



ADOPTING & FOSTERING IN THE NEW ERA OF LICENSE TO DISCRIMINATE BILLS

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Children enter foster care in the United States through no fault of their own – they have been abused, neglected, abandoned and trafficked. They have experienced not only the trauma of abuse, but also the grief and loss of family separation and, too often, the stress of frequent moves or care unresponsive to their emotional and physical needs.

After more than a decade of declining numbers of children going into care, nationally, most states are now experiencing steep increases in their foster care populations. More than 437,000 children are in foster care, representing a 2.3 percent increase over the prior year. There are many reasons, most visibly the misuse of and addiction to opioids including heroin and prescription pain killers, that are forcing a record number of families into crisis and movement into the child welfare system.

Additionally, in the United States, 123,000 children and youth have been permanently and legally separated from their family of origin and are now in substitute family or institutional care, waiting for someone to step forward to provide a family for them. The hard reality is that too many of these children linger in care for years and leave at age 18 without the adoptive family we promised – last year more than 23,000 children aged out of care without a family to call their own.

With the increase of children entering the complex child welfare system in need of quality foster care and adoptive homes, it is essential to maximize every avenue to find permanency and stability for these children. And yet, as states work to increase the rosters of potential foster and adoptive parents, they are struggling with how to balance religious beliefs of private agencies that license foster and adoptive parents with the need for an adequate pipeline of diverse families to meet the needs of waiting children.

In Alabama, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Carolina, South Dakota, Texas and Virginia, variations of laws have passed that permit state-licensed foster and adoptive agencies to decline to facilitate child placements that conflict with their religious beliefs. As a result, religious organizations can refuse to place a child in a foster or adoptive home because of the marital status, gender or sexual identity, or religious faith of the prospective family. The ability of private agencies to limit the types of otherwise qualified families they will license has wide-ranging implications for both the youth in desperate need of family and those interested in foster care placement and adoption.

Impact on Youth

The most concerning aspect of the new legislation is the possibility that they will operate to narrow the pool of potential placement options for youth who already age out of the system into negative outcomes at an alarming rate. Children have no voice in their placement or whether states refer them to a religious organization or nonreligious private agency for recruitment services. Given a recent study that showed that LGBTQ families are seven times more likely to adopt or foster than opposite-sex couples, children referred to religious organizations are at an immediate disadvantage due to their minimized pool of adoptive families before recruitment even begins.

The disadvantage to children referred to religious organizations could be even more pronounced when someone with an existing relationship with a child is denied by religiously affiliated foster care agencies. It is best practice in the child welfare community to first seek placement options that have a pre-existing relationship with the child. When possible, recruiting someone known to the child decreases the trauma of being removed from the family of origin and can make the child more comfortable with the idea of adoption. In cases where a religious agency is assigned to recruit for a child, the child could forgo the opportunity to be placed with a familiar family who happens to be LGBTQ or of a different religion than the religious agency.

Finally, the harm of this restricted pool of potential families for youth is compounded for the roughly 20% of youth in foster care who identify as LGBTQ themselves. In addition to being overrepresented in the system based on the general population, many of these children have come into care after experiencing

family rejection or abuse, simply because of their expressed gender identity or sexual orientation. Once in care, having experienced the trauma of abuse, neglect or rejection, research also show that these children and youth too often experience the added stress of having more placements than their peers and are more likely to be placed in a group or congregate care setting, typically the result of a lack of understanding and sensitivity around their needs by workers, caregivers or other children in care. Due to the pre-existing trauma that LGBTQ youth have experienced, it is especially important to recruit families who are sensitive to their needs and affirming of their identities. Allowing private religious agencies to potentially exclude the population of LGBTQ families restricts the very population of families most sensitive to and expert in the challenges that LGBTQ youth face.

Impact on Adopting Families

Most states hire private agencies to find foster or adoptive homes for children. Yet, even in states with laws that allow private agencies discriminate against LGBTQ prospective parents, there remains room for all qualified potential foster and adoptive parents to help children in need. Consider these strategies:

1. Work with public agencies first. Unlike the children in foster care, adults interested in foster care or adoption have the ability to research and select the agency with which they work to grow their family. Instead of working with identified private agencies who are permitted to exclude LGBTQ individuals, potential parents can become licensed through the public child welfare agencies in these states; the constitution does not permit states to discriminate on the basis of religious beliefs. This option would be available to LGBTQ individuals looking to foster or adopt in states that are not fully privatized, meaning that the state does not conduct any of its own licensing of foster and adoptive parents.

2. Interview multiple agencies. LGBTQ individuals interested in fostering or adopting should interview multiple agencies (and the county or state agency if their public agency licenses foster/adoptive parents) to find out which agency provides the best support for the individual and to gauge the agency's comfort level in dealing with LGBTQ licensing and placements.

3. Talk to others who have been there. Connect with local foster parent associations, adoption support groups, and your local LGBTQ community to get

experiences from other LGBTQ foster and adoptive parents. These experienced parents could provide invaluable feedback on the agency culture that could aid in the selection of the agency best positioned to support an LGBTQ individual in their quest to build a family. The North American Council on Adoptable Children has a great resource to connect families to local support groups at www.nacac.org.

Every qualified adult who takes on the responsibility to become a foster or adoptive parent deserves the time, training, and support to assume these critical community roles. The child welfare system can be fraught with roadblocks, delays and attempts to deny access. There are 437,000 reasons to consider being a foster parent and 117,000 reasons to consider adopting from foster care. A child's best interest is to have a safe, loving and permanent home and to have someone to step forward, to celebrate them, to love them and to be their forever family. We owe it to the waiting children to break through the barriers to give them the best chance of finding the family who best meets their individual needs.

For more information:

[Every Child Deserves a Family / Family Equality Council](#)
[Center for Adoption Support and Education](#)
[Child Welfare Information Gateway](#)
[Dave Thomas Foundation for Adoption](#)
[North American Council on Adoptable Children](#)

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