

# SEXUAL ORIENTATION, GENDER IDENTITY, AND ADOPTION LAW

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The legal landscape surrounding adoption by lesbian, gay, bisexual, transgender, or questioning/queer (LGBTQ) parents continues to be dynamic and variable across the United States, yet the topic is generally viewed favorably by Americans and increasing numbers of LGBTQ adults are becoming adoptive parents. In this essay, we explore intersections of sexual orientation, gender identity, and adoption law. We discuss connections between parenting (including adoption) and marriage rights, highlight the influence of varying legal contexts and discrimination for LGBTQ adults who pursue adoption (including case examples from Florida after the gay adoption ban was lifted), and incorporating the perspectives of adoption-agency personnel working with LGBTQ clients.

Key Points for the Family Court Community:

- Adoption laws surrounding parenting by LGBTQ persons vary across the United States and remain in a dynamic state of flux, despite overall gains in legal equalities for the LGBTQ community (such as federal same-sex marriage equality).
- The research evidence is clear that in the face of legal barriers, stigma, and discrimination, LGBTQ parents and their children may experience psychological difficulties.
- Adoption and legal professionals, as well as other practitioners who work with LGBTQ-parent families, should demonstrate appropriate cultural competency in working with gender and sexual minority individuals, including adequate training and education regarding current federal and state laws related to the adoption of children.

**Keywords:** *Adoption; Adoptive Families; Children; Family Law; Lesbian and Gay; LGBTQ; Parenting Rights; and Transgender.*

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Adoption by same-sex couples is increasingly seen as acceptable by Americans (Donaldson Adoption Institute, 2016a; Gates, 2015) and adoptions are on the rise among lesbian and gay (LG) people (Gates, 2011). In the United States, same-sex couples are more likely than heterosexual couples to have adopted children (Gates, 2013), the numbers of LG adoptive parents nearly doubled across the first decade of the millennium (Gates, 2011), and many transgender and gender nonconforming (TGNC) adults express an interest in adoption as a “first-choice” route to parenthood (Dickey, Ducheny, & Ehrbar, 2016). Numerous adoption agencies and organizations work with lesbian, gay, bisexual, transgender, and questioning/queer (LGBTQ) clients and provide resources to adoptive families headed by LGBTQ parents (Brodzinsky, 2012; Human Rights Campaign [HRC], 2017; Path2Parenthood, 2016). LGBTQ parents often seek out such resources, as well as competent legal and adoption professionals, in pursuing adoption (Moyer & Goldberg, 2016; Park, Kazzyak, & Slauson-Blevins, 2016). Despite social advances, there remain various legal obstacles to adoption by sexual- and gender-minority parents. In this article, we describe legal considerations for LGBTQ adoptive parents, including pathways to adoption, intersections with legal professionals such as attorneys and judges, and laws regarding second-parent and joint adoptions. We acknowledge that more information is generally available regarding sexual-minority (i.e., LGBQ) than gender-minority (i.e., TGNC) parents, yet we have made efforts to be inclusive of all LGBTQ persons who form their families through adoption, in part by including the perspectives of several adoption-agency personnel about how TGNC issues intersect with contemporary adoption practice.

There are numerous reasons for and pathways to adoptive parenthood. For instance, sexual and gender minority adults may adopt to fulfill a desire to parent, provide families and homes for

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children in need, or become legal parents to their partners' children or to children created through assisted reproductive technologies (ART). Such adoptions may proceed via single-parent, joint (couple), or second-parent adoptions (Appell, 2012). Second-parent adoptions often take place when one parent in a couple is the legal parent and another parent is seeking to be a legal parent without terminating the parental rights of the first parent (Patterson, 2013).

Many adoptive families are legally formed when parental rights are granted to the adoptive parents only after the termination or relinquishment of the biological parents' parental rights (Appell, 2012; Farr & Grotevant, 2019). These adoptions, which can be single or joint legal adoptions, are considered stranger adoptions, as the adoptive parents adopt children to whom they are not biologically related (Appell, 2012; Patterson, 2013). Stranger adoptions can proceed via different routes, including public and private domestic adoptions and international adoptions. Public adoptions occur through the U.S. child welfare system (i.e., foster care). Private domestic adoptions are facilitated through a private adoption agency or a hired lawyer (usually to adopt an infant in the United States). This route to adoption is on the decline (Jones & Placek, 2017) given recent societal changes such as more effective birth control and decreased stigma for single parents (for an illustration, see news of the recent closure of the Independent Adoption Center, a private adoption agency that had been in operation nearly 35 years; Perry, 2017). International adoptions are completed through private international adoption agencies, although this option has become increasingly difficult. There are tighter international regulations after the signing of The Hague Convention in 2008 (see Farr & Grotevant, 2019) and some countries such as China and Russia have established stricter requirements for eligibility as adoptive parents (i.e., many do not consider single, unmarried, or LGBTQ applicants; Joslin & Minter, 2011; Moyer & Goldberg, 2016; Park et al., 2016). Stranger adoptions can also be open or closed, ranging from fully disclosed adoptions with sharing of identifying information and/or contact between biological and adoptive family members to fully confidential adoptions with no identifying information shared, nor any contact (Farr & Grotevant, 2019). Regardless of the type of stranger adoption, all prospective adoptive parents must go through a rigorous, time-consuming, and (often) expensive process of application—involving home studies and criminal background checks—to be approved by the state as legal adoptive parents (Shapiro, 2013).

Adoption laws are governed at the state level, as are generally all family laws (NeJaime, 2016; Shapiro, 2013). As such, there is great variation in the laws and there are also consistent, dynamic changes in the laws governing and affecting LGBTQ adoptive parent families (Shapiro, 2013). Thus, rather than providing a detailed account of the status of the laws,<sup>1</sup> we instead provide information about the intersections of adoption law, sexual orientation, and gender identity. For more comprehensive social science and legal reviews of the history of marriage and parenting laws for LGBTQ parent families, see Chauveron, Alvarez, and van Eeden-Moorefield (2016) and NeJaime (2016).

## **SAME-SEX MARRIAGE AND PARENTING RIGHTS, INCLUDING ADOPTION**

In June 2015, in *Obergefell v. Hodges*, the U.S. Supreme Court recognized the right to marriage equality, unequivocally providing access to marriage for same-sex couples throughout the country (American Psychological Association [APA], 2015). A majority (69%) of plaintiffs involved in the combined cases constituting *Obergefell v. Hodges* were parents, including 55% who were adoptive parents, highlighting that one of the key arguments in this case referred to the lack of equal access to marriage for same-sex couples as injurious to the well-being of children and families (Polikoff, 2016). Moreover, there was a Supreme Court ruling (*V.L. v. E.L.*) in March 2016 holding that the Full Faith and Credit Clause requires states to recognize judicially approved adoptions in other states. Even so, it is still recommended that LGBTQ-parent families carry proof of adoption when traveling (Shapiro, 2013).

Traditionally, marriage laws applying to heterosexual couples have been interpreted such that children born to married women are a “child of the marriage,” and women’s husbands are presumed to be both the biological and legal parents of these children (Appell, 2012; NeJaime, 2016). For

married same-sex couples in which one member is the biological parent or legal adoptive parent, nonbiological or nonadoptive parents are reliant on this marital presumption to legal parentage based on marriage to the biological or legal adoptive parents. This presumption is clear and applied in some states, such as California, but it may not be in others (NeJaime, 2016). When only one member of an LGBTQ couple is a legal parent, the nonlegal parent will remain at a considerable legal disadvantage in custody disputes and other legal matters (Shapiro, 2013). Notably, *Obergefell v. Hodges* (2015) did not confer full parenting recognition or security in the context of same-sex marriage, particularly in the absence of biological ties between parents and children (NeJaime, 2016). Generally speaking, however, legally married parents are viewed as having equal standing in the eyes of the court, which surfaces as important in terms of any potential custody disputes (Johnson, O'Connor, & Tornello, 2016); before pursuing litigation, we recommend a joint resource offered by GLAAD and NCLR: *Protecting Families* (<http://209.240.81.45/protecting-families>). It should also be noted, whenever two LGBTQ parents are both recognized as legal parents, child custody cases are legally indistinguishable from those involving heterosexual parents (Shapiro, 2013).

Marriage and parenting rights for same-sex partners have also been relevant to legal practices involving children's birth certificates. Until the recent Supreme Court decision (*Pavan v. Smith*, 2017) that allowed for both same-sex partners in a family to be listed on their child's birth certificate (Liptak, 2017), some states required a female and male parent to be listed on birth certificates. This practice precluded any same-sex couples, regardless of biological or adoptive parenthood, from being listed as parents (Appell, 2012; Chauveron et al., 2016; Park et al., 2016). The Supreme Court made its ruling in *Pavan v. Smith* after agreeing to hear an appeal to a case that originated in Arkansas. In December 2016, the Arkansas Supreme Court overturned a lower court's ruling that would have allowed both members of married same-sex couples to be listed as parents on their children's birth certificates without a court order (such court orders were not required for married heterosexual couples, regardless of actual biological ties), citing the supremacy of biological relationships of the mother and the father over any nonbiological parent (Ring, 2016). While birth certificates are not a guarantor of legal parenting rights, they do provide school registration, health care decision, and death benefits (Cahill, Ellen, & Tobias, 2010; Shapiro, 2013).

## ADOPTION LAWS AND LGBTQ PARENTING RIGHTS

With regard to the adoption of children by LGBTQ individuals and couples, there has been wide variation and a dynamic legal landscape across states over recent years. While the *Obergefell v. Hodges* decision allows same-sex couples to undertake legally recognized marriages, and thus access joint adoption in all 50 states, the legal landscape regarding LGBTQ parent adoption remains quite varied across states. Some states have nondiscrimination laws prohibiting discrimination based on gender and sexual identity in matters of adoption (Family Equality Council, 2017). In contrast, the Texas Department of Family and Protective Services is currently prohibiting same-sex couples to jointly adopt from foster care (Family Equality Council, 2017). Another roadblock to equality in adoption laws for LGBTQ people relates to religious interests. There are several states (e.g., Michigan, Florida, Alabama, Texas) that have enacted or considered "religious freedom" legislation that can allow groups that contract with the state (such as private adoption agencies) to decline service to any couple or individual, such as those from the LGBTQ community, whose existence conflicts with their religious beliefs (Beitsch, 2015; NeJaime, 2012; NeJaime & Siegel, 2015).

Second-parent adoptions have represented an important legal tool for LGBTQ-parent families in which one parent in a couple is already legally recognized as a parent (e.g., through biological or single adoptive parenthood) and the couple wishes to add an additional legal parent without jeopardizing the parenting rights of the existing legal parent (Shapiro, 2013). Second-parent adoptions have been particularly useful in cases of international adoption in which only one member of LGBTQ couples could proceed with an adoption (as a single parent) or in cases where only one partner is the biological parent (e.g., among lesbian couples in which one parent gives birth or among gay couples

who pursue surrogacy and only one partner is genetically connected to the child; Appell, 2012). Again, until the recent *Pavan v. Smith* Supreme Court decision, which entitles both same-sex parents to be listed on children's birth certificates (Liptak, 2017), second-parent adoptions sometimes also allowed for the issuance of revised birth certificates reflecting the true legal parentage established by the adoption (Appell, 2012; Chauveron et al., 2016). Some LGBTQ couples question whether same-sex marriage rights have afforded them adequate legal rights as parents and, as a result, many continue to pursue second-parent adoptions. In the wake of the presidential election and in the current political climate, a number of same-sex couples are initiating second-parent adoptions even in the context of legal marriage (Brown, 2017; Hyde, 2017; Lawlor, 2017), yet not all states explicitly offer such adoption opportunities to same-sex couples (Moyer & Goldberg, 2016).

### VARYING LEGAL CONTEXTS AND DISCRIMINATION AFFECTING LGBTQ-ADOPTIVE-PARENT FAMILIES

Some research has examined how varying legal contexts have influenced LGBTQ parents and their children, including LGBTQ-adoptive-parent families. In interviewing LGB parents ( $N = 51$ ) about their perceptions of the legal climates in which they lived (Nebraska vs. California), Park and colleagues (2016) clearly demonstrated differences in participants' feelings regarding legal security and safety depending on the different state contexts. Given various legal protections available in California at the time the study was conducted (i.e., same-sex couples could adopt jointly, complete second-parent adoptions, and be listed on a birth certificate following surrogacy or donor insemination regardless of biological relatedness), parents in this state described themselves as "living in a bubble." In contrast, parents in Nebraska noted having to "work within the system" of a state with less supportive laws at the time of data collection (i.e., same-sex couples cannot jointly adopt, nor complete second-parent adoptions, and only the biologically related parent can be listed on a birth certificate following surrogacy or donor insemination). Some parents in Nebraska felt their choices of adoption as a pathway to parenthood were limited given their perceptions of the state's legal climate. Some pursued adoption in other states simply to be listed as parents on the birth certificate. Even in California, some parents discussed moving to more "friendly" locations within the state, such as the Bay Area, in order to pursue foster care adoption. As such, discrepant legal climates (or more specifically, interpretations of them) differentially affected LGB parents' decisions about where to live, how to seek parenthood, and their experiences of family recognition (Park et al., 2016).

Some studies have more explicitly suggested negative mental health consequences for LGBTQ parents in the presence of legal barriers to adoption. Goldberg and Smith (2011) found that lesbian and gay adoptive parents ( $N = 90$  couples; 52 lesbian, 38 gay) reported greater symptoms of depression and anxiety (via standardized questionnaires) across the first year postadoption when they lived in states with less-favorable legal climates (e.g., "unfavorable court rulings with regard to gay adoption," using the HRC's "Family Equality Index") for LGBTQ-adoptive-parent families, as compared to those lesbian and gay adoptive parents who lived in states with more supportive laws (e.g., "favorable court rulings with regard to gay adoption"). Similarly, Shapiro, Peterson, and Stewart (2009) studied mental health among lesbian and heterosexual mothers ( $N = 282$ ) living in the United States ( $n = 52$  lesbian, 153 heterosexual) and Canada ( $n = 35$  lesbian, 42 heterosexual). At the time of the study, the legal climate in Canada for lesbian mothers and their children was more supportive than that in the United States. Via online questionnaires, American lesbian mothers described more worries about legal problems and discrimination as a result of their sexual orientation than did Canadian lesbian mothers, and no differences were found between heterosexual mothers in the two countries (Shapiro et al., 2009), pointing to potential benefits of supportive legal climates for sexual-minority-parent families.

One study has even demonstrated potential harm to children in the context of legal prohibitions to adoption by LGBTQ parents. Using data from the 2002 Adoption and Foster Care Analysis and Reporting System, Kaye and Kvalanka (2006) discovered that more children were adopted from foster care each year in 11 states (California, Connecticut, Illinois, Indiana, Maryland,

Massachusetts, Nevada, New Jersey, New York, Pennsylvania, and Vermont) with gay-friendly adoption laws (i.e., laws, statutes, or high-court decisions allowing for the consideration of lesbian and gay individuals to be prospective parents) as compared to 5 states (Florida, Michigan, Mississippi, Nebraska, and Utah) with legal prohibitions related to LGBTQ-parent adoption. Specifically, the proportion of foster children adopted was only .17 in anti-gay states, but nearly twice that (.32) in gay-friendly states (Kaye & Kivalanka, 2006). While these data are older, the implications still apply—it is probable that legislation that is more favorable toward LGBTQ parents benefits not only parents but also children.

Even in the context of laws allowing for adoption by LGBTQ persons, the process of adoption can involve stigma and discrimination in the context of both interpersonal and institutional interactions (Brown, Smalling, Groza, & Ryan, 2009; Farr & Patterson, 2013). Several studies of lesbian and gay adoptive parents have reported concerns about legal insecurities about their adoptive placements based on the possibility of discrimination, as well as facing stigma and discrimination from particular adoption agencies or staff that may have shifted parents' choices about particular adoption pathways (Downing, Richardson, Kinkler, & Goldberg, 2009; Gianino, 2008; Goldberg, Moyer, Kinkler, & Richardson, 2012). For example, Downing et al. interviewed 64 gay men (in 32 couples) and found that some participants reported that international adoption was not an option (given legal restrictions), while others worried about the potential legal instability of foster care or open adoption placements, and some even described that they had been encouraged by their adoption agencies to conceal their sexual orientation, regardless of the adoptive pathway.

Perhaps not surprisingly, these obstacles do appear to affect sexual-minority parents more directly than their heterosexual counterparts. For instance, Goldberg, Kinkler, Moyer, and Weber (2014) found that among 42 lesbian, gay, and heterosexual couples (17 lesbian couples, 13 gay couples, and 12 heterosexual couples; 82 individuals) who adopted children from foster care 3 months prior to being interviewed, more same-sex than heterosexual couples reported concerns related to legal insecurities. Discrimination can also come in the form of lack of knowledge—research has demonstrated that some adoption-agency professionals do not have accurate information about laws and policies related to the adoption of children by LGBTQ parents (Brodzinsky, 2012; Kimberly & Moore, 2015), which can result in adoptive parents not receiving or not easily acquiring accurate legal information (Park et al., 2016). Thus, to minimize stigma and discrimination, as well as to maximize permanent adoptive placements of children into the homes of eligible prospective parents, proper training and education of those professionals working with LGBTQ adoptive parents is essential.

For gender-minority (TGNC) individuals, there are no specific legal barriers to foster care or adoption in the United States (Dickey et al., 2016; Minter & Wald, 2012). It is likely, however, that TGNC individuals face legal and practical challenges similar to those encountered by LGBQ individuals. For example, it may be difficult to locate an agency that does not discriminate and that is welcoming of prospective adoptive parents who are diverse in gender identity and expression. Some agencies do explicitly seek TGNC prospective adoptive and foster parents (Path2Parenthood, 2016). Regardless, deciding whether to disclose one's TGNC identity is critical when applying to foster or adopt children. Due to the rigorous screening process to become a foster or adoptive parent, it may be wise to disclose at preliminary stages of the process (Dickey et al., 2016). Indeed, many lawyers emphasize early disclosure to minimize potential later challenges during the adoption process (Minter & Wald, 2012). It is likely that TGNC individuals face unique obstacles in pursuing adoption, as individual adoption agencies and judges likely would consider being TGNC a "significant factor" in deciding legal adoptive placements, particularly if this information was not openly disclosed by TGNC adoptive parents (Joslin & Minter, 2011; Moyer & Goldberg, 2016; Shapiro, 2013). Indeed, in a recent survey of 32 childless transgender adults who expressed the desire to become parents in the future, Tornello and Bos (2017) identified themes about perceived barriers in becoming parents. Several participants specifically described the lack of legal protections in guiding their decisions about how to become parents. More research is needed about TGNC individuals who want to pursue adoption as a pathway to parenthood.

## THE CASE OF THE ADOPTION BAN (AND ITS END) IN FLORIDA

To illustrate the negative impact of anti-gay legislation on LGBTQ parents and their children, and the positive effects associated with the removal of such legislation, we provide a case example, namely, the gay adoption ban in Florida. From 1977 to 2010, Florida explicitly barred adoption by sexual-minority individuals. The 1977 statute was challenged multiple times (in 1991, 1995, and 2004) but such challenges failed until 2010, when the ban was found to be unconstitutional. The courts held that the ban could not be understood as serving the best interests of children and thus violated the Florida constitution.

In a recent study, 22 lesbian and gay parents were interviewed about the perceived impact of the ban, as well as the lifting of the ban (see Goldberg, Moyer, Weber, & Shapiro, 2013; Goldberg, Weber, Moyer, & Shapiro, 2014; Ollen & Goldberg, 2016). All of the parents in the study were residents of Florida while the state's gay adoption ban was in effect (until 2010) and all had adopted or were in the process of adopting a child at the time they were interviewed in 2012. Parents reported numerous negative consequences associated with the ban, including the inability to adopt foster children who were living with them (often for many years) and the legal invisibility of one parent (i.e., in families where only one partner could adopt as a single parent). Unable to adopt their children, parents often pursued wills, powers of attorney, and other legal safeguards to provide their families with some semblance of security and protection, but noted financial strain associated with pursuing these protections. Positive advantages associated with the lifting of the ban included enhanced security and relief for parents and children and the ability to be out in the adoption process (Goldberg et al., 2013). Yet, in the wake of the lifting of the ban, participants often found it difficult to locate lawyers and adoption agencies that were knowledgeable about and comfortable with gay adoption, thus highlighting the potential for the lingering effects of anti-gay legislation after its removal (Goldberg et al., 2014).

## CONVERSATIONS WITH ADOPTION PERSONNEL: LOCATING THE RISING SALIENCE OF TGNC ISSUES

It is important to mention that many agencies and organizations dedicated to child welfare and adoption are supportive of LGBTQ adoptive parent families (Donaldson Adoption Institute, 2016b; Path2Parenthood, 2016). Adoption agencies can even become "recognized leaders in supporting and serving LGBT families," through the HRC's "All Children—All Families" certification and training program, launched a decade ago in 2007 (HRC, 2017). Many organizations are also engaged in initiatives dedicated to the needs of children awaiting adoption and best practices with lesbian and gay parents. These include the Donaldson Adoption Institute ([www.adoptioninstitute.org](http://www.adoptioninstitute.org); e.g., see Brodzinsky & Evan B. Donaldson Institute, 2011), AdoptUSKids ([www.adoptuskids.org](http://www.adoptuskids.org)), the Child Welfare Information Gateway (<https://www.childwelfare.gov>), the National Resource Center for Diligent Recruitment ([www.nrcdr.org](http://www.nrcdr.org)) and the North American Council on Adoptable Children (NACAC; <http://www.nacac.org/policy/lgbtq.html>).

To learn more about the support of some adoption agencies for LGBTQ adopters and also to highlight emerging issues in the field, most notably TGNC issues, which are often not addressed in adoption research, the first author spoke with two adoption-agency personnel. Both represented agencies that had become certified through the HRC's "All Children—All Families" program (HRC, 2017) and both highlighted recent changes in contemporary adoption practice as well as emerging issues regarding TGNC clients. Dawn Smith-Pliner, founder and director of Friends in Adoption (<http://www.friendsinadoption.org/>), a nationwide adoption agency based in Vermont, spoke about recent trends in working with LGBQ- and TGNC-parent families in adopting children. Doing so, she reflected about how same-sex couples and single parents appear to be increasingly chosen by birth parents (D. Smith-Pliner, personal communication, February 2, 2017). Similarly, Robyn Harrod, who was the program director for 15 years (through 2015) at a well-regarded foster and adoption agency in Southern California, also noted the relatively large number of LGB adoptive parents with whom she had worked,

as well as a small, but increasing number of transgender-parent and single-father (“both straight and gay”) families (personal communication, February 15, 2017). Moreover, both Smith-Pliner and Harrod discussed potential anxieties that can arise for LGBTQ parents related to legal security of parental rights in the absence of joint adoptions (personal communication, February 2, 2017; February 15, 2017); even for same-sex couples who may be legally married, Smith-Pliner noted that the “anxiety is out of control” for some who are concerned about the security of their adoptive placements in the current political climate (personal communication, February 2, 2017).

In discussing trends surrounding transgender-parent adoption, Smith-Pliner described how her agency worked with an adoptive family in which the parents “presented” as a cisgender heterosexual couple, yet one of the parents identifies as transgender (personal communication, February 2, 2017). Once the adoptive couple had been selected by a birth mother, the agency disclosed the “additional” information that one of the parents identifies as transgender, and the birth mother continued to be fully committed to the adoption, noting that she liked them for who they are and that they should proceed. The birth and adoptive families have continued to have a fully open, disclosed adoption (D. Smith-Pliner, personal communication, February 2, 2017). Similarly, Harrod described a variety of issues surrounding disclosure practices for transgender-parent adoptive families, also noting several instances in which prospective adoptive couples presented visibly as a heterosexual couple, yet one member of the couple identified as transgender (personal communication, February 15, 2017). Harrod went on to note that she had “more questions than answers” when it came to best practices in working with transgender parents, particularly around disclosure decisions (e.g., should agencies require disclosure of a transgender identity or is that a violation of privacy?) and cultivating sensitivity regarding the nature of transgender identity (e.g., whether a client had transitioned already or was in the process of transitioning had the potential to raise different issues during the adoption process; personal communication, February 15, 2017).

Another arena in which issues of gender nonconformity have arisen for Smith-Pliner and the Friends in Adoption agency is that some children (usually age 5 or older) placed with adoptive families have started to identify as another gender than their biological sex (personal communication, February 2, 2017). Interestingly, this does not appear to be a new phenomenon. In fact, numerous other researchers and medical professionals at gender clinics have reported similar experiences of a disproportionate number of TGNC children and youth coming from adoptive families (Miller, 2016; Schumer, Abrha, Feldman, & Carswell, 2017).

The reasons for this trend are not entirely clear. One hypothesis is that these TGNC children have parents who may be more likely to accept gender diversity (Miller, 2016; Schumer et al., 2017) or parents are more willing to seek outside support for their children (and indeed, adoptive parents have been found to be more likely to access psychological services for their children in the event of adjustment difficulties or mental and emotional health challenges; Farr & Grotevant, 2019). Another hypothesis is that perhaps processes of identity development related to adoption for these children who present as TGNC also uniquely contribute to shaping their gender identity in ways that may be distinct from those for children who are not adopted (Miller, 2016; Schumer et al., 2017). Regardless, it is clear that, for children who are adopted and who are TGNC, support and affirmation are critical to their health and well-being (APA, 2015b; Edwards-Leeper, Leibowitz, & Sangganjanavanich, 2016; Farr & Grotevant, 2019).

## FUTURE RESEARCH DIRECTIONS

While existing social science research highlights variations in the legal landscape across the United States regarding adoption by LGBTQ adults, as well as some negative consequences of adverse legal climates, many questions remain. As so little research has addressed TGNC individuals as compared to LGB individuals, studies regarding TGNC parents, particularly those who adopt children, is needed. Intersections of this research with policy and law represent a place for social science researchers and legal professionals to work together. Additional studies that examine

attitudes toward prospective LGBTQ parents, including adoptive parents, and how these attitudes may be embodied in legal institutions as well as adoption agencies, would be informative. In addition, legal landscapes across states are oftentimes not well understood by prospective and current LGBTQ parents nor by adoption-agency personnel. Relatively few studies have directly examined the impact on LGBTQ parents and their children of different legislation across states related to parenting and adoption. Park et al. (2016) discovered that even the perception of a hostile legal climate affected decisions of LGB parents in their pathways to parenthood. Kimberly and Moore (2015) described how a substantial minority (44% of 68 participants) of adoption-agency personnel were not familiar with state policies affecting LGBTQ parent adoption. These findings highlight the important role that researchers and legal professionals can play in providing education and awareness for prospective LGBTQ parents and for the adoption agencies that serve them. Thus, future research could be forged by teams of lawyers and researchers to more effectively meet the needs of adoptive LGBTQ-parent families.

## CONCLUSION

Adoption laws surrounding parenting by LGBTQ persons vary across the United States and remain in a dynamic state of flux, despite overall gains in legal equalities for the LGBTQ community (such as federal same-sex marriage equality). Legal protections for LGBTQ-adoptive-parent families are important for both practical and psychological reasons. The research evidence is clear that in the face of legal barriers, stigma, and discrimination, LGBTQ parents and their children may experience psychological difficulties. For this reason, laws and policies supporting LGBTQ-parent families, and specifically supporting the adoption of children by LGBTQ individuals and couples, are warranted and should be advanced. Adoption and legal professionals, as well as other practitioners who work with LGBTQ-parent families, should demonstrate appropriate cultural competency in working with gender- and sexual-minority individuals, including adequate training and education regarding current federal and state laws related to the adoption of children. Working together, attorneys and social scientists can ensure that this is increasingly true throughout the United States.

## NOTE

1. Organizations such as the National Center for Lesbian Rights (NCLR; <http://www.nclrights.org>) and Lambda Legal Defense and Education Fund (<http://www.lambdalegal.org/>) include legal help desks. The Family Equality Council (<http://www.familyequality.org/>) also provides many helpful resources and information.

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