



Adoption

Note: All states permit joint adoption by married couples. As a result of the 2015 U.S. Supreme Court ruling in [Obergefell v. Hodges, married](#) same-sex couples throughout the United States are now permitted to marry and are thus permitted to adopt jointly. However, there are several states that have laws permitting state-licensed child welfare agencies to discriminate against LGBT people, including married couples. Other states have laws prohibiting discrimination by adoption agencies and officials based on sexual orientation and/or gender identity. These laws and policies are listed below.

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 adoption by LGBT parents

Arizona

- State lacks law on adoption by LGBT parents

Arkansas

- State lacks law on adoption by LGBT parents

California

- Prohibits discrimination based on sexual orientation and gender identity in the foster care system; [AB 458, the Foster Care Non-Discrimination Act](#) (2003; effective 2004).
- Prohibits discrimination based on sexual orientation and gender identity in the provision of state programs and activities; [SB 1441](#) (2006; effective 2007).

Colorado

- State lacks law on adoption by LGBT parents

Connecticut

- State lacks law on adoption by LGBT parents



Delaware

- State lacks law on adoption by LGBT parents

District of Columbia

- Prohibits discrimination based on sexual orientation and gender identity in the provision of services, care, and resources available through the Child and Family Services Agency; <http://cfsa.dc.gov/page/cfsa-non-discrimination>.

Florida

- State lacks law on adoption by LGBT parents

Georgia

- State lacks law on adoption by LGBT parents

Hawaii

- State lacks law on adoption by LGBT parents

Idaho

- State lacks law on adoption by LGBT parents

Illinois

- State lacks law on adoption by LGBT parents

Indiana

- State lacks law on adoption by LGBT parents

Iowa

- State lacks law on adoption 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 adoption by LGBT parents

Louisiana

- State lacks law on adoption by LGBT parents



Maine

- State lacks law on adoption by LGBT parents

Maryland

- Prohibits discrimination based on sexual orientation. See [Code of Maryland Regulations 07.01.03.03](#).

Massachusetts

- Prohibits discrimination against prospective adoptive or foster parents, or foster or adoptive children, based on sexual orientation; [110 CMR 1.09](#).

Michigan

- State prohibits discrimination in taxpayer-funded child welfare services based on sexual orientation or gender identity. See [Dumont settlement](#) (2019).
- 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)

Minnesota

- State lacks law on adoption 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 adoption by LGBT parents

Nebraska

- State lacks law on adoption by LGBT parents

Nevada

- Prohibits discrimination in the application for adoption based on sexual orientation; [NAC 126.351](#).



New Hampshire

- State lacks law on adoption by LGBT parents

New Jersey

- Prohibits discrimination in the application or licensure of a parent based on sexual orientation or gender identity/expression; [Manual of Requirements for Resource Family Parents, 10:122C-1.6](#).

New Mexico

- State lacks law on adoption 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).
- Unmarried partners are explicitly allowed to jointly adopt [11-OCFS-INF-01](#) (2011)

North Carolina

- State lacks law on adoption 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 adoption 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

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

Pennsylvania

- State lacks law on adoption by LGBT parents



Rhode Island

- Prohibits discrimination system-wide 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 adoption 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 adoption by LGBT parents

Vermont

- State lacks law on adoption 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 adoption by LGBT parents

West Virginia

- State lacks law on adoption by LGBT parents

Wisconsin

- State lacks law on adoption by LGBT parents

Wyoming

- State lacks law on adoption by LGBT parents



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U.S. Territories

Adoption nondiscrimination laws were identified only in Guam and Puerto Rico among the five populated territories.

Guam

- For prospective adoptive parents, discrimination is prohibited based on marital status and "[lifestyle](#)."

Puerto Rico

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