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Working With Lesbian, Gay, Bisexual, and Transgender (LGBT) Families in Adoption

During the last decade, there has been increasing visibility of families headed by lesbian, gay, bisexual, and transgender (LGBT) parents. There also has been more affirming practice on the part of child welfare and adoption professionals when considering LGBT families as foster and adoptive families. The majority of professional organizations dedicated to upholding the best interests of children and advocating for best practices in adoption concur that there is no valid

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Administration on Children, Youth and Families
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reason to prevent children and youth from being placed with qualified LGBT foster and adoptive families.¹ A growing number of adoption agencies and professionals have been proactive in welcoming LGBT adoptive families, and they have yielded a larger pool of highly motivated and qualified prospective foster and adoptive parents and expanded the options for permanency for children.

However, in many parts of the country, the LGBT community remains a largely untapped resource, and bias and discomfort among professionals continue to present obstacles for waiting children to have permanent homes with potential LGBT adoptive parents. What stands in the way for many professionals is misinformation and myths about the LGBT community and inexperience with LGBT parents and families.

This bulletin is designed to help child welfare and adoption professionals expand their cultural competence and build their skills for working effectively and fairly with LGBT families as prospective adoptive parents. It examines issues, laws, and policies on LGBT families in adoption. Specific examples and tips are highlighted throughout the bulletin.

¹ For instance, the American Academy of Child and Adolescent Psychiatry (1999), American Academy of Family Physicians (2002), American Academy of Pediatrics (2002), American Medical Association (2004), American Psychological Association (2004), Child Welfare League of America (1988), National Association of Social Workers (1998), North American Council on Adoptable Children (1998), and Voice for Adoption (2006).

Getting to Know the LGBT Community

The community of people who are LGBT is as diverse as the general public and includes all races, ethnicities, income levels, and education levels, as well as rural, suburban, and urban dwellers. Among different ethnic groups, religious traditions, and cultures, the issue of sexual orientation is viewed and addressed differently, and, as a child welfare professional, you can anticipate some variation among LGBT adoptive families. For example, LGBT families may differ in terms of the level of acceptance they experience among their families of origin, what terms and language they use to identify themselves and any partner (if applicable), and the extent to which they are honest and “out” about their own identity and relationship status.

It’s important to understand that many LGBT individuals and same-sex couples may choose to share very little of their personal lives with their families of origin, professional colleagues, and neighbors due to fear of being stigmatized, rejected, or physically abused or because their own cultural norms and traditions dictate that one’s personal (and sexual) life is kept private. There are also many LGBT adults who have had unconditional support from their parents, extended family and friends, and a solid network as they proceed on their journey to parenthood. Professionals can anticipate meeting LGBT individuals and couples from every walk of life, and any assumptions a professional has about who is gay, who is more likely to be “out,” and how families might react will most likely be tested along the way.

Myths and misperceptions about lesbian and gay parents continue to present the greatest obstacle to adoption for LGBT adults. In recent years, however, a growing body of research on LGBT parents and their children is clear and affirming about the ability of LGBT individuals and same-sex couples to parent, and it alleviates concerns about the outcomes of children raised by LGBT parents. It is essential that professionals have access to and can draw from evidence-based information about LGBT adoptive families in making decisions in the best interests of children. Without this body of knowledge, professionals will continue to overlook the great potential of LGBT individuals and couples to be a resource for children.

A brief summary of the research shows the following:

- Children raised by LGBT parents do not differ in any key areas of adjustment or functioning (Goldberg, 2009).
- Quality of parenting and level of family functioning are not related to the sexual orientation of the parents (Erich, Leung, Kindle, & Carter, 2005).
- Adults who have been raised by LGBT parents report feeling more tolerant of all types of human diversity (Stacey & Biblarz, 2001).
- The sexual orientation of youth does not have any correlation with the sexual orientation of the families in which they were raised (Golombok & Tasker, 1996).

These are just a few findings among dozens of studies conducted with children of LGBT parents over more than three decades. In short, the research shows that children raised by LGBT parents do not experience negative

effects or outcomes because of their parents' sexual orientation, and, in fact, there are positive outcomes for children raised by LGBT parents. Thus, there is no scientific basis for denying placement of children with qualified LGBT adoptive parents.

For a compilation of studies of LGBT parents and families, visit the Human Rights Campaign website:

www.hrc.org/issues/parenting/8395.htm

Access more research through the Information Gateway library: [http://basis.caliber.com/cwig/ws/library/docs/gateway/ResultSet?w="+NATIVE%28%27de%3D%22gay+and+lesbian+adoption%22%2C+%22homosexual+parents%22+and+year%3E2006%27%29&u pp=0&rpp=-10&order="+NATIVE%28%27year%2Fdescend%27%29&r=1](http://basis.caliber.com/cwig/ws/library/docs/gateway/ResultSet?w=)

Language and Terminology

As noted above, not all LGBT people identify themselves as lesbian, gay, bisexual, or transgender. Other terms might include "same-gender loving," having a "fluid" sexuality, or being "two-spirited." Many younger LGBT Americans have reclaimed the term "queer" and may choose that term to self-identify. The terms, expressions, and ways of defining oneself are often tied to cultural understandings of sexuality and gender and can also be influenced by popular culture, generational experience, and region of the country. Additionally, like most groups, the language and terminology used within and about the LGBT community evolve over time.

The following is a glossary of terms and definitions you should be familiar with in order to work effectively with the diverse LGBT community and to begin to gain a higher level of comfort with some of the core concepts that are inevitably part of the LGBT experience.²

Bisexual: A person who is emotionally, romantically, and physically attracted to both men and women. A bisexual person may not be equally attracted to both sexes.

Closeted: A person who does not share information about his or her lesbian, gay, bisexual, or transgender identity with others. LGBT people are more likely to be “closeted” when there is a risk of losing a job or facing discrimination or being rejected by family, friends, or religious community.

Gay: Describes a man who is attracted emotionally, romantically, and physically to other men. Some women prefer to use this term to describe themselves, but it is more typically used by and about men.

Gender expression: Refers to external characteristics and behaviors such as clothing, hair style, mannerisms, speech patterns, social interactions, etc. that are socially identified with a particular gender.

Gender identity: One’s innermost (psychological) sense of being male, female, or androgynous (a sense of being “both” or not either).

Gender roles: The set of roles and behaviors assigned to or imposed upon females and males by society and/or culture.

² This abbreviated glossary is adapted from a variety of resources, including Gay, Lesbian and Straight Education Network (GLSEN), Gay & Lesbian Advocates & Defenders (GLAD), and the Human Rights Campaign (HRC).

Heterosexism: The societal or institutional assumption that heterosexuality is the only valid sexual orientation and is superior or preferable to being lesbian, gay, or bisexual.

Homophobia: The irrational fear or hatred of, or discrimination toward, people who are gay or lesbian (same-sex attracted).

Homosexual: A term used to describe people who are attracted to members of the same sex. Most people prefer the terms lesbian or gay, as the term homosexual is outdated and is often perceived as derogatory or offensive.

Internalized homophobia: The experience of shame, aversion, or self-hatred in response to one’s own awareness of having same-sex attraction, usually the result of being exposed to significant societal, familial, or cultural homophobia.

Lesbian: A woman who is attracted emotionally, romantically, and physically to other women.

Queer: Describes all people who are not heterosexual or gender conforming. For many LGBT people this word has a negative connotation; however, some members of the younger generation are comfortable using this term.

Questioning: A person, often an adolescent, who has questions about his or her sexual orientation or gender identity. Some questioning people eventually come out as LGBT; some don’t.

Sexual orientation: Defines who a person is attracted to emotionally, romantically, and physically. Categories of sexual orientation include heterosexual, gay/lesbian, and bisexual and can be fluid over time.

Transgender: A broad term used to describe individuals who experience or express their gender in ways that do not correspond with social or cultural norms or expectations of the sex assigned to them at birth (natal sex).

Two-Spirited: A term for both same-gender (LGB) and transgender people that emerged from various Native American/First Nations traditions.

Advantages of Including LGBT Adoptive Families

Many LGBT individuals can identify with, and have come to terms with, many of the difficult feelings that children in foster care have experienced. These insights give them the empathy and strong sense of advocacy that is required to meet the needs of children adopted from foster care.

There are numerous benefits to establishing policies and practices that welcome and support LGBT adoptive families. An analysis of data from the National Survey of Family Growth suggests that up to 2 million LGB individuals expressed an interest in adoption as a path to family building (Gates, Badgett, Macomber, & Chambers, 2007). Recent studies show that children raised by LGBT parents are highly successful in all measures, from academic achievement to interpersonal relationships (Farr, Forssell, & Patterson, 2010). Research provides evidence of a myriad of strengths and capacities that LGBT individuals and same-sex couples bring as prospective adoptive parents (Brooks & Goldberg, 2001; Downing, Richardson, Kinkler, Goldberg, 2009; Mallon, 2007; Ryan & Cash, 2004):

- They are highly motivated to adopt; for most, it's their first choice in family building.
- They tend to be highly engaged and invested in the adoption process.
- They have a deep understanding of how it feels to be "different."
- They embrace a broader definition of "family," often as a result of facing rejection by their family of origin and by establishing their "family of choice."
- They are able to advocate for fairness and equality for their family.
- Many have overcome oppression, discrimination, and other obstacles in their own lives.
- They are able to support children who struggle with peer relationships and identity issues.
- There is vast regional, racial, and ethnic diversity within the LGBT community (Gates et al., 2007).

Tips for Effective Recruitment/Retention

Research has shown that less than one-fifth of adoption agencies actively attempt to recruit adoptive parents from the lesbian and gay community (Gates et al., 2007). As a result, many LGBT adults feel that agencies will not welcome them or will treat them as second-class applicants. In many communities, there are significant numbers of LGBT adults who would welcome the opportunity to foster or adopt if they knew they were wanted and needed and would be treated with respect.

For public agencies, expanding the pool of qualified, diverse resource families is a high priority and is essential to meeting the permanency goals of the agency. Agencies that want to maximize their recruitment efforts in the LGBT community and implement best practices in retaining LGBT families can consider the following activities³:

- Ensure that the staff and volunteers who conduct your orientation sessions, training, and licensing activities are comfortable talking about diverse families and will make an effort to speak directly to and about the LGBT resource families who are part of your program.
 - If you don't have experience working with the LGBT population, educate yourself to gain experience and cultural competence before doing a family assessment.
 - If you are a supervisor or manager in an organization, ensure that your organization has a means of educating staff to be culturally competent in this area, and communicate that as an expectation.
 - Develop new materials, or modify existing materials, to reflect that your agency welcomes and includes LGBT resource families. Include photos of diverse families as well as specific language and images that resonate with the community. Include this message in all agency communications.
 - Reach out to your local LGBT community center, community organizations, media, and key LGBT community leaders to establish partnerships.
- Host a recruitment activity at a local LGBT venue or in a neighborhood that is LGBT-friendly.
 - Participate in the local LGBT Pride events by having an exhibit booth or hosting a recruitment event specifically targeting the LGBT community.
 - Ask your current LGBT resource families to speak at events and network in their own community. Word of mouth is often the most effective recruitment method.
 - Seek out religious congregations that are welcoming and affirming—those more likely to have LGBT congregants, if you are engaged in faith-based recruitment efforts.
 - When possible, create opportunities for your LGBT-identified staff members or key volunteers to meet with your LGBT families.
 - Ensure that your “waiting” families group is inclusive of LGBT individuals and couples and that there is ongoing communication with these families while they are in the process.

Challenges Faced by LGBT Adoptive Parents

While we have seen an increase in inclusive policies and practices, prospective LGBT adoptive parents continue to face unique challenges. Historically, LGBT parents were considered as a resource for “certain children.” For example, in the mid- to late-1980s, gay men were allowed to be foster/adoptive parents to babies and children with HIV/AIDS. At that time, the stigma and discrimination toward gay men was intense,

³ Adapted from *All Children—All Families Promising Practices Guide*, 3rd Edition, © 2009 Human Rights Campaign Foundation, with permission.

but there were few other adults who were willing to take a child with HIV into their homes.

Research has shown that many agencies apply a “hierarchy” of placement, sometimes unconsciously, in which priority is given to heterosexual couples (Ryan, 2000). Studies have also revealed that gay and lesbian couples are often treated as families of last resort when placement decisions are being made (Hicks, 1996).

The ideal approach to working with LGBT prospective parents is a nonbiased, strengths-based perspective in which each person or couple is assessed independently and objectively. This is the same standard applied to the assessment of all prospective adoptive parents. The following tips are important to keep in mind for the assessment process⁴:

- Like all prospective adoptive parents, LGBT individuals and couples will have varying ideas about the age, race, and background of children they feel able to adopt. Some will want to adopt only a healthy infant, while others will be very open to adopting older children with specific challenges. Be open to listening and respecting their fears, hopes, and concerns.
- Do not assume that prospective LGBT parents will want or, in fact, be best suited to raise LGBT youth. In some cases, this may prove to be an effective match. But best practices dictate that matching prospective parents with waiting children be done on a case-by-case basis, with the best interests of both parent and child as a guiding principle.

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- LGBT prospective adopters often fear that they will be more highly scrutinized or held to different standards than their heterosexual counterparts. Make clear that your agency does not discriminate and make sure that this is truly the case. Provide realistic information about the adoption process, the home study and what it entails, the waiting period, and any fees or subsidy. If possible, provide such information to *all* families together so that all families hear consistent information at the same time. If there are going to be different issues for your LGBT families, let them know well in advance so they will not feel misled.
- Encourage LGBT families to connect with other waiting families or support groups for adoptive parents. The ability to talk to other families—gay and straight—is essential.
- If you are aware of discrimination in placement decisions within your agency or among the agencies with which you routinely work, talk to your supervisor or manager. The agency should make a plan to address such concerns effectively. It may be helpful to provide educational materials to your colleagues, such as research on LGBT parenting, position statements from leading national organizations, etc.

Challenges in Working With LGBT Families

There are some unique challenges in working with LGBT prospective parents. Depending on the jurisdiction and setting in which professionals work, these challenges may

include laws, policies, and biases against this population on the part of other professionals.

Laws

Foremost among the challenges that you may face in working on behalf of LGBT adoptive families will be the laws and policies that govern your practice. There is no Federal law or regulation that addresses LGBT adoption—it is determined at the State level by laws and statutes.

The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons. As of November 2010, only one State explicitly prohibits adoption by LGBT individuals in its statutes. Mississippi forbids adoption by couples of the same gender.⁵ Utah bars adoption by persons who are cohabiting but not legally married; this language could be, and often is, interpreted to deny gay and lesbian adoptions. In Connecticut, the sexual orientation of the prospective adoptive parent may be considered, notwithstanding provisions in the State's laws prohibiting discrimination based on sexual orientation. See Information Gateway's *Who May Adopt, Be Adopted, or Place a Child for Adoption? Summary of State Laws* for more information: www.childwelfare.gov/systemwide/laws_policies/statutes/parties.pdf

Because State laws are largely silent, laws may be interpreted differently by an individual social worker, attorney, agency, or judge. In some States, for example, a joint adoption by a gay or lesbian couple may be approved in one county, but in a neighboring county a

social worker will submit a home study listing the primary applicant and "other member of household."

Some States allow second-parent adoption by a same-sex partner, which provides the highest level of legal and psychological security to children. Others, however, do not make this allowance, and LGBT families may remain more vulnerable because both adults are not legally recognized as parents.⁶ In States that do not permit second-parent adoption for LGBT families, adopted children are denied equal protection under the law and its benefits (Brown, Smalling, Groza, & Ryan, 2009).

While adoption is currently a legally supported option for LGBT people in the vast majority of States and jurisdictions, there exists a strong perception among LGBT people that they are legally barred from adopting in most areas. This misperception serves as a barrier to efforts to recruit and place children with LGBT parents. It also points up the need for expanded outreach to these communities.

In intercountry adoption, it is the laws of other nations that determine whether LGBT individuals or couples can adopt. Very few countries have explicit laws that restrict same-sex couples or LGBT individuals from adopting, but there are numerous policies and "cultural norms and expectations" that make it very difficult for same-sex couples as well as single individuals to adopt internationally. U.S.-based agencies that facilitate intercountry adoption have different levels of comfort when it comes to knowingly representing an LGBT parent. In most cases, same-sex couples who wish to adopt internationally will not be able to disclose their sexual orientation or

⁵ On September 22, 2010, the Florida 3rd District Court of Appeal upheld a trial court ruling that Florida's explicit ban was unconstitutional, thus opening the door for adoption by LGBT parents.

⁶ There is more information on the Human Rights Campaign website: www.hrc.org/issues/parenting/adoptions/2385.htm

relationship status without the potential of risking the adoption approval. This situation presents an ethical dilemma to the prospective parents as well as the social work professionals who are party to the adoption process.

The U.S. State Department maintains a database of written laws and policies for each country from which U.S. citizens are able to adopt: www.adoption.state.gov/countryinformation.html

Policies

Policies can be explicit (written and enforced) or implicit (agency culture, expectation of agency leadership). When an agency has no policies that expressly prohibit discrimination on the basis of sexual orientation or gender identity, there is potential for members of the LGBT community to be disqualified or misled regarding the potential for placement.

Some faith-based agencies have written policies that prohibit placement of children with same-sex couples or LGBT individuals. However, some of these agencies operate in and receive funding from States in which discrimination against LGBT people is prohibited. This has resulted in litigation that has, on more than one occasion, resulted in a loss of State funding for the placement agency.

Private agencies may have explicit or implicit policies that give preferential treatment to married, heterosexual couples. And entities that provide funding to agencies—from board members to private corporations—may choose to withdraw their funding if they learn that agencies are placing with LGBT parents.

In States where same-sex couples can't legally marry or enter civil unions or domestic

partnerships, LGBT couples may not qualify for adoptive placements. Many prospective LGBT adoptive parents living in States that restrict or prohibit foster or adoptive parenting by LGBT individuals or couples may look for agencies in LGBT-“friendly” States. Prospective adoptive parents benefit from having an agency in their own community in which they can establish relationships with professionals who will help through the entire process and well into postpermanency support. Inconsistent laws and policies make it difficult to apply the best practices in some situations; the best plan is to be informed of the laws that govern practice in all States in which you are licensed.

Other challenges for some professionals in working with LGBT families and individuals may include personal bias, fear, and resistance to working with the LGBT community. Professionals working in the public sector may encounter peers who refuse to place children/youth with LGBT individuals or same-sex couples, even when a home study is approved and the family is considered a stellar placement opportunity.

The following are tips that can be helpful for professionals in addressing challenges:⁷

- Research the local and regional laws that may impact your LGBT adoptive families.
- Develop a referral list of experienced LGBT-competent family attorneys in your jurisdiction. Seek out consultation as needed with local LGBT-competent attorneys or with other agencies/professionals who may be more experienced in this special population.

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- Develop a list of LGBT-friendly agencies outside of your State or region that can provide support and resources for LGBT families for whom their State of residence or local laws present challenges to their adoption process.
- Ensure that agency directors put this issue before their boards of trustees and are prepared to present evidence about the benefits of working with LGBT families.
- Become familiar with the local family or probate court having jurisdiction over adoption. The agency administration can engage the judge or his or her staff in discussion to determine how the court may treat cases of adoption of children by parents who are LGBT.

Tips for Representing LGBT Families as Potential Adoptive Parents

Private agencies may struggle with representing potential parent(s) who are LGBT to birth families who are considering placement options. It is important to be aware of how to talk to other adults and to children at various ages and stages about different kinds of families, including LGBT families. Some suggestions for conducting these conversations include⁸:

- When meeting families/clients for the first time, inform them that you work

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with diverse resource/adoptive families and include examples such as two-dad or two-mom families. Do not make assumptions about what families they will consider. This applies to birth parents who choose adoptive parents for their infants.

- Be prepared to share some key talking points or handouts about the positive findings from research on children raised by LGBT parents and to allay fears or concerns by offering factual information about LGBT parents.
- Provide opportunities within your agency or community for LGBT adoptive parents to participate in orientations, parent panels, and training/licensing classes. When people get to know LGBT parents, many of their initial fears/concerns are alleviated.
- When representing family home studies to expectant families, include LGBT families. Do not highlight or point out the sexual orientation or marital status from the very beginning of the introduction, but focus on those things that will be relevant to what the birth family has expressed an interest in—for example, that the couple lives in the city, has pets, or that they are teachers or athletes, etc.
- When talking to children or youth, explain that there are many kinds of families who are interested in adopting, using photos and stories about the families rather than using terms such as “gay, lesbian, transgender” in first introducing the families.
- With younger children, point out the family structure (“this family has two dads,” or “this family has one mom, a dog, and a cat”) rather than discussing sexual

orientation. Younger children do not have a formulated concept of sexuality or sexual orientation; rather they are interested in who will be in their family.

- With older children who have a more evolved understanding of sexuality and romantic/physical relationships, be very direct and honest when presenting a same-sex couple or a single applicant who has self-identified as LGBT. It is better to know up front if there are negative feelings toward or biases about gay or lesbian people.
- In most cases, children and youth do not have rigid ideas or beliefs about sexual orientation and are open to different families. However, if and when an older youth is resistant to the idea of being placed with an LGBT individual or same-sex couple, be prepared to engage the youth in a discussion of his or her concerns, keeping in mind that the youth may hold views based on myths, stereotypes, and misinformation about LGBT people. It is important, however, to respect the youth's position, even if you disagree, which may ultimately necessitate the need to proceed to identify other families for the best individualized placement choice for that particular child or youth.

The "T" (Transgender) in LGBT

Social workers who conduct home studies with LGBT individuals and same-sex couples sometimes see through a biased lens without realizing it, applying different standards and

requirements than with their heterosexual couples. These biases may be exacerbated when working with individuals who do not conform to a traditional view of gender roles and behavior. Some of the more extreme examples of bias and discrimination are evident when working with clients who identify as transgender, particularly those individuals who have experienced a gender transition. While the transgender community is relatively small and most adoption professionals have not worked with applicants who present or self-identify as transgender, understanding the transgender experience is important in order to avoid bias.⁹

- Be sure you understand the basic concepts "gender identity," "gender expression," and "transgender."
- Address people by their preferred names and refer to them by their preferred pronouns.
- Understand the specific experiences of individuals who undergo a gender transition with medical/hormonal and/or surgical support. A transgender man ("trans man") is someone who was assigned the female sex at birth and has since transitioned to male; likewise, a "trans woman" is someone who was assigned the male sex at birth and has since transitioned to female.
- Contact your local LGBT Community Center, LGBT Parent Group, or local LGBT organization and request resources related to the transgender community. If possible, request a transgender person as a guest speaker at a professional in-service training.

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The Basics of Creating a Welcoming Agency

When prospective LGBT adoptive parents begin their journey to build a family through adoption, they often look for an agency that sends a clear message that they will be welcomed, respected, and valued. Agencies that want to convey a welcoming philosophy can use the following concrete steps¹⁰:

- Have an explicit nondiscrimination statement that includes sexual orientation, gender identity, and marital status.
- Use inclusive language in your written materials, on your website and in your general external communications. For example, forms should say “applicant 1/ applicant 2,” rather than “mother/father.”
- Invite LGBT parents from your local community to serve on an advisory board, participate in a focus group, or be a guest speaker at staff meetings.
- Talk about your inclusive policies at orientation/training meetings and use examples of families that convey the wide range of diversity within your client base.
- Include photos of two-mom and two-dad families as well as a range of single-parent families in your marketing materials and on your website.
- If you are an agency leader, ensure that training for all staff includes cultural competence or request that your

supervisor/administrator provide training opportunities.

- When possible, hire an LGBT staff person or those who identify themselves as LGBT allies. Make clear to all prospective employees that you have a policy of welcoming LGBT adoptive parents and be sure your team is fully supportive and compliant with these policies.

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