

A Family For Every Child Matching Assistance



*"We should not be asking who this child belongs to,
but who belongs to this child."*

Adopting As a LGBT Family



Adopting from foster care as a same-sex family creates its own unique set of challenges. While more LGBT families are adopting today, some workers still hold reservations about placing a child with a same-sex family. Certain states will only allow one parent in a same-sex family to adopt, while other states ban same-sex adoptions completely.

While the landscape of adoption is shifting, same-sex families will still

In This Issue

[Questions to Ask When Getting Started](#)

[Second-Parent Adoption](#)

[Advantages of Being a Same-Sex Family](#)

[Articles & Resources](#)

[Additional Information](#)

Advantages of Being a Same-Sex Family

There are so many great benefits of being a same-sex family. Here are just a few of them:

Children who grow up in same-sex families tend to be more sympathetic to differences and more open-minded to different lifestyles.

Sexual orientation does not influence good parenting. Instead, it is influenced by a

find challenges in the adoption process that other families will not encounter. With that being said, over 16,000 same-sex families in the United States are raising an estimated 22,000 adopted children. Over 6 million children in the United States are being raised in a same-sex family. So at times when it feels like adoption may be impossible for your family remember that it is not.

Over 100,000 children were waiting in foster care to be adopted over the last year-and-a half. All of these children are waiting for their forever families, and that family they are waiting for could be yours!

Questions to Ask When Getting Started

The following are some questions to ask yourself before beginning your adoption journey:

Should I choose a public or private agency? - Many public agencies work with same-sex couples, recognizing the need for adoptive parents and that same-sex parents make wonderful families. Public agencies often offer their services for free or low cost. The main disadvantage of choosing a public agency, however, is the amount of time it can take to complete all the necessary steps to adopt. Public adoption workers tend to have heavy caseloads, and in some states, double as children's caseworkers, balancing a caseload of adoptive families and children. As a result,

parent's ability to create a loving and nurturing home, something a same-sex family is incredible at.

Children who grow up with same-sex parents tend to have more affectionate and nurturing qualities.

Same-sex parents can model to their children the benefits of having a healthy, stable relationship.

For more advantages of being a LGBT family, click [here](#).

Articles & Resources

ABC News - [Same-Sex Adoptions Next Frontier for LGBT Advocates](#)

Adopt Us Kids - Contact a LGBT adoption specialist at 888-200-4005 or LGBTsupport@adoptuskids.org

Child Welfare Information Gateway - [Gay and Lesbian Adoptive Parents: Resources for Professionals and Parents](#)

[Family Equality Council](#)

Human Rights Campaign - [Issue: Adoption](#)

Human Rights Campaign - [Parenting Laws: Joint Adoption](#)
Map of where joint adoption is allowed in the U.S.

public workers are often incredibly busy, which can slow down paperwork and answers to families' questions.

Many private agencies also work with same-sex families. Families should do their own research into which adoption agencies will be supportive of a same-sex family. Asking other same-sex couples, reading testimonials online, and talking to the agency themselves will give you an idea of which agency to select. The main disadvantage of adopting through a private agency is cost. However, there may be scholarships and financial aid available through the agency or another financial aid organization.

What types of children am I/are we open to? - Children in foster care all have some level of special needs, so being open to a variety of needs and disabilities is a huge advantage. Do some research into the more common special needs children in foster care have, like attachment issues, developmental and social delays, trauma, etc. While it is important to be open to different needs, don't push yourself too far out of your comfort zone. You know what you can handle to be the best parent possible for your child.

Do you have support and local resources? - Every family needs a strong support group through every step of the adoption process, and well after a child is placed. This support can come from family, friends, and community and online organizations. Make sure your family and friends are supportive of your adoption journey.

Human Rights Campaign - [Parenting Laws: Second Parent or Stepparent Adoption](#)

Map of where second parent adoption is allowed in the U.S.

Lifelong Adoptions - [Books on LGBT Adoption](#)

Lifelong Adoptions - [LGBT Adoption Articles](#)

Lifelong Adoptions - [LGBT Adoption Laws](#)

[Our Family Coalition](#)

Today News - [For same-sex couples, end of DOMA doesn't mean adoption equality](#)

Today News - [Superdads! Couple adopts 14 kids from foster care](#)

Additional Information

Child Welfare Information Gateway - [FAQs From LGBT Prospective Foster and Adoptive Parents](#)

Child Welfare Information Gateway - [Working With LGBT Families](#)

Family Builders - [Adopt a LGBT teenager from foster care](#)

The Williams Institute - [LGBT Parenting in the United States](#)

Create a local and national resource list of organizations that will also be able to support you pre- and post-adoption.

For more questions to consider before you begin your adoption journey, please visit Human Rights Campaign's page [8 Questions to Ask Before Starting the Adoption Process](#).

Second-Parent Adoption

Twenty-two states and the District of Columbia allow second-parent adoption. This ensures that a child's "second parent" also has all the same legal rights and responsibilities as the child's "first parent". Some agencies prohibit a same-sex couple from adopting, but will allow one person in the couple to adopt. The following is a list courtesy of Human Rights Campaign outlining options available to families if second parent adoption is not an option:

Co-Parenting Agreement: A co-parenting agreement states that while one of you is the legal parent, both parents share the rights and responsibilities of caring for your child and consider yourselves equal co-parents. Typically these agreements outline how these rights and responsibilities will be carried out regarding a child's medical care, inheritance, and financial support. They also outline how a couple would share custody in the event of a break-up or separation.

Custody Agreement: A custody agreement outlines how you will both

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conduct yourselves in the event of a break-up or separation. A custody agreement should address the following issues:

- Who will the child(ren) live with?
- Who will make major decisions (health and medical care, schooling, etc) for your child(ren)?
- Who will have primary custody? How often and when will the child(ren) see the other parent?
- What will you do if one parent moves?
- If applicable, what religion will you continue to raise your child in?
- What are the financial, familial, and other resources that you will offer your child(ren)?
- How will you resolve conflicts?
- What will happen if one parent is in violation of the custody agreement?

Psychological Parenthood: Some courts will recognize what is known as "psychological parenthood", "de facto parenthood" or "parenthood by estoppel". These terms all refer to the recognition that a non-legal parent still had a very close and involved relationship with the child(ren). In some cases, the non-legal parent has been granted visitation rights based on this type of evidence.

When determining psychological parenthood, courts will look at the following:

- Did the non-legal parent live

with the child?

- Did the non-legal parent take on a parental role by providing significant care and responsibility for the child, without expecting payments and/or reimbursements?
- Did the legal parent consent to the non-legal parent's relationship with the child(ren)?
- Did the non-legal parent form a relationship with the child(ren) over a significant amount of time so now the child(ren) feels bonded to the parent?

You should keep the following records in order to make the psychological parenting claim:

- Registration showing your domestic partnership
- Power of attorney documents
- Health care proxies
- Co-parenting agreements
- Reciprocal wills
- Expenditure records
- Photos of you participating in with your child(ren) during significant life events

For more information on second-parent adoption, please visit Human Rights Campaign's page [Second Parent Adoption](#).

**Please note that these steps are not a guarantee in securing your parental rights, due to the fact that courts are not required to uphold any of these documents, and instead will do what they feel is in the child's best interest. That being said, it may be beneficial for you to draw up these documents*

*should a custody battle arise to death
or break-up/divorce.*