



## Joint 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 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 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; [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 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 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

- Prohibits discrimination in adoption and foster care based on sexual orientation; [18 CRR-NY 441.24](#); 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; [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. [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