

# Issues in LGBT Communities in the United States: Post Marriage

A report compiled by the  
Marquette University Center for Gender and Sexualities Studies  
for the  
Cream City Foundation



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Center for Gender &  
Sexualities Studies



CREAM CITY **FOUNDATION**

**Center for Gender and Sexualities Studies:**

The Center for Gender and Sexualities Studies provides a bridge space supporting scholarly work and the lived experience of gender and sexualities.

The CGSS is dedicated to the pursuit of knowledge, dialogue, growth, and empowerment around issues of gender and sexualities. We place emphasis on the intersections of race, ethnicity, gender and sexualities and educate others on the implications of such intersections.

The CGSS collaborates with other academic departments, faculty and staff to do course visits, educational events, and general consultations/services and support.

It is our goal to educate students to recognize the huge diversity of gendered experiences and perspectives among people and to cultivate a disposition to embrace gender and sexuality diversity and to work for justice and equality as we strive to fulfill the Jesuit mission.

**Cream City Foundation:**

Cream City Foundation mobilizes philanthropic resources by harnessing the pride, passion, and commitment of lesbian, gay, bisexual, and transgender people and their allies to advance the human rights and respond to the human needs of LGBT people in Southeastern Wisconsin.

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## Executive Summary

### Main findings:

The primary issues facing LGBT communities, post marriage equality, more broadly include economic justice, violence and discrimination, healthcare, and adoption. Although marriage equality helped to address a number of issues, particularly as they pertain to health benefits and child custody, other concerns facing LGBT communities have been largely unaddressed.

### Economic Justice:

Economic justice includes employment, poverty, and housing insecurity. LGBT individuals regularly face workplace discrimination, despite an increase in anti-discrimination policies (Catalyst 2015). Trans\* individuals face discrimination at especially high rates (Catalyst 2015).

- Most states do not have employment nondiscrimination laws which cover sexual orientation or gender identity (LGBT MAP 2013). Wisconsin has employment nondiscrimination laws that cover sexual orientation, but not gender identity (LGBT MAP 2013).
- Many LGBT youth (Williams Institute 2012), adults (Catalyst 2015; LGBT MAP 2013; HHS 2015), and elderly (LGBT MAP 2013) face poverty and/or homelessness, and significant poverty disparities exist among this population.

### Violence and Discrimination:

Violence and discrimination against LGBT individuals includes overrepresentation and mistreatment within the criminal justice system (Roadmap for Change 2014), enabling of discrimination through religious freedom laws, continued use of conversion therapies, sustained violence against trans\* individuals (NCAVP 2015; Forge 2012), racial discrimination, and discrimination against immigrants.

- From policing, to adjudication, to incarceration, LGBT individuals are greatly overrepresented within the U.S. penal system (Roadmap for Change 2014).
- Religious freedom laws continue to be enacted throughout the U.S. and subject LGBT individuals to discrimination.
- Conversion therapy continues despite strong and consistent evidence that it causes harm to LGBT youth (SAMHSA 2014).
- Trans\* individuals, particularly trans\* women of color, face high rates of hate violence and homicides (NCAVP 2015).
- LGBT persons of color are subject to increased rates of discrimination in and out of the workplace, increased rates of unemployment, increased negative interaction with law enforcement, and racism from within the LGBT community (LGBT MAP 2015b; Choi et

al 2011; Teunis 2007). LGBT immigrants face these problems and detention and harassment within detention facilities (Roadmap for Change 2014)

- LGBT students regularly face discrimination and harassment in educational environments, which lead to negative academic and social outcomes (GLSEN 2013).

#### Healthcare:

LGBT individuals face healthcare-related issues that are distinct from the non-LGBT population, including lower levels of healthcare coverage, healthcare discrimination, and health needs specific to trans\*, lesbian/bisexual women, and gay/bisexual men, respectively.

- LGBT individuals lack health insurance at rates much higher than their non-LGBT counterparts (LGBT MAP 2013).
- LGBT individuals face discrimination at the hands of healthcare providers, resulting in delays in care, discomfort, and lack of treatment (LGBT MAP 2013; LGBT MAP 2014). Trans\* individuals, who at times have specific healthcare needs, experience this at increased rates (LGBT MAP 2013; LGBT MAP 2014).

#### LGBT Families:

LGBT individuals and couples face numerous hurdles when attempting to adopt or foster children without homes or families. Specifically, LGBT individuals and couples face barriers to being accepted as foster or adoptive parents, LGBT couples have difficulty having both parents legally acknowledged as parents of a child, and children of LGBT adoptive families face discrimination based on their familial status.

- LGBT parents are discriminated against when applying for adoption, and face state-dependent restrictions on adoption if they are single or single living with a partner. Many states are silent on these matters, leading to ambiguity as to the rights of LGBT adoptive and foster parents (LGBT MAP 2012a).
- In many states second-parent adoption is not allowed, or difficult and expensive. Lack of adequate documentation of parental status, or lack of ability to obtain parental status for a second parent can lead to an inability to adequately care for a child (LGBT MAP 2012b).
- Children of LGBT families face harassment due to their familial status (LGBT MAP 2012a).

#### National Organization Response:

There are several national organizations that work towards LGBT rights. These include the Gay and Lesbian Task Force, the Human Rights Campaign, and the Gay and Lesbian Advocates and Defenders (GLAD). Each organization has a number of initiatives or advocacy programs aiming to address the issues elucidated in this report. These are, for the

most part, focused on legislation and policy, education, documentation, and evaluation of current programs.

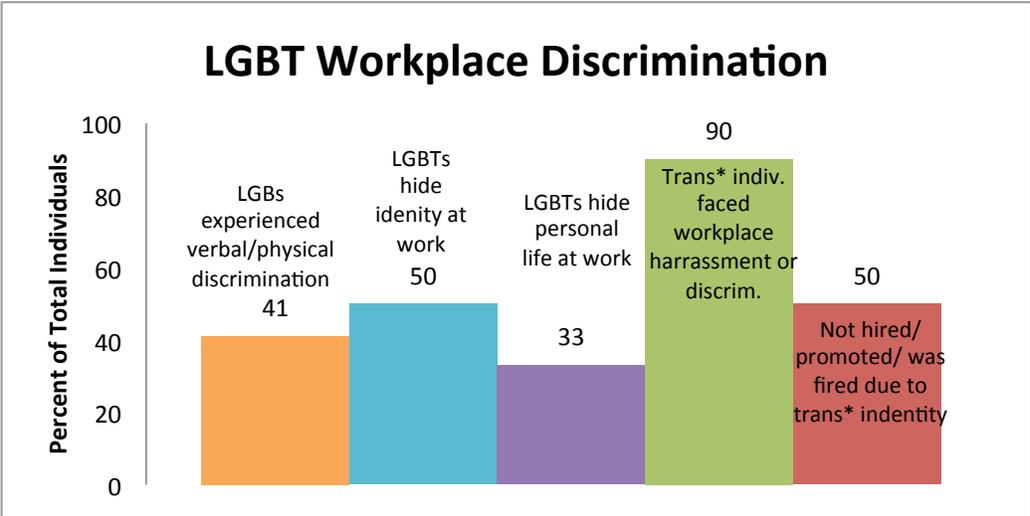
# 1.0 Economic Justice

## 1.1 Employment

Recent years have seen a number of gains for LGBT individuals in the workplace. For example, 88 percent of fortune 500 companies have now implemented non-discrimination policies that include sexual orientation (Catalyst 2015), while more than two-thirds of small businesses support anti-discrimination laws at the state and federal levels. Additionally, 63 percent of small business owners now believe that religious beliefs are an unacceptable reason to fire LGBT workers (LGBT MAP 2013).

Despite gains for LGBT individuals in the work place, there remain significant differences in experience from those identifying as cis-gender and heterosexual. Up to 41 percent of LGB workers have experienced physical or verbal harassment or have had their workplace vandalized (LGBT MAP 2013). Nearly two-thirds of LGBT individuals reported having heard lesbian or gay jokes while at work, while approximately 40 percent reported having heard bisexual or transgender jokes. As a result, more than half of employed LGBT individuals hide their sexual orientation at work, and one-third lie about their personal lives (Catalyst 2015). In recent years studies have found that LBGT individuals face higher unemployment rates than their heterosexual counterparts (LGBT MAP 2013). While nearly one in ten LGB workers report having left their job due to an unwelcoming environment, the situation is dramatically worse for trans\* individuals. Ninety percent of employed trans\* individuals reported having experienced harassment or discrimination, while nearly half felt they had not been promoted, had been fired, or had not been hired due to their gender identity (Catalyst 2015).

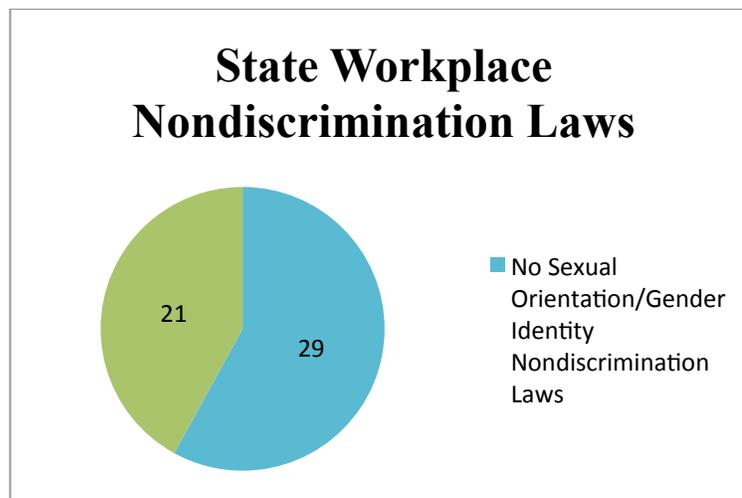
Figure 1:



This discrimination is not only perceived. Out of 50 states, 29 offer no employment nondiscrimination laws which cover sexual orientation or gender identity. Of the rest, five only cover sexual orientation, not gender identity, while 16 states have employment

nondiscrimination laws covering both sexual orientation and gender identity (LGBT MAP 2013). Wisconsin has employment nondiscrimination laws that cover sexual orientation, but not gender identity (LGBT MAP 2013).

Figure 2:



## 1.2 Poverty and Housing Insecurity

As with other issues, moderate gains have been made in support for impoverished and homeless LGBT individuals in recent years. The Equal Access Rule, implemented by the U.S. Department of Housing and Urban Development (HUD), prohibits inquiry into an individual's sexual orientation or gender identity at any housing that receives HUD funding, or is insured by the Federal Housing Administration. However, this neither affects all housing services, nor does it ensure appropriate housing for trans\* individuals (American Progress 2016). This is concerning, but bears no significance if LGBT individuals cannot afford any housing. While reports indicate that there is a higher percentage (41%) of same-sex couples with a household income exceeding \$100,000 than opposite-sex couples (36%) (Catalyst 2015), a larger percent of LGBT individuals (20.7%) live on less than \$12,000 a year than non-LGBT individuals (17%), and 15 percent of trans\* individuals live on less than \$10,000 a year, compared to 4 percent in the general population (LGBT MAP 2013). Additionally, LGBT adults are 1.7 times more likely to report not having enough money for food in the last year than their heterosexual counterparts (HHS 2015).

### 1.2.1 Disparities within LGBT Poverty and Housing Insecurity

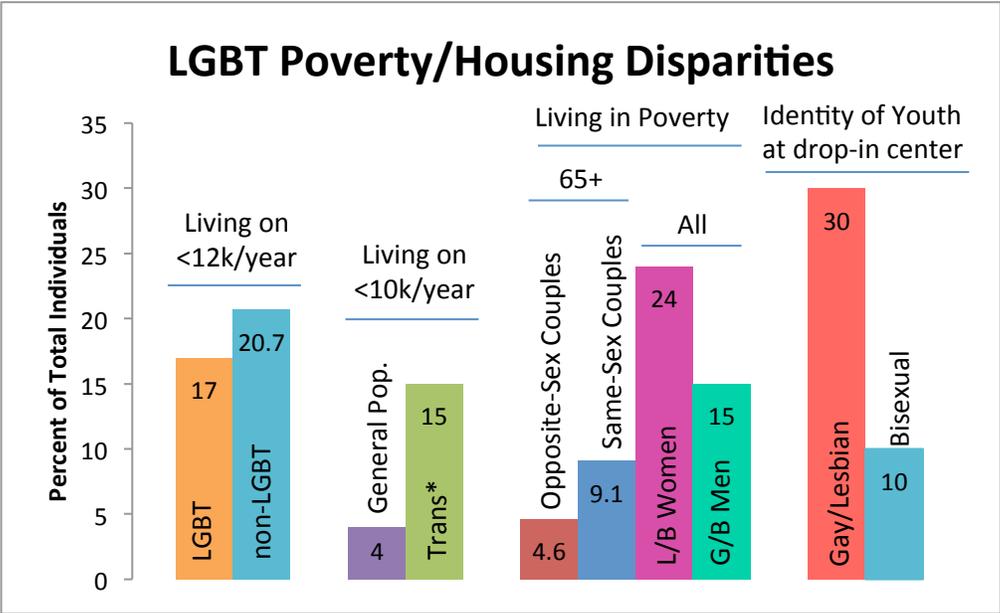
Within the LGBT community, there are also disparities in economic insecurity. LGBT elderly populations face poverty at increased rates in comparison to their heterosexual counterparts. While only 4.6 percent of opposite-sex couples 65 and older live in poverty, and only 4.9 percent of older male same-sex couples live in poverty, 9.1 percent of 65+ female same-sex couples live at or below the federal poverty line (LGBT MAP 2013). Additionally, 24

percent of lesbians and bisexual women (single or in relationships) live in poverty, compared to only 15 percent of gay and bisexual men (Williams Institute 2009). Bisexual adults also face heightened levels of poverty, with approximately 40 percent of bisexual men and 42 percent of bisexual women living in poverty (Gorman et al. 2015).

LGBT youth face homelessness disproportionately compared to both heterosexual youth and adult LGBT populations. Approximately 40 percent of youth served at drop-in centers, street outreach programs, and housing programs identified as LGBT; of these, 30 percent identified as lesbian or gay, and 10% identified as bisexual. Of the providers working with homeless LGBT individuals at these centers, 43 percent report working with more LGBT youth than adults, and 30% report working with more trans\* youth than adults, which is significantly different from the percent of the total population they make up (Williams Institute 2012).

Trans\* individuals face added difficulties when attempting to use shelter services. Approximately 19 percent of trans\* individuals have reported having been refused a home, and 11 percent report having been evicted because of their gender identity. One-fifth of trans\* individuals have reported being homeless at some point (National Gay and Lesbian Task Force 2011). One report indicated that of the housing services examined, only 30 percent were willing to house trans\* women with women. Shelters in states that provided LGBT discrimination protection were twice as likely to provide appropriate housing, at 40 percent, compared to 20 percent. Additionally, trans\* women were more likely to find appropriate shelter at women’s shelters than mixed gender shelters (American Progress 2016). Another reported found that 29 percent of trans\* individuals seeking aid were turned away from shelters (LGBT MAP 2014).

Figure 3:



### **1.3 National Organization Response**

The National LGBTQ Task Force is heading an initiative to increase knowledge of the tax filing process, to better enable LGBT individuals to get their deserved tax returns, alleviating some economic strain. The Task Force has also continued the Trans/Gender Non-Conforming Justice Project since 2001, which advocates for expansion of rights in legislative and policy contexts for trans\* individuals. This includes fighting for gender-identity inclusive nondiscrimination laws, documentation of trans\* discrimination and inequality, education about inequality, addressing employment issues for the trans\* community, and providing training to law enforcement on trans\* needs (National LGBT Task Force 2016a). The Gay and Lesbian Advocates and Defenders (GLAD) Civil Rights Project also aims to address discrimination based on sexual orientation, HIV/AIDS diagnosis, gender identity, and gender expression, in situations ranging from marriage to workplace (GLAD 2016). Much like the Task Force and GLAD, The Human Rights Campaign's Workplace Quality Program reports on the state of workplace diversity and inclusion, and advocates for workplace equality for the LGBT community (HRC 2016).

## **2.0 Violence and Discrimination**

### **2.1 Criminal Justice System**

LGBT individuals are greatly overrepresented within the penal system of the U.S., from policing, to adjudication, to incarceration. Studies have found that 73 percent of all LGBT-identifying adults in the U.S. had contact with the police face-to-face in the five years prior to being surveyed, of which five percent had been under correctional supervision, including jail or prison, probation, or parole. This is compared to only three percent of non-LGBT adults who had experienced the same. A quarter of those who had contact with police reported misconduct or harassment, while 20 to 40 percent reported verbal harassment. LGB and trans\* youth also face increased incarceration- approximately 300,000 LGBT youth are arrested or detained each year, of which 60 percent are Black or Latinx. Additionally, while LGBT youth comprise five to seven percent of the juvenile population, they represent 13 to 15 percent of those who are in the juvenile justice system (Roadmap for Change 2014).

Within prisons, LGBT individuals face a higher likelihood of being placed in administrative segregation or solitary confinement than their heterosexual counterparts, are more likely to be sexually harassed or assaulted, and are more likely to be denied access to services. Trans\* individuals face incarceration in gender-segregate prisons that is counter to their gender identity, placement in solitary confinement "for their own protection," and sexual victimization at 13 times the rate of non-trans\* individuals. LGBT individuals in prison also face the prospect of limited or no healthcare, potentially problematic given the necessity of transition-related care or HIV/AIDS care (Roadmap for Change 2014).

## **2.2 Religious Freedom Laws**

Within the United States, 21 states have Religious Freedom Restoration Acts (RFRA), 17 states introduced legislation to add or alter an existing RFRA in 2015, and 13 are currently considering adding a RFRA to their laws (NCSL 2015). These laws, while intended to ensure the free exercise of religion within the U.S., enable discrimination against those who follow practices or who identify in ways condemned by some religions. This particularly affects LGBT individuals, with manifestations such as refusal to serve LGBT individuals at businesses run by religious individuals.

## **2.3 Conversion Therapy**

Four states (Oregon, California, Illinois, and New Jersey) and the District of Columbia currently have laws banning conversion therapy for minors, in which 23 percent of the LGBT population of the U.S. lives (LGBT MAP 2015a). There is no research showing any efficacy to conversion therapy, and a number of studies have expressed concern that it can cause severe harm and is unethical (SAMHSA 2014). Youth experiencing family rejection, including subjection to conversion therapy, faced adverse mental health outcomes and increased risk-taking behavior, including reporting attempted suicides at a rate 8.4 times higher than their accepted LGBT peers, and reporting high levels of depression, use of illegal drugs, and engagement in unprotected sex at rates 5.9, 3.4, and 3.4 times higher, respectively (LGBT MAP 2015a).

## **2.4 Violence Against Trans\* Individuals**

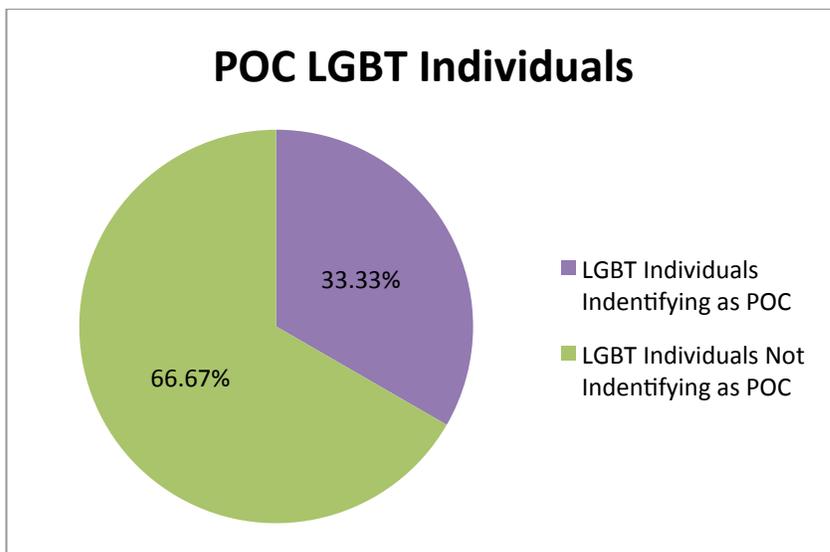
In addition to facing more discrimination and higher rates of economic, political, and social disparity than LGB individuals, trans\* individuals are routinely subjected to violence at rates much higher than their heterosexual and LGB counterparts. This begins early for gender non-conforming individuals, with 78 percent of gender non-conforming youth reporting significant abuse at school, with 31 percent of those youth facing abuse from teachers (Forge 2012). Of hate violence homicides in 2014, 73 percent were committed against trans\* women, with the majority being trans\* women of color (NCAVP 2015). Of violent hate crimes committed against LGBT people in 2009, almost one-fifth occurred against trans\* individuals. The majority of these victims are also people of color (OVC 2014). Additionally, more than half of all trans\* individuals have experienced sexual violence during their lifetime, almost one-fifth have experienced family violence (Forge 2012), and half of trans\* individuals have experienced intimate partner violence upon coming out (OVC 2014).

## **2.5 Racial Discrimination**

One out of every three LGBT people identifies as a person of color (POC). POC individuals are more likely than White individuals to identify as LGBT (Gallup 2012). These individuals face disparities far beyond those of their White counterparts in and out of the LGBT

community. This includes well documented racism within the LGBT community (Choi et al 2011; Teunis 2007), economic disparities, increased interaction with the criminal justice system, and difficulties for LGBT immigrants.

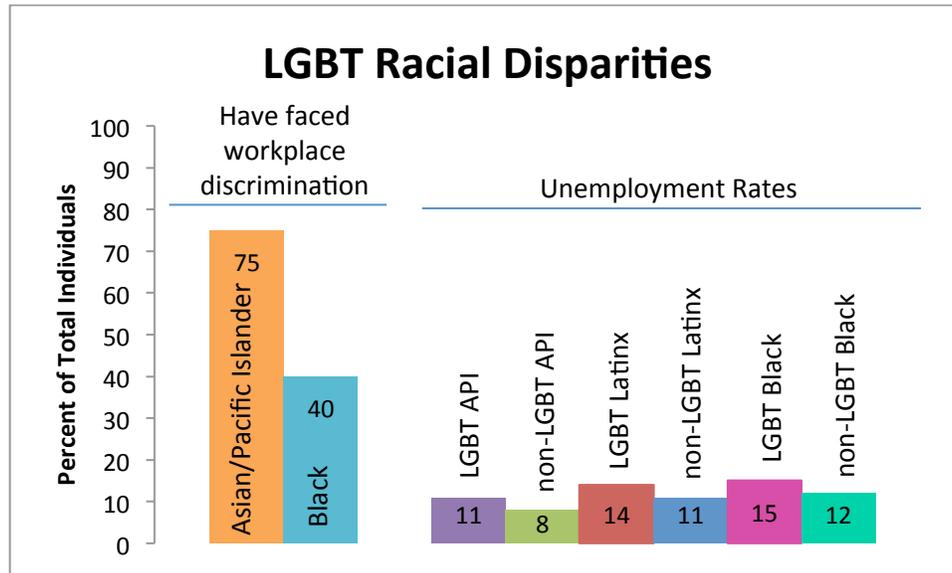
Figure 4:



Black same-sex couples are more than twice as likely to live in poverty as Black opposite-sex couples, while all same sex-couples of color have much higher rates of poverty than White same-sex couples. Rates of workplace discrimination are incredibly high for LGBT POC, with between 75 and 82 percent of LGBT Asian/Pacific Islander (API) individuals reporting discrimination at work due to their sexual orientation. Similarly, four in ten Black LGBT individuals have experienced employment discrimination due to race, sexuality, and/or gender identity. Moreover, LGBT POC experience higher rates of unemployment, at 11 percent for LGTB API, 14 percent for LGBT Latinx, and 15 percent for LGBT Black individuals. Comparatively, unemployment rates for their heterosexual counterparts are eight percent, 11 percent, and 12 percent, respectively (LGBT MAP 2015b).

LGBT POCs face additional difficulties with law enforcement and the criminal justice system, both in comparison with non-LBGT POC individuals and in comparison to White LGBT individuals. In interactions with police, trans\* POC were 2.5 times as likely to experience physical violence than non-trans\* White individuals, while LGBT POCs were 1.82 times as likely to (LGBT MAP 2015b).

Figure 5:



### 2.5.1 LGBT Immigrants

Estimates say that there are nearly 1 million LGBT immigrants living in the U.S., of which a majority identifies as POC (LGBT MAP 2015b), and 30 percent of which are undocumented (American Progress 2013). Of these LGBT immigrants, almost 70 percent are male, almost 50 percent are under the age of 30, over 70 percent are Latinx, and 15 percent are API. A number of these immigrants are detained in detention centers, where they face high incidences of sexual abuse and assault, trans- and homophobic harassment, neglect, solitary confinement, and lack of adequate or appropriate medical care (Roadmap for Change 2014). Immigrants not detained face low pay, high rates of being uninsured, and increased rates of discrimination (American Progress 2013b).

### 2.6 Educational Discrimination

LGBT students regularly face hostile educational environments, as well as discrimination based on their sexual orientation or gender identity. Over 55 percent of LGBT student report feeling unsafe in a school environment due to their sexual orientation, while almost 40 percent felt unsafe due to their gender expression, leading to three in ten LGBT students missing at least one day of school per month as a result of feeling uncomfortable, while one in ten missed four or more days. Of those who attended school regularly, over one-third avoid gender-segregated spaces, such as bathroom and locker rooms, and a majority avoids school functions and extracurricular (GLSEN 2013). A significant majority of LGBT students heard offensive or ignorant terminology and remarks targeted towards the LGBT community. Additionally, almost three-quarters reported verbal harassment due to their sexual orientation, and over half experienced verbal harassment due to gender expression. A significant number also faced

physical harassment or physical abuse due to sexual orientation (36.2 percent and 16.5 percent, respectively) or gender expression (22.7 percent and 11.4 percent, respectively). Student also faced institutional discrimination, including restriction of speech or expression related to being LGBT. This victimizations and discrimination leads to negative academic, social, and emotional outcomes for LGBT students (GLSEN 2013). This being said, academic programs that have LGBT-inclusive curriculums, LGBT support services, and supportive staff and/or faculty were less likely to experience discrimination within their academic environment (GLSEN 2013).

## **2.7 National Organization Response**

The National LGBTQ Task Force is currently heading an initiative to reduce violent crimes against and murders of trans\* individuals (National LGBT Task Force 2106b). The Trans/Gender Non-Conforming Justice Project run by the Task Force also contains an anti-violence initiative, which aims to educate communities and improve documentation of violence against trans\* individuals (National LGBT Task Force 2106a). The Gay and Lesbian Advocates and Defenders (GLAD) Youth Initiative works to reduce discrimination in child welfare programs, foster care programs, juvenile justice systems, and other institutions in which LGBT youth and their families face difficulties (GLAD 2016).

## **3.0 Healthcare**

### **3.1 Access to Healthcare**

Among heterosexual adults in the United States, 83 percent report being in excellent or very good overall health. By comparison, only 77 percent LBG adults claim the same, while only 67 percent of transgender adults do so (LGBT MAP 2013).

The primary barrier to healthcare access is a lack of insurance, either provided by an employer or individually paid for. In the U.S., 82 percent of heterosexual adults have health insurance, primarily through their employment. Among the LGB population, this number drops to 77 percent; among trans\* individuals, only 57 percent possess health insurance. When considering race/ethnicity, this becomes even more concerning: of LBG adults, 91 percent identifying as API have health insurance, 88 percent of White individuals, 86 percent of Black individuals, and only 64 percent of those identifying as Latinx. Of trans\* adults, 83 percent of White individuals have health insurance, 78 percent of those identifying as API, 77 percent of those identifying as Latinx, and only 69 of those identifying as Black (LGBT MAP 2013).

For those not receiving insurance through their employment and working a minimum wage job, health insurance could cost up to a quarter of their monthly income. Additionally, for those without healthcare, high care costs prevent the use of primary and preventative health services (LGBT MAP 2013). In one study, half of trans\* individuals surveyed delayed healthcare because of cost, as have 40 percent of LGBT individuals living at four times the federal poverty line, highlighting the overwhelming cost (LGBT MAP 2014).

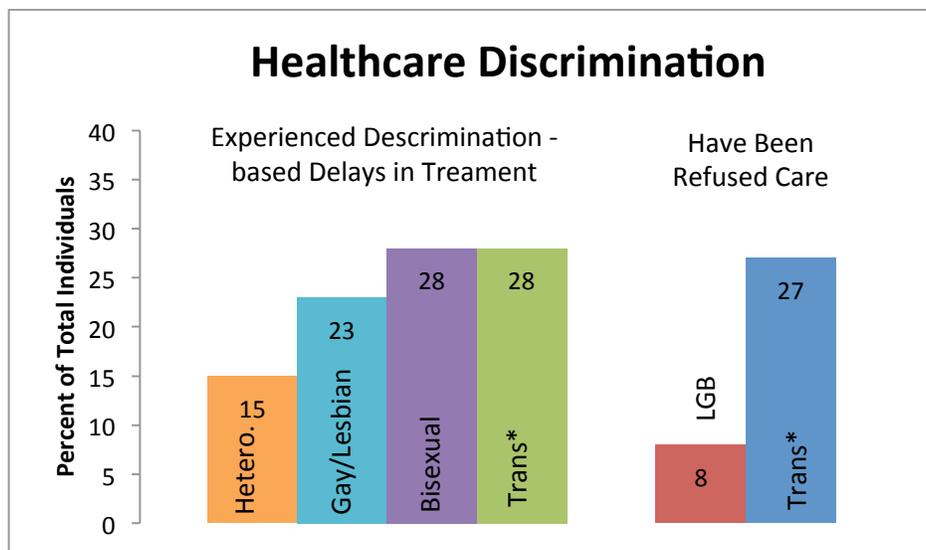
### 3.2 Healthcare Discrimination

Even for those LGBT individuals who have healthcare, many face unfair treatment at the hands of healthcare practitioners. Compared with 15 percent of heterosexual adults, 23 percent of lesbian or gay individuals, 28 percent of bisexual-identifying individuals, and 28 percent of trans\* individuals experienced discrimination-based delays in medical care (LGBT MAP 2014). More specifically, 11 percent of LGB individuals report having experienced harsh or abusive language, as have 21 percent of trans\* individuals; 11 percent of LGB individuals report healthcare practitioners refusing to touch them or using excessive precautions, as have 15 percent of trans\* individuals; 4 percent of LGB individuals report have experienced physically rough or abusive behavior from a healthcare practitioner, as have 8 percent of trans\* individuals (LGBT MAP 2013).

### 3.3 Trans\* Health

While trans\* individuals require the same primary, preventative, and illness care as the rest of the population, they potentially also often require different types of care due to their gender identity. This care can include counseling, hormone therapy, gender-specific care such as gynecological care for a trans\* man, or a lack of coverage for transition-related care, particularly that considered “cosmetic.” While eight percent of LGB individuals report being refused care by healthcare professionals, 27 percent of trans\* individuals reported having experiences the same (LGBT MAP 2013). In total, 70 percent of trans\* individuals have reported experiencing healthcare discrimination. Additionally, 50 percent of trans\* individuals report having educated their healthcare provider on a trans\*-related health issue (LGBT MAP 2014).

Figure 6:



### **3.4 Women's Health**

Women identifying as lesbian or bisexual also face unique health disadvantages. For example, they are more likely to be overweight or obese than their heterosexual counterparts, and are less likely to go see a doctor for preventative screenings for diseases like cancer affected (Office of Women's Health 2012). Racial minorities are even more affected (Office of Women's Health 2012). While 70 percent of black heterosexual women have had a mammogram recently, while only 35 percent of Black lesbians and bisexual women have (LGBT MAP 2013). Additionally, bisexual women are more likely to smoke than any other group of women, and lesbians smoke more than heterosexual women (Office of Women's Health 2012). Similarly, lesbians, particularly younger in age, are more likely to drink and use drugs heavily than heterosexual women, and both lesbians and bisexual women are more likely to drink and use drugs in moderation than other women (Office of Women's Health 2012). Furthermore, bisexual women are the group most likely to have injected drugs, adding increased risk of STIs affected (Office of Women's Health 2012). Compared with other women, lesbians also face heightened rates of depression and anxiety, and bisexual women face even more cases of mood and anxiety disorders (Office of Women's Health 2012).

### **3.5 Men's Health**

A number of health issues are disproportionately apparent among gay and bisexual men, including smoking and substance use, STIs, HIV/AIDS, cancer and mental health issues. Gay and bisexual men use alcohol and illicit drugs at rates higher than the general population, and smoke at strikingly increased rates in comparison to heterosexual man, up to 50 percent more (SAMHSA 2012).

Men who have sex with men (MSM) between the ages of 13 and 24 represented over 72 percent of new HIV infections in 2010 in the U.S. (CDC 2015). Of these diagnoses, Black gay and bisexual men are diagnosed at rates two time those of their White and Latinx counterparts (SAMHSA 2012). Similarly, 75 percent of reported syphilis diagnoses in 2012 were among bisexual and gay men (CDC 2015). Gay and bisexual men have been found to be at higher risk for several types of cancer, including prostate, testicular, and colon cancers. As well, anal cancer is 17 times more likely to occur than in heterosexual men, due to an increased risk of being infected with human papillomavirus (HPV). Gay and bisexual men have been shown to have higher rates of depression and anxiety than the general population, as well as much higher rates of eating disorders (SAMHSA 2012).

### **3.6 National Organization Response**

The AIDS Law Project, run by the Gay and Lesbian Advocated and Defenders (GLAD) works to decrease stigma and discrimination against those with HIV/AIDS, advocates for public health policies that are research-based, and aims to improve quality of life for those with HIV/AIDS (GLAD 2016). The Human Rights Campaign's Health and Aging Program reports on

LGBT access to healthcare, educates populations on LGBT health issues, and evaluates LGBT-friendliness of health practitioners (HRC 2016).

## **4.0 LGBT Families**

### **4.1 Adoption and Fostering**

As of 2009, there were over 400,000 children in foster care, of which approximately one-fourth were awaiting adoption (LGBT MAP 2011). Of the over 100,000 children waiting for adoption in 2010, over 60 percent had been waiting for adoption for over two years, with children of color disproportionately represented within both adoption waiting pools and foster care (LGBT MAP 2012a).

Of lesbian women without a child, more than one-third want to have children, while three-quarters of bisexual women who are not a parent want children. Of gay men and bisexual men without children, 57 percent and 70 percent, respectively, want to have children (LGBT 2012a). Additionally, research suggests that LGBT parents are more likely to be accepting of special needs adoptive children than their heterosexual counterparts, and same-sex couples are more likely to live in households with children they are not biologically related to, including adopted children and step children, than unmarried and married opposite-sex couples (LGBT MAP 2012a). Of single parents (both LGBT and heterosexual) and same-sex couples who act as foster parents, the majority are parents or families of color (70 percent and 51 percent, respectively). Additionally, same-sex couples of color are significantly more likely to be raising children than their white counterparts (LGBT MAP 2012a).

Yet, of all foster children, only three percent live with LGB foster parents, while only approximately 100,000 LGBT individuals are adoptive parents to children under the age of 19 (LGBT MAP 2012a). This is due to the fact that there are states that restrict the ability of LGBT individuals to adopt or foster, while many others are silent, despite findings that the majority of American support allowing LGBT individuals to adopt and foster, as do 60 percent of Catholics (LGBT MAP 2012a). Two states, Utah and Nebraska, restrict fostering by LGBT parents, while 42 states are silent on fostering by LGBT parents, and six states, including Wisconsin, support fostering by LGBT parents. When states are silent on fostering, it leads to ambiguity of the rights of the foster or adoptive parents, leaving without a clear knowledge of their rights and opportunities (LGBT MAP 2012a). Seven states have laws prohibiting discrimination on the basis of sexual orientation in adoptions, as it pertains to single LGBT-parent adoptions; some states either bar adoption for those who are single or single and cohabiting with a partner, which excludes many LGBT couples; many states are silent on LGBT parent adoption (LGBT MAP 2012a). Concerning joint adoption by same-sex couples, it is allowed in 17 states, though it may require marriage, civil union, or domestic partnership. Twenty-eight states are silent on joint same-sex adoption, Wisconsin among them. When a child is adopted by a single parent due to adoption laws, a second parent may seek adoption later. This is offered comprehensively in 20

states; in six states, second-parent adoptions are explicitly restricted; in other states, second parent adoptions may vary court-by-court, or is uncertain (LGBT MAP 2012a). Additionally, some LGBT parents face discrimination at the level of adoption agencies. Only 60 percent of adoption agencies accept applications from LGBT individuals, and less than 30 percent of adoption agencies place a child with a lesbian or gay family (LGBT MAP 2012a).

#### **4.2 Birth Certificates**

Of recent note has been the argument for having both same-sex parents of a child named on the child's birth certificate. Various cases have been brought to court regarding this, including cases of states refusing to issue updated birth certificates if the state does not recognize joint adoption by same-sex couples, or does not recognize adoption by unmarried parents (LGBT MAP 2012b). Additionally, there are instances of states refusing to list both parents on a birth certificate despite recognizing legal parentage of both, and of states requiring second-parent adoption even if the couple is married or in a civil union at the time of the original adoption. In Wisconsin, second-parent adoption by a same-sex partner is prohibited. The legal costs of such second-parent adoption, court orders, and adjusted birth certificates can cost thousands of dollars, which many families do not have access to (LGBT MAP 2012b). This lack of parental recognition on a birth certificate can restrict the abilities of parents to care for their child, for example, by barring a child from being on their parent's health insurance, due to lack of appropriate documentation. Furthermore, LGBT families risk entering into states which do not recognize their legal parentage of their children during travel, which can be dire under circumstances of legal or medical issues (LGBT MAP 2012b).

#### **4.3 Children of LGBT Families**

Sexual orientation is unrelated to the ability to adequately care for children, there is no evidence that LGBT individuals are not as fit as heterosexual individuals to raise children, and comparison of child-rearing tactics between heterosexual women and lesbian women, and between heterosexual men and gay men, found no significant discrepancies in care (LGBT MAP 2011; SPSSI 2009a). Over 30 years of research has led to the conclusion that children of same-sex parents face the same outcomes in school functioning, cognitive abilities, physical abilities, and self-concept, as well as having healthy relationships with their peers, and at times have better relationships with family members including step-parents, in comparison to their counterparts raised by heterosexual parents (SPSSI 2009b). Children of same-sex couples also show normal gender identity development, and are no more likely to identify as LGBT than the children of heterosexual parents (SPSSI 2009c). Despite this, LGBT families often experience inappropriate questions and politicization of their family, while 40 percent of students with LGBT parents report verbal harassment at school due to their familial status (LGBT MAP 2012a).

#### **4.4 National Organization Response**

There are some national organizations working within an advocacy role to improve adoption and fostering conditions for LGBT individuals and couples. The Family Equality Council (FEC) has promoted the Every Child Deserves a Family Act (ECDF) on the federal level, which focuses on promoting the best interests of children within the foster care system. The FEC also works on the state level, with current campaigns against adoption-restrictive policies in Virginia, Louisiana, and Illinois (FEC 2016). However, the national organizations that have been particularly active on the other issues addressed in this report, such as GLAD, the Human Rights Campaign, and the Gay and Lesbian Task Force, do not currently have major initiatives to address adoption and fostering.

## 5.0 References

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