

## Gay Adoption in the U.S. FACTS & FIGURES

Current as of September 15, 2006  
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Many national organizations track the status of legislation, judgments, and department regulation state-to-state when it comes to gay adoption. They include:



This site pulls together information from each of these organizations, presenting overviews, as well as drill-down detail, including legal research and analysis, legislative history, and national and regional trends.

### LINKS:

- American Civil Liberties Union ([www.aclu.org](http://www.aclu.org))
- Family Pride ([www.familypride.org](http://www.familypride.org))
- Human Rights Campaign ([www.hrc.org](http://www.hrc.org))
- Lambda Legal Defense & Education Fund ([www.lambdalegal.org](http://www.lambdalegal.org))
- National Center for Lesbian Rights ([www.nclrights.org](http://www.nclrights.org))

**This resource is designed for gay and lesbian prospective parents, as well as those who are already parenting and wish to secure the maximum rights for their families.**

The current state of the union leaves gay and lesbian families unevenly protected. Families living in states offering less protection often spend precious resources to approximate a quasi-parental relationship, which lacks the finality of a judicial order. Even worse, many families are unaware just how vulnerable their children would be in case of death or disability of one or both parents.

*If you have further resources we can incorporate into this site,  
please contact us at [info@Gay-Adoption.us](mailto:info@Gay-Adoption.us)*

### **OVERVIEW OF GAY ADOPTION LAWS & PRACTICE**

The majority of states, 34 of them, lack statewide legislation, case law, or department regulation addressing gay adoption (labeled “MAYBE” in *Figures 1-4*). In these states, it’s up to the judge, the agency, and the individual social worker. The personal beliefs of individuals in these professions can affect the result of an application and, generally, applications by gays and lesbians are not approved in more socially conservative regions and rural areas.

At first glance, it is difficult to get a grasp on the statistics. It is helpful to understand the different ways gays and lesbians go about creating their families and how they secure legal protections for their children. Most situations fall into one of three categories.

## 1. “Stranger” Adoption

When a single gay or lesbian person wishes to adopt a non-related child, s/he applies for this.



Figure 1: Gay & lesbian singles (“Stranger” Adoption)

Florida does not allow gays or lesbians to adopt and Utah approves adoptions only by married heterosexual couples. The remaining 48 states and the District of Columbia permit “stranger” adoptions by gay and lesbian singles. See *Figure 1: Gay & lesbian singles (“Stranger” Adoption)*.



## 2. Joint Adoption

When a gay or lesbian couple wishes to adopt an unrelated child, they apply for this.

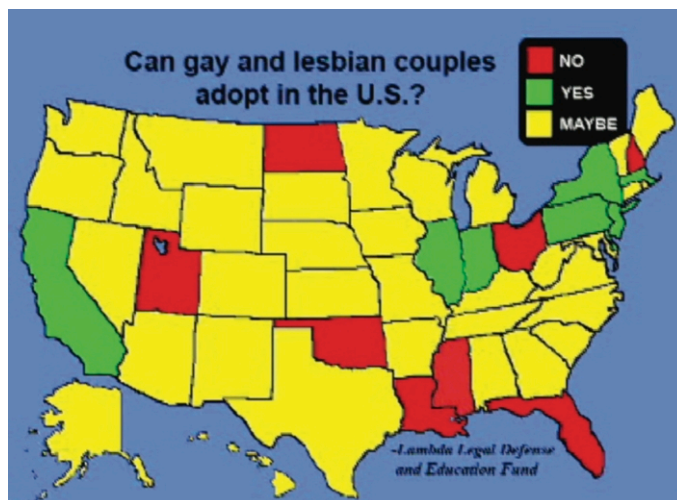


Figure 2: Gay & lesbian couples (Joint Adoption)



In addition to Florida and Utah, six more states (Louisiana, Mississippi, New Hampshire, North Dakota, Ohio, and Oklahoma) do not permit adoption by gay and lesbian couples. Eight states have statewide affirmative case law granting gay and lesbian couples joint adoption equality—California, Delaware, Illinois, Indiana, Massachusetts, New Jersey, New York, and Pennsylvania, and Washington, D.C. See *Figure 2: Gay & lesbian couples (Joint Adoption)*.

### 3. Second-parent Adoption

When the same-sex partner of a gay or lesbian biological parent wishes to become the legal parent of his/her "step-child," s/he applies for this.

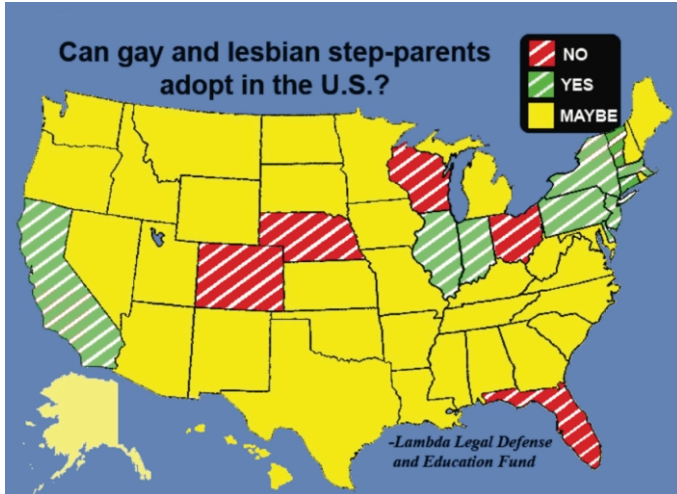


Figure 3: Gay & lesbian step-parents  
(Second-parent Adoption)

Five states (Colorado, Florida, Nebraska, Ohio, and Wisconsin) will not allow a gay or lesbian step-parent to finalize a second-parent adoption. Ten states (California, Connecticut, Delaware, Illinois, Indiana, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont, as well as Washington, D.C.) have codified second-parent adoption for gays and lesbians.

### SUMMARY

It is essential that gay and lesbian current and prospective parents research the specific procedures required in their county and state to properly secure the maximum protection for their families.

Although this site seeks to provide accurate and concise information, it should never be a substitute for informed legal counsel. Many attorneys specialize in family law and a select few are well-versed in matters pertinent to gay and lesbian families. When interviewing attorneys, we recommend that you ask for referrals to families like yours who can share their experiences with your local courts.

The video and Figure 4 integrate Figures 1-3 above, with five overlays:

Can gay and lesbian couples adopt?

Red square NO Green square YES

Can gay and lesbian step-parents adopt?

Red diagonal stripes NO Green diagonal stripes YES

Can gays and lesbians adopt?

Yellow square MAYBE

This final category marks yellow all states lacking statewide legislation, case law, or department regulation addressing gay adoption.

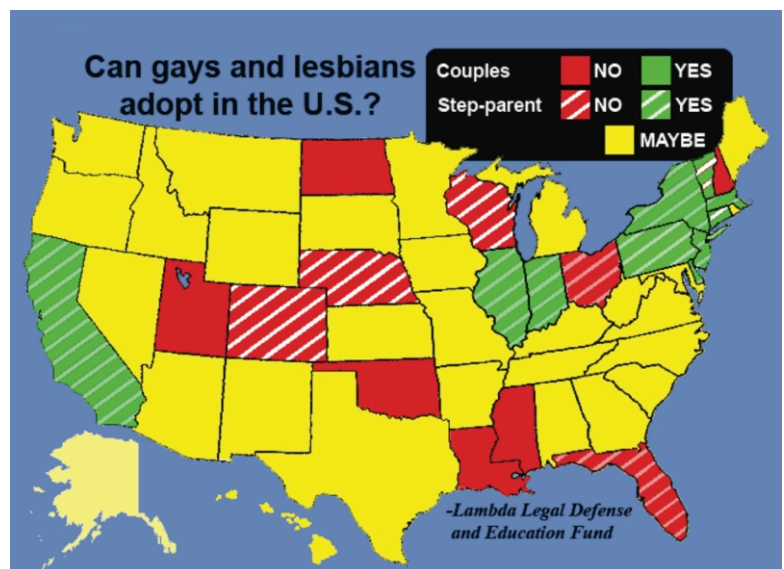


Figure 4: Overlay of Figures 1-3

Every state requires its judges to rule in the child’s “best interests” and the Lambda Legal Defense & Education Fund estimates that “courts in more than half the states allow second-parent adoption and many also allow joint adoption.”

**Stay tuned. More information to come...**

*CLICK HERE to download INDIVIDUAL STATE STATS*

FOOTNOTES:

All state status information (“YES,” “NO,” and “MAYBE”) provided by Patricia Logue, Senior Counsel with Lambda Legal Defense and Education Fund ([www.lambdalegal.org](http://www.lambdalegal.org))



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