

SNAPSHOT: LGBTQ+ ADOPTION AND FOSTER CARE PARENTING IN CONNECTICUT

Across the United States, approximately 3 million lesbian, gay, bisexual, transgender, or queer (LGBTQ+) Americans have had a child, and as many as 6 million American children and adults have an LGBTQ+ parent. Among LGBTQ+ adults under 50 living alone or with a spouse or partner, 48% of women and 20% of men are raising a child under 18. Over 25% of transgender adults report being parents.

Connecticut

Adoption Figures:

- In 2021, of the more than 391,000 youth in foster care in the U.S., 3,488 of them resided in Connecticut, 1,137 of whom were waiting to be adopted at the end of the fiscal year.
- In 2021, 460 children were adopted from the foster care system in Connecticut.
- In Connecticut, 133,000 people identify as LGBTQ+, 3.9% of the total population. Of the LGBTQ+ adult population, 20% are raising children.

Adoption Laws:

- Connecticut law places no restrictions on adoption by single people. A provision in Connecticut law that allowed the sexual orientation of a prospective adoptive or foster parent to be considered was repealed in 2013, Conn. Gen. Stat. § 45a-726a, but no statutory protections from discrimination were put in its place.
- Under Connecticut law, a married person generally cannot adopt a child unless “both husband and wife” jointly petition to adopt. Conn. Gen. Stat. § 45a-732. Because of nationwide marriage equality, same-sex spouses should be able to adopt jointly.
- State law allows a married person to adopt the child of their spouse via second parent adoption. Conn. Gen. Stat. § 45a-724. Connecticut law allows second parent adoptions, permitting a child's sole legal parent to specify “one other person” to adopt a child without losing any parental rights. Conn. Gen. Stat. § 45a-724(a)(3). There is no marriage requirement, and the statute is written in gender-neutral terms, thus allowing an unmarried same-sex couple to share parental rights and responsibilities.
- Connecticut has a comprehensive state-level anti-discrimination law that provides that “[a]ll services of every state agency shall be performed without discrimination based upon sexual orientation” and that state agencies cannot “become a party to any agreement, arrangement or plan which has the effect of sanctioning discrimination” Conn. Gen. Stat. § 46a-81i. Thus, a state agency cannot deny or be a party to an agreement that denies a petition to adopt based on sexual orientation. However, this is not specific to child welfare.
- Connecticut’s nondiscrimination law also protects against discrimination by state agencies based on gender identity or expression, Conn. Gen. Stat. § 46a-71, which is explicitly defined by statute. Conn. Gen. Stat. § 46a-51 (21).
- Other than this general provision, Connecticut does not have any state statutes or regulations that explicitly protect youth in the child welfare system from discrimination based on sexual orientation, gender identity, or gender expression.
- Connecticut prohibits the discredited practice of so-called “conversion therapy” on minors. Conn. Gen. Stat. § 19a-907.

Across the United States

More than 33,000 same-sex couples are raising adopted children in the U.S.

- While LGBTQ+ parents are raising children all over the U.S., the highest proportions of LGBTQ+ parents raising children reside in Mountain West, Southern, and Midwestern states – areas with the fewest protections for LGBTQ+ families.
- The states with the highest proportions of LGBTQ+ parents raising children are Idaho (44%), Utah (40%) and Oklahoma (38%).
- Same-sex couples raising children are seven times more likely than their different-sex counterparts to be raising adopted or foster children.

Approximately 5,500 same-sex couples are raising foster children in the U.S. Same-sex couples raising children are seven times more likely than their different-sex counterparts to be raising foster children.

Many states are silent on the issue of LGBTQ+ people fostering and adopting children, which leaves these families vulnerable to the potential bias of individual agencies, child welfare professionals, and family court judges at the local level. Further, although LGBTQ+ youth are disproportionately represented in the child welfare system, many states lack state-level non-discrimination protections or affirming policies for LGBTQ+ youth in care.

- Only half of the states in the U.S. have laws or regulations that explicitly prohibit discrimination on the basis of sexual orientation or gender identity.
- Only ten states ensure that individuals interested in acting as foster parents are not discriminated against based on their sexual orientation; fewer provide protections based on gender identity.
- In contrast, thirteen states – Alabama, Arizona, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia – allow an agency to turn away prospective foster and adoptive parents who do not meet the agency’s religious requirements. In at least nine of those states this is true even where an agency receives taxpayer funding. Advocates successfully defeated attempts in several other states to pass similar discriminatory laws.
- Married same-sex couples should have the same right to foster and adopt as married different-sex couples. Even with nationwide marriage equality, however, LGBTQ+ people and same-sex couples in some states may still face foster care and adoption laws, policies, or practices that permit agencies to continue to discriminate against them.
- Twenty states allow unmarried LGBTQ+ people to petition to adopt their own children through second-parent adoption.
- **Approximately 1 in 3 foster youth over the age of 12 identify as LGBTQ+.**
- **Over half of all states have no laws or regulations specifically prohibiting discrimination for LGBTQ+ youth receiving foster care and adoption services; most states provide no explicit guidance about transgender youth in the child welfare system.**
- **Only three states have passed laws or regulations that require placement of transgender youth in facilities based on their gender identity.**
- **Only six states have laws or regulations in place requiring LGBTQ+-inclusive cultural competency training for child welfare staff and/or foster parents.**



EVERY CHILD DESERVES A FAMILY ACT

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