



LGBT Adoptive and Foster Parenting

National Resource Center for Permanency and Family Connections
A Service of the Children's Bureau/ACF/DHHS
& A Member of the T/TA Network

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Summary

Foster and adoptive parenting is the first choice for many LGBT (lesbian, gay, bisexual, transgender) individuals or couples when they consider starting a family (Patterson & Riskind, 2010). However, LGBT people are an often untapped resource for the 463,000 children and youth currently in foster care, including 123,000 children with a goal of adoption and/or whose parents' parental rights have been terminated (U.S. Department of Health and Human Services, 2009; Farr et al., 2010; Patterson & Riskind, 2010). Child welfare practice that is inclusive and affirming of LGBT families and recognizes that there are a "variety of family structures that are healthy and supportive" will lead to increased opportunities for permanency for children and youth (NRCPCFC & AdoptUsKids, June 16, 2010). LGBT families could be an important resource for children and youth in need of homes: About two million LGBT individuals are interested in adopting (Gates et al., 2007). Currently, an estimated 65,500 adopted and 14,000 foster children are living with lesbian or gay parents (Gates et al., 2007). While this is a significant number, it represents only a small percentage of all adopted and foster children in the United States. A 2007 report states that gay and lesbian parents are raising 4 percent of adopted children and 3 percent of foster children (Gates et al., 2007).

Since many States have no laws that specifically address the adoption and foster parenting rights of LGBT individuals or couples, it is often agency policies and staff attitudes that determine whether these opportunities are available to LGBT families. A report by the Adoption Institute recommended that States pass policies that "explicitly recognize foster parenting by gays and lesbians" and that adoption agencies modify their policies and practices to ensure that they welcome all qualified families, including LGBT families, in their recruitment, training and post-placement efforts (Howard & Freundlich, 2008). Elements of inclusive and affirming practice at the agency level include staff training on LGBT topics and ensuring that the agency's recruitment efforts, information materials, and paperwork are inclusive. On the case level, it is important to use respectful language and involve LGBT persons when engaging with families and searching for kin resources. In working with families, the focus should not be on sexual orientation or gender and, at the same time, child welfare workers should ensure that support around LGBT-specific issues is available when needed (NRCPCFC & AdoptUsKids, June 16, 2010).

In a recent research study on barriers and success factors in adoption from foster care by gay and lesbian families, most gay and lesbian families who decided to adopt children were very committed to the process and most worked with gay friendly agencies; yet, they still experienced challenges. The study revealed the need for staff training on working with LGBT families and adjusting procedures and documentation for families' needs (McRoy, June 16, 2010). The need for additional research with a larger sample of LGBT families was identified.



Facts & Statistics

Lesbian and gay parenting does not have negative effects on children. In fact, children of LGBT parents seem to “benefit from egalitarian co-parenting”, have more secure attachments with their mothers, and “grow up as successfully as the children of heterosexual parents” (Mallon, 2008). Research shows that there are no important differences in the development of gender identity and role or sexual orientation between the children of gay and lesbian parents and heterosexual parents (Patterson, 2009; Farr et al., 2010). The adjustment and social relationships of children and young people do not seem to be impacted by the sexual orientation of caregivers (Patterson, 2009). Furthermore, there is no evidence that “children of LGBT parents face greater stigma”, nor is there 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 gay, lesbian, bisexual, or transgender themselves. Children will, in fact, be who they are” (Mallon, 2008).

The Urban Institute and Williams Institute gathered information on LGBT adoption and foster care from several government data sources (Gates et al., 2007). Some of the key findings included:

- More than 50% of gay men and 41% of lesbians surveyed want to have a child.
- About 2 million LGBT people are interested in adopting.
- 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.
- 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.
- Same sex couples may be more likely to adopt across racial lines (Farr & Patterson, 2009).
- A national ban on LGBT foster care could cost \$87 - \$130 million.
- Excluding LGBT resource families could cost individual states \$100,000 - \$27 million.

Evan B. Donaldson Adoption Institute’s analysis of agency policies, practices and attitudes showed that “agencies are increasingly willing to place children with gay and lesbian adults” (2003). As a result, the number of LGBT people who are becoming adoptive parents (through both public and private agencies nationwide) is steadily increasing. The study found that:

- 60% of adoption agencies accept applications from LGBT individuals and about 40% of all agencies have placed children with adoptive parents whom they know to be gay or lesbian.
- Public, secular private, Jewish- and Lutheran-affiliated agencies are most likely to place children with LGBT persons.
- Only 19% of adoption agencies sought LGBT persons to be adoptive parents; however, 32.1% of agencies focusing on children with special needs made outreach efforts to gays and lesbians.



Policies & Legislation

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 most States do not directly address the issue of adoption by LGBT individuals. Only one state, Mississippi, explicitly prohibits adoption by gay and lesbian individuals (Child Welfare Information Gateway, 2009). A state appeals court overturned Florida's 3-decade ban on adoptions by gay individuals as unconstitutional in September 2010 (Third District Court of Appeal, 2010). Family Equity Council has compiled State-by-State Adoption and Foster Care Parenting Laws that prohibit discrimination against LGBT persons in the adoption or foster parenting process, as well as information on laws in States that restrict adoption or foster parenting by LGBT individuals and/or families. In several cases, States do not recognize same-sex marriages or allow unmarried couples to adopt or foster children/youth, thus restricting LGBT parenting opportunities (2008). This information is summarized below:

- *Adoption:* CA, MD, MA, NV, NJ and NY have laws or policies that prohibit discrimination against gay individuals in the adoption process. In September 2010, NY passed a law allowing unmarried couples, including same sex couples, to adopt jointly (New York State Citizens' Coalition for Children, 2010). MI, MS and NE have restricted gay adoption through legislation: Michigan with Attorney General's opinion that same-sex couples married in other jurisdictions may not jointly adopt children in Michigan; Mississippi by prohibiting adoption by same-sex couples; and Nebraska with a directive prohibiting adoption by gay individuals as well as unmarried, cohabitating individuals. ND, UT and AR have passed laws or policies that may restrict gay adoption: North Dakota by allowing child-placing agencies to discriminate against prospective adoptive parents based on religious or moral objection; Utah by prohibiting adoption by unmarried, cohabitating individuals and giving preference to married couples over single adults in adoption placement decisions; and Arkansas by prohibiting adoption by unmarried, cohabitating individuals.
- *Foster Parenting:* CA, MA, NJ and OR have passed laws or policies that prohibit discrimination against gay individuals in the foster parenting process. NE prohibits foster parenting by gay individuals as well as unmarried, cohabitating individuals. Legislation in ND, UT and AR may have the effect of restricting foster parenting by gay individuals for the same reasons as listed above for adoptions.

Compilations of Federal and State policies on LGBT adoption and foster care issues can be accessed on Family Equity Council's website: <http://www.familyequality.org/site/PageServer?pagename=policy> or on the Human Rights Campaign's website: http://www.hrc.org/issues/parenting/parenting_legislation.asp.



Best Practices & Promising Approaches

Barriers/Successes in LGBT Foster Care Adoption Process

A follow-up study to the nationwide longitudinal study by the Children's Bureau and AdoptUsKids to assess the barriers and success of foster care adoptions found that while LGBT families "experience similar barriers and success factors as in the full sample of the original study", there were some unique barriers and success factors as well (McRoy, June 16, 2010). The study findings implied that:

- Even when most families worked with gay friendly agencies, they faced challenges;
- Families were very committed to the process;
- Staff needed training in working with LGBT families; and
- Agencies needed to modify their procedures and forms, etc. to better meet families' needs.

The preliminary findings are available in a PPT presented during a teleconference hosted by NRCPPFC and AdoptUsKids in June 2010: <http://www.hunter.cuny.edu/socwork/nrcfcpp/teleconferences/6-16-10/LGBT.Practice.Teleconference.6.16.2010.final.pdf>

Inclusive Practice with LGBT Families

To achieve cultural competence in working with LGBT foster and adoptive families, agencies should emphasize sexual orientation and gender identity in their non-discrimination policies, include photos of LGBT families in all print materials and on their website, and use inclusive language, for instance, "parent 1" and "parent 2", rather than "mother" and "father", on paperwork and in their every day practice (Permanency Planning Today, 2010).

A teleconference hosted by the National Resource Center for Permanency and Family Connections (NRCPPFC) and AdoptUsKids discussed competent and respectful ways to practice with LGBT families, and dispelled some myths about LGBT parenting by examining research findings (2010).

Inclusive Practice with LGBT Families: Agency Level

- Staff training on LGBT topics
- Inclusive recruitment efforts
- Inclusive paperwork documentation, informational materials and website
- Recognizing and making LGBT families visible

Inclusive Practice with LGBT Families: Case Level

- Use respectful language as preferred by person/family. Allow person to self identify. Avoid "outing" people.
- Include LGBT people in family engagement/kin search.



- Avoid focusing on sexual orientation/gender identity AND be available to provide support around LGBT issues as needed.

Visit the NRCPPFC website to download this teleconference, as well as handouts, including two bibliographies and the Summer 2010 Issue of NRCPPFC's Newsletter, *Permanency Planning Today*, which focused on Inclusive Practice with LGBTQ Resource Families.

<http://www.hunter.cuny.edu/socwork/nrcfcpp/teleconferences/index.html#6-16-10>

The Home Study Process

An article by Dr. Gerald P. Mallon, *Assessing Lesbian and Gay Prospective Foster and Adoptive Families: A Focus on the Home Study Process* (Child Welfare, 86(2), p. 67-86, 2007), draws on research literature, practice wisdom and case examples, offering child welfare professionals guidelines for competent assessment with prospective LGBT foster or adoptive parents. *A downloadable copy is available at:*
http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/LGBT%20homestudies.pdf

T&TA for Working with LGBT Children, Youth, and Families

NRCPPFC offers T&TA to States and Tribes in order to promote competent and affirming services, policies, and practices for working with LGBT (lesbian, gay, bisexual, transgender, and questioning) children, youth, and families. *A complete list of T&TA available can be found at:*

http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/TAforStatesandTribes_LGBTQ.pdf

Promising Practices Guide

The Human Rights Campaign's All Children – All Families initiative produced a guide *Promising Practices in Adoption and Foster Care* for the use of agencies that are formally engaged in the initiative. The guide offers examples of effective practices for working with LGBT foster and adoptive parents and includes sample policies and tips from leaders of welcoming agencies, researchers in the field and LGBT adoptive and foster parents. *More information at:* <http://www.hrc.org/issues/parenting/7609.htm>

Eliminating Legal and Practice Barriers

The 2008 report, *Expanding Resources for Waiting Children II: Eliminating Legal and Practice Barriers to Gay and Lesbian Adoption from Foster Care*, by Evan B. Donaldson Adoption Institute, provides specific, research-based findings and recommendations relating to state laws and adoption agency policies:

- State policies should explicitly recognize foster parenting by gays and lesbians, and laws that inhibit or prohibit adoption by non-heterosexual individuals and couples should be rescinded; applicants should be judged on their qualifications, not their sexual orientation.



- State laws should serve children's best interests by permitting joint and second-parent adoptions, and all states should give "full faith and credit" to adoptions legally completed in other states, without regard to the marital status or sexual orientation of the adoptive parents.
- Agencies should assess their policies and practices to ensure that they are welcoming – in recruitment, training and post-placement services – for all qualified resource families who want to provide homes for children in foster care, including LGBT individuals and couples.

The full report is available at: http://www.adoptioninstitute.org/policy/2008_09_expand_resources.php



Online Resources

National Resource Center for Permanency and Family Connections (NRCPCF) provides States and Tribes and other publicly supported child welfare agencies training, technical assistance and information services to promote competent and affirming services, policies, and practices for working with LGBT children, youth, and families. Downloadable resources on LGBT issues and child welfare are available on the NRC's website: http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/lgbtq-issues-and-childwelfare.html, including the following document describing all T&TA opportunities available: http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/TAforStatesandTribes_LGBTQ.pdf.

Child Welfare Information Gateway provides resources for working with LGBT families in a culturally competent manner. Publications are available for both caseworkers and LGBT adoptive and foster families. http://www.childwelfare.gov/adoption/preplacement/lgbt_families.cfm#families

AdoptUsKids assists U.S. States, Territories and Tribes with recruitment and retention of foster and adoptive families and helps connect families with children. Resources and information on the site may be of interest to prospective resource families and to child welfare staff. <http://adoptuskids.org/>

CenterKids has become a national and regional model for LGBT family organizing and gives children ongoing opportunities to befriend others from similar families, while their parents have a chance to meet, socialize and build their own support network. *Center Kids, Center Families* is the New York City LGBT Center's family program for LGBT parents and their children, for those considering parenthood, and for all LGBT people in the context of their families. <http://www.gaycenter.org/families>

Families Like Ours, Inc. is an independent Adoption Exchange with a focus towards gay and lesbian adoptive families. They welcome the diversity of all pre and post adoptive-foster families, creating permanent families for children in the US foster care system. *FLO's Adoption, Foster Care, GLBT, & Family Research Guide* is a collection of web links, research papers, studies and statistics pertinent to LGBT adoptive and foster parenting. <http://www.familieslikeours.org/>

Human Rights Campaign promotes and supports lesbian, gay, bisexual and transgender individuals and couples interested in starting a family through adoption or foster parenting. <http://www.hrc.org/issues/parenting/adoption.asp>

HRC's *All Children – All Families* initiative works with agencies around the country that are committed to implementing policies and practices that welcome, affirm and support LGBT foster and adoptive parents. A map of participating agencies is available at: <http://www.hrc.org/issues/parenting/8399.htm>.



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