



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 July 10, 2018

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
 - [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

- Prohibits discrimination against prospective foster parents based on sexual orientation and gender identity; [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

- Prohibits discrimination against prospective foster parents based on sexual orientation and gender identity; [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

- Prohibits discrimination against prospective foster parents based on sexual orientation; [Code of Maryland Regulations 07.01.03.03](#)

Massachusetts

- Prohibits discrimination against prospective foster parents based on sexual orientation; [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
 - See [HB 4188](#) (2015), [HB 4189](#) (2015), and [HB 4190](#) (2015)

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

- Prohibits discrimination against prospective foster parents 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 fostering by LGBT parents

New York

- Prohibits discrimination against prospective foster parents based on sexual orientation; [11-OCFS-INF-01](#) (2011).

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

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

Pennsylvania

- State lacks law on fostering by LGBT parents



Rhode Island

- Prohibits discrimination against prospective foster parents based on sexual orientation and gender identity. [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



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West Virginia

- State lacks law on fostering by LGBT parents

Wisconsin

- Prohibits discrimination against prospective foster parents based on sexual orientation; [DCF 56.04](#).

Wyoming

- State lacks law on fostering by LGBT parents