

SNAPSHOT: LGBTQ+ ADOPTION AND FOSTER CARE PARENTING
IN INDIANA

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.

Indiana

Adoption Figures:

- In 2019, of the more than 424,000 youth in foster care in the U.S., 16,307 of them resided in Indiana, 4,302 of whom were waiting to be adopted at the end of the fiscal year.
- In 2019, 2,489 children were adopted from the foster care system in Indiana.
- In Indiana, 272,000 people identify as LGBTQ+, 4.5% of the total population. Of the LGBTQ+ adult population, 34% are raising children.

Adoption and Foster Care Laws:

- Indiana law allows any adult to petition to adopt. Ind. Code Ann. § 31-19-2-2. No state laws or regulations explicitly prohibit single LGBTQ+ individuals from petitioning to adopt or offer explicit nondiscrimination protections for LGBTQ+ people seeking to adopt.
- While state law provides that a married person must petition to adopt jointly with their "husband [or] wife," because marriages of same-sex couples are now recognized nationwide, same-sex spouses should be able to adopt jointly. Ind. Code Ann. § 31-19-2-4.
- State law permits any married person to adopt the child of their spouse via stepparent adoption. Ind. Code Ann. § 31-19-2-4. Indiana allows second parent adoptions, permitting a child's sole legal parent to specify a second adult to adopt a child without losing any parental rights. *In re Adoption of M.M.G.C.*, 785 N.E.2d 267 (Ind. Ct. App. 2003). Further, in 2006, the Indiana Court of Appeals ruled that the state's adoption statutes did not preclude unmarried couples, whether same-sex or opposite-sex, from petitioning to adopt jointly. *In re Infant Girl W.*, 845 N.E.2d 229 (Ind. Ct. App. 2006).
- Indiana does not have any laws or regulations in place that protect youth in the child welfare system from discrimination on the basis of sexual orientation or gender identity, nor does Indiana have a statewide ban on the discredited practice of so-called "conversion therapy."

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 an adopted child.

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.

Most states are silent on the issue of LGBTQ+ people fostering and adopting children. In many of these states, this silence 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 seven states and the District of Columbia have laws or regulations explicitly prohibiting discrimination against otherwise qualified potential foster parents on the basis of sexual orientation and gender identity.
- Seventeen states and the District of Columbia allow unmarried LGBTQ+ people to petition to adopt their own children through second-parent adoption.
- Generally, married same-sex couples 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.
- Eleven states – Alabama, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, 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 eight 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.
- **Approximately 1 in 3 foster youth over the age of 12 identify as LGBTQ+.**
- **25 states and Puerto Rico have no laws or regulations prohibiting discrimination for LGBTQ+ youth receiving foster care and adoption services; an additional ten states do not protect transgender youth receiving these services.**
- **Only three states have passed laws that require placement of transgender youth in facilities based on their gender identity.**
- **Only five states have laws or regulations in place requiring LGBTQ+-inclusive cultural competency training for child welfare staff and/or foster parents.**

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