

FOSTER AND ADOPTIVE FAMILIES FOR LGBTQ+ YOUTH: WHAT WE KNOW

STATE OF KNOWLEDGE SHEET

2 million

LGBTQ+* adults are interested in adopting.¹ LGBTQ+ adults are **more likely to welcome harder-to-place children** (older children, siblings, or those with physical & mental health needs).²⁻⁴

400,000

children in the foster care system nationwide are awaiting placement in stable homes.⁵

40%

of agency directors said they would not accept applications from LG parents⁶ and **12 states** allow agencies to discriminate against LGBTQ+ individuals seeking to foster or adopt.⁷

Decades of evidence underscores that children of LGBTQ+ parents have equally optimal developmental, health, educational and social outcomes as those raised by cisgender and heterosexual parents.⁸⁻¹⁷

Nevertheless, child welfare agencies underutilize or deny LGBTQ+ adults the chance to be foster and adoptive parents, depriving LGBTQ+ youth of pathways out of the child welfare system.^{6, 18, 19} These systems are accustomed to heteronormative versions of family and parenthood, and LGBTQ+ prospective parents report pressure to conform to the image of a traditional, nuclear family in order to be approved as foster or adoptive parents.^{20, 21} LGBTQ+ parents report significant delays, disruptions, and bias throughout the adoption process due to perceived discrimination.^{6, 19, 22}

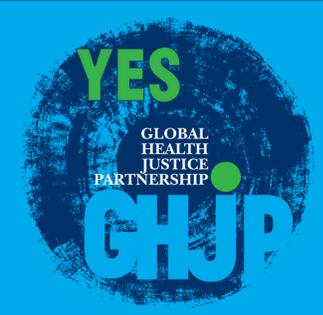
There is limited recourse for families: only 18 states prohibit discrimination against prospective LGBTQ+ parents for both foster care and adoption through state statute, regulation, or agency policy.⁷

Health Justice Framework: We conceive of Health Justice for LGBTQ+ youth as involving the application of human rights principles to public health needs; moreover, human rights principles require guarantees of non-repetition of harms, which leads health justice approaches to seek system-level reforms. Another rights principle guides us to prioritize meaningful participation of the persons most affected by the inequity in seeking solutions.

Social Drivers of Inequity: Law, Policy, and Practice at Federal, State, Municipal and Agency Levels

- **Historical Discrimination:** Before the 1970s, it was not possible for LGBTQ+ adults to openly foster or adopt in the US. Agencies began placing LGBTQ+ youth with no other viable options with openly LG foster parents in the 1970s, expanding to placements for non-LGBTQ+ children in the 1980s and 1990s as important litigation bolstered LG parent recognition.²³ In response, many states enacted discriminatory policies, including adoption bans and special exemptions for non-LGBTQ+-affirming religious groups.²⁴ While outright bans on single- and second-parent adoption have faced successful constitutional challenges, religious exemptions remain central today.²⁵
- **Lack of anti-discrimination policies:** Seven states have no statute, regulation, or agency policy on discrimination based on sexual orientation or gender identity. Only two states explicitly outlaw discrimination against prospective foster parents on these grounds.⁷
- **State legislation against LGBTQ+ adoption:** More than 30 bills were passed into law between 2015 and 2018 to specifically limit LGBTQ+ individuals' access to adoption and foster parenting.¹⁹ Further laws have allowed state-licensed child welfare agencies to refuse to provide services to same-sex couples if doing so conflicts with their religious beliefs.⁷

*We use the term LGBTQ+ to be inclusive of the range of sexualities and genders. However, we want to acknowledge that not every study cited is comprehensive in how they define and include different identities. Therefore, the acronyms used in each citation correspond to the populations included in each study. We also use the term "youth" as an umbrella category to include individuals up the age of 25. We acknowledge that the literature cited does not uniformly define the age range of "youth" in this manner.



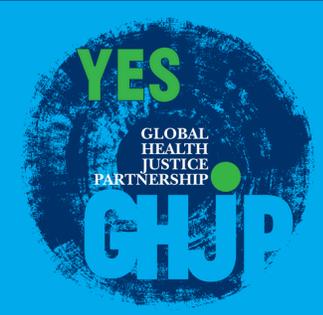
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- **Limited Constitutional Protections for LGBTQ+ Second-Parent Adoption:** While the Supreme Court has protected same-sex parent adoption for married couples, unmarried couples do not have the same protections. Thirty states do not allow second-parent adoption by unmarried LGBTQ+ couples.⁷
- **Constitutional Protection for Discrimination:** The 2021 Fulton Supreme Court decision leaves open whether contracted child welfare agencies are allowed to discriminate against prospective LGBTQ+ foster parents on the basis of religious freedom.²⁶ The increasing privatization of CWS agencies only broadens the impact of this decision and further insulates agencies from legal challenges based on constitutional rights.

Community- and Individual-Level Drivers: Lack of Support & Stigma

- Many foster care and adoption agencies do not know how to communicate as effectively with LGBTQ+ youth.^{4, 27} Prospective LGBTQ+ parents **report similar challenges** that discourage them from becoming foster or adoptive parents.^{22, 28}
- Many potential LGBTQ+ foster and adoptive parents report **uncertainty about having equal legal rights** and may hesitate to foster or adopt.^{19, 20}
- Many prospective LGBTQ+ parents experience a **lack of support from family/relatives**.¹⁸



FOSTER AND ADOPTIVE FAMILIES FOR LGBTQ+ YOUTH: WHAT WE DON'T KNOW

STATE OF KNOWLEDGE SHEET

- Many studies examining LGBTQ+ adoption and foster parents include **predominantly white participants**.^{22, 29} More knowledge is needed about **experiences and needs of LGBTQ+ youth and prospective parents of color**.
- Although preliminary research shows that **transgender and non-binary youth** are over-represented in child welfare with worse outcomes, **research is needed on successful child welfare, foster and adoptive parenting** by and for LGBTQ+ individuals.

RESEARCH RECOMMENDATIONS

- **Examine the experiences of diverse prospective and current LGBTQ+ foster or adoptive parents** for hard-to-place youth, including low-income people, people of color, and trans and non-binary individuals.
- **Public health surveillance and other research on youth should include lesbian, gay, bisexual and transgender people** to better understand mental health and placement disparities for LGBTQ+ youth in child welfare. Examples include the Youth Risk Behavior Surveillance Survey (YRBSS), American Community Survey (ACS) and the National Survey on Family Growth (NSFG).
- **Better understand the barriers to prospective LGBTQ+ foster and adoptive parenting in CWS** to help create more pathways for foster care and adoption.

PROGRAM RECOMMENDATIONS

- **Create guides for LGBTQ+ people to navigate adoption or foster services** and provide increased social supports for prospective LGBTQ+ parents (such as support groups; e.g. PFLAG <https://pflag.org/>)
- **Create rules that protect LGBTQ+ applicants from discrimination.**
- **Provide increased training** on the impact of historically favoring heterosexual and cisgender families in CWS.
- Engage in ongoing **evaluation of programming, materials, supports, and resources, with an eye toward treatment of LGBTQ+ prospective parents.**
- **Make use of existing resources meant to help develop more inclusive practices**, such as:
 - Human Rights Campaign: All Children, All Families Program: <https://www.thehrcfoundation.org/about/all-children-all-families>
 - Human Rights Campaign: 8 Questions to Ask Before Starting the Adoption Process: <https://www.hrc.org/resources/8-questions-to-ask-before-starting-the-adoption-process>
 - How to Find LGBT Adoption Agencies that are Right for You: <https://consideringadoption.com/adopting/can-same-sex-couples-adopt/find-lgbt-adoption-agencies/>
 - Reaching Higher: A Curriculum for Foster/Adoptive Parents and Kinship Caregivers Caring for LGBTQ Youth: <https://qiclgbtq2s.org/reaching-higher-a-curriculum-for-fosteradoptive-parents-and-kinship-caregivers-caring-for-lgbtq-youth/>
 - National Foster Parent's Association's Committee on LGBTQ+ Families and Youth: <https://nfpaonline.org/LGBTQ>
 - Frequently Asked Questions From LGBTQ+ Prospective Foster and Adoptive Parents: https://www.childwelfare.gov/pubPDFs/faq_lgbt.pdf

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