



## Foster Care

Some states have laws or agency policies that ensures that individuals interested in acting as foster parents are not discriminated against based on their sexual orientation and/or gender identity. Other states have laws that allow child-placing agencies who receive state funding to discriminate if such actions are based on religious beliefs.

No updates required since March 22, 2019

### Alabama

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. This exemption is only permitted for agencies that do not receive government funding. See [Ala. HB 24](#) (2017).

### Alaska

- State lacks law on fostering by LGBT parents

### Arizona

- State lacks law on fostering by LGBT parents

### Arkansas

- State lacks law on fostering by LGBT parents

### California

- State prohibits discrimination against prospective foster parents based on sexual orientation and gender identity. See [AB 458, the Foster Care Non-Discrimination Act](#) (2003; effective 2004).

### Colorado

- State lacks law on fostering by LGBT parents

### Connecticut

- State lacks law on fostering by LGBT parents

### Delaware

- State lacks law on fostering by LGBT parents



#### District of Columbia

- State prohibits discrimination against prospective foster parents based on sexual orientation and gender identity. See [Position Statement in Support of the D.C. Human Rights Act of 1977 Concerning all Children, Youth, Adults, and Employees Engaged in Care, Services, and/or Resources Available through the CFSA](#).

#### Florida

- State lacks law on fostering by LGBT parents

#### Georgia

- State lacks law on fostering by LGBT parents

#### Hawaii

- State lacks law on fostering by LGBT parents

#### Idaho

- State lacks law on fostering by LGBT parents

#### Illinois

- State lacks law on fostering by LGBT parents

#### Indiana

- State lacks law on fostering by LGBT parents

#### Iowa

- State lacks law on fostering by LGBT parents

#### Kansas

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 284](#) (2018).

#### Kentucky

- State lacks law on fostering by LGBT parents

#### Louisiana

- State lacks law on fostering by LGBT parents



#### Maine

- State lacks law on fostering by LGBT parents

#### Maryland

- State prohibits discrimination against prospective foster parents based on sexual orientation. See [Code of Maryland Regulations 07.01.03.03](#).

#### Massachusetts

- State prohibits discrimination against prospective foster parents based on sexual orientation. See [110 CMR 1.09](#).

#### Michigan

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. This exemption is only permitted for agencies that do not receive government funding.
  - See [HB 4188](#) (2015), [HB 4189](#) (2015), and [HB 4190](#) (2015)
  - See [Dumont settlement](#) (2019)
- The state does not permit discrimination in taxpayer-funded child welfare services based on sexual orientation or gender identity.
  - See [Dumont settlement](#) (2019)

#### Minnesota

- State lacks law on fostering by LGBT parents

#### Mississippi

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [HB 1523](#) (2016).

#### Montana

- State lacks law on fostering by LGBT parents



## Nebraska

- Nebraska's Supreme Court struck down the state policy banning LGBT people from serving as foster parents.
- In August 2015, the judge ordered the old memo be stricken and that plaintiffs and other qualified applicants be permitted to be licensed as foster parents without any regard for their sexual orientation. The State of Nebraska appealed the case and it was heard by the Nebraska Supreme Court on January 5, 2017. On April 7, 2017, the Nebraska Supreme Court affirmed the lower Court's decision. [ACLU's resource](#).
- **[Now repealed]** Agency policy restricts placement of foster children in the homes of "persons who identify themselves as homosexuals;" [NE DHHS Administrative Memorandum #1-95](#) (1995).

## Nevada

- State lacks law on fostering by LGBT parents

## New Hampshire

- State lacks law on fostering by LGBT parents

## New Jersey

- State prohibits discrimination against prospective foster parents based on sexual orientation or gender identity/expression. See [Manual of Requirements for Resource Family Parents, 10:122C-1.6](#).

## New Mexico

- State lacks law on fostering by LGBT parents

## New York

- State prohibits discrimination in adoption and foster care based on sexual orientation and gender identity or expression. See [18 CRR-NY 421.3](#) (adoption) and [18 CRR-NY 441.24](#) (foster).

## North Carolina

- State lacks law on fostering by LGBT parents

## North Dakota

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [ND Century Code §50-12-07.1](#) (2003)



## Ohio

- State lacks law on fostering by LGBT parents

## Oklahoma

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 1140](#) (2018).

## Oregon

- State prohibits discrimination against prospective foster parents based on sexual orientation. See [ORS 418.648](#) (2007).

## Pennsylvania

- State lacks law on fostering by LGBT parents

## Rhode Island

- State prohibits discrimination against prospective foster parents based on sexual orientation and gender identity. See [100.0141](#) (2015).

## South Carolina

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs
  - See [HB 4950, §38.29](#) (2018)

## South Dakota

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs
  - See [SB 149](#) (2017).

## Tennessee

- State lacks law on fostering by LGBT parents

## Texas

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious belief
  - See [Tex. HB 3859](#) (2017)



#### Utah

- State lacks law on fostering by LGBT parents

#### Vermont

- State lacks law on fostering by LGBT parents

#### Virginia

- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [Va. Code Ann § 63.2-1709.3](#) (2012).

#### Washington

- State lacks law on fostering by LGBT parents

#### West Virginia

- State lacks law on fostering by LGBT parents

#### Wisconsin

- State prohibits discrimination against prospective foster parents based on sexual orientation. See [DCF 56.04](#).

#### Wyoming

- State lacks law on fostering by LGBT parents

#### **U.S. Territories**

Foster care nondiscrimination laws for prospective parents were identified only in Puerto Rico among the five populated territories.

#### Puerto Rico

- Child welfare agencies are [not permitted to discriminate](#) against same-sex couples, married or unmarried (2018) in adoption or foster care.