



# ADOPTION OPTIONS FOR THE LGBTQ+ COMMUNITY

 FAMILY EQUALITY COUNCIL

**PATH**<sup>2</sup>  
**PARENTHOOD**

# Are you a member of the LGBTQ+ community who is considering adoption?

Whether you're single, partnered, transgender, non-binary, have children already, or are building your family from the ground up, adoption is a viable option for just about every member of the LGBTQ+ community. There are several routes you may wish to consider, including independent adoption, agency adoption, intercountry (international) adoption, or adoption through the foster care system. This informational handbook is a good place for you to start learning about your options.

At the time of this writing, there is little written policy on polyamorous families adopting domestically or internationally. We recommend that if you are a member of a polyamorous relationship and seeking to adopt, you interview multiple adoption agencies and consult with a local family law practitioner to determine your best path forward. At this time, there are a handful of states who do allow for three parents on a birth certificate, as well as some who allow for three parent adoptions. If your state is one of them, the possibility may exist to do a second or third parent adoption of the child once the initial placement is finalized. We recognize that some situations may present more challenges than others. If you need more information, Family Equality Council is here for you. Please visit our website at [www.familyequality.org](http://www.familyequality.org) to learn more.

**Love. Justice. Family. Equality.**



**There are many factors to think about before you chart out your adoption plan.** These include the age, race and culture of the child(ren) you visualize adopting, the degree of openness you're hoping to have with the birth family, and the budget you have in mind for the process. This beginning stage may be comprised of your dreams and hopes, with a large dash of reality thrown in. Don't sacrifice one for the other! It's important to listen to your gut. It's just as important to fully understand your options.

## DOMESTIC ADOPTION

Domestic adoption refers to the adoption of a baby or child who was or will be born in the United States. Adopting domestically is a wonderful path that many LGBTQ+ people use to build their families. Think about the baby or child you are hoping to adopt. If you wish to adopt a newborn, you'll want to look into one of two routes: independent adoption through an attorney, provided that it is legal in your state, or private agency adoption. If you're open to a child or children of any age, adopting through the foster care system may be a better avenue for you to take.

**Independent adoption** - Independent adoption refers to an adoption which is not done through an adoption agency. To pursue this route, you'll need to hire an adoption or family law attorney. It's important to choose a professional who specializes in the field of adoption and fully understands the laws in your state of residence. When interviewing attorneys, remember that you are the one doing the hiring. Feel free to ask what percentage of their client base identifies as LGBTQ+, how many prospective adoptive parents they are currently working with, and how many adoption placements they had in the past year. You will also want to secure an estimate of the costs you can expect, and request referrals from other adoptive families served by the attorney or firm.

Once hired, your attorney may work with you to locate pregnant or parenting individuals considering adoption in specific geographic locations. You may also wish to look on your own by using social media, advertising, and answering ads placed by pregnant individuals looking to create an adoption plan for their baby prior to birth. Make sure you research whether your state allows such advertisements to be placed. This type of adoption requires that you have some level of interaction with the pregnant person throughout their pregnancy or longer, based upon the degree of openness you all agree to. In an independent adoption arrangement, the expectant individual places their baby directly with the adopting parent or parents.

Your attorney will be representing your interests, and may also help identify and work with other professionals, such as the expectant individual's attorney and the social worker involved.



Independent adoption can vary significantly in terms of cost, based upon your state of residence, court costs, and other factors, such as the number of ads you place and where you run them, and how far along the expectant person is in their pregnancy when you become matched. In general, you may expect to pay somewhere between \$20,000-\$45,000 by the time your adoption is completed.

**Private agency adoption** – This type of adoption is also referred to as agency adoption or private adoption. Once chosen by the gestational parent, the agency works with the expectant individual to choose an approved family from the agency's pool of prospective parents. A good agency acts as a support system for everyone involved in the adoption. They also arrange the home study and facilitate post-adoption arrangements based upon the degree of openness agreed to by all parties.

Finding a welcoming agency takes some research, but may be easier than you think. Hopeful LGBTQ+ parents are chosen all the time by expectant individuals who want the best placement possible for their baby. However, there are certain things to be aware of. When choosing an agency, the most important thing to confirm is their license to operate in your state of residence. Ask how many years they have been in business and what percentage of their clientele identifies as LGBTQ+. Ask the agency for their protocols concerning the wishes of both biological families and prospective families. You will want to choose an agency that is welcoming and supportive of everyone's needs. Also ask how many families they are working to match currently, and how often they place babies with LGBTQ+ parents.

You'll want to determine the agency's ideology concerning open adoption, even if you're not quite sure what your feelings are about this option yet. Open adoption has become fairly standard in both independent and agency adoptions, although degrees of openness can vary considerably.

Occasionally, some expectant individuals choose agency adoption because they want a completely closed arrangement. If a closed adoption is their preference, they may request that the agency choose a family for the baby, instead of being involved in that process. If this scenario occurs, talk to your agency about what options exist, if any, for your child to find their biological family when they are of legal age, if they choose to.

Adoption agencies can be for-profit or not-for-profit. This distinction does not define a difference in the services they provide or in their fee structure. Agency adoption costs are often in the \$20,000-\$45,000 range.



**Foster to Adopt** – This option is also referred to as adoption through the foster care system or public adoption. Each state has a child welfare system, which is comprised of children who have been removed from their family of origin due to safety concerns. Those children are in the state’s custody, and the state is responsible for their safety, care, and well-being. Although each state’s system operates differently, the primary goal is family reunification whenever possible. While in state custody, children may be placed in a foster home, which is considered a temporary placement until the child is either reunified with family or parental rights are terminated. If parental rights are terminated, the child is available for permanent placement in an adoptive home (or adoption by the family providing foster care).

There are children of all ages in foster care who have been permanently and legally separated from their family of origin who are waiting to be legally adopted. Sadly, each year approximately 20,000 children age out of the system without ever finding a loving, forever family, and LGBTQ+ youth are overrepresented in the foster care system. While some LGBTQ+ youth enter foster care for similar reasons as non-LGBTQ+

youth, such as abuse, neglect, and parental substance abuse, many LGBTQ+ youth have experienced the additional trauma of rejection or mistreatment by their families because of their sexual orientation, gender identity, or gender expression.

While each state -- and sometimes even counties within a state -- varies in its certification process and requirements, all individuals interested in fostering or adopting a child through the child welfare system must go through an approval process to become licensed. At a minimum, the process typically involves background checks, home studies, and training courses. Foster care and foster-to-adopt options are often free or low cost as they are funded by taxpayer dollars. Foster parents also often receive full financial support for their home study, plus health insurance for the children and monthly financial stipends for their children's care. If interested in becoming a foster parent or pursuing foster-to-adopt options, you can gather more initial information from the agency in your state that is responsible for the child welfare system.

## **DOMESTIC ADOPTION AND LICENSE TO DISCRIMINATE BILLS**

LGBTQ+ people can legally adopt, including through foster care, everywhere in the United States. However, as of this printing, 10 states have laws that allow foster and/or adoption agencies to discriminate based on their religious beliefs. More specifically, agencies can turn away qualified foster and adoptive parents who do not subscribe to the agency's religious ideology, including LGBTQ+ people, single individuals, and those of other religious affiliations or beliefs. The states are Alabama, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, and Virginia. Notably, Alabama's law applies only to private agencies that do not receive any government funding (which necessarily means that these agencies do not work with children in the state's foster care system). If you live in any of these states, look for agencies which are overtly welcoming to the LGBTQ+ community or for public child welfare agencies.

## INTERCOUNTRY (INTERNATIONAL) ADOPTION

In order to adopt a baby or child from another country, you must first be found eligible to adopt under U.S. law by the U.S. Citizenship and Immigration Services Department. You must also meet your home state's requirements.

Currently, there are few options for LGBTQ+ people to adopt internationally, regardless of whether they're single or part of a couple. **International adoption is a very specialized area of the law, and depends both on international law and each country's law.** As such, the countries which allow LGBTQ+ individuals or partners to adopt changes frequently. The State Department maintains a current roster of changes to adoption laws via country here: <https://travel.state.gov/content/travel/en/Intercountry-Adoption.html>. Check in frequently for more information and specific details about the country or countries you are interested in.

If you plan to pursue intercountry adoption, start by looking for an agency or attorney in the U.S. which works in the location you wish to adopt from. In order to ensure that you will pursue an ethical adoption, choose a country that has signed on to the [Hague Convention on the Civil Aspects of International Child Abduction](#). Do your homework, and ask for referrals from LGBTQ+ people they have placed children within the past, as well as their number of years in business and licensing information.

Costs for intercountry adoption vary considerably from location to location. According to the United States Children's Bureau, a federal agency, the average costs for international adoption range from \$20,000 - \$50,000.

## NOW, ABOUT THAT HOME STUDY

All people who adopt in the U.S. are required to have a home study done. The home study is designed to protect children by determining your ability to care for the child you are adopting, and by making sure that your home provides a safe, stable environment.

A social worker or other appointed party will make a scheduled visit to your home. They will ask for written references from people who can vouch for your character. They will also interview everyone who lives there and ask questions you already know the answers to, such as why you wish to adopt a child, and how you view your future lives together. If you are married, they will assess the stability of your relationship. They will also determine your financial stability. You do not have to be wealthy to adopt a child, but you do need to show that you can support them. The social worker will also assess your knowledge of childrearing and parenting in addition to your medical and legal history.



It is important that you answer the questions truthfully, including information about past medical diagnoses and any misdemeanors or felonies you may have had. No legal records, including those incurred as a minor, are completely hidden from this process. Having a prior legal record is not necessarily grounds for refusing you an adoption. Neither is a current or prior medical or psychiatric diagnosis for many conditions, as long as you are or have been under a professional's care.

Some people choose to baby-proof their homes prior to the home study visit. This may not be legally necessary in your county, but will eventually be required if you adopt a baby or toddler.

## The Emotional Journey: Growing in more ways than one

When a child is adopted, they set forth on a bittersweet journey which extracts them from one family, and places them into another. This is true no matter what the child's age may be. Even if you have an open adoption, this journey will be filled with myriad emotions. You, your child, and the child's biological family may feel joy, relief, and a sense of loss, all at the same time. All of these feelings should be acknowledged, honored and respected.

As the years go by, acknowledging your child's feelings about their biological beginnings, race, ethnicity, heritage, culture, and abilities will be an integral part of helping them cope and feel pride as they grow. If you adopt a child of a different race, ethnicity or cultural background, keeping their original heritage alive will be very important and a way for you to learn and support a culture that is not your own. Through supporting their culture and your own unique heritage, you can create a wonderful multi-cultural family with unique traditions and celebrations.

Honoring and celebrating your child's roots with local friends of their own race and ethnicity will help connect your child to a community of support and give them additional role models to look up to. A best first practice for considering adopting a child of a different race, ethnicity, or ability status is to look around at your neighborhood, local schools, close friend group, government system and surrounding community. Within those spaces, are there people for your future child to look up to that match their race, ethnicity, or ability status? Will they have role models who look like them who can provide a support system for their unique identity that you do not share? If not, what steps will you make to ensure that they will have role models that look like them and play a meaningful role in their life? Some parents scout out wonderful and enriching language immersion programs in schools, others move into a neighborhood that best connects their child to a network of peers and mentors within their own race or ethnicity, and others connect with a national or virtual community group that supports people with disabilities.

In addition to celebrating your child's unique identities and sharing your own culture within your immediate family, sharing your adoption story and commitment to supporting your child with your extended family, friends and social circle will help everyone understand your family's identity, and how your child has enriched and added to it.

## Nothing About Us, Without Us - Words of Wisdom From an Adoptee

As those most impacted by adoption and foster care, we at COLAGE and Family Equality felt that it would only be appropriate to end this resource guide with a poem written by an adoptee. As the heart and soul of this work, it is an honor to uplift the voices of youth and adult children in LGBTQ+ families. Please enjoy this poem written by Tony Hynes to his mother. *Content Warning: Terminal illness, death, and gun violence.*



To see the original publication of this poem, please visit [www.therainbowletters.com](http://www.therainbowletters.com), a blog that highlights stories from all members of LGBTQ+ families. If you'd like to learn more about Tony Hynes please check out his published memoir, *The Son With Two Moms*. To connect your young or adult child to a network of peers, please visit [www.familyequality.org/colage](http://www.familyequality.org/colage).

## She Doesn't Stand Alone

Dear Mom,

Happy birthday. Here is a poem I wrote for you. Hope you like it.

My mom isn't a flag, or a symbol, or an acronym. She is actually similar to something resembling my bottom limb. She helped me learn how to swim.

She is not my savior, but she is my partner. And now for all the times she has supported me, it is my duty to guard her. She doesn't need it. She stands on her own. I just want to make sure she doesn't stand alone.

Her former partner departed, a cancerous tumor taking her away long before important discussions between individuals in black robes started.

In 2016 the Supreme Court finally made their decision, and made America a better place for families like mine to live in.

Years before that my moms decided that their house would be the one to raise a particular kid in.

We fell in love with one another before much of the paperwork was written. We remained with each other and our life—smitten, even after a court changed their initial position, those in power rejecting a well-planned adoption submission.

We fought the case. We won. But in a few short years our family number would decrease by one. It was at this time that my mom took on the task of raising her only son. A middle school student who's journey to young adulthood had just begun.

A single mom she became, running to every practice and soccer game. Her life became a whirlwind, a balancing act, and somehow one that she managed with great tact. Was their relationship perfect? No. But she knew the effort she put into it was worth it.

From DC to her hometown of Hackensack, she had always put the troubles of others on her back.

Rarely the most vocal  
But speaking through her actions  
She defended children from negative interactions  
And from dangerous distractions  
From state to local  
She created reports on child gun death totals  
One of the first in her field to yield such results  
Helping us realize that our nations violent gun colt  
Did more than affect adults  
5,000 child deaths by gunfire in 1995  
She knew more children needed to survive  
And so she strived to help them  
Diligently coding data the same way her mom, a librarian, might have looked up books  
Finding errors in existing research  
That others might have overlooked  
A special mind  
And a woman possessing a heart  
That is even harder to find  
Her only son would know best  
He had seen her navigate life's mess  
And keep the most important thing a human can possess  
Her spirit  
A spirit that still advocates for children  
A spirit that still gives to homeless pet shelters  
A spirit that still writes letters to her local representatives about the issues important to her  
And a spirit that still loves her son  
Who's journey through life  
Has just begun.

*written by Tony Hynes*

Recent research indicates that over 6 million 18-35 year olds in the US identify as LGBTQ+, and that a majority of them are considering starting or growing their families.

Family Equality Council's Path2Parenthood program provides support for:

- ✓ Prospective LGBTQ+ parents
- ✓ Caring professionals seeking to increase their cultural competency
- ✓ Employers working to create LGBTQ+-friendly places of employment

## For Prospective Parents



### Written Resources

Educational materials developed for each unique community within the LGBTQ+ family to help navigate the multitude of paths to parenthood.



### Educational Events

From biological conception to foster care and adoption and trans fertility preservation, Family Equality Council offers in-person educational events around the country for members of the LGBTQ+ community.



### Videos

Short videos with LGBTQ+ families and prospective parents highlight common challenges and possible solutions to family building.



### Live Chat Tool

A staffed chat feature on our website for those seeking information on LGBTQ+ family building.

## For Providers & Employers



### Open Door Provider Training

A virtual training program for family-building providers to ensure that the field is ready to serve our families safely, appropriately, and respectfully.



### In-Person Training

On-site, in-person trainings delivered for providers and employers around the country on the specific needs of the LGBTQ+ community as they relate to family building.



### Consultation

Custom consulting engagements focused on creating supportive and inclusive policies and practices, such as revising workplace forms to make them more inclusive and gender neutral, or determining what benefits to offer your employees.

Learn more & contact Family Equality staff at:  
[www.familyequality.org/p2p](http://www.familyequality.org/p2p)





At the start of October 2018, Family Equality Council announced a merger with Path2Parenthood, bringing Path2Parenthood's comprehensive family-building educational work to the LGBTQ+ community as a program of Family Equality Council.

In the past decade, Path2Parenthood has become a leader in family-building education for the LGBTQ+ community, and we are delighted to expand these services as part of Family Equality Council's comprehensive programming for LGBTQ+ families and those who wish to form them.

