Relationship & Parental Recognition Laws:  
Functional Parent Doctrines

No updates required since October 23, 2023

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***Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as NCLR and GLAD.***

Recommended citation:
**Background**

“Functional parent doctrines” or policies refer to different ways that states recognize and extend parental rights to a person based on their relationship with a child, even if that person is not genetically and/or legally related to the child. This can include, for example, a person who helps raise their partner’s child, but who is not legally married to their partner or genetically related to their partner’s child. These doctrines are also commonly used for people who are related to the child, such as grandparents or other family members.

These doctrines are important for many reasons and many types of families, including LGBTQ families who create families in many diverse ways. One comprehensive study of judicial decisions using functional parent doctrines found that these policies are used “in ways that make children’s lives more stable and secure by protecting their relationships with their primary caregivers, preserving their home placements, and shielding their families from further state intervention.”

Note that these doctrines can vary across states in many ways, including:
- whether they come from legislation or judicial decisions;
- the specific legal term used (e.g., de facto parentage, in loco parentis, psychological parent);
- who qualifies as a functional parent or what evidence may be required;
- what rights are granted to functional parents;
- and more.

States may have more than one functional parent doctrine. This map and fact sheet categorize states by their most expansive doctrine. For example, if a state has a doctrine that grants standing to seek visitation only, but also has another doctrine granting full legal parentage, that state is categorized under full legal parentage. Fuller details are provided below in the “State-by-State Sources & More Detail” section.

This map is not legal advice. Even in states without functional parent doctrines, other pathways to legal parentage or recognition of parental rights may exist. Families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as NCLR and GLAD to understand the specifics of parentage law in their state.

**Equality Maps & Additional Resources**

- See also our Equality Maps: Parental Recognition Laws for information on other pathways to legal recognition of parentage, and our Equality Maps: Child Welfare Nondiscrimination Laws for information on whether states’ child welfare (i.e., adoption and foster care) systems specifically prohibit discrimination against LGBTQ parents and/or youth in child welfare. All these resources are updated and maintained in real time.


• See MAP’s June 2023 report, *Relationships at Risk: Why We Need to Update State Parentage Laws to Protect Children and Families*, for further discussion of the importance of legal recognition of parent-child relationships, the many pathways to legal recognition of parentage, recent examples of modernized parenting laws, and policy recommendations for all states.

• Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as NCLR and GLAD.

### Summary Table

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<td>States with a functional parent doctrine that…</td>
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<td>…grants full legal parentage</td>
<td>15 states</td>
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<td>Minnesota, Wisconsin,</td>
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<tr>
<td>…grants standing for custody</td>
<td>15 states + D.C.</td>
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<tr>
<td>…grants standing for visitation only</td>
<td>3 states</td>
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</tr>
<tr>
<td>States with no case law or statute recognizing functional parents</td>
<td>17 states + 5</td>
<td>All others</td>
</tr>
<tr>
<td>territories</td>
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</tbody>
</table>
State-by-State Sources & More Detail

Alabama
• State has no case law or statute recognizing functional parents

Alaska
• State functional parent doctrine grants the standing to seek custody
• See Kinnard v. Kinnard, 43 P.3d 150 (Ala. 2002)

Arizona
• State has no case law or statute recognizing functional parents

Arkansas
• State functional parent doctrine grants the standing to seek visitation only
• See Robinson v. Ford-Robinson, 208 S.W.3d 140 (Ark. 2005)

California
• State functional parent doctrine grants full legal parentage
• See California Family Code §7611(d) (as early as 1992, see p652, using gendered language), updated with gender-neutral language by AB1403 (2013))
• See also California Rules of Court Rule 5.534 (as early as 2007), and Elisa B. v. Superior Court, 117 P.3d 660 (2005)

Colorado
• State has multiple functional parent doctrines
• State functional parent doctrine grants full legal parentage
  o See C.R.S. § 19-4-105(1)(d), updated with gender-neutral language by HB22-1153 (2022)
• State functional parent doctrine grants the standing to seek custody
  o See In the Interest of E.L.M.C., 100 P.3d 546 (Colo. App. 2004)

Connecticut
• State functional parent doctrine grants full legal parentage
• See HB6321, “Connecticut Parentage Act” (2021) and CGSA §46b-490

Delaware
• State functional parent doctrine grants full legal parentage
• See Del. Code Ann. tit. 13, § 8-201(c), 2302, or SB 84 (2009)

District of Columbia
• State functional parent doctrine grants the standing to seek custody
• See D.C. § 16–831.01-13, or D.C. Law 17-21 (2007)

Florida
• State has no case law or statute recognizing functional parents
Georgia
- State functional parent doctrine grants the standing to seek custody
- See GA Code § 19-7-3.1 or HB 543 (2019)

Hawai`i
- State functional parent doctrine grants the standing to seek custody
- See Hi Rev. Stat § 571-46(a)(2)

Idaho
- State has no case law or statute recognizing functional parents

Illinois
- State has no case law or statute recognizing functional parents

Indiana
- State functional parent doctrine grants the standing to seek custody
- See IN Code § 31-17-2-8.5 and IN Code § 31-9-2-35.5

Iowa
- State has no case law or statute recognizing functional parents

Kansas
- State functional parent doctrine grants full legal parentage
- See KS Stat § 23-2208(a)(4)

Kentucky
- State functional parent doctrine grants the standing to seek custody
- See KRS § 403.270(1)(a), KRS § 403.822(1), and, for example, L.W. v. M.P., No. 2008-CA-000760-ME, 2009 WL 485054 (KY Ct. App., Feb 27, 2009).

Louisiana
- State has no case law or statute recognizing functional parents

Maine
- State functional parent doctrine grants full legal parentage

Maryland
- State functional parent doctrine grants the standing to seek custody
- See Conover v. Conover, 146 A.3d 433 (Md. 2016)
Massachusetts

- State has multiple functional parent doctrines
- State functional parent doctrine grants full legal parentage
- State functional parent doctrine grants standing to seek visitation only
  - See Youmans v. Ramos, 711 N.E.2d 165 (Mass. 1999)

Michigan

- State functional parent doctrine grants full legal parentage
- See, for example, Van v. Zahorik 597 N.W.2d 15 (Mich. 1999)

Minnesota

- State functional parent doctrine grants standing to seek visitation only
- See Minn. Stat. § 257C, and Soohoo v. Johnson, 731 N.W.2d 815, 822 (Minn. 2007)

Mississippi

- State has no case law or statute recognizing functional parents

Missouri

- State has no case law or statute recognizing functional parents

Montana

- State functional parent doctrine grants the standing to seek custody
- See Mont. Code Ann. § 40-4-228

Nebraska

- State functional parent doctrine grants the standing to seek custody
- See Hickenbottom v. Hickenbottom, 477 N.W.2d 8 (Neb. 1991)

Nevada

- State has no case law or statute recognizing functional parents

New Hampshire

- State has multiple functional parent doctrines
- State functional parent doctrine grants full legal parentage
  - See NH Rev Stat § 168-B:2, V(d) and SB 353 (2014)
- State functional parent doctrine grants the standing to seek custody

New Jersey

- State functional parent doctrine grants the standing to seek custody
- See V.C. v J.M.B., 748 A.2d. 539 (N.J. 2000)
New Mexico
- State functional parent doctrine grants full legal parentage

New York
- State has multiple functional parent doctrines
- State functional parent doctrine grants full legal parentage
- State functional parent doctrine grants the standing to seek custody

North Carolina
- State functional parent doctrine grants the standing to seek custody

North Dakota
- State functional parent doctrine grants the standing to seek custody

Ohio
- State functional parent doctrine grants the standing to seek custody

Oklahoma
- State functional parent doctrine grants the standing to seek custody
- See Eldredge v. Taylor, 339 P.3d 888 (Okla. 2014)

Oregon
- State has no case law or statute recognizing functional parents

Pennsylvania
- State has multiple functional parent doctrines
- State functional parent doctrine grants full legal parentage
- State functional parent doctrine grants the standing to seek custody
Rhode Island
- State functional parent doctrine grants full legal parentage

South Carolina
- State functional parent doctrine grants the standing to seek custody

South Dakota
- State has no case law or statute recognizing functional parents

Tennessee
- State has no case law or statute recognizing functional parents

Texas
- State has no case law or statute recognizing functional parents

Utah
- State has no case law or statute recognizing functional parents

Vermont
- State functional parent doctrine grants full legal parentage
  - See 15C V.S.A. § 201(6) and H.562 (2018)

Virginia
- State has no case law or statute recognizing functional parents

Washington
- State functional parent doctrine grants full legal parentage

West Virginia
- State functional parent doctrine grants the standing to seek custody
  - See In re Clifford K., 619 S.E.2d 138 (W. Va. 2005)

Wisconsin
- State functional parent doctrine grants the standing to seek visitation only
  - See In re the Custody of H.S.H.-K, 533 N.W.2d 419, 435 (Wis. 1995)

Wyoming
- State has no case law or statute recognizing functional parents
U.S. Territories

American Samoa
- Territory has no case law or statute recognizing functional parents

Guam
- Territory functional parent doctrine grants the standing to seek custody
  - See 19 GCA § 8404

Northern Mariana Islands
- Territory has no case law or statute recognizing functional parents

Puerto Rico
- Territory has no case law or statute recognizing functional parents

U.S. Virgin Islands
- Territory has no case law or statute recognizing functional parents