, 2004; Peplau & Fingerhut, 2007).
- There are no empirical studies or peer-reviewed research that support theories attributing same-sex sexual orientation to family dysfunction or trauma (Bell et al., 1981; Bene, 1965; Freund & Blanchard, 1983; Freund & Pinkava, 1961; Hooker, 1969;

McCord et al., 1962; D. K. Peters & Cantrell, 1991; Siegelman, 1974, 1981; Townes et al., 1976).

Studies indicated that experiences of felt stigma, such as self-stigma, isolation and rejection from relationships and valued communities, lack of emotional support and accurate information, and conflicts between multiple identities and between values and attractions, played a role in creating distress in individuals (Bartoli & Gillem, 2008; Beckstead & Morrow, 2004; Coyle & Rafalin, 2000; Glassgold, 2008; Haldeman, 2004; Herek, 2009; Mahaffy, 1996; Mark, 2008; Ponticelli, 1999; Wolkomir, 2001; Yip, 2000, 2002, 2005). Consequently, an essential focus of treatment is mitigating the negative mental health consequences of minority stress from stigma resulting from age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status (Brown, 2006; Cochran & Mays, 2006; Herek, 2009; Herek & Garnets, 2007; Mays & Cochran, 2001; Russell & Bohan, 2007). For instance, although many religious individuals' desired to live their lives consistently with their values, primarily their religious values, we concluded that telic congruence grounded in self-stigma and shame was unlikely to result in psychological well-being (Beckstead & Morrow, 2004; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Mark, 2008; Shidlo & Schroeder, 2002).

A Framework for the Appropriate Application of Affirmative Therapeutic Interventions

On the basis of the three findings summarized previously and our comprehensive review of the research and clinical literature, we developed a framework for the appropriate application of affirmative therapeutic interventions for adults that has the following central elements: (a) acceptance and support, (b) assessment, (c) active coping, (d) social support, and (e) identity exploration and development.

Acceptance and Support

In our review of the research and clinical literature, we found that the appropriate application of affirmative therapeutic interventions for adults presenting with a desire to change their sexual orientation has been grounded in a client-centered approach (e.g., Astramovich, 2003; Bartoli & Gillem, 2008; Beckstead

& Israel, 2007; Buchanan et al., 2001; Drescher, 1998a; Glassgold; 2008; Gonsiorek; 2004; Haldeman, 2004, Lasser & Gottlieb, 2004; Mark, 2008; Ritter & O'Neill, 1989, 1995; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse & Tan, 2005a; and Yarhouse, 2008). The client-centered approach (Rogers, 1957; cf. Brown, 2006) stresses (a) the LMHP's unconditional positive regard for and congruence and empathy with the client, (b) openness to the client's perspective as a means to understanding their concerns, and (c) encouragement of the client's positive self-concept. This approach incorporates aspects of the therapeutic relationships that have been shown to have a positive benefit in research literature, such as empathy, positive regard, and honesty (APA, 2005a, 2005b; Lambert & Barley, 2001; Norcross, 2002; Norcross & Hill, 2004).

This approach consists of empathic attunement to concerns regarding sexual orientation identity that acknowledges the role of cultural context and diversity and allows the different aspects of the evolving self to be acknowledged, explored, respected, and potentially re woven into a more coherent sense of self that feels authentic to the client (Bartoli & Gillem, 2008; Beckstead & Morrow, 2004; Brown, 2006; Buchanan et al., 2001; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Mark, 2008; Miville & Ferguson, 2004; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse, 2008). The client-centered therapeutic environment

aspires to be a place of compassionate caring and respect that facilitates development (Bronfenbrenner, 1979; Winnicott, 1965) by exploring issues without criticism or condemnation (Bartoli & Gillem, 2008; Beckstead & Morrow, 2004; McMin, 2005; Throckmorton & Welton, 2005) and reducing distress caused by isolation, stigma, and shame (Drescher, 1998a; Glassgold, 2008; Haldeman, 2004; Isay, 2001).

This approach involves empathizing with the client's desire to change his or her sexual orientation while understanding that this outcome is unlikely (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004). Haldeman (2004) cautioned that LMHP who turn down a client's request for SOCE at the onset of treatment without exploring and understanding the many

reasons why the client may wish to change may instill hopelessness in the client, who already may feel at a loss about viable options. Haldeman emphasized that before coming to a conclusion regarding treatment goals, LMHP should seek to validate the client's wish to reduce suffering and normalize the conflicts at the root of distress, as well as create a therapeutic alliance that recognizes the issues important to the client (cf. Beckstead & Israel, 2007; Glassgold, 2008; Liddle, 1996; Yarhouse, 2008).

Affirmative client-centered approaches consider sexual orientation uniquely individual and inseparable from an individual's personality and sense of self (Glassgold, 1995; 2008). This includes (a) being aware of the client's unique personal, social, and historical context; (b) exploring and countering the harmful

LMHP who work with religious clients who are distressed by their sexual orientation may wish to consult the literature from the psychology of religion. This literature reminds us that religion is a complex way of making meaning that includes not only beliefs and values but also community, relationships, traditions, family ties, coping, and social identity.

impact of stigma and stereotypes on the client's self-concept (including the prejudice related to age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status); and (c) maintaining a broad

view of acceptable life choices. LMHP who work with religious clients who are distressed by their sexual orientation may wish to consult the literature from the psychology of religion. This literature reminds us that religion is a complex way of making meaning that includes not only beliefs and values but also community, relationships, traditions, family ties, coping, and social identity (Mark, 2008; Pargament & Mahoney, 2002, 2005; Pargament et al., 2005; Park, 2005).

Assessment

In our review of the research and clinical literature, we found that the appropriate application of affirmative therapeutic interventions for adults presenting with a desire to change their sexual orientation included comprehensive assessment in order to obtain a fuller understanding of the multiple issues that influence that client's presentation. Such an assessment allows the LMHP and client to see the client's sexual orientation

as part of the whole person and to develop interventions based on all significant variables (Beckstead & Israel, 2007; Gonsiorek, 2004; Haldeman, 2004; Lasser & Gottlieb, 2004). This comprehensive assessment includes understanding how a client's distress may involve (a) psychological disequilibrium from trying to manage the stressors (e.g., anxiety, depression, substance abuse and dependence, sexual compulsivity, posttraumatic stress disorder) and (b) negative effects from developmental experiences and traumas and the impact of cultural and family norms. Assessing the influence of factors such as age, gender, gender identity, race, ethnicity, culture, national origin, religion, disability, language, and socioeconomic status on the experience and expression of sexual orientation and sexual orientation identity may aid the LMHP in understanding the complexity of the client's distress.

The literature indicated that most of the individuals who are extremely distressed about their same-sex sexual orientation and who are interested in SOCE have conservative religious beliefs. A first step to addressing the conflicts regarding faith and sexual orientation is a thorough assessment of clients' spiritual and religious beliefs, religious identity and motivations, and spiritual functioning (Exline, 2002; Hathaway, Scott, & Garver, 2004; Pargament et al., 2005). This helps the LMHP understand how the current dilemmas impact clients' spiritual functioning (and vice versa) and assess resources for growth and renewal.

This assessment could include (a) understanding the specific religious beliefs of the client; (b) assessing the religious and spiritual conflicts and distress experienced by the client (Hathaway et al., 2004); (c) assessing clients' religious goals (Emons & Paloutzian, 2003) and motivations (e.g., internal, external, quest, fundamentalism) and positive and negative ways of coping within their religion (Pargament, Koenig, Tasakeshwas, & Hahn, 2001; Pargament & Mahoney, 2005; Pargament et al., 1998); (d) seeking to understand the impact of religious beliefs and religious communities on the experience of self-stigma, sexual prejudice, and sexual orientation identity (Beckstead & Morrow, 2004; Buchanan et al., 2001; Fulton et al., 1999; Herek, 1987; Hunsberger & Jackson, 2005; J. P. Schwartz & Lindley, 2005; Schulte & Battle, 2004); (e) developing an understanding of clients' faith identity development (Fowler, 1981, 1991; Oser, 1991; Reich, 1991; Streib, 2005) and its intersection with sexual orientation identity development (Harris, Cook, & Kashubeck-West, 2008; Hoffman et al., 2007; Knight & Hoffman, 2007; Mahaffy, 1996; Yarhouse &

Tan, 2005a; Yarhouse et al., 2005); and (f) enhancing with clients, when applicable, the search for meaning, significance, and a relationship with the definitions of the sacred in their lives (Fowler, 2001; Goldstein, 2007; Pargament & Mahoney, 2005; Shafranske, 2000). Finally, an awareness of the varieties of religious faith, issues for religious minorities, and the unique role of religion in ethnic minority communities is important (D. A. Cook & Wiley, 2000; Zea, Mason, & Muruia, 2000; Trujillo, 2000).

Some individuals who present with requests for SOCE may have clinical concerns that go beyond their sexual orientation conflicts. These may include mental health disorders, personality disorders, or trauma-related conditions that influence the presentation of sexual orientation conflicts and distress (cf. Brown, 2006; Drescher, 1998a; Glassgold, 2008; Haldeman, 2001; Iwasaki & Ristock, 2007; Lasser & Gottlieb, 2004; Mohr & Fassinger, 2003; S. L. Morrow, 2000; Pachankis et al., 2008; Schneider et al., 2002; Sherry, 2007; Szymanski & Kashubeck-West, 2008). Such conditions may require intervention separate from or in conjunction with the intervention directed at the sexual orientation distress. For instance, some clients who seek SOCE may have histories of trauma (Ponticelli, 1999), and in some individuals sexual abuse can cause sexual orientation identity confusion and other sexuality-related concerns (Gartner, 1999). Other individuals seeking SOCE may make homosexuality the explanation for all they feel is wrong with their lives (Beckstead & Morrow, 2004; Erzen, 2006; Ponticelli, 1999; Shidlo & Schroeder, 2002). This displacement of self-hatred onto homosexuality can be an attempt to resolve a sense of badness and shame (cf. Brandchaft, 2007; Drescher, 1998a), and clients may thus need effective interventions to deal with this self-hatred and shame (Brandchaft, 2007; Linehan, Dimeff, & Koerner, 2007; Zaslav, 1998).

Sexual stigma impacts a client's appraisal of sexuality, and since definitions and norms of healthy sexuality vary among individuals, LMHP, and religious and societal institutions, potential conflicts can arise for clients about what a person should do to be sexually acceptable and healthy. O'Sullivan, McCrudden, and Tolman (2006) emphasized that sexuality is an integral component of psychological health, involving mental and emotional health, physical health, and

relational health.⁴² Initiating sensitive but open and educated discussions with clients about their views of and experiences with sexuality may be most helpful, especially for those who have never had permission or space to talk about such issues (Schneider et al. 2002).

Active Coping

In our review of the research and clinical literature, we found that the appropriate application of affirmative therapeutic interventions for adults presenting with a

Active coping strategies are efforts that include cognitive, behavioral, or emotional responses designed to change the nature of the stressor itself or how an individual perceives it.

desire to change their sexual orientation seeks to increase clients' capacity for active coping to mitigate distress. Coping strategies refer to the efforts that individuals use to

resolve, endure, or diminish stressful life experiences, and active coping strategies are efforts that include cognitive, behavioral, or emotional responses designed to change the nature of the stressor itself or how an individual perceives it (Folkman & Lazarus, 1980). Research has indicated that active coping is superior to other efforts, such as passive coping, and that individuals use both cognitive and emotional strategies to address stressful events (Folkman & Lazarus, 1980). These strategies are described in more depth below.

COGNITIVE STRATEGIES

Research on those individuals who resolve their sexual orientation conflicts indicate that cognitive strategies helped to reduce cognitive dissonance (Coyle & Rafalin, 2000; Mahaffy, 1996). One of the dilemmas for many clients who seek sexual orientation change is that they see their situation as an either-or dichotomy. For instance, their same-sex sexual attractions make them unworthy or bad, and only if they are heterosexual can they be worthy (Beckstead & Morrow, 2004; Haldeman, 2001, 2004; Lasser & Gottlieb, 2004; D. F. Morrow,

⁴² The Pan American Health Organization and the World Health Organization (2000) defined sexual health in the following manner: "Sexual health is the ongoing process of physical, psychological, and sociocultural well-being in relationship to sexuality. Sexual health can be identified through the free and responsible expressions of sexual capabilities that foster harmonious personal and social wellness, enriching life within an ethical framework. It is not merely the absence of dysfunction, disease and/or infirmity. For sexual health to be attained and maintained it is necessary that sexual rights be recognized and exercised" (p. 9).

2003; Wolkomir, 2001, 2006). Cognitive strategies can reduce the all-or-nothing thinking, mitigate self-stigma, and alter negative self-appraisals (Beckstead & Israel, 2007; Johnson, 2001, 2004; Lasser & Gottlieb, 2004; Martell et al., 2004). For example, Buchanan et al. (2001), using a narrative therapy approach, described a process of uncovering and deconstructing dominant worldviews and assumptions with conflicted clients that enabled them to redefine their attitudes toward their spirituality and sexuality (cf. Bright, 2004; Comstock, 1996; Graham, 1997; Yarhouse, 2008). Similarly, rejection of stereotypes about LGB individuals was found to be extremely important for increased psychological well-being in a mixed sample of LGB individuals (Luhtanen, 2003).

Recent developments in cognitive-behavior therapy, such as mindfulness-based cognitive therapy, dialectical behavior therapy, and acceptance and commitment therapy techniques are especially relevant (e.g., Hayes, Strosahl, & Wilson, 2003; Linehan et al., 2007). Acceptance of the presence of same-sex sexual attractions and sexual orientation paired with exploring narratives or reframing cognitions, meanings, or assumptions about sexual attractions have been reported to be helpful (cf. Beckstead & Morrow, 2004; Buchanan et al., 2001; Moran, 2007; Rodriguez, 2006; Tan, 2008; Yarhouse, 2005a, 2005c; Yarhouse &

Acceptance of same-sex sexual attractions and sexual orientation may not mean the formation of an LGB sexual orientation identity; alternate identities may develop instead.

Beckstead, 2007). For instance, using these techniques, Beckstead and Morrow (2004) and Tan (2008) helped conflicted clients cope with their sexual arousal experiences and live with them, rather than negatively judge or fight against them. Male participants in Beckstead and Morrow's (2004) investigation, regardless of their ultimate sexual orientation identity, described their ability to accept, reframe, or "surrender" to their attractions as reducing their distress by decreasing their self-judgments and reducing their fear, anxiety, and shame. However, acceptance of same-sex sexual attractions and sexual orientation may not mean the formation of an LGB sexual orientation identity; alternate identities may develop instead (Beckstead & Morrow, 2004; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse, 2008; Yarhouse et al., 2005).

For clients with strong values (religious or secular), an LMHP may wish to incorporate techniques that

promote positive meaning-making, an active process through which people revise or reappraise an event or series of events (Baumeister & Vohs, 2002; cf. Taylor, 1983) to resolve issues that arise out of crises, loss, and suffering (cf. Frankl, 1992; Nolen-Hoeksema & Davis, 2002; O'Neill & Ritter, 1992; Pargament et al., 2005; Ritter & O'Neill, 1989, 1995). Such new meanings involve creating a new purpose in life, rebuilding a sense of mastery, and increasing self-worth (Nolen-Hoeksema & Davis, 2002; Pargament & Mahoney, 2002).

EMOTION-FOCUSED STRATEGIES

For those who seek SOCE, the process of addressing one's sexual orientation can be very emotionally challenging, as the desired identity does not fit the individual's psychological, emotional, or sexual predispositions and needs. The experience of irreconcilability of one's sexual orientation to one's deeply felt values, life situation, and life goals may disrupt one's core sense of meaning, purpose, efficacy, and self-worth (Beckstead & Morrow, 2004; Yarhouse, 2008; cf. Baumeister & Vohs, 2002; L. A. King & Smith, 2004) and result in emotional conflict, loss, and suffering (Glassgold, 2008; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995). Thus, emotion-focused strategies that facilitate grieving and mourning losses have reportedly been helpful to some (Beckstead & Israel, 2007; Glassgold, 2008; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995; Yarhouse, 2008; cf. Wolkomir, 2001, 2006).

Therapeutic outcomes that have been reported include (a) coming to terms with the disappointments, losses, and dissonance between psychological and emotional needs and possible and impossible selves (Bartoli & Gillem, 2008; Drescher, 1998a; L.A. King & Hicks, 2007; O'Neill & Ritter, 1992; Ritter & O'Neill, 1989, 1995); (b) clarifying and prioritizing values and needs (Glassgold, 2008; Yarhouse, 2008); and (c) learning to tolerate and positively adapt to the ambiguity, conflict, uncertainty, and multiplicity (Bartoli & Gillem, 2008; Beckstead & Morrow, 2004; Buchanan et al., 2001; Corbett, 2001; Drescher, 1998a; Glassgold, 2008; Halbertal & Koren, 2006; Haldeman, 2002; Miville & Ferguson, 2004).

RELIGIOUS STRATEGIES

Integrated with other active coping strategies, psychotherapeutic interventions can focus the client on positive religious coping (e.g., Ano & Vasconcelles, 2005; Pargament et al., 2005; Park, 2005; Silberman, 2005; T.

B. Smith, McCullough, & Poll, 2003) that may present the client with alternatives to the concreteness of the conflict between sexual orientation and religious values. For instance, several publications indicate that active engagement with religious texts can reduce identity conflicts by reducing the salience of negative messages about homosexuality and increasing self-authority

Connecting the client to core and overarching values and virtues, such as charity, hope, forgiveness, gratitude, kindness, and compassion, may refocus clients on the more accepting elements of their religion, which may provide more self-acceptance, direction, and peace rather than dwelling on their religion's rejection of homosexuality.

connecting the client to core and overarching values and virtues, such as charity, hope, forgiveness, gratitude, kindness, and compassion, may refocus clients on the more accepting elements of their religion, which may provide more self-acceptance, direction, and peace, rather than on their religion's rejection of homosexuality (Lease et al., 2005; McMinn, 2005). Exploration of how to integrate religious values and virtues into their sexuality may further development (cf. Helminiak, 2004).

Altering the meaning of suffering and the burden of being conflicted as spiritual challenges rather than as divine condemnation (Glassgold, 2008; Hall & Johnson, 2001) and believing that God continues to love and accept them, because of or despite their sexual orientation, may be helpful in resolving distress (Graham, 1997; Ritter & O'Neill, 1989, 1995). For some, reframing spiritual struggles not only as a crisis of faith but also as an opportunity to increase faith or delve more deeply into it may be productive (Bartoli & Gillem, 2008; de la Huerta, 1999; Glassgold, 2008; Horne & Noffisnger-Frazier, 2003; Ritter & Terndrup, 2002).

Examining the intersection between mental health concerns and the presentation of religious beliefs can be helpful in understanding the client (Johnson, 2001, 2004; Nielsen, 2001; Pargament et al., 2005; Robb, 2001; Shrafranske, 2004). For instance, Johnson (2004) described a rational emotive behavior therapy case

study that focused on reducing excessive self-criticism, which lessened the self-stigma surrounding same-sex sexual attractions. This approach seeks to understand the core depressive cognitive structures and other problematic schema that can become associated with the clients' religious values or distort their religious values (Johnson, 2001, 2004; Nielsen, 2001; Robb, 2001).

Social Support

In our review of the research and clinical literature, we found that the appropriate application of affirmative therapeutic interventions for adults presenting with a desire to change their sexual orientation seeks to increase clients' access to social support. As Coyle (1993) and others have noted (e.g., Wright & Perry, 2006), struggling with a devalued identity without adequate social support has the potential to erode psychological well-being. Increasing social support through psychotherapy, self-help groups, or welcoming communities (ethnic communities, social groups, religious denominations) may relieve some distress. For instance, participants reported benefits from mutual support groups, both sexual-minority-affirming and ex-gay groups (Kerr, 1997; Ponticelli, 1999; Rodriguez, 2006; Rodriguez & Ouellette, 2000; Rodriguez, 2006; Thumma, 1991; Wolkomir, 2001). These groups counteracted and buffered minority stress, marginalization, and isolation. Religious denominations that provide cognitive and affective strategies that aid in the resolution of cognitive dissonance and increase religious coping were helpful to religious individuals as well (Kerr, 1997; Maton, 2000; Ponticelli, 1999; Rodriguez & Ouellette, 2000; Wolkomir, 2001, 2006).

Licensed mental health providers can provide clients with information about a wide range of diverse sexual minority communities and religious and faith organizations available locally, nationally, or internationally in person or over the Internet.⁴³ These settings can provide contexts in which clients may explore and integrate identities, find role models, and reduce self-stigma (Heinz, Gu, Inuzuka, & Zender, 2002; Johnson & Buhrke, 2006; Schneider et al., 2002). However, some groups may reinforce prejudice and stigma by providing inaccurate or stereotyped information about homosexuality, and LMHP may

⁴³ There are growing numbers of communities available that address unique concerns and identities (see, e.g., www.safraproject.org/ for Muslim women or <http://www.al-fatiha.org/> for LGB Muslims; for Orthodox Jews, see <http://tirtzah.wordpress.com/>).

wish to weigh with clients alternative options in these circumstances (Schneider et al., 2002).

For those clients who cannot express all aspects of themselves in the community settings currently available to them, LMHP can help the client to consider more flexible and strategic ways of expressing the multiple aspects of self that include managing self-disclosure and multiple identities (Bing, 2004; Glassgold, 2008; Halbertal & Koran, 2006; LaFromboise, Coleman, & Gerton, 1993). Social support may be difficult to find for clients whose communities stigmatize their sexual orientation identity and other identities (e.g., ethnic, racial, religious), and these clients may benefit from considering the alternate frame that the problem does not lie with the client but with the community that is not able to affirm their sexual orientation or particular identity or meet their developmental needs (Blechner, 2008; Buchanan et al., 2001; Lasser & Gottlieb, 2004; Mark, 2008; Tremble, 1989).

Individuals with same-sex attractions in other-sex marriages may struggle with the loss (or fear of the loss) of social support and important relationships. Several authors (e.g., Alessi, 2008; Auerback & Moser, 1987; Bridges & Croteau, 1994; Brownfain, 1985; Buxton, 1994, 2001, 2004, 2007; Carlsson, 2007; Coleman, 1989; Corley & Kort, 2006; Gochros, 1989; Hernandez & Wilson, 2007; Isay, 1998; Klein & Schwartz, 2001; Malcolm, 2000; Schneider et al. 2002; Treyger, Ehlers, Zajicek, & Trepper, 2008; Yarhouse et al., 2003) have laid out counseling strategies for individuals in marriages with the other sex who consider SOCE. These strategies for individual, couples, and group counseling do not focus solely on one outcome (e.g., divorce, marriage) but on exploring the underlying personal and contextual problems, motivations, realities, and hopes for being in, leaving, or restructuring the relationship.

Identity Exploration and Development

In our review of the research and clinical literature, we found that identity issues, particularly the ability to explore and integrate aspects of self, are central to the appropriate application of affirmative therapeutic interventions for adults presenting with a desire to change their sexual orientation. As described in earlier sections of this report, conflicts among disparate elements of identity appear to play a major role in the distress of those seeking SOCE, and identity exploration and development appear to be ways in which individuals resolve or avoid distress (e.g., Balsam

& Mohr, 2007; Beckstead & Morrow, 2004; Coyle & Rafakin, 2000; Drescher, 1998a; Glassgold, 2008; Herek & Garnets, 2007; Mahaffy, 1996; Yarhouse et al., 2005; Yip, 2002, 2003, 2005).

Ideally, identity comprises a coherent sense of one's needs, beliefs, values, and roles, including those aspects of oneself that are the bases of social stigma, such as age, gender, race, ethnicity, disability, national origin, socioeconomic status, religion, spirituality, and sexuality (G. R. Adams & Marshall, 1996; Bartoli & Gillem, 2008; Baumeister & Vohs, 2002; LaFromboise et al., 1993; Marcia, 1966; Meyers et al., 1991; R. L. Worthington et al., 2002). Marcia (1966) generated a model in which identity development is an active process of exploring and assessing one's identity and establishing a commitment to an integrated identity. R. L. Worthington et al. (2002) hypothesized that sexual orientation identity could be conceptualized along these same lines and advanced a model of heterosexual identity development based on the assumption that congruence among the dimensions of individual identity is the most adaptive status, which is achieved by active exploration. There is some empirical research supporting this model (R. L. Worthington, Navarro,

An affirmative approach is supportive of clients' identity development without an a priori treatment goal for how clients identify or live out their sexual orientation.

Savoy, & Hampton, 2008). Additionally, there is some research illustrating that resolution of identity development has important mental health benefits

for sexual minorities in the formation of a collective identity that buffers individuals from sexual stigma, increasing self-esteem and identification with a social group (Balsam & Mohr, 2007; Crawford et al., 2002; Herek & Garnets, 2007).

An affirmative approach is supportive of clients' identity development without an a priori treatment goal for how clients identify or live out their sexual orientation. Sexual orientation identity exploration can be helpful for those who eventually accept or reject their same-sex sexual attractions; the treatment does not differ, although the outcome does. For instance, the existing research indicates that possible outcomes of sexual orientation identity exploration for those distressed by their sexual orientation may be:

- LGB identities (Glassgold, 2008; Haldeman, 2004; Mahaffy, 1996; Yarhouse, 2008)

- Heterosexual sexual orientation identity (Beckstead & Morrow, 2004)
- Disidentifying from LGB identities (e.g., ex-gay) (Yarhouse, 2008; Yarhouse & Tan, 2004; Yarhouse et al., 2005)
- Not specifying an identity (Beckstead & Morrow, 2004; Haldeman, 2004; Tan, 2008)

The research literature indicates that there are variations in how individuals express their sexual orientation and label their identities based on ethnicity, culture, age and generation, gender, nationality, acculturation, and religion (Boykin, 1996; Carrillo, 2002; Chan, 1997; Crawford et al., 2002; Denizet-Lewis, 2003; Kimmel & Yi, 2004; Martinez & Hosek, 2005; Miville & Ferguson, 2004; Millett, Malebranche, Mason, & Spikes, 2005; Stokes, Miller, & Mundhenk, 1998; Toro-Alfonso, 2007; Weeks, 1995; Yarhouse, 2008; Yarhouse et al., 2005; Zea et al., 2003). Some authors have provided analyses of identity that take into account diversity in sexual identity development and ethnic identity formation (Helms, 1995; LaFramboise et al., 1993; Myers et al., 1991; Yi & Shorter-Gooden, 1999), religious identity (Fowler, 1981, 1991; Oser, 1991; Strieb, 2001), as well as combinations of religious and sexual orientation identities (Coyle & Rafalin, 2000; Hoffman et al., 2007; Kerr, 1997; Knight & Hoffman, 2007; Ritter & O'Neill, 1989, 1995; Thumma, 1991; Throckmorton & Yarhouse, 2006; Yarhouse & Tan 2004).

In some of the literature on SOCE, religious beliefs and identity are presented as fixed, whereas sexual orientation is considered changeable (cf. Rosik, 2003). Given that there is a likelihood that some individuals will change religious affiliations during their lifetime (Pew Forum on Religion and Public Life, 2008) and that many scholars have found that both religious identity and sexual orientation identity evolve (Beckstead & Morrow, 2004; Fowler, 1981; Glassgold, 2008; Haldeman, 2004; Mahaffy, 1996; Ritter & Terndrup, 2002; Yarhouse & Tan, 2005b), it is important for LMHP to explore the development of religious identity and sexual orientation identity (Bartoli & Gillem, 2008). Some authors hypothesize that developmental awareness or stage of religious or sexual orientation identity may play a role in identity outcomes (Knight & Hoffman, 2007; Mahaffy, 1996; cf. Yarhouse & Tan, 2005a). Other authors have described a developmental process that includes periods of crisis, mourning, reevaluation, identity deconstruction, and growth (Comstock, 1996; O'Neill & Ritter, 1992; Ritter &

O'Neill, 1989, 1995). Others have found that individuals disidentify or reject LGB identities (Ponticelli, 1999; Wolkomir, 2001, 2006; Yarhouse et al., 2005). Thus, LMHP seeking to take an affirmative attitude recognize that individuals will define sexual orientation identities in a variety of ways (Beckstead, as cited in Shidlo, Schroeder, & Drescher, 2002; Diamond, 2003; 2006; 2008; Savin-Williams, 2005; Yarhouse et al., 2005).

Some religious individuals may wish to resolve the tension between values and sexual orientation by choosing celibacy (sexual abstinence), which in some faiths, but not all, may be a virtuous path (Olson, 2007). We found limited empirical research on the mental health consequences of that course of action.⁴⁴ Some clinical articles and surveys of individuals indicate that some may find such a life fulfilling (S. L. Jones & Yarhouse, 2007); however, there are others who cannot achieve such a goal and might struggle with depression and loneliness (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2001; Horlacher, 2006; Rodriguez, 2006; Shidlo & Schroeder, 2002). In a similar way, acting on same-sex sexual attractions may not be fulfilling solutions for others (Beckstead & Morrow, 2004; Yarhouse, 2008).

Licensed mental health providers may approach such a situation by neither rejecting nor promoting celibacy but attempting to understand how this outcome is part of the process of exploration, sexual self-awareness, and understanding of core values and goals. The therapeutic process could entail exploration of what drives this goal for clients (assessing cultural, family, personal context and issues, sexual self-stigma), the possible short- and long-term consequences/rewards, and impacts on mental health while providing education about sexual health and exploring how a client will cope with the losses and gains of this decision (cf. L. A King & Hicks, 2007; Ritter & O'Neill, 1989, 1995).

On the basis of the aforementioned analyses, we adopted a perspective that recognizes the following:

- The important functional aspects of identity (G. R. Adams & Marshall, 1996).
- The multiplicity inherent in experience and identity, including age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status

⁴⁴ However, Sipe (1990, 2003) has surveyed clergy and found difficulty in maintaining behavior consistent with aspirations. Other studies indicate that this goal is only achieved for a minority of participants who choose it (Brzezinski, 2000; Jones & Yarhouse, 2007).

(Bartoli & Gillem, 2008; Miville & Ferguson, 2004; Myers et al., 1991).

- The influence of social context and the environment on identity (Baumeister & Muraven, 1996; Bronfenbrenner, 1979; Meeus, Iedema, Helsen, & Vollebergh, 1999; Myers et al., 1991; Steenbarger, 1991).
- That aspects of multiple identities are dynamic and can be in conflict (Beckstead & Morrow, 2004; Glassgold, 2008; Mark, 2008; D. F. Morrow, 2003; Tan, 2008; Yarhouse, 2008).
- Identities can be explored, experienced, or integrated without privileging or surrendering one or another at any age (Bartoli & Gillem, 2008; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Myers et al., 1991; Phillips, 2004; Shallenberger, 1996).

Approaches based on models of biculturalism (LaFromboise et al., 1993) and pluralistic models of identity, including combining models of ethnic, sexual orientation, and religious identity that help individuals develop all aspects of self simultaneously or some sequentially (Dworkin, 1997; Harris et al., 2008; Hoffman et al., 2007; Knight & Hoffman, 2007; Myers et al., 1991; Omer & Strenger, 1992; Ritter & O'Neill, 1989, 1995; Rosario, Schrimshaw, & Hunter, 2004; Rosario, Yali, Hunter, & Gwadz, 2006; Sophie, 1987; Troiden, 1988, 1993), can encourage identity development and synthesis rather than identity conflict, foreclosure, or compartmentalization.

Sexual orientation identity exploration can help clients create a valued personal and social identity that provides self-esteem, belonging, meaning, direction, and future purpose, including the redefining of religious beliefs, identity, and motivations and the redefining of sexual values, norms, and behaviors (Beckstead & Israel, 2007; Glassgold, 2008; Haldeman, 2004; Mark, 2008; Tan, 2008; Yarhouse, 2008). We encourage LMHP to support clients in determining their own (a) goals for their identity process; (b) behavioral expression of sexual orientation; (c) public and private social roles; (d) gender role, identity, and expression; (e) sex and gender of partner; and (f) form of relationship(s).

Understanding gender roles and gender expression and developing a positive gender identity⁴⁵ continue to be concerns for many individuals who seek SOCE, especially as nonconformity with social expectations regarding gender can be a source of distress and stigma (APA, 2008e; Beckstead & Morrow, 2004; Corbett, 1996, 1998; Wolkomir, 2001). Some SOCE teach men how to adopt traditional masculine behaviors as a means of altering their sexual orientation (e.g., Nicolosi, 1991, 1993) despite the absence of evidence that such interventions affect sexual orientation. Such theoretical positions have been characterized as products of stigma and bias that are without an evidentiary basis and may increase distress (American Psychoanalytic Association, 2000; Isay, 1987, 1999; Drescher, 1998a; Haldeman, 1994, 2001). For instance, Haldeman (2001) emphasized in his clinical work with men who had participated in SOCE that some men were taught that their homosexuality made them less masculine—a belief that was ultimately damaging to their self-esteem. Research on the impact of heterosexism and traditional gender roles indicates that an individual's adoption of traditional masculine norms increases sexual self-stigma and decreases self-esteem and emotional connection with others, thus negatively affecting mental health (Szymanski & Carr, 2008).

Advances in the psychology of men and masculinity provide more appropriate conceptual models for

Most literature in this area suggests that for clients who experience distress with their gender-role nonconformity, LMHP provide them with a more complex theory of gender that affirms a wider range of gender diversity and expands definitions and expressions of masculinity and femininity.

considering gender concerns—for instance, in such concepts as gender role strain or gender role stress (cf. Butler, 2004; Enns, 2008; Fischer & Good, 1997; Heppner & Heppner, 2008; Levant, 1992; Levant & Silverstein, 2006; O'Neil, 2008; Pleck, 1995; Wester, 2008).

This literature suggests exploring with clients the role of traditional gender norms in distress and reconceptualizing gender in ways that feel more authentic to the client. Such approaches

⁴⁵ Gender refers to the roles, behaviors, activities, and attributes that a particular society considers appropriate for men and women. Gender identity is a person's own psychological sense of identification as male or female, another gender, or identifying with no gender. Gender expression is the activities and behaviors that purposely or inadvertently communicate our gender identity to others, such as clothing, hairstyles, mannerisms, way of speaking, and social roles.

could also reduce the gender stereotypes associated with same-sex sexual orientation (Corbett, 1998; Haldeman, 2001; Schwartzberg & Rosenberg, 1998). Most literature in this area suggests that for clients who experience distress with their gender-role nonconformity, LMHP provide them with a more complex theory of gender that affirms a wider range of gender diversity and expands definitions and expressions of masculinity and femininity (Butler, 2004; Corbett, 1996, 1998, 2001; Haldeman, 2001; Levant & Silverstein, 2006).

Some women find current categories for conceptualizing their sexual orientation and sexual orientation identity limiting, as concepts in popular culture and professional literature do not mirror their experiences of fluidity and variation in sexuality and relationships (Chivers et al., 2007; Diamond, 2006, 2008; Peplau & Garnets, 2000). Some women, for example, may experience relationships with others as important parts of sexuality and may place sexuality, sexual orientation, and sexual orientation identity in the context of interpersonal bonds and contexts (Diamond, 2003, 2006, 2008; Diamond & Savin-Williams, 2000; Garnets & Peplau, 2000; Kinnish, Strassberg, & Turner 2005; Kitinger, & Wilkinson, 1994; Miller, 1991; Morgan & Thompson, 2006; Peplau & Garnets, 2000; Surrey, 1991). Specific psychotherapy approaches that focus on an understanding of emotional and erotic interpersonal connections in sexuality rather than simply on sexual arousal can aide LMHP in providing a positive framework and goals for therapy with women (Garnets & Peplau, 2000; Glassgold, 2008; Miller, 1991; Surrey, 1991).

For many women, religious or cultural influences discourage exploration of sexuality and do not portray female sexuality as positive or self-directed (Brown, 2006; Espin, 2005; Fassinger & Arseneau, 2006; Mahoney & Espin, 2008; Moran, 2007; Stone, 2008). Treatment might involve deconstructing cultural scripts in order to explore possibilities for religion, sexuality, sexual orientation, identity, and relationships (Avishai, 2008; Biaggio, Coan, & Adams, 2002; Morgan & Thompson, 2006; Rose & Zand, 2000).

Conclusion

The appropriate application of affirmative therapeutic interventions to adults is built on three key findings in the research: (a) An enduring change to an individual's sexual orientation as a result of SOCE was unlikely, and some participants were harmed by

the interventions; (b) sexual orientation identity—not sexual orientation—appears to change via psychotherapy, support groups, and life events; and (c) clients perceive a benefit when offered interventions that emphasize acceptance, support, and recognition of important values and concerns.

On the basis of these findings and the clinical literature on this population, we suggest client-centered approaches grounded on the following scientific facts:

- Same-sex sexual attractions, behavior, and orientations per se are normal and positive variants of human sexuality—in other words, they are not indicators of mental or developmental disorders.
- Same-sex sexual attractions and behavior can occur in the context of a variety of sexual orientations and sexual orientation identities.
- Gay men, lesbians, and bisexual individuals can live satisfying lives as well as form stable, committed relationships and families that are equivalent to heterosexual relationships in essential respects.
- No empirical studies or peer-reviewed research support theories attributing same-sex sexual orientation to family dysfunction or trauma.

Affirmative client-centered approaches consider sexual orientation uniquely individual and inseparable from an individual's personality and sense of self (Glassgold, 1995, 2008). This includes (a) being aware of the client's unique personal, social, and historical context; (b) exploring and countering the harmful impact of stigma and stereotypes on the client's self-concept (including the prejudice related to age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status); and (c) maintaining a broad view of acceptable life choices.

We developed a framework for the appropriate application of affirmative therapeutic interventions for adults that has the following central elements: (a) acceptance and support; (b) comprehensive assessment; (c) active coping; (d) social support; and (e) identity exploration and development. Acceptance and support include (a) unconditional positive regard for and empathy with the client; (b) an openness to the client's perspective as a means to understanding their concerns; and (c) encouragement of the client's positive self-concept.

Client assessment includes an awareness of the complete person, including mental health concerns that could impact distress about sexual orientation. Active

Psychotherapy, self-help groups, or welcoming communities (ethnic communities, social groups, religious denominations) provide social support that can mitigate distress caused by isolation, rejection, and lack of role models.

coping strategies are efforts that include cognitive, behavioral, or emotional responses designed to change the nature of the stressor itself or how an individual perceives it and includes both cognitive and emotional strategies.

Psychotherapy, self-help groups, or welcoming communities (ethnic communities, social groups, religious denominations) provide social support that can mitigate distress caused by isolation, rejection, and lack of role models.

Conflicts among disparate elements of identity play a major role in the conflicts and mental health concerns of those seeking SOCE. Identity exploration is an active process of exploring and assessing one's identity and establishing a commitment to an integrated identity that addresses the identity conflicts without an a priori treatment goal for how clients identify or live out their sexual orientation. The process may include a developmental process that includes periods of crisis, mourning, reevaluation, identity deconstruction, and growth.

Licensed mental health providers address specific issues for religious clients by integrating aspects of the psychology of religion into their work, including by obtaining a thorough assessment of clients' spiritual and religious beliefs, religious identity and motivations, and spiritual functioning; improving positive religious coping; and exploring the intersection of religious and sexual orientation identities. This framework is consistent with modern multiculturally competent approaches and evidence-based psychotherapy practices and can be integrated into a variety of theoretical systems.

7. ETHICAL CONCERNS AND DECISION MAKING IN PSYCHOTHERAPY WITH ADULTS⁴⁶

Ethical concerns relevant to sexual orientation change efforts (SOCE) have been a major theme in the literature and a central aspect of the debate around SOCE (e.g., Benoit, 2005; Cramer et al., 2008; Davison, 1976, 1978, 1991; Drescher, 1999, 2001, 2002; Gonsiorek, 2004; Haldeman, 1994, 2002, 2004; Herek, 2003; Lasser & Gottlieb, 2004; Rosik, 2003; Schreier, 1998; Schroeder & Shidlo, 2001; Sobocinski, 1990; Tozer & McClanahan, 1999; Wakefield, 2003; Yarhouse, 1998a; Yarhouse & Burkett, 2002; Yarhouse & Throckmorton, 2002). The major concerns raised in these publications have been (a) the potential for harm, (b) the client's right to choose sexual orientation change efforts and other issues generally related to the ethical issue of client autonomy, and (c) questions of how to appropriately balance respect for two aspects of diversity—religion and sexual orientation. SOCE presents an ethical dilemma to practitioners because these publications have urged LMHP to pursue multiple and incompatible courses of action (cf. Kitchener, 1984).

In 1997 APA adopted the Resolution on Appropriate Therapeutic Responses to Sexual Orientation. This resolution highlighted the provisions of the then-current *Ethical Principles for Psychologists and Code of Conduct* (APA, 1992) that APA believed to be relevant to situations in which clients request treatments to alter sexual orientation and psychologists provide such treatments, including the provisions regarding bias and discrimination, false or deceptive information, competence, and informed consent to treatment.

⁴⁶ Ethical concerns for children and adolescents are considered in Chapter 8.

For a discussion of the resolution's application to clinical situations, readers are referred to Schneider et al. (2002). APA reaffirmed (a) its position that homosexuality is not a mental disorder; (b) its opposition to stigma, prejudice, and discrimination based on sexual orientation; and (c) its concern about the contribution of the promotion of SOCE to the continuation of sexual stigma in U.S. culture.

The APA's charge to the task force included "to review and update the APA Resolution on Appropriate Therapeutic Responses to Sexual Orientation." In the process of fulfilling this aspect of our charge, we considered the possibility of recommending revisions to the 1997 resolution to update it with the specific principles and standards of the 2002 APA Ethics Code. Ultimately, we decided against a revision,⁴⁷ because the relevant concepts in the two versions of the principles and code are similar. Instead, this chapter examines the relevant sections of the 2002 APA *Ethical Principles for Psychologists and Code of Conduct* [hereafter referred to as the Ethics Code] in light of current debates regarding ethical decision making in this area.⁴⁸ We build our discussion on the concepts outlined in the 1997

⁴⁷ As the final chapter of this report reveals, we have developed a new resolution that we recommend APA adopt.

⁴⁸ This section is for descriptive and educational purposes. It is not designed to interpret the APA (2002b) Ethics Code. The APA Ethics Committee alone has the authority to interpret the APA (2002b) Ethics Code and render decisions about whether a course of treatment is ethical. Furthermore, this section is not intended to provide guidelines or standards for practice. Guidelines and standards for practice are created through a specific process that is outside the purview of the task force.

resolution and discuss some of the ethical controversies in light of the newer APA Ethics Code (2002b) and of the systematic research review presented in Chapters 3 and 4 of this report. Although many of the principles and standards in the Ethics Code are potentially pertinent,⁴⁹ the principles and standards most relevant to this discussion are (in alphabetical order):

1. Bases for Scientific and Professional Judgments (Standard 2.04) and Competence (e.g. 2.01a, 2.01b)⁵⁰
2. Principle A: Beneficence and Nonmaleficence
3. Principle D: Justice
4. Principle E: Respect for People's Rights and Dignity

Bases for Scientific and Professional Judgments and Competence

Many of the standards of the Ethics Code are derived from the ethical and valuative foundations found in the principles (Knapp & VandeCreek, 2004). Two of the more important standards are competence and the bases for scientific and professional judgments. These standards are linked, as competence is based on knowledge of the scientific evidence relevant to a case (Glassgold & Knapp, 2008). When practicing with those who seek sexual orientation change for themselves or for others, commentators on ethical practice have recommended that the practitioner understand the scientific research on sexual orientation and SOCE (Glassgold & Knapp, 2008; Schneider et al., 2002). It is obviously beyond the task force's scope to provide a systematic review of the whole body of research on sexual orientation, but we have tried to provide a systematic review of the research on SOCE in Chapters 3 and 4. From this review, we have drawn two key conclusions.

⁴⁹ The following are some of the pertinent standards: 2. Competence, 2.01 Boundaries of Competence, 2.03 Maintaining Competence, 2.04 Bases for Scientific and Professional Judgments; 3. Human Relations, 3.01 Unfair Discrimination, 3.03 Other Harassment, 3.04 Avoiding Harm, 3.10 Informed Consent; 5.01 Avoidance of False and Deceptive Statements, 5.04 Media Presentations; 7.01 Design of Education and Training Programs; 8.02 Informed Consent to Research; 10.01 Informed Consent to Therapy; 10.02 Therapy Involving Couples or Families.

⁵⁰ Knapp and VandeCreek (2004) proposed that 2. Competence is derived from Principle A Beneficence & Nonmaleficence, as it is more likely that an LMHP can provide benefit if he or she is competent; however, for our purposes, this chapter will discuss these issues sequentially.

The first finding from our review is that *there is insufficient evidence that SOCE are efficacious for changing sexual orientation. Furthermore, there is some evidence that such efforts cause harm.* On the basis

On the basis of this evidence, we consider it inappropriate for psychologists and other LMHP to foster or support in clients the expectation that they will change their sexual orientation if they participate in SOCE.

of this evidence, we consider it inappropriate for psychologists and other LMHP to foster or support in clients the expectation that they will change their sexual orientation if they participate

in SOCE. We believe that among the various types of SOCE, the greatest level of ethical concern is raised by SOCE that presuppose that same-sex sexual orientation is a disorder or a symptom of a disorder.⁵¹ Treatments based on such assumptions raise the greatest level of ethical scrutiny by LMHP because they are inconsistent with the scientific and professional consensus that homosexuality per se is not a mental disorder. Instead, we counsel LMHP to consider other treatment options when clients present with requests for sexual orientation change.

The second key finding from our review is that *those who participate in SOCE, regardless of the intentions of these treatments, and those who resolve their distress through other means, may evolve during the course of their treatment in such areas as self-awareness, self-concept, and identity.* These changes may include (a) sexual orientation identity, including changes in private and public identification, group membership, and affiliation; (b) emotional adjustment, including reducing self-stigma and shame; and (c) personal beliefs, values, and norms, including changes in religious and moral beliefs and behaviors and motivations (Buchanon et al., 2001; Diamond, 1998, 2006; Rust, 2003; Savin-Williams, 2004; R. L. Worthington, 2002, 2004, 2005; Yarhouse, 2008). These areas become targets of LMHP interventions in order to reduce identity conflicts and distress and to explore and enhance the client's identity integration.

Because a large number of individuals who seek SOCE are from conservative faiths and indicate that religion is very important to them, research on the psychology of religion can be integrated into treatment. For instance, individual religious motivations can be

⁵¹ See, e.g., Socarides (1968), Hallman (2008), and Nicolosi (1991); these theories assume homosexuality is always a sign of developmental defect or mental disorder.

examined, positive religious coping increased, and religious identity and sexual orientation identity explored and integrated (Beckstead & Israel, 2007; Fowler, 1981; Glassgold, 2008; Haldeman, 2004; Knight & Hoffman, 2007; O'Neill & Ritter, 1992; Yarhouse & Tan, 2005a, 2005b). This is consistent with advances in the understanding of human diversity that place LGB-affirmative approaches within current multicultural perspectives that include age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status (e.g., Bartoli & Gillem, 2008; Brown, 2006; Fowers & Davidov, 2006), consistent with Principle D (Justice) and Principle E (Respect for People's Rights and Dignity).

However, in some of the debates on these issues, there are tensions between conservative religious perspectives and affirmative and scientific perspectives (Haldeman, 2002; Rosik, 2003; Throckmorton & Welton, 2005; Yarhouse, 1998a; Yarhouse & Burkett, 2002; Yarhouse & Throckmorton, 2002). Although there are tensions between religious and scientific perspectives, the task force and other scholars do not view these perspectives as mutually exclusive (Bartoli & Gillem, 2008; Haldeman, 2004; S. L. Morrow & Beckstead, 2004; Yarhouse, 2005b). As we noted in the introduction, in its Resolution on Religious, Religion-Related, and/

APA (2008a) delineates a perspective that affirms the importance of science in exploring and understanding human behavior while respecting religion as an important aspect of human diversity.

or Religion-Derived Prejudice, APA (2008a) delineates a perspective that affirms the importance of science in exploring and understanding human behavior while respecting religion as an important aspect of

human diversity. Scientific findings from the psychology of religion can be incorporated into treatment, thus respecting all aspects of diversity while providing therapy that is consistent with scientific research.

Most important, respecting religious values does not require using techniques that are unlikely to have an effect. We proposed an approach that respects religious values and welcomes all of the client's actual and potential identities by exploring conflicts and identities without preconceived outcomes. This approach does not prioritize one identity over another and may aide a client in creating a sexual orientation identity with religious values (see Chapter 6) (Bartoli & Gillem, 2008;

Beckstead & Israel, 2007; Glassgold, 2008; Gonsiorek, 2004; Haldeman, 2004; Tan, 2008; Yarhouse, 2008).

Benefit and Harm

Principle A of the APA Ethics Code, Beneficence and Nonmaleficence, establishes that psychologists aspire to provide services that maximize benefit and minimize harm (APA, 2002b). Many ethicists and scholars consider the avoidance of harm to be the priority of modern health care and medical ethics (Beauchamp & Childress, 2008; Herek, 2003; S. L. Morrow, 2000). The literature on effective treatments and interventions stresses that effective interventions do not have serious negative side effects (Beutler, 2000; Flay et al., 2005). When applying this principle in the context of providing interventions, LMHP assess the risk of harm, weigh that risk with the potential benefits, and communicate this to clients through informed consent procedures that aspire to provide the client with an understanding of potential risks and benefits that are accurate and unbiased. Some of the published considerations of ethical issues related to SOCE have focused on the limited evidence for its efficacy, the potential for client harm, and the potential for misrepresentation of these issues by proponents of SOCE (Cramer et al., 2008; Haldeman, 1994, 2002, 2004; Herek, 2003; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002). Other discussions focus on other harms of SOCE, such as reinforcing bias, discrimination, and stigma against LGB individuals (Davison, 1976, 1978, 1991; Drescher, 1999, 2001, 2002; Gonsiorek, 2004).

In weighing the harm and benefit of SOCE, LMHP can review with clients the evidence presented in this report. Research on harm from SOCE is limited, and some of the research that exists suffers from methodological limitations that make broad and definitive conclusions difficult. Early well-designed experiments that used aversive and behavioral interventions did cause inadvertent and harmful mental health effects such as increased anxiety, depression, suicidality, and loss of sexual functioning in some participants. Additionally, client dropout rate is sometimes an indication of harmful effects (Lilienfeld, 2007). Early studies with aversive procedures are characterized by very high dropout rates, perhaps indicating harmful effects, and substantial numbers of clients unwilling to participate further. Other perceptions of harm mentioned by recipients of SOCE include increased guilt and hopelessness due to the

failure of the intervention, loss of spiritual faith, and a sense of personal failure and unworthiness (Beckstead & Morrow, 2004; Haldeman, 2001, 2004; Shidlo & Schroeder, 2002). Other indirect harms from SOCE include the time, energy, and cost of interventions that were not beneficial (Beckstead & Morrow, 2004; Lilienfeld, 2007; Smith et al., 2004).

We found limited research evidence of benefits from SOCE. There is qualitative research that describes clients' positive perceptions of such efforts, such as experiencing empathy and a supportive environment to discuss problems and share similar values, which seemed to reduce their stress about their same-sex sexual attractions (Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001). The literature on SOCE support groups, for instance, illustrates results similar to those found for LGB-affirming groups and mutual help groups in general (e.g., Kerr, 1997; Levine et al., 2004; Thumma, 1991). The positive experiences clients report in SOCE are not unique. Rather, they are benefits that have been found in studies of therapeutic relationships and support groups in a number of different contexts (Levine et al., 2004; Norcross, 2002; Norcross & Hill, 2004). Thus, the benefits reported by participants in SOCE may be achieved through treatment approaches that do not attempt to change sexual orientation.

Perceptions of risks and rewards of certain courses of action influence the individual's decisions, distress, and process of exploration in psychotherapy. The client and LMHP may define these risks and rewards differently, leading to different perceptions of benefit and harm. Recognizing, understanding, and clarifying these different perceptions of risks and rewards are crucial for a thorough ethical analysis of each client's unique situation and are aspects of client-centered approaches. For instance, an LMHP may attempt to provide information to the client to reduce sexual stigma and increase life options by informing the client about the research literature on same-sex couples. Such relationships may be threatening to the client when such a life course is perceived as being inconsistent with existing religious beliefs and motivations and potentially having negative repercussions on existing relationships with religious communities. Yet, discussing positive coping resources with clients

regarding how to manage such inconsistencies, stigma, and negative repercussions may provide the client with more informed and empowered solutions from which to choose, thus increasing benefit and autonomy and reducing harm.

Justice and Respect for Rights and Dignity

In this section, we focus on two concepts, Justice (Principle D) and Self-Determination (Principle E, Respect for People's Rights and Dignity). The first considers justice, both distributive and procedural justice (Knapp & VandeCreek, 2004), and the second focuses on recognizing diversity and maximizing a client's ability to choose. The APA Ethics Code uses the term *self-determination* to encompass the meanings for which many ethicists have used the term autonomy; we define self-determination as the process by which a person controls or determines the course of her or his own life (*Oxford American Dictionary*, n.d.). Client self-determination encompasses the ability to seek treatment, consent to treatment, and refuse treatment. The informed consent process is one of the ways by which self-determination is maximized in psychotherapy.

Informed consent and self-determination cannot be considered without an understanding of the individual, community, and social contexts that shape the lives of sexual minorities. By understanding self-determination as context-specific and by working to increase clients' awareness of the influences of context on their decision making, the LMHP can increase clients' self-determination and thereby increase their ability to make informed life choices (Beckstead & Israel, 2007; Glassgold, 1995; 2008; Haldeman, 2004). For instance, some have suggested that social stigma and prejudice are fundamental reasons for sexual minorities' desire to change their sexual orientation (Davison, 1976, 1978, 1982, 1991; Haldeman, 1994; Silverstein, 1991; G. Smith et al., 2004; Tozer & Hayes, 2004). As stigma, prejudice, and discrimination continue to be prevalent,⁵²

⁵² For instance, the criminalization of certain forms of same-sex sexual behavior between consenting adults in private was constitutional in the United States until 2003 (see *Lawrence v. Texas*, 2003). The federal government and most U.S. states do not provide civil rights protections to LGB individuals and their families (National Gay and Lesbian Task Force, n.d.). In some other countries, homosexual behavior is still illegal and subject to extreme consequences, even death (e.g., Human Rights Watch, 2008; International Gay & Lesbian Human Rights Commission (IGLHRC), n.d.; Wax, 2008). In extremely repressive environments, sexual orientation conversion efforts are

we recommend that LMHP strive to understand their clients' request for SOCE in the context of sexual stigma and minority stress (e.g., DiPlacido, 1998; Meyer, 2001). We further recommend that providers explore with their clients the impact of these factors on their clients' decision making in order to assess the extent to which self-determination is compromised (cf. G. Smith et al., 2004).

For instance, repressive, coercive, or invalidating cultural, social, political, and religious influences can limit autonomous expression of sexual orientation, including the awareness and exploration of options for expression of sexual orientation within an individual life (e.g., Glassgold, 2008; Mark, 2008; McCormick, 2006; G. Smith et al., 2004; Wax, 2008). We recommend that LMHP consider the impact of discrimination and stigma on the client and themselves (e.g., Beckstead & Israel, 2007; Haldeman, 2001, 2002). This consideration can become quite complex when the client or the community of the client or the LMHP believes that homosexuality is sinful and immoral (see Beckstead & Israel, 2007). Further exploration of religious beliefs and the cognitive assumptions underlying those beliefs may be helpful in understanding the client's beliefs and perception of choices (Buchanan et al., 2001; Fischer & DeBord, 2007; Johnson, 2004; Yarhouse, 2008; Yip, 2000, 2002, 2005).

The issue of self-determination and autonomy has become controversial, and some have suggested that SOCE be offered in the spirit of maximizing client autonomy⁵³ so that clients have access to a treatment they request (e.g., Rosik, 2003; Yarhouse & Throckmorton, 2002). Others have cautioned against providing interventions that have very limited evidence of effectiveness, run counter to current scientific knowledge, and have the potential for harm, despite client requests (Drescher, 1999, 2002; Forstein, 2001; Gonsiorek, 2004; Haldeman, 2002; Herek, 2003). With regard to claims that client autonomy is the defining concern in treatment decision making, elevating one aspect of ethical reasoning, such as autonomy, above all others is not consistent with the current framework of the APA Ethics Code or medical ethics that focus on the interrelatedness of ethical principles (Beauchamp & Childress, 2008; Knapp & VandeCreek, 2004).

provided in a coercive manner and have been the subject of human rights complaints (e.g., IGLHRC, 2001).

⁵³ The APA Ethics Code does not use the word *autonomy*; rather it uses *self-determination*, which is defined here as "the process by which a person controls their own life" (*Oxford American Dictionary*, n.d.).

For instance, current ethics guidance focuses on the interrelatedness of ethical principles and understanding a clinical situation fully so as to appropriately balance the various pertinent principles (e.g., Knapp & VandeCreek, 2004). Self-determination and autonomy can vary in degree due to interpersonal and intrapersonal concerns and can be considered in relation to other ethical principles, such as providing services that (a) are likely to provide benefit, (b) are not effective, or (c) have the potential for harm.

We believe that simply providing SOCE to clients who request it does not necessarily increase self-determination but rather abdicates the responsibility of LMHP to provide competent assessment and interventions that have the potential for benefit with a limited risk of harm. We also believe that LMHP are more likely to maximize their clients' self-determination by providing effective psychotherapy that increases a client's abilities to cope, understand, acknowledge, explore, and integrate sexual orientation concerns into a self-chosen life in which the client determines the ultimate manner in which he or she does or does not express sexual orientation.

into a self-chosen life in which the client determines the ultimate manner in which he or she does or does not express sexual orientation (Bartoli & Gillem, 2008; Beckstead & Israel, 2007; S. L. Morrow & Beckstead, 2004; Haldeman, 2004; Tan, 2008; Throckmorton & Yarhouse, 2006; Yarhouse, 2008).

Relational Issues in Treatment

Ideal or desired outcomes may not always be possible, and at times, the client may face difficult decisions that require different types and degrees of disappointment, distress, and sacrifice, as well as benefits, fulfillment, and rewards (Beckstead & Morrow, 2004; Glassgold, 2008; Haldeman, 2004; Yarhouse, 2008). LMHP may face strong emotions regarding the limits of their ability to provide relief from such difficult decisions or their consequences. Such emotions are understandable in this complex area, yet acting on such emotions within treatment has the potential to be harmful to the client

(Knapp & VandeCreek, 2004; Pope & Vasquez, 2007). In these situations, in order to aid the client, the LMHP may have to address his or her own emotional reactions to the client’s dilemmas. As the client must address regrets, losses (such as impossible and possible selves; see L. A. King & Hicks, 2007), and definitions of what is a fulfilling and worthwhile life, the LMHP must address his or her own values and beliefs about such issues. The LMHP’s self-awareness, self-care, and judicious use of consultation can be helpful in these circumstances (Pope & Vasquez, 2007; Porter, 1995).

Moreover, LMHP may have their own internalized assumptions about sexual orientation, sexual orientation identity, sexuality, religion, race, ethnicity, and cultural issues (APA, 2000, 2002b; Garnets et al., 1991; McIntosh, 1990; Pharr, 1988; Richards & Bergin, 2005). The ethical principles of justice and respect for people’s rights and dignity encourage LMHP to be aware of discrimination and prejudice so as to avoid condoning or colluding with the prejudices of others, including societal prejudices. As a way to increase awareness of their assumptions and promote the resolution of their own conflicts, R. L. Worthington, Dillon, and Becker-Schutte (2005) advised LMHP to develop their own competence surrounding sexual orientation, sexual minorities, and heterosexual privilege. Such competence requires self-reflection, contact with diverse sexual minority communities, and self-management of biases and sexual prejudice (cf. Israel, Ketz, Detrie, Burke, & Shulman, 2003).

Several authors (e.g., Faiver & Ingersoll, 2005; Lomax, Karff, & McKenny, 2002; Richards & Bergin, 2005; Yarhouse & Tan, 2005a; Yarhouse & VanOrman, 1999) have described potential ethical concerns related to working with religious clients. LMHP can strive to be

Although LMHP strive to respect religious diversity and to be aware of the importance of religion to clients’ worldviews, LMHP focus on scientific evidence and professional judgment in determining mental health interventions.

aware of how their own religious values affect treatment and can aspire to focus on the client’s perspective and aspire to become informed about the importance and content of specific

religious beliefs and the psychology of religion (Bartoli, 2007; Yarhouse & VanOrman, 1999; Yarhouse & Fisher, 2002). Yet, for LMHP, the goal of treatment is determined by mental health concerns rather than directed by religious values (Gonsiorek, 2004). Although LMHP strive to respect religious diversity

and to be aware of the importance of religion to clients’ worldviews, LMHP focus on scientific evidence and professional judgment in determining mental health interventions (APA, 2008a; Beckstead, 2001; Glassgold, 2008; Haldeman, 2004; Yarhouse & Burkett, 2002).

Summary

The principles and standards of the 2002 *Ethical Principles for Psychologists and Code of Conduct* most relevant to working with sexual minorities who seek to alter their sexual orientation are (a) Bases for Scientific and Professional Judgments (Standard 2.04) and Competence (2.01); (b) Beneficence and Nonmaleficence (Principle A); (c) Justice (Principle D); and (d) Respect for People’s Rights and Dignity (Principle E). The key scientific findings relevant to the ethical concerns that are important in the area of SOCE are the limited evidence of efficacy or benefit and the potential for harm. LMHP are cautioned against promising sexual orientation change to clients. LMHP are encouraged to consider affirmative treatment options when clients present with requests for sexual orientation change. Such options include the therapeutic approaches included in Chapter 6 and focus on supporting a client’s exploration and development of sexual orientation identity, which provide realistic opportunities for maximizing self-determination. These approaches balance an understanding of the role of sexual stigma and respect other aspects of diversity in a client’s exploration and maximize client self-determination.

8. ISSUES FOR CHILDREN, ADOLESCENTS, AND THEIR FAMILIES

Task Force Charge and Its Social Context

mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.

The task force was asked to report on three issues for children and adolescents:

1. The appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation⁵⁴ on their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change.
2. The presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.⁵⁵
3. Recommendations regarding treatment protocols that promote stereotyped gender-normative behavior to

This charge reflects recent events and current social context. Advocacy groups, both for and against sexual orientation change efforts (SOCE), law journals, and the media have reported on involuntary SOCE among adolescents (Goishi, 1997; Morey, 2006; Sanchez, 2007; Weithorn, 1998; Williams, 2005).⁵⁶ Publications by LMHP directed at parents and outreach from religious organizations advocate SOCE for children and youth as interventions to prevent adult same-sex sexual orientation (Cianciotto & Cahill, 2006; Kennedy & Cianciotto, 2006; Nicolosi & Nicolosi, 2002; Rekers, 1982; Sanchez, 2007).

Reports by LGB advocacy groups (e.g., Cianciotto & Cahill, 2006; Kennedy & Cianciotto, 2006) have claimed that there has been an increase in attention to youths by religious organizations that believe that homosexuality is a mental illness or an adverse developmental outcome. These reports further suggest that there has been an increasing in outreach to youths that portrays homosexuality in an extremely negative light and uses fear and shame to fuel this message. These reports expressed concern that such efforts have a negative impact on adolescents' and their parents' perceptions of their sexual orientation

⁵⁴ In this report, we define adolescents as individuals between the ages of 12 and 18 and children as individuals under age 12. The age of 18 was chosen because many jurisdictions in the United States use this age as the legal age of majority, which determines issues such as consent to treatment and other relevant issues.

⁵⁵ We define coercive treatments as practices that compel or manipulate a child or adolescent to submit to treatment through the use of threats, intimidation, trickery, or some other form of pressure or force. The threat of future harm leads to the cooperation or obedience. Threats of negative consequences can be physical or emotional, such as threats of rejection or abandonment from or disapproval by family, community, or peer-group; engendering feelings of guilt/obligation or loss of love; exploiting physical, emotional, or spiritual dependence.

⁵⁶ We define involuntary treatment as that which is performed without the individual's consent or assent and may be contrary to his or her expressed wishes. Unlike coercive treatment, no threats or intimidation are involved.

or potential sexual orientation, increase the perception that homosexuality and religion are incompatible, and increase the likelihood that some adolescents will be exposed to SOCE without information about evidence-based treatments.

One aspect of these concerns expressed by LGB advocacy groups has been the presence of residential programs in which adolescents have been placed by their parents, in some cases with reported lack of assent from the adolescent (e.g., Cianciotto & Cahill, 2006; Kennedy & Cianciotto, 2006). In addition, a longstanding concern raised by advocacy groups for both LGB people and transgender people has been the alleged use of residential psychiatric commitment and gender-normative behavioral treatments for children and adolescents whose expression of gender or sexuality violates gender norms (Goishi, 1997; Morey, 2006; Weithorn, 1988).

To fulfill our charge, we reviewed the literature on SOCE in children and adolescents and affirmative psychotherapy for children, adolescents, and their families. We considered the literature on best practices in child and adolescent treatment, inpatient treatment, and legal issues regarding involuntary or coercive treatments and consent to and refusal of treatment. We also reviewed the literature on the development of sexual orientation in children and adolescents.

Literature Review

Literature on Children

There is a lack of published research on SOCE among children. Research on sexuality in childhood is limited and seldom includes sexual orientation or sexual orientation identity (Perrin, 2002). Although LGB adults and others with same-sex sexual attractions often report emotional and sexual feelings and attractions from their childhood or early adolescence and recall a sense of being different even earlier in childhood (Beckstead & Morrow, 2004; Bell et al., 1981; D'Augelli & Hershberger, 1993; Diamond & Savin-Williams, 2000; Troiden, 1989), such concerns have not been studied directly in young children (cf. Bailey & Zucker, 1995; Cohen & Savin-Williams, 2004).

There is no published research suggesting that children are distressed about their sexual orientation per se. Parental concern or distress about a child's behavior, mental health, and possible sexual orientation plays a central role in referrals for psychotherapy (Perrin, 2002; Ryan & Futterman, 1997). Parents

may be concerned about behaviors in the child that are stereotypically associated with a same-sex sexual orientation (e.g., affection directed at another child of the same sex, lack of interest in the other sex, or behaviors that do not conform to traditional gender norms) (American Academy of Pediatrics [AAP], 1999; Haldeman, 2000). This situation contrasts with the condition of gender dysphoria in childhood and adolescence, for which there is clear evidence that some children and adolescents experience distress regarding their assigned sex, and some experience distress with the consequences of their gender and biological sex (i.e., youth struggling with social discrimination and stigma surrounding gender nonconformity) (APA, 2008e; Menveille, 1998; Menveille & Tuerk, 2002; R. Green, 1986, 1987; Zucker & Bradley, 1995).

Childhood interventions to prevent homosexuality have been presented in non-peer-reviewed literature (see Nicolosi & Nicolosi, 2002; Rekers, 1982).⁵⁷ These interventions are based on theories of gender and sexual orientation that conflate stereotypic gender roles or interests with heterosexuality and homosexuality or that assume that certain patterns of family relationships cause same-sex sexual orientation. These treatments focus on proxy symptoms (such as nonconforming gender behaviors), since sexual orientation as it is usually conceptualized does not emerge until puberty with the onset of sexual desires and drives (see APA, 2002a; Perrin, 2002). These interventions assume a same-sex sexual orientation is caused by certain family relationships that form gender identity and assume that encouraging gender stereotypic behaviors and certain family relationships will alter sexual orientation (Burack & Josephson, 2005; see, e.g., Nicolosi & Nicolosi, 2002; Rekers, 1979, 1982).

The theories on which these interventions are based have not been confirmed by empirical study (Perrin, 2002; Zucker, 2008; Zucker & Bradley, 1995). Although retrospective research indicates that some gay men and lesbians recall gender nonconformity in childhood (Bailey & Zucker, 1995; Bem, 1996; Mathy & Drescher,

⁵⁷ The only peer-reviewed literature is on children who exhibited nonconformity with gender roles or gender identity disorder and did not focus on sexual orientation (e.g., Rekers, 1979, 1981; Rekers, Bentler, Rosen, & Lovaas, 1977; Rekers, Kilgus, & Rosen, 1990; Rekers & Lovaas, 1974). However, the relevance of such work to this topic is limited, as none of these children reported experiencing same-sex sexual attractions or were followed into adulthood. Gender nonconformity differs from gender identity disorder, and children with gender identity disorder are not necessarily representative of the larger population of those children who will experience same-sex sexual attractions in adulthood (Bailey & Zucker, 1995; Bradley & Zucker, 1998; Zucker, 2008).

2008), there is no research evidence that childhood gender nonconformity and adult homosexuality are identical or are necessarily sequential developmental phenomena (Bradley & Zucker, 1998; Zucker, 2008). Theories that certain patterns of family relationships cause same-sex sexual orientation have been discredited (Bell et al., 1981; Freund & Blanchard, 1983; R. R. Green, 1987; D. K. Peters & Cantrell, 1991).

The research that has been attempted to determine whether interventions in childhood affect adult sexual orientation exists only within the specific population of children with gender identity disorder (GID). R. Green (1986, 1987) and Zucker and Bradley (1995) (to a limited degree) examined prospectively whether psychotherapy in children with GID influenced adult or adolescent sexual orientation and concluded that it did not (for a review of the issues for children with GID, see APA, 2009, *Report of the Task Force on Gender Identity and Gender Variance*). Thus, we concluded that there is no existing research to support the hypothesis that psychotherapy in children alters adult sexual orientation.

Literature on Adolescents

We found no empirical research on adolescents who request SOCE, but there were a few clinical articles reporting cases of psychotherapy with religious adolescents (Cates, 2007; Yarhouse, 1998b; Yarhouse & Tan, 2005a; Yarhouse et al., 2005) who expressed confusion regarding their sexual orientation and conflicts between religious values and sexual orientation. In some of these cases, the adolescents or their families sought SOCE or considered SOCE (Cates,

The general body of research on adolescents who identify themselves as same-sex oriented does not suggest that the normal development of a same-sex sexual orientation in adolescence is typically characterized by distress that results in requests for sexual orientation change.

orientation in adolescence is typically characterized by distress that results in requests for sexual orientation change (e.g., D'Augelli, 2002; Garofalo & Harper, 2003; Savin-Williams & Cohen, 2004).

2007; Yarhouse & Tan, 2005a; Yarhouse et al., 2005). The general body of research on adolescents who identify themselves as same-sex oriented does not suggest that the normal development of a same-sex sexual

The absence of evidence for adolescent sexual orientation distress that results in requests for SOCE and the few studies in the literature on religious adolescents seeking psychotherapy related to sexual orientation suggest that such distress is most likely to occur among adolescents in families for whom a religion that views homosexuality as sinful and undesirable is important. Yarhouse (1998b) and colleagues (Yarhouse & Tan, 2005a; Yarhouse, Brooke, Pisano, & Tan, 2005) discussed clinical examples of distress caused by conflicts between faith and sexual orientation surrounding the incompatibility between religious beliefs and LGB identities. For instance, a female adolescent client struggled with guilt and shame and fears that God would not love her, and a male adolescent experienced a conflict between believing God created him with same-sex feelings and believing that God prohibited their expression (Yarhouse & Tan, 2005a). Cates (2007) described three cases of Caucasian males who were referred by schools, courts, or parents for concerns that included their sexual orientation. All three youths perceived that within their faith community and family, an LGB identity was unacceptable and would probably result in exclusion and rejection (Cates, 2007). Because of the primacy of religious beliefs, the adolescents or their families requested religiously based therapy or SOCE. For instance, Cates described the treatment of an adolescent who belonged to the Old Amish Community and who requested SOCE. The young man perceived that there was no place for him in his faith community as a gay man and did not want to leave that community.

Research on Parents' Concerns About Their Children's Sexual Orientation

We did not find specific research on the characteristics of parents who bring their children to SOCE. Thus, we do not know whether this population is similar to or different from the more general population of parents who may have concerns or questions regarding their children's sexual orientation or future sexual orientation. We cannot conclude that parents who present to LMHP with a request for SOCE are motivated by factors that cause distress in other parents of adolescents with emerging LGB identities.

In the small samples represented by articles on case studies and clinical papers, parents' religious beliefs appear to be factors in their request of SOCE for their children. For instance, in clinical case discussions and

psychotherapy articles, Cates (2007), Yarhouse (1998b), Yarhouse and Tan (2005a), and Yarhouse et al. (2005) identified a population of parents who have strong conservative religious beliefs that reject LGB identities and perceive homosexuality as sinful.

Other reports suggest that parents of adolescents with emerging same-sex sexual orientation and conservative religious beliefs that perceive homosexuality negatively appear to be influenced by religious authorities and LMHP who promote SOCE. For instance, Burack and Josephson (2005) and Cianciotto and Cahill (2006) reported that fear and stereotypes appeared to be contributing factors in parents who resort to residential SOCE or other related coercive treatment on youth. Cianciotto and Cahill found that some advocacy groups do outreach to parents that encourages commitment to SOCE residential programs even if the children do not assent. These programs also appear to provide information to parents that stresses that sexual orientation can be changed (Burack & Josephson, 2005; Cianciotto & Cahill, 2006), despite the very limited empirical evidence for that assertion.

Residential and Inpatient Services

We were asked to report on “the presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.” We performed a thorough review of the literature on these programs. Upon completion of this review, we decided that the best way to address this task was to evaluate issues of the appropriateness of these programs for adolescents in light of issues of harm and benefit based on the literature on adolescent development, standards for inpatient and residential treatment, and ethical issues such as informed consent.

There are several accounts of inpatient and residential treatment, sometimes involuntary or coerced, for adolescents who were LGB-identified, confused or questioning their sexual orientation, gender nonconforming, or transgender (Arriola, 1998; Burack & Josephson, 2005; Goishi, 1997; Molnar, 1997; Weithorn, 1988). These incidents mostly occurred because the parent or guardian was distressed regarding the child’s actual sexual orientation or potential and perceived sexual orientation. An account of an adolescent boy who was placed in a program sponsored by Love in Action, a religious-based program, was reported widely in the press (Williams, 2005). This program was reported to focus on religious approaches to SOCE as well as

approaches that stress conformity to traditional gender roles and behaviors.

Concerns have arisen over the conduct of some private psychiatric hospitals that use alternative diagnoses—such as GID, conduct disorders, oppositional defiant disorders, or behaviors identified as self-defeating or self-destructive—to justify hospitalization of LGB and questioning youth and expose adolescents to SOCE (Arriola, 1998; Morey, 2006). Data on these issues are incomplete, as each state has different reporting requirements for public and private hospitals, and laws regarding confidentiality understandably protect client information.

ADOLESCENTS’ RIGHTS TO CONSENT TO TREATMENT

In researching involuntary treatment, we reviewed the recent literature on the growing movement to increase

It is now recognized that adolescents are cognitively able to participate in some health care treatment decisions, and such participation is helpful.

adolescents’ rights to consent to outpatient and inpatient mental health treatment so as to reduce involuntary hospitalization (Mutcherson, 2006; Redding, 1993). It

is now recognized that adolescents are cognitively able to participate in some health care treatment decisions, and such participation is helpful (Hartman, 2000, 2002; Mutcherson, 2006; Redding, 1993). The *APA Guidelines for Psychotherapy for Lesbian, Gay, and Bisexual Clients* (2000) and the APA Ethics Code (2002b) encourage professionals to seek the assent of minor clients for treatment. Within the field of adolescent mental health and psychiatry, there are developmental assessment models to determine an adolescent’s competence to assent or consent to and potentially refuse treatment (Forehand & Ciccone, 2004; Redding, 1993; Rosner, 2004a, 2004b). Some states now permit adolescents some rights regarding choosing or refusing inpatient treatment, participating in certain interventions, and control over disclosure of records (Koocher, 2003).

INPATIENT TREATMENT

The use of inpatient and residential treatments for SOCE is inconsistent with the recommendations of the field. For instance, the American Academy of Child and Adolescent Psychiatry (1989) recommended that inpatient treatment, when it does occur, be of the

shortest possible duration and reserved for the most serious psychiatric illnesses, such as those of a psychotic nature or where there is an acute danger to self or others. For less serious mental health conditions, the Academy recommended that inpatient hospitalization occur only after less restrictive alternatives (i.e., outpatient and community resources) are shown to be ineffective. In *Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care* (Wilber, Ryan, & Marksamer, 2006), the Child Welfare League of America recommended that, if necessary, hospitalization or residential substance abuse treatment for adolescents be in a setting that provides mental health treatments that are affirmative of LGB people and for which the staff is competent to provide such services. Further, in a review of the psychiatric literature, Weithorn (1988) concluded that the deprivation of normal social contacts and prevention of attendance at school and other normal social settings can be harmful as well as punitive.

PROGRAMS WITH RELIGIOUS AFFILIATIONS

Programs sponsored by religious groups, such as Love in Action's program, Refuge,⁵⁸ provide religiously based interventions that claim to change sexual orientation, control sexual behavior, or prevent the development of same-sex sexual orientation. The interventions have been marketed to parents in this way (Burack & Josephson, 2005; Sanchez, 2007; Williams, 2005). Because they are religious in nature and are not explicitly mental health facilities,⁵⁹ many of these programs are not licensed or regulated by state authorities. Burack and Josephson reported that there was effort by religious organizations and sponsors of these programs to communicate to parents that homosexuality is abnormal and sinful and could be changed.⁶⁰ Such religious organizations, according to the authors of the report, encouraged parents to seek treatment for their children. Based on anecdotal accounts of current and past residents, these programs, to influence adolescents' life decisions, allegedly used fear and even threats about negative spiritual, health, and life consequences and thus are viewed as coercive (Burack & Josephson, 2005; Sanchez, 2007).

⁵⁸ The program "Refuge," directed at adolescents, was closed in 2007 and is no longer advertised. However, Love in Action still sponsors residential programs for adults.

⁵⁹ These programs advertise helping with addiction, "negative self-talk and irrational belief systems," and behavior change (see www.loveinaction.org/default.aspx?pid=91).

⁶⁰ See www.loveinaction.org/default.aspx?pid=122

To provide an overview of the issues with residential programs for youth, we reviewed information gathered by the APA (2002a) Committee on Children, Youth, and Families in collaboration with the APA State Advocacy Office and the testimony and subsequent published report by members of the U.S. General Accounting Office before the Committee on Education and Labor of the U.S. House of Representatives (Kutz & O'Connell, 2007). These reports and testimony evaluated some current problems in adolescent residential mental health care. There are a large number of unlicensed and unregulated programs marketed to parents struggling to find behavioral or mental health programs for their adolescent children. Although many of these programs avoid regulation by not identifying themselves as mental health programs, they do advertise mental health, behavioral, and/or educational goals, especially for those youth perceived as troubled by their parents. Many of these programs are involuntary and coercive and use seclusion or isolation and escort services to transport unwilling youth to program locations (Kutz & O'Connell, 2007). The testimony and report described the negative mental health impacts of these programs and expressed grave concerns about them, including questions about quality of care and harm caused by coercive or involuntary measures (Kutz & O'Connell, 2007).

Thus, residential and outpatient programs that are involuntary and coercive and provide inaccurate scientific information about sexual orientation or are

Although religious doctrines themselves are not the purview of psychologists, how religious doctrine is inculcated through educational and socialization practices is a psychological issue and an appropriate subject of psychological examination, especially if there are concerns regarding substantiation of benefit or harm, unlicensed and unregulated facilities, and coercive and involuntary treatment.

excessively fear-based pose both clinical and ethical concerns, whether or not they are based on religious doctrine. Although religious doctrines themselves are not the purview of psychologists, how religious doctrine is inculcated through educational and socialization practices is a psychological issue

and an appropriate subject of psychological examination, especially if there are concerns regarding substantiation of benefit or harm, unlicensed and unregulated facilities, and coercive and involuntary treatment.

As noted earlier, we define coercive treatments as practices that compel or manipulate an individual to submit to treatment through the use of threats, intimidation, manipulation, trickery, or some other form of pressure, including threats of future harm. Harm can be physical or psychological. Harmful psychological consequences include disapproval; loss of love; rejection or abandonment by family, community, or peer group; feelings of guilt/obligation; and exploitation of physical, emotional, or spiritual dependence. Coercive and involuntary treatment present ethical dilemmas for providers working with many clients (APA, 2002b; Beauchamp & Childress, 2008; Davis, 2002); however, with children and adolescents, such concerns are heightened (Molnar, 1997; Weithorn, 1988). Children and adolescents are more vulnerable to such treatments because of the lack of legal rights and cognitive and emotional maturity and emotional and physical dependence on parents, guardians, and LMHP (Molnar, 1997; Weithorn, 1988). The involuntary nature of particular programs raises issues similar to those of other involuntary mental health settings; however, because they are religious programs, not mental health programs, they pose complex issues for licensure and regulation (Williams, 2005). Given ethical imperatives that stress maximizing autonomous decision making and self-determination (APA, 2002b; Beauchamp & Childress, 2008), LMHP should strive to maximize autonomous decision making and self-determination and avoid coercive and involuntary treatments.

Appropriate Application of Affirmative Intervention With Children and Adolescents

Multicultural and Client-Centered Approaches for Adolescents

A number of researchers and practitioners have advised LMHP that when working with children or adolescents and their families, they should address concerns regarding sexual orientation and base their interventions on the current developmental literature on children and adolescents and the scholarly literature on parents' responses to their child's sexual orientation (e.g., Ben-Ari, 1995; Bernstein, 1990; Holtzen & Agriesti, 1990; Mattison & McWhirter, 1995; Perrin, 2002; Ryan, Huebner, Diaz, & Sanchez, 2009; Salzburg,

2004, 2007; Yarhouse & Tan, 2005a).⁶¹ This literature recommends that LMHP learn about the law and scholarship on developmental factors in informed consent and take steps to ensure that minor clients have a developmentally appropriate understanding of treatment, are afforded complete information about their rights, and are provided treatment in the least restrictive environment. LMHP can review the recommendations for assent to treatment recommended in the *Guidelines for Psychotherapy for Lesbian, Gay, and Bisexual Clients* (APA, 2000) and can seek an adolescent's consent consistent with evolving considerations of developmental factors (Forehand & Ciccone, 2004; Redding, 1993; Rosner, 2004a, 2004b).

APA policies (APA, 1993, 2000) and the vast majority of current publications on therapy for LGB and questioning adolescents who are concerned about their sexual orientation recommend that LMHP support adolescents' exploration of identity by

- accepting homosexuality and bisexuality as normal and positive variants of human sexual orientation,
- accepting and supporting youths as they address the stigma and isolation of being a sexual minority,
- using person-centered approaches as youths explore their identities and experience important developmental milestones (e.g., exploring sexual values, dating, and socializing openly),
- ameliorating family and peer concerns (e.g., APA, 2000, 2002a; D'Augelli & Patterson, 2001; Floyd & Stein, 2002; Fontaine & Hammond, 1996; Hart & Heimberg, 2001; Hetrick & Martin, 1987; Lemoire & Chen, 2005; Mallon, 2001; Martin, 1982; Perrin, 2002; Radkowsky & Siegel, 1997; Ryan, 2001; Ryan et al., 2009; Ryan & Diaz, 2005; Ryan & Futterman, 1997; Schneider, 1991; Slater, 1988; Wilber, Ryan & Marksamer, 2006; Savin-Williams & Cohen, 2004; Yarhouse & Tan, 2005a).

When sexual minority and questioning youth require residential or inpatient treatment for mental health, behavioral, or family issues, it has been recommended that such treatment be safe from discrimination and prejudice and affirming of sexual orientation diversity

⁶¹ Due to the limited research on children, adolescents, and families who seek SOCE, our recommendations for affirmative therapy for children, youth, and their families distressed about sexual orientation are based on general research and clinical articles addressing these and other issues, not on research specific to those who specifically request SOCE. We acknowledge that limitation in our recommendations.

by staff who are knowledgeable about LGB identities and life choices (Mallon, 2001; Wilber et al., 2006).

Other aspects of human diversity, such as age, gender, gender identity, race, ethnicity, culture, national origin, religion, disability, language, and socioeconomic status, may be relevant to an adolescent's identity development, and these differences may intersect with sexual orientation identity (Diamond & Savin-Williams, 2000; Rosario, Rotheram-Borus, & Reid, 1996; Rosario, Scrimshaw, & Hunter, 2004; Rosario, Schrimshaw, Hunter, & Braun, 2006). Some adolescents are more comfortable with fluid or flexible identities due to gender differences and generational or developmental concerns, and their sexual orientation identities may not be exclusive or dichotomous (Diamond, 2006; Morgan & Thompson, 2006; Savin-Williams, 2005).

Only a few articles addressed the specific conflicts between religious identities and sexual orientation identities among youth (Cates, 2007; Yarhouse, 1998b; Yarhouse & Tan, 2005a). For instance, Yarhouse and Tan proposed solutions that respect religious beliefs and emphasized nondirective exploration of religious and sexual orientation identity that do not advocate a particular sexual orientation identity outcome. As adolescents may experience a crisis of faith and distress linked to religious and spiritual beliefs, the authors explored interventions that integrate the psychology of religion into interventions that stress improving the client's positive religious coping and relationship with the sacred (e.g., Exline, 2002; Pargament & Mahoney, 2005; Pargament et al., 1998, 2005). Cates (2007), from a more secular frame, emphasized a client-centered approach that stresses the LMHP's unconditional acceptance of the client and client choices even if the client cannot accept his or her own sexual orientation.

The ethical issues outlined in Chapter 7 are also relevant to children and adolescents; however, working with adolescents presents unique ethical dilemmas to LMHP (Koocher, 2003). Children and adolescents are often unable to anticipate the future consequences of a course of action and are emotionally and financially dependent on adults. Further, they are in the midst of developmental processes in which the ultimate outcome is unknown. Efforts to alter that developmental path may have unanticipated consequences (Perrin, 2002). LMHP should strive to be mindful of these issues, particularly as these concerns affect assent and consent to treatment and goals of treatment (Koocher, 2003; Rosner, 2004a, 2004b; Sobocinski, 1990). Possible approaches include open-ended and scientifically based

age-appropriate exploration with children, adolescents, and parents regarding these issues.

Multicultural and Client-Centered Approaches for Parents and Families

Parental attitudes and behaviors play a significant role in children's and adolescents' adjustment (Radkowsky & Siegel, 1997; Ryan & Diaz, 2005; Ryan et al., 2009; Savin-Williams, 1989b, 1998; Wilber et al., 2006; Yarhouse, 1998b). One retrospective research study of adults indicated

that LGB children are more likely to be abused by their families than by nonrelated individuals (Corliss, Cochran, & Mays, 2002). Another found that family rejection is a key predictor of negative health outcomes in White and Latino LGB young adults (Ryan, Huebner, Diaz, & Sanchez, 2009). Reducing parental rejection, hostility, and violence (verbal or physical) may contribute to the mental health and safety of the adolescent (Remafedi et al., 1991; Ryan et al., 2009; Savin-Williams, 1994; Wilber et al., 2006). Further, to improve parents' responses, LMHP need to find ways to ameliorate parents' distress about their children's sexual orientation. Exploring parental attributions and values regarding same-sex sexual orientation is especially important in order to facilitate engagement in treatment, resolution of ethical dilemmas, and increase of potential benefits of psychotherapy (Morrisey-Kane & Prinz, 1999; Sobocinski, 1990).

Family therapy for families who are distressed by their child's sexual orientation may be helpful in facilitating dialogues, increasing acceptance and support, reducing rejection, and improving management of conflicts or misinformation that may exacerbate an adolescent's distress (Mattison & McWhirter, 1995; Ryan et al., 2009; Salzburg, 2004, 2007). Such therapy can include family psychoeducation to provide accurate information and teach coping skills and problem-solving strategies for dealing more effectively with the challenges sexual minority youth may face and the concerns the families and caretakers may have (Ben-Ari, 1995; Perrin, 2002; Ryan & Diaz, 2005; Ryan & Futterman, 1997; Ryan et al., 2009; Salzburg, 2004, 2007; Yarhouse, 1998b). Ryan and Futterman (1997) termed this *anticipatory guidance*:

the LMHP provides family members with accurate information regarding same-sex sexual orientation and dispels myths regarding the lives, health, and psychological well-being of LGB individuals.

Perrin (2002) recommended that when working with families of preadolescent children, LMHP counsel parents who are concerned that their young children may grow up to be lesbian or gay to tolerate the ambiguity inherent in the limited knowledge of development. In addition, Perrin suggested a two-prong approach: (a) Provide information to reduce heterosexism within the family and increase the family's capacity to provide support and (b) introduce information about LGB issues into family discussions to aid the child's own self-awareness and self-acceptance and to counter stigma. For adolescents, Ryan et al. (2009) recommended that LMHP assess family reactions to LGB youth, specifically the presence of family rejection. Further, the authors advocated attempting to modify highly rejecting behaviors, providing anticipatory guidance to families that includes recommendations for support on the part of the family, and explaining the link between family rejection and negative health problems in children and adolescents.

Families with strong religious beliefs that condemn homosexuality may struggle with a child's same-sex sexual orientation (Cates, 2007; Yarhouse, 1998b; Yarhouse & Tan, 2005a). Yarhouse and Tan (2005a) suggested that family therapy reframe the religious beliefs to focus on aspects of faith that encourage love and acceptance of their child rather than on a religion's prohibitions. The authors stressed that these positive elements of faith can lay a constructive foundation for communication and problem solving and reduce family discord and rejection (Yarhouse & Tan, 2005a, p. 534).

Providing anticipatory guidance to parents to address their unique personal concerns can be helpful (Ryan & Futterman, 1997). The LMHP can help the parents plan in an affirmative way for the unique life challenges that they may face as parents of a sexual minority child. Parents must deal with their own unique choices and process of "coming out" and resolve fears of enacted stigma if they risk disclosure within their communities, at work, and to other family members (Bernstein, 1990). Further, the LMHP can address other stresses, such as managing life celebrations and transitions and coping with feelings of loss, and aid parents in advocating for their children in school situations—for example, when they face bullying or harassment. Multiple family groups led by LMHP might be helpful to counter the

isolation that many parents experience (Menveille & Tuerk, 2002).

Community Approaches for Children, Adolescents, and Families

Research has illuminated the potential that school-based and community interventions have for increasing safety and tolerance of sexual minorities, preventing distress and negative mental health consequences, and increasing the psychological well-being and health of sexual minority youth (APA, 1993; D'Augelli & Patterson, 2001; Goodenow, Szalacha, & Westheimer, 2006; Harper, Jamil, & Wilson, 2007; Kosciw & Diaz, 2006; A. J. Peters, 2003; Roffman, 2000; Safren & Heimberg, 1999; Schneider, 1991; Treadway & Yoakum, 1992). For instance, sexual minority adolescents in schools with support groups for LGB students reported lower rates of suicide attempts and victimization than those without such groups (Goodenow et al., 2006; Kosciw & Diaz, 2006; Szalacha, 2003). Kosciw and Diaz (2006) found that such support groups were related to improved academic performance and college attendance. The support groups that were examined in the research provided accurate affirmative information and social support, and the groups' presence was also related to increased school tolerance and safety for LGB youth (Goodenow et al., 2006; Kosciw & Diaz, 2006; Szalacha, 2003). School policies that increased staff support and positive school climate have been found to moderate suicidality and to positively affect sexual minority youth school achievement and mental health (Goodenow et al., 2006).

School and community interventions have the potential for introducing other sources of peer and adult support that may buffer children and adolescents from rejection that may occur in certain family, community, and religious contexts. These school and community interventions may provide alternative sources of information regarding LGB identities and lives. However, such school and community interventions are unlikely to directly affect the core attitudes and beliefs of the religious institutions and communities in which sexual orientation distress and family rejection might occur. These programs may have an indirect effect on communities and religious institutions because of their potential to change the general social context in which families deal with conflicts between their children's emerging sexual orientations and identities. We hope that such change will reduce the level of psychological

distress that such conflicts between religion and sexuality create and reduce the level of hostility and punitiveness to which some children and adolescents are exposed as a result of their sexual orientation.

For families, groups such as Parents, Families, and Friends of Lesbians and Gays (PFLAG) and the Straight Spouse Network may also provide a safe, nonjudgmental space in which to discuss their concerns, receive accurate information, reduce isolation, and reduce feelings of perceived stigma (Goldfried & Goldfried, 2001). PFLAG offers extensive literature for parents based on affirmative approaches to same-sex sexual attractions as well as a nationwide network of support groups. Such groups, by providing alternative sources of information, could reduce the distress for parents and increase family support of their sexual minority children, thus positively affecting sexual minority youth and children whose families are concerned about their future sexual orientation.

Parents who are religious may benefit from finding support through religious organizations and groups. One concern is that some groups may provide parents with information that presents same-sex sexual orientation in a negative light (e.g., defective, “broken”), which could increase stigma and rejection of children and adolescents; thus, such groups should rarely be considered. Alternatively, some groups provide resources that are both LGB affirming and religious.⁶²

Conclusion

We were asked to report on three issues for children and adolescents. First, we were asked to provide recommendations regarding treatment protocols that attempt to prevent homosexuality in adulthood by promoting stereotyped gender-normative behavior in children to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood. We found no empirical evidence that providing any type of therapy in childhood can alter adult same-sex sexual orientation. Some advocates of these treatments see homosexuality as a mental disorder, a concept that has been rejected by the mental health professions for more than 35 years. Further, the theories that such efforts are based on have not been corroborated by scientific evidence or evaluated for harm. Thus, we recommend

⁶² See, e.g., “Family Fellowship” (www.ldsfamilyfellowship.org/) for parents who belong to the Church of Jesus Christ of Latter-Day Saints. The Institute of for Sexual Orientation and Judaism also lists resources: www.huc.edu/ijso/.

Some advocates of these treatments see homosexuality as a mental disorder, a concept that has been rejected by the mental health professions for more than 35 years.

that LMHP avoid such efforts and provide instead multicultural, client-centered, and affirmative treatments that are

developmentally appropriate (Perrin, 2002).

Second, we were asked to comment on the presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation. We found that serious questions are raised by involuntary and coercive interventions and residential centers for adolescents due to their advocacy of treatments that have no scientific basis and potential for harm due to coercion, stigmatization, inappropriateness of treatment level and type, and restriction of liberty. Although the prevalence of these treatment centers is unknown, we recommend that some form of oversight be established for such youth facilities, such as licensure and monitoring, especially as a means of reporting abuse or neglect.

States have different requirements and standards for obtaining informed consent to treatment for adolescents; however, it is recognized that adolescents are cognitively able to participate in some health care treatment decisions and that such participation is helpful. We recommend that when it comes to treatment that purports to have an impact on sexual orientation, LMHP assess the adolescent’s ability to understand treatment options, provide developmentally appropriate informed consent to treatment that is consistent with the adolescent’s level of understanding, and, at a minimum, obtain the youth’s assent to treatment. SOCE that focus on negative representations of homosexuality and lack a theoretical or evidence base provide no documented benefits and can pose harm through increasing sexual stigma and providing inaccurate information. We further concluded that involuntary or coercive residential or inpatient programs that provide SOCE to children and adolescents may pose serious risk of harm, are potentially in conflict with ethical imperatives to maximize autonomous decision making and client self-determination, and have no documented benefits. Thus, we recommend that parents, guardians, or youth not consider such treatments.

Finally, we were asked to report on the appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to

change their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change.

We recommend that LMHP provide multiculturally competent and client-centered therapies to children, adolescents, and their families rather than SOCE.

We recommend that LMHP provide multiculturally competent and client-centered therapies to children,

adolescents, and their families rather than SOCE. Such approaches include an awareness of the interrelatedness of multiple identities in individual development as well an understanding of cultural, ethnic, and religious variation in families. Specific approaches can include (a) supporting children and youth in their developmental processes and milestones, (b) reducing internalized stigma in children and sexual stigma in parents, and (c) providing affirmative information and education on LGB identities and lives. These approaches would support children and youth in identity exploration and development without seeking predetermined outcomes. Interventions that incorporate knowledge from the psychology of religion and that increase acceptance, love, and understanding among individuals, families, and communities are recommended for populations for whom religion is important. Family therapy that provides anticipatory guidance to parents to increase their support and reduce rejection of children and youth addressing these issues is essential. School and community interventions are also recommended to reduce societal-level stigma and provide information and social support to children and youth.

9. SUMMARY AND CONCLUSIONS

APA's charge to the task force included three major tasks that this report addresses. First, the task force was asked to review and update the 1997 resolution on Appropriate Therapeutic Responses to Sexual Orientation (APA, 1998). Second, the task force was asked to report on the following:

- The appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change.
- The appropriate application of affirmative therapeutic interventions for adults who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both.
- The presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation.
- Education, training, and research issues as they pertain to such therapeutic interventions.
- Recommendations regarding treatment protocols that promote stereotyped gender-normative behavior to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.

Third, the task force was asked to inform APA's response to groups that promote treatments to change sexual orientation or its behavioral expression and to support public policy that furthers affirmative therapeutic interventions.

The substance of the second task has been achieved in the preceding chapters of this report. In Chapters 3 and 4, we reviewed the body of research on the efficacy and safety of sexual orientation change effort (SOCE). In Chapter 5 we addressed the nature of distress and identified conflicts in adults that provide the basis of our recommendations for affirmative approaches for psychotherapy practice that are described in Chapter 6. Chapter 7 discusses ethical issues in SOCE for adults. In Chapter 8, we considered the more limited body of research on children and adolescents, including a review of SOCE with children and adolescents and affirmative approaches for psychotherapy.

In this final chapter, we summarize the report and address those two tasks—one and three—that have not been addressed in the report so far. With regard to the policy, we recommend that the 1997 policy be retained and that a new policy be adopted to complement it. The new policy that we propose is presented in Appendix A. With regard to APA's response to groups that advocate for SOCE, we provide those recommendations at the end of this chapter in the section on policy.

To achieve the charge given by APA, we decided to conduct a systematic review of the empirical literature on SOCE. This review covered the peer-reviewed

journal articles in English from 1960 to 2007.⁶³ The review is reported in Chapters 3 and 4: Chapter 3 addresses methodological issues in the research and Chapter 4 addresses the outcomes, such as safety, efficacy, benefit, and harm of the SOCE.

We also reviewed the recent literature on the psychology of sexual orientation. There is a growing body of literature that concludes that social stigma, known specifically as sexual stigma, manifested as prejudice and discrimination directed at same-sex sexual orientations and identities, is a major source of stress for sexual minorities. This stress, known as minority stress, is a major cause of the mental health disparities of sexual minorities. On the basis of this literature, we recommend that all interventions and policy for these populations include efforts to mitigate minority stress and reduce stigma.

Further, we found that religious individuals with beliefs that homosexuality is sinful and morally unacceptable are prominent in the population that currently undergoes SOCE. These individuals seek SOCE because the disapproving stance of their faiths toward homosexuality produces conflicts among their beliefs and values and their sexual orientation. These conflicts result in significant distress due to clients' perceptions that they are unable to integrate their faith and sexual orientation. To respond as well as possible to this population, we included in our review some of the empirical and theoretical literature from the psychology of religion, recently adopted APA policies on religion and science, and specific interventions that have been proposed in the literature for religious populations.

SOCE has been quite controversial, and the controversy has at times become polemical because of clashes between differing political viewpoints about LGB individuals and communities and the differing values between some faith-based organizations and scientific and professional organizations (Drescher, 2003; Zucker, 2008). Psychology, as a science, and various faith traditions, as theological systems, can acknowledge and respect their

⁶³ The articles in English include material on populations outside the United States, including Canada, Mexico, Western Europe, and some material on Middle Eastern, South Asian, and East Asian populations. No articles based on new research have been published since 2007. One article published in 2008 is a restatement of Schaeffer et al. (2000).

profoundly different methodological and philosophical viewpoints. The APA has affirmed that proven methods of scientific inquiry are the best methods to explore and understand human behavior and are the basis for the association's policies (APA, 2007a, 2008a). The APA affirms that discrimination directed at religions and their adherents or derived from religious beliefs is unacceptable and that religious faith should be respected as an aspect of human diversity (APA, 2008a).

Summary of the Systematic Review of the Literature

To fulfill the charge given by APA, we undertook a systematic review to address the key questions: What are the outcomes of SOCE and their potential benefits and harms? What is the evidence on whether SOCE is effective or safe? The first step was to evaluate the research to determine if such conclusions could be drawn from the research—in other words, was the research performed with the appropriate degree of methodological rigor to provide such answers? The next question was to determine, if such research existed, what answers it provided.

Efficacy and Safety

We found few scientifically rigorous studies that could be used to answer the questions regarding safety, efficacy, benefit, and harm (e.g., Birk et al., 1971; S. James, 1978; McConaghy, 1969, 1976; McConaghy et al., 1972; Tanner, 1974, 1975). Few studies could be considered true experiments or quasi-experiments that would isolate and control the factors that might effect change (see the list of studies in Appendix B). These studies were all conducted in the period from 1969 to 1978 and used aversive or other behavioral methods.

Recent SOCE differ from those interventions explored in the early research studies. The recent nonreligious interventions are based on the assumption that homosexuality and bisexuality are mental disorders or deficits and are based on older discredited psychoanalytic theories (e.g., Socarides, 1968; see American Psychoanalytic Association, 1991, 1992, 2000; Drescher, 1998a; Mitchell, 1978, 1981). Some focus on increasing behavioral consistency with gender norms and stereotypes (e.g., Nicolosi, 1991). None of these approaches is based on a credible scientific theory, as these ideas have been directly discredited through evidence or rendered obsolete. There is longstanding

scientific evidence that homosexuality per se is not a mental disorder (American Psychiatric Association, 1973; Bell & Weinberg, 1978; Bell et al., 1981; Conger, 1975; Gonsiorek, 1991; Hooker, 1957), and there are a number of alternate theories of sexual orientation and gender consistent with this evidence (Bem, 1996; Butler, 2004; Chivers et al., 2007; Corbett, 1996, 1998, 2001; Diamond, 1998, 2006; Drescher, 1998a; Enns, 2008; Heppner & Heppner, 2008; Levant & Silverstein, 2006; Mustanski et al., 2002; O'Neil, 2008; Peplau & Garnets, 2000; Pleck, 1995; Rahman & Wilson, 2005; Wester, 2008).

Other forms of recent SOCE are religious, are not based on theories that can be scientifically evaluated, and have not been subjected to rigorous examination of efficacy and safety. These approaches are based on religious beliefs that homosexuality is sinful and immoral and, consequently, that identities and life paths based on same-sex sexual orientation are not religiously acceptable. The few high-quality studies of SOCE conducted from 1999 to 2004 are qualitative (e.g., Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001) and these, due to the research questions explored, aid in understanding the population that seeks sexual orientation change but do not provide the kind of information needed for definitive answers to questions of the safety and efficacy of SOCE.

Thus, we concluded that the early evidence, though extremely limited, is the best basis for predicting what would be the outcome of psychological interventions. Scientifically rigorous older work in this area (e.g., Birk et al., 1971; S. James, 1978; McConaghy, 1969, 1976; McConaghy et al., 1973; Tanner, 1974, 1975) shows that enduring change to an individual's sexual orientation

The results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex sexual attractions or increase other-sex attractions through SOCE.

is uncommon and that a very small number of people in these studies show any credible evidence of reduced same-sex sexual attraction, though some show lessened physiological arousal to all sexual stimuli. Compelling evidence of decreased same-sex sexual behavior and increased sexual attraction to and engagement in sexual behavior with the other sex was rare. Few studies provided strong evidence that any changes produced in laboratory conditions translated to daily life. Many individuals continued to experience same-sex sexual attractions following SOCE and seldom reported significant change to other-sex

sexual attractions. Thus, we concluded the following about SOCE: The results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex sexual attractions or increase other-sex attractions through SOCE.

The few early research investigations that were conducted with scientific rigor raise concerns about the safety of SOCE, as some participants suffered unintended harmful side effects from the interventions. These negative side effects included loss of sexual feeling, depression, suicidality, and anxiety. The high dropout rate in these studies may indicate that some research participants may have experienced these treatments as harmful and discontinued treatment (Lilienfeld, 2007). There are no scientifically rigorous studies of recent SOCE that would enable us to make a definitive statement about whether recent SOCE is safe or harmful and for whom.

Individuals Who Seek SOCE and Their Experiences

Although scientific evidence shows that SOCE is not likely to produce its intended outcomes and can produce harm for some of its participants, there is a population of consumers who present to LMHP seeking SOCE. To address the questions of appropriate application of affirmative interventions for this population, which was a major aspect of APA's charge to the task force, we returned to the research literature on SOCE, expanding beyond the scope of the systematic review to include other literature in order to develop an understanding of the current population that seeks SOCE. The research does reveal something about those individuals who seek SOCE, how they evaluate their experiences, and why they undergo SOCE, even if the research does not indicate whether SOCE has anything to do with the changes some clients perceive themselves to have experienced. We sought this information to be as comprehensive as possible and to develop an information base that would serve as a basis for considering affirmative interventions.

SOCE research identifies a population of individuals who experience conflicts and distress related to same-sex sexual attractions. The population of adults included in recent SOCE research is highly religious, participating in faiths that many would consider traditional or conservative (e.g., the Church of Jesus Christ of Latter-Day Saints [Mormon], evangelical Christian, or Orthodox Jewish). Most of the participants

in recent studies are White men who report that their religion is extremely important to them (Nicolosi et al., 2000; Schaeffer et al., 2000; Shidlo & Schroeder, 2002; Spitzer, 2003). These recent studies include a small number of participants who identify as members of ethnic minority groups. Recent studies include more women than in early studies, and two qualitative studies are exclusively female (i.e., Moran, 2007; Ponticelli, 1999). Most of the individuals studied tried a variety of methods to change their sexual orientation, including psychotherapy, support groups, and religious efforts. Many of the individuals studied were recruited from groups endorsing SOCE. The body of literature overall is based on convenience samples; thus, the relationship between the characteristics of these individuals compared with to the entire population of people who seek SOCE is unknown.

Comparisons of the early and recent research indicate changes in the demographics of those who seek SOCE. The individuals who participated in early research on SOCE were also predominantly White males, but those studies included men who were court-referred to treatment, men who were referred to treatment for a range of psychiatric and sexual concerns, and men who were fearful of criminal or legal sanctions, in addition to men who were distressed by their sexual attractions. There are no data on the religious faith beliefs of those in the early studies. As noted previously, the individuals in recent studies indicated that religion is very important to them.

We concluded that some of the controversy surrounding SOCE can be explained by different understandings of the nature of sexual orientation and sexual orientation identity. Recent research in the field of sexual orientation indicates a range of sexual attractions and desires, sexual orientations, and multiple ways of self-labeling and self-identifying (e.g., Carrillo, 2002; Diamond, 1998, 2006, 2008; Fox, 1995; Hoberg et al., 2004; Savin-Williams, 2005). Some researchers have found that distinguishing the constructs of sexual orientation and sexual orientation identity adds clarity to an understanding of the variability inherent in reports of these two variables (R. L. Worthington & Reynolds, 2009). Sexual orientation refers to an individual's patterns of sexual, romantic, and affectional arousal and desire for other persons based on those persons' gender and sex characteristics. Sexual orientation is tied to physiological drives and biological systems that are beyond conscious choice and involve profound emotional feelings such as "falling in love" and emotional attachment. Other dimensions

commonly attributed to sexual orientation (e.g., sexual behavior with men and/or women; sexual values, norms, and motivations; social affiliations with LGB or heterosexual individuals and communities; emotional attachment preferences for men or women; gender role and identity; lifestyle choices) are potential correlates of sexual orientation rather than principal dimensions of the construct. Sexual orientation identity refers to recognition and internalization of sexual orientation and reflects self-awareness, self-recognition, self-labeling, group membership and affiliation, culture, and self-stigma. Sexual orientation identity is a key element in determining relational and interpersonal decisions, as it creates a foundation for the formation of community, social support, role models, friendship, and partnering (APA, 2003; Jordan & Deluty, 1998; McCarn & Fassinger, 1996; Morris, 1997).

Recent studies of SOCE participants frequently do not distinguish between sexual orientation and

The available evidence, from both early and recent studies, suggests that although sexual orientation is unlikely to change, some individuals modified their sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) and other aspects of sexuality (i.e., values and behavior).

sexual orientation identity. We concluded that the failure to distinguish these aspects of human sexuality has led SOCE research to obscure understanding of what aspects of human sexuality might and might

not change through intervention. The available evidence, from both early and recent studies, suggests that although sexual orientation is unlikely to change, some individuals modified their sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) and other aspects of sexuality (i.e., values and behavior). They did so in a variety of ways and with varied and unpredictable outcomes, some of which were temporary (Beckstead, 2003; Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). For instance, in recent research, many individuals claim that through participating in SOCE, they became skilled in ignoring or tolerating their attractions or limiting the impact of their attractions on their sexual behavior (Beckstead & Morrow, 2004; McConaghy, 1976; Shidlo & Schroeder, 2002). Early nonexperimental case studies described individuals who reported that they went on to lead outwardly heterosexual lives, including, for some, developing a sexual relationship with another-sex

partner and adopting a heterosexual identity (Birk, 1974; Larson, 1970). Some of these individuals reported heterosexual experience prior to treatment. People whose sexual attractions were initially limited to people of the same sex report much lower increases (if any) in other-sex attractions compared to those who report initial attractions to both men and women (Barlow et al., 1975). However, the low degree of scientific rigor in these studies makes any conclusion tentative.

Recent research indicates that former participants in SOCE report diverse evaluations of their experiences. Some individuals perceive that they have benefited from SOCE, while other individuals perceive that they have been harmed by SOCE (Beckstead & Morrow, 2004; Nicolosi et al., 2000; Schroeder & Shidlo, 2001; Shidlo & Schroeder, 2002). Across studies, it is unclear what specific individual characteristics and diagnostic criteria would prospectively distinguish those individuals who will later perceive that they have succeeded and benefited from SOCE from those who will later perceive that they have failed or been harmed.

Some individuals who participated in the early research reported negative side effects such as loss of sexual arousal, impotence, depression, anxiety, and relationship dysfunction. Individuals who participated in recent research and who failed to change sexual orientation, while believing they should have changed with such efforts, described their experiences as a significant cause of emotional distress and negative self-image (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). Overall, those in this recent research who indicated that they were harmed reported feelings of distress, anxiety, depression, suicidal ideation, self-blame, guilt, and loss of hope among other negative feelings. Those who experienced religious interventions and perceived them negatively said that they felt disillusioned with faith and a sense of failure in the eye of divine being (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). Indirect harm from the associated costs (time, energy, effort, money, disillusionment with psychotherapy) spent in ineffective treatment is significant. Both the early and recent research provide little clarity on the associations between claims to modify sexual orientation from same-sex to other-sex and subsequent improvements or harm to mental health.

Other individuals reported that they perceived SOCE to be helpful by providing a place to discuss their conflicts, reduce isolation, and receive support (Beckstead & Morrow, 2004; Jones & Yarhouse, 2007; Nicolosi et al., 2000; Ponticelli, 1999; Shidlo

& Schroeder, 2002; Spitzer, 2003; Wolkomir, 2001, 2006). Some reported that SOCE helped them view their sexual orientation in a different light that permitted them to live in a manner consistent with their faith, which they perceived as positive (Nicolosi et al., 2000). Some individuals described finding a sense of support and community through SOCE and valued having others with whom they could identify (Beckstead & Morrow, 2004; Ponticelli, 1999; Wolkomir, 2001). These effects mirror those provided by mutual support groups for a range of problems. And the positive benefits reported by participants in SOCE, such as reduction of isolation, change of meaning, and stress reduction, are consistent with the findings of social support literature (Levine et al., 2004). Given the findings of limited efficacy of change of sexual orientation, it is unlikely that SOCE provides any unique benefits other than those documented for the social support mechanisms of mutual help groups (Levine et al., 2004). For those in psychotherapy, the positive perceptions described appear to reflect the documented effects of the supportive function of psychotherapy relationships (e.g., Norcross, 2002). For instance, providing emotional support, empathy, support, and compassion can reduce distress.

Literature on Children and Adolescents

The task force was asked to report on the following: (a) the appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change; (b) the presence of adolescent inpatient facilities that offer coercive treatment designed to change sexual orientation or the behavioral expression of sexual orientation; and (c) recommendations regarding treatment protocols that promote stereotyped gender-normative behavior to mitigate behaviors that are perceived to be indicators that a child will develop a homosexual orientation in adolescence and adulthood.

We reviewed the limited research on child and adolescent issues and drew the following conclusions: There is no research demonstrating that providing SOCE to children or adolescents has an impact on adult sexual orientation. The few studies of children with gender identity disorder found no evidence that psychotherapy provided to those children had an impact on adult sexual orientation (R. Green, 1986, 1987; Zucker, 2008; Zucker & Bradley, 1995). There

is currently no evidence that teaching or reinforcing stereotyped gender-normative behavior in childhood or adolescence can alter sexual orientation (Mathy & Drescher, 2008). We are concerned that such interventions may increase the self-stigma, minority stress, and ultimately the distress of children and adolescents. We have serious concerns that the coercive or involuntary treatment of children or adolescents has the potential to be harmful and may potentially violate current clinical and practice guidelines, standards for ethical practice, and human rights.

Recommendations and Future Directions

Affirmative Psychotherapy With Adults

The appropriate application of affirmative therapeutic interventions with adults is built on three key findings in the research: (a) an enduring change to an individual's sexual orientation as a result of SOCE is unlikely, and some participants were harmed by the interventions; (b) sexual orientation identity, not sexual orientation, appears to change via psychotherapy, support groups, or life events; and (c) clients benefit from approaches that emphasize acceptance, support, and recognition of important values and concerns.

On the basis of these findings and the clinical literature on this population, we suggest client-centered, multiculturally competent approaches grounded in the following scientific facts: (a) same-sex sexual attractions, behavior, and orientations per se are normal and positive variants of human sexuality—in other words, they are not indicators of mental or developmental disorders; (b) same-sex sexual attractions and behavior can occur in the context of a variety of sexual orientations and sexual orientation identities; (c) gay men, lesbians, and bisexual individuals can live satisfying lives and form stable, committed relationships and families that are equivalent to those of heterosexual individuals in essential respects; and (d) no empirical studies or peer-reviewed research supports theories attributing same-sex sexual orientation to family dysfunction or trauma.

Based on these findings summarized above and our comprehensive review of the research and clinical literature, we developed a framework for the appropriate application of affirmative therapeutic interventions for adults that has the following central elements:

- Acceptance and support
- Comprehensive assessment
- Active coping
- Social support
- Identity exploration and development

Acceptance and support include (a) unconditional positive regard for and empathy with the client, (b) openness to the client's perspective as a means to understanding their concerns, and (c) encouragement of the client's positive self-concept.

A comprehensive assessment considers sexual orientation uniquely individual and inseparable from an individual's personality and sense of self. This includes (a) being aware of the client's unique personal, social, and historical context and (b) exploring and countering the harmful impact of stigma and stereotypes on the client's self-concept (including the prejudice related to age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status).

Active coping strategies are efforts that include cognitive, behavioral, or emotional responses designed to change the nature of the stressor itself or how an individual perceives it and include both cognitive and emotional strategies. These may include cognitive strategies to reframe conflicts and emotional strategies to manage potential losses.

Psychotherapy, self-help groups, or welcoming communities (ethnic communities, social groups, religious denominations) provide social support that can mitigate distress caused by isolation, rejection, and lack of role models. Conflicts among disparate elements of identity play a major role in the conflicts and mental health concerns of those seeking SOCE.

Identity exploration is an active process of exploring and assessing one's identity and establishing a commitment to an integrated identity that addresses identity conflicts without an a priori treatment goal for how clients identify or live out their sexual orientation. The process may include a developmental process that includes periods of crisis, mourning, reevaluation, identity deconstruction, and growth.

Treatments that are based on assumptions that homosexuality or same-sex sexual attractions are, a priori, a mental disorder or psychopathology or based on inaccurate stereotypes regarding LGB people are to be avoided because they run counter to empirical data and

because reports of harm suggest that such treatments can reinforce restricting stereotypes, increase internalized stigma, and limit a client's development (Beckstead & Morrow, 2004; Haldeman, 2001; Shidlo & Schroeder, 2002; Smith et al., 2004; see Lilienfeld, 2007, for information on psychotherapy harms).

Psychotherapy With Children and Adolescents

We were asked to report on the appropriate application of affirmative therapeutic interventions for children and adolescents who present a desire to change either their sexual orientation or the behavioral expression of their sexual orientation, or both, or whose guardian expresses a desire for the minor to change. Consistent with the current scientific evidence, those working with children and adolescents should strive to have a developmentally appropriate perspective that includes a client-centered multicultural perspective to reduce self-stigma and mitigate minority stress. This includes interventions that (a) reduce stigma and isolation, (b) support the exploration and development of identity, (c) facilitate achievement of developmental milestones, and (d) respect age-appropriate issues regarding self-determination. Such services are ideally provided in the least restrictive setting and with, at a minimum, the assent of the youth. However, LMHP are encouraged to acquire developmentally appropriate informed consent to treatment.

Affirmative approaches encourage families to reduce rejection and increase acceptance of their child and adolescent (Perrin, 2002; Ryan et al., 2009). Parents who are concerned or distressed by their children's sexual orientation can be provided accurate information about sexual orientation and sexual orientation identity and offered anticipatory guidance and psychotherapy that supports family reconciliation (e.g., communication, understanding, and empathy) and maintenance of their child's total health and well-being. Interventions that increase family, school, and community acceptance and safety of sexual minority children and youth appear particularly helpful. Such interventions are offered in ways that are consistent with aspects of diversity such as age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status.

Special Concerns of Religious Individuals and Families

Many religious sexual minorities experience significant psychological distress and conflict due to the divergence between their sexual orientation and religious beliefs. To support clients who have these concerns, LMHP

The goal of treatment is for the client to explore possible life paths that address the reality of their sexual orientation while considering the possibilities for a religiously and spiritually meaningful and rewarding life.

can provide psychological acceptance, support, and recognition of the importance of faith to individuals and communities while recognizing the science of

sexual orientation. LMHP working with religious individuals and families can incorporate research from the psychology of religion into the client-centered multicultural framework summarized above. The goal of treatment is for the client to explore possible life paths that address the reality of their sexual orientation while considering the possibilities for a religiously and spiritually meaningful and rewarding life. Such psychotherapy can enhance clients' search for meaning, significance, and a relationship with the sacred in their lives (e.g., Pargament & Maloney, 2005). Such an approach would focus on increasing positive religious coping, understanding religious motivations, integrating religious and sexual orientation identities, and reframing sexual orientation identities to reduce or eliminate self-stigma.

Ethical Considerations

LMHP strive to provide interventions that benefit clients and avoid harm, consistent with current professional ethics. Psychologists aspire to provide treatment that is consistent with the APA *Ethical Principles of Psychologists and Code of Conduct* (APA, 2002b) and relevant APA guidelines and resolutions (e.g., APA, 2000, 2002c, 2004, 2005a, 2007b) with a special focus on ethical principles such as Benefit and Harm; Justice; and Respect for People's Rights and Dignity (including self-determination). LMHP reduce potential harms and increase potential benefits by basing their professional judgments and actions on the most current and valid scientific evidence, such as that provided in this report (see APA, 2002b, Standard 2.04, Bases for Scientific and Professional Judgments).

LMHP enhance principles of social justice when they strive to understand and mitigate the effects of sexual stigma, prejudice, and discrimination on the lives of individuals, families, and communities. Further, LMHP aspire to respect diversity in all aspects of their work, including age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, and socioeconomic status.

Self-determination is the process by which a person controls or determines the course of her or his own life (*Oxford American Dictionary*, n.d.). LMHP maximize self-determination by (a) providing effective psychotherapy that explores the client's assumptions and goals, without preconditions on the outcome; (b) providing resources to manage and reduce distress; and (c) permitting the client herself or himself to decide the ultimate goal of how to self-identify and live out her or his sexual orientation. We were not persuaded by some accounts that suggest that providing SOCE increases self-determination, because these suggestions

...therapy that increases the client's ability to cope, understand, acknowledge, and integrate sexual orientation concerns into a self-chosen life is the measured approach.

encourage LMHP to offer treatment that (a) has not provided evidence of efficacy; (b) has the potential to be harmful; and (c) delegates important

professional decisions that should be based on qualified expertise and training—such as diagnosis and the type of intervention. Rather, therapy that increases the client's ability to cope, understand, acknowledge, and integrate sexual orientation concerns into a self-chosen life is the measured approach.

Education, Training, and Research

We were asked to provide recommendations for education, training, and research as they pertain to such affirmative interventions. We examine these areas separately.

EDUCATION AND TRAINING

Professional education and training

Training of LMHP to provide affirmative, evidence-based, and multicultural interventions with individuals distressed by their same-sex sexual attractions is critical. Research on LMHP behaviors indicates a range of interventions, some of which are based on attitudes and beliefs rather than evidence, especially as some

LMHP may have been educated during the period when homosexuality was pathologized (cf. Bartlett, King, & Phillips, 2001; Beutler, 2000; M. King et al., 2004; Liszcz & Yarhouse, 2005). We recommend that LMHP increase their awareness of their own assumptions and attitudes toward sexual minorities (APA, 2000; R. L. Worthington et al., 2005). This occurs by increasing knowledge about the diversity of sexual minorities (e.g., age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status), as well as the management of the LMHP's own biases in order to avoid colluding with clients' internalized stigma and with the negating environments in which clients and LMHP live (APA, 2000; Dillon et al., 2004; Israel & Hackett, 2004; R. L. Worthington et al., 2005). We recommend that training in affirmative, evidence-based, and multiculturally informed interventions for sexual minorities be offered at all graduate schools and postgraduate training programs.

An important resource for LMHP is the APA (2000) *Guidelines for Psychotherapy With Lesbian, Gay, and Bisexual Clients*,⁶⁴ which advises LMHP to be competent in a variety of domains, including knowledge of the impact of stigma on mental health, the unique issues facing same-sex relationships and families, and the range of diversity concerns for sexual minority individuals. We recommend that several areas in which LMHP working with clients seeking SOCE obtain additional knowledge and skills include: (a) sexuality, sexual orientation, and sexual identity development; (b) the psychology of religion and spirituality, including models of faith development, religious coping, and the positive psychology of religion; (c) identity development models, including those that integrate multiple identities and facilitate identity conflict resolution; and (d) adaptive ways to manage stigma, minority stress, and multiple aspects of identity. We also recommend that practitioners review publications that explicate the above-mentioned topics and evidence-based, LGB-affirmative, and multicultural approaches to psychological interventions (APA, 2000, 2002a, 2002c, 2004, 2005b, 2006, 2007b, 2008a; Bartoli & Gillem, 2008; Brown, 2006; Fowers & Davidov, 2006; Schneider et al., 2002).

Those less familiar with religious perspectives can broaden their views on religion and religious individuals and reduce their potential biases by seeking relevant information on religious faith and the psychology of

⁶⁴ These guidelines are being revised, and a new version will be available in 2010.

religion (e.g., Ano & Vasconcelles, 2005; Exline, 2002; Emmons, 1999; Emmons & Paloutzian, 2003; Fowler, 2001; Goldstein, 2007; Pargament & Mahoney, 2005; Pargament et al., 1998, 2005). Training programs for practitioners can increase competencies in these areas by including comprehensive material on religion and spirituality (Bartoli, 2007; Hage, 2006; Hathaway et al., 2004; Yarhouse & Fisher, 2002; Yarhouse & VanOrman, 1999) and on ways to incorporate religious approaches into psychotherapy (see, e.g., Richards & Bergin, 2000, 2004; Sperry & Shafranske, 2004). Additionally, publications that illustrate affirmative integration and resolution of religious and sexual minority identity are helpful (Astramovich, 2003; Beckstead & Israel, 2007; Glassgold, 2008; Haldeman, 2004; Ritter & O'Neil, 1989, 1995).

Conservative religious practitioners can increase their compassionate and understanding responses to sexual minorities. For instance, recent publications provide insight into techniques that address negative attitudes toward sexual minorities by focusing on increasing compassionate responses toward or positive attitudes of sexual minorities by conservative religious students or individuals (Bassett et al., 2005; Benoit, 2005; Fischer & DeBord, 2007; McMinn, 2005; Yarhouse, Burkett, & Kreeft, 2001; Zahniser & Boyd, 2008; Zahniser & Cagle, 2007). This research includes exploring the evolution of positive attitudes toward sexual minorities of LMHP who hold conservative religious values (E. Adams, Longoria, Hitter, & Savage, 2009). These perspectives are based on established social psychology research, such as the contact hypothesis, where increasing personal contact with members of minority groups of equal status reduces bias, including attitudes toward sexual minorities (e.g., Herek & Capitanio, 1996; Herek & Glunt, 1993; Pew Forum on Religion and Public Life, 2003).

Finally, although this report has limited information regarding sexual minorities in other countries, the research review and practice recommendations may be helpful to professionals. We recommend dissemination of this report to international mental health organizations and LGBT advocacy groups.

We recommend the following steps be taken by the APA to educate LMHP and support training programs in providing education:

1. Disseminate this report to accredited doctoral programs, internships, and other postdoctoral programs in psychology both in the United States and other countries to encourage the incorporation

of this report and other relevant material on LGBT issues into graduate school training programs and internship sites.

2. Disseminate information to faculty in psychology departments in community colleges, colleges, and university programs as information and for use in curriculum development.
3. Maintain the currently high standards for APA approval of continuing professional education providers and programs.
4. Offer symposia and continuing professional education workshops at APA's annual convention that focus on treatment of individuals distressed by their same-sex sexual attractions, especially those who struggle to integrate religious and spiritual beliefs with sexual orientation identity.
5. Pursue the publication of a version of this report in an appropriate journal or other publication.

Public education

The information available to the public about SOCE and sexual orientation is highly variable and can be confusing. In those information sources that encourage SOCE, the portrayals of homosexuality and sexual minorities tend to be negative and at times to emphasize inaccurate and misleading stereotypes (Kennedy & Cianciotto, 2006; SPLC, 2005). Sexual minorities, individuals aware of same-sex sexual attractions, families, parents, caregivers, policymakers, religious leaders, and society at large can benefit from accurate scientific information about sexual orientation and about appropriate interventions for individuals distressed by their same-sex sexual attractions both in the United States and internationally. We recommend that APA:

1. Create informational materials for sexual minority individuals, families, parents, and other stakeholders on appropriate multiculturally competent and client-centered interventions for those distressed by their sexual orientation and who may seek SOCE.
2. Create informational materials on sexual orientation, sexual orientation identity, and religion for all stakeholders, including the public and institutions of faith.
3. Create informational materials focused on the integration of ethnic, racial, national origin and

cultural issues, and sexual orientation and sexual orientation identity.

4. Integrate the conclusions of this report into existing APA public information resources, including print, media, and the Internet.
5. Collaborate with other relevant organizations, especially religious organizations, to disseminate this information.

RESEARCH

Our systematic review of research has highlighted the methodological problems pervasive in recent research on SOCE. This raises two issues: (a) the publication of poorly designed research and (b) whether more research on SOCE should be conducted to pursue questions of benefit, harm, and safety. These two issues are addressed separately.

Much of the recent research on SOCE has had serious methodological problems. Although this research area presents serious challenges (e.g., obtaining a representative sample, finding appropriate measures, and using evidence-based constructs), many of the problems were avoidable. Many of the problems in published SOCE research indicate the need for improvement in the journal review process, for instance. Problems included: (a) violations of statistical measures, (b) measures that were not evaluated prior to use, and (c) inappropriate conclusions drawn from data.

Hunt and Carlson (2007) have argued that studies with immediate social relevance that have an impact on social policy or social issues should be held to a higher standard because this literature has the potential to influence policymakers and the public, and incomplete or misleading information has serious costs. Whether a higher standard is necessary is not clear; however, research published on SOCE needs to meet current best-practice research standards. It is recommended that professional and scientific journals retain reviewers and editors with expertise in this area to maintain the standards of published research.

We concluded that research on SOCE (psychotherapy, mutual self-help groups, religious techniques) has not answered basic questions of whether it is safe or effective and for whom. Any future research should conform to best-practice standards for the design of efficacy research. Additionally, research into harm and safety is essential. Certain key issues are worth highlighting. Future research must use methods that are prospective and longitudinal, allow for

conclusions about cause and effect to be confidently drawn, and employ sampling methods that allow proper generalization.⁶⁵ Future research should also include appropriate measures in terms of specificity of measurement of sexual orientation, sexual orientation identity and outcomes, and psychometric adequacy. Mixed-method research, in which methods and measures with offsetting weaknesses are simultaneously employed, may be especially advantageous. Alternative physiological means of measuring sexual orientation objectively may also be helpful. Recent research has used alternatives to genital gauges for the assessment of sexual orientation in men and women, such as functional magnetic resonance imaging (Ponseti et al., 2006). Physiological measures often use visual portrayals of nude individuals that some religious individuals may find morally unacceptable. Jlang, Costello, Fang, Huang, and He (2006) have explored the use of invisible images and have measured selective inattention/attention as an alternative to assess sexual arousal. Such methods or the development of methods that are less intrusive and are more consistent with religious values would be helpful to develop for this population.

Additionally, preexisting and co-occurring conditions, mental health problems, participants' need for monitoring self-impression, other interventions, and life histories would have to be given appropriate consideration so that research can better account for and test competing explanations for any changes observed in study participants over time. Specific conceptual and methodological challenges exist in research related to sexual minority populations, such as the conceptualization of sexual orientation and sexual orientation identity and obtaining representative samples. Researchers would be advised to consider and compensate for the unique conceptual and

⁶⁵ A published study that appeared in the grey literature in 2007 (Jones & Yarhouse, 2007) has been described by SOCE advocates and its authors as having successfully addressed many of the methodological problems that affect other recent studies, specifically the lack of prospective research. The study is a convenience sample of self-referred populations from religious self-help groups. The authors claim to have found a positive effect for some study respondents in different goals such as decreasing same-sex sexual attractions, increasing other-sex attractions, and maintaining celibacy. However, upon close examination, the methodological problems described in Chapter 3 (our critique of recent studies) are characteristic of this work, most notably the absence of a control or comparison group and the threats to internal, external, construct, and statistical validity. Best-practice analytical techniques were not performed in the study, and there are significant deficiencies in the analysis of longitudinal data, use of statistical measures, and choice of assessment measures. The authors' claim of finding change in sexual orientation is unpersuasive due to their study's methodological problems.

methodological challenges in this area (Meyer & Wilson, 2009; Moradi, Mohr, Worthington, Fassinger, 2009).

Safety issues continue to be important areas of study. As noted previously, early research indicates that aversive techniques have been found to have very limited benefits as well as potentially harmful effects. These documented harms were serious. An additional finding is that these treatments had extremely high dropout rates, which has been linked to adverse effects. Some individuals report harm from recent nonaversive techniques, and some individuals report benefits.

Indeed, some have raised the concern about both research and practice in this area due to the limited examination of safety (Davison, 1976, 1991; Herek, 2003), as it is still unclear which techniques or methods may or may not be harmful. Assessing the safety of recent practices is a high priority given that this research is the least rigorous. Given that types of harm can be multiple (Lilienfeld, 2007), outcome studies with measures capable of assessing deterioration in mental health, appearance of new symptoms, heightened concern regarding existing symptoms, excessive dependency on the LMHP, and reluctance to seek out new treatment are important to include in future research (Lilienfeld, 2007). Other areas to assess are types of harm to others (e.g., some individuals have noted that advocating other-sex marriage or promising sexual orientation change may negatively affect spouses, potential spouses, and children) (Buxton, 1994, 2007; Wolkowicz, 2006). Finally, LMHP must be mindful of the indirect harms of SOCE, such as the “opportunity costs” (Lilienfeld, 2007) and the time, energy, effort, and expense of interventions that offer limited benefit and have the potential to cause disillusionment in psychotherapy. However, as concerns regarding harm have been raised, addressing risks to research participants and concerns regarding voluntary participation (see Standard 8.02 in APA, 2002b) must be carefully considered in any future research.

Research that meets these scientific standards and addresses efficacy and safety might help to clarify the issues. Even so, scientific research may not help to resolve the issues unless it can better account for the complexity of the concerns of the current population. The results of current research are complicated by the belief system of many of the participants whose religious faith and beliefs may be intricately tied to the possibility of change. Future research will have to better account for the motivations and beliefs of participants in SOCE.

Emerging research reveals that affirmative interventions show promise for alleviating the distress

of children, adolescents, and families around sexual orientation and identity concerns (D’Augelli, 2002, 2003; Goodenow et al., 2006; Perrin, 2002; Ryan et al., 2009). However, sexual minority adolescents are underrepresented in research on evidence-based approaches, and sexual orientation issues in children are virtually unexamined (APA, 2008d). Specific research on sexual minority adolescents and children has identified that stigma can be reduced through community interventions, supportive client-centered approaches, and family reconciliation techniques that focus on strengthening the emotional ties of family members to each other, reducing rejection, and increasing acceptance (D’Augelli, 2003; Goodenow et al., 2006; Ryan et al., 2009).

Finally, we presented a framework for therapy with this population. Although this model is based on accepted principles of psychotherapy and is consistent with evidence-based approaches to psychotherapy, it has not been evaluated for safety and efficacy. Such studies would have to be conducted in the same manner as research on SOCE and in ways that are consistent with current standards (see, e.g., Flay et al., 2005).

Recommendations for basic research

To advance knowledge in the field and improve the lives of individuals distressed by same-sex sexual attractions who seek SOCE, it is recommended that researchers, research-funding organizations, and other stakeholders, including those who establish funding priorities, work together to improve our knowledge of sexuality, sexual orientation, and sexual orientation identity in the following areas:

1. The nature and development of sexuality, sexual orientation, sexual orientation identity across the life span and the correlates to these variables, incorporating differences brought about by age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status.
2. Religious identity and faith development (inclusive of all world religions) and their intersection with other aspects of human life and identity, such as sexual orientation, sexual orientation identity, and the multiple social identity statuses related to privilege and stigma.
3. Identity integration, reduction in distress, and positive mental health for populations of religious sexual minorities and ethnic minority populations.

4. Culture, gender, religion, and race/ethnicity in the experience and construction of sexual orientation and sexual orientation identity.
5. Mental health outcomes of those who choose not to act on their sexual orientation by living celibately or in relationships with other-sex partners.

Recommendations for research in psychotherapy

We recommend that researchers and practitioners rigorously investigate multiculturally competent and affirmative evidence-based treatments for sexual minorities and those distressed by their sexual orientation that do not aim to alter sexual orientation but rather focus on sexual orientation identity exploration, development, and integration without prioritizing one outcome over another, for the following populations:

1. Sexual minorities who have traditional religious beliefs
2. Sexual minorities who are members of ethnic minority and culturally diverse communities both in the United States and internationally
3. Children and adolescents who are sexual minorities or questioning their sexual orientation
4. Parents who are distressed by their children's perceived future sexual orientation
5. Populations with any combination of the above demographics

Policy

We were asked to make recommendations to APA to inform the association's response to groups that promote treatments to change sexual orientation or its behavioral expression and to support public policy that furthers affirmative therapeutic interventions.

The debate surrounding SOCE has become mired in ideological disputes and competing political agendas (Drescher, 2003; Drescher & Zucker, 2006). Some organizations opposing civil rights for LGBT individuals advocate SOCE (SPLC, 2005). Other policy concerns involve religious or socially conservative agendas where issues of religious morality conflict with scientific-based conceptions of positive and healthy development. We encourage APA to continue its advocacy for lesbian, gay, bisexual, and transgender individuals and families and to oppose prejudice against

sexual minorities (APA, 2003, 2005, 2006, 2008b). We encourage collaborative activities in pursuit of shared prosocial goals between psychologists and religious communities when such collaboration can be done in a mutually respectful manner that is consistent with psychologists' professional and scientific roles. These collaborative relationships can be designed to integrate humanitarian perspectives and professional expertise (Tyler, Pargament, & Gatz, 1983).

Thus, the task force urges APA to:

1. Actively oppose the distortion and selective use of scientific data about homosexuality by individuals and organizations seeking to influence public policy and public opinion and take a leadership role in responding to such distortions.
2. Support the dissemination of accurate scientific and professional information about sexual orientation in order to counteract bias that is based on lack of scientific knowledge about sexual orientation.
3. Encourage advocacy groups, elected officials, policymakers, religious leaders, and other organizations to seek accurate information and avoid promulgating inaccurate information about sexual minorities.
4. Seek areas where collaboration with religious leaders, institutions, and organizations can promote the well-being of sexual minorities through the use of accurate scientific data regarding sexual orientation and sexual orientation identity.
5. Encourage the Committee on Lesbian, Gay, Bisexual, and Transgender Concerns to prioritize initiatives that address religious and spiritual concerns and the concerns of sexual minorities from conservative faiths.
6. Adopt a new resolution: the Resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts (see Appendix A).

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APPENDIX A: RESOLUTION ON APPROPRIATE AFFIRMATIVE RESPONSES TO SEXUAL ORIENTATION DISTRESS AND CHANGE EFFORTS

Research Summary

The longstanding consensus of the behavioral and social sciences and the health and mental health professions is that homosexuality per se is a normal and positive variation of human sexual orientation (Bell, Weinberg & Hammersmith, 1981; Bullough, 1976; Ford & Beach 1951; Kinsey, Pomeroy, & Martin, 1948; Kinsey, Pomeroy, Martin, & Gebhard, 1953). Homosexuality per se is not a mental disorder (APA, 1975). Since 1974, the American Psychological Association (APA) has opposed stigma, prejudice, discrimination, and violence on the basis of sexual orientation and has taken a leadership role in supporting the equal rights of lesbian, gay, and bisexual individuals (APA, 2005).

APA is concerned about ongoing efforts to mischaracterize homosexuality and promote the notion that sexual orientation can be changed and about the resurgence of sexual orientation change efforts (SOCE).^{A1} SOCE has been controversial due to tensions between the values held by some faith-based organizations, on the one hand, and those held by lesbian, gay, and bisexual rights organizations and professional and scientific organizations, on the other (Drescher, 2003; Drescher & Zucker, 2006).

^{A1} APA uses the term *sexual orientation change efforts* to describe all means to change sexual orientation (e.g., behavioral techniques, psychoanalytic techniques, medical approaches, religious and spiritual approaches). This includes those efforts by mental health professionals, lay individuals, including religious professionals, religious leaders, social groups, and other lay networks such as self-help groups.

Some individuals and groups have promoted the idea of homosexuality as symptomatic of developmental defects or spiritual and moral failings and have argued that SOCE, including psychotherapy and religious efforts, could alter homosexual feelings and behaviors (Drescher & Zucker, 2006; Morrow & Beckstead, 2004). Many of these individuals and groups appeared to be embedded within the larger context of conservative religious political movements that have supported the stigmatization of homosexuality on political or religious grounds (Drescher, 2003; Drescher & Zucker, 2006; Southern Poverty Law Center, 2005). Psychology, as a science, and various faith traditions, as theological systems, can acknowledge and respect their profoundly different methodological and philosophical viewpoints. The APA concludes that psychology must rely on proven methods of scientific inquiry based on empirical data, on which hypotheses and propositions are confirmed or disconfirmed, as the basis to explore and understand human behavior (APA, 2008a; 2008c).

In response to these concerns, APA appointed the Task Force on Appropriate Therapeutic Responses to Sexual Orientation to review the available research on SOCE and to provide recommendations to the association. The task force reached the following findings.

Recent studies of participants in SOCE identify a population of individuals who experience serious distress related to same sex sexual attractions. Most of these participants are Caucasian males who report that their religion is extremely important to them (Beckstead & Morrow, 2004; Nicolosi, Byrd, & Potts,

2000; Schaeffer, Hyde, Kroencke, McCormick, & Nottebaum, 2000; Shidlo & Schroeder, 2002, Spitzer, 2003). These individuals report having pursued a variety of religious and secular efforts intended to help them change their sexual orientation. To date, the research has not fully addressed age, gender, gender identity, race, ethnicity, culture, national origin, disability, language, and socioeconomic status in the population of distressed individuals.

There are no studies of adequate scientific rigor to conclude whether or not recent SOCE do or do not work to change a person's sexual orientation. Scientifically rigorous older work in this area (e.g., Birk, Huddleston, Miller, & Cohler, 1971; James, 1978; McConaghy, 1969, 1976; McConaghy, Proctor, & Barr, 1972; Tanner, 1974, 1975) found that sexual orientation (i.e., erotic attractions and sexual arousal oriented to one sex or the other, or both) was unlikely to change due to efforts designed for this purpose. Some individuals appeared to learn how to ignore or limit their attractions. However, this was much less likely to be true for people whose sexual attractions were initially limited to people of the same sex.

Although sound data on the safety of SOCE are extremely limited, some individuals reported being harmed by SOCE. Distress and depression were exacerbated. Belief in the hope of sexual orientation change followed by the failure of the treatment was identified as a significant cause of distress and negative self-image (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002).

Although there is insufficient evidence to support the use of psychological interventions to change sexual orientation, some individuals modified their sexual orientation identity (i.e., group membership and affiliation), behavior, and values (Nicolosi et al., 2000). They did so in a variety of ways and with varied and unpredictable outcomes, some of which were temporary (Beckstead & Morrow, 2004; Shidlo & Schroeder, 2002). Based on the available data, additional claims about the meaning of those outcomes are scientifically unsupported.

On the basis of the task force's findings, the APA encourages mental health professionals to provide assistance to those who seek sexual orientation change by utilizing affirmative multiculturally competent (Bartoli & Gillem, 2008; Brown, 2006) and client-centered approaches (e.g., Beckstead & Israel, 2007; Glassgold, 2008; Haldeman, 2004; Lasser & Gottlieb, 2004) that recognize the negative impact of social stigma on sexual minorities (Herek, 2009; Herek &

Garnets, 2007)^{A2} and balance ethical principles of beneficence and nonmaleficence, justice, and respect for people's rights and dignity (APA, 1998, 2002; Davison, 1976; Haldeman, 2002; Schneider, Brown, & Glassgold, 2002).

Resolution

WHEREAS, The American Psychological Association expressly opposes prejudice (defined broadly) and discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status (APA, 1998, 2000, 2002, 2003, 2005, 2006, 2008c);

WHEREAS, The American Psychological Association takes a leadership role in opposing prejudice and discrimination (APA, 2008b, 2008c), including prejudice based on or derived from religion or spirituality, and encourages commensurate consideration of religion and spirituality as diversity variables (APA, 2008c);

WHEREAS, Psychologists respect human diversity including age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status (APA, 2002) and psychologists strive to prevent bias from their own spiritual, religious, or non-religious beliefs from taking precedence over professional practice and standards or scientific findings in their work as psychologists (APA, 2008c);

WHEREAS, Psychologists are encouraged to recognize that it is outside the role and expertise of psychologists, as psychologists, to adjudicate religious or spiritual tenets, while also recognizing that psychologists can appropriately speak to the psychological implications of religious/spiritual beliefs or practices when relevant psychological findings about those implications exist (APA, 2008c);

WHEREAS, Those operating from religious/spiritual traditions are encouraged to recognize that it is outside their role and expertise to adjudicate empirical scientific issues in psychology, while

^{A2} We use the term *sexual minority* (cf. Blumenfeld, 1992; McCarn & Fassinger, 1996; Ullerstam, 1966) to designate the entire group of individuals who experience significant erotic and romantic attractions to adult members of their own sex, including those who experience attractions to members of both their own and the other sex. This term is used because we recognize that not all sexual minority individuals adopt an LGB bisexual identity.

also recognizing they can appropriately speak to theological implications of psychological science (APA, 2008c);

WHEREAS, The American Psychological Association encourages collaborative activities in pursuit of shared prosocial goals between psychologists and religious communities when such collaboration can be done in a mutually respectful manner that is consistent with psychologists' professional and scientific roles (APA, 2008c);

WHEREAS, Societal ignorance and prejudice about a same-sex sexual orientation places some sexual minorities at risk for seeking sexual orientation change due to personal, family, or religious conflicts, or lack of information (Beckstead & Morrow, 2004; Haldeman, 1994; Ponticelli, 1999; Shidlo & Schroeder, 2002; Wolkomir, 2001);

WHEREAS, Some mental health professionals advocate treatments based on the premise that homosexuality is a mental disorder (e.g., Nicolosi, 1991; Socarides, 1968);

WHEREAS, Sexual minority children and youth are especially vulnerable populations with unique developmental tasks (Perrin, 2002; Ryan & Futterman, 1997) who lack adequate legal protection from involuntary or coercive treatment (Arriola, 1998; Burack & Josephson, 2005; Molnar, 1997) and whose parents and guardians need accurate information to make informed decisions regarding their development and well-being (Cianciotto & Cahill, 2006; Ryan & Futterman, 1997); and

WHEREAS, Research has shown that family rejection is a predictor of negative outcomes (Remafedi, Farrow, & Deisher, 1991; Ryan, Huebner, Diaz, & Sanchez, 2009; Savin-Williams, 1994; Wilber, Ryan, & Marksamer, 2006) and that parental acceptance and school support are protective factors (D'Augelli, 2003; D'Augelli, Hershberger, & Pilkington, 1998; Goodenow, Szalacha, & Westheimer, 2006; Savin-Williams, 1989) for sexual minority youth;

THEREFORE, BE T RESOLVED, That the American Psychological Association affirms that same-sex sexual and romantic attractions, feelings, and behaviors are normal and positive variations of human sexuality regardless of sexual orientation identity;

BE T FURTHER RESOLVED, That the American Psychological Association reaffirms its position that homosexuality per se is not a mental disorder and opposes portrayals of sexual minority youths and adults as mentally ill due to their sexual orientation;

BE T FURTHER RESOLVED, That the American Psychological Association concludes that there is insufficient evidence to support the use of psychological interventions to change sexual orientation;

BE T FURTHER RESOLVED, That the American Psychological Association encourages mental health professionals to avoid misrepresenting the efficacy of sexual orientation change efforts by promoting or promising change in sexual orientation when providing assistance to individuals distressed by their own or others' sexual orientation;

BE T FURTHER RESOLVED, That the American Psychological Association concludes that the benefits reported by participants in sexual orientation change efforts can be gained through approaches that do not attempt to change sexual orientation;

BE T FURTHER RESOLVED, That the American Psychological Association concludes that the emerging knowledge on affirmative multiculturally competent treatment provides a foundation for an appropriate evidence-based practice with children, adolescents and adults who are distressed by or seek to change their sexual orientation (Bartoli & Gillem, 2008; Brown, 2006; Martell, Safren & Prince, 2004; Norcross, 2002; Ryan & Futterman, 1997);

BE T FURTHER RESOLVED, That the American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth;

BE T FURTHER RESOLVED, That the American Psychological Association encourages practitioners to consider the ethical concerns outlined in the 1997 APA Resolution on Appropriate Therapeutic Response to Sexual Orientation (APA, 1998), in particular the following standards and principles: scientific bases

for professional judgments, benefit and harm, justice, and respect for people's rights and dignity;

BE T FURTHER RESOLVED, That the American Psychological Association encourages practitioners to be aware that age, gender, gender identity, race, ethnicity, culture, national origin, religion, disability, language, and socioeconomic status may interact with sexual stigma, and contribute to variations in sexual orientation identity development, expression, and experience;

BE T FURTHER RESOLVED, That the American Psychological Association opposes the distortion and selective use of scientific data about homosexuality by individuals and organizations seeking to influence public policy and public opinion and will take a leadership role in responding to such distortions;

BE T FURTHER RESOLVED, That the American Psychological Association supports the dissemination of accurate scientific and professional information about sexual orientation in order to counteract bias that is based in lack of knowledge about sexual orientation; and

BE T FURTHER RESOLVED, That the American Psychological Association encourages advocacy groups, elected officials, mental health professionals, policy makers, religious professionals and organizations, and other organizations to seek areas of collaboration that may promote the wellbeing of sexual minorities.

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APPENDIX B: STUDIES REVIEWED
(*N* = 83) IN THIS REPORT

Study	N	% Males	Sample	Retention & treatment withdrawals	Research design	Treatment	Outcome measure
<i>Experimental studies</i>							
McConaghy, 1969	40	100	Clinical (6 by court order; 18 with arrest history)	3 withdrawals	4 treatment group randomized experiment	Immediate and delayed aversion apomorphine therapy and aversion relief therapy	Penile circumference
McConaghy, 1976	157	100	Clinical (21 by court order)	None reported	4 experimental substudies (ns = 40, 40, 46, 31, respectively) with random assignment to one of two or three treatment alternatives	Aversive apomorphine therapy or aversion-relief; aversive therapy or apomorphine or avoidance conditioning; classical, or avoidance, or backward conditioning; classical aversive therapy or positive conditioning	Sexual feelings; sexual behavior; penile circumference; sexual orientation
McConaghy & Barr, 1973	46	100	Clinical	26 had incomplete treatment exposure; 2 of 20 with complete exposure lost to follow-up	3 treatment group randomized experiment	Classical conditioning, avoidance conditioning, backward conditioning	Heart rate; penile circumference; galvanic skin response
McConaghy, Proctor, & Barr, 1972	40	100	Clinical (police and psychiatric referrals)	16 with incomplete follow-up data and 2 withdrawals	4 treatment group randomized experiment	Immediate and delayed aversive apomorphine therapy; immediate and delayed anticipatory avoidance learning	Penile circumference
Tanner, 1974	16	100	Clinical	None reported	Random assignment experiment with wait list control	Aversive shock therapy	Penile circumference; sexual behavior; personality
Tanner, 1975	10	100	Clinical	None reported	2 treatment group randomized experiment	Aversive shock therapy with/without booster sessions	Penile circumference; self-reported arousal; sexual behavior; personality

Study	N	% Males	Sample	Retention & treatment withdrawals	Research design	Treatment	Outcome measure
<i>Quasi experimental studies</i>							
Birk, Huddleston, Miller, & Cohler, 1971	18	100	Clinical	2 withdrew participation	Nonequivalent 2 treatment group comparison design	Aversive shock therapy vs. associative conditioning	Sexual behavior; clinical judgment; personality
James, 1978	40	100	Court-referred	None reported	Nonequivalent 2 treatment group comparison design	Anticipatory avoidance, desensitization, hypnosis, anticipatory avoidance	Sexual orientation; personality
McConaghy, Armstrong, & Blaszczynski, 1981	20	100	Clinical	None reported	Nonequivalent 2 treatment group comparison design	Aversive therapy; covert sensitization	Sexual feelings
<i>Noneperimental studies</i>							
Bancroft, 1969	16	100	Clinical	6 withdrew participation prior to treatment and 1 during treatment	Case study	Aversive shock therapy	Sexual behavior
Barlow & Agras, 1973	3	100	Clinical	None reported	Case study	Fading	Penile circumference; sexual urges; sexual fantasies
Barlow, Agras, Abel, Blanchard, & Young, 1975	3	100	Clinical	None reported	Single case pre-post within-subject	Biofeedback	Penile circumference
Beckstead & Morrow, 2004	50	80	Purposive	None	Qualitative retrospective, grounded theory	Conversion therapy, ex-gay ministries, and/or support groups	Subjective experiences of treatment; subjective appraisal of sexual orientation identity, attraction, & behavior
Birk, 1974	66	100	Clinical	13 withdrew participation	Pre-post within-subject	Psychotherapy	Sexual orientation
Blitch & Haynes, 1972	1	0	Clinical	None reported	Case study	Relaxation therapy and masturbation reconditioning	Sexual behavior
Callahan & Leitenberg, 1973	23	100	Clinical with 2 by court order	9 men withdrew participation and 8 excluded from data analyses	Pre-post within-subject	Aversion shock therapy and covert sensitization	Penile circumference
Colson, 1972	1	100	Clinical	None reported	Case study	Olfactory aversion therapy	Sexual behavior

Study	N	% Males	Sample	Retention & treatment withdrawals	Research design	Treatment	Outcome measure
Conrad & Winze, 1976	4	100	Clinical	None reported	Case study	Orgasmic reconditioning	Sexual behavior; sexual fantasies; penile circumference
Curtis & Presly, 1972	1	100	Clinical	None reported	Case study	Covert sensitization	Sexual orientation
Feldman & MacCulloch, 1964	43	100	Clinical	7 withdrawals	Pre-post within-subject	Anticipatory avoidance	Sexual orientation
Fookes, 1960	27	100	Clinical (7 exhibitionists, 5 fetishists, and 15 bisexual and homosexual men)	None reported	Pre-post within-subject	Aversion shock therapy and calorie deprivation	Clinical judgment
Freeman & Meyer, 1975	9	100	Clinical	None reported	Pre-post within-subject	Aversion shock therapy and masturbation reconditioning	Sexual behavior; sexual orientation
Freund, 1960	67	100	Clinical	20 withdrawals	Pre-post within-subject	Aversion apomorphine therapy	Clinical judgment
Gray, 1970	1	100	Clinical	None reported	Case study	Desensitization and masturbation reconditioning	Sexual behavior
Hallam & Rachman, 1972	7	100	Clinical (2 pedophiles, 1 fetishist, 3 bisexual and homosexual men, and 1 voyeur)	None reported	Pre-post within-subject	Aversion shock therapy	Heart rate; galvanic skin response
Hanson & Adesso, 1972	1	100	Clinical	None reported	Case study	Desensitization and aversive counter-conditioning	Sexual behavior
Herman, Barlow, & Agras, 1974	4	100	Clinical	None reported	Case study	Counter-conditioning	Penile circumference; self-reported arousal
Herman & Prewett, 1974	1	100	Clinical	None reported	Case study	Biofeedback	Penile circumference
Huff, 1970	1	100	Clinical	None reported	Case study	Desensitization	Sexual behavior; personality
James, 1962, 1963	1	100	Clinical	Treatment stopped due to adverse reaction	Case study	Aversion apomorphine therapy	Sexual fantasies; sexual behavior
Kendrick & McCullough, 1972	1	100	Clinical	None reported	Case study	Covert sensitization	Sexual fantasies; sexual behavior
Larson, 1970	3	100	Clinical	None reported	Case study	Anticipatory avoidance	Sexual fantasies; sexual behavior
Levin, Hirsch, Shugar, & Kapche, 1968	1	100	Clinical	None reported	Case study	Desensitization, avoidance conditioning	Personality

Study	N	% Males	Sample	Retention & treatment withdrawals	Research design	Treatment	Outcome measure
LoPiccolo, 1971	1	100	Clinical	None reported	Case study	Desensitization	Masturbation fantasies
LoPiccolo, Stewart, & Watkins, 1972	1	100	Clinical	None reported	Case study	Orgasmic reconditioning	Sexual behavior
MacCulloch & Feldman, 1967	43	?	Clinical (18 by court order and 4 psychiatric referrals)	7 withdrawals	Pre-post within-subject	Anticipatory avoidance with aversion shock therapy	Sexual orientation; sexual behavior
MacCulloch, Feldman, & Pinshoff, 1965	4	100	Clinical (3 by court order)	1 withdrawal	Case study	Anticipatory avoidance with aversion shock therapy	Attractions; pulse rate
Marquis, 1970	14	79	Clinical	None reported	Case study	Orgasmic reconditioning	Clinical judgment
McCrary, 1973	1	100	Clinical	None reported	Case study	Forward fading	Sexual preference, sexual behavior
Mintz, 1966	10	100	Clinical	5 withdrawals	Case study	Therapy	Clinical judgment
Nicolosi, Byrd, & Potts, 2000	882	78	Convenience (NARTH and ex-gay ministry members)	None reported	Retrospective pretest	Conversion therapy	Sexual orientation; sexual behavior
Pattison, & Pattison, 1980	11	100	Convenience	None reported; 19 declines to participate	Qualitative retrospective case study	Religious folk therapy	Subjective experience
Ponticelli, 1999	15	0	Purposive (ex-gay ministry)	None reported	Ethnography	Ex-gay ministry	None
Quinn, Harbison, McAllister, 1970	1	100	Clinical	None reported	Case study	Desensitization and hydration deprivation	Penile circumference
Rehm & Rozensky, 1974	1	100	Clinical	None reported	Case study	Therapy and orgasmic reconditioning	Sexual behavior
Sandford, Tustin, & Priest, 1975	2	100%	Clinical	1 withdrawal reported	Case study	Differential reinforcement and punishment	Penile circumference
Schaeffer, Hyde, Kroencke, McCormick, & Nottebaum, 2000	248	74	Convenience (Exodus International conference attendees)	None reported	Retrospective pretest	Varied counseling and conversion therapies	Sexual behavior; sexual feelings; sexual orientation identity
Schroeder & Shidlo, 2001	150	91	Convenience	None reported	Qualitative retrospective case study	Varied, including behavior therapy; psychoanalysis; aversive therapies; hypnosis; spiritual counseling; psychotropic medication; in-patient treatment.	Perceived harmfulness or helpfulness of SOCE

Study	N	% Males	Sample	Retention & treatment withdrawals	Research design	Treatment	Outcome measure
Segal & Sims, 1972	1	100	Clinical	None reported	Case study	Covert sensitization	Self-report of continued need for treatment
Shidlo & Schroeder, 2002	202	90	Convenience	None reported	Qualitative retrospective case study	Varied including behavior therapy; psychoanalysis; aversive therapies; hypnosis; spiritual counseling; psychotropic medication; in-patient treatment.	Sexual orientation; sexual orientation identity
Solyom & Miller, 1965	6	100	Clinical	None reported	Case study	Aversive shock therapy	Galvanic skin responses; penile circumference
Spitzer, 2003	200	71	Convenience (Ex-gay ministry members)	None reported; 74 not eligible	Retrospective pretest	Varied including ex-gay and religious support groups and therapy.	Sexual attraction; sexual orientation identity; sexual behavior;
Thorpe, Schmidt, & Castell, 1963	1	100	Clinical	None reported	Case study	Classical conditioning	Sexual fantasy; ability to orgasm in response to female stimuli
Thorpe, Schmidt, Brown, & Castell, 1964	8	75	Clinical (referred for variety of mental health concerns)	2 withdrawals	Case study	Aversion relief	Anxiety; personality
Wolkomir, 2001	n/a		Purposive	None reported	Ethnography	2 Bible study support groups	Subjective experience

Sexual reorientation therapy not unethical: Column

Nicholas A. Cummings Published 6:07 p.m. ET July 30, 2013 | Updated 6:14 p.m. ET July 30, 2013

Southern Poverty Law Center wrongly fighting against patients' right to choose.



(Photo: Mel Evans, AP)

The Southern Poverty Law Center (<http://www.splcenter.org/>) has done amazing service for our nation in fighting prejudice. But it has gone astray in its recent New Jersey lawsuit (<http://www.splcenter.org/get-informed/news/splc-files-groundbreaking-lawsuit-accusing-conversion-therapy-organization-of-fraud>) charging JONAH, formerly Jews Offering New Alternatives for Healing, a group that offers to help gay people change their orientation, with committing consumer fraud. The sweeping allegation that such treatment must be a fraud because homosexual orientation can't be changed is damaging. The lawsuit is the opening salvo (<http://prospect.org/article/new-gay-rights-frontier>) of a wave of activism intended to discredit therapy offered in 70 clinics across 20 states, according to the SPLC.

When I was chief psychologist for Kaiser Permanente (<http://narth.com/docs/cummings.html>) from 1959 to 1979, San Francisco's (<http://thisbiocity.net/urban-implications-growth-gay-lesbian-populations-suburbs/>) gay and lesbian population burgeoned. I personally saw more than 2,000 patients with same-sex attraction, and my staff saw thousands more. We worked hard to develop approaches to meeting the needs of these patients. (<http://narth.com/docs/cummings.html>)

Individual's goals

They generally sought therapy for one of three reasons: to come to grips with their gay identity, to resolve relationship issues or to change their sexual orientation. We would always inform patients in the third group that change was not easily accomplished. With clinical experience, my staff and I learned to assess the probability of change in those who wished to become heterosexual.

STORY FROM USA TODAY NETWORK SHOP
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Of the roughly 18,000 gay and lesbian patients whom we treated over 25 years through Kaiser, I believe (<http://narth.com/docs/cummings.html>) that most had satisfactory outcomes. The majority were able to attain a happier and more stable homosexual lifestyle. Of the patients I oversaw who sought to change their orientation, hundreds were successful.

I believe that our rate of success with reorientation was relatively high because we were selective in recommending therapeutic change efforts only to those who identified themselves as highly motivated and were clinically assessed as having a high probability of success.

Patients over politics

Since then, the role of psychotherapy in sexual orientation change efforts has been politicized. Gay and lesbian rights activists appear to be convincing the public that homosexuality is one identical inherited characteristic. To my dismay, some in the organized mental health community seem to agree, including the American Psychological Association (<http://www.apa.org/>), though I don't believe that view is supported by scientific evidence

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You are here: [Home](#) > Legislators are Not Psychotherapists!



[Legislators are Not Psychotherapists!](#)

by [admin3](#) on January 26, 2014 in [Press Release](#)

Gainesville, Florida – January 27, 2014 – The American College of Pediatricians urges legislators to refrain from legislating psychotherapy. Similar to laws recently enacted in California and New Jersey, a bill is being considered in Virginia to ban professional therapists from practicing conversion therapy with same-sex attracted adolescents who, or whose parents, request such therapy. Although several medical groups have moved to discourage this practice, there is no firm basis for their position. The scientific literature, however, is clear: Same-sex attractions are more fluid than fixed, especially for adolescents — many of whom can and do change. The outcomes for the treatment of unwanted attractions are no different than outcomes for other difficult psychological problems. There is not a single randomized controlled study demonstrating universal failure and/or harm from Sexual Orientation Change Efforts (SOCE). However, there is a body of literature demonstrating a variety of positive outcomes from SOCE.

Barring change therapy or SOCE will threaten the health and well-being of children wanting therapy. With no other options available, same-sex attracted young people will believe that they have no choice but to engage in homosexual behaviors. These behaviors place them at risk for grave physical and psychological harm. Adolescents have a right to explore sexual orientation change efforts (SOCE) with full informed consent and under the care of mental health experts in the field, just as they do for other concerns.

For more information on this topic, visit www.FactsAboutYouth.com and ACPeds.org.

See also [NARTH commentary](#) on the California Bill SB 1172

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EXHIBIT D

JA203

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The American College of Pediatricians is a national medical association of licensed physicians and healthcare professionals who specialize in the care of infants, children, and adolescents. The mission of the College is to enable all children to reach their optimal physical and emotional health and well-being.

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☺



May 2, 2012

The Honorable Ted Lieu
Senator, 28th Senate District
State Capitol, Room 4090
Sacramento, CA 95814

**RE: SB 1172 (Lieu) - Sexual Orientation Change Efforts
Oppose Unless Amended
Set for hearing: May 8, 2012**

Dear Senator Lieu:

On behalf of the California Association of Marriage and Family Therapists, the California Psychological Association, the California Psychiatric Association, and the California Association for Licensed Professional Clinical Counselors, we wish to convey our continued joint position of Opposed Unless Amended on SB 1172. We believe the bill as drafted, would inhibit and prevent attempts by, and perhaps create liability for, therapists who legitimately explore sexual identity and gender concerns.

We'd like to thank you and the sponsors of the measure for reaching out and having several stakeholders meetings aimed at crafting a consensus measure. At this time, we continue to have the following concerns about the bill:

Definition of Sexual Orientation Change Efforts ("SOCE"):

As written, the current definition of SOCE is ambiguous and vague as to what kinds of therapy conceptually fall under the definition of SOCE. This definition can and will be interpreted by providers, consumers and legal minds in vastly different manners, as evidenced by the communications of all the various stakeholders to date. To the extent that this legislation is attempting to undertake an unprecedented restriction of psychotherapy, it is essential that the definition of such a restriction be narrowly tailored and not overly broad. Without such limits on the definition, there cannot be a restriction for any population, including minors, due to the unintended consequences of banning legitimate and helpful therapies.

Since the introduction of this legislation, we have agreed that any psychotherapy based on the assumption that homosexuality is a mental disorder or pathology and that a patient must therefore change her/his sexual orientation demonstrates unprofessional conduct. And while we

have suggested amendments to restrict the current broad and sweeping definition as currently written, those amendments have not been accepted to date.

Minors Ability to Consent to SOCE:

While we agree with and support the Author's concern about coercion or forced treatment upon minors, we are troubled by the sudden removal of a minor's ability to consent to their own uncoerced psychotherapy just recently granted to them by this Legislature in 2010. In 2010, SB 543 (Chapter 503, Statutes of 2010) was signed into law, which allowed minors (12 years and older) to consent to their own mental health treatment if the minor was "mature enough to participate intelligently in the mental health treatment." Moreover, as mentioned above, because of the vague and unclear definition of SOCE, we are concerned about what implications the definition may have on a minor's ability to generally explore their sexuality.

Definition of Therapeutic Deception:

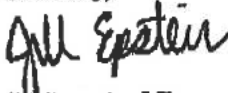
This language and definition is troubling. It implies that the act of SOCE in itself is an act of deception, which is vague and misleading. Further, because of the ambiguity of this wording, it could likely create liability for a psychotherapist who is practicing SOCE, even if practicing under a lawful informed consent as spelled out in this legislation. We would suggest rewording this definition to: "Therapeutic deception" means a representation by a psychotherapist that sexual orientation change efforts are endorsed by leading medical and mental health associations or that they ~~can or~~ will reduce or eliminate a person's sexual or romantic desires, attractions, or conduct toward another person of the same sex."

Informed Consent:

We have general concerns about what is proposed in the current proposed Informed Consent language and have forwarded to the Author a proposed Informed Consent jointly agreed upon by the California Association of Marriage and Family Therapists, California Psychological Association, California Psychiatric Association, and California Association for Licensed Professional Clinical Counselors. Included within our proposed Informed Consent are the requirements that: provider describe his/her experience that qualifies them to provide such services, a description of the potential risks and consequences of SOCE, a statement that homosexuality is not a mental disorder, reference to the most recent psychotherapeutic association's positions and/or resolutions on SOCE, and a statement that failure to comply is unprofessional conduct. Included with this letter is a sample of our Informed Consent proposal.

For the reasons stated above, we must take the position of Opposed Unless Amended at this time. We look forward to working with the Author, the Sponsors, and any other interested parties on this bill.


Sincerely,



Jim Epstein, J.D.
Executive Director
California Association of Marriage and Family Therapists



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cc: Members, Senate Judiciary Committee

Proposed Informed Consent Provision

(a) Prior to the commencement of sexual orientation change efforts by a psychotherapist, the psychotherapist shall obtain the verbal and written informed consent from the patient. The informed consent procedure shall ensure that at a minimum all of the following information is given to the patient verbally and in writing:

- 1) a description of the education, training, or experience of the psychotherapist that qualifies him or her to provide the services to be rendered;
- 2) a description of the potential risks, and consequences of such treatment;
- 3) a statement that indicates that homosexuality is not a mental disorder according to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM IV) and that it was removed as a mental disorder in 1973;
- 4) a statement that the psychotherapist will not impose his or her personal values or religious views upon the patient;
- 5) reference to the most recent position statement, resolutions, research or findings of the leading state or national psychotherapeutic associations as defined in this Section.

(b) The written informed consent signed by the patient shall become part of the patient's mental health treatment record.

(c) The failure of a psychotherapist to comply with this section shall constitute unprofessional conduct.

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHRISTOPHER DOYLE, LPC, LCPC,)
individually and on behalf of his clients,)

Plaintiff,)

v.)

LAWRENCE J. HOGAN, JR., Governor of)
the State of Maryland, in his official capacity,)
and BRIAN E. FROSH, Attorney General of)
the State of Maryland, in his official capacity,)

Defendants.)

Civil Action No. 1:19-cv-190

INJUNCTIVE RELIEF SOUGHT

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION,
REQUEST FOR HEARING,
AND MEMORANDUM OF LAW IN SUPPORT**

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Am. Psychol. Ass’n Task Force on Appropriate Therapeutic Responses to Sexual Orientation, *Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation* (2009) [APA Report], <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf> *passim*

Heino F. L. Meyer-Bahlburg, *Gender Identity Disorder in Young Boys: A Parent- and Peer-Based Treatment Protocol*, 7 *Clinical Psychol. and Psychiatry* 360, 361 (2002) [Meyer-Bahlburg]11

Stewart L. Adelson, M.D., The American Academy of Child and Adolescent Psychiatry (AACAP) Committee on Quality Issues, *Practice Parameter on Gay, Lesbian, or Bisexual Sexual Orientation, Gender Nonconformity, and Gender Discordance in Children and Adolescents*, 51(9) *J. Am. Acad. Child & Adolescent Psychiatry* 957, 968 (2012) [AACAP Statement], available at <https://doi.org/10.1016/j.jaac.2012.07.004>9,10,11

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, CHRISTOPHER DOYLE, LPC, LCPC, individually and on behalf of his clients, pursuant to Rule 65, Fed. R. Civ. P., moves the Court for a preliminary injunction enjoining Defendants, together with their officers, agents, servants, employees, and others who are in active concert or participation with them, from enforcing SB 1028 on the grounds that it violates the First Amendment and the Constitution of Maryland, as set forth more fully in the following memorandum of law, the Declaration of Christopher Doyle in Support of Plaintiff's Motion for Preliminary Injunction ("Doyle Declaration") attached hereto as Exhibit A, and the Verified Complaint for Declaratory Relief, Preliminary and Permanent Injunctive Relief, and Damages filed contemporaneously with this motion.

REQUEST FOR HEARING

Pursuant to Local Rule 105.6, Plaintiff requests that his motion for preliminary injunction be set for a hearing at the Court's earliest opportunity. Given the weighty First Amendment issues involved, and the ongoing and irreparable injury being visited on Plaintiff and his clients each day Maryland's counseling ban law remains in effect, Plaintiff believes that oral argument would assist the Court in understanding and deciding the issues presented.

MEMORANDUM OF LAW

"There is a lack of published research on SOCE among children."

"We found no empirical research on adolescents who request SOCE"

"The debate surrounding SOCE has become mired in ideological disputes and competing political agendas."

—APA Report¹

¹ V. Compl. Ex. B, APA Rpt., at 72, 73, 92; *see id.* at 2 n.** (defining "sexual orientation change efforts (SOCE)" to encompass practices prohibited by SB 1028 as "conversion therapy"); *see infra* Stmt. Facts Part B.

By enacting SB 1028, Maryland is storming the office doors of therapists, thrusting the State into the sacrosanct relationship of counselor and client, and running roughshod over clients' and counselors' cherished First Amendment liberties. Maryland's justification for such unconscionable actions is that it does not approve of voluntary, professional counseling that affirms and assists a minor's desire to reduce or eliminate unwanted same-sex attractions or gender identity conflicts. Maryland offers no actual evidence of harm arising from such voluntary treatment, but instead relies on position papers by advocacy groups that either disregard or misrepresent the empirical record. SB 1028 is in gross violation of the United States and Maryland constitutions and should be enjoined.

STATEMENT OF FACTS

Plaintiff refers to the sworn facts set forth in the Verified Complaint and Doyle Declaration filed contemporaneously with this motion and incorporates those facts herein as if set forth in full.² Without limitation, Plaintiff particularly emphasizes the following facts.

A. Plaintiff and His Voluntary Talk Therapy Practice for Minors with Sexual and Gender Identity Conflicts.

Plaintiff Christopher Doyle is a therapist licensed by the State of Maryland. (V. Compl. ¶ 13). Plaintiff has devoted most of his professional life to providing counseling to young people and their parents who are seeking help for unwanted same-sex attractions. (V. Compl. ¶ 101; Doyle Decl. ¶¶ 3–7.) In his practice, Plaintiff helps clients with their unwanted same-sex attractions, behaviors, and identity by talking with them about root causes, about gender roles and identities, and about their distress and confusion that arise from these attractions. (V. Compl. ¶ 111; Doyle Decl. ¶¶ 9–15.) Speech is the primary tool that Plaintiff uses in his counseling with minors who

² Unless otherwise indicated, capitalized terms herein have the same meanings as in the Verified Complaint and Doyle Declaration.

state that their therapeutic goal is to seek to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity. (V. Compl. ¶ 112; Doyle Decl. ¶¶ 9–15.) Plaintiff does not begin counseling with any predetermined goals other than those that the clients themselves identify and set. (V. Compl. ¶ 115; Doyle Decl. ¶¶ 9–15.) This is consistent with his clients’ fundamental right of self-determination. (*Id.*)

If a client determines that he or she wants help to reduce or eliminate unwanted same-sex attractions, behaviors, or desires, or gender identity conflicts, then prior to engaging in counseling Plaintiff provides the client with an informed consent form and requires the client to review and sign it prior to commencing counseling. (V. Compl. ¶ 108.) This informed consent form outlines the nature of counseling (which Plaintiff identifies as “Sexual/Gender Identity Affirming Therapy”), explains the controversial nature of such counseling, including the fact that some therapists do not believe sexual orientation or gender identity can or should be changed, and informs the client of the potential benefits and risks associated with counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity. (V. Compl. ¶ 108.) In Plaintiff’s informed consent form, he quotes research both from the 2009 APA Report and from the 2009 research overview of the National Association for Research and Therapy of Homosexuality (NARTH), titled “What Research Shows,” which summarizes decades of research on the efficacy of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity. (V. Compl. ¶ 108.)

Plaintiff employs speech and standard psychological instruments and practices to help clients understand and identify their anxiety or confusion regarding their attractions, behaviors, or identity and then to help each client formulate the method of counseling that will most benefit that particular client. (V. Compl. ¶ 113; Doyle Decl. ¶¶ 9–15.) Plaintiff often finds that a client is not

ready or does not desire immediately to begin seeking to reduce or eliminate their unwanted same-sex attraction, behaviors, or identity. (V. Compl. ¶ 114.) When that is the case, Plaintiff focuses on helping the client and parents to heal any wounds or frustrations and to begin working on loving and accepting the minor client, despite any challenges that arise from the unwanted same-sex attractions, behaviors, or identity. (*Id.*)

Contrary to the presumption of SB 1028, Plaintiff's counseling is not premised on the notion that homosexuality is an illness, defect, or shortcoming. (V. Compl. ¶ 118.) Plaintiff has never publicly stated that he believes homosexuality or same-sex attractions is a mental illness in need of a "cure." (V. Compl. ¶ 118.) Plaintiff does not seek to "cure" clients of same-sex attractions, but only to assist clients with their stated desires and objectives in counseling, which sometimes include reducing or eliminating unwanted same-sex attractions. (V. Compl. ¶ 119.) In most cases, clients do not even identify as "homosexual" or "gay" or "lesbian," but rather believe they are heterosexual and experiencing conflicts with their heterosexual identities due to traumatic or other experiences that have caused unwanted same-sex attractions or behaviors. (V. Compl. ¶ 68.) The only relevant consideration in Plaintiff's counseling, and in all mental health counseling, is that same-sex attractions or behaviors are at variance with the client's self-described heterosexual identity, causing anxiety or distress, and that the client seeks to eliminate the attractions or behaviors that lead to such anxiety or distress. (V. Compl. ¶ 121.)

Plaintiff has five minor clients he is counseling with unwanted same-sex attractions and/or gender identity conflicts, and roughly a dozen families with minor children who are consulting with him regarding their children's unwanted same-sex attractions and/or gender identity conflicts, who have been seeing improvement and progress toward their therapeutic goals. (V. Compl. ¶ 105.) These minor clients will suffer significant mental health consequences if they are required

to halt their counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity because of SB 1028, potentially including anxiety, depression, and suicidal ideation. (V. Compl. ¶ 106.)

The voluntary talk therapy Plaintiff practices to help his clients achieve their goals of reducing or eliminating unwanted same-sex attractions, behaviors, or identities, or gender identity conflicts, is now prohibited by SB 1028. (V. Compl. ¶ 124; Doyle Decl. ¶¶ 15, 18, 19.) The counseling ban statute prohibits licensed professionals such as Plaintiff from engaging in such voluntary counseling under threat of fines and disciplinary action. (V. Compl., Ex. A, SB 1028 at 5–6.) SB 1028 carves out individualized exceptions for counseling that affirms and commends minors' development of changing attractions, behaviors, or identity towards homosexuality or a cross-gender identity, thereby punishing only the viewpoint that such attractions, behaviors, or identity can be reduced, resolved, or eliminated—if the client desires—towards a heterosexual or biological gender identity. (V. Compl. Ex. A, SB 1028, at 5.)

The statute purports to be aimed at protecting minors from harm caused by Plaintiff's counseling, but recites no legitimate evidence of harm from such counseling which is voluntarily sought, given, and received. (V. Compl. ¶¶ 23–41; Doyle Decl. ¶¶ 15–17.) SB 1028 will prevent Plaintiff's clients from continuing to progress in their self- and individually-determined courses of counseling, and from continuing to receive counseling in accordance with their sincerely held religious beliefs. (V. Compl. ¶¶ 106, 107, 138–141; Doyle Decl. ¶¶ 16, 18, 21.) In addition, SB 1028 will adversely affect the ability of Plaintiff and other Maryland professionals to counsel future clients who have requested or will request counseling for unwanted same-sex attractions, behaviors, or identity, or gender identity conflicts, because the counseling ban will require Plaintiff

and other professionals to stop providing or decline to provide such voluntary counseling. (V. Compl. ¶¶ 134–35.)

B. SB 1028 Is Not Supported by the Sources It Cites or Any Legitimate Evidence of Harm.

1. The Sources Cited by SB 1028 Contain No Empirical Evidence of Harm.

The sources cited in the Preamble of SB 1028 (collectively, the “Sources”) comprise the 2009 APA Report, the accompanying APA Resolution, and twelve position documents of various organizations that neither supplement, update, or otherwise augment the APA Report. (V. Compl. Ex. A, SB 1028, at 1–4; V. Compl. ¶ 23 & Ex. B.)

The APA Report does not use the political term “conversion therapy” like SB 1028. Rather, the APA Report uses “the term sexual orientation change efforts (SOCE) to describe methods (e.g., behavioral techniques, psychoanalytic techniques, medical approaches, religious and spiritual approaches) that aim to change a person’s same-sex sexual orientation to other-sex, regardless of whether mental health professionals or lay individuals (including religious professionals, religious leaders, social groups, and other lay networks, such as self-help groups) are involved.” (V. Compl. Ex. A, APA Rep., at 2 n.**.)

The APA Report discloses up front, and repeatedly throughout, that there is no empirical or other research supporting **any conclusions** regarding either efficacy **or harm** from SOCE, especially in children and adolescents. (V. Compl. Ex. A, APA Rep., at 3 (“[T]he recent SOCE research **cannot provide conclusions** regarding efficacy or safety”), 7 (“The research on SOCE **has not adequately assessed** efficacy and safety.”), 37 (“These [recent] studies all use designs that **do not permit cause-and-effect attributions to be made.**”), 42 (“[T]he recent studies **do not provide valid causal evidence** of the efficacy of SOCE **or of its harm**”), 42 (“[T]he nature of these studies **precludes causal attributions** for harm or benefit to SOCE”), 42

(“We conclude that there is a **dearth of scientifically sound research** on the safety of SOCE. . . . Thus, **we cannot conclude how likely it is that harm will occur** from SOCE.”), 72 (“**There is a lack of published research on SOCE among children.**”), 73 (“**We found no empirical research on adolescents who request SOCE**”), 91 (“**We concluded that research on SOCE . . . has not answered basic questions of whether it is safe or effective and for whom.**”), 91 (“**[S]exual orientation issues in children are virtually unexamined.**”) (all emphases added).) None of the other Sources adds anything to the empirical record unequivocally found to be lacking in the APA Report.³

2. The APA Report Discloses Anecdotal Evidence of Benefits from SOCE at Least Equivalent to Anecdotal Evidence of Harm, and More Benefits Perceived by Religious Individuals.

Given the lack of empirical research on the outcomes of SOCE, the task force preparing the APA Report looked to participants’ perceptions of SOCE, “in order to examine what may be perceived as being helpful or detrimental by such individuals, distinct from a scientific evaluation of the efficacy or harm” (V. Compl. Ex. A, APA Rep., at 49.) The review did not show evidence of one outcome over the other. “[S]ome recent studies document that there are people who perceive that they have been harmed through SOCE, just as other recent studies document that there are people who perceive that they have benefited from it.” (V. Compl. Ex. A, APA Rep., at 42 (citations omitted).)

Nonetheless, the task force found several reported benefits of SOCE perceived by participants: “(a) a place to discuss their conflicts; (b) cognitive frameworks that **permitted them**

³ One of the Sources cited in the SB 1028 Preamble recites statistics of harm purportedly caused by “family rejection” but excludes any claim of a causal link, or even a correlation, with SOCE. (V. Compl. Ex. A, SB 1028, at 4 (citing “study published in 2009 in the journal ‘Pediatrics’”).)

to reevaluate their sexual orientation identity, attractions, and selves in ways that lessened shame and distress and increased self-esteem; (c) social support and role models; and (d) strategies for living consistently with their religious faith and community.” (V. Compl. Ex. A, APA Rep., at 49 (emphasis added) (citations omitted).) “Participants described the social support aspects of SOCE positively.” (*Id.*)

The task force also observed that perceptions of harm may correlate specifically to “aversion techniques.” (V. Compl. Ex. A, APA Rep., at 41 (“Early research on efforts to change sexual orientation focused heavily on interventions that include **aversion** techniques. Many of these Studies did not set out to investigate harm. Nonetheless, these studies provide some suggestion that harm can occur from **aversive** efforts to change sexual orientation.” (emphasis added)).) To illustrate, the Report gives some examples of aversion treatments:

Behavior therapists tried a variety of aversion treatments, such as inducing nausea, vomiting, or paralysis; providing electric shocks; or having the individual snap an elastic band around the wrist when the individual became aroused to same-sex erotic images or thoughts. Other examples of aversive behavioral treatments included . . . shame aversion

(V. Compl. Ex. A, APA Rep., at 22.)⁴

The task force also found that individuals’ religious beliefs shape their experiences and outcomes:

[P]eople whose motivation to change was strongly influenced by their Christian beliefs and convictions were **more likely to perceive themselves as having a heterosexual sexual orientation after their efforts**. [T]hose who were less religious were more likely to perceive themselves as having an LGB sexual orientation after the intervention. **Some . . . concluded that they had altered their sexual orientation, although they continued to have same-sex sexual attractions.**

⁴ One of the Sources cited in the SB 1028 Preamble addresses **only** aversion therapy. (V. Compl. Ex. A, SB 1028, at 2 (citing “a report in 1994” by The American Medical Association Council on Scientific Affairs).)

(V. Compl. Ex. A, APA Rep., at 50 (emphasis added) (citations omitted).) “The participants had multiple endpoints, including LGB identity, ‘ex-gay’ identity, no sexual orientation identity, and a unique self-identity.” (*Id.*) “**Further, the findings suggest that some participants may have reconceptualized their sexual orientation identity as heterosexual**” (*Id.* at 50 (bold emphasis added).)

3. The APA Report Excludes Gender Identity Change Efforts, Which Similarly Lack Empirical Research.

The APA Report addressed only sexual orientation: “Due to our charge, we limited our review to sexual orientation and **did not address gender identity**” (V. Compl. Ex. A, APA Rep., at 9 (emphasis added).) Another Source cited by SB 1028, however, points to the same lack of empirical research on the outcomes of gender identity change efforts:

Different clinical approaches have been advocated for childhood gender discordance. **Proposed goals of treatment include reducing the desire to be the other sex**, decreasing social ostracism, and reducing psychiatric comorbidity. **There have been no randomized controlled trials of any treatment. . . .**

(Stewart L. Adelson, M.D., The American Academy of Child and Adolescent Psychiatry (AACAP) Committee on Quality Issues, *Practice Parameter on Gay, Lesbian, or Bisexual Sexual Orientation, Gender Nonconformity, and Gender Discordance in Children and Adolescents*, 51(9) *J. Am. Acad. Child & Adolescent Psychiatry* 957, 968 (2012) [hereinafter AACAP Statement], available at <https://doi.org/10.1016/j.jaac.2012.07.004> (emphasis added) (footnote omitted).)⁵

Also:

Given the lack of empirical evidence from randomized, controlled trials of the efficacy of treatment aimed at eliminating gender discordance, the potential risks of treatment, and longitudinal

⁵ The AACAP Statement is cited in SB 1028 as follows: “The American Academy of Child and Adolescent Psychiatry published in 2012 an article in its journal entitled ‘The Journal of the American Academy of Child and Adolescent Psychiatry’” (V. Compl. Ex. A, SB 1028, at 3.)

evidence that gender discordance persists in only a small minority of untreated cases arising in childhood, **further research is needed** on predictors of persistence and desistence of childhood gender discordance as well as the long-term risks and benefits of intervention

(*Id.* at 969 (emphasis added).)

As with the APA Report, the AACAP Statement leaves discretion with the licensed professional to make an informed decision, with the patient, about the most appropriate treatment. (AACAP Statement at 969 (“As an ethical guide to treatment, ‘the clinician has an obligation to inform parents about the state of the empiric database’” (footnote omitted), 971 (“The ultimate judgment regarding the care of a particular patient must be made by the clinician in light of all of the circumstances presented by the patient and that patient’s family, the diagnostic and treatment options available, and other available resources.”).)

The APA itself more recently addressed issues of gender identity and minors which were not included in the APA Report. (Am. Psychol. Ass’n, *Guidelines for Psychological Practice with Transgender and Gender Nonconforming People*, 70(9) *Am. Psychologist* 832 (2015) [hereinafter APA TGNC Guidelines], <https://www.apa.org/practice/guidelines/transgender.pdf>.) As a discussion separate from SOCE, these later Guidelines make the point that “[t]he constructs of gender identity and sexual orientation are theoretically and clinically distinct, even though professionals and nonprofessionals frequently conflate them.” (APA TGNC Guidelines at 835.) Nonetheless, the APA recognized the same absence of research on gender identity change in children: “Due to the evidence that not all children persist in a TGNC identity into adolescence or adulthood, and because **no approach to working with TGNC children has been adequately, empirically validated**, consensus does not exist regarding best practice with prepubertal children.” (*Id.* at 842 (emphasis added).) One distinct approach recognized by the APA “to address gender identity concerns in children” is an approach where “children are encouraged to embrace

their given bodies and to align with their assigned gender roles.” (*Id.*) And again, calling for more research, the APA concludes, “**It is hoped that future research** will offer improved guidance in this area of practice.” (*Id.* (emphasis added) (citation omitted).)

Notwithstanding the APA’s call for future research, however, the APA expressly sanctioned as **imperative** allowing a minor who has selected a gender identity different from his or her biological sex to choose to return:

Emphasizing to parents the importance of allowing their child the freedom **to return to a gender identity that aligns with sex assigned at birth** or another gender identity at any point **cannot be overstated**, particularly given the research that suggests that not all young gender nonconforming children will ultimately express a gender identity different from that assigned at birth.

(APA TGNC Guidelines at 843 (emphasis added).)

Other literature by a research scientist favorably cited in the AACAP Statement positively advances treatment to assist children in fading “cross-gender identity” by the time they reach adolescence. (Heino F. L. Meyer-Bahlburg, *Gender Identity Disorder in Young Boys: A Parent- and Peer-Based Treatment Protocol*, 7 *Clinical Psychol. and Psychiatry* 360, 361 (2002) [hereinafter Meyer-Bahlburg] (“We expect that we can diminish these problems if we are able to speed up the fading of the cross-gender identity which will typically happen in any case.”) (cited by AACAP Statement at 969 n.100); *see also* Meyer-Bahlburg at 365 (“The specific goals we have for the boy are to develop a positive relationship with the father (or a father figure), positive relationships with other boys, gender-typical skills and habits, to fit into the male peer group or at least into a part of it, and to feel good about being a boy.”).)

4. The APA Report Commends a Client-Directed Approach to Therapy for Clients with Unwanted Same-Sex Attractions, Commends More Research on Voluntary SOCE, and Condemns Only Coercive Therapies.

For adults desiring “**to change their sexual orientation** or their behavioral expression of their sexual orientation, or both,” the APA reported that “adults perceive a benefit when they are provided with **client-centered** . . . approaches” involving “identity exploration and development,” “**respect for the client’s values, beliefs, and needs,**” and “permission and opportunity to explore a wide range of options . . . **without prioritizing a particular outcome.**” (V. Compl. Ex. A, APA Rep., at 4.) The task force elaborated:

Given that there is diversity in how individuals define and express their sexual orientation identity, an affirmative approach is supportive of clients’ identity development without an a priori treatment goal concerning how clients identify or live out their sexual orientation or spiritual beliefs. This type of therapy . . . can be helpful to those who accept, reject, or are ambivalent about their same-sex attractions. The treatment does not differ, although the outcome of the client’s pathway to a sexual orientation identity does.

(V. Compl. Ex. A, APA Rep., at 5 (emphasis added).) “For instance, the existing research indicates that possible outcomes of sexual orientation identity exploration **for those distressed by their sexual orientation** may be: LGB identities[,], **Heterosexual sexual orientation identity**[,], Disidentifying from LGB identities[, or] Not specifying an identity.” (*Id.* at 60 (emphasis added) (citations omitted).)⁶

⁶ In connection with its SOCE review and recommendations, the APA Report highlighted a problem with the sexual orientation terminology in the academic research:

Recent studies of participants who have sought SOCE **do not adequately distinguish between sexual orientation and sexual orientation identity.** We concluded that the failure to distinguish these aspects of human sexuality has led SOCE research to obscure

A key finding from the task force’s review “is that those *who participate in SOCE, regardless of the intentions of these treatments, and those who resolve their distress through other means, may evolve during the course of their treatment in such areas as self-awareness, self-concept, and identity.*” (V. Compl. Ex. A, APA Rep., at 66 (bold emphasis added); *id.* at 61 (“Given . . . that many scholars have found that **both religious identity and sexual orientation identity evolve**, it is important for LMHP to explore the development of religious identity and sexual orientation identity.” (emphasis added) (citations omitted)).)

The task force identifies the **same essential framework “for children and adolescents** who present a desire to change either their sexual orientation or the behavioral expression of their sexual orientation, or both, or whose parent or guardian expresses a desire for the minor to change.”⁷ (V. Compl. Ex. A, APA Rep., at 5 (emphasis added).) Specifically, for children and youth, “[s]ervices . . . should support and respect age-appropriate issues of **self-determination**; services should also be provided in the least restrictive setting that is clinically possible and should maximize self-determination. At a minimum, **the assent of the youth should be obtained,**

what actually can or cannot change in human sexuality. . . . **[S]ome individuals modified their sexual orientation identity** (e.g., individual or group membership and affiliation, self-labeling) **and other aspects of sexuality** (e.g., values and behavior). . . . **[I]ndividuals, through participating in SOCE, became skilled in ignoring or tolerating their same-sex attractions. Some individuals reported that they went on to lead outwardly heterosexual lives, developing a sexual relationship with an other-sex partner, and adopting a heterosexual identity.**

(V. Compl. Ex. A, APA Rep., at 3–4 (emphasis added).)

⁷ The APA Report defines “*adolescents* as individuals between the ages of 12 and 18 and children as individuals under age 12.” (V. Compl. Ex. B, APA Rep., at 71 n.58.)

including whenever possible a developmentally appropriate informed consent to treatment.”

(*Id.* (emphasis added).)

The task force also highlighted the ethical importance of client self-determination, encompassing “the ability to seek treatment, consent to treatment, and refuse treatment. **The informed consent process is one of the ways by which self-determination is maximized in psychotherapy.**” (V. Compl. Ex. A, APA Rep., at 68 (emphasis added); *see also id.* at 6 (“LMHP **maximize self-determination** by . . . providing effective psychotherapy that explores the client’s assumptions and goals, without preconditions on the outcome [and] **permitting the client to decide the ultimate goal of how to self-identify and live out her or his sexual orientation. . . .** [T]herapy that increases the client’s ability to cope, understand, acknowledge, and integrate sexual orientation concerns into **a self-chosen life** is the measured approach.”).)

The task force viewed the concept of self-determination as equally important for minors: “It is now recognized that **adolescents are cognitively able to participate in some health care treatment decisions**, and such participation is helpful. [The APA] encourage[s] professionals to seek the assent of minor clients for treatment.” (V. Compl. Ex. A, APA Rep., at 74 (emphasis added) (citations omitted); *see also id.* at 77 (“The ethical issues outlined [for adults] are also relevant to children and adolescents . . .”).)

In light of this strong self-determination ethic regarding youth, the task force “recommend[ed] that when it comes to treatment that purports to have an impact on sexual orientation, LMHP assess the adolescent’s ability to understand treatment options, provide developmentally appropriate informed consent to treatment, and, at a minimum, obtain the youth’s assent to treatment.” (*Id.* at 79.) “[F]or children and adolescents who present a desire to change their sexual orientation or their behavioral expression of their sexual orientation, or both, or whose

guardian expresses a desire for the minor to change,” the task force recommended “approaches [that] support children and youth in identity exploration and development without seeking predetermined outcomes.” (*Id.* at 79–80.) “LMHP should strive to maximize autonomous decision making and self-determination and avoid coercive and involuntary treatments.”⁸ (*Id.* at 76.) “The use of inpatient and residential treatments for SOCE is inconsistent with the recommendations of the field.” (*Id.* at 74–75.)

Apart from recommending against coercive, involuntary, and residential treatments, the task force **did not recommend the end of SOCE**. Rather, without empirical evidence of SOCE efficacy or harm, the task force merely recommended that clients not be lead to **expect** a change in sexual orientation through SOCE. (V. Compl. Ex. A, APA Rep., at 66.) Indeed, the task force cited literature expressly **cautioning against declining SOCE** therapy for a client who requests it.

LMHP who turn down a client’s request for SOCE at the onset of treatment without exploring and understanding the many reasons why the client may wish to change may instill hopelessness in the client, who already may feel at a loss about viable options. . . . **[B]efore coming to a conclusion regarding treatment goals, LMHP should seek to validate the client’s wish to reduce suffering and normalize the conflicts at the root of distress**, as well as create a therapeutic alliance that recognizes the issues important to the client.

(V. Compl. Ex. A, APA Rep., at 56 (emphasis added) (citation omitted).)

⁸ The APA Report defines “*coercive treatments* as practices that compel or manipulate a child or adolescent to submit to treatment through the use of threats, intimidation, trickery, or some other form of pressure or force.” (V. Compl. Ex. B, APA Rep., at 71 n.59.) It defines “*involuntary treatment* as that which is performed without the individual’s consent or assent and which may be contrary to his or her expressed wishes.” (*Id.* at 71 n.60.)

The task force also called for more research on SOCE. (V. Compl. Ex. A, APA Rep., at 91 (“Any future research should conform to best-practice standards for the design of efficacy research. Additionally, **research into harm and safety is essential.**”), 91 (“**Future research** will have to better account for the motivations and beliefs of participants in SOCE.”), 91 (“**This line of research should be continued and expanded to include conservatively religious youth and their families.**”) (all emphases added).)

The task force also noted, “The debate surrounding SOCE has become mired in ideological disputes and competing political agendas.” (V. Compl. Ex. A, APA Rep., at 92 (citation omitted).) One policy recommendation “urges the APA to: . . . Encourage advocacy groups, **elected officials**, policymakers, religious leaders, and other organizations to **seek accurate information and avoid promulgating inaccurate information.**” (*Id.* (emphasis added).) The task force’s call for future research implicitly rejected the suggestion by some that “SOCE should not be investigated or practiced until safety issues have been resolved.” (*Id.* at 91.)

Given the absence of empirical evidence on SOCE outcomes, and the emphasis on client-centered approaches, the task force recommended that choosing SOCE counseling be given to the discretion of licensed mental health providers (LMHP):

[The APA Ethics Code] establishes that psychologists aspire to provide services that maximize benefit and minimize harm. . . . When applying this principle in the context of providing interventions, **LMHP assess the risk of harm, weigh that risk with the potential benefits, and communicate this to clients through informed consent procedures** that aspire to provide the client with an understanding of potential risks and benefits that are accurate and unbiased. . . .

In weighing the harm and benefit of SOCE, LMHP can review with clients the evidence presented in this report. Research on harm from SOCE is limited, and some of the research that exists suffers from methodological limitations that make broad and definitive conclusions difficult. . . .

(V. Compl. Ex. A, APA Rep., at 67 (emphasis added) (citations omitted); *see also id.* at 6 (“LMHP reduce potential harm and increase potential benefits by basing their scientific and professional judgments and actions on the most current and valid scientific evidence, such as the evidence provided in this report.”).)

5. The APA Report Specifically Calls for Therapists to Respect and Consider the Religious Values of Individuals Desiring Therapy.

The APA task force highlighted the particular stress experienced by individuals of conservative religious faiths who “struggle to live life congruently with their religious beliefs,” and that this stress “had mental health consequences.” (V. Compl. Ex. A, APA Rep., at 46–47.) “Some conservatively religious individuals felt a need to change their sexual orientation because of the positive benefits that some individuals found from religion” (*Id.* at 47.) Thus, the task force “proposed an approach that respects religious values and welcomes all of the client’s actual and potential identities by exploring conflicts and identities without preconceived outcomes. This approach does not prioritize one identity over another and may aide a client in creating a sexual orientation identity consistent with religious values.” (V. Compl. Ex. A, APA Rep., at 67 (citation omitted).) “Although there are tensions between religious and scientific perspectives, the task force and other scholars do not view these perspectives as mutually exclusive.” (V. Compl. Ex. A, APA Rep., at 67 (citations omitted).)

ARGUMENT

In the Fourth Circuit, Plaintiff can obtain a preliminary injunction if he establishes “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Centro Tepeyac v. Montgomery Cnty.*, 722 F.3d 184, 188 (4th

Cir. 2013) (quoting *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)).

Plaintiff satisfies these criteria and an injunction should issue.

I. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS OF HIS FIRST AMENDMENT CHALLENGE TO SB 1028.

A. Though Plaintiff Must Show the Preliminary Injunction Prerequisites, Defendants Have the Burden of Proving the Constitutionality of SB 1028 Under the First Amendment.

Defendants face a much higher burden to prove the Constitutionality of SB 1028 under the applicable constitutional standards. (*See infra* Part I.D.2.) Defendants bear the burden of demonstrating that SB 1028 satisfies strict scrutiny. As the Supreme Court held, “the burdens at the preliminary injunction stage track the burdens at trial.” *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 429 (2006). Thus, on a preliminary injunction motion, **the government**—not the movant—bears the burden of proof on narrow tailoring, because **the government** bears that burden at trial. *Ashcroft v. ACLU*, 542 U.S. 656, 665 (2004) (holding, on preliminary injunction motion, “**the burden is on the government** to prove that the proposed alternatives will not be as effective as the challenged statute.” (emphasis added)). Defendants indisputably bear the burden of proving narrow tailoring at trial. *See, e.g., United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 816 (2000) (“When the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions.”); *id.* at 2540 (“To meet the requirement of narrow tailoring, **the government must demonstrate** that alternative measures that burden substantially less speech would fail to achieve the government’s interests, not simply that the chosen route is easier” (emphasis added)). Plaintiff “**must be deemed likely to prevail unless the government has shown** that . . . proposed less restrictive alternatives are less effective than enforcing the act.” *Ashcroft*, 542 U.S. at 666 (emphasis added). Accordingly,

Defendants bear—and cannot carry (*see infra* Parts I.D.2, 4)—the burden of proving narrow tailoring here. *See Gonzales*, 546 U.S. at 429; *Ashcroft*, 542 U.S. at 665.

B. SB 1028 Restricts Plaintiff’s Protected Speech.

The apparent rationale for SB 1028, as for similar statutes across the country, is that it is a permissible regulation of “professional conduct” that is subject to only rational basis review. According to recent Supreme Court pronouncements, however, that argument is fatally flawed in two respects: The SOCE counseling prohibited by SB 1028 is speech, not conduct, and there is no separate category of “professional speech” for which the Court has relaxed rigorous strict scrutiny review. *See Nat’l Inst. for Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2371–72 (2018) [hereinafter *NIFLA*] (“[T]his Court has not recognized ‘professional speech’ as a separate category of speech. Speech is not unprotected merely because it is uttered by professionals.”); *see also Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2229 (2015); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 27 (2010) (“The Government is wrong that the only thing actually at issue in this litigation is conduct [The statute] regulates speech on the basis of its content.”); *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533 (2001) (holding federal act providing litigation funding to private attorneys unconstitutionally restricted attorneys’ speech by prohibiting recipients’ giving legal advice on certain subjects); *NAACP v. Button*, 371 U.S. 415, 438 (1963) (“[A] state may not, under the guise of prohibiting professional misconduct, ignore constitutional rights.”).

Indeed, as the *NIFLA* Court reiterated barely seven months ago, sanctioning the government’s cunning labelling of a professional’s speech as “conduct” would eviscerate the First Amendment protections guaranteed to doctors, lawyers, nurses, mental health professionals, and many others:

All that is required to make something a profession . . . is that it involves personalized services and requires a professional license from the State. But that gives the States unfettered power to reduce

a group's First Amendment rights by simply imposing a licensing requirement. **States cannot choose the protection that speech receives under the First Amendment**, as that would give them a powerful tool to impose invidious discrimination on disfavored subjects.

NIFLA, 138 S. Ct. at 2372 (emphasis added).⁹

C. SB 1028 Unconstitutionally Discriminates Against Plaintiff's Protected Speech on the Basis of Viewpoint.

A viewpoint-based restriction on private speech has never been upheld by the Supreme Court, or any court. Indeed, a finding of viewpoint discrimination is dispositive. *See Sorrell v. IMS Health*, 564 U.S. 552, 571 (2011). “It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.” *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995). “When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant.” *Id.* at 829. In fact, **viewpoint-based regulations are always unconstitutional**. *See, e.g., Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) (“[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.”); *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985) (“[T]he government violates the First Amendment when it denies access to a speaker solely to suppress the point of view he espouses”); *see also Columbia Union Coll. v.*

⁹ The recent en banc Eleventh Circuit decision in *Wollschlaeger v. Florida* also supports the conclusion that SB 1028 bans protected speech. There, the entire Eleventh Circuit recognized that **“characterizing speech as conduct is a dubious constitutional enterprise.”** 848 F.3d 1293, 1309 (11th Cir. 2017) (en banc) (emphasis added). In the same breath, the court presciently observed, “There are serious doubts about whether *Pickup [v. Brown]* was correctly decided.” *Id.*; *cf. NIFLA*, 138 S. Ct. at 2371–72 (abrogating by name counseling ban decisions in *Pickup v. Brown*, 740 F.3d 1208, 1227–1229 (9th Cir. 2014), and *King v. Governor of New Jersey*, 767 F.3d 216, 232 (3d Cir. 2014)) (“This Court's precedents do not recognize such a tradition for a category called ‘professional speech.’”).

Clarke, 159 F.3d 151, 156 (4th Cir. 1998) (holding Maryland infringed on private religious college's free speech rights by establishing program to provide financial support for private colleges but denying funding to religious college solely based on religious viewpoint).

SB 1028 exemplifies viewpoint discrimination. On its face, SB 1028 defines its byword "conversion therapy" to prohibit talk therapy that helps a client "eliminate or reduce sexual or romantic attractions or feelings **toward individuals of the same gender.**" (V. Compl., Ex. A, SB 1028, at 5 (emphasis added).) So defined, it prohibits the particular viewpoint that unwanted same-sex attraction can be reduced or eliminated to the benefit of a client who wants such counseling, for the counselor's even saying so would be caught up in the broad "practice or treatment" and "any effort to change" language of the counseling ban. Conversely, the plain language of SB 1028 permits any viewpoint communicating "acceptance, support, and understanding, or . . . facilitation" towards new or increasing same-sex or cross-gender attractions for the same client who wants to reduce or eliminate them. (*Id.*)

Thus, SB 1028 prohibits counseling that affirms a minor client's desire to change his developing sexual orientation or related attractions, feelings, behaviors, or identity to conform to his own concept of self and biological identity, but allows counseling on the same subject matter that affirms or commends the development of a changing sexual orientation. Thus also, SB 1028 prohibits counseling that affirms a minor's seeking to eliminate gender identity conflict or, having already transitioned to a cross-gender identity, to de-transition and conform his gender identity to his own concept of self and biological identity, while allowing counseling that affirms and commends a minor's transitioning from his or her biological gender identity to a cross-gender identity. There can be no question that SB 1028 discriminates against the viewpoint disfavored by Maryland.

The Supreme Court and several other courts have invalidated regulations of professional speech as unconstitutional viewpoint discrimination. *See, e.g., NIFLA*, 138 S. Ct. at 2371–72; *Sorrell*, 564 U.S. at 580; *Velazquez*, 531 U.S. at 548–49; *Conant v. Walters*, 309 F.3d 629 (9th Cir. 2002). In these cases, the courts recognized the axiomatic truth that the government is not permitted to impose its viewpoint on speakers, even if they are professionals subject to licensing requirements and other regulations.

In *Velazquez*, the Supreme Court addressed a restrictive federal funding law that operated in the same viewpoint-based manner as SB 1028. The law provided grant funding to private legal aid attorneys who accepted certain welfare cases, but prohibited grant funding to attorneys if they challenged welfare laws on behalf of their clients. *Velazquez*, 531 U.S. at 536–39. The Court invalidated the law as viewpoint discriminatory, because it had the effect of prohibiting “advice or argumentation that existing welfare laws are unconstitutional or unlawful,” and thereby excluded certain “vital theories and ideas” from the lawyers’ representation. *Id.* at 547–49.

In *Conant*, the Ninth Circuit invalidated a federal policy that punished physicians for communicating with their patients about the benefits or options of marijuana as a potential treatment. 309 F.3d at 633. The court explained that the doctor-patient relationship is entitled to robust First Amendment protection:

An integral component of the practice of medicine is the communication between a doctor and a patient. **Physicians must be able to speak frankly and openly to patients.** That need has been recognized by courts through the application of the common law doctor-patient privilege.

Id. at 636 (emphasis added). The court also observed that, far from being a First Amendment orphan, such professional speech ““may be entitled to the strongest protection our Constitution has to offer.”” *Id.* at 637 (quoting *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 634 (1995)). The court held that the ban impermissibly regulated physician speech based on viewpoint:

The government’s policy in this case seeks to punish physicians on the basis of the content of doctor-patient communications. Only doctor-patient conversations that include discussions of the medical use of marijuana trigger the policy. Moreover, **the policy does not merely prohibit the discussion of marijuana; it condemns expression of a particular viewpoint, i.e., that medical marijuana would likely help a specific patient.** Such condemnation of particular views is especially troubling in the First Amendment context.

Id. at 637–38 (emphasis added). The court rejected as inadequate the government’s justification that the policy prevented clients from engaging in harmful behavior, and permanently enjoined enforcement of the policy. *Id.* at 638–39.

SB 1028 here operates almost identically to the federal policy enjoined in *Conant*. Just as the policy in *Conant* prohibited physicians from speaking about the benefits of marijuana to a suffering patient, so does SB 1028 prohibit counselors from speaking about the potential for beneficial counseling to aid a client in reducing or eliminating unwanted sexual or gender identity conflicts. In both cases, the law expresses a preference for the message the government approves, and disdain—with attached punishment—for the viewpoint the government abhors. As was true of the law in *Conant*, SB 1028 here should be invalidated as unconstitutional viewpoint discrimination.

D. SB 1028 Unconstitutionally Discriminates Against Plaintiff’s Protected Speech on the Basis of Content.

1. SB 1028 Is a Content-Based Restriction on Speech Which is Presumptively Invalid and Subject to Strict Scrutiny.

“Content-based laws—those that target speech on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling government interests.” *Reed*, 135 S. Ct. at 2226; *see also* *R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992) (“[T]he danger of censorship presented by a

facially content-based statute requires that that weapon be employed only where it is ‘*necessary* to serve the asserted [compelling] interest.’” (alteration in original) (citations omitted)). Put simply, the Supreme Court has handed down a firm rule: laws that are content based on their face must satisfy strict scrutiny.

Importantly, this firm rule mandating strict scrutiny of facially content-based restrictions applies regardless of the government’s alleged purpose in enacting the law. *Reed*, 135 S. Ct. at 2227 (“On its face, the [law] is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the [law] to determine whether it is subject to strict scrutiny.”). In so holding, the Court rejected the lower court’s rationale that the alleged purpose behind enacting a content-based law can justify subjecting it to diminished constitutional protection. *Id.* “[T]his analysis skips the crucial first step . . . determining whether the law is content neutral on its face.” *Id.* at 2228. The answer to that question, the *Reed* Court said, is dispositive of the level of scrutiny applicable to the regulation of speech. *Id.* “**A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech.**” *Id.* (emphasis added). “[A]n innocuous justification cannot transform a facially content-based law into one that is content neutral.” *Id.*

As *NIFLA* made clear, this rule also applies to content-based restrictions on the speech of licensed professionals. *NIFLA*, 138 S. Ct. at 2371-72. “[T]his Court has not recognized ‘professional speech’ as a separate category of speech. Speech is not unprotected merely because it is uttered by professionals.” *Id.* As the Court said in *Reed*:

Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the regulation of professional conduct rendered the statute consistent with the First Amendment, observing that **it is no answer**

to say that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.

135 S. Ct. at 2229 (citing *Button*, 371 U.S. at 438–39) (emphasis added).

Thus, content-based laws must satisfy strict scrutiny, even if targeted at licensed professionals. *Reed*, 135 S. Ct. at 2229. There are no exceptions to this rule.¹⁰ Indeed, the notion that a content-based restriction on speech is presumptively unconstitutional is “so engrained in our First Amendment jurisprudence that last term we found it so ‘obvious’ as to not require explanation.” *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115-16 (1991). The burden is on Defendants to prove that SB 1028’s content-based and presumptively invalid restrictions can satisfy strict scrutiny, and Defendants cannot meet that burden.

2. Defendants Have the Burden of Proof on Strict Scrutiny.

a. Defendants Must Show Empirical or Concrete Evidence of Harm.

As shown in Part I.A, *supra*, Defendants have the burden of proving the constitutionality of SB 1028 under the strict scrutiny standard. And in this First Amendment context, the government is not entitled to deference in making speech-restrictive determinations. When “[a] speech-restrictive law with widespread impact” is at issue, **“the government must shoulder a correspondingly heavier burden and is entitled to considerably less deference in its assessment that a predicted harm justifies a particular impingement on First Amendment**

¹⁰ The concurring Justices remove any doubt of the concrete nature of the rule. *See, e.g., Reed*, 135 S. Ct. at 2233 (Alito, J., concurring) (“As the Court holds, what we have termed ‘content-based’ laws must satisfy strict scrutiny.”); *id.* at 2234 (Breyer, J., concurring) (noting under majority’s rule finding of content discrimination is **“an automatic strict scrutiny trigger.”** (emphasis added)); *id.* at 2236 (Kagan, J., concurring in the judgment) (“Says the majority, when laws single out specific subject matter, they are facially content based; and when they are facially content based, they are **automatically subject to strict scrutiny.**” (emphasis added)).

rights.” *Janus v. Am. Fed’n of State, Cnty. & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2472 (2018) (emphasis added). Here, because SB 1028 infringes upon the free speech rights of licensed medical professionals, the government “must do more than simply posit the existence of the disease sought to be cured. It must demonstrate that the recited harms are real, not merely conjectural.” *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 664 (1994); *see also Edenfield v. Fane*, 507 U.S. 761, 770 (1993) (recognizing government regulation of professional speech not supportable by “mere speculation or conjecture”); *Landmark Commc’ns, Inc. v. Virginia*, 435 U.S. 829, 841 (1978) (“The Commonwealth has offered little more than assertion and conjecture to support its claim . . .”). This is so because “[d]eference to legislative findings cannot limit judicial inquiry when First Amendment rights are at stake.” *Landmark Commc’ns*, 435 U.S. at 843.

Courts have not hesitated to invalidate laws that impose restrictions on speech based on supposition and conjecture, rather than empirical evidence. In *Edenfield*, where the government sought to restrict the speech of licensed accountants, the government “presented no studies” and relied upon a record that “contain[ed] nothing more than a series of conclusory statements that add little if anything” to the government’s effort to regulate certain speech. 507 U.S. at 771. Also, the government relied upon a report of an independent organization to bolster its claims of harm, but—exactly as the APA Report does in this case—the report there admitted that it was “unaware of the existence of **any empirical data supporting the theories**” of alleged harm. *Id.* at 772 (emphasis added). Because of the lack of evidence of harm, the Supreme Court invalidated the restriction as a violation of the accountants’ First Amendment rights. In *Sable Commc’ns of Cal., Inc. v. FCC*, 492 U.S. 115 (1989), the Supreme Court again confronted a record (like here) where there was nothing more than anecdote and suspicion of harm behind a total prohibition on the targeted speech. 492 U.S. at 129. There was no record evidence “aside from conclusory statements during

the debates by proponents of the bill” and the record “contain[ed] no evidence” concerning the alleged effectiveness of other alternatives. *Id.* Because of that failure, the Supreme Court invalidated the ban. *Id.*¹¹

b. Defendants Must Show That SB 1028 Was the Least Restrictive Means Available at the Time of Enactment.

Under strict scrutiny, Defendants must also demonstrate that SB 1028 is the least restrictive means of advancing Maryland’s claimed governmental interests. *See Boos v. Berry*, 485 U.S. 312, 329 (1988) (explaining when content-based restrictions on speech are analyzed under strict scrutiny, a law “is not narrowly tailored [where] a less restrictive alternative is readily available”); *Ward v. Rock Against Racism*, 491 U.S. 781, 798 n.6 (1989) (noting under “the most exacting scrutiny” applicable to content-based restrictions on speech, government must employ least restrictive alternative to pass narrow tailoring). Plaintiff “must be deemed likely to prevail unless the government has shown that . . . proposed less restrictive alternatives are less effective than enforcing the act.” *Ashcroft*, 542 U.S. at 666.

To satisfy the narrow tailoring prong of their strict scrutiny burden, Defendants must show that Maryland “**seriously** undertook to address the problem with less intrusive tools readily available to it.” *McCullen v. Coakley*, 134 S. Ct. 2518, 2539 (2014) (emphasis added). “To meet

¹¹ The Eleventh Circuit, too, has invalidated laws regulating professional speech when the alleged harm purportedly being addressed was unsupported by concrete evidence. In *Mason v. Florida Bar*, 208 F.3d 952 (11th Cir. 2000), the government attempted to regulate the speech of attorneys, but “**presented no studies, nor empirical evidence of any sort** to suggest” that the harm they were positing was real, rather than merely conjectural. 208 F.3d at 957 (emphasis added). The Eleventh Circuit held that, to survive scrutiny, the government “has the burden . . . of producing **concrete evidence**” of the alleged harm prior to restricting the protected speech of licensed professionals. *Id.* at 958 (emphasis added). Indeed, it held that when there are “**glaring omissions in the record of identifiable harm**,” the government has not satisfied “its burden to identify a genuine threat of danger.” *Id.* (emphasis added).

the requirement of narrow tailoring, the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government’s interests, not simply that the chosen route is easier.” *Id.* at 2540. Thus, Defendants “would have to show either that **substantially less-restrictive alternatives were tried and failed**, or that the **alternatives were closely examined and ruled out for good reason.**” *Bruni v. City of Pittsburgh*, 824 F.3d 353, 370 (3d Cir. 2016) (emphasis added); *see also Reynolds v. Middleton*, 779 F.3d 222, 231 (4th Cir. 2015) (“As the Court explained in *McCullen* . . . the burden of proving narrow tailoring requires the [government] to *prove* that it actually *tried* other methods to address the problem.”).

3. There Is No Compelling or Other Sufficient Governmental Interest for SB 1028’s Ban on Voluntary Talk Therapy.

Defendants cannot meet their burden of showing the strict scrutiny requirement of a compelling interest supporting SB 1028. The Preamble merely recites, “Maryland has a compelling interest in protecting the physical and psychological well-being of minors, including LGBT youth, and in protecting minors against exposure to serious harm caused by sexual orientation change efforts” (V. Compl. Ex. A, SB 1023, at 4.) This bald assertion of “serious harm” not only misrepresents the Sources in the preceding recitals, but also is insufficient as a matter of law to establish a compelling interest. As shown in Part B of the Statement of Facts, *supra*, Defendants cannot point to any empirical or concrete evidence of harm to justify SB 1028.

The *Wollschlaeger* court taught that laws targeting the content of certain doctor-patient or counselor-client communications cannot be justified by the “paternalistic assertion that the policy was valid because patients might otherwise make bad decisions” if left to determine the best course of counseling for themselves. 848 F.3d at 1310. Maryland “does not have carte blanche to restrict the speech of doctors and medical professionals on a certain subject without satisfying the demands [of the First Amendment].” *Id.* at 1314. Indeed, just because Maryland “may generally believe

that doctors and medical professionals should not ask about, nor express views hostile to, [a certain position], it ‘may not burden the speech of others in order to tilt the public debate in a preferred direction.’” *Id.* at 1313–14 (quoting *Sorrell*, 564 U.S. at 578–79). Where, as here, “[t]he record demonstrates that some patients do not object to questions and advice about [the prohibited content of speech], and some even express gratitude for their doctor’s discussion of the topic,” a law is unconstitutional if it “does not provide for such patients a means by which they can hear from their doctors on the topic.” *Id.* at 1313. There are no such means provided in SB 1028 for clients who voluntarily seek Plaintiff’s counseling on sexual and gender identity conflicts.

Furthermore, SB 1028 undermines several specific admonitions from the APA Report and related Sources, such as the APA imperative that minors be allowed to return to their biological gender, even after identifying as the other gender for a period of time. (*See supra* Stmt. Facts Part B.3.) SB 1028 also, for example, requires therapists such as Plaintiff to cut off counseling with clients who express a desire to alleviate their conflicted sexual or gender identities, which directly contradicts the APA Report’s admonition to explore a client’s identity issues instead of declining them outright, and Maryland’s compulsory ethical regulation not to abandon or neglect clients. (*See supra* Stmt. Facts Part B.4; Md. Code Regs. 10.58.03.05.A(2)(a) (“A counselor may not . . . Abandon or neglect clients in counseling”) Thus, SB 1028 prohibits counselors from assisting minors with change decisions even the APA expressly endorses, and otherwise creates harm identified by the APA and pre-existing Maryland law rather than reducing any.

4. SB 1028 Is Not the Least Restrictive Means or Otherwise Narrowly Tailored.

Defendants also cannot meet their strict scrutiny burden of showing that SB 1028 is the least restrictive means for advancing Maryland’s purported interests or that the statute is otherwise narrowly tailored. Even if Defendants could conjure a compelling interest for SB 1028’s ban on

voluntary SOCE counseling, Defendants could not meet their burden of showing that the statute is narrowly tailored. “It is not enough to show that the Government’s ends are compelling; the means must be carefully tailored to achieve those ends.” *Sable Commc’ns*, 492 U.S. at 126. There must be a ‘fit between the . . . ends and the means chosen to accomplish those ends.’” *Wollschlaeger*, 848 F.3d at 1312 (quoting *Sorrell*, 564 U.S. at 572).

SB 1028 woefully fails narrow tailoring. It is not necessary to prevent harm (none has been established), and existing Maryland laws and regulations already prohibit practices that actually harm clients. (V. Compl. ¶¶ 53–76.) These pre-existing, comprehensive provisions already protect minors, and carry legal sanctions for violators, without suppressing speech. Under *R.A.V.*, if Maryland had content-neutral means of preventing the alleged harm, failing to employ those means demonstrates that SB 1028 is not narrowly tailored as a matter of law. *R.A.V.*, 505 U.S. at 395.

Moreover, if Maryland is concerned with possible harms to minors from being subjected to counseling involuntarily or coercively, Maryland could have banned those practices without indiscriminately outlawing voluntary SOCE counseling for willing clients. State-dictated informed consent requirements would be another less restrictive means to advance Maryland’s purported interests. To be sure, when legislation virtually identical to SB 1028 was being debated in California, several mental health organizations recognized that such “legislation is attempting to undertake an unprecedented restriction on psychotherapy.” (V. Compl. ¶ 152 & Ex. E at 1.) They proposed informed consent language that would have been much more narrowly tailored than SB 1028’s unprecedented intrusion into the relationship between counselor and willing client. (*Id.*).

Furthermore, if the purpose of SB 1028 is to protect minors from the purported harms of SOCE counseling, it is “wildly underinclusive,” further undermining any notion of narrow

tailoring. *See NIFLA*, 138 S. Ct. at 2376 (quoting *Brown v. Entertainment Merchants Assn.*, 564 U.S. 786, 802 (2011)). The ban regulates only licensed professionals, necessarily excluding “conversion therapy” offered by unlicensed religious counselors and clergy. If Maryland genuinely believes all “conversion therapy” is harmful to minors, then exempting unlicensed religious counselors and clergy from regulation makes no sense. Maryland has the authority and police power to regulate conduct by adults that is considered harmful to children, whether or not those adults are religious or part of a religious institution. Moreover, in particular situations where the expertise and training of a licensed counselor can help ease a minor’s distress over sexual or gender identity conflicts, forcing the minor to seek help from only unlicensed counselors may cause more harm than it avoids.¹² (Doyle Decl. ¶ 24.)

The APA Report is especially relevant here because, not only does it fail to present empirical evidence of harm from **any** kind of SOCE counseling, its non-empirical, anecdotal reporting of harm does not differentiate between SOCE from licensed professionals and SOCE from religious organizations or persons. (*See supra* Stmt. Facts Part B.1.) Thus, Maryland cannot justify the underinclusivity of SB 1028 on any claimed difference in harm between licensed SOCE and unlicensed religious SOCE, still further undermining any notion of narrow tailoring.

E. SB 1028 Is an Unconstitutional Prior Restraint.

Prior restraints against constitutionally protected expression are highly suspect and disfavored. *See Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 130 (1992). In fact, “any system of prior restraints comes to this Court bearing the heavy presumption against its constitutional validity.” *Banham Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963).

¹² Plaintiff does not concede or posit that SB 1028 would be constitutional if it included unlicensed religious counselors or clergy in its prohibitions, or imply that religious counselors or clergy cause harm to minors when appropriately consulted on matters within their competencies.

Total prohibitions constitute prior restraints. *See 11126 Baltimore Blvd., Inc. v. Prince George's Cnty., Md.*, 58 F.3d 988, 994–95 (4th Cir. 1995) *abrogated on other grounds by City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004) (distinguishing as prior restraint county ordinance prohibiting adult bookstores anywhere in county unless special exception obtained, from permissible ordinance restricting stores to only zoned locations). As was true of the total ban on adult bookstores in *11126 Baltimore Blvd.*, SB 1028 goes beyond merely regulating the time and place of counseling speech to totally banning a category of counseling speech with minors everywhere in the State, even if voluntarily sought. Moreover, there is no permit to be obtained excepting some counselors or some places from the ban. Such bans are subject to prior restraint analysis under *11126 Baltimore Blvd.*, and SB 1028 fails it.

F. SB 1028 Is Unconstitutionally Vague.

A law is unconstitutionally vague and overbroad if it “either forbids or requires the doing of an act in terms so vague that [persons] of common intelligence must necessarily guess at its meaning and differ as to its application.” *Connally v. Gen. Const. Co.*, 269 U.S. 385, 391 (1926). Government policies “must be so clearly expressed that the ordinary person can intelligently choose, in advance, what course it is lawful for him to take.” *Id.* at 393. “Precision of regulation” is the touchstone of the First Amendment. *Button*, 371 U.S. at 435. “It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). While all regulations must be reasonably clear, “laws which threaten to inhibit the exercise of constitutionally protected” expression must satisfy “a more stringent vagueness test.” *Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). Such a law must give “adequate warning of what activities it proscribes” and must “set out explicit standards for those who apply it.” *See Broadrick v. Oklahoma*, 413 U.S. 601, 607 (1973) (citing *Grayned*, 408 U.S. at 108).

SB 1028 does not fulfill either requirement and thus forces both mental health professionals and those enforcing the law to guess at its meaning and differ as to its application. Because sexual orientation and gender identity are fluid and changing concepts, licensed professionals are left to guess about what they are permitted to say to their clients who present with sexual or gender identity conflicts. (*See, e.g.*, V. Compl. Ex. B, APA Rep., at 2 (declaring “scientific fact” that “[s]ame-sex sexual attractions and behavior occur in the context of a variety of sexual orientations and sexual orientation identities, and **for some, sexual orientation identity (i.e., individual or group membership and affiliation, self-labeling) is fluid or has an indefinite outcome.**” (emphasis added)).) SB 1028 leaves licensed counselors uncertain whether and at what point a particular recommendation or utterance to a minor client will cost them money or even their licenses. Similarly, enforcement officials cannot be certain at what point a counselor has crossed the line. This does not satisfy the stringent test required for the threat to Plaintiff’s First Amendment rights. *See Vill. of Hoffman*, 455 U.S. at 499.

II. PLAINTIFF WILL SUFFER IRREPARABLE HARM IN THE ABSENCE OF PRELIMINARY RELIEF.

Given Plaintiff’s likelihood of success on the merits of his constitutional challenges to SB 1028, as shown above, the irreparable harm prong of the preliminary injunction standard is satisfied as a matter of law: “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Legend Night Club v. Miller*, 637 F.3d 291, 302 (4th Cir. 2011); *Newsom ex rel. Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003). Indeed, First Amendment violations are **presumed** to impose irreparable injury. *See, e.g., Awad v. Ziriax*, 670 F.3d 1111, 1125 (10th Cir. 2012); *see also* 11A Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, *Federal*

Practice & Procedure §2948.1 (2d ed. 1995) (“When an alleged constitutional right is involved, most courts hold that **no further showing of irreparable injury is necessary.**” (emphasis added)).

To be sure, Plaintiff and his clients are suffering and will continue to suffer immediate and irreparable injury absent injunctive relief. Plaintiff is being silenced in his ability to speak to his willing, minor clients with counseling to assist them in reducing or eliminating distress arising from unwanted sexual or gender identity conflicts, and his clients are likewise suffering irreparable injury from the denial of their right to hear such counseling. (V. Compl. ¶¶ 127–143.) If Plaintiff violates SB 1028’s prohibitions he is subject to fines and other disciplinary action. If he follows SB 1028’s requirements he will violate legal and ethical standards protecting client self-determination. The imposition of punishment for speech desired by clients and permitted by professional standards is a deprivation of constitutional rights and constitutes *a priori* irreparable harm.

III. THE BALANCE OF EQUITIES FAVORS PLAINTIFF.

A preliminary injunction will protect the very rights the Supreme Court has characterized as “lying at the foundation of a free government of free men.” *Schneider v. New Jersey*, 308 U.S. 147, 151 (1939). As noted above, “even a temporary infringement of First Amendment rights constitutes a serious and substantial injury.” *Legend Night Club*, 637 F.3d at 302; *Newsom*, 354 F.3d at 261. Conversely, Defendants are in no way harmed by issuance of a preliminary injunction against enforcing a statute which is not supported by evidence of harm to be prevented and is likely to be held unconstitutional. *See Newsom*, 354 F.3d at 261.

There can be no comparison between the irreparable loss of First Amendment freedoms suffered by Plaintiff and his clients absent injunctive relief, and Defendants’ phantom interest in enforcing an unconstitutional law. The balance of the equities tips decidedly in Plaintiff’s favor, and the preliminary injunction should issue.

IV. INJUNCTIVE RELIEF SERVES THE PUBLIC INTEREST.

The final prerequisite for preliminary relief is that it serve the public interest. *Newsom*, 354 F.3d at 261. The protection of First Amendment rights is of the highest public interest. *See Elrod*, 427 U.S. at 373. This protection is ipso facto in the interest of the general public because “First Amendment rights are not private rights . . . so much as they are rights of the general public. . . . ‘for the benefit of all of us.’” *Machesky v. Bizzell*, 414 F.2d 283, 289 (5th Cir. 1969) (quoting *Time, Inc. v. Hill*, 385 U.S. 374, 389 (1967)). Indeed, “[i]njunctions protecting First Amendment freedoms are **always in the public interest**,” *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 590 (7th Cir. 2012) (emphasis added); *Texans for Free Enter. v. Texas Ethics Comm’n*, 732 F.3d 535, 539 (5th Cir. 2013).

CONCLUSION

For all of the foregoing reasons, Plaintiff’s Motion for Preliminary Injunction should be granted, and Defendants enjoined from enforcing SB 1028.

Respectfully submitted,

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[†]Application to appear *pro hac vice* forthcoming

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHRISTOPHER DOYLE, LPC, LCPC,)	
individually and on behalf of his clients,)	
)	
Plaintiff,)	Civil Action No. <u>1:19-cv-190</u>
)	
v.)	INJUNCTIVE RELIEF SOUGHT
)	
LAWRENCE J. HOGAN, JR., Governor of)	
the State of Maryland, in his official capacity,)	
and BRIAN E. FROSH, Attorney General of)	
the State of Maryland, in his official capacity,)	
)	
Defendants.)	
)	

**DECLARATION OF CHRISTOPHER DOYLE
IN SUPPORT OF PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

I, Christopher Doyle, hereby declare as follows:

1. I am over the age of 18 and the Plaintiff in this action. The statements in this Declaration are true and correct and if called upon to testify to them I would and could do so competently.

2. I submit this Declaration in support of Plaintiff’s Motion for Preliminary Injunction.

3. I am a licensed psychotherapist and the Executive Director of the Institute for Healthy Families, a non-profit Judeo-Christian therapeutic organization in the Washington, D.C. area. I am also the founder of Northern Virginia Christian Counseling, specializing in the integration of psychology and theology in counseling. I am also employed as a mental health therapist for higher education students at Patrick Henry College in Purcellville, VA. As the first ever recipient of the Dr. Joseph Nicolosi Award, I was recognized as one of the emerging

psychotherapists in the sexual identity field by the Alliance for Therapeutic Choice and Scientific Integrity in 2011.

4. I have written four books and produced a film and bullying prevention curriculum called *Acception*. I have delivered keynote addresses at the American Physicians and Surgeons Conference, American College of Pediatricians/Pro-Life OBGYN Joint Conference, North American Christians in Social Work Conference, and Converge Pastors Conference. I am a former associate editor for the peer-reviewed journal *Adolescent & Family Health* and write frequently on sexual health. I have been published in the peer-reviewed scientific journals *Issues in Law & Medicine*, and *Journal of Human Sexuality*, along with many print and online outlets, including Townhall.com, WorldNetDaily.com, The Christian Post, Barbwire.com, and CNSNews.com.

5. I am co-founder of the National Task Force for Therapy Equality. I am an advocate for individuals, families, and communities struggling with sexual and gender identity and founded a non-profit advocacy organization, Voice of the Voiceless, in 2013.

6. As a psychotherapist, I am the creator of several experiential therapeutic retreats, including the Breakthrough Healing Weekend for Men with Unwanted Same-Sex Attractions, Key to Your Child's Heart Healing Weekend for Fathers, Key to Your Child's Heart Healing Weekend for Mothers, and Break Free Your Inner Child Healing Weekend.

7. I travel throughout the United States and Mexico, facilitating intensive family therapy with families struggling with sexual and gender identity.

8. In my professional practice, I counsel clients for a variety of presented issues. I have had homosexual and transgender clients seeking help for depression, anxiety, distress, and other issues, that never discussed sexual orientation, or a desire to change, and I counseled them on the issues they chose to discuss with me.

9. My clinical practice is comprised of approximately 40–44 clients per week, and approximately 10–15 percent of that group involves minor clients who are dealing with same-sex attraction or gender identity conflicts. My first step in the process of treatment for those clients with same-sex attractions or gender identity conflicts is to determine what the client is hoping to achieve with therapy.

10. Mental health counseling is inherently and properly client-centered, and professional ethics mandate that mental health professionals counsel clients based solely on the client’s objectives and goals. It is unethical to attempt to impose any kind of ideology or framework on a client in counseling, so I do not even raise discussions to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity unless a client wants to engage in such counseling.

11. I am happy to engage in counseling with clients that desire to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, but I do not force this counseling on anyone. It must be what the client requests before I will begin to engage in such counseling.

12. Counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity is essentially talk therapy. It is no different than any other form of mental health counseling. The “parade of horrors” of aversion techniques, such as electroshock treatments, pornographic viewing, nausea-inducing drugs, etc. are unethical methods of treatment that have not been used by any ethical and licensed mental health professional in decades. Mental health professionals who engage in such techniques should have their licenses revoked.

13. Nevertheless, just because those outdated and unethical treatments should be prohibited does not mean that client-centered talk therapy to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity should be banned. The counseling that I

practice is simply the traditional psychodynamic process of looking at root causes, childhood issues, developmental factors, and other factors that cause a person to present with all types of physical, mental, emotional, or psychological issues that, in turn, cause them distress. This type of counseling is insight-oriented, just like many other modern forms of mental health counseling, and it should not be banned simply because some people disagree with the fact that it is possible to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity. Indeed, the only difference between my type of mental health counseling and the type of counseling provided by mental health professionals who insist that clients will always have same-sex attractions, is that I believe it is possible for some clients to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity, and I have seen living proof that such counseling can and does work for some clients who seek it voluntarily.

14. Many of my clients who seek counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity tell me that their unwanted same-sex attractions, behavior, or identity can be traced to abuse, trauma, neglect, and unfulfilled gender identity needs. Some of my clients seeking counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity were sexually molested. In my professional opinion, sexual abuse is one of the many possible root causes of unwanted same-sex attractions or gender confusion. In my professional opinion, the notion that people are born homosexual or transgender is not supported by science or reality, and as such, resolution of these conflicts is possible for those who desire to reduce or eliminate their unwanted same-sex attractions, behavior, or identity. I have good friends who are living proof that it is possible to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity for those who seek and desire it, and that such counseling can be an effective method by which to achieve such a desired result. Additionally, for

approximately fifteen years of my life, I also experienced unwanted same-sex attractions, caused by a variety of factors in my childhood, including sexual abuse at the age of eight years old. When I was twenty-three, I began to pursue healing for my sexual abuse and gender inferiority, and today, I have been happily married to my wife for twelve years. Together, we have three biological children (ages 10, 8, and 5) and two adopted children from China (ages 6 and 5). Because I was allowed to pursue help, healing, and counseling for my sexual abuse and gender inferiority, I was able to resolve my unwanted same-sex attractions and today, I am living my dream!

15. Most of my clients, both adult and minor, are Jews, Christians, Mormons, and Muslims, and request spiritual counseling as part of the counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity that I provide. SB 1028 will prohibit me from practicing my profession and my counseling with these clients according to the sincerely held religious beliefs that both my clients and I have. Many of my clients who seek counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity have reported varying degrees of change from homosexuality to heterosexuality, as well as relief from gender identity confusion, as a result of my counseling. I have had clients comment that after counseling, they understood exactly the underlying root causes of their unwanted same-sex attractions, behavior, or identity and why they were distressed or anxious because of it.

16. There is no objective scientific basis for depriving clients of their right to therapeutic self-determination, or to restrict therapeutic options for minors, simply because of the presence of distress over unwanted same-sex attractions and behavior. Clients often pursue psychological therapy due to deeply held religious and moral beliefs—for example, that divorce or abortion are wrong—and may experience emotional distress in addressing these issues. Minors should be free to make informed choices about their therapeutic goals, even when others with

different values and beliefs would make different choices. The facts that the presenting concern happens to be unwanted same-sex attractions and behavior, and the client's self-determined goals may be offensive to some special interest groups, is not a basis on which to suspend this right. Yet SB 1028 restricts minor clients' freedom to make informed choices about their therapeutic goals and to act upon them in therapy.

17. There is no evidence that the prevalence of harm specific to therapies that explore unwanted same-sex attraction and behavior fluidity is greater than it is for psychotherapy that addresses any other issue clients present. Even the American Psychological Association acknowledged in its 2009 Task Force report that "we cannot conclude how likely it is that harm will occur from [sexual orientation change efforts]." (Report of the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation (August 2009), p. 42.) It is still very true today that there is no definitive evidence to support the underlying assumption used to support SB 1028, as reflected in section 1, *i.e.*, that the professional therapeutic exploration of potential fluidity in same-sex attraction and behaviors is *per se* harmful and deceptive.

18. SB 1028 would prohibit professional counselors from even discussing available treatment options that might help alleviate a client's unwanted same-sex attractions, behaviors, or identity because a client might subsequently view even a simple discussion of counseling as an effort to reduce or eliminate his or her unwanted same-sex attractions, behaviors, or identity and subject the counselor to ethical charges and violations. SB 1028 forces counselors to violate a fundamental principle of informed consent. Section A.2 of the American Counseling Association Code of Ethics ("ACA Code") states that all clients need "adequate information about the counseling process," and that the client has the freedom to choose the counseling relationship. SB 1028 will force me to violate this principle because it will prohibit me from even discussing

the availability of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity. Discussing the availability of counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity or the notion that I believe it is possible to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity could be considered an effort to change a client's sexual orientation, which would subject me to professional ethics violations. SB 1028 will therefore silence me in my counseling sessions, which are conversations, therefore chilling my right to free speech.

19. I do not force any type of therapy on any of my clients because it would be unethical for me to do so. I show my clients unconditional, positive regard and make it a priority to respect what they believe about themselves concerning their sexual identity. SB 1028, however, will force me to commit an ethical violation by imposing a certain ideology—*i.e.*, the government's ideology against counseling to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity—on all my clients who seek such treatment because SB 1028 only permits counselors to affirm same-sex attractions or transgender identities or behaviors. It arguably precludes counselors from even telling clients with unwanted same-sex attractions that there is help available. SB 1028's mandate that I impose the government's ideology regarding same-sex attractions is a direct violation of Section A.4.b of the ACA Code, which mandates that mental health counselors "avoid imposing values that are inconsistent with counseling goals." SB 1028 forces me to ignore the client's values when those values and sincerely held religious beliefs inform the client that it is possible to eliminate, reduce, or resolve unwanted same-sex attractions, behaviors, or identity and that counseling may be an effective method to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity.

20. SB 1028 also forces me to violate Section A.11 of the ACA Code. Section A.11.a states that “[c]ounselors do not abandon or neglect clients in counseling.” SB 1028 mandates that I abandon my clients who seek to reduce or eliminate their unwanted same-sex attractions, behaviors, or identity because I will no longer be able to provide the counseling that my clients desire. Section A.11.d mandates that when mental health counselors refer a client to a different practitioner for some course of counseling, that the referring professional “ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.” SB 1028 forces me to violate this provision as well, because I will no longer have any option of referring a client to an appropriate licensed mental health professional.

21. Depending on how the term “conversion therapy” in the statute is interpreted, SB 1028 is very likely to cause my clients harm by preventing them from pursuing a self-determined goal of exploring the fluidity of their unwanted same-sex attractions and behaviors. When the science is indeterminate and still developing, and the existing research is sparse and cannot be broadly generalized, a legislative prohibition preventing a client, minor or adult, from pursuing a lawful personal goal in the therapeutic process is arbitrary, irrational, and discriminatory.

22. The definition of the term “conversion therapy” is so broad and ambiguous as to make it impossible both for me, as a therapist, and for a client to determine what discussion, speech, or conversation between me and a client is prohibited and what is not. Thus, it will be impossible for me or my colleagues to know when we have crossed the line and possibly violated the law. The included term “sexual orientation” is not defined. That term is nebulous, and many scholars admit they have no precise means of distinguishing sexual orientation from same-sex

sexuality, *i.e.*, same-sex behaviors and attractions that may not signify a same-sex orientation. Further, the included term “effort,” which also is undefined, is so broad, and simultaneously is so ambiguous, as to make it impossible for both me and my clients to determine what discussion or speech constitutes a prohibited “effort.” The myriad questions that will arise in widely varying therapeutic situations include the following, as just a few examples:

(a) Does “conversion therapy” encompass discussion of issues arising from a client’s family circumstances, personal background, experiences, past physical or sexual abuse, or any of a number of other factors that may affect a client’s feelings of attraction to the same sex (or related behaviors), even though sexual orientation or same-sex attractions and behaviors may not be specifically discussed (or even mentioned)? What level or subject of discussion constitutes an “effort”?

(b) Does the term encompass any discussion concerning a client’s own self-determined or self-chosen objectives or desires, which are neither decided nor advocated by a therapist, to minimize or manage unwanted same-sex attractions and behaviors or related feelings? To whose “efforts” does the statute apply? Is a therapist engaged in an “effort” if the client has determined the therapeutic goal?

(c) Does SB 1028 apply to exploring the unwanted same-sex attraction and behavior fluidity of “mostly heterosexual” minors? Is “mostly heterosexual” a “sexual orientation” covered under the statute?

23. A likely further consequence of SB 1028 will be to make therapists in general more wary of working with individuals who experience non-heterosexual attractions, behaviors, and identities, resulting in a reduction in the availability of even some “affirmative” mental health services to sexual minorities.

24. SB 1028 improperly prevents clients from obtaining the help that they desire and that I know can benefit them. Clients who want help for unwanted same-sex attractions, behaviors, or identity should be entitled to make that decision and should not be forced by the government to receive only one position concerning a matter of personal religious conviction. The only option for minor clients seeking help with their unwanted same-sex attractions, behaviors, or identity is to retain unlicensed counselors, which defeats the whole purpose of licensing mental health professionals in the first place. Forcing individuals to seek unlicensed counseling may increase the potential for harm, as unlicensed coaches and/or religious counselors often are not trained in mental health best practices or may lack knowledge of evidence-based treatments and, therefore, may subject their clients to ineffective practices. This creates a sort of “back alley” approach whereby clients secretly seek out potentially harmful “quasi mental health treatments” that are unregulated by the state, which undermines the government’s interest in protecting minors from harm. Laws like SB 1028 actually increase the potential for harm to minors in this respect.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing statements are true and correct.

Executed this January 18, 2019.

/s/ Christopher Doyle*

Christopher Doyle

*Counsel hereby certifies that he has a signed copy of the foregoing document available for inspection at any time by the Court or a party to this action.