

31. Adoption by Lesbian and Gay Adults: A Review of State Law and Policy in the U.S.

Appell, A. R. (2003). Recent developments in lesbian and gay adoption law. *Adoption Quarterly*, 7, 73-84.

Across the U.S., there is vigorous political, legal, and policy debate surrounding the issue of adoption by lesbian and gay adults. This paper is a discussion of recent changes in state law regarding adoption by lesbian and gay parents. Currently, the majority of states do not have laws that affirm same-sex couples or lesbian and gay parenting. However, some challenges to these state laws have recently taken place, due in part to statements of support issued by organizations like the American Psychiatric Association, the American Academy of Pediatrics, and the American Psychoanalytic Association. These organizations support adoption by lesbian and gay parents, including same-sex co-parent or second-parent adoptions.

Laws regarding the adoption of children are largely determined by individual states. Thus, states vary widely in their approaches to adoption by unmarried couples, same-sex couples and lesbian and gay individuals. In most states, unmarried couples cannot adopt children. This effectively bars same-sex couples from adopting, since same-sex couples (aside from in Massachusetts) do not have the right to marry.

At the time of this paper, California, Connecticut and Vermont law explicitly allows same-sex couples to adopt children. As of 2002, California allows second-parent adoptions by unmarried couples. On the other hand, Florida, Mississippi, Oklahoma, and Utah prohibit same-sex couples from adopting. Florida is the only state to specifically ban lesbian and gay individuals from adopting children. Furthermore, there are ongoing court cases in many states, such as Nebraska, Pennsylvania, and Tennessee, regarding whether lesbian and gay adults should be permitted to adopt children.