

# Adoption

The Alternatives to Marriage Project believes that adoption decisions in the United States should be based on the best interest of each individual child. The marital status, sexual orientation, or family structure of prospective adoptive parents should not be the primary criteria by which adoption placement decisions are made. The pool of prospective adoptive parents should not be artificially diminished solely because of these people's marital status, sexual orientation, or family structure. Decisions about a child's best interest should be made by those who are professionally trained in such matters.

In this section:

## WHAT YOU CAN DO

- Keep an eye out for proposals that would hinder or help unmarried people who want to adopt. Tell your lawmakers to increase opportunities for every child who is waiting for adoption to be matched with the best possible parent(s), by making it easier for single, unmarried, and LGBT people to adopt.

Children are waiting to be adopted.

Unmarried people want to adopt.

Some states are trying to block adoptions.

Some states are trying to make adoptions easier.

Additional resources.

\*AtMP has some new and exciting news to share! U.S. Representative Pete Stark has introduced a bill to Congress in October, 2009. This

bill is known as the Every Child Deserves a Family Act. If passed, the federal government will withhold funding from states that discriminate against prospective adoptive or foster parents based on marital status, sexual orientation and gender identity - [click here to read Stark's press release](#). Check out a personal story by Freddie O'Connell who talks about adoption discrimination in his home state and why he supports the ECDFFA!

Children are waiting to be adopted.

There are 115,000 children in the U.S. waiting to be adopted (U.S. Children's Bureau, Administration for Children, Youth, and Families, 2005). Most of these children are school-aged or in a sibling group that needs to stay together. Most have experienced abuse or neglect; many have physical, emotional, or intellectual disabilities.

There is a severe shortage of adults interested in adopting older or special needs children. As a result, too many children grow up in foster care or institutional settings, turn 18, and "age out" of state care without having been adopted. In 2005, over 24,000 young people aged out of foster care without being integrated into a permanent family. Studies find that one in four of these children are incarcerated within two years after leaving the system, about one-fifth become homeless, and fewer than 3% earn a college degree (Jim Casey Youth Opportunities Initiative, 2007). Clearly, having a parent(s) matters in the lives of children and young adults, far beyond age 18.

Unmarried people want to adopt.

Single and unmarried people are often open to adopting an older child or a child with special needs, while married couples often seek only to adopt a healthy newborn. In fact, single and unmarried adults already adopt about 33% of children from state care (U.S. Department of Health and Human Services, 2004).

Countless unmarried partners (same-sex or different-sex) are co-parenting a child or children, but frequently only one partner has a legal relationship to the child(ren). In many cases it would benefit the child(ren) to have a legal relationship to both parents. Many, but not all, states allow "co-parent adoptions" or "second parent adoptions," which create a second legal parent-child relationship for these families.

Qualified, screened single and LGBT people can be excellent parents. Having a single or LGBT parent could be in an individual child's best interest, for a number of reasons.

Some states are trying to block adoptions.

As of May 2009, Louisiana is trying to pass a ban on adoptions by out-of-state same-sex and different-sex unmarried couples. Kentucky and Tennessee attempted to pass an adoption ban as well, but their bills have died. Arkansas and Utah are the only two states to bar adoptions by persons who are cohabiting but not legally married; this language could be interpreted to encompass gay and lesbian adoptions. A few weeks after Amendment 2 was passed last November, a Florida judge declared its adoption ban unconstitutional. Six states (Arkansas, Kentucky, Nebraska, Ohio, Utah and Wisconsin) explicitly prohibit same-sex co-parents from petitioning to adopt their partner's child, or the child of their relationship. In three states (Georgia, Mississippi and Wyoming) the right to petition is unclear.

In addition, some states have passed laws giving married couples priority in adoption, and some prevent same-sex couples or unmarried people from becoming foster parents (foster parenting is often a first step towards adoption).

These laws harm children. For children waiting to be adopted, adoption bans shrink the pool of qualified adoptive parents, in some cases even preventing a child's own foster parents from becoming her or his permanent, adoptive parents. For children with only one legal parent plus a co-parent, these bans make the parent-child relationship unnecessarily vulnerable. If the first parent should die, or if the couple should separate, courts can refuse to recognize the second parent and prevent the child from having an ongoing relationship with one of the people who has acted as her/his parent.

Some states are trying to make adoptions easier.

While it is not easy for unmarried different-sex couples to adopt as unmarried couples, these adoptions do take place in states around the country. Most of the time they are done using the two-step process (a single parent adoption followed by a second-parent adoption). Some states allow unmarried couples to adopt a child simultaneously (as married couples do), including: California, Connecticut, Illinois, Indiana, Massachusetts, New Jersey, New York, Oregon, Vermont, and Washington, DC. In the first half of 2007, Colorado passed a bill allowing (non-simultaneous) second parent adoptions by same-sex co-parents, joining California, Connecticut, Illinois, Massachusetts, New Jersey, New York, Vermont, and Washington, DC. New Hampshire currently allows one of the two partners of a couple to adopt, while the other can obtain guardianship. AtMP volunteers are researching other states' adoption laws - [click here](#) if you would like to help.

Resources:

AtMP's page on Unmarried Parenting.

- Other organization's policy positions on adoption.
- More on single, unmarried, and LGBT parents.
- "Discrimination is Not in the Best Interest of Children ," an article by Bernadette Wright first published in AtMP's 3-2007 newsletter.