

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
FATMA MAROUF and BRYN ESPLIN,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 1:18-cv-378 (APM)
)	
XAVIER BECERRA, in his official capacity as)	Hon. Amit P. Mehta
Secretary of the United States Department of)	
Health and Human Services, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

**PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION
TO DEFENDANT UNITED STATES CONFERENCE OF CATHOLIC BISHOPS'
MOTION TO EXCLUDE EXPERT REPORT AND TESTIMONY OF DR. DAVID M.
BRODZINSKY**

TABLE OF CONTENTS

TABLE OF AUTHORITIESII
INTRODUCTION 1
LEGAL STANDARD..... 3
ARGUMENT 4
 I. Dr. Brodzinsky is highly qualified to provide relevant and reliable expert testimony. 4
 II. Dr. Brodzinsky’s Evidence Is Relevant. 9
 III. Dr. Brodzinsky’s Testimony Is Accurate and Reliable. 14
CONCLUSION..... 19

TABLE OF AUTHORITIES

	PAGE(S)
Cases	
<i>Adoption of A.S.</i> , 212 Cal.App.4th 188 (Nov. 29, 2012)	12
* <i>Ambrosini v. Labarraque</i> , 101 F.3d 129 (D.C. Cir. 1996).....	passim
<i>Arias v. DynCorp</i> , 928 F.Supp.2d 10 (D.D.C. 2013).....	8
<i>Baehr v. Miike</i> , No. CIV. 91-1394, 1996 WL 694235 (Haw. Cir. Ct. Dec. 3, 1996).....	12
<i>Carmichael v. West</i> , No. 12-cv-1969, 2015 WL 10568893 (D.D.C. Aug. 31, 2015).....	7
<i>Crowley v. Perdue</i> , 318 F. Supp.3d 277 (D.D.C. 2018).....	6
<i>D.H. v. Superior Court</i> , No. A139602, 2014 WL 346614 (Cal. Ct. App. Jan. 31, 2014).....	13
* <i>Daubert v. Merrell Dow Pharms., Inc.</i> , 509 U.S. 579 (1993).....	passim
<i>DeBoer v. Snyder</i> , 973 F. Supp.2d 757 (E.D. Mich. 2014).....	11, 12
<i>Dumont v. Lyon</i> , 341 F. Supp.3d 706 (E.D. Mich. 2018).....	12
<i>Fla. Dep't of Child. & Fams. v. Adoption of X.X.G.</i> , 45 So.3d 79 (Fla. Dist. Ct. App. 2010)	12
<i>In re Adoption of Doe</i> , 2008 WL 5006172 (Fla. Cir. Ct. Nov. 25, 2008).....	12
<i>In re Angelina T</i> , No. A148061, 2016 WL 6208626 (Cal. Ct. App. Oct. 24, 2016).....	13
<i>In re JN</i> , No. A129824, 2012 WL 555761 (Cal. Ct. App. Feb. 21, 2012).....	13

Jennifer R.,
 No. A130672, 2011 WL 743093 (Cal. Ct. App. March 3, 2011) 13

Kapche v. Holder,
 677 F.3d 454 (D.C.Cir.2012)..... 17

Khairkhwa v. Obama,
 793 F.Supp.2d 1 (D.D.C. 2011)..... 5, 7, 8

Kumho Tire Co., Ltd. v. Carmichael,
 526 U.S. 137 (1999)..... 9, 19

Latta v. Otter,
 771 F.3d 456 (9th Cir. 2004) 17

Lofton v. Kearney,
 157 F.Supp.2d 1372 (S.D. Fla. 2001) 12

Mannino v. Int'l Mfg. Co.,
 650 F.2d 846 (6th Cir.1981) 8

Matter of Baby M.,
 525 A.2d 1128 (N.J. Super. Ct. Ch. Div. March 31, 1987) 13

Meister v. Medical Engineering Corp.,
 267 F.3d 1123 5

Mendez-Silva v. United States,
 980 F.2d 1482 (D.C. Cir. 1993)..... 18

New Jersey Div. of Youth & Fam. Servs. v. D.P.,
 422 N.J. Super. 583 (App. Div. 2011) 13

Rothe Development, Inc. v. Department of Defense,
 107 F. Supp.3d 183 (D.D.C. 2015)..... 6, 17, 20

State v. P.H.,
 353 N.J. Super. 527 (App. Div. 2002) 13

Tyus v. Urban Search Management,
 102 F.3d 256 (7th Cir. 1996) 17

United States v. Machado–Erazo,
 950 F.Supp.2d 49 (D.D.C. 2013)..... 6

V.C. v. M.J.B.,
 725 A.2d 13 (N.J. Super. Ct. App. Div. March 5, 1999)..... 12

Rules

Federal Rule of Evidence 702..... 3, 5, 7, 8

Other Authorities

29 Fed. Prac. & Proc. (Evid.) § 6265..... 8

Plaintiffs Fatma Marouf and Bryn Esplin respectfully submit this memorandum in opposition to Defendant United States Conference of Catholic Bishops' Motion to Exclude Expert Report and Testimony of Dr. David Brodzinsky ("USCCB Mot. to Exclude"), submitted by Defendant United States Conference of Catholic Bishops ("USCCB"). Because Dr. Brodzinsky is a highly qualified expert, employing generally accepted methodology, and his expert testimony is both relevant to this case and probative of important questions of law and fact in this matter, Defendant USCCB's motion should be denied.

INTRODUCTION

Defendant USCCB fails to identify any legitimate basis to exclude Dr. Brodzinsky's expert testimony. Dr. Brodzinsky, a developmental, clinical, and forensic psychologist whose primary focus is research and scholarship concerning child welfare, adoption, and foster care, provided expert testimony concerning professional standards for inclusion of qualified families in the child welfare system, and the impact on children and families that can result when the federal government authorizes a private child-placement agency to administer a federal child welfare program in a manner that excludes same-sex couples based on the agency's religious belief that same-sex couples should not be foster parents. Ex. 1, Expert Report of David M. Brodzinsky, Ph.D., ("Brodzinsky Rep."). He provided scientific evidence to support five conclusions relevant to this case:

- A. Professional child welfare standards provide for the inclusion of all qualified foster and adoptive families so as to best serve the needs of children. *Id.* ¶¶21-31.
- B. Children in the foster care system are harmed when there are not enough families to meet their needs. *Id.* ¶¶32-35.
- C. Permitting private child placement agencies, funded by and acting on behalf of the federal government, to turn away same-sex couples can reduce family placement options for children in the child welfare system, thereby undermining their long-term well-being. *Id.* ¶¶36-42.

- D. Permitting private agencies that administer federal foster care programs to turn away same-sex couples could result in additional negative consequences for LGBTQ youth in the foster care system. *Id.* ¶¶43-45.
- E. Enforcing nondiscrimination provisions in federally-funded contracts with or grants to private child placement agencies would not reduce the availability of families for children in the foster care system. *Id.* ¶¶46-47.

Dr. Brodzinsky based his opinions on more than 40 years of research, clinical consultation, training, and forensic experience in child development, family psychology, and child welfare, in addition to his own professional experience, which includes direct clinical involvement and supervisory experience with hundreds of foster and adoptive families, including many headed by lesbian, gay, bisexual, and transgender (“LGBT”) parents, the supervision of multiple child welfare programs that address the needs and trauma of LGBT and questioning (collectively, “LGBTQ”) youth in foster care and foster and adoptive families, and his work as a consultant to hundreds of public and private adoption agencies and child welfare agencies in the United States and internationally. *Id.* ¶¶5-20. He also relied upon data published by state and federal agencies, in addition to research and scholarly writings (including peer-reviewed publications, books, book chapters, technical reports, journal articles, and policy briefs) in the areas of child development, family psychology, and child welfare, and consultation with fellow social scientists and child welfare professionals. *Id.* ¶20; Ex. 2, Tr. of Dep. of David M. Brodzinsky, (“Brodzinsky Dep.”) 10:20-11:7; 21:21-22:2; 34:3-35:15; 40:17-41:1. Dr. Brodzinsky’s testimony is probative of Federal Defendants’ failure to adhere to generally applicable and accepted child welfare standards, and disregard for the best interests of the children in their care, which is relevant to Federal Defendants’ claimed justifications for operating federal child welfare programs in a manner that discriminates against same-sex couples and burdens their right to marry. Rule 702 provides no basis for excluding Dr. Brodzinsky’s testimony. He is qualified to testify as an expert, his testimony is both relevant and probative of issues in this case, and the methodology he employs is

that which is typically used by social scientists and clinicians in the field of child welfare and related disciplines of developmental, clinical, and forensic psychology.

LEGAL STANDARD

The admissibility of expert testimony is governed by the framework set out in Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). According to Rule 702:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.
Fed. R. Evid. 702.

Courts employ a two-part test to determine the admissibility of expert testimony under Rule 702, examining whether it is both reliable and relevant. *Ambrosini v. Labarraque*, 101 F.3d 129, 133 (D.C. Cir. 1996). Under the reliability prong, courts may consider: 1) whether the theory or technique can be and has been tested; 2) whether the theory or technique has been subjected to peer review and publication; 3) the method's known or potential rate of error; and 4) whether the theory or technique finds general acceptance in the relevant scientific community. *Id.*, citing *Daubert*, 509 U.S. at 593-94. However, the inquiry is a “flexible one,” and none of the factors discussed is necessarily applicable in every case or dispositive; nor are the four factors exhaustive. *Id.* Although the proponents of the evidence bear the burden to prove that the expert testimony is reliable by a preponderance of the evidence, *Meister v. Medical Engineering Corp.*, 267 F.3d 1123, 1127 n. 9 (D.C. Cir. 2001), “[i]n general, Rule 702 has been interpreted to favor admissibility.” *Khairkhwa v. Obama*, 793 F.Supp.2d 1, 10 (D.D.C. 2011) (citing *Daubert*, 509 U.S. at 587; Fed. R. Evid. 702 Advisory Committee's note (“A review of the

caselaw after *Daubert* shows that the rejection of expert testimony is the exception rather than the rule.”)).

Under the relevance prong, the court must consider whether the expert testimony is sufficiently tied to the facts of the case that it will aid in understanding those facts. *Ambrosini*, 101 F.3d at 133. This factor asks simply whether the testimony will assist the court in understanding the evidence, and not whether it could resolve the ultimate issue at trial. *Id.* at 135-36. “The presumption under the Rules is that expert testimony is admissible once a proponent makes the requisite threshold showing; further disputes go to weight, not admissibility.” *Rothe Development, Inc. v. Department of Defense*, 107 F. Supp.3d 183, 197 (D.D.C. 2015), citing *United States v. Machado–Erazo*, 950 F.Supp.2d 49, 52 (D.D.C. 2013). Additionally, courts exercise particular caution when deciding whether to exclude expert testimony at the summary judgment stage. *Crowley v. Perdue*, 318 F. Supp.3d 277, 292 (D.D.C. 2018), citing *Carmichael v. West*, No. 12-cv-1969, 2015 WL 10568893, *7 (D.D.C. Aug. 31, 2015).

ARGUMENT

I. Dr. Brodzinsky is highly qualified to provide relevant and reliable expert testimony.

Multiple courts already have found Dr. Brodzinsky qualified as an expert on precisely the areas of scholarship on which he provides opinions in this case, and have relied on his testimony. Indeed, out of the 650 forensic cases in which he has been involved, and the more than 100 cases in which he has testified as an expert, USCCB could not identify a single court that has held that he is not qualified to opine as an expert. Brodzinsky Rep. ¶12.

“Rule 702 does not specify any particular means for qualifying an expert, requiring only that the witness possess the ‘knowledge, skill, experience, training, or education’ necessary to ‘assist’ the trier of fact.” *Khairkwa*, 793 F. Supp.2d at 10-11, citing Fed. R. Evid. 702.

The degree of ‘knowledge, skill, experience, training, or education’ required to qualify an expert witness is only that necessary to insure that the witness's testimony ‘assist’ the trier of fact. *See Mannino v. Int'l Mfg. Co.*, 650 F.2d 846, 851 (6th Cir.1981) (noting that the weight of the evidence is a matter to be assessed by the trier of fact). “[I]t is not necessary that the witness be recognized as a leading authority in the field in question or even a member of a recognized professional community.” 29 FED. PRAC. & PROC. (EVID.) § 6265. “The ‘assist’ requirement is satisfied where expert testimony advances the trier of fact's understanding to any degree.” *Id.*

Khairkwa, 793 F. Supp. 2d at 11.

Dr. Brodzinsky possesses the “knowledge, skill, experience, training, or education” necessary to assist the court, *see Arias v. DynCorp*, 928 F.Supp.2d 10, 17 (D.D.C. 2013), and his experience is indisputably “of a kind that others in the field would recognize as acceptable.” *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 151 (1999). Dr. Brodzinsky has nearly 40 years of experience in the fields of adoption and foster care as a researcher, scholar, clinician, and forensic expert. Brodzinsky Rep. ¶5. He obtained his Ph.D. in developmental psychology from the State University of New York at Buffalo in 1974. *Id.* ¶2; Brodzinsky Dep. at P. 84:20-23. From 1974 to 2006, he served as an Assistant Professor, Associate Professor, and then Full Professor in the Department of Psychology at Rutgers University, where he taught undergraduate and graduate courses in developmental and clinical psychology, conducted research, and supervised doctoral students in clinical and social psychology. Brodzinsky Rep. ¶4. He is a licensed psychologist in the state of California and currently serves as Professor Emeritus of Clinical and Developmental Psychology at Rutgers University. *Id.* ¶¶3-4.

Dr. Brodzinsky has been in private practice as a psychologist for 35 years, with the majority of his clinical work focusing on the mental health needs of adopted and foster children and their families. *Id.* ¶10. Over this period, he has worked with approximately two thousand families who have adopted or fostered children. *Id.* Dr. Brodzinsky also has been a practicing forensic psychologist for 33 years, involved in approximately 650 forensic cases, and testifying over 100

times in 12 different states. *Id.* ¶12. Approximately 45-50 of these forensic cases involved issues related to adoption, fostering, and/or parenting by sexual minority individuals/couples. *Id.* However, he has devoted most of his time over the course of his career to research, scholarship, publication, directing child welfare-related programs, and consultation. Brodzinsky Dep. 85:10-87:10, 87:22-91:6.

Dr. Brodzinsky has authored over 100 publications, including numerous peer-reviewed journal articles, policy papers, book chapters, and six books on adoption and foster care, as well as on other topics in developmental and clinical psychology. Brodzinsky Rep. ¶¶5, 15. He also has reviewed hundreds of articles in these fields submitted for publication to the most prestigious professional journals in developmental and clinical psychology, as well as in child welfare. *Id.* at ¶5. Dr. Brodzinsky has served or is currently serving on the editorial boards of peer-reviewed publications such as *Adoption Quarterly*, *Developmental Child Welfare*, *Journal of Applied Developmental Psychology*, and *Youth and Society*. *Id.* ¶9. He has given hundreds of conference presentations, professional workshops, medical grand rounds presentations, invited university lectures, and community lectures to mental health professionals, child welfare professionals, legal professionals, and/or the public related to adoption and foster care throughout the United States, Europe, and parts of South America. *Id.* ¶13. Indeed, he delivered a keynote address at a national conference for Catholic Charities. Brodzinsky Dep. 92:20-23; Brodzinsky Rep. at 43.

Dr. Brodzinsky has served as a consultant to hundreds of public and private adoption agencies and child welfare agencies in the United States, Canada, England, Northern Ireland, Wales, Spain, Italy, Holland, Sweden, Norway, Iceland, and Colombia. Brodzinsky Rep. ¶14. Currently, he is a clinical and training consultant for the Center for Adoption Support and

Education in Burtonsville, Maryland, and a research and project consultant for the National Center on Adoption and Permanency in Newton, Massachusetts. *Id.*

From 1986 to 1995, Dr. Brodzinsky directed a program providing clinical services to children adopted from foster care and their families in several counties in northern New Jersey. *Id.* ¶6. For 17 years he served as the Director of the Rutgers Foster Care Counseling Project, a state-funded training and service program focusing on the clinical needs of foster children and their families in central New Jersey. During this period, he trained over 100 doctoral-level psychology students in psychological issues in foster care, adoption, and trauma, and the project served over 700 foster families. *Id.* ¶7.

From 1996 to 2006, Dr. Brodzinsky served on the Board of Directors of the Donaldson Adoption Institute in New York City, an internationally known non-profit organization focusing on policy analysis, research, education, and advocacy in the fields of adoption and foster care. *Id.* ¶8. From 2006 through 2014, he served as Research Director for the Institute, and in this capacity, he created the Modern Adoptive Families Project, a nationwide survey of adoptive parents focusing on the experiences and outcomes of different types of adoptive families, including those headed by sexual minority individuals/couples. *Id.* To date, 10 empirical articles or technical reports have been published from this dataset, with additional ones in preparation. *Id.* From 2008 to 2016, he was a clinical supervisor for A Home Within, a non-profit organization in the San Francisco Bay area providing pro bono clinical services to foster children and their families.

Numerous courts have relied upon Dr. Brodzinsky's testimony concerning child welfare standards and social science findings concerning parenting by same-sex couples, adoption, foster care, and the impact of discrimination and trauma in the child welfare system on children and families. For example, in *DeBoer v. Snyder*, 973 F. Supp.2d 757 (E.D. Mich. 2014), a district court

found Dr. Brodzinsky's expert testimony at trial to be "fully credible" and gave it "considerable weight" in a case in which same-sex couples challenged the constitutionality of Michigan's marriage ban. In *DeBoer*, Dr. Brodzinsky offered expert opinions concerning the well-being of children of lesbian and gay-headed households and adoptive families, the well-being of children in households headed by comparable different-sex couples, and the impact on children and families of discrimination. *DeBoer v. Snyder*, No. 12-CV-10285, 2013 WL 12182272 (E.D. Mich. Oct. 16, 2013).

In *Baehr v. Miike*, No. CIV. 91-1394, 1996 WL 694235, *10–11 (Haw. Cir. Ct. Dec. 3, 1996), a challenge to Hawai'i's ban on marriage for same-sex couples, Dr. Brodzinsky testified as to the social science concerning parenting by same-sex couples, the adjustment of children in households headed by same-sex couples and different-sex couples, and the impact of marriage discrimination on children and families. Again, the court found Dr. Brodzinsky to be well-qualified and "especially credible." *Id.*

In *Fla. Dep't of Child. & Fams. v. Adoption of X.X.G.*, 45 So.3d 79 (Fla. Dist. Ct. App. 2010), Dr. Brodzinsky presented expert testimony in a constitutional challenge to Florida's ban on adoption by LGBT prospective parents, on which both lower and appellate courts relied. *See, also, In re Adoption of Doe*, 2008 WL 5006172 (Fla. Cir. Ct. Nov. 25, 2008); *Lofton v. Kearney*, 157 F.Supp.2d 1372 (S.D. Fla. 2001), *aff'd sub nom. Lofton v. Sec'y of Dep't of Child. & Fam. Servs.*, 358 F.3d 804 (11th Cir. 2004). Likewise, in *V.C. v. M.J.B.*, 725 A.2d 13 (N.J. Super. Ct. App. Div. March 5, 1999), *aff'd, V.C. v. M.J.B.*, 748 A.2d 539 (N.J. 2006), courts accepted Dr. Brodzinsky as an "expert in the area of adoptions, developmental psychology, mental health of children, the effects of foster care and systematic trauma on children," and other areas. He also testified as to similar issues in *Adoption of A.S.*, 212 Cal.App.4th 188 (Nov. 29, 2012). And in lawsuits involving

closely related issues to the instant case, *Dumont v. Lyon*, 341 F. Supp.3d 706 (E.D. Mich. 2018) and *Catholic Charities of the Diocese of Springfield-in-Illinois, et al. v. State of Illinois, et al.*, No. 11-MR-254 (Sangamon Cnty Cir. Ct. Aug. 8, 2011), Dr. Brodzinsky provided expert opinions on the impact of discrimination against prospective foster parents by faith-based child welfare agencies on foster children and families, and his expertise went unchallenged.

Additional courts have accepted Dr. Brodzinsky as an expert and relied on his clinical and forensic opinions concerning particular individuals, often involving the impact of adoption and foster care, or the impact of discriminatory laws on particular families. See, e.g., *In re Angelina T*, No. A148061, 2016 WL 6208626 (Cal. Ct. App. Oct. 24, 2016); *D.H. v. Superior Court*, No. A139602, 2014 WL 346614 *4 (Cal. Ct. App. Jan. 31, 2014); *In re JN*, No. A129824, 2012 WL 555761 *3 (Cal. Ct. App. Feb. 21, 2012); *New Jersey Div. of Youth & Fam. Servs. v. D.P.*, 422 N.J. Super. 583 (App. Div. 2011); *Jennifer R.*, No. A130672, 2011 WL 743093 *6 (Cal. Ct. App. March 3, 2011); *State v. P.H.*, 353 N.J. Super. 527 (App. Div. 2002), *aff'd*, 178 N.J. 378 (2004); *Matter of Baby M.*, 525 A.2d 1128, 1154 (N.J. Super. Ct. Ch. Div. March 31, 1987).

In light of Dr. Brodzinsky's "significant stature and expertise," *Ambrosini*, 101 F.3d at 140, his related research and peer-reviewed publications, his clinical experience, his consultative work for private and public entities, and his skills and experience gleaned from directing child welfare programs that address the needs and trauma of LGBTQ youth in foster care and foster and adoptive families, Dr. Brodzinsky is eminently qualified to testify as an expert on these issues.

II. Dr. Brodzinsky's Evidence Is Relevant.

USCCB also seeks to preclude Dr. Brodzinsky's testimony on the theory that it is not relevant. First, USCCB argues that the Consortium arrangement in the Dallas-Fort Worth area moots Plaintiffs' claims and remedies the harms to which Plaintiffs have been subjected, rendering his opinion unnecessary. For the reasons described in Plaintiffs' Memorandum of Law in Support

of Plaintiff's Motion For Summary Judgment and Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment, the Consortium exacerbates the harms caused by Federal Defendants' conduct, and Plaintiffs' claims therefore are not moot.¹ Pls.' Mem. of Law in Supp. of Pls.' Mot. for Summ. J., ("Pls.' MSJ Mem.") at 8-11, ECF No. 107-1; Pls.' Mem. of Law in Supp. of Pls.' Opp'n. to Defs.' Mot. for Summ. J., ("Pls.' Opp'n Mem.") at 8-13, ECF No. 113-1.

Second, USCCB claims that because Dr. Brodzinsky addresses child welfare standards and the harms from excluding same-sex couples from foster programs "generally," rather than solely in the URM program in the Dallas-Fort Worth area, his evidence is irrelevant. USCCB's Mot. to Exclude at 1, 8-10. Specifically, USCCB attacks as irrelevant Dr. Brodzinsky's testimony that: 1) the refusal to recruit same-sex couples contributes to a shortage of available foster parents

¹ Additionally, Dr. Brodzinsky's testimony is relevant to USCCB's and Federal Defendants' mootness claim itself, because his testimony concerning the impact on children of government-sanctioned discrimination against same-sex couples who wish to apply to be foster parents is applicable to the Court's analysis of the constitutional deficiencies of the Consortium. Regardless of Federal Defendants' role in making an initial placement decision for a particular URM youth, once an agency has assumed conservatorship of a given URM youth, and a placement breaks down, the agency seeks an alternative foster family for the child *within its own network*. Pls.' Mot. for Summ. J. at Ex. E, Declaration of Catelyn Devlin ("Devlin Decl.") ¶¶11, 15, 24-25, ECF No. 108-05. Federal Defendants' Consortium arrangement continues to sanction USCCB's sub-grantee's categorical exclusion of same-sex couples from its network, thereby limiting a child's placement options in the event of a placement breakdown in ways that can be contrary to the child's best interests. See Brodzinsky Rep. at ¶¶21-37, 43-45. As Dr. Brodzinsky explains, a same-sex couple may provide the preferred foster home for a particular child, which can be particularly true for LGBTQ youth who are overrepresented in foster care generally, and among refugees fleeing oppression. *Id.* at ¶¶21-37, 43-45. LGBTQ youth may not reveal their identities until after their initial placement; likewise, they may not express the desire for an affirming foster family while in a refugee camp abroad. *Id.* at ¶43-45; Brodzinsky Dep. 54:11-56:7. Because the majority of URM youth age out of the program at age 21, and their placements are lengthy in duration, placement disruptions can and do occur. Devlin Decl. at ¶¶24-25. Because Dr. Brodzinsky's evidence assists in demonstrating how the Consortium works against the best interests of children, this evidence is relevant to the Court's consideration of the Consortium's constitutional deficiencies.

nationally; 2) well-established professional standards in the field of child welfare promote practices that welcome all capable prospective foster and adoptive parents regardless of race, religion, marital status, gender, disability, or sexual orientation; 3) exclusion of same-sex couples as foster parents by USCCB's subgrantees could cause "children in the care of th[ose] agenc[ies to] lose out on the family that would have best served their needs;" and 4) no evidence suggests that when child placement agencies have chosen to discontinue their foster care and adoption services because they had religious objections to complying with nondiscrimination requirements to accept all qualified families, this caused a reduction in the number of families available for children in the foster care system or otherwise impaired the government's ability to meet the needs of children in its care. USCCB's Mot. to Exclude at 10-18. However, Dr. Brodzinsky's testimony on these points is probative of Federal Defendants' failure to adhere to generally applicable and accepted child welfare standards, and disregard for the best interests of the children in its care. This evidence is therefore relevant to the adequacy of Federal Defendants' justifications for operating federal child welfare programs in a manner that discriminates and impinges on fundamental liberty interests. In other words, this evidence goes to Federal Defendants' failure to meet their burden of demonstrating that administering federal programs in this manner is even rationally related to a legitimate government interest, let alone narrowly tailored to the compelling one required. *See* Pls.' MSJ Mem. at 11-15; 21-25. That Federal Defendants' conduct works directly against the interests of children is relevant to the issues before the Court.

Moreover, USCCB and Federal Defendants *themselves* rely repeatedly on contrary assertions and assumptions about these four points. Plaintiffs are entitled to rebut their assertions with scientific evidence. For example, USCCB seeks to preclude Dr. Brodzinsky's report on the ground that it is insufficiently tied to the URM program in the Dallas-Fort Worth area, even though

USCCB repeatedly argues without evidentiary support that remedying Plaintiffs' claims would jeopardize the well-being of "the thousands of refugee children served by USCCB every day" in its various programs nationwide. USCCB's Mem. in Opp'n to Pls.' Mot. Summ. J., ("USCCB's Opp'n Mem.") at 4-5, 18, ECF. No. 115; USCCB's Mem. in Supp. of Defs.' Mot. Summ. J., ("USCCB's MSJ Mem.") at 44, ECF No. 106-01. Federal Defendants similarly rely on erroneous nationwide assumptions, urging the Court to "reach the commonsense conclusion" that enforcing nondiscrimination requirements would reduce placement options nationwide, and that "[a]voiding those results thus provides more than a rational basis for allowing USCCB to continue as one of two URM replacement designees in Texas." Fed. Defs.' Opp'n to Pls.' Mot. Summ. J., ("Fed. Defs.' Opp'n") at 22; Fed. Defs.' Statement of P. & A. ("Fed. Defs.' P.& A.") at 28-29, ECF No. 110-02.

Dr. Brodzinsky's testimony refutes these claims. Brodzinsky Rep. ¶¶46-47. For example, Dr. Brodzinsky's evidence establishes, among other things, that when child placement agencies previously have chosen to discontinue their foster care and adoption services over religious objections to complying with nondiscrimination requirements, there were smooth transitions to alternative providers, and he observed no reduction in the number of families available for children in the foster care system or other impairments to the government's ability to meet the needs of the children in its care. *Id.*; Brodzinsky Dep. at 39:20-41:6. In reaching these conclusions, he relied upon child welfare literature, more than 40 years of clinical professional experience and research scholarship, qualitative information, consultations with fellow child welfare professionals, scholars, and foster care and adoption organizations and agencies across the country and internationally, in addition to calculations involving publicly available data from the Adoption

Foster Care Analysis and Reporting System (“AFCARS”).² Brodzinsky Dep. at 10:20-11:7; 21:21-22:2; 34:3-35:15; 40:17-41:1. USCCB cannot label as “irrelevant” an expert’s evidence-based conclusion that contradicts both its own unsupported assertions, and the assertions on which Federal Defendants rely.

Lastly, USCCB critiques Dr. Brodzinsky’s failure to conduct a clinical psychological evaluation of Plaintiffs or review discovery and other materials specific to their experiences in this case. USCCB’s Mot. to Exclude at 16-17. This was not Dr. Brodzinsky’s assignment. He was retained “to prepare a written expert report in this case relating to professional standards for inclusion of qualified families in the child welfare system, and the impact on children and families that can result when a private child-placement agency that contracts with or receives a grant from the Federal government excludes same-sex couples based on the agency’s religious belief that this group of individuals should not be foster parents.” Brodzinsky Rep. ¶1. His testimony provides expert evidence relevant to the legal standard applied by the Court. “[I]t is clear beyond cavil that an expert may give “his ‘opinion as to facts that, if found, would support a conclusion that the legal standard at issue was satisfied[.]” *Rothe Development, Inc.*, 107 F.Supp.3d at 200, quoting *Kapche v. Holder*, 677 F.3d 454, 464 (D.C.Cir.2012). In resolving questions such as the adequacy of governmental justifications for discriminatory schemes, numerous courts have relied upon comparable expert testimony concerning social science research that assists the trier of fact. *See, e.g., Latta v. Otter*, 771 F.3d 456, 469-70 (9th Cir. 2014) (relying on expert’s testimony that allowing same-sex couples to marry would not harm or even affect the marriages of different-sex couples in refuting alleged justification for marriage exclusion); *Tyus v. Urban Search*

² AFCARS data include statistics on child welfare placements across the country compiled by the Children’s Bureau, a subdivision of Defendants Administration for Children and Families and Department of Health and Human Services.

Management, 102 F.3d 256, 263 (7th Cir. 1996) (holding that trial court improperly excluded social scientist's expert testimony relevant to legal standard). In short, all of USCCB's arguments on the relevance of Dr. Brodzinsky's testimony lack merit.

III. Dr. Brodzinsky's Testimony Is Accurate and Reliable.

Dr. Brodzinsky's conclusions were premised on conventional methods and generally accepted methodology, including review of detailed literature, peer-reviewed publications, and his own decades of social science research and clinical and forensic experience. "When the underlying basis or methods of an expert's opinion are of a type reasonably relied upon by the experts in the field, the court must allow the opinion to be assessed by the factfinder—even if the opinion reaches a novel conclusion." *Mendez-Silva v. United States*, 980 F.2d 1482, 1485 (D.C. Cir. 1993).

"Widespread acceptance can be an important factor in ruling particular evidence admissible." *Daubert*, 509 U.S. at 594. "The inquiry envisioned by Rule 702 is, we emphasize, a flexible one. Its overarching subject is the scientific validity and thus the evidentiary relevance and reliability—of the principles that underlie a proposed submission. The focus, of course, must be solely on principles and methodology, not on the conclusions that they generate." *Id* at 594-5. Publication of a particular expert's findings is unnecessary providing that there is nothing unconventional or improper about the expert's methodology in his field. *Ambrosini*, 101 F.3d at 136.

USCCB fails to identify any way in which Dr. Brodzinsky's methodology and opinions lack widespread acceptance. To the contrary, his opinions are consistent with the standards and position statements promulgated by the Child Welfare League of America, with position statements issued by the nation's leading medical and mental health professional organizations, and with the conclusions of numerous peer-reviewed publications. Brodzinsky Rep. ¶¶23-25.

USCCB's principal complaint appears to be with two of Dr. Brodzinsky's *conclusions*, and not his methodology: 1) there is a shortage of potential foster parents; and 2) enforcing nondiscrimination provisions in federally-funded grants would not reduce the availability of families for children in the foster care system. As to the shortage of foster parents, Dr. Brodzinsky based his conclusions on published sources, including his own scholarship. *Id.* ¶¶21-42. USCCB does not question the reliability of any of these sources or their methodology. Instead, USCCB repeats its complaint that Dr. Brodzinsky opines on the child welfare system and related social science generally, without having examined Plaintiffs or conducted research concerning whether a shortage of foster parents exists in the Dallas-Fort Worth URM Program specifically. USCCB Mot. to Exclude at 21-24. As explained above, USCCB fails to acknowledge that an expert may offer testimony relevant to whether the government has satisfied a legal standard without evaluating particular litigants. Further, “[u]nlike an ordinary witness, an expert is permitted wide latitude to offer opinions, including those that are not based on firsthand knowledge or observation,” because an expert is assumed to have a reliable basis in the knowledge and experience of his discipline. *See Daubert*, 509 U.S. at 592 (cleaned up); see also *Kumho Tire Co., Ltd.*, 526 U.S. at 147-8 (testimonial latitude extends to all expert witnesses—not just “scientific” ones).³

³ USCCB also attacks Dr. Brodzinsky's report on the ground that it contains conclusions in common with an expert report he submitted in another case concerning a constitutional challenge to the use of religious criteria by a child welfare agency to exclude same-sex couples from applying to be foster parents. USCCB's Mot. to Exclude at 17-18, citing *Dumont v. Lyon*, No. 2:17-cv-13080 (E.D. Mich.), ECF No. 23-2 (filed July 24, 2019). The similarities of his opinions demonstrate nothing more than the reliability, stability, and general acceptance of the underlying empirical research, the volume of which increases over time with new scholarship, research, and publications, but whose conclusions are not expected to alter dramatically absent revolutionary new developments in the field. As USCCB admits, Dr. Brodzinsky's assignment in *Dumont* was “[v]ery similar to this particular case,” USCCB's Mot. to Exclude at 17, and involved summarizing

Rather than disputing Dr. Brodzinsky’s methods, knowledge of his discipline, or sources, USCCB argues that the Court should preclude his testimony concerning a shortage of potential foster parents as unreliable, pointing to the self-serving testimony of Defendants’ witnesses that purportedly contradicts it. USCCB’s Mot. to Exclude at 11. Specifically, USCCB points to the testimony of Federal Defendants’ representative for the URM program, who stated in a deposition, “There -- it could be, but we've -- I've never had an indication that we did not have enough foster care families available.” Raimer Decl. Ex. C, (“Tota Dep.”) at 179:2-4, ECF No. 117-2. However, USCCB conveniently omits the follow-up exchange from Mr. Tota’s deposition:

Q: But it could just as equally also be the case where you would not have enough foster families available; correct?

A: It’s possible.

Id. at 179:5-11. Thus, the statements of Federal Defendants’ representative for the URM program do not dispute the evidence of a national shortage of foster parents—they represent solely the ignorance of federal URM officials concerning whether such a shortage exists.

Notably, Dr. Brodzinsky’s testimony concerning a shortage is consistent with other undisputed evidence in the summary judgment record establishing a shortage of foster parents in Texas within federal child welfare programs, due in part to the difficulty of finding, recruiting, and training foster parent applicants. Pls.’ Mot. for Summ. J., Ex 2, at HHS13133, ECF No. 107-03; *see also*, e.g., Pls.’ Mot. for Summ. J., Ex. 9, at HHS03493, ECF No. 107-06; *see, also*, Devlin Decl. ¶17, ECF No. 108-05 (describing a severe shortage of foster parents in the Dallas-Fort Worth area for URM program youth).

relevant social science literature and standards relevant to child welfare in order to inform the legal standards applied by the court. It was not to deliver analysis specific to a particular plaintiff’s mental state.

Further, even if the statements of Defendants' witnesses about the abundance of potential available foster parents were sufficient to create a factual dispute (they are not), such a dispute is not a basis for precluding testimony from a qualified expert who relies on generally accepted methodology. "The presumption under the Rules is that expert testimony is admissible once a proponent makes the requisite threshold showing; further disputes go to weight, not admissibility." *Rothe Development, Inc.*, 107 F. Supp.3d at 197.

As to Dr. Brodzinsky's second conclusion whose reliability USCCB challenges—namely, that enforcing nondiscrimination provisions in federally-funded grants would not reduce the availability of families for children in the foster care system—Dr. Brodzinsky explained his sources and methods at length. He reviewed qualitative literature and research concerning decisions by Catholic child welfare entities in Illinois, Boston, and Washington, D.C. to close their foster or adoption programs as a result of religious objections to licensing same-sex couples. Brodzinsky Dep. at 34:25-35:15; 39:20-40:3. He also drew upon his own experience working with agencies that had ceased providing services, and accomplished a smooth transition moving their caseloads to another agency. *Id.* at 39:20-40:19; 137:1-6. He consulted scholars who had conducted relevant research on these questions, including Professors Nelson Tebbe (Cornell Law School) and Netta Barack-Corren (Hebrew University, Israel). *Id.* at 35:7-15. Moreover, because Dr. Brodzinsky had contributed expert testimony in litigation brought by Catholic Charities in connection with the closure of their program in Illinois, *id.* at 40:17-41:6, he remained connected to child welfare professionals in Illinois knowledgeable about the transition. He consulted with them in addition to professionals in Boston, and Washington, D.C. *Id.* Finally, he reviewed AFCARS data from Illinois and Boston concerning the number of adoption placements that occurred before and subsequent to the transitions. *Id.* at 10:20-25, 39:24-41:6, 135:12-136:8. As a

result of this research, he concluded that there were smooth transitions to other agencies after Catholic agencies ceased providing services, and he found no evidence that these transitions led to a failure to recruit foster and adoptive families. *Id* at 135:12-136:14. To the contrary, the AFCARS data indicates that the number of adoption placements *increased* in Illinois after Catholic Charities exited and transitioned its services to another provider, and remained steady in Boston. *Id.* at 135:20-136:1. As he explained, the caseworkers from agencies such as Catholic Charities generally went on to work for new agencies, taking their caseloads with them. *Id* at 41:2-6.

Indeed, other evidence is consistent with Dr. Brodzinsky's conclusions about the ability of agencies to transition their caseload without disruption. When Catholic Charities Fort Worth ("CCFW") transitioned its URM and UAC Programs to Catholic Charities Dallas ("CCD"), CCFW turned over its files and office space to CCD, which assumed leases on group homes previously operated by CCFW, and CCD offered positions to all of the staff who worked in the federal foster care programs at CCFW, the vast majority of whom accepted. Pls.' Mot. for Summ. J., Decl. A, Choe Decl. Ex. 17 ("Springer Dep.") at 122:15-123:24, ECF No. 108-16. Indeed, to the extent that a transition from one provider to another creates a disruption, including a potential loss of foster capacity, USCCB and Federal Defendants could have provided evidence of such a supposed impact from the significant transitions in the URM and UC programs in recent years—the departure of the State of Texas from the URM program statewide, the departure of USCCB from the UC program in the Dallas-Fort Worth area, and the transition of the URM program from CCFW to CCD—to support their contentions regarding impacts on Program children if USCCB's role changed. They provided none. USCCB's critique of the reliability of Dr. Brodzinsky's opinion lacks merit.

CONCLUSION

For the foregoing reasons, Defendant USCCB's Motion to Exclude Expert Report and testimony of Dr. David M. Brodzinsky should be denied.

Dated: October 19, 2022

Respectfully submitted,

By: /s/ Camilla B. Taylor
Camilla B. Taylor (pro hac vice)
**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**
65 E. Wacker Pl. Ste. 2000
Chicago, IL 60601-7245
Telephone: (312) 663-4413
ctaylor@lambdalegal.org

Karen L. Loewy (DC Bar No. 1722185)
**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**
1776 K Street, N.W. 8th Floor
Washington, D.C. 20006-2304
Telephone: (202) 804-6245
kloewy@lambdalegal.org

Richard B. Katskee (D.C. Bar No. 474250)
Kenneth D. Upton, Jr. (D.C. Bar No.
1658621)
**AMERICANS UNITED FOR
SEPARATION OF CHURCH AND
STATE**
1310 L Street, N.W., Suite 200
Washington, D.C. 20005
Telephone: (202) 898-2133
katskee@au.org
upton@au.org

Kenneth Y. Choe (pro hac vice)
Jessica L. Ellsworth (D.C. Bar No. 484170)
James A. Huang (pro hac vice)
Michael D. Gendall (D.C. Bar No. 1029790)
Brendan C. Quinn (D.C. Bar No. 1616841)
Katherine Culora (D.C. Bar No. 1671154)
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Telephone: (202) 637-5600

Facsimile: (202) 637-5910
ken.choe@hoganlovells.com
jessica.ellsworth@hoganlovells.com
james.huang@hoganlovells.com
mike.gendall@hoganlovells.com
brendan.quinn@hoganlovells.com
katherine.culora@hoganlovells.com

Russell A. Welch (pro hac vice)
HOGAN LOVELLS US LLP
609 Main Street, Suite 4200
Houston, TX 77002
Telephone: (713) 632-1437
Facsimile: (713) 632-1401
russell.welch@hoganlovells.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on October 19, 2022, a true and correct copy of the foregoing document was filed using the Court's CM/ECF System, which will serve all counsel of record.

By: /s/ Camilla B. Taylor

Camilla B. Taylor (pro hac vice)

DECLARATION A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
Plaintiffs,)	
)	Case No. 1:18-cv-378 (APM)
v.)	
)	
XAVIER BECERRA, in his official capacity as)	
Secretary of the UNITED STATES)	
DEPARTMENT OF HEALTH AND HUMAN)	
SERVICES, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

**DECLARATION OF CAMILLA B. TAYLOR IN SUPPORT OF PLAINTIFFS’
MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO
DEFENDANT UNITED STATES CONFERENCE OF CATHOLIC BISHOPS’ MOTION
TO EXCLUDE EXPERT REPORT AND TESTIMONY OF DR. DAVID M.
BRODZINSKY**

I, Camilla B. Taylor, declare that I am over 18 years of age and otherwise competent to testify as to the matters herein, which are based on my personal knowledge:

1. I am the Deputy Legal Director for Litigation of Lambda Legal Defense and Education Fund, Inc., and counsel for Plaintiffs Fatma Marouf and Bryn Esplin (“Plaintiffs”) in the above-captioned matter. I make this declaration in support of Plaintiffs’ opposition to Defendant United States Conference of Catholic Bishops’ Motion To Exclude Expert Report and Testimony of Dr. David M. Brodzinsky, and I do so based on personal knowledge of the matters stated herein and my personal review of the referenced documents.

2. Attached as Exhibit 1 is the corrected Expert Report of Dr. David Brodzinsky as filed on October 6, 2022.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the November 20, 2020 deposition transcript of Dr. David Brodzinsky.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of October 2022.

Respectfully Submitted

Camilla B. Taylor
(admitted pro hac vice)

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FATMA MAROUF AND BRYN ESPLIN,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:18-cv-378 (APM)
)	
ALEX AZAR, in his official capacity as)	
Secretary of the UNITED STATES)	EXPERT REPORT OF DAVID M.
DEPARTMENT OF HEALTH AND HUMAN)	BRODZINSKY, PH.D.
SERVICES, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

EXPERT REPORT OF DAVID M. BRODZINSKY, PH.D.

I, David M. Brodzinsky, do solemnly attest as follows:

I. Assignment

1. I have been retained by plaintiffs' counsel to prepare a written expert report in this case relating to professional standards for inclusion of qualified families in the child welfare system, and the impact on children and families that can result when a private child-placement agency that contracts with or receives a grant from the Federal government excludes same-sex couples based on the agency's religious belief that this group of individuals should not be foster parents. The analyses and opinions expressed in this report are my own. I am being compensated at a rate of \$250 per hour. My compensation in this matter is in no way contingent or based on the content of my opinions or the outcome of this matter.

II. Professional Qualifications (see attached curriculum vitae for more details)

2. I received a Ph.D. in developmental psychology from the State University of New York at Buffalo in 1974, as well as additional training as a clinical psychologist during a clinical

internship at the Irving Schwartz Institute for Children and Youth in Philadelphia from 1972-1973 and a post-doctoral clinical fellowship at the same institution from 1973-1974.

3. I am a licensed psychologist in the state of California (#21152).

4. From 1974 to 2006, I served as an Assistant Professor, Associate Professor, and then Full Professor in the Department of Psychology at Rutgers University, where I taught undergraduate and graduate courses in developmental and clinical psychology, conducted research, and supervised doctoral students in clinical and school psychology. Currently, I am Professor Emeritus of Clinical and Developmental Psychology at Rutgers University.

Selection of Specific Qualifications Related to Adoption and Foster Care

5. I have nearly 40 years of experience in the fields of adoption and foster care as a researcher, scholar, teacher, clinician, policy analyst, trainer, consultant, and forensic expert. I have over 100 publications, including numerous peer-reviewed journal articles, book chapters, and six books on adoption and foster care, as well as on other topics in developmental and clinical psychology. I have also reviewed hundreds of articles in these areas submitted for publication to the most prestigious professional journals in developmental and clinical psychology, as well as in child welfare.

6. From 1986 to 1995, I directed a post-adoption service program under contract from the New Jersey Division of Youth and Family Services, now known as the Department of Children and Families. The project provided direct clinical services to children adopted from foster care and their families in several northern counties in New Jersey.

7. From 1989 to 2006, I was Director of the Rutgers Foster Care Counseling Project, a state-funded training and service program focusing on the clinical needs of foster children and their families in central New Jersey. During this period, I trained over 100 doctoral-level psychology

students in psychological issues in foster care, adoption and trauma, and the project served over 700 foster families.

8. From 1996 to 2006, I was on the Board of Directors of the Donaldson Adoption Institute in New York City, an internationally known non-profit organization focusing on policy analysis, research, education, and advocacy in the fields of adoption and foster care. From 2006 through 2014, I served as Research Director for the Institute. During my time with the Donaldson Adoption Institute, I created the Modern Adoptive Families Project, a nationwide survey of adoptive parents focusing on the experiences and outcomes of different types of adoptive families, including those headed by sexual minority individuals/couples¹. To date, 10 empirical articles or technical reports have been published from this dataset, with additional ones in preparation.

9. I have served or am currently serving on the Editorial Boards of *Adoption Quarterly*, *Developmental Child Welfare*, *Journal of Applied Developmental Psychology*, and *Youth and Society*.

10. I have been in private practice as a psychologist for 35 years, with the majority of my clinical work focusing on the mental health needs of adopted and foster children and their families. Over this time period, I have worked with approximately two thousand families who have adopted or fostered children.

11. From 2008 to 2016, I was a clinical supervisor for A Home Within, a non-profit organization in the San Francisco Bay area providing pro bono clinical services to foster children and their families.

¹ Sexual minority is a term referring to a group whose sexual identity, orientation or practices differ from the majority of the surrounding society. Primarily used to refer to lesbian, gay, bisexual or non-heterosexual individuals, it can also refer to transgender, non-binary (including third gender) or intersex individuals.

12. I have also been a practicing forensic psychologist for 33 years. During this time I have been involved in approximately 650 forensic cases, testifying over 100 times in 12 different states. Most of my cases have involved issues related to child custody, juvenile dependency, contested adoption, wrongful adoption, child abuse, and trauma-related personal injury. Approximately 45-50 of these forensic cases involved issues related to adoption, fostering, and/or parenting by sexual minority individuals/couples.

13. I have given hundreds of conference presentations, professional workshops, medical grand rounds presentations, invited university lectures, and community lectures to mental health professionals, child welfare professionals, legal professionals, and/or the public related to adoption and foster care throughout the United States, Europe, and parts of South America.

14. I have been a consultant to hundreds of public and private adoption agencies and child welfare agencies in the United States, Canada, England, Northern Ireland, Wales, Spain, Italy, Holland, Sweden, Norway, Iceland, and Colombia. Currently, I am a clinical and training consultant for the Center for Adoption Support and Education in Burtonsville, Maryland, and a research and project consultant for the National Center on Adoption and Permanency in Newton, Massachusetts.

Selection of Specific Qualifications Related to Adoption, Foster Care, and Parenting by Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Individuals and Couples

15. I have published a dozen peer-reviewed journal articles, policy papers, book chapters, and an edited book (*Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity*, Oxford University Press, 2012) focusing on adoption and parenting by lesbians and gay individuals/couples.

16. I have worked clinically with hundreds of families headed by LGBTQ parents during

my career, including those who have adopted or fostered children. Since moving to California in 2006, approximately 30-40% of my clinical practice has been with families headed by LGBTQ individuals/couples. In addition, I have regularly supervised the clinical work of other professionals working with families headed by LGBTQ parents.

17. From 2009 to 2015, I was a clinical supervisor and consultant to the Pacific Center in Berkeley, California, a non-profit organization serving the mental health needs of the LGBTQ community.

18. I have been involved in numerous court cases related to adoption, fostering, parenting, and marriage by sexual minority individuals/couples, for which I have provided expert reports on case issues, evaluated the parties, and/or testified during deposition or at trial. These cases include the same-sex marriage trial in Hawaii in 1996 (*Baehr v. State of Hawaii*); four separate challenges to Florida's ban on adoption by gay and lesbian adults (*Amer v. Johnson* in 1997; *Lofton v. Kearney, et al.* in 2001; *IMO Adoption of JCB* in 2005; *IMO Adoption of XG and NG* in 2008); *Catholic Charities v. State of Illinois* in 2011; and the Michigan same-sex marriage case (*DeBoer v. Snyder* in 2014). In all of these cases where I appeared in court, I was qualified as an expert on issues related to adoption, fostering, and parenting by LGBTQ adults.

19. I have made numerous presentations on issues related to adoption, fostering, and parenting by sexual minority adults to mental health professionals, child welfare professionals, and legal/judicial professionals throughout the United States, Canada, Western Europe, and Colombia.

III. Opinions

20. The opinions below are supported by research and scholarly writings in the areas of child development, family psychology, and child welfare, as well as my professional experience.

Relevant authoritative books, book chapters, journal articles, policy briefs, and technical reports are cited herein in support of my opinions. In addition to these documents, my opinions are based on 40 years of research, clinical, consultation, training, and forensic experience in child development, family psychology, and/or child welfare, as well as my direct clinical involvement and supervisory experience with hundreds of foster and adoptive families, including many headed by LGBTQ parents.

A. Professional child welfare standards provide for the inclusion of all qualified foster and adoptive families so as to best serve the needs of children.

21. Children in foster care are some of the most vulnerable children in our nation, often experiencing pre-placement adversity and trauma such as inadequate health care, neglect, abuse, exposure to domestic violence, exposure to parental psychopathology and/or substance abuse, disrupted emotional attachments to caregivers, and disrupted education. These experiences lead to increased risk for psychological and educational maladjustment during childhood and adolescence, as well as poorer life adjustment in adulthood.² Among the thousands of children who enter foster care in the United States each year are those who come into the country through the Unaccompanied Alien Children program (UAC) and the Unaccompanied Refugee Minors (URM) program, both of which are administered through the Federal Office of Refugee Resettlement.³ Like other foster children, youth who enter foster care through the UAC and URM programs are psychologically vulnerable because of histories of separation from family members, early life adversity and trauma, including, in many cases, abuse, exposure to civil

² American Academy of Pediatrics (2000). Developmental issues for young children in foster care. *Pediatrics*, 106, 1145-1150; Jones, A. & Morris, T.L. (2012). Psychological adjustment of children in foster care: Review and implications for best practice. *Journal of Public Child Welfare*, 6, 129-148.

³ <https://www.hhs.gov/programs/social-services/unaccompanied-alien-children/latest-uac-data-fy2019/index.html>; <https://www.acf.hhs.gov/orr/programs/urm/about#:~:text=About%20Unaccompanied%20Refugee%20Minors%20Program%201%20Background.%20URM,them.%202%20Program%20Description%203%20URM%20program.%20>

unrest and violence. Research indicates that these children have high rates of Post-Traumatic Stress Disorder, as well as other forms of emotional/behavioral disturbance⁴, although they can also show remarkable resilience and adjustment to their new home and country with appropriate support, care, and expectations from their new families⁵.

22. Given their vulnerability, finding stable, loving, and permanent homes for foster children, including those who are designated as URM or UAC, represents one of the most important responsibilities for child welfare agencies. To fulfill this goal, well-established professional standards in the field of child welfare promote practices that welcome all capable prospective foster and adoptive parents regardless of race, religion, marital status, gender, disability, or sexual orientation.

23. The Child Welfare League of America (CWLA), which is the national standard setter in the field of child welfare, has promulgated the well-accepted Standards of Excellence for Child Welfare Services, including Family Foster Services⁶ and Adoption Services.⁷ CWLA standards are “goals for the continuing improvement of services for children and their families... CWLA

⁴ Carlson, B.E., Cacciatore, J. & Klimek, B. (2012). A risk and resilience perspective on unaccompanied refugee minors. *Social Work, 57*, 259-269; Franco, D. (2018). Trauma without borders: The necessity for school-based interventions in treating unaccompanied refugee minors. *Child and Adolescent Social Work, 35*, 551-565; Geltman, P.I., Grant-Knight, W., Mehta, S.D., Lloyd-Tragaglini, C., Lustig, S. et al. (2005). *Archives of Pediatric and Adolescent Medicine, 159*, 585-591; Hodes, M., Jagdev, D., Chandra, N. & Cunniff, A. (2008). Risk and resilience for psychological distress amongst unaccompanied asylum seeking adolescents. *Journal of Child Psychology and Psychiatry, 49*, 723-732; Thommessen, S, Laghi, F., Cerrone, C., Baiocco, R., & Todd, B.K. (2013). Internalizing and externalizing symptoms among unaccompanied refugee and Italian adolescents. *Children and Youth Services Review, 35*, 7-10; Van Holen, F., Blijkers, C., Trogh, L., West, D. & Vanderfaeillie, J. (2020). Unaccompanied children in Flemish family foster care: Prevalence and associated factors of placement breakdown. *Children and Youth Services Review, 109*, prepublication online copy <http://doi.org/10.1016/j.childyouth.2019.104736>.

⁵ Bates, L., Baird, D., Johnson, D.J., Lee, R.E., Luster, T. & Rehagen, C. (2005). Sudanese refugee youth in foster care: The “lost boys” in America. *Child Welfare: Journal of Policy, Practice, and Program, 84*, 631–648; Carlson, B.E., Cacciatore, J. & Klimek, B. (2012). A risk and resilience perspective on unaccompanied refugee minors. *Social Work, 57*, 259-269.

⁶ *Child Welfare League of America Standards of Excellence for Family Foster Care Services* (Rev Ed) (1995). Washington, D.C.

⁷ *Child Welfare League of America Standards of Excellence for Adoption Services* (Rev. Ed) (2000). Washington, D.C.

standards are directed to all who are concerned with the enhancement of services to children and their families, including parents; public and voluntary child welfare agency governing board members; direct service, supervisory, and administrative staff members; the general public; citizen groups; public officials; courts and judges; legislators; professional groups; organizations serving children and their families; organizations whose functions include the planning and financing of community services; state or local agencies entrusted by law with functions relating to the licensing or supervision of organizations serving children and their families; tribal organizations; advocacy groups; and federations whose membership requirements involve judgments on the nature of services rendered by their member agencies.”⁸

24. CWLA standards make it clear that all individuals and families should be considered when applying to foster or adopt children, including those who are sexual minority adults. CWLA standards for foster care clearly state that “the family foster care agency should not reject foster applicants solely due to their age, income, marital status, race, religious preference, sexual orientation, physical or disabling condition, or location of the foster home.”⁹ Similarly, CWLA standards for adoption state that “applicants should be assessed on the basis of their abilities to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyle, or sexual orientation. Applicants should be accepted on the basis of an individual assessment of their capacity to understand and meet the needs of a particular available child at the point of the adoption and in the future.”¹⁰

25. CWLA issued a position statement affirming that sexual minority adults are just as

⁸ CWLA Family Foster Care Services, *ibid*, pg vi

⁹ *CWLA Standards of Excellence for Family Foster Care Services*, *ibid*, pg 97

¹⁰ *CWLA Standards of Excellence for Adoption Services*, *ibid*, pgs 56-57

capable of raising children as their heterosexual counterparts and strongly opposing efforts to exclude foster care and adoption applicants based solely on their sexual orientation.¹¹ Among the many professional organizations issuing similar position statements related to parenting, fostering and/or adoption by LGBTQ adults are the American Psychological Association, American Academy of Child and Adolescent Psychiatry, American Psychiatric Association, American Academy of Pediatrics, and the American Medical Association.

26. The positions taken by these organizations are based on nearly 30 years of research showing that sexual minority parents are as well-adjusted psychologically and have similar parenting competence as their heterosexual counterparts. Furthermore, studies indicate that children are not disadvantaged psychologically, socially, or educationally when they are raised by sexual minority parents. These findings have been replicated many times for sexual minority parents with biological children and adopted children.¹² Although there are fewer studies on outcomes for foster children raised by sexual minority parents, there is no logical or theoretical reason to expect that the findings would be different from those focusing on adopted children. In fact, a sizable percentage of children adopted by sexual minority individuals/couples are from the domestic foster care system, and evidence suggests that these children are doing as well as their agemates adopted by heterosexual parents.¹³

27. One of the many reasons it is so important in the child welfare field to not exclude from the process those who may represent qualified families is the dramatic shortage of families

¹¹ <https://www.cwla.org/position-statement-on-parenting-of-children-by-lesbian-gay-and-bisexual-adults/>

¹² Farr, R.H., Vasquez, C.P., & Patterson, C.J. (2020). LGBTQ adoptive parents and their children. In A.E. Goldberg & Allen, K.R. (Eds), *LGBTQ-parent families: Innovations in research and implications for practice*, (pgs 45-64) (2nd ed). New York: Springer.

¹³ Cody, P.A., Farr, R.H., McRoy, R.G., Ayers-Lopez, S.J., & Ledesma, K.J. (2017). Youth perspectives on being adopted from foster care by lesbian and gay parents: Implications for families and adoption professionals, *Adoption Quarterly*, 20, 98-118; Lavner, J.A., Waterman, J., & Peplau, L.A. (2012). Can gay and lesbian parents promote healthy development in high-risk children adopted from foster care? *American Journal of Orthopsychiatry*, 82, 465-472.

available to meet the needs of children in the foster care system. In fact, a recent report by the Chronicle of Social Change indicates that at least half of the states in the U.S. have seen foster care capacity decrease between 2012 and 2017.¹⁴ The most recent national child welfare statistics on foster care and adoption are for FY2018 (i.e., October 1, 2017 through September 30, 2018).¹⁵ During this time period, over 437,283 children resided in foster care, with 125,422 children waiting to be placed for adoption.¹⁶ For Texas, in particular, between 2013 and 2017, an average of 29,844 children resided in foster care, with an average of 13,094 waiting to be adopted.¹⁷ The inability to find stable, nurturing, and permanent homes for children in public care reflects, in part, the limited number of motivated and qualified families willing to foster and adopt them. Therefore, if Federally-funded private child welfare agencies are permitted to exclude any group of qualified applicants, including those who are LGBTQ, it will reduce the chances of these children finding nurturing and permanent life-long family connections in a timely manner and increase the risk for long-term adjustment difficulties. Indeed, excluding same-sex couples may have an especially serious impact on children in foster care and those waiting to be adopted because research indicates that members of this group of adults are disproportionately more likely to foster and adopt children than their heterosexual peers. Specifically, among couples raising children, same-sex couples are six times more likely than different-sex couples to be raising foster children and four times more likely to be raising adopted children.¹⁸

28. Not only is the number of children in need of families great but many have personal and

¹⁴ <https://imprintnews.org/wp-content/uploads/2017/10/The-Foster-Care-Housing-Crisis-10-31.pdf>

¹⁵ <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf>

¹⁶ *ibid.*

¹⁷ <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/texas.html>

¹⁸ Gates, G. (2013). *LGBTQ parenting in the United States*. The Williams Institute, Los Angeles.

life circumstances that make it challenging to find families to care for them. A sizable percentage of children in foster care are beyond the infancy and toddler years, have serious medical, developmental or emotional needs, have histories of trauma, and/or have lingered in care for many years. In addition, a disproportionate number of these children are from racial/ethnic minority groups. These characteristics, known as “special needs”, make it more difficult for agencies to find families willing to provide a home for them. Many of these characteristics also apply to children coming into the U.S. through URM and UAC programs – for example, older age when entering foster care, minority racial/ethnic group membership, trauma history).

29. Research indicates that same-sex couples are disproportionately more likely than heterosexual adults to adopt racial minority children and frequently adopt children with developmental and emotional difficulties. For example, in one national survey of families with adopted children, 47% of children in families headed by same-sex couples were racial minority children compared to 37% of children in families headed by heterosexual couples¹⁹. Therefore, excluding sexual minority individuals and couples from adopting or fostering children reduces the pool of applicants who are willing to take on the challenges of raising special needs children, leading to longer stays in foster care and increased risks for long-term adjustment difficulties. In short, child welfare policies and practices that allow the exclusion of families willing and able to foster and adopt these vulnerable children, simply on the basis of their sexual orientation or gender identity, do not serve the interests of the children or society in general.

30. Even if there were an abundance of families willing to foster and adopt children from the child welfare system, it would still be critical to access every qualified family to ensure that

¹⁹ Gates et al (2007). *Adoption and foster care by lesbian and gay parents in the United States*. Technical report issued jointly by The Williams Institute (Los Angeles) and the Urban Institute (Washington, D.C.)

all children can be placed with families that are well-matched to meet their specific needs. Child placements are assessed on a case-by-case basis, with the goal of determining which family is best suited to understand, support, and advocate for the special needs of each child. All children have unique needs and families are not fungible. In sum, excluding sexual minority adults from fostering and adopting reduces the pool of families from which to choose when looking for good matches to meet the needs of each child.

31. In addition, research and child welfare practice support maintaining foster and adopted children's connections to their birth family and birth heritage, whenever possible, because these connections often promote more secure identity development and healthier emotional well-being.²⁰ This goal, although not always achievable, is also true for those youth coming into the country through URM and UAC programs.²¹ Sexual minority adults have been shown to be very supportive of their children's need for birth family contact.²² Therefore, excluding sexual minority adults from fostering and adopting reduces the pool of applicants who are likely to be willing to help their children maintain connections with birth family members and explore their birth heritage.

B. Children in the foster care system are harmed when there are not enough families to meet their needs.

²⁰ Brodzinsky, D. (2005). Reconceptualizing openness in adoption: Implications for theory, research and practice. In D. Brodzinsky & J. Palacios (Eds.), *Psychological issues in adoption: Research and practice*. Westport, CT: Praeger; CWLA *Standards of Excellence for Adoption Services* (Rev Ed) (2000). Washington, D.C.; Grotevant, H. & McRoy, R. (1998). *Openness in adoption: Exploring family connections*. Thousand Oaks, CA: Sage; Neil, E. & Howe, D. (2004). *Contact in adoption and permanent foster care: Research, theory and practice*. London: British Association for Adoption & Fostering.

²¹

<https://www.acf.hhs.gov/orr/programs/urm/about#:~:text=About%20Unaccompanied%20Refugee%20Minors%20Program%201%20Background.%20URM,them.%202%20Program%20Description%203%20URM%20program.%20>

²² Brodzinsky, D. & Goldberg, A. (2016). Contact with birth families in adoptive families headed by lesbian, gay male, and heterosexual parents. *Children and Youth Services Review*, 62, 9-17; Brodzinsky, D. & Goldberg, A. (2017). Contact with birth family in intercountry adoptions: Comparing families headed by sexual minority and heterosexual parents. *Children and Youth Services Review*, 74, 117-124

32. Without sufficient numbers of motivated and qualified families, children continue to linger in foster care, often moving from home to home over the years. A longer time in foster care and a greater number of moves while in placement directly contributes to adverse developmental outcomes for children because it undermines the development and/or maintenance of secure attachment bonds, which are the cornerstone of healthy human functioning.²³ In short, children in the foster care system are harmed when there are not enough families available to foster or adopt them.

33. When there are insufficient families available to foster or adopt children, children in the foster care system sometimes end up in group homes or institutional environments. As an example, across the country, for FY2018, 19,253 children in state care (4%) lived in group homes, and 28,040 lived in institutional facilities (6%).²⁴ In Texas, between 2013 and 2017, an average of 1.8% of foster children who were younger than 12 years when they entered care currently lived in group homes and 4.6% in institutional settings.²⁵ Data were not available for the percentage of children currently living in these two types of placement who were older than 12 years at the time they first entered foster care. It should be noted, however, that youth who first enter foster care during the teenage years are more likely to be placed in group care and institutional care facilities than younger children. These types of care environments cannot offer children the stability, nurturance, safety, life-long family connections and support, and genuine sense of legal, residential, relational and psychological permanence that families can provide.²⁶

²³ Pecora, P.J. et al. (2009). Mental health services for children placed in foster care: An overview of current challenges. *Child Welfare*, 88, 5-26; Dozier, M. & Rutter, M. (2016). Challenges to the development of attachment relationships faced by young children in foster and adoptive care (696-714). In J. Cassidy & P.R Shaver (Eds), *Handbook of attachment: Theory, research, and clinical applications*. 3rd ed. New York: Guilford Press.

²⁴ <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>.

²⁵ <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/texas.html#fn5>

²⁶ Brodzinsky, D. & Smith, S. (In Press). *Commentary: Understanding research, policy, and practice issues in*

Although the majority of children placed in care through the Office of Refugee Resettlement are in licensed foster homes, some are in other types of placements including group homes and residential treatment centers.²⁷ The availability of a larger pool of foster parents, including those who are LGBTQ, would likely increase the chances of placing children from the URM and UAC programs in a stable and nurturing foster home rather than a group care facility.

34. When there are insufficient families available to adopt children or provide other forms of permanence (e.g., guardianship), child welfare agencies often change the case goal to emancipation (i.e., the youth is no longer a ward of the State) as opposed to adoption or other forms of family permanency. These permanency goal changes are associated with greater likelihood for multiple placements and institutional placements and less likelihood for being adopted or achieving other forms of family permanency.²⁸ From FY2014 through FY2018, between 7% and 9% of youth in care (roughly 20,300 per year on average) failed to achieve permanency and aged out from foster care.²⁹ In Texas, between 2013 and 2017, nearly 68% of youth who exited foster care through emancipation or “aging out” had entered foster care beyond the age of 12 years³⁰. Although research indicates that some emancipated foster care youth maintain connections with their previous foster families and others return to their birth families, many of those who age out from care have no stable, committed, and nurturing relationships they can count on as they transition to adulthood. As a result, these young men and women face tremendous difficulties in areas related to education, employment, housing, physical and mental

adoption instability. Research on Social Work Practice.

²⁷

<https://www.acf.hhs.gov/orr/programs/urm/about#:~:text=About%20Unaccompanied%20Refugee%20Minors%20Program%201%20Background.%20URM,them.%202%20Program%20Description%203%20URM%20program.%20>

²⁸ Cushing, G. & Greenblatt, S.B. (2009). Vulnerability to foster care drift after the termination of parental rights with foster care backgrounds. *Research in Social Work Practice*, 19, 694-698.

²⁹ Department of Health and Human Services. The AFCARS reports #22-26. Department of Health and Human Services, Children's Bureau. <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars>

³⁰ <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/texas.html>

health, substance abuse, criminality, and early, unplanned parenting.³¹ Furthermore, as a result of the many losses they experienced following removal from their families, as well as subsequent multiple moves they experience in foster care, they are likely to have great difficulty in forming trusting and secure relationships as they get older. In fact, emotional support and relationship permanency are two key missing needs identified by "aging out" youth themselves.³² The URM and UAC programs are responsible for the placement of many older youth. For example, from FY2015 to FY2018, 33% of youth, on average, were 17 years old.³³ Some of these youth were unable to be placed in stable foster homes, but rather lived in group homes, therapeutic residential centers, or in independent living situations.³⁴ Like those youth who "age out" from domestic state foster care, adolescents from the URM and UAC programs who do not have an opportunity to develop secure familial relationships are likely to enter adulthood facing significant challenges in multiple domains of functioning (e.g., employment, housing, physical and mental health, etc.).

35. Reducing the pool of available foster or adoptive families increases the chances that children will be placed with families that are not well-matched for their individual needs, or who do not understand or are unprepared to cope with their special needs. When this happens, the chances of placement disruption or adoption breakdown increases. Regardless of the reason, placement breakdowns typically lead to increased adjustment difficulties for children, in large

³¹ Howard, J. & Berzin, S. (2011). *Never too old: Achieving permanency and sustaining connections for older youth in foster care*. New York: Donaldson Adoption Institute; Rebbe, R., Nurius, P.S., Ahrens, K.R., & Courtney, M.E. (2017). Adverse childhood experiences among youth aging out of foster care: A latent class analysis. *Children and Youth Services Review*, 74, 108-116.

³² Samuels, G. (2009). Ambiguous loss of home: The experience of familial (im)permanence among young adults with foster care backgrounds. *Children and Youth Services Review*, 31, 1229-1239.

³³ <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.

³⁴

<https://www.acf.hhs.gov/orr/programs/urm/about#:~:text=About%20Unaccompanied%20Refugee%20Minors%20Program%201%20Background.%20URM,them.%202%20Program%20Description%203%20URM%20program.%20>

part because of disruption to existing attachment relationships and support networks.³⁵ Given the older age of youth placed through the URM and UAC programs and their history of adverse life experiences, they are at risk for the type of individual and relational problems that correlate with placement instability. In fact, placement breakdown is a well known but unfortunate outcome for too many unaccompanied refugee and alien children.³⁶ Thus, it is in the interest of these youth and society, in general, to have the largest pool of prospective foster and adoptive applicants available, including those who self-identify as LGBTQ, in order to increase the chances of a good placement match.

C. Permitting private child placement agencies, funded by and acting on behalf of the federal government, to turn away same-sex couples can reduce family placement options for children in the child welfare system, thereby undermining their long-term well-being.

36. If a private child placement agency, funded by and acting on behalf of the federal government, does not accept a class of prospective families such as same-sex couples, children in the care of that agency may lose out on the family that would have best served their needs and, instead, be placed with a family in the agency's pool of licensed families that meets the qualifications to foster or adopt but is a less appropriate choice for the child for any number of reasons (e.g., not as well-prepared to manage a child's serious emotional or medical issues; lacking in experience to meet the child's special needs; having different expectations regarding

³⁵ Brodzinsky, D. & Smith, S. (2019). Commentary: Understanding research, policy, and practice issues in adoption instability. *Research on Social Work Practice*, 29, 85-194; Palacios, J., Rolock, N., Selwyn, J. & Barbosa-Ducharme, M. (2019). Adoption breakdown: Concept, research, & implications. *Research on Social Work Practice*. 29. 130-142; Koback, R., Zajac, K. & Madison, S. (2016). *Attachment disruptions, reparative processes, and psychopathology: Theoretical and clinical implications*. In J. Cassidy & P. Shaver (Eds.), *Handbook of attachment: Theory, research and clinical applications*. (3rd ed.). New York: Guilford Press.

³⁶ Linowitz, J. & Boothby, N. (1988). Cross-cultural placements. In E. Ressler, N. Boothby, & D. Steinbock (Eds), *Unaccompanied children: Care and protection in wars, natural disasters, and refugee movements* (pp. 181-207). New York: Oxford University Press; Van Holen, F., Trogh, L., Carlier, E., Gypen, L. & Vanderfaellie, J. (2019). Unaccompanied refugee minors and foster care: A narrative literature review. *Child and Family Social Work*, 25, 506-514.

the placement than the youth placed with them; having difficulty understanding and supporting the youth's sexual orientation or gender identity).

37. Eliminating a group of potential applicants from fostering youth placed through the URM and UAC programs, simply because of their sexual orientation and/or gender identity, is inconsistent with research on those factors that correlate with the success of URM and UAC foster care placements. Research suggests that these children do best with foster parents who have realistic expectations about them, are available to form warm and trusting relationships, respect the youth's cultural background and language, support the youth's contact with peers from their own culture, support the youth's cultural identity, are open minded and flexible in their beliefs, are able to adjust to differences the youth brings into the family, and can serve as role models in helping the youth with acculturation.³⁷ None of these parenting characteristics are found less often in same-sex couples than heterosexual couples.³⁸ In fact, as noted previously, studies have found sexual minority adoptive parents to be as supportive of contact between their child and the birth family, and at times even more so, as heterosexual adoptive parents.³⁹ Moreover, they have been shown to be highly motivated and competent in supporting their children's racial/ethnic identity and connection with their birth culture.⁴⁰ In short, not accepting LGBTQ applicants as potential foster parents for youth being placed through the URM and UAC programs eliminates a group of individuals who have the very parenting characteristics that are correlated with success of these placements.

³⁷ Van Hoen et al. (2019) *ibid*

³⁸ Farr, R.H, Vasquez, C.P., & Patterson, C.J. (2020). *Ibid*; Goldberg, A.E. (2010). *Lesbian and gay parents and their children: Research on the family life cycle*. Washington, D.C.: American Psychological Association

³⁹ Brodzinsky, D. & Goldberg, A.E. (2016, 2017). *Ibid*; Goldberg, A.E. (2019). *Open adoption and diverse families: Complex relationships in the digital age*. New York: Oxford University Press.

⁴⁰ Battalen, A.W., Dow-Fleisner, S.J., Brodzinsky, D.M. & McRoy, R.G.(2019). Lesbian, gay, and heterosexual adoptive parents' attitudes towards racial socialization practices. *Journal of Evidence-Based Social Work*. 16, 178-191

38. In addition, when child placement agencies acting on behalf of the federal government are permitted to exclude same-sex couples regardless of their qualifications, it creates a deterrent to same-sex couples' participation in the foster care and adoption system as a whole. Same-sex couples who are turned away by an agency because of their sexual orientation may be hesitant about approaching another agency in their community for fear of further discrimination. They may not know how receptive another agency will be to sexual minority applicants. Although professional child welfare organizations encourage agencies to state clearly that they welcome same-sex couples,⁴¹ some agencies do not. Furthermore, some same-sex couples who would be interested in fostering or adopting may decline to pursue it altogether if they know that the Federal government sanctions discrimination against sexual minorities by some private placement agencies. Minority stress research shows the significant impact of discrimination on marginalized groups. Individuals who experience discrimination and prejudice because they are members of a minority class, such as those who are LGBTQ, are impacted by significant stress that is psychologically harmful, increases the risk for internalized homophobia, and potentially can deter them from participating in various areas of life out of fear of repeated discrimination and feelings of exclusion and humiliation.⁴² Moreover, such stress can also negatively impact their physical and emotional health, undermine identity and self-image, and compromise the pursuit of life goals. Thus, it would be wrong to assume that all same-sex couples who are interested in fostering or adopting a child from the foster care system would move forward in

⁴¹ www.nrcdr.org/assets/files/strategies-for-recruiting-LGBT-foster-adoptive-kinship-families.pdf.

⁴² Goldberg, A. & Smith, J. (2011). Stigma, social context, and mental health: Lesbian and gay couples across the transition to adoptive parenthood. *Journal of Counseling Psychology*, 58, 139-150; Herek, G., Gillis, J. & Cogan, J. (2009). *Internalized stigma among sexual minority adults: Insights from a social psychological perspective*. *Journal of Counseling Psychology*, 56, 32-43; Meyer, I. (2003). *Prejudice, social stress, and mental health in lesbian, gay, and bisexual populations: Conceptual issues and research evidence*. *Psychological Bulletin*, 129, 674-697; Meyer, I. & Frost, D. (2013). *Minority stress and the health of sexual minorities*. In C. Patterson & A. D'Augelli (Eds.), *Handbook of psychology and sexual orientation*. New York: Oxford University Press.

pursuit of that goal when they know that doing so comes with the risk of facing further discrimination by another agency.

39. Allowing discrimination against any group would create a deterrent, but for LGBTQ people, this is exacerbated by the lingering impact of widespread bias against sexual minority adults in the child welfare field which, until fairly recently, had been a significant obstacle to participation of LGBTQ people in adoption and foster care.⁴³ Despite greater acceptance of LGBTQ individuals and couples as prospective foster and adoptive parents, especially after the Supreme Court decision in *Obergefell v Hodges*, 576 U.S. 644 (2015)⁴⁴, sexual minority individuals continue to experience delays and disruptions in the foster and adoption process because of prejudicial attitudes of child welfare workers⁴⁵.

40. A growing number of child welfare agencies have worked to overcome the damage of past discrimination by conveying a welcoming message to LGBTQ prospective families and providing appropriate support for their efforts to adopt and foster children.^{46,47} Federal sanction

⁴³ Appell, A. (2012). *Legal issues in lesbian and gay adoption*. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay men: A new dimension in family diversity*. New York: Oxford University Press; Pertman, A. & Howard, J. (2012). *Emerging diversity in family life: Adoption by gay and lesbian parents*. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay men: A new dimension in family diversity*. New York: Oxford University Press.

⁴⁴ <https://supreme.justia.com/cases/federal/us/576/14-556/>

⁴⁵ Goldberg, A.E., Frost, R.L., Miranda, L. & Kahn, E. (2019). LGBTQ individuals' experiences with delays and disruption in the foster and adoption process. *Children and Youth Service Review*, 106, article 104466.

⁴⁶ Brodzinsky, D. (2011). *Expanding resources for children III: Research-based best practices in adoption by gays and lesbians*. New York: Donaldson Adoption Institute; Brodzinsky, D. & Goldberg, A. (2016). *Practice guidelines supporting open adoption in families headed by lesbian and gay male parents: Lessons learned from the Modern Adoptive Families Study*. New York: Donaldson Adoption Institute; Brodzinsky, D. & Pertman, A. (2012) (Eds.), *Adoption by lesbian and gay men: A new dimension in family diversity*. New York: Oxford University Press;

Howard, J. (2006). *Expanding resources for children: Is adoption by gays and lesbians part of the answer for boys and girls who need homes?* New York: Donaldson Adoption Institute; Howard, J. & Freundlich, M. (2008). *Expanding resources for waiting children II: Eliminating legal and practice barriers to gay and lesbian adoption from foster care*. New York: Donaldson Adoption Institute; Human Rights Campaign (2012). *All children, all families: Promising practices in adoption and foster care*, 4th ed. Washington, D.C.: Human Rights Campaign Foundation;

Mallon, G. (2006). *Lesbian and gay foster and adoptive parents: Recruiting, assessing, and supporting an untapped resource for children and youth*. Washington, DC: Child Welfare League of America.

⁴⁷ Despite greater participation by sexual minority adults in adoption and foster care in the past decade, they continue to experience perceived bias and prejudice during the adoption process from multiple sources, including child

of discrimination against same-sex couples by private placement agencies directly undermines these nationwide steps toward inclusion by other agencies, and would likely reduce the number of LGBTQ families seeking to adopt or foster children, which, in turn, would lead to further losses in placement options for those boys and girls in need of foster and adoptive parents.

41. In addition to the deterrent effect of discrimination and the stigma it creates, if private child placement agencies administering federal foster care programs are permitted to exclude same-sex couples as prospective foster or adoptive parents, there may not be another agency located nearby that can meet their needs. If a family must travel some distance to find an agency willing to work with them, it could undermine their ability to move forward with the foster care or adoption process. Furthermore, even if they are willing to travel the distance for initial intakes and interviewing, the burden of traveling could jeopardize their availability for ongoing, thorough pre- placement preparation and/or limit the amount of post-placement support they could receive from the agency. Thorough pre-placement preparation and the availability of high-quality post-placement support are strong predictors of placement stability and child/family well-being.⁴⁸

42. If private agencies administering federal foster care programs exclude same-sex couples, even if there are other agencies in their vicinity, there is also no guarantee that any of those agencies will be appropriate for the family's circumstances. Different agencies may offer different training schedules or services and support for families. And some agencies specialize in

welfare workers, agency support staff, judges, attorneys, and birth families. For example, one study of 158 lesbian and gay adoptive parents noted that nearly 50% of survey respondents reported experiencing bias from one or more sources during the adoption process. Brodzinsky, D. (2011). *Expanding resources for children III: Research-based best practices in adoption by gays and lesbians*. New York: Donaldson Adoption Institute. A state practice of allowing agencies to discriminate against same-sex couples could exacerbate this problem by giving it the state's endorsement.

⁴⁸ Smith, S. (2010). *Keeping the promise: The critical need for post-adoption services to enable children and families to succeed*. New York: Donaldson Adoption Institute.

particular types of placements (e.g., older children; medically fragile children; children from racial/ethnic minority groups). Thus, when an agency is authorized to exclude same-sex couples, some families may not be able to work with another agency in their area that would suit their specific foster or adoption preferences or their life circumstances.

D. Permitting private agencies that administer federal foster care programs to turn away same-sex couples could result in additional negative consequences for LGBTQ youth in the foster care system.

43. Government sanctioned discrimination against LGBTQ applicants has a disproportionate adverse effect on LGBTQ youth, who are among the most vulnerable in the child welfare system. Research shows that LGBTQ youth are overrepresented in foster care as well as among youth who are homeless.⁴⁹ Rejection by family members, abuse, and discrimination are common reasons for these youth to be removed from their homes or to run away.⁵⁰ Once in foster care, LGBTQ youth remain at significant risk for ongoing discrimination and violence.⁵¹ Furthermore, LGBTQ youth in foster care are significantly less likely to find a permanent placement through adoption or family reunification than heterosexual youth.⁵² Although no data exist on the number of LGBTQ youth who are placed through the URM and

⁴⁹ Cochran, B., Stewart, A., Ginzler, J., & Cauce, A. (2002). *Challenges faced by homeless sexual minorities: Comparison of gay, lesbian, bisexual, and transgender homeless adolescents with their heterosexual counterparts. American Journal of Public Health, 92*, 773-77; Durso, L. E., & Gates, G. J. (2015). *Serving our youth: Findings from a national survey of service providers working with Lesbian, Gay, Bisexual, and Transgender youth who are homeless or at risk of becoming homeless*. Los Angeles: The Williams Institute. Wilson, B., Cooper, K., Kastanis, A. & Nezhad, S. (2014). *Sexual and gender minority youth in foster care: Assessing disproportionality and disparities in Los Angeles*. Los Angeles: The Williams Institute, UCLA School of Law.

<https://www.hrc.org/blog/new-report-on-youth-homeless-affirms-that-lgbtq-youth-disproportionately-ex>

⁵⁰ Ryan, C., Huebner, D., Diaz, R., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults. *Pediatrics, 123*, 346-352; Savin-Williams, R. (1994). Verbal and physical abuse as stressors in the lives of lesbian, gay male, and bisexual youths: Associations with school problems, running away, substance abuse, prostitution, and suicide. *Journal of Consulting and Clinical Psychology, 62*, 261-269.

⁵¹ Love, A. (2014). A room of one's own: Safe placement for transgender youth in foster care. *New York University Law Review, 89*, 2265-2300.

http://nc.casaforchildren.org/files/public/site/publications/TheConnection/Fall2009/Full_Issue.pdf⁵²

UAC programs, there is every reason to believe that some of these youth have already identified as LGBT or are in the process of questioning their sexual orientation or gender identity. Data analyzed by the Williams Institute indicates that there are approximately 81,000 LGBT Dreamers in the U.S., including 39,000 LGBTQ individuals who have participated in the Deferred Action for Childhood Arrivals (DACA) program since its inception in 2012. Although it is unknown whether these individuals self-identified as LGBTQ when they entered the U.S., it is likely that some who were already adolescent did so.⁵³ Furthermore, recognition that some of the youth placed through the URM and UAC are LGBTQ is supported by a program that has been developed to help residential care providers meet the needs of LGBTQ youth who enter the U.S. through the Office of Refugee Resettlement.⁵⁴ Given the significant psychosocial risk for sexual minority youth in foster care, it is critical that the pool of placement applicants be as large as possible so as to find homes for these vulnerable young people with parents who understand, accept, and support them. Therefore, excluding any group of willing and qualified foster care applicants runs counter to the needs of these young people and society in general.

44. Allowing agencies to exclude same-sex couples as foster care applicants also means a loss of families who are likely to be the preferred placement for many LGBTQ youth. For those youth who have experienced family rejection or violence in their home countries because of their sexual orientation or gender identity, a sexual minority foster family may feel safer and potentially more accepting to them because the foster parents are likely to understand the discrimination, prejudice, marginalization, emotional isolation, and family rejection they have experienced. Placements for unaccompanied refugee minors in foster care are more stable when

⁵³ Conron, K.J., Lohur, W. & Brown, T.N.T. (2020). *LGBT Dreamers and Deferred Action for Childhood Arrivals (DACA)*. William Institute, UCLA: Los Angeles.

⁵⁴ Portman, S. & Weyl, D. (2013). *Creating an inclusive environment for LGBTQ UAC in ORR-DCS custody and care: A curriculum for residential care providers*. Chicago: Heartland Alliance International

authorities and foster parents take into account the youth's needs and wishes.⁵⁵ In short, allowing agencies to exclude sexual minority families as foster and adoption applicants reduces the likelihood that LGBTQ youth in foster care will be placed with the type of family with whom they wish to live; and specifically, one that is uniquely prepared to help them learn how to cope with all they have gone through.

45. Allowing private child placement agencies acting on behalf of the federal government to exclude same-sex couples also sends the damaging and stigmatizing message to LGBTQ youth in the care of those agencies that the people responsible for their welfare deem them to be deviant and unsuitable to be parents when they grow up. Such a message would likely be extremely hurtful to these vulnerable youth, undermining their already fragile identity and self-esteem⁵⁶.

E. Enforcing nondiscrimination provisions in Federally-funded contracts with or grants to private child placement agencies would not reduce the availability of families for children in the foster care system.

46. Based upon my professional experience, knowledge of the child welfare literature, and consultations with foster care and adoption organizations and agencies across the country, I am aware of no evidence suggesting that when child placement agencies have chosen to discontinue their foster care and adoption services because they had religious objections to complying with nondiscrimination requirements to accept all qualified families, this caused a reduction in the number of families available for children in the foster care system or otherwise impaired the government's ability to meet the needs of children in its care.

47. Given that professional child welfare standards call for the acceptance of all qualified

⁵⁵ Chase, E., Knight, A. & Statham, J. (2008). *The emotional well-being of unaccompanied young people seeking asylum in the UK*. London: British Association for Adoption and Fostering.

⁵⁶ Goldberg, A. & Smith, J. (2011). *ibid*; Herek, G. et al (2009). *ibid*; Meyer, I. (2003). *ibid*

families and the fact that agencies, both secular and faith-based, generally adhere to these professional standards, there would be no basis to expect that requiring private agencies to accept all qualified families when acting on the government's behalf would compromise the Federal government's ability to find agencies to recruit families for children in need. There are numerous faith-based and secular agencies willing to accept all qualified families, including those headed by same-sex couples.⁵⁷ In my professional opinion, requiring private agencies administering federal foster care programs to accept all qualified families would serve the interests of all children placed through the URM and UAC programs, as well as the interests of society in general.



David Brodzinsky, Ph.D.

August 24, 2020

Corrected: November 19, 2020

⁵⁷ Brodzinsky, D. (2012). Adoption by lesbians and gay men: A national survey of adoption agency policies and practices. In D. Brodzinsky & A. Pertman (Eds), *Adoption by lesbians and gay men: A new dimension in family diversity* (pp. 62-84). New York: Oxford University Press.

July 2020

CURRICULUM VITAE

David M. Brodzinsky, Ph.D.
526 Monarch Ridge Dr
Walnut Creek, CA 94597
Telephone: (510) 985-1772
Fax: (925)954-8010

Clinical Office Address:
286 Santa Clara Avenue
Oakland, CA 94610

Email: dbrodzinsk@comcast.net
dbrodzinsky@ncap-us.org
Website: www.fmhconsultants.com

EDUCATION

1969-1974 Ph.D., SUNY at Buffalo (Developmental Psychology)
1964-1968 B.A., SUNY at Buffalo (Psychology Major)

CLINICAL INTERNSHIP AND POST-DOCTORAL TRAINING

1973-1974 Post-Doctoral Fellowship in Clinical Child Psychology, Irving
Schwartz Institute for Children and Youth, Philadelphia, Pa.
1972-1973 Clinical Internship, Irving Schwartz Institute for Children and
Youth, Philadelphia, Pa. (APA Approved Internship)

ACADEMIC APPOINTMENTS

PRIMARY APPOINTMENTS

2006-Present Professor Emeritus, Developmental and Clinical Psychology,
Rutgers University
2003-2006 Professor of Developmental and Clinical Psychology, Rutgers
University
1979-2003 Associate Professor of Developmental and Clinical Psychology,
Rutgers University
1974-1979 Assistant Professor of Developmental and Clinical Psychology,
Douglass College, Rutgers University

ADJUNCT APPOINTMENTS

2011 Consulting Lecturer, St. Louis Psychoanalytic Institute, St. Louis, MO.

- 1991-2006 Adjunct Associate Professor of Psychiatry, Department of Child and Adolescent Psychiatry, University of Medicine and Dentistry of New Jersey, Newark, NJ
- 1979-2006 Adjunct Associate Professor of Clinical Psychology, Graduate School of Applied and Professional Psychology, Rutgers University
- 1974-1979 Adjunct Assistant Professor of Clinical Psychology, Graduate School of Applied and Professional Psychology, Rutgers University
- 1977-1979 Adjunct Assistant Professor of Educational Psychology, City University of New York, Graduate Center

ADMINISTRATIVE POSITIONS

- 1989-2006 Director, Rutgers Foster Care Counseling Project (under contract with the Division of Youth and Family Services of New Jersey)
- 1986-1988 Vice-Chair for Graduate Studies in Psychology, Rutgers University
- 1983-1986 Area Coordinator, Graduate Program in Developmental Psychology, Rutgers University
- 1979-1980 Area Coordinator, Graduate Program in Developmental Psychology, Rutgers University

CLINICAL AND CONSULTANT POSITIONS

- 2014–Present Research and Project Consultant, National Center on Adoption and Permanency, Newton, MA
- 2011-Present Clinical and Training Consultant, Center for Adoption Support and Education. Burtonsville, MD.
- 2011 St. Louis Psychoanalytic Institute. Training consultant. Seven week distance education course on "Adopted and foster children in social context."
- 2009-2017 Consultant, On Your Feet Foundation, San Francisco, CA
- 2009-Present Training Consultant, Advokids, Corte Madera, CA
- 2009-2016 Clinical Supervisor, Pacific Center, Berkeley, CA
- 2008-2016 Forensic Psychological Consultant, Preventive Psychiatry Associates Medical Group, San Francisco
- 2008-2017 Clinical Supervisor, A Home Within, East Bay Chapter, Oakland, CA
- 2006-2014 Research and Project Director, Donaldson Adoption Institute, New York City
- 1983-Present Private Practice in Clinical Psychology (through Family Mental Health Consultants) -- individual, marital, and family therapy with children, adolescents, and adults; consultations in adoption and child development; parent-child attachment therapy
- 1989-2006 Director and Clinical Supervisor, Rutgers Foster Care

- Counseling Project, Rutgers University. Project provided direct clinical services to foster children and their foster & biological families. Both community-based and office-based services provided. Project also served as a training site for Ph.D. and Psy.D. Clinical and School Psychology students at Rutgers University.
- 1975-2006 Clinical Supervisor, Ph.D. and Psy.D. Programs in Clinical Psychology, Rutgers University
- 1984-2006 Consultant, New Jersey Division of Youth and Family Services
- 1996-2006 Consultant, CASA (Court Appointed Special Advocates), Essex County, NJ
- 1995-1996 Consultant, Spence Chapin Adoption Agency, New York City
- 1986-1995 Director, Post-Adoption Services Program (under contract with the New Jersey Division of Youth and Family Services) Project provided direct clinical services to adopted children and their families in several counties in New Jersey. Both community-based and office-based services provided
- 1988-1995 Consultant, National Center for Special Needs Adoption, Springfield, MI.
- 1989-1992 Consultant, Community Health Law Project, East Orange, NJ
- 1986-1988 Consultant, Diversified Health Service, Philadelphia
- 1984-1988 Consultant, Center for Adoptive Families, New York City
- 1984-1987 Consultant, Children's Aid and Adoption Society, Bogota, NJ
- 1984-1987 Consultant, Children's Home Society, Trenton, NJ

FORENSIC CONSULTANT

- 1985-Present Private Practice in Forensic Psychology (through Family Mental Health Consultants) focusing primarily on cases involving child custody and parenting time (including relocation cases), termination of parental rights, juvenile dependency, contested adoptions, wrongful adoptions, personal injury, and child abuse.

Involved in approximately 600 forensic cases, testifying in family, civil, or criminal court over a 100 times. Accepted as an expert witness in 12 different states – CA, NJ, NY, MI, PA, TX, ID, FL, HI, MD, AZ.

Served as a parent coordinator, Special Master, or mediator in approximately 60 cases in NJ and CA.

High profile forensic cases include:

In re Baby M (surrogate mother case in NJ), 1987

State of NJ v Margaret Kelly Michaels (day care sex abuse case in NJ), 1988

In re Baby Jessica (contested adoption case in MI), 1993

Woody Allen v. Mia Farrow (contested adoption & child custody case in NY), 1994
Baehr v Miike (gay marriage trial in HI), 1996
Amer v Johnson (contested same-sex adoption case in FL), 1997
Lofton et al v Kearney et al (contested same-sex adoption case in FL; deposition only), 2001
In the Matter of Adoption of XG & NG (contested same-sex adoption case; decision overturned ban on same-sex adoption in FL), 2010
State of Arizona v Trent Benson (capital mitigation case in AZ), 2010
Catholic Charities v State of Illinois (contested same-sex adoption case in IL; affidavit only), 2011
DeBoer v Snyder (gay marriage trial in MI), 2014

MEDIA CONSULTANT

1985 Children's Television Workshop
1997 Peter Weir, The Truman Show
2012-Present Pixar Films
2012-Present Disney TV Channel

RESEARCH FELLOWSHIPS

2003-2006 Senior Research Fellow, Donaldson Adoption Institute, New York City

AWARDS

2002 U.S. Congressional Coalition on Adoption, Angel in Adoption Award for outstanding commitment and advocacy in adoption. National Award.
2010 Marshall Schechter Memorial Adoption Lecture Award. Presented by the American Academy of Child and Adolescent Psychiatry.
2015 U.S. Department of Health & Human Services Adoption Excellence Award

PROFESSIONAL LICENSES & CERTIFICATIONS

California Psychology License #21152 (licensed in 2006)
New Jersey Psychology License #2014 (licensed in 1985; inactive at present)
Certification in Advanced Studies in Child Maltreatment, with Specialization in Child Sexual Abuse, from the New Jersey Child Abuse Training Institute (2004)

BOARD OF DIRECTORS, ADVISORY BOARDS, AND STUDY GROUPS

- 2012-Present National Task Force for Adoption Competence Clinical Certification, Convened by Center for Adoption Support and Education, Burtonsville, MD
- 2011-Present Advisory Board, Adokids, Corte Madera, CA
- 2008-2016 Scientific Advisory Board, Rockway Institute, San Francisco
- 2008-2016 Scientific Advisory Board, Children’s Psychological Health Center, San Francisco
- 1996-2006 Board of Directors, Donaldson Adoption Institute, New York City; Chairperson, Research Advisory Board;
- 1983-Present Director, Family Mental Health Consultants, Oakland, CA (formerly in Maplewood, NJ)
- 2001-2006 Forensic Psychology Study Group in New Jersey
- 1990-2006 Forensic Psychology Committee, New Jersey Psychological Assoc.
- 1996-2006 Advisory Board, Court Appointed Special Advocates, Essex County, NJ
- 1989-2006 Board of Directors, Adoption and Infertility Services, Inc., Lincroft, NJ
- 1988-2002 Advisory Board, Resolve of New Jersey
- 1990-1995 Board of Directors, New Jersey Infant Mental Health Assoc.
- 1987-1999 Adoption and Foster Care Study Group, American Orthopsychiatric Association
- 1989-1993 Advisory Board, American Adoption Congress
- 1986-1995 New Jersey Adoption Advisory Committee
- 1988-1989 New Jersey Bioethical Task Force on Reproductive Technologies
- 1981-1982 Vice President & Chairperson of Convention, Jean Piaget Society
- 1976-1982 Board of Directors, Jean Piaget Society

EDITORIAL REVIEWING & EDITORIAL BOARDS

- 1974-Present Editorial Reviewer (selected list), **Adoption Quarterly, American Journal of Orthopsychiatry Child Development, Children and Youth Services Review, Developmental Psychology, Family Relations, Journal of Applied Developmental Psychology, , Journal of Consulting and Clinical Psychology, Journal of Clinical Child Psychology, Development and Psychopathology, Journal of Marriage and the Family, Journal of Personality and Social Psychology, Journal of Family Psychology, Journal of Child Psychology and Psychiatry, Youth & Society**
- 1986-1995 Editorial Board, **Journal of Applied Developmental Psychology**
- 1987-1993 Editorial Board, **Youth and Society**

2000-Present Editorial Board, **Adoption Quarterly**
2018-Present Editorial Board, **Developmental Child Welfare**

MEMBERSHIP IN PROFESSIONAL SOCIETIES

American Psychological Society (Fellow Status)
Division 7 - Developmental Psychology
Division 12 - Society of Clinical Psychology
Division 37 - Society for Child and Family Policy and Practice
Division 41 - American Psychology - Law Society
Division 53 - Society of Clinical Child and Adolescent Psychology
Association of Family and Conciliation Courts
New Jersey Psychological Association
1990-2006, Forensic Psychology Committee

MAJOR RESEARCH AND SCHOLARLY INTERESTS

Adoption and Foster Care; Stress and Coping in Children; Developmental Psychopathology; Gay and Lesbian Parenting; Family Disruption; Divorce and Child Custody Issues; Forensic Psychology

SELECTIVE GRANTS AND CONTRACTS

1978	Rutgers Summer Faculty Fellowship, \$1,500. On the motivational basis of reflection-impulsivity. Principle Investigator
1979-1980	Charles and Joanna Busch Memorial Fund, \$6,000. Children's understanding of adoption. Principle Investigator.
1980-1982	National Institute of Mental Health, \$89,529. Adjustment factors in adoption. Principle Investigator.
1983-1984	Charles and Joanna Busch Memorial Fund, \$6,000. Mother-infant attachment in adoptive families. Principle Investigator.
1989-2006	Division of Youth and Family Services of New Jersey. Foster Care Counseling Project. \$1,917,015. Awarded to the Center for Applied Psychology, Rutgers University. Project Director
2001-2002	Rainbow Endowment. \$20,000. Adoption by lesbians and gay men: A national survey of adoption agency policies, practices, and attitudes. Awarded to the Evan B. Donaldson Adoption Institute (NYC). Project Director.
2007-2008	Private Donor. \$38,000. The Adoptive Parent Preparation Project. Awarded to the Evan B. Donaldson Adoption Institute (NYC). Project Director.
2007-2011	David Bohnett Foundation. Helping adoption agencies work with LGBT prospective adoptive parents. \$100,000. Awarded to the Evan B. Donaldson Adoption Institute. Project Director

TEACHING EXPERIENCE

1974-2006 Department of Psychology, Rutgers University

Undergraduate Courses:

Child Development
Lifespan Human Development
Adulthood and Aging
Atypical Child Development,
Stress and Coping in Children
Psychology of Adoption and Foster Care
Tests and Measurement

Graduate Courses:

Theories of Human Development
Survey in Developmental Psychology
Cognitive Development
Stress and Coping in Children
Developmental Psychopathology (selected topics)
Psychology of Separation and Loss
Psychology of Adoption and Foster Care
Techniques in Child Therapy
Child Forensic Psychology

1977 Graduate Center, Department of Educational Psychology, City
University of New York. Graduate course in
Socio-emotional Development

PUBLICATIONS

1972

Brodzinsky, D.M., Jackson, J.P., & Overton, W.F. (1972). Effects of perceptual shielding in the development of spatial perspectives. *Child Development, 43*, 1041-1046.

Overton, W.F. & Brodzinsky, D.M. (1972). Perceptual and logical factors in the development of multiplicative classification. *Developmental Psychology, 6*, 104-109.

1975

Brodzinsky, D.M. (1975). The role of conceptual tempo and stimulus characteristics in children's humor development. *Developmental Psychology, 11*, 843-850.

1976

Brodzinsky, D.M. & Dein, P. (1976). Short-term stability of adult reflection-impulsivity. *Perceptual and Motor Skills, 43*, 1012-1014.

Brodzinsky, D.M. & Rightmyer, J. (1976). Pleasure associated with cognitive mastery as related to children's conceptual tempo. *Child Development,*

47, 881-884.

Brodzinsky, D.M. & Rubien, J. (1976). Humor production as a function of sex of subject, creativity, and cartoon content. *Journal of Consulting and Clinical Psychology, 44*, 597-600.

Gerstein, A., Brodzinsky, D.M., & Reiskind, N. (1976). Perceptual integration on the Rorschach as an indicator of cognitive capacity: A developmental study of racial differences in a clinical population. *Journal of Consulting and Clinical Psychology, 44*, 760-765.

1977

Brodzinsky, D.M. (1977). Children's comprehension and appreciation of verbal jokes as a function of conceptual tempo. *Child Development, 48*, 960-967

Brodzinsky, D.M. (1977). Conceptual tempo as an individual difference variable in children's humour development. In T. Chapman & H. Foot (Eds.), *It's a Funny Thing Humour: International Conference on Humour and Laughter*. London: Pergamon Press.

Brodzinsky, D.M., Feuer, V., & Owens, J. (1977). Detection of linguistic ambiguity by reflective, impulsive, fast-accurate and slow-inaccurate children. *Journal of Educational Psychology, 69*, 237-234.

Sigel, I.E. & Brodzinsky, D.M. (1977). Individual differences: A perspective for understanding intellectual development. In Hom & Robinson (Eds.), *Psychological Processes in Early Education*. New York: Academic Press.

1978

Kleinman, J. & Brodzinsky, D.M. (1978). Haptic exploration in young, middle-age, and elderly adults. *Journal of Gerontology, 23*, 521-527.

1979

Ambron, S.R. & Brodzinsky, D.M. (1979). *Lifespan of Human Development*. New York: Holt, Rinehard, & Winston (1st. ed).

Brodzinsky, D.M., Messer, S.B., & Tew, J.D. (1979). Sex differences in children's expression and control of fantasy and overt aggression. *Child Development, 50*, 372-379.

Brodzinsky, D.M., Tew, J.D., & Palkovitz, R. (1979). Control of humorous affect in relation to children's conceptual tempo. *Developmental Psychology, 15*, 275-279.

Messer, S.B. & Brodzinsky, D.M. (1979). Aggression and its control among conceptual tempo groups. *Child Development, 50*, 758-766.

1980

Brodzinsky, D.M. (1980). Cognitive style differences in children's spatial perspective taking. *Developmental Psychology, 16*, 151-152.

Brodzinsky, D.M. & Rightmyer, J. (1980). Individual differences in children's humor development. In P. McGhee & T. Chapman (Eds.), *Children's Humor*. London: Wiley Interscience.

1981

Brodzinsky, D.M., Barnet, K., & Aiello, J.R. (1981). Sex of subject and gender identity as factors in humor appreciation. *Sex Roles, 7*, 561-573

- Brodzinsky, D.M., Pappas, C., Singer, L., & Braff, A. (1981). Children's conception of adoption: A preliminary study. *Journal of Pediatric Psychology*, *6*, 177-189.
- Brodzinsky, D.M., Sigel, I., & Golinkoff, R. (1981). New directions in Piagetian theory and research: An integrative perspective. In I. Sigel, D. Brodzinsky, & R. Golinkoff (Eds.), *New Directions in Piagetian Theory and Practice*. Hillsdale, NJ: Erlbaum Associates.
- Messer, S.B. & Brodzinsky, D.M. (1981). Three year stability of reflection-impulsivity in young adolescents. *Developmental Psychology*, *17*, 848-850.
- Sigel, I., Brodzinsky, D.M., & Golinkoff, R. (Eds.), (1981). *New Directions in Piagetian Theory and Practice*. Hillsdale, NJ: Erlbaum Associates.
- 1982
- Ambron, S.R. & Brodzinsky, D.M. (1982). *Lifespan Human Development* (2nd ed.). New York: Holt, Rinehart, & Winston.
- Brodzinsky, D.M. (1982). The relationship between cognitive style and cognitive development: A two-year longitudinal study. *Developmental Psychology*, *18*, 617-626.
- Brodzinsky, D.M. (1982). Children's understanding of adoption: Implications for the telling process. *Adoption Report*, *1*, 1-5.
- Singer, L., Brodzinsky, D.M., & Braff, A.M. (1982). Children's beliefs about adoption: A developmental study. *Journal of Applied Developmental Psychology*, *3*, 285-294.
- 1983
- Aiello, J.R., Thompson, D.E., & Brodzinsky, D.M. (1983). How funny is crowding anyway? Effects of room size, group size, and introduction of humor. *Basic and Applied Social Psychology*, *4*, 193-207.
- 1984
- Brodzinsky, D.M. (1984). New perspectives on adoption revelation. *Adoption and Fostering*, *8*, 27-32.
- Brodzinsky, D.M., Schechter, D., Braff, A.M., & Singer, L. (1984). Psychological and academic adjustment in adopted children. *Journal of Consulting and Clinical Psychology*, *52*, 582-590.
- Brodzinsky, D.M., Singer, L., & Braff, A.M. (1984). Children's understanding of adoption. *Child Development*, *55*, 869-878.
- 1985
- Brodzinsky, D.M. (1985). On the relationship between cognitive styles and cognitive structures. In E. Neimark, R. DeLisi, & J. Newman (Eds.), *Moderators of Competence*. Hillsdale, NJ: Erlbaum Assoc.
- Singer, L., Brodzinsky, D.M., Ramsay, D., Stein, M. & Waters., E. (1985). Mother-infant attachment in adoptive and nonadoptive families. *Child Development*, *56*, 1543-1551.
- 1986
- Ashmore, R. & Brodzinsky, D.M. (1986) (Eds.) *Thinking about the Family: Views of Parents and Children*. Hillsdale, NJ: Erlbaum Assoc.

- Ashmore, R. & Brodzinsky, D.M. (1986). Thinking about the family: An integrative perspective. In R. Ashmore & D. Brodzinsky (Eds.), *Thinking about the Family: Views of Parents and Children*. Hillsdale, NJ: Erlbaum Assoc.
- Brodzinsky, D.M. & Gormly, A., & Ambron, S. (1986) *Lifespan Human Development* (3rd ed.). New York: Holt, Rinehart, & Winston. [Chinese translation published in 1994]
- Brodzinsky, D.M., Schechter, D., & Brodzinsky, A.B. (1986). Children's knowledge of adoption: Developmental changes and implications for adjustment. In R. Ashmore & D. Brodzinsky (Eds.), *Thinking about the Family: Views of Parents and Children*. Hillsdale, NJ: Erlbaum Assoc.
- 1987
- Brodzinsky, D.M. (1987) Children's adjustment to adoption: A psychosocial perspective. *Clinical Psychology Review*, 7, 25-47.
- Brodzinsky, D.M. (1987). Looking at adoption through rose colored glasses: A critique of Marquis and Detweiler, "Does adoption mean different? An attributional analysis." *Journal of Personality and Social Psychology*, 52, 394-398.
- Brodzinsky, D.M. (1987). Development. In R. Price, M. Glickman, D. Horton, S. Sherman, & R. Fazio, *Principles of Psychology* (2nd ed.). Glenview, Ill.: Scott, Foresman & Co.
- Brodzinsky, D.M., Radice, C., Huffman, L., & Merkler, K. (1987). Prevalence of clinically significant symptomatology in a nonclinical sample of adopted children. *Journal of Clinical Child Psychology*, 16, 350-357.
- 1988
- Brodzinsky, D.M. & Huffman, L. (1988). Transition to adoptive parenthood. *Marriage and Family Review*, 12, 267-286.
- 1989
- Gormly, A., & Brodzinsky, D.M. (1989) *Lifespan Human Development* (4th ed.). New York: Holt, Rinehart, & Winston.
- 1990
- Brodzinsky, D.M. (1990). A stress and coping model of adoption adjustment. In D. Brodzinsky & M. Schechter (Eds.) *The Psychology of Adoption* New York: Oxford University Press.
- Brodzinsky, D.M. & Schechter, M.D. (1990). (Eds.) *The Psychology of Adoption*. New York: Oxford University Press. [Paperback edition published in 1993]
- 1991
- Brodzinsky, D.M. & Steiger, C. (1991). Prevalence of adoptees in special education populations. *Journal of Learning Disabilities*, 24, 484-489.
- Brodzinsky, D.M. & Brodzinsky, A.B. (1991) The impact of family structure on the adjustment of adopted children. *Child Welfare*, LXXI, 69-76.
- 1992
- Brodzinsky, D.M., Elias, M., Steiger, C., Simon, J., Gill, M., & Clarke, J.

- (1992). Coping Scale for Children and Youth: Scale development and validation. *Journal of Applied Developmental Psychology*, 13, 195-214.
- 1993 Brodzinsky, D.M., Schechter, M.D., & Henig, R.M. (1992). *Being Adopted: The Lifelong Search for Self*. New York: Doubleday.
- Brodzinsky, D.M. (1993). On the use and misuse of psychological testing in child custody evaluations. *Professional Psychology*, 24, 213-219.
- Brodzinsky, D.M. (1993). Long-term outcome in adoption. *The Future of Children*, 3, 153-166.
- Brodzinsky, D.M., Hitt, J.C., & Smith, D. (1993). The impact of parental separation and divorce on adopted and nonadopted children. *American Journal of Orthopsychiatry*, 63, 451-461.
- Gormly, A. & Brodzinsky, D.M. (1993). *Lifespan Human Development* (5th ed.). Fort Worth: Harcourt, Brace, & Jovanovich.
- 1994 Kaplan, G., Pannullo, D., Brodzinsky, D., & Hitt, J.C. (1994). Noncompliance with family court mandated evaluations in a juvenile justice clinic. *Bulletin of the American Academy of Psychiatry and the Law*, 22, 31-38.
- Smith, D. & Brodzinsky, D.M. (1994). Stress and coping in adoption: A developmental study. *Journal of Clinical Child Psychology*, 23, 91-99.
- 1995 Brodzinsky, D.M., Lang, R., & Smith, D. (1995). Parenting adopted children. In M. Bornstein (Ed.), *Handbook of Parenting (Vol 3)*. Hillsdale, NJ: Erlbaum, Assoc.
- 1996 Brodzinsky, D.M. (1996). Attachment issues in the school age adopted child. *Pact Press, Summer*, 4-6.
- Brodzinsky, D., Schechter, M. & Henig, R. (1996). *At Vaere Adopteret: Udvikling og Identitet*. Copenhagen: Hans Reitzels Forlag (Dutch translation, *Being adopted: The lifelong search for self*).
- 1997 Brodzinsky, A.B. & Brodzinsky, D.M. (1997). Clinical assessment issues in the treatment of adopted children. *New Jersey Psychologist*, 47, 16-19.
- Brodzinsky, D.M. (1997). Infertility and adoption: Considerations and clinical issues. In S. Lieblum (Ed.), *Infertility: Psychological Issues and Counseling Strategies*. New York: Wiley.
- Brodzinsky, D. (1997). (Guest Editor), Clinical issues in adoption. *New Jersey Psychologist*, 47, 15.
- Brodzinsky, D. (1997). Clinical Issues and interventions in adoption. *New Jersey Psychologist*, 47, 23-26
- 1998 Brodzinsky, D.M., Smith, D.W., & Brodzinsky, A.B. (1998). *Children's Adjustment to Adoption: Developmental and Clinical Issues*. Thousand Oaks, CA: Sage Publication.

- 2000
Barth, R., Freundlich, M. & Brodzinsky, D. (2000). (Eds.) *Adoption and Prenatal alcohol and drug exposure: Research, policy and practice*. Washington, D.C.: Child Welfare League of America.
- 2002
Brodzinsky, D.M. (2002). Adoption. In N. Salkind (Ed.), *Macmillan Psychology Reference Series, Vol. 1: Child Development*. New York: Macmillan Reference USA.
Brodzinsky, D.M. & Pinderhughes, E. (2002). Parenting and child development in adoptive families. In M. Bornstein (ed.), *Handbook of Parenting (Vol 1): Children and Parenting*. (2nd ed). Hillsdale, NJ: Lawrence Erlbaum Associates.
Brodzinsky, D., Patterson, C. & Vazari, M. (2002). Adoption agency perspectives on lesbian and gay prospective parents: A national study. *Adoption Quarterly*, 5, 5-23.
Brodzinsky, D., Schechter, M. & Henig, R. (2002). Soy Adoptado: La Vinnecia de la adopción a lo Largo de la Vida (Being Adopted: The Lifelong Search for Self). Barcelona: Mitos. (Spanish translation).
Smith, D. & Brodzinsky, D.M. (2002). Coping with birthparent loss in adopted children. *Journal of Child Psychology and Psychiatry*, 43, 213-223.
- 2004
Brodzinsky, D. M., Smith D.W., & Brodzinsky, A.B. (2004). *Children's Adjustment to Adoption: Developmental and Clinical Issues*. Seoul, Korea: Holt International. (Korean translation).
- 2005
Brodzinsky, D.M. (2005). Steeds een stap verder: Bepiegelingen over adoptie. [Step by step: Reflections on adoption.] *Adoptietijdschrift*, 8 (2), 6-10.
Brodzinsky, D.M. (2005). Reconceptualizing openness in adoption: Implications for theory, research and practice. In D. Brodzinsky & J. Palacios (Eds.), *Psychological Issues in Adoption: Research and Practice*. Westport, CT: Praeger.
Brodzinsky, D.M. & J. Palacios (Eds) (2005). *Psychological Issues in Adoption: Research and Practice*. Westport, CT: Praeger.
Palacios, J. & Brodzinsky, D.M. (2005). Recent changes and future directions for adoption research. In D. Brodzinsky & J. Palacios (Eds.), *Psychological Issues in Adoption: Research and Practice*. Westport, CT: Praeger.
- 2006
Brodzinsky, D.M. Family structural openness versus communicative openness as predictors of adjustment in adopted children. *Adoption Quarterly*, 9, 1-18
- 2007
Brodzinsky, D.M. (2007). Forward. In R. Javier, A. Baden, F. Biafora, & A. Gamacho-Gingerich (Eds.), *The Handbook of Adoption: Implications for Researchers, Practitioners, and Families*. Thousand

Oaks, CA: Sage Publications.

2008

Palacios, J. & Brodzinsky, D.M. (2008). Investigacion psicologica sobre adopcion: de donde viene, hacia donde va [Psychological research on adoption: Where does it come from, where is it going.] *Monografias de Psiquiatria*, 20, 85-95.

2009

Brodzinsky, D.M. (2009). The experience of sibling loss in the adjustment of foster and adopted children. In D. Silverstein & S. Smith (Eds.), *Siblings Separated by Adoption or Foster Care: Understanding the Effects and Developing Solutions*. Westport, CT: Praeger.

Brodzinsky, D.M. (2009). International adoption in global perspective: Policy and practice. In M. Dalen & A. Rygvold (Eds.), *International adoptees: School performance, educational attainment and social adjustment*. Oslo, Norway: University of Oslo Press.

2010

Palacios, J. & Brodzinsky, D. (2010). Adoption research: Trends, topics, and outcomes. *International Journal of Behavioral Development*, 34, 270-284.

Palacios, J. & Brodzinsky, D. (2010). Historical changes in adoption research. In R. Rosnati (Ed.), *Prospettive psicosociali sull'adozione: Contributi Internazionali per la ricerca e l'intervento*. Milano: Unicopli

Palacios, J & Brodzinsky, D. (2010). La investigacion sobre adopcion: Tendencias e implicaciones. [Adoption research: Trends and implications.] *Aloma: Revista de Psicologia, Ciencias de l'Educacio i de Esport*, 27, 39-50.

2011

Brodzinsky, D.M. (2011). Children's understanding of adoption: Developmental and clinical implications. *Professional Psychology: Research and Practice*, 42, 200-207

Brodzinsky, D.M. & Palacios, J. (2011). *Lavorare nell'Adozione: Dalle ricerche alla prassi operativa*. FrancoAngeli: Milan, Italy (Italian edited translation of *Psychological issues in adoption: Research and practice*. Originally published in 2005)

Brodzinsky, D. & Palacios, J. (2011). Ser adoptado (y adoptante) en Espana: Pasado, presente y future. In D. Brodzinsky, M. Schechter, & R. Henig. *Soy Adoptado: La venencia de la Adopcion a lo largo de la vida*. 2nd ed. (Being Adopted: The Lifelong Search for Self). Madrid: Grupo5 (Spanish translation, 2nd ed.)

Brodzinsky, D., Schechter, M. & Henig, R. (2011). *Soy Adoptado: La venencia de la adopcion a lo largo de la vida*. 2nd ed. (Being Adopted: The Lifelong Search for Self). Madrid: Grupo5 (Spanish translation; 2nd edition).

2012

Brodzinsky, D.M. (2012). Adoption by lesbians and gay men: A nationwide study of adoption agency policies and practices. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity*. New York: Oxford University Press

Brodzinsky, D.M., Green, R.J. & Katuzny, K. (2012). Adoption by lesbians and gay men: What we know, need to know, and ought to do. In D. Brodzinsky & A. Pertman (Eds.),

- Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity.*
 Brodzinsky, D.M., & Pertman, A. (Eds.) (2012). *Adoption by Lesbians and Gay Men: A New Dimension in Family Diversity.* New York: Oxford University Press.
- 2013
- Brodzinsky, D. (2013). Questioni etniche nell'adozione internazionale: La preparazione e il sostegno alle famiglie adottive (Ethnicity issues in intercountry adoption: Preparation and support for adoptive families). In G. Macario (Ed.), *I percorsi formativi nelle adozioni internazionali: L'evoluzione del percorso e gli apporti internazionali. Attività* (pp 275-288). Florence, Italy: Istituto degli Innocenti.
- Wier, K. & Brodzinsky, D. (2013) (Guest Eds) Adoption treatment and therapy issues. Introduction: Treatment and therapy considerations for adopted children and their families. *Adoption Quarterly*, 16, 153-155.
- 2014
- Brodzinsky, D. (2014). Adoptive identity and children's understanding of adoption: Implications for pediatric practice. In P. Mason, D. Johnson, P., & L. Albers Prock (Eds.), *Adoption Medicine: Caring for Children and Families.* Elk Grove Village, IL: American Academy of Pediatrics.
- Brodzinsky, D. (2014). The role of birthparents in the life of the adoptive family: Real versus symbolic presence. In E. Scabini & G. Rossi (Eds.), *Allargare lo spazio familiare: Adozione e affido. Studi interdisciplinari sulla famiglia.* N. 27. Milan: vita e Pensiero. [chapter published in English]
- Brodzinsky, D. & Smith, S. (2014). Post-placement adjustment and the needs of birthmothers who place an infant for adoption. *Adoption Quarterly*, 17, 165-184.
- 2015
- Arambura, I., Salamero, M., Aznar, B., Perez-Testor, C., Davins, M., Mirabent, V. & Brodzinsky, D. (2015). Preliminary validation of a Spanish language version of the Adoption Communication Scale in adopted adolescents. *Estudios de Psicología* (Studies in Psychology), 36, 1-17.
- Brodzinsky, D. (2015). Understanding and treating adoptive families. In S. Browning & K. Pasley (Eds), *Contemporary families: Translating research into practice.* New York: Routledge.
- 2016
- Brodzinsky, D. (2016). International adoption. In A. Goldberg (Ed.), *Encyclopedia of LGBTQ studies.* Thousand Oaks, CA: Sage Publications.
- Brodzinsky, D. & Goldberg, A. (2016). Contact with birth families in adoptive families headed by lesbian, gay male, and heterosexual parents. *Children and Youth Services Review*, 62, 9-17.
- Brodzinsky, D., Santa, J. & Smith, S.L. (2016). Adopted youth in residential care: Prevalence rate and professional training needs. *Residential Treatment for Children and Youth*, 33(2), 118-134.
- 2017
- Brodzinsky, D. (2017). Promuovere una competenza clinica sui processi adottivi per i professionisti della salute mentale (Promoting adoption clinical competence in

- mental health professionals). In M. Andolfi, M. Chistolini, & A. D'Andrea (Eds.). *La famiglia adottiva tra crisi e sviluppo*. Milan, Italy: Franco Angeli Publisher.
- Brodzinsky, D. & Goldberg, A. (2017). Contact with birth family in intercountry adoptions: Comparing families headed by sexual minority and heterosexual parents. *Children and Youth Services Review, 74*, 117-124.
- 2018
- Aranbura Alegret, I., Perez-Testor, C., Meercadal Rotger, J., Salamero Baro, M., Davins Pujols, M., Mirabent Junyent, V., Aznar Martinez, B. & Brodzinsky, D. (2018). Influence of communicative openness on the psychological adjustment of internationally adopted adolescents. *Journal of Research on Adolescence*, published online, November 2018
- Brodzinsky, D. (2018). Adoption. In M. Bornstein (Ed.), *Encyclopedia of lifespan human development*. Thousand Oaks, CA: Sage Publications.
- Brodzinsky, D. (2018). Parenting by lesbians and gay men: Outcomes for children and youth. In M. Bornstein (Ed.), *Encyclopedia of lifespan human development*. Thousand Oaks, CA: Sage Publications.
- Lee, B.R., Kobulsky, J.M., Brodzinsky, D., & Barth, R.P. (2018). Parent perspectives on adoption preparation: Findings from the Modern Adoptive Families project. *Children and Youth Services Review, 85*, 63-71.
- 2019
- Battalen, A.W., Farr, R.H., Brodzinsky, D.J. & McRoy, R.G. (2019), Socializing children about family structure. Perspectives of lesbian and gay adoptive parents. *Journal of GLBT Family Studies, 15*, 235-255.
- Battalen, A.W., Dow-Fleisner, S., Brodzinsky, D., & McRoy, R. (2019). Lesbian, gay, and heterosexual adoptive parents' attitudes towards racial socialization practices. *Journal of Evidence-Based Social Work, 16*, 178-191
- Brodzinsky, D. & Smith, S.L. (2019). Commentary: Understanding research, policy and practice issues in adoption instability. *Research on Social Work Practice, 29*, 85-194
- Goldberg, A.E. , Frost, R.F., Manley, M., McCormick, N.M., Smith, J.Z., & Brodzinsky, D.M. (2019). Lesbian, Gay, and Heterosexual Adoptive Parents' Experiences with Pediatricians: A Mixed Methods Study. *Adoption Quarterly*, doi.org/10.1080/10926755.2019.1675839
- Palacios, J., Adroher, S., Brodzinsky, D., Grotevant, H., Johnson, D., Juffer, F., Martinez-Mora, L., Muhamedrahimov, R., Selwyn, J., Simmonds, J. & Tarren-Sweeney, M. (2019). Adoption in the service of child protection: An international interdisciplinary perspective. *Psychology, Public Policy, and Law, 25*, 57-72.
- Pinderhughes, E. & Brodzinsky, D. (2019). *Parenting in adoptive families*. In M. H. Bornstein (Ed.), *Handbook of parenting 3e* (Vol.1, pp. 322-367). New York: Routledge.
- 2020
- Lee, B. R., Battalen, A. W., Brodzinsky, D. M., & Goldberg, A. E. (2020). Parent, Child, and Adoption Characteristics associated with Post-Adoption Support Needs. *Social Work Research, 44*, 21-32.
- Messina, R. & Brodzinsky, D. (2020). Children adopted by same- sex couples: Identity-related issues from pre-school years to late adolescence. *Journal of Family Psychology, 34*, 509-522

Wyman Battalen, A., Dow-Fleisner, S., & Brodzinsky, D. (2020). School responsiveness to adoption among lesbian mothers. *Journal of Lesbian Studies*, 24, 25-40

IN PRESS

Wyman Battalen, A., Goldberg, A., Brodzinsky, D., McRoy, R., & Hawkins, S. (In press). Satisfaction with adoption-competency of pediatricians and mental health providers among lesbian, gay, and heterosexual adoptive parent families. *Developmental Child Welfare*.

SUBMITTED FOR PUBLICATION

Carone, N. & Brodzinsky, D. (2019). Children of gay and heterosexual single fathers through surrogacy: Factors associated with their self-worth and internalizing and externalizing problems in middle childhood.

TECHNICAL AND POLICY REPORTS

2003

Brodzinsky, D & the Staff of the Evan B. Donaldson Adoption Institute (2003). *Adoption by lesbians and gays: A national survey of adoption Agency policies, practices, and attitudes*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org.

2008

Brodzinsky, D. (2008). *Adoptive Parent Preparation Project. Phase I: Meeting the mental health and developmental needs of adopted children*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org.

2011

Brodzinsky, D. (2011). *Expanding resources for children III: Research-based best practices in adoption by gays and lesbians*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org.

2013

Brodzinsky, D. (2013). *A need to know: Enhancing adoption competence among mental health professionals*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org

2015

Brodzinsky, D. (2015). *The Modern Adoptive Families Study: An Introduction*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org

2016

Brodzinsky, D. & Goldberg, A. (2016). *Practice guidelines supporting open adoption in families headed by lesbian and gay male parents: Lessons learned from the Modern Adoptive Families Study*. New York: Donaldson Adoption Institute. Available online at www.adoptioninstitute.org

ARCHIVED WEBINARS AND CONTINUING EDUCATION TRAININGS

- Brodzinsky, D. (2008). Mental health and parenting issues in transracial adoption. Continuing education web briefing sponsored by Alliant University, San Francisco. Available online at www.ce-psychology.com
- Brodzinsky, D. (2009). Preparing adoptive parents to meet the mental health, developmental, and medical needs of their children: Training the trainers. Continuing education web briefing sponsored by Alliant University and the Evan B. Donaldson Adoption Institute. Available online at www.ce-psychology.com
- Brodzinsky, D. (2009). Clinical and developmental issues in the adjustment of adopted children. Continuing education workshop sponsored by Alliant University, San Francisco. Available online at www.ce-psychology.com
- Brodzinsky, D. (2012). Adoption and foster care in social contexts. Continuing education workshop sponsored by Alliant University, San Francisco. Available online at www.ce-psychology.com/adoption.

SELECTED CONFERENCE PRESENTATIONS, INVITED ADDRESSES, WORKSHOPS AND LEGISLATIVE BRIEFINGS SINCE 1990

1990

- Brodzinsky, D. (1990, January). Working with the emotionally disturbed adopted child. Invited Grand Rounds Presentation. Department of Psychology, UMDNJ, Newark, NJ.
- Brodzinsky, D. (1990, February). Developmental issues in adoption. Invited Grand Rounds Presentation. Department of Psychiatry, New York Hospital - Cornell Medical Center, White Plains, NY.
- Brodzinsky, D. (1990, November). Clinical and developmental issues in adoption and foster care. Invited workshop for mental health professionals and social service personnel sponsored by New York Division of Family and Children's Services. Huntington, NY
- Brodzinsky, D. (1990, November). Understanding the psychology of adoption. Invited presentation. Barker Foundation and Washington School of Psychiatry. Washington, DC.

1991

- Brodzinsky, D. (1991, March). Adoption: A developmental perspective. Invited workshop sponsored by the Virginia Department of Social Services. Williamsburg, VA
- Brodzinsky, D., & Smith, D. (1991, March). The development of stress and coping in adopted children and adolescents. Presented at the meetings of the American Orthopsychiatric Association, Toronto.
- Clarke, J. & Brodzinsky, D. (1991, March). The relationship of coping to emotional and behavioral problems in children. Presented at the meetings of the Association for the Advancement of Behavior Therapy. New York City.
- Brodzinsky, D. & Donley, K. (1991, March). Social casework issues and clinical issues in adoption. Invited two day workshop presented to mental health professionals and social service personnel sponsored by the Indiana Department

- of Social Services and Department of Mental Health. Indianapolis, IN.
- Brodzinsky, D. (1991, March). Adopting children who have been sexual abused: Assessment and counseling issues. Invited presentation to the Indiana Dept of Social Services and Dept of Mental Health. Indianapolis, IN
- Brodzinsky, D., Hitt, J., & Smith, D. (1991, March). The impact of divorce on adopted and nonadopted children. Presented at the meetings of the American Orthopsychiatric Association, Toronto.
- Brodzinsky, D. (1991, May). Psychiatric issues in adoption. Invited Grand Rounds Presentation. Department of Psychiatry, Jersey City Medical Center, Jersey City.
- Brodzinsky, D. & Brodzinsky, A. (1991, June). Psychological issues in raising adopted children. Invited one-day workshop presented at the Annual National Meeting of Catholic Charities, New Orleans.
- Brodzinsky, D (1991, September). Perspectives on permanency planning for adopted children. Presented at the International Conference on Adoption. Edinburgh, Scotland.
- Brodzinsky, D. & Brodzinsky, A. (1991, September/October). Developmental and clinical issues in adoption. Seven, one-day invited workshops presented to mental health professionals and social service personnel in London, Newcastle, Birmingham, Bristol, and Belfast. Sponsored by the British Agencies for Adoption and Fostering, and the Tavistock Clinic.
- Kaplan, G., Pannullo, D., Brodzinsky, D., & Clarke, J. (1991, October). Noncompliance with family court evaluations. Presented at the meetings of the American Psychiatric Association, New York City.
- 1992
- Brodzinsky, D. (1992, November). Forensic issues in personal injury cases with children. Presented at the meeting of the New Jersey Psychological Association. Somerset, NJ.
- Brodzinsky, D. (1992, November). Adoption: The lifelong search for self. Invited Keynote Address at the annual conference of Concerned Persons for Adoption sponsored by Seton Hall University, South Orange, NJ.
- 1993
- Brodzinsky, D. (1993, January). Psychological issues in termination of parental rights cases. Presented to the Forensic Committee of the New Jersey Psychological Association, Livingston, NJ.
- Brodzinsky, D. (1993, March). Clinical issues in foster care. Invited Grand Rounds Presentation. Department of Psychiatry. Elizabeth General Hospital, Elizabeth, NJ.
- Brodzinsky, D. (1993, May). Development and the sexually abused adopted child. Invited workshop for mental health professionals and social service personnel sponsored by the New York State Citizen's Coalition for Children. Albany.
- 1994
- Smith, D., Brodzinsky, D. & Fairfield, K. (1994, March). Adoption-related stress and coping among special needs and traditional adoptees. Presented at the meetings of the Southeastern Psychological Association, New Orleans.
- Brodzinsky, D. (1994, April). In search of self: Identity issues in adopted children.

- Invited presentation at the annual conference of the American Academy of Adoption Attorneys. Sante Fe.
- Brodzinsky, D. (1994, April). Mental health issues in adopted children. Invited keynote presentation at the annual conference of the American Academy of Adoption Attorneys. Sante Fe.
- Brodzinsky, D. (1994, May). Facilitating self-esteem in the adopted child. Keynote address at the annual meeting of the Children's Home Society of North Carolina. Greensboro, NC.
- Brodzinsky, D & Brodzinsky, A. (1994, May). Developmental and clinical issues in adoption. Invited workshop for mental health professionals and social service personnel sponsored by the Children's Home Society of North Carolina and the School of Social Work, University of North Carolina, Greensboro, NC.
- Brodzinsky, D. (1994, May). Clinical issues and interventions in adoption. Invited two-day workshop for mental health professionals and social service personnel sponsored by the National Center for Special Needs Adoption. Detroit, MI.
- Brodzinsky, D. (1994, August). Child custody evaluations: The role of psychological testing. Present as part of a symposium on Child Custody Evaluations, III: Ethical and Professional Issues at the meetings of the American Psychological Association. Los Angeles.
- Brodzinsky, D. (1994, August). Children's changing understanding of adoption and its influence on their adjustment. Invited address at the Cornell University Conference on Adoption Research, Ithaca, NY
- Smith, D., Brodzinsky, D., & Fairfield, K. (1994, November). Parenting stress in traditional and special needs adoptive families. Presented at the meetings of the Association for the Advancement of Behavior Therapy. San Diego.
- 1995
- Brodzinsky, D. (1995, October). Forensic evaluations of children: Child custody guidelines. Invited presentation to the Department of Child Psychiatry, UMDNJ, Newark.
- Brodzinsky, D. (1995, December). Family lifecycle issues in adoption. Presented at the Casey Foundation Post Adoption Conference. Boston.
- 1996
- Brodzinsky, D. (1996, January). Adoption through the lifecycle: Adaptation and psychopathology. Grand Rounds Presentation at Rockland Children's Psychiatric Center, Orangeburg, NY.
- Brodzinsky, D. (1996, March). Attachment issues in school age adopted children. Presented at the PACT Post Adoption Conference, Oakland.
- Brodzinsky, D. (1996, March). Clinical issues in adoption. Invited one-day Workshop for mental health professionals and social service personnel sponsored by the National Association of Social Workers, Minnesota Chapter, St. Paul.
- Brodzinsky, D. (1996, April). Clinical and developmental issues in adoption. Invited one-day workshop for mental health professionals and social service personnel sponsored by the Department of Family Services, State of Utah, Salt Lake City.

Brodzinsky, D. (1996, August). Enhancing the role of psychological testing in child custody evaluations. Presented as part of a symposium at the meetings of the American Psychological Association, Toronto.

Brodzinsky, D. (1996, October). Research issues in adoption: Exploring psychological risk. Invited colloquium presentation in the Department of Psychology, Long Island University, Brooklyn.

1997

Brodzinsky, D. (1997, March). Working with the adopted child and adoptive family. Invited lecture to the Child Psychology Interns and Child Psychiatry Residents, Department of Child and Adolescent Psychiatry, UMDNJ, Newark.

Brodzinsky, D. (1997, April). Research issues in adoption. Presented at the meetings of the Society for Research in Child Development.

Brodzinsky, D. (1997, May). Parenting adopted and foster children: Research and clinical issues. Presented at the Conference on Alternative Forms of Parenting, Beth Israel Hospital, New York City.

Brodzinsky, D. (1997, October). Adoption of children prenatally exposed to drugs and alcohol: Research and practice issues. Presentation at the Evan B. Donaldson Conference on Adoption and Prenatal Exposure to Drugs and Alcohol. Alexandria, VA.

Brodzinsky, D. (1997, October). The psychology of adoption. Keynote address at the Rutgers University Workshop on Clinical and Developmental Issues in Adoption. Sponsored by the Graduate School of Applied and Professional Psychology. Piscataway, NJ.

Brodzinsky, D. (1997, October). Clinical interventions in adoption. Workshop presented at the Rutgers University Workshop on Clinical and Developmental Issues in Adoption. Sponsored by the Graduate School of Applied and Professional Psychology. Piscataway, NJ.

Brodzinsky, D. (1997, November). Facilitating self-esteem in the adopted child. Invited luncheon address at the 9th Biennial National Open Adoption Conference. Walnut Creek, CA.

1998

Brodzinsky, D. (1998, March). Creating openness in adoption. Presented at the Annual Barker Foundation Conference on Adoption, Washington, DC.

Brodzinsky, D. (1998, September). Psychopathology in the adopted child. Grand Rounds Presentation. Department of Child and Adolescent Psychiatry, Bronx Children's Hospital. New York.

Brodzinsky, D. (1998, October). Learning and attention problems in the adopted child. Invited community lecture sponsored by the Spence Chapin Adoption Agency, New York City.

Brodzinsky, D. (1998, November). Children's adjustment to adoption. Invited keynote address at the Catholic Charities Conference on Adoption. Binghamton, NY.

Brodzinsky, D. (1998, November). Parenting special needs children. Workshop presented at the Catholic Charities Conference on Adoption, Binghamton, NY.

1999

Brodzinsky, D. (1999, April). Childhood risk and resiliency in adoption. Invited keynote address at the Lancaster County Mental Health Alliance Conference on Children and Violence. Lancaster, Pa.

Brodzinsky, D. (1999, November). Psychological issues in adoption adjustment. Invited keynote address at the Hawaii Adoption Permanency Alliance Conference. Honolulu.

Brodzinsky, D. (1999, November). Clinical issues and interventions in adoption. One-day workshop for mental health professionals and social service personnel sponsored by the Hawaii Adoption Permanency Alliance. Honolulu.

Brodzinsky, D. (1999, November). Openness in adoption: New perspectives. Invited keynote address at the annual Concern Person's for Adoption Conference, Seton Hall University, South Orange, NJ.

2000

Brodzinsky, D. (2000, April). Children's adjustment to foster care: A stress and coping model. Invited keynote address presented at the Conference on Foster Care sponsored by the Ministry of Social Welfare and Mental Health, Barcelona, Spain

Brodzinsky, D. (2000, April). Loss in adoption: Impact on children's adjustment. Invited lecture. Department of Psychology, University of Seville, Spain.

Brodzinsky, D. (2000, August). Connecting adoption research to policy and practice. Discussant at a symposium on Adoption: Theory, Research, and Practice presented at the meetings of the American Psychological Association. San Francisco.

Brodzinsky, D. (2000, October). Reconceptualizing open adoption. Invited luncheon address at the 10th Biennial National Open Adoption Conference, Anaheim, CA.

Brodzinsky, D. (2000, October). Facilitating openness in adoption. Workshop presented at the 10th Biennial National Open Adoption Conference, Anaheim, CA.

Brodzinsky, D. (2000, October). Infertility and its impact on adoption adjustment. Workshop presented at the 10th Biennial National Open Adoption Conference, Anaheim, CA.

2001

Brodzinsky, D. (2001, May). Mental health issues in child custody determinations. Panel discussant at the Annual Family Court Judges Retreat, Ocean City, NJ.

Brodzinsky, D. (2001, June). Research issues in adoption. Invited lecture. Department of Psychology, University of Seville, Seville, Spain.

Brodzinsky, D. (2001, October). Custody and visitation: Mental health perspectives. Invited lecture at the New Judges Orientation Workshop sponsored by the Continuing Education Program of the Superior Court of New Jersey, Princeton.

Brodzinsky, D. (2001, October). The learning disabled adopted child. Invited community lecture sponsored by the Spence Chapin Adoption Agency, New York City.

Brodzinsky, D. (2001, September). The psychology of adoption. Invited one-day workshop for DYFS supervisors and social service workers sponsored by the School of Social Work, Rutgers University.

2002

- Brodzinsky, D. (2002, January). Psychological and academic adjustment in adopted children. Keynote address at the Annual Conference of National Association of Therapeutic Schools and Sponsored Programs, Stuart, FL.
- Brodzinsky, D. (2002, March). Adoption by gay and lesbian individuals: Legal, social casework, and psychological issues. Presented at the Dave Thomas Center for Adoption Law Fourth Annual Symposium, Capital University Law School, Columbus, OH.
- Brodzinsky, D. (2002, March). Talking with adopted children about their origins. Keynote address presented at the Annual PACT Adoption Conference, Oakland, CA.
- Brodzinsky, D. (2002, March). New directions and challenges in adoption practice. Keynote address presented at the Annual Georgia State-Wide Matching and Training Conference, Atlanta.
- Brodzinsky, D. (2002, March). Assessing and working clinically with adopted children who have been neglected and abused. Workshop presented at the Annual Georgia State-Wide Matching and Training Conference, Atlanta.
- Brodzinsky, D. (2002, March). Coping with loss in adoption. Workshop presented at the Annual Georgia State-Wide Matching and Training Conference, Atlanta.
- Brodzinsky, D. (2002, April). Clinical issues in adoption. In-service training lecture to the Psychology Interns and Child Psychiatric Residents at UMDNJ, Newark.
- Brodzinsky, D. (2002, November). Reconceptualizing openness in adoption. Invited luncheon address at the National Open Adoption Conference, Lake Tahoe, NV
- Brodzinsky, D. (2002, November). Infertility and adoption adjustment. Workshop presented at the National Open Adoption Conference, Lake Tahoe, NV
- Brodzinsky, D. (2002, November). Searching by minors: Guidelines for professionals and parents. Workshop presented at the National Open Adoption Conference, Lake Tahoe, NV.

2003

- Brodzinsky, D. (2003, March). Reconceptualizing openness in adoption: Implications for casework and clinical practice. Invited Keynote Address at the Southern New England 11th Annual Adoption Conference, Providence, Rhode Island
- Brodzinsky, D. (2003, March). Facilitating self-esteem in adopted children. Workshop presented at the Southern New England 11th Annual Adoption Conference, Providence, Rhode Island.
- Brodzinsky, D. (2003, April). Clinical issues in adoption. Invited talk presented at the University of Seville, Spain.
- Brodzinsky, D. (2003, April). Contemporary trends and adjustment issues in adoption. Invited workshop presented to Spanish social casework and mental health professionals, Seville, Spain.
- Brodzinsky, D. (2003, June). Risk and resilience in adoption: A Multidimensional stress and coping model. Invited address at the Conference on Attachment Issues in Adoption: Risk and Resilience. London, England [Also presented at a similar conference in Manchester, England, June 2003.]

2004

- Brodzinsky, D. (2004, March). What type of openness really matters in adoption?

- Invited Keynote Address at the Barker Foundation Conference on Adoption. Rockville, MD.
- Brodzinsky, D. (2004, March). Clinical issues in adoption. In-service training lecture to the Psychology Interns, UMDNJ, Newark
- Brodzinsky, D. (2004, March). Clinical issues and interventions in adoption. Children's Home of Pittsburgh Conference on Adoption. Pittsburgh, PA
- Brodzinsky, D. (2004, April). Creating communicative openness in adoption. Invited Keynote Address at the PACT Adoption Conference, Oakland, CA.
- Brodzinsky, D. (2004, April). Attachment issues in cases of contested adoption. Invited Address at the Annual Conference of the American Academy of Adoption Attorneys. Philadelphia, PA.
- Brodzinsky, D. (2004, July). Family structural openness versus communicative openness as predictors of adjustment in adopted children. Presented as part of a symposium at the meetings of the International Society for the Study of Behavioral Development, Ghent, Belgium.
- Brodzinsky, D. (2004, September). Clinical assessment and interventions in adoption. Invited workshop for mental health and social service professionals sponsored by the Children's Home of Pittsburgh, Pittsburgh, Pa.
- Brodzinsky, D. (2004, October). Clinical assessment and interventions in adoption. Invited workshop for the Manchester Adoption Society, Manchester, England.
- Brodzinsky, D. (2004, October). Creating and supporting openness in adoption: Implications for children's self-esteem and emotional well-being. Invited workshop for the British Agencies for Adoption and Fostering, London, England
- Brodzinsky, D. (2004, October). Psychological issues in adoption: Implications for clinical interventions and social casework practice. Workshop for social casework professionals and mental health professionals sponsored by the Colorado Division of Child and Family Services. Grand Junction, CO
- Brodzinsky, D. (2004, November). Structural openness versus communicative openness as factors in children's adoption adjustment. Keynote address presented at the Adoption UK Conference, Newry, N. Ireland.
- Brodzinsky, D. (2004, November). Supporting the search for self: Guidelines for talking with children about adoption. Presented at the Adoption UK Conference, Newry, N. Ireland.
- Brodzinsky, D. (2004, November). The role of psychological testing in child custody evaluations. Presented to the Family Law Section of the Inns of Court. Glen Ridge, NJ.
- 2005
- Brodzinsky, D. (2005, March). Parenting the adopted child: Family life cycle issues. Keynote address presented at the Ours Adoption Conference, Green Bay, WI.
- Brodzinsky, D. (2005, March). Adoption and infertility. Workshop presented at the Ours Adoption Conference, Green Bay, WI.
- Brodzinsky, D. (2005, March). Separation and loss in adoption. Workshop presented at the Ours Adoption Conference, Green Bay, WI
- Brodzinsky, D. (2005, March). Children's understanding of adoption: Implications for the telling process. Workshop presented at the Ours Adoption Conference, Green Bay, WI.

- Brodzinsky, D. (2005, September). Developmental and parenting issues in transracial adoption. Keynote address at the PACT Adoption Workshop, San Jose, CA.
- Brodzinsky, D. (2005, October). Adoption by lesbians and gay men: What do we know, what do we need to know, and what do we need to do? Presented at the Conference on Gay and Lesbian Parenting and Adoption, Caceres, Spain.
- Brodzinsky, D. (2005, October). A family life cycle perspective on post-adoption services. Presented at the Conference on Gay and Lesbian Parenting and Adoption, Caceres, Spain.
- Brodzinsky, D. (2005, October). Clinical issues and interventions in adoption. Two-day workshop for mental health professionals sponsored by the Ministry for Children and Families, Seville, Spain.
- Brodzinsky, D. (2005, October). The mental health needs of foster children. Presented at the La Caixa Conference on Foster Care, Barcelona, Spain.
- Brodzinsky, D. (2005, October). The psychology of adoption. One-day workshop for adoption professionals and mental health professionals sponsored by the Adoption Certification Program, Graduate School of Social Work, Rutgers University, Piscataway, NJ

2006

- Brodzinsky, D. (2006, March). The experience of sibling loss on adopted and foster children. Presented at the conference on Sibling Loss: Biology and Beyond, Claremont McKenna College, Ontario, California
- Brodzinsky, D. (2006, May). Creating openness in adoption: Guidelines for adoption agencies. In-service workshop for the staff of The Cradle, Evanston, IL.
- Brodzinsky, D. (2006, May). New directions in adoption. In-service workshop for the Board of Directors of The Cradle, Evanston, IL.
- Brown, L. & Brodzinsky, D. (2006, October). The role of perceived similarity to parents in adopted children's adjustment. Presented at the St. John's University Fourth Biennial Adoption Conference, "Families Without Borders: Adoption Across Culture and Race," New York City.
- Brodzinsky, D. (2006, November). Openness in adoption: Implications for policy and practice. Presented at Evan B. Donaldson Adoption Institute Workshop, "A Revolution in the Family: A National Forum on Adoption Policy and Practice." The John F. Kennedy Presidential Library and Museum, Boston, MA.
- Brodzinsky, D. (2006, November). Facilitating openness in adoption. In-service training presented to the staff of the Spence Chapin Adoption Agency, New York City.

2007

- Brodzinsky, D. (2007, March). Mental health and parenting issues in special needs adoptions. Full day workshop presented to the staff of Sierra Adoption Services, and to adoptive parents, Chico, CA & Yuba City, CA.
- Brodzinsky, D. (2007, March). Adoptive parent preparation: Issues and challenges. In-service training presented to the staff of Adoption Connection, San Francisco, CA
- Brodzinsky, D. (2007, March). Mental health issues in adoption: Parenting implications. Keynote presented at the annual PACT for Adoption conference, Oakland, CA.
- Brodzinsky, D. (2007, March). Fostering open communication in adoption. Workshop

- presented at the annual PACT for Adoption conference, Oakland, CA
- Brodzinsky, D. (2007, March). Understanding and managing adoption-related loss. Workshop presented at the annual PACT for Adoption conference, Oakland, CA.
- Brodzinsky, D. (2007, April). Clinical and developmental issues and interventions in adoption. Two day workshop presented to mental health professionals in Valladolid, Spain.
- Brodzinsky, D. (2007, May). Mental health issues in adoption. Workshop presented at the Community Partnership Conference on Adoption sponsored by the Los Angeles County Department of Children and Family Services, Los Angeles.
- Brodzinsky, D. (2007, May). Characteristics of successful special needs adoptive families. Workshop presented at the Community Partnership Conference on Adoption sponsored by the Los Angeles County Department of Children and Family Services, Los Angeles.
- Brodzinsky, D. (2007, October). The role of sibling loss in the adjustment of adopted and foster children. Presented at the Adoption Ethics and Accountability Conference, Arlington, VA.
- Brodzinsky, D. (2007, October). Discussing difficult background information about birth family members with adoptive parents: Guidelines for adoption professionals. In-service workshop for Independent Adoption Center, Oakland, CA.
- Brodzinsky, D. (2007, October). Children's understanding of adoption: Developmental and clinical issues. Presented at the annual conference of the American Academy of Pediatrics, San Francisco, CA.
- Brodzinsky, D. & Brodzinsky, A. (2007, November). Children's understanding of adoption: Implications for adjustment and clinical interventions. In-service and community workshop for the Ann Martin Children's Center, Oakland, CA.
- Brodzinsky, D. (2007, November). Adoptive parent preparation. Closing plenary address presented at Adoption in America 2007: What We Know and How It Matters for Children and Families. University of Maryland School of Social Work, Baltimore, MD.

2008

- Brodzinsky, D. (2008, March). Lifetime developmental issues for the adopted individual: Implications for best practice standards. Keynote address presented at the American Adoption Congress meetings. Portland, OR.
- Brodzinsky, D. (2008, March). The role of psychological testing in child custody evaluations. Presentation to the Alameda County Family Law Association. Hayward, CA.
- Brodzinsky, D. (2008, April). The Adoptive Parent Preparation Project: Best practice standards for preparing adoptive parents. Presented as part of a panel on "Welcome to the Adoption Revolution: What We've Learned From and About Adoptive Families." 14th Annual Ametz Conference on Infertility, Adoption, and the Family. New York City.
- Brodzinsky, D. (2008, April). Lifelong issues for the adoptive family. Workshop presented at the 14th Annual Ametz Conference on Infertility, Adoption, and the Family. New York City.
- Brodzinsky, D. (2008, October). Mental health and parenting issues in transracial adoption. Continuing education web briefing sponsored by Alliant University,

San Francisco [available online at www.ce-psychology.com]

Brodzinsky, D. (2008, October). Communication between parents and children about adoption. Presentation at I Jornados Postadopcion De Andalucia. Seville, Spain.

Brodzinsky, D. (2008, October). Integration of racial, ethnic, and cultural differences in adoptive families. Keynote address at I Jornados Postadopcion De Andalucia. Seville, Spain.

Brodzinsky, D. (2008, October). Working with adopted children who have siblings. Workshop presented to mental health and child welfare professionals. Seville, Spain.

Brodzinsky, D. (2008, October). Searching for origins in international adoption. Workshop presented to mental health and child welfare professionals. Seville, Spain.

Brodzinsky, D. (2008, October). Techniques for facilitating integration of racial, ethnic, and cultural differences in adoptive families. Workshop presented to mental health and child welfare professionals. Seville, Spain.

Brodzinsky, D. (2008, November). Prenatal substance exposure for adopted children: Outcomes and implications. Presentation to adoption professionals and adoptive parents sponsored by Open Path and PACT, An Adoption Alliance. San Francisco.

Brodzinsky, D. (2008, November). Clinical and systemic issues in the adjustment of foster children. Presentation for judicial, legal, mental health, and child welfare professionals at the conference on Permanency: A Legal and Psychological Mandate for Foster Children, sponsored by AdvoKids and A Home Within. University of San Francisco, San Francisco, CA.

2009

Brodzinsky, D. (2009, February, April, & June). Preparing adoptive parents to meet the mental health, developmental, and medical needs of their children: Training the trainers. Continuing education web briefing sponsored by Alliant University and the Evan B. Donaldson Adoption Institute. Available online at www.ce-psychology.com

Brodzinsky, D. (2009, March). Clinical issues in adopted children. Presidential Lecture Series presentation at Alliant University.

Brodzinsky, D. (2009, May). Managing the mental health and developmental challenges of adoptive family life. Workshop for social casework and mental health professionals sponsored by the Boulder County Department of Social Services, Boulder, CO.

Brodzinsky, D. (2009, May). International adoption in global perspective: Policy and practice issues. Keynote address presented at the Conference on International Adoption, Oslo, Norway.

Brodzinsky, D. (2009, May). A biopsychosocial model of children's adjustment to adoption. Invited address presented to the Faculty of Psychology and Social Sciences, Cambridge University, England.

Brodzinsky, D. (2009, May). Understanding and managing loss in adoption. Invited workshop presented at the Post-Adoption Clinical Training Program, Barcelona, Spain.

- Brodzinsky, D. (2009, June). Mental health issues in dependency cases. Invited keynote address presented at the workshop on Decision Making in the Child Welfare Process: Permanency for Kids. Sponsored by the Bucks County Board of Judges and the Bucks County Children and Youth Social Services Agency. Doylestown, Pa.
- Brodzinsky, D. (2009, August). Preparing and supporting adoption by lesbians and gay men. Presented as part of a symposium on Gay and Lesbian Family Frontiers at the annual conference of the American Psychological Association, Toronto, Canada.
- Brodzinsky, D. (2009, September). Understanding and managing loss in adoption. Webinar presented to adoption professionals and adoptive parents through the Joint Council on International Children's Services, Oakland, CA.
- Brodzinsky, D. (2009, September). Preparing parents to adopt the older child. In-service training for the staff of Across the World Adoptions, Pleasant Hill, CA.
- Brodzinsky, D. (2009, September). Attachment issues in child custody cases. Luncheon address to the Sacramento County Minor's Counsel Association, Sacramento, CA.

2010

- Brodzinsky, D. & Howard, J (January, 2010). Preparing and educating adoptive parents. Workshop presented at the annual meetings of the Child Welfare League of America, Washington, D.C.
- Brodzinsky, D. (April, 2010). Preparing, educating, and supporting adoptive parents: What do we know and what do we need to know? Workshop presented at the conference on New Worlds of Adoption: Linking Research with Practice, University of Massachusetts, Amherst, MA.
- Brodzinsky, D. (April, 2010). Clinical and systemic issues in the adjustment of foster children. Workshop for legal, mental health, and child welfare professionals. sponsored by AdvoKids, Sacramento, San Francisco, CA.
- Brodzinsky, D. (May, 2010). Attachment issues in dependency cases. Workshop for legal professionals and court appointed special advocates. Sponsored by Advokids and A Home Within. Mariposa, CA
- Brodzinsky, D. (May, 2010). Clinical and systemic issues in the adjustment of foster children. Workshop for legal professionals and court appointed special advocates. Sponsored by Advokids and A Home Within. Mariposa, CA.
- Brodzinsky, D. (June, 2010). Role of parental expectations in pre-adoption and post-adoption services for parents. Workshop presented to adoption professionals, Seville, Spain
- Brodzinsky, D. (June, 2010). Understanding and managing loss in adoption. Workshop presented at the Post-Adoption Clinical Training Program. Barcelona, Spain
- Brodzinsky, D. & Palacios, J (June, 2010). Trends in adoption research: Implications for adoption practice. Presented at the Post-Adoption Clinical Training Program. Barcelona, Spain.
- Brodzinsky, D. (July, 2010). Adoptive parent preparation and support: Rationale, barriers, and key issues. Paper presented at the International Conference on Adoption Research. Leiden, Netherlands.
- Brodzinsky, D. (September, 2010). Understanding and managing loss in adoption. Continuing education workshop sponsored by Alliant University, San Francisco.

Available online at www.ce-psychology.com

- Brodzinsky, D. (September, 2010). Role of attachment theory in dependency cases. Workshop for social casework and legal professionals sponsored by AdvoKids, Oakland, CA.
- Brodzinsky, D. (October, 2010). Transition to adoptive parenthood: Issues in preparing and supporting adoptive parents. Presented as part of a symposium on Family Variables in the Life-long Process of Adoption at the 5th Congress of the European Society of Family Relations. Milan, Italy.
- Brodzinsky, D. (October, 2010). Clinical and developmental issues in the adjustment of adopted children. Invited day-long workshop for adoption and mental health professionals sponsored by Centro Italiano Aiuti all'Infanzia (CIAI). Milan, Italy
- Brodzinsky, D. (October, 2010). Adoption by lesbians and gay men: Trends and practice issues. Presented at the St. John's Conference on Adoption. New York City.
- Brodzinsky, D. (November 2010). Adoption by lesbians and gay men: What we know, need to know, and ought to do. Invited keynote address the Conference on Gay and Lesbian Adoption sponsored by Ethica. Tucson, AZ.

2011

- Brodzinsky, D. (April, 2011). Post-placement adjustment and the needs of women who place infants for adoption. Conference on Open Adoption sponsored by On Your Feet Foundation and Adoption Connection. San Francisco, CA.
- Brodzinsky, D. (April, 2011). New trends and challenges in adoption: Implications for adoption practice. Day-long workshop for adoption professionals sponsored by the Ontario Association of Children's Aid Societies. Toronto, Canada.
- Brodzinsky, D. (June, 2011). Ethnicity issues in intercountry adoption: Preparation and support for adoptive parents. Invited keynote address at the International Congress on Adoption: Becoming 'good enough' parents. Florence, Italy
- Brodzinsky, D. (August, 2011). Attachment issues in dependency cases. Workshop for LA County Department of Children and Family Services sponsored by AdvoKids, Los Angeles, CA.
- Brodzinsky, D. & Brodzinsky, A. (October, 2011). Family lifecycle issues in transracial adoption. Workshop for children welfare professionals sponsored by Hawaii International Adopted Child, Honolulu, HI.
- Brodzinsky, D. (November, 2011). Adopting adolescents from foster care: Clinical and parenting issues. Workshop for adoption professionals and adoptive parents sponsored by Family Builders, Oakland, CA.
- Brodzinsky, D. (November, 2011). Working with older youth in care: Clinical issues considerations. Workshop for child welfare professionals sponsored by the San Mateo County Department of Children and Family Services, San Mateo, CA

2012

- Brodzinsky, D. (March 2012). The lifespan of adoption: Preparing children and parents. Lecture to mental health and adoption professionals sponsored by St. Louis Psychoanalytic Institute. St. Louis, MO.
- Brodzinsky, D. & Popper, S. (March 2012). Who am I? Where do I belong? Workshop presented at New Worlds of Adoption: Navigating the Teen Years. Sponsored by the Rudd Adoption Research Program at the University of Massachusetts.

Amherst, MA.

- Brodzinsky, D. (May, 2012). Clinical and systemic issues in the adjustment of foster children: Implications for dependency cases. Presented at Early Childhood Mental Health and Development: Science Driving Practice in Juvenile Dependency Court. Sponsored by Advokids and UCLA. Los Angeles
- Brodzinsky, D. (July, 2012). Adoption and the life cycle: Growing up as an adoptee. Keynote address at the workshop "Growing up and Coming of Age as an Adoptee in Spain" sponsored by the Instituto Universitario de la Familia, Universidad de Comillas, Madrid, Spain.
- Brodzinsky, D. (August, 2012). Preparing parents and children for adoption. In-service training for child welfare professionals. San Mateo County, CA.
- Brodzinsky, D. (August, 2012). Placing children with relatives versus maintaining placement in foster/adopt homes. In-service training for child welfare professionals. San Mateo County, CA
- Brodzinsky, D. (September, 2012). Best practices in transracial adoption. In-service training for child welfare professionals. San Mateo County, CA.
- Brodzinsky, D. (September, 2012). Creating and supporting openness in child welfare adoptions. In-service training for child welfare professionals. San Mateo County, CA.
- Brodzinsky, D. (September, 2012). Adoption today: Understanding the impact on individual and family dynamics. In-service professional workshop. Disney TV Channel. Burbank, CA
- Brodzinsky, D. (October, 2012). Individual and relationship dynamics in adoptive families. Consultation and in-service training. Pixar Films. Emeryville, CA
- Brodzinsky, D. (November, 2012). Children's adjustment to adoption: Three decades of research and clinical practice. Workshop for mental health and adoption professionals sponsored by the Center for Adoption Education and Support. Chevy Chase, MD.

2013

- Brodzinsky, D. (April, 2013). Adoption disruptions and dissolutions: Issues and interventions. Workshop presented at the 31st Annual Child Abuse Symposium hosted by the Santa Clara County Child Abuse Council. Santa Clara, CA.
- Brodzinsky, D. (June, 2013). Adolescence and adoption: Preserving old connections, facilitating new ones. Workshop for child welfare professionals and adoptive families sponsored by Aspiranet. Clovis, CA
- Brodzinsky, D. (June, 2013). Preparing children and parents for successful adoptive placements. Workshop for child welfare professionals sponsored by Aspiranet. Madera, CA.
- Brodzinsky, D. (June, 2013). Preparing parents to understand and support the emotional life of adopted children. Workshop for child welfare and mental health professionals sponsored by Aspiranet. Visalia, CA.
- Brodzinsky, D. (June, 2013). Understanding and managing loss in adoption. Workshop for child welfare and mental health professionals sponsored by Aspiranet. Visalia, CA.
- Amamburu-Alegret, I., Aznar-Martinez, B, Salamero-Baro, M., Perez-Testor, C., Davins-Pujols, M., Mirabent, V. & Brodzinsky, D. (July, 2013). Psychological

- adjustment and communication openness in internationally adopted adolescents. Presented at the International Conference on Adoption Research. Bilbao, Spain.
- Brodzinsky, D. (July, 2013). Convener and discussant of symposium, "Enhancing adoption competence in mental health professionals: Multi-national perspectives" at the International Conference on Adoption Research. Bilbao, Spain.
- Brodzinsky, D. (July, 2013). Discussant of symposium, "Outcomes and interventions for children adopted from foster care" at the International Conference on Adoption Research. Bilbao, Spain
- Brodzinsky, D., Smith, S. & On Your Feet Foundation (July, 2013). Post-placement adjustment and the needs of women who place an infant for adoption. Poster session at the International Conference on Adoption Research. Bilbao, Spain.
- 2014
- Brodzinsky, D. (January, 2014). The role of birthparents in the life of the adoptive family: Real versus symbolic presence. Invited lecture at Catholic University, Milan, Italy.
- Brodzinsky, D. (February, 2014). Clinical issues and interventions in adoption. Day-long workshop for mental health and adoption professionals sponsored by Centro di Terapia dell' Adolescenza, Milan, Italy.
- Brodzinsky, D. (March, 2014). Choosing an adoption competent therapist. Workshop for adoptive kinship members sponsored by PACT, an Adoption Alliance. Oakland, CA.
- Brodzinsky, D. (April 2014). Briefing on Assembly Bill 1790 before the Assembly Health Committee, Sacramento, CA.
- Brodzinsky, D. (June, 2014). Congressional Briefing on Adoption and Disabilities on behalf of the American Psychological Association and the Donaldson Adoption Institute. Washington, D.C.
- Brodzinsky, D. (September, 2014). The psychology of adoption. Series of seminars and keynote addresses to child welfare and adoption professionals. Bogota, Colombia.
- Brodzinsky, D. (November, 2014). Communication openness in adoption. Workshop for adoption professional sponsored by the British Association for Adoption and Fostering. Separate workshops in London, Belfast, and Cardiff.
- Brodzinsky, D. (November, 2014). The importance of birth family in the mental and emotional life of the adopted person. Workshop presented to adoption professionals sponsored by Coram Family Services. London, England
- Brodzinsky, D. (November, 2014). Adjustment to adoption: A biopsychosocial model. Presentation to faculty and students in the School of Policy Studies, University of Bristol. Bristol, England
- 2016
- Brodzinsky, D. & Goldberg, A. (May, 2016). Contact with birth family in child welfare adoptions: A comparison of adoptive families headed by heterosexual, lesbian, and gay male parents. Presented at the Rudd Adoption Research Conference, Amherst, MA.
- 2017
- Brodzinsky, D. (April, 2017). Transracial adoption: Issues and outcomes. Keynote address at Psychology Day workshop, California State University, Fullerton. CA

- Wyman Battalen, A., McRoy, R. & Brodzinsky, D. (May, 2017). Lesbian, gay, and heterosexual adoptive parents' racial socialization beliefs, perceptions, and self-efficacy. Rudd Research Institute, Amherst, MA.
- Wyman Battalen, A. & Brodzinsky, D. (November, 2017). Parents' racial socialization in lesbian, gay, and heterosexual adoptive families. "Community Matters: Race and Cultural Implications." Paper symposium. National Council on Family Relations (NCFR) Annual Conference. Orlando, FL.
- Wyman Battalen, A., Farr, R. & Brodzinsky, D. (November, 2017). Socialization beliefs and perceptions among lesbian and gay parents. "Families Negotiating Identities and Orientations Across Contexts' Poster Symposium. National Council on Family Relations Annual Conference, Orlando, FL.

2018

- Battalen, A., Farr, R.H., Dow-Fleisner, S., & Brodzinsky, D. (January, 2018). Lesbian and gay parents' beliefs about talking with their children about their sexual minority status: Associations with child adjustment. Society for Social Work Research Conference, Washington, D.C.
- Brodzinsky, D. (January 2018). Promoting adoption clinical competence in mental health professionals. Invited address. Catholic University of Milan. Milan, Italy.
- Brodzinsky, D. (January 2018). Frontiers in adoption: Open adoption and adoption by sexual minority adults. Training seminar for mental health professionals sponsored by the School for Psychotherapy, IRIS, and the Center of Adolescent Therapy. Milan, Italy.
- Wyman Battalen, A. Brodzinsky, D., & McRoy, R. (July, 2018). Lesbian, gay, and heterosexual parents' attitudes towards racial socialization self-efficacy. "Achieving authenticity in cultural ethnic racial socialization: Factors related to parents's socialization choices for their adopted children." Paper symposium. International Conference on Adoption Research, Montreal.
- Brodzinsky, D. (July, 2018). Why mental health professionals need better training related to adoption. Presentation in symposium, "Improving outcomes for success: Building a community of adoption competent practitioners" at the International Conference of Adoption Researchers. Montreal, Canada
- Brodzinsky, D. & Lemieux, J. (July, 2018). Special needs adoptions: Clinical practice issues. Day-long training workshop for mental health professionals at the International Conference of Adoption Researchers. Montreal, Canada

2019

- Dow-Fleisner, S., Wyman Battalen, A., McRoy, R. & Brodzinsky, D. (January, 2019). Lesbian, gay, and heterosexual adoptive parents' attitudes toward racial socialization practices. Society for Social Work Research Conference. San Francisco.
- Wyman Battalen, A., McRoy, R. & Brodzinsky, D. (January, 2019). Predictors of access, use, and satisfaction with adoption-competent mental health services among sexual minority and heterosexual adoptive parents. Society for Social Work Research Conference, San Francisco.

Expert Testimony at Trial or Deposition, 2014-2019

cc – child custody case
ac – adoption, juvenile dependency, or guardianship case
gm – gay marriage case
pi – personal injury case
fs – federal suit

Cooper v Click	PA 013630 (depo)	2016 cc
DeBoer et al v. Snyder et al	MI 120-cv-10285	2014 gm
Dumont et al v Lyon et al	MI No. 2:17-cv-13080- PDB-EAS (Expert Declaration)	2018 fs
In the matter of A.L. & R.L .	CA, SC JV SQ15-51572 SQ15-51573	2017 ac
In the matter of A.T.	CA 82132	2016 ac
In the matter of B.M. & M.M.	CA OJ13020846 OJ13021112	2015 ac
In the matter of E.C.S .	CA JV82432	2014 ac
In the matter of E.T.W	CA 81955	2014 ac
In the matter of J.E.M., D J.M.D. C.G.M.D.	CA 83145, 83146, 83147	2019 ac
In the matter of L.L.	CA J6050	2016 ac
In the matter of M.D.	CA JD232884	2015 ac
In the matter of N.C.W-R	CA OJ12018175	2016 ac
In re Guardianship of A.B.M	CA PRO 115632	2015 ac
Gomez et al v Hee Duk Kang et al	CA 2015-1-cv-285407 (depo)	2017 pi
Jane Doe v The Annie E. Casey Foundation	CT #:12-cv-01779-AWT (Expert Declaration)	2014 fs
Kant v Singh	CA HF13677269 (depo)	2016 cc
Metha v Metha	CA 1-12-FL-160543 (depo)	2017 cc
Salverson et al v. Legacy Behavioral Services et al.	CA S-1500-CV-278479 (Expert Declaration)	2014 ac

EXHIBIT 2

11/20/2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CALIFORNIA

FATMA MAROUF,

Plaintiff,

vs.

CASE NO.

1:18-cv-00378-APM

ALEX AZAR, et al.,

Defendants.

VIDEOCONFERENCE DEPOSITION DAVID BRODZINSKY, Ph.D.

APPEARING REMOTELY FROM

LOS ANGELES, CALIFORNIA

November 20, 2020

9:03 a.m.

Reported By:

Brandi Celestino

CSR No. 13640

APPEARING REMOTELY FROM ANAHEIM, CALIFORNIA

1 Does that change, as you've described on the
2 record a couple of minutes ago, affect any of your
3 opinions in the case?

4 A No.

5 Q Other than the one change that we received and
6 you've just testified to, do you have anything else to
7 add or change to your report or your opinions?

8 A No. My opinions remain the same.

9 Q Okay.

10 The original report that we received back in
11 August is a full and accurate statement of your findings
12 in support of your opinions in this case; correct?

13 A Correct. I have since releasing the report,
14 obviously, done ongoing research, as any scholar does, to
15 look and see if there's any other information that either
16 would be in conflict with or bolster my opinion. So I
17 found other information that perhaps I will share or if
18 asked about, I will.

19 Q Can you be more specific for me?

20 A Yes. I mean, I've reviewed other articles.
21 I've done some analysis of AFCARS data with regard to the
22 number of adoption placements in the five-year period
23 before the Illinois decision and in the five years
24 afterwards. I focused on Illinois because I was involved
25 in this case back in 2011.

1 And, you know, I've continued to -- again, as
2 any scholar does, I continue to look at different
3 documents. Since the report, I did look at a couple of
4 amicuses that were filed in Fulton and actually had a
5 Zoom meeting with a few legal scholars whose work I
6 became aware of after releasing the report that has to do
7 with some of the issues in the case.

8 Q Have you relied on any of those materials that
9 you've just described for me in expressing your opinions
10 in this case?

11 A Not when I wrote the report. What I can say is
12 that those -- the information I received bolsters my
13 findings in my review. Nothing that I received in any
14 way undermines or is inconsistent with my findings.

15 Q Am I correct -- in the corrected version of your
16 report that we received last night, it does not contain
17 any materials that you've just described for me now; is
18 that correct?

19 A That is correct.

20 Q If you issue any further amendments or
21 corrections in your report, obviously, your counsel will
22 let us know, and we will leave the deposition open to
23 come back and ask you further questions on those
24 materials.

25 A That's fine.

11/20/2020

21

1 August 13, 2020; is that correct?

2 A Correct.

3 Q Does the invoice reflect all of your work that
4 you spent preparing for this case between the 3rd of July
5 and August 13th?

6 A No.

7 Q Tell me what else you did.

8 A I mean, I did more of the same. And what I did
9 was to provide what I would consider to be a reasonable
10 bill, but it certainly does not represent the expanse of
11 hours I put in in reviewing and reading articles, et
12 cetera, et cetera.

13 I almost never bill for the full amount of time
14 in any of these cases, especially report writing. I'm
15 very -- if you pardon the word -- anal in the way I
16 write, and I write very slowly. There's a point where I
17 say, you know, this is as much as I feel comfortable
18 billing.

19 Q On this invoice that we have in front of us,
20 what did your time spent on research involve?

21 A It involved library research, looking for
22 articles that I didn't have copies of that I was aware
23 of, reviewing articles that I had in my files, looking
24 for what we know about different issues related to this
25 particular case. So it really was about library

1 research, which, obviously, involves not just finding
2 articles, but reviewing them.

3 Q Anything else other than the category of
4 research?

5 A No, not at that point.

6 Q And I see here the bill reflects time spent for
7 some tele consulting with immigration --

8 A I'm sorry. Say that again.

9 Q I see that this invoice that's in front of us,
10 page 1 of Exhibit 1, contains time for a few
11 tele consults.

12 Do you see that?

13 A Correct. One with attorneys, one with someone
14 at the Immigration Equality Organization.

15 Q Can you tell me about those tele consults?

16 MS. TAYLOR: Objection. Objection to the extent
17 that it calls for privileged information.

18 BY MR. GOETZ:

19 Q Well, I'll have the answer to the question.

20 A Okay.

21 I mean, the consult with the attorneys in
22 general was about progress being made and questions that
23 I might have had for them to answer. I will not go into
24 any more detail about that unless my attorney gives me --

25 MS. TAYLOR: I renew my objection.

1 Q Have you cited any peer-reviewed literature
2 regarding the USCCB URM program?

3 A I cited research that draws upon those children
4 or children like them, and I certainly have cited
5 information from the Office of Refugee -- Resettlement
6 Offices having to do with the nature of those programs
7 and so forth. Those aren't peer reviewed, but they are,
8 you know, documents that reflect, you know, the mission
9 statement and other information having to do with numbers
10 of children and so forth.

11 Q Did they refer to USCCB's program specifically?

12 A No. That was the first part of the program.
13 You asked two questions, and my thought was -- my
14 interpretation of your second question had to do with
15 peer-reviewed research on the UAC or URM programs.

16 Q Generally. Generally, you mean?

17 A Yeah. Generally, I mean, you know, there are --
18 I referred to online documents from the Office of
19 Refugees Settlements specifically around the UAC and URM
20 programs and some of the research that has been done and
21 is cited comes from that general population of children.

22 Q In connection with your work on this case, have
23 you conducted any research regarding any Catholic
24 Charities organization?

25 A Only after the fact. Research is more library

1 research, so to speak, or reviewing documents that
2 provided a little bit more detail about what happened
3 either in Illinois, Boston, or Washington D.C., after the
4 decision by Catholic Charities to close their fostering
5 or adoption programs. Some of that was cited in the ACLU
6 brief in Fulton or the State's Amicus in Fulton.

7 It was also cited in information that was
8 provided to me by a colleague having to do with emerging
9 scholarly research by the two legal scholars who I
10 referred to before, Nelson Tebbe, T-e-b-b-e; and
11 Netta Barack-Corren, N-e-t-t-a, hyphenated last name is
12 Barack-Corren, B-a-r-a-c-k, hyphen, Corren, C-o-r-r-e-n.
13 And Professor Tebbe is at Cornell Law School and
14 Professor Barack-Corren is at Hebrew University in
15 Israel.

16 Q In your report that we've marked as Exhibit 2,
17 have you cited any peer-reviewed literature regarding
18 Catholic Charities' foster care programs?

19 A No.

20 Q In connection with your work on this case, have
21 you conducted any research regarding Catholic Charities
22 of Fort Worth?

23 A No.

24 Q Have you cited any peer-reviewed literature
25 regarding Catholic Charities of Fort Worth's foster care

1 Dallas-Fort Worth area?

2 A That's correct. I'm unaware of any such
3 studies.

4 Q In your report that we've marked as Exhibit 2,
5 did you cite to any peer-reviewed studies that addressed
6 the adverse impact that would result from the elimination
7 of faith-based organizations that are unable to work with
8 same-sex couples based on their religious beliefs?

9 MS. TAYLOR: Objection. Vague. Form.
10 Confusing.

11 BY MR. GOETZ:

12 Q You can answer.

13 A To the best of my knowledge, there are no
14 peer-reviewed studies that address the question that
15 you're asking.

16 Q For example, you don't know, sitting here today,
17 how many foster families or children in need would fail
18 to be recruited if faith-based organizations were
19 eliminated from the foster program?

20 A Well, your question makes an assumption that
21 there would be a failure to recruit families. That's not
22 my understanding of what happens or what has happened in
23 the past when other agencies have closed down.

24 There's been a relatively smooth transition in
25 Illinois and Boston from the, you know, qualitative

1 information that I've received and that's written about.
2 So your question makes an assumption that I think, you
3 know, what we know is inconsistent with.

4 Q Do you know whether any type of smooth
5 transition, as you've testified to, occurred in the
6 Dallas-Fort Worth area at any time?

7 A Transition for what?

8 Q A smooth transition when a faith-based
9 organization was eliminated because of its inability to
10 work with same-sex couples based on religious beliefs?

11 A Well, there's no shutting down of a program
12 requiring transition. I don't think there has been, to
13 the best of my knowledge, in relationship to the issues
14 in this case in Texas. So I can't answer anything about
15 the so-called smooth transition or lack of smooth
16 transition.

17 What I'm referring to is what happened in
18 Illinois with a case I was involved in, and I stayed
19 pretty much in connection with the professionals there.
20 And then Boston, much earlier, 2006, and D.C., I think,
21 2010 or something like that.

22 So the reports that I've -- that I've heard
23 from, my colleagues around the country, and I'm very
24 connected with the professionals around the country, and
25 I've seen, you know, qualitative reviews of those

1 histories.

2 Apparently, other agencies stepped in, received
3 contracts, and there was a relatively smooth transition.
4 Often the caseworkers from the agencies like Catholic
5 Charities went on to work for some of these other
6 agencies.

7 Q I understand.

8 Did any of those transitions that you've just
9 testified to involve the geographic areas of Dallas and
10 Fort Worth?

11 A No.

12 Q Have you conducted any research for purposes of
13 this case regarding the Baptist Child and Family Services
14 or BCFS?

15 A Say that name again. I missed at least one
16 word.

17 Q Baptist Child and Family Services or BCFS?

18 A No, I have not.

19 Q Do you know whether BCFS began operating a UAC
20 program in the Dallas-Fort Worth area in the last year?

21 A I'm unaware of that.

22 Q Do you know whether BCFS has indicated that it
23 does not object to placing children with same-sex foster
24 parents?

25 A This is a Baptist organization?

1 through the program. We do know that there are some
2 documents that I've referred to, I think, having to do
3 with DACA recipients and --

4 COURT REPORTER: Okay. Recipients?

5 You've got to slow down, Doctor.

6 After DACA?

7 THE WITNESS: I said that that information
8 suggests a reasonable number, quite a few, thousands of
9 people who have come into the country and have been
10 eligible for DACA have been identified as LGBTQ.

11 We know that individuals generally start
12 identifying as LGBTQ in the adolescent years. Thirteen,
13 fourteen, fifteen is usually when we begin to see them
14 self-identifying along those lines, sometimes a little
15 bit later.

16 There's every -- just statistically, there's
17 every reason to believe that there's a certain percentage
18 of youth who are coming through these programs, UAC and
19 URM, an unknown percentage of a certain percentage have
20 already identified or are questioning.

21 Now, whether or not they are going to reveal
22 that to the authorities when they come here is another
23 matter. We know from the research literature on LGBT
24 forced migrants, these are adults now, that they often
25 have left their home countries because of violence

1 against them, because of their LGBT status, violence in
2 the home, violence outside of the home. They become
3 extremely mistrusting of authorities. It's hard for them
4 to open up about themselves to the authorities when they
5 get here.

6 I would suspect that the psychology is very
7 similar to those youth who are coming in through the UAC
8 and URM who have already self-identified in their home
9 countries --

10 COURT REPORTER: Doctor, you have to slow down
11 for me. You are going way too fast.

12 THE WITNESS: Okay. Do you want me to back up?

13 COURT REPORTER: "Youth who are coming in
14 through the UAC and URM who are already self-identified"?

15 THE WITNESS: That it's undoubtedly a fact, in
16 my view, that some of these children are, a reasonable
17 percentage of them, are already self-identified in part
18 because we know that the coming out process of
19 self-identifying as LGBTQ occurs in adolescence. It
20 doesn't wait until adulthood, and --

21 But what I was saying is that their willingness
22 to share that information, even if asked -- and I see no
23 information that this kind of information is even
24 requested by the immigration authorities.

25 But even if asked, we know that individuals who

1 are coming into the United States because of violence in
2 their home countries often are resistant to sharing this
3 information because they've been the subject of violence.
4 They've been the subject of discrimination. They've been
5 the subject of family rejection. And so they require an
6 environment that's supportive before they are going to
7 open up about who they are.

8 BY MR. GOETZ:

9 Q So just so I understand your testimony, you're
10 unaware of any data regarding the number of LGBTQ youth
11 who have been placed through the URM and UAC programs
12 generally; correct?

13 A That is correct. Those -- that information is
14 not captured in the UAC, URM data that's distributed
15 online.

16 Q Is there any data relating to the family
17 placement references of LGBTQ youth in the URM or UAC
18 programs?

19 A Not specifically. There is research that
20 generally talks about -- that one of the factors related
21 to placement stability versus instability is that the
22 authorities listen and take into account the youth's
23 desires and preferences, but we don't have any
24 information about whether the authorities who are
25 processing UAC and URM applicants even ask about sexual

1 So, again, do I know? I do not know because I
2 haven't spoken with anyone within those organizations,
3 you know, who is in charge of setting standards and the
4 practices.

5 Q Thank you.

6 A I would be surprised if they don't follow them,
7 though.

8 Q As I read your expert report that we marked as
9 Exhibit 2, you are not offering an opinion that USCCB's
10 sub-grantees treatment of the plaintiffs in this case
11 caused any harm to a specific child?

12 A That is correct. This is not a case study
13 analysis.

14 Q Thank you.

15 A few questions, if I could, about your
16 qualifications.

17 A Okay.

18 Q You are a clinical psychologist; is that
19 correct?

20 A Developmental, clinical, and forensic
21 psychologist. My Ph.D. is actually in developmental
22 psychology, but I was cross-trained in clinical and went
23 on for an APA. That's the American Psychological
24 Association. An APA internship in clinical child
25 psychology as well as a postdoctorate in the institution,

1 the same institution.

2 Q Did you at any point perform a clinical
3 psychological evaluation of either Ms. Marouf or
4 Ms. Esplin in this case?

5 A No. As I said before, I've never met them. And
6 to do so would have been inconsistent with the charge in
7 the case. This was, again, not a case study analysis or
8 a question of harm to an individual, per se, but it was
9 dealing with the broader issues in the case.

10 Q Do you currently have a clinical practice?

11 A I do. It's -- I'm largely retired from my
12 clinical practice at this point. I still have a few
13 clients that I -- you know, that I continue to see. I
14 continue to do my forensic work, and I continue to do
15 training around the country, actually in Europe as
16 well -- pre-COVID, let's put it that way. And I continue
17 to do research.

18 But my -- I largely hold back from ongoing
19 clinical work because I'm getting a year or two away from
20 retirement, and, you know, once you establish a clinical
21 relationship, you know, it's hard to -- you know, for the
22 individuals when you have to pull out.

23 Q Can you give me an estimate of time in 2020 that
24 you've spent with patients?

25 A In 2020?

1 Q Yes, sir.

2 A Relatively few hours. I would say maybe two or
3 three hours a week, you know, in the beginning
4 face-to-face. Once COVID hit, Zoom or telephone.

5 Q Can you recall when you last had a clinical
6 practice that constituted more than 50 percent of your
7 time?

8 A Probably in 2017 or '18, and I slowly started to
9 not accept clinical referrals, although I continue to
10 accept forensic referrals and still do.

11 Q I think I understood your testimony earlier, the
12 time you spend now in 2020 in clinical practice, I forget
13 what you said, three or four hours a week?

14 A Yeah, three to four hours a week. I probably
15 spend, you know, another ten hours a week on forensic
16 cases and a certain number of hours on consulting issues.
17 And then the rest is mostly research and writing.

18 Q Okay.

19 With apologies, could you just explain forensic
20 referrals and what that work would consist of?

21 A Sure. So I've been involved -- forensic work
22 has to do with doing evaluations or consulting on
23 legal -- cases that have a legal implication. I've been
24 involved in about 650 forensic cases over my career. The
25 majority of them have been custody cases or child

1 dependency cases, child abuse cases, contested adoptions,
2 wrongful adoptions, trauma-related personal injury.

3 And then in the last eight or ten years I've
4 gotten involved in the capital mitigation area, but only
5 when the person who has been convicted of some form of,
6 you know, murder is an adult adoptee. And then the
7 defense is usually looking for some issue of early trauma
8 or something else that they can offer as mitigation. So
9 I will do evaluations in that. I'm involved in two cases
10 right now having to do with that issue.

11 Q In those forensic cases, you analyze the
12 specific facts of the case that's provided to you; is
13 that correct?

14 A That's correct, as it relates to the specific
15 case issue.

16 Q I see.

17 And that's not what you've done here?

18 A No. That's not what I was asked to do.

19 Q Thank you.

20 And how much of your work in 2020 is this
21 forensic casework that you've described to me?

22 A In terms of -- probably more than 50 percent of
23 my -- what I'm going to call clinical work, it's
24 clinical/forensic -- it's about ten hours a week,
25 sometimes it's more; sometimes it's less, but, you know,

1 for right now, this is a forensic case.

2 You know, I've spent a lot of time over the last
3 couple of months dealing with this case. More in the
4 July and August period and then hiatus, and then when I
5 was informed about the deposition, I'm back involved in
6 this particular case.

7 I've got two or three other cases that are
8 either I'm actively involved in or I am waiting to get --
9 you know, getting involved in.

10 Q And if I understand your resume, you do not have
11 any work experience at a faith-based organization;
12 correct?

13 A Not working at a faith-based organization. I
14 have worked -- I have experience running state-based or
15 state-funded programs. In New Jersey, for example, I ran
16 a post-adoption service program through my private
17 practice, and that involved working with both pre-adopted
18 and post-adopted families in Central New Jersey.

19 And then for 16 years I ran a foster care
20 counseling project out of Rutgers University when I was
21 still a faculty member there, and that was funded by the
22 state, and I was working with the state all along, you
23 know, very closely.

24 And I do -- I consult here and back in
25 New Jersey when I was there. I consult frequently with

1 the child welfare organizations both as a clinician doing
2 evaluations of prospective people who are seeking to
3 foster or adopt when there's some concern, also having to
4 do forensic work in terms of termination of power of
5 rights cases or other kinds of cases that involve
6 juvenile dependency.

7 So I'm involved with the state system all the
8 time, have been at least through the late '80s through
9 the present. First and mostly in New Jersey, and now
10 here, but also I've done training of state facility --
11 state organizations around the country throughout my
12 career.

13 And my CV has a list of, at least, some of the
14 cases. You'll see that these are cases -- I'm sorry --
15 some of the presentations or trainings that I've done
16 both around the country and Canada, in Europe quite a
17 bit, and parts of South America. These are almost always
18 related to either state or national child welfare
19 national agencies.

20 Q Thank you.

21 You mentioned an agency in Central New Jersey
22 that you worked with, I think.

23 Do you remember the name of that agency?

24 A It wasn't -- the agency was the state. It was
25 the Vision of Youth and Family Services, which is the

1 state-based child welfare agency. It's now called the
2 Division of Children and Families.

3 The programs that I ran for them, one was a
4 post-adoption program that was in Northern New Jersey and
5 several counties of Northern New Jersey. They had
6 several contracts, I think four or five contracts. The
7 different people who had the contracts worked in
8 different parts of the state.

9 And then the post-adoption -- excuse me -- the
10 foster care counseling project, which was funded by the
11 state again, we ran it out of the Department of
12 Professional Psychology at Rutgers in Middlesex County
13 and our area of -- Central New Jersey.

14 Rutgers has three campuses, and the one I was at
15 was the main one in New Brunswick, New Jersey. I think
16 it's Middlesex County. And my charge was to provide
17 clinical services, run a clinical services program for
18 foster families in Middlesex County and a couple of the
19 surrounding sites, and we did that for 16 years. The
20 program is still going on. When I left in 2006, took
21 early retirement, I just transferred the contract over to
22 my clinical director, and she's running it now.

23 Q I see.

24 So your involvement ended in 2006; correct?

25 A That's when I ended my involvement. It was

1 16 years.

2 Q I understand.

3 A It was 16 years beginning around 1990 and went
4 to approximately 2006. I think I list that -- it's
5 listed in my CV. Both of those programs are listed in my
6 CV.

7 Q Are you still an active member of the faculty at
8 Rutgers University?

9 A I'm emeritus status.

10 Q When did you assume emeritus status?

11 A 2006. I took early retirement after 32 years
12 there, moved to California. If I would be -- if I was
13 living in New Jersey, I probably would have continued
14 more active involvement in terms of being involved in the
15 foster care program even if I was a faculty member to do
16 that, but now that I've returned to California, you
17 know --

18 COURT REPORTER: You've got to slow down.

19 THE WITNESS: Sorry.

20 MR. GOETZ: We're both giving the reporter a
21 workout today.

22 THE WITNESS: I know. It's always the case. I
23 do apologize.

24 BY MR. GOETZ:

25 Q So if I understand your testimony, you've never

1 worked for a Catholic-based organization in any capacity;
2 correct?

3 A No. I've trained people on their staff. I've
4 spoken at their conference in New Orleans once, but I've
5 never worked for a Catholic-based agency.

6 Q I understand.

7 You've never worked for USCCB?

8 A Never.

9 Q You've never worked for any of the USCCB
10 sub-grantees that lends services to refugee children;
11 correct?

12 A If you mean have I been employed by them --

13 Q Yes.

14 A -- as a staff member, the answer is no. Have I
15 been employed as a consultant, you know, as a trainer, as
16 someone to speak at conferences, I can't -- the answer is
17 yes in terms of the Catholic Charities in general.

18 I don't remember whether it was the -- you know,
19 whether it was a -- I don't remember if it was under the
20 auspices of USCCB or not. I was asked to give keynote at
21 a New Orleans conference from Catholic Charities. Again,
22 I think this was a national conference, if my memory
23 serves me, not just a local conference. So I don't know
24 whether or not it was underwritten by USCCB.

25 Q And when was that conference in New Orleans?

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
Plaintiffs,)	
)	Case No. 1:18-cv-378 (APM)
v.)	
)	Hon. Amit P. Mehta
XAVIER BECERRA, in his official capacity as)	
Secretary of the UNITED STATES)	
DEPARTMENT OF HEALTH AND HUMAN)	
SERVICES, <i>et al.</i> ,)	
)	
<i>Defendants.</i>		

[PROPOSED] ORDER

Defendant U.S. Conference of Catholic Bishop’s Motion to Exclude Expert Report and Testimony of Dr. David M. Brodzinsky is hereby DENIED.

IT IS SO ORDERED.

Dated: _____

 THE HONORABLE AMIT P. MEHTA
 United States District Court Judge
 District of Columbia