



National Resource Center for  
Permanency and Family Connections  
*at the Hunter College School of Social Work*



*A Service of the Children's Bureau*



## **LGBT Adoptive and Foster Parenting**

By Tracy Serdjelian

### **What does research tell us about children raised by LGBT (lesbian, gay, bisexual, and transgender) parents?**

"More than 25 years of research on the offspring of nonheterosexual parents has yielded results of remarkable clarity....Regardless of whether investigators have examined sexual identity, self-esteem, adjustment, or qualities of social relationships, the results have been remarkably consistent. In study after study, the offspring of lesbian and gay parents have been found to be at least as well adjusted overall as those of other parents."<sup>1</sup> Children of LGBT parents seem to "benefit from egalitarian co-parenting" and "grow up as successfully as the children of heterosexual parents." There is no evidence "that the children of LGBT parents are more likely to be abused, or to suggest that the children of these parents are more likely to be [LGBT] themselves. Children will, in fact, be who they are."<sup>2</sup> While research specifically addressing adoption by LGBT parents is more limited, it points in the same direction.<sup>3</sup> Additionally, "[a] wide variety of professional organizations have official positions recognizing the scientific research on GLB parents and stating that sexual orientation should not be a determinative factor in assessing the ability of individuals to raise children through adoption, foster care, or second parent adoptions."<sup>4</sup>

### **How many foster and adopted children are currently living with gay or lesbian parents?**

An estimated 14,100 foster children are living with lesbian or gay parents. Gay and lesbian parents are raising 3% of foster children in the U.S.

An estimated 65,500 adopted children are living with a lesbian or gay parent. Gay and lesbian parents are raising 4% of all adopted children in the U.S.<sup>5</sup>

### **What are the laws and policies on LGBT foster and adoptive parenting?**

Federal law requires that States and jurisdictions find children and youth in their care permanent homes in a timely manner. It does not address whether or not LGBT individuals may adopt. Similarly, laws and policies in many States do not directly address the issue of adoption by LGBT individuals and/or couples. Only one state, Mississippi, explicitly prohibits adoption by gay and lesbian individuals. In September 2010, a state appeals court overturned Florida's 3-decade ban on adoptions by gay individuals as unconstitutional. Several States prohibit discrimination against LGBT individuals in the adoption (CA, MD, MA, NV, NJ and NY) and/or foster parenting (CA, MA, NJ, OR) process. However, several other States restrict adoption (MI, MS, NE, ND, UT, AR) and/or foster parenting (NE, ND, UT, AR) by LGBT individuals and/or families. In some of these cases, States do not recognize same-sex marriages or allow unmarried couples to adopt or foster children/youth, thus restricting LGBT parenting opportunities. In September 2010, NY passed a law allowing unmarried couples, including same sex couples, to adopt jointly.<sup>6</sup> For current information on laws and policies on joint adoption and second parent adoption as they apply to same sex couples, visit the Human Rights Campaign website at:

[http://www.hrc.org/documents/parenting\\_laws\\_maps.pdf](http://www.hrc.org/documents/parenting_laws_maps.pdf).

NRCPCF & AdoptUsKids  
Services of the Children's Bureau/ACF/DHHS  
& Members of the T/TA Network

### **How can agencies better welcome, recruit and retain LGBT resource families?**

There are many ways that agencies can work to be inclusive and affirming of LGBT resource families. Here are a few:

- Develop clear statements in support of LGBT adoption and foster parenting and include sexual orientation and gender identity in the agency's non-discrimination policy. Make these statements and policies accessible (i.e. on the agency website).
- Develop contacts and partnerships with the LGBT community in order to engage in genuine, informed outreach.
- Provide staff training on LGBT adoption/foster parenting. Help workers, supervisors, and agency leaders examine their attitudes and beliefs about LGBT parenting.
- Affirm the value of LGBT individuals and families by including them in outreach, training materials, parent panels, newsletters, and on the agency website, and by utilizing inclusive paperwork.
- Recognize that the main focus of work with LGBT families should not be on sexual orientation/gender identity. However, some supports needed for the parent or family may be specific to their being an LGBT family. Different families will have different needs.<sup>7</sup>

### **Where can I go for more information on LGBT adoptive and foster parenting?**

For a variety of resources on LGBT Issues and Child Welfare, visit the NRCPCFC ([www.nrcpfc.org](http://www.nrcpfc.org)) and Child Welfare Information Gateway (<http://www.childwelfare.gov/>) websites.

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<sup>1</sup> Patterson, C.J. (2009). Children of lesbian and gay parents: Psychology, law, and policy. In *American Psychologist*, November 2009.

<sup>2</sup> Mallon, G.P. (2008). Social work practice with LGBT parents. In G.P. Mallon (Ed.). In *Social work practice with lesbian, gay, bisexual, and transgender people*, (pp. 269-312). New York: Routledge.

<sup>3</sup>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: Evan B. Donaldson Adoption Institute. Retrieved August 5, 2010, from: [http://www.adoptioninstitute.org/policy/2006\\_Expanding\\_Resources\\_for\\_Children.php](http://www.adoptioninstitute.org/policy/2006_Expanding_Resources_for_Children.php)

<sup>4</sup>Gates, G., Badgett, L.M.V., Macomber, J.E., Chambers, K. (2007). *Adoption and foster care by lesbian and gay parents in the United States*. The Williams Institute, UCLA School of Law & The Urban Institute, Washington, D.C. Retrieved August 4, 2010, from: [http://www.urban.org/UploadedPDF/411437\\_Adoption\\_Foster\\_Care.pdf](http://www.urban.org/UploadedPDF/411437_Adoption_Foster_Care.pdf)

<sup>5</sup> Gates, G., Badgett, L.M.V., Macomber, J.E., Chambers, K. (2007). *Adoption and foster care by lesbian and gay parents in the United States*. (See Footnote 3).

<sup>6</sup> Child Welfare Information Gateway. (2009). *Who may adopt, be adopted, or place a child for adoption? Summary of state laws*. Retrieved August 4, 2010, from: [http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/parties.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/parties.cfm); Third District Court of Appeal, State of Florida, July Term, A.D. 2010. Opinion filed September 22, 2010. Retrieved October 21, 2010, from: <http://www.3dca.flcourts.org/Opinions/3D08-3044.pdf>; Family Equity Council. (2008) State-by-State: Gay Adoption Laws. State-by-State: Gay Foster Parenting Laws. Retrieved October 22, 2010 from: [http://www.familyequality.org/site/PageServer?pagename=policy\\_state](http://www.familyequality.org/site/PageServer?pagename=policy_state); New York State Citizens' Coalition for Children. New Adoption Legislation. Retrieved October 21, 2010, from: <http://nysccc.org/adoption/legal-issues/new-adoption-legislation/>

<sup>7</sup>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: Evan B. Donaldson Adoption Institute. Retrieved October 22, 2010, from: [http://www.adoptioninstitute.org/policy/2006\\_Expanding\\_Resources\\_for\\_Children.php](http://www.adoptioninstitute.org/policy/2006_Expanding_Resources_for_Children.php); National Resource Center for Permanency and Family Connections. (2010). *Permanency Planning Today*, Summer 2010. Retrieved August 4, 2010, from: <http://www.nrcpfc.org/newsletter/ppt-summer-2010.pdf>; National Resource Center for Permanency and Family Connections & AdoptUsKids. (June 16, 2010). *Practice issues with lesbian, gay, bisexual, and transgender families*. PowerPoint Presentation from teleconference on June 16, 2010. Retrieved August 4, 2010, from: <http://www.hunter.cuny.edu/socwork/nrcfcpp/teleconferences/6-16-10/LGBT.Practice.Teleconference.6.16.2010.final.pdf>