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# WHAT WILL MARRIAGE EQUALITY MEAN IF WE WANT TO ADOPT?

## **Will marriage equality affect the ability of LGBT couples to adopt a child through an agency or foster care?**

It is important to note that the legal situation for couples adopting children through an agency or foster care is different than that of parents seeking a stepparent or second-parent adoption. couples seeking a second-parent adoption should seek legal counsel regarding their individual situation. For prospective adoptive parents working with an adoption agency or foster care program, being legally married will smooth some of the bumps same-sex couples may have previously faced in the road to adoption. For example, same-sex couples will be able to adopt jointly, allowing both spouses to become legal adoptive parents.

## **Will marriage equality clear the path for LGBT couples to adopt a child?**

Legal marriage will ensure that couples can adopt children jointly, meaning that at the time the adoption is finalized in court both spouses become legal parents to the child. In addition, same-sex married couples will be recognized and treated as a couple through the adoption process, from paperwork and home studies, to classes and beyond. Same-sex couples will be “equal” applicants in the process of becoming licensed as adoptive parents, and equal in the eyes of the law once a child is placed with them.

The reality will persist that adoption agencies and professionals in the adoption field have different levels of experience with, and openness, to same-sex couples. In some states, publicly funded adoption agencies are allowed to discriminate against same-sex couples. So even with marriage equality, it will remain important to research agencies that have proven track records in working with same-sex couples, and explicit inclusive and welcoming policies. For a list of agencies approved by HRC’s All Children-All Families Project, click [here](#).

## **Will we be asked questions related to our legal marriage during the adoption home study?**

During a home study, social workers are required to ask questions about your relationship. When did you first meet? How long have you been together? How do you envision yourselves parenting together? How do you navigate challenges? These are all questions you should expect. Most adoption agencies prefer that couples have been in a committed relationship and living together for at least two years before they pursue adoption. In most cases, being legally married is expected, and perceived as the ultimate symbol of commitment. If you were only recently legally married, but you have been together two or more years, most agencies – especially those that are LGBT-inclusive and culturally competent – will consider that comparable to an opposite-sex couple that has been legally married at least two years. If you believe that an agency or home study social worker does not recognize your years in a legitimate, committed relationship that predated marriage equality, you may consider filing a grievance, or working with another agency or provider that does not apply a different standard to same-sex couples.

## **We wanted to be legally married before starting a family. Now that we have that status, what is the next step for us?**

There are many paths to adoption. Regardless of which one you choose, the process requires patience, commitment and emotional support. The best advice is to learn about the options for building a family by adoption, and to consider what seems best for you based on your age, financial situation, hopes and dreams for parenting, as well as community and family support. Look for an agency or an adoption facilitator experienced in working with same-sex couples. Make a list of all the questions and concerns you have and take the time to get them answered. Consult websites and blogs dedicated to adoption, including those that feature stories from adoptive families of all types, including those with same-sex parents. HRC’s All Children-All Families Project provides a list of agencies and [other resources](#) that support LGBT adoptive families.