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|  | <p style="text-align: center;">Florida Parental Recognition Laws As of July, 2012</p> |
| Marriage | <p>Repeal Fla. Const. Art. I, § 27. Repeal Fla. Stat. § 741.212. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.</p> |
| Relationship Recognition | <p>Repeal Fla. Const. Art. I, § 27 or amend to remove "or the substantial equivalent thereof". Repeal Fla. Stat. § 741.212 or amend to remove "or relationships between persons of the same sex which are treated as marriage in any jurisdiction". Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships.</p> |
| Foster Care | <p>Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.</p> |
| Joint Adoption | <p>Amend adoption laws to remove unconstitutional language banning adoption by "homosexual" persons. Amend adoption laws, rules and policies, to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Fla. Stat. § 63.042(e), <i>Fla. Dept. of Children and Families v. In re: Matter of Adoption of X.X.G and N.R.G.</i>, 45 So.3d 79 (Fla. App. 2010), and Fla. Admin. Code § 65C-16.005 (3)(e).</p> |
| Second-Parent Adoption | <p>Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents.</p> |
| Donor Insemination | <p>Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Fla. Stat. § 742.11. See also related case involving a birth mother and biological mother, <i>T.M.H v. D.M.T.</i>, 79 So.3d 787 (Fla. App 2011).</p> |
| De Facto Parenting | <p>Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>Kazmierazak v. Query</i>, 736 So. 2d 106 (Fla. Dist. Ct. App. 1999, <i>review denied</i>, 760 So. 2d 947 (Fla. 2000)).</p> |

|  | Georgia Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Ga. Const. Art. I, § IV, Para. I and Ga. Code Ann. § 19-3-3.1. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Ga. Const. Art. I, § IV, Para. I (b) and amend Ga. Code Ann. §19-3-3.1(a). Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Ga. Code. Ann. §19-8-3. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Ga. Code Ann. § 19-7-21. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>Clark v. Wade</i> , 544 S.E. 2d 99 (Ga. 2001). |

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|  | <h2 style="text-align: center;">Hawaii</h2> <h3 style="text-align: center;">Parental Recognition Laws</h3> <p style="text-align: center;">As of July, 2012</p> |
| Marriage | <p>Repeal Haw. Rev. Stat. § 572-1. Extend full recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain an Hawaii marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date. Note: Out-of-jurisdiction same-sex marriages are currently recognized as civil unions (see Haw. Rev. Stat. § 572B-10).</p> |
| Relationship Recognition | <p>Positive laws already codified for civil unions and recognition of out-of-state equivalent relationships (see Haw. Rev. Stat. §§ 572B-1 through 572B-11), and for reciprocal beneficiaries (see Haw. Rev. Stat. §§ 572C-1 through 572C-7). Note: Out-of-jurisdiction same-sex marriages are also currently recognized as civil unions (see Haw. Rev. Stat. § 572B-10).</p> |
| Foster Care | <p>Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.</p> |
| Joint Adoption | <p>Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Haw. Rev. Stat. § 578-1.</p> |
| Second-Parent Adoption | <p>Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. Note: Hawaii residents in civil unions may adopt as stepparents (see Haw. Rev. Stat. § 578-1).</p> |
| Donor Insemination | <p>Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. Positive general laws (not specific to donor insemination) already codified which extend a presumption of parentage for children regardless of marital status of intended parents. See Haw. Rev. Stat. § 584-1 et seq. Note: Hawaii laws apply to Hawaii residents in civil unions despite the fact that some existing laws may not be gender-neutral or specify broader application to those in recognized relationships outside of marriage.</p> |
| De Facto Parenting | <p>Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests.</p> |



Idaho
Parental Recognition Laws
 As of July, 2012

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| Marriage | Repeal Idaho Const. Art. III, §28, amend/repeal Idaho Code § 32-201 through 32-209. Extend recognition of out-of-state same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Idaho Const. Art. III, §28 and pass comprehensive relationship recognition and recognition for out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents alongside existing protections prohibiting discrimination on the basis of disability. See Idaho Code Ann. §16-501 et seq. and § 16-2001. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate provision of donor insemination laws to apply irrespective of gender or marital status of intended parents. Amend laws to also include parental presumption provisions that apply irrespective of gender or marital status of intended parents. See Idaho Code Ann. § 39-5401, et seq. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |



Illinois
Parental Recognition Laws
As of July, 2012

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| Marriage | Amend/repeal 750 ILCS 5/212(5) and 5/213.1. Extend full recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain an Illinois marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date. Note: Out-of-jurisdiction same-sex marriages are currently recognized as civil unions (see 750 ILCS 75/60). |
| Relationship Recognition | Positive laws already codified for civil unions and recognition of out-of-jurisdiction equivalent relationships (see 750 ILCS 75/1 through 75/90). Note: Out-of-jurisdiction same-sex marriages are also currently recognized as civil unions (see 750 ILCS 75/60). |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Codify case law and amend laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See 750 Ill. Comp. Stat. § 50/2, and <i>In re Petition of K.M. and D. M. et al</i> , 274 Ill App. 3d 189, 653 N.E.2d 888 (1995). |
| Second-Parent Adoption | Codify existing case law and amend laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See 750 Ill. Comp. Stat. 50/0.01 et seq. and <i>In re Petition of K.M. and D. M. et al</i> , 274 Ill App. 3d 189, 653 N.E.2d 888 (1995). See also <i>In the Matter of the Petition of C.M.A. et al</i> , 306 Ill. App. 3d 1061, 715 N.E. 2d 674 (1999) which documents judicial bias in second-parent adoption decisions. Note: Illinois residents in civil unions may adopt as stepparents under provisions for a related adoption (see 750 ILCS 50/6.D). |
| Donor Insemination | Positive law already codified stating that a child born via donor insemination is considered a naturally-conceived legitimate child of a husband and wife who both consent to the insemination. Amend existing consent-to-inseminate provision of donor insemination laws to apply irrespective of gender or marital status of intended parents. 750 ILCS § 40/1 et seq. and 750 ILCS 45/1 et seq. Note: Illinois laws apply to Illinois residents in civil unions despite the fact that some existing laws may not be gender-neutral or specify broader application to those in recognized relationships outside of marriage. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>In Re Marriage of Simmons</i> , 825 N.E.2d 303 (Ill. 2005) and <i>In re Visitation with C.B.L.</i> , 723 N.E.2d 316 (Ill. App. Ct. 1999). |

|  | Indiana Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Ind. Code Ann. § 31-11-1-1. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Codify existing case law and amend adoption laws to explicitly allow joint adoption by unmarried couples; amend to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Ind. Code Ann. § 31-19-2-2 and <i>In re Infant Girl W.</i> 845 N.E. 2d 229 (Ind. Ct. App. 2006). |
| Second-Parent Adoption | Codify existing case law and amend laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See Ind. Code Ann. § 31-19-2-2 et seq. and § 31-19-11-1, and <i>In re the Adoption of M.M.G.C. et al</i> , 785 N.E. 2d 267 (Ind. Ct. App. 2003) and <i>In re Adoption of K.S.P.</i> , 804 N.E.2d 1253 (Ind. Ct. App. 2004). |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Expand Ind. Code Ann. § 31-9-2-35.5 beyond current limitations for "primary caregiver." Clarify existing case law by passing laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>In Re Guardianship of B.H.</i> , 770 N.E. 2d 283 (Ind. 2002) and <i>In Re Parentage of A.B.</i> , 837 N.E.2d 965 (2005). |

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|  | <p style="text-align: center;">Iowa Parental Recognition Laws As of July, 2012</p> |
| Marriage | <p>Positive laws already codified for statewide freedom to marry (see Iowa Code § 595.2) and for recognition of out-of-jurisdiction marriages (see Iowa Code § 595.20). Allow individuals with valid out-of-jurisdiction equivalent civil unions and equivalent domestic partnerships to obtain an Iowa marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date.</p> |
| Relationship Recognition | <p>See "Marriage."</p> |
| Foster Care | <p>Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.</p> |
| Joint Adoption | <p>Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Iowa Code § 600.4.</p> |
| Second-Parent Adoption | <p>Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. Note: Married Iowa residents may adopt as stepparents (See Iowa Code § 600.8).</p> |
| Donor Insemination | <p>Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. Note: Although Iowa has no existing donor insemination laws, there are general legitimacy provisions regarding children born into marriages, including provisions for liability for child support. See Iowa Code §§ 144.13, 252A.3 and 598.31. Note: Iowa laws apply to married heterosexual couples and married same-sex married couples despite the fact that some laws may not be gender-neutral. However, see Lambda Legal's website re: <i>Gartner v. Newton</i>, regarding a pending challenge to unequal application of these laws.</p> |
| De Facto Parenting | <p>Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>In re Petition of Ash</i>, 507 N.W. 2d 400 (Iowa 1993).</p> |

|  | Kansas Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Kan. Const. Art. 15, §16 and amend/repeal Kans. Stat. Ann. § 23-101(a). Extend recognition of out-of-jurisdiction same-sex marriages extend freedom to marry. |
| Relationship Recognition | Repeal Kan. Const. Art. 15, §16 and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Kan. Stat. Ann. § 59-2113. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Positive law already codified stating that a child born via donor insemination is considered a naturally-conceived legitimate child of a husband and wife who both consent to the insemination. Amend existing consent-to-inseminate provision of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Kans. Stat. Ann. § 23-2301 et seq. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |

|  | Kentucky Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Ky. Const. §233a, and amend/repeal Ky. Rev. Stat. Ann. §§ 402.005, 402.020, 402.045. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Ky. Const. §233a and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Ky. Rev. Stat. Ann. § 199-470. |
| Second-Parent Adoption | As recommended in <i>S.J.L.S. v. T.L.S.</i> , (265 S.W.3d 804 (Ky. Ct. App. 2008) which barred second-parent adoption in the absence of a statute, amend or pass second-parent adoption laws that "would permit an unmarried person to adopt a non-spouse's child without terminating the non-spouse's parental rights." |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Positive laws already codified recognizing <i>de facto</i> parentage as a basis for physical and legal custody when the person has been the primary caregiver and financial supporter of a child and has resided with the child for the requisite period(s) of time (see Ky. Rev. Stat. Ann. § 403.270). Clarify co-parent <i>de facto</i> status (when parents provide equally for a child) for standing for custody and expand to include <i>de facto</i> parentage as a basis for visitation and for granting full parenting rights when in a child's best interests. See also <i>Mullins v. Picklesimer</i> , 317 S.W.3d 569 (Ky. 2010). |



Louisiana
Parental Recognition Laws
 As of July, 2012

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| Marriage | Repeal La. Const. Art XII, §15 and amend/repeal La. C. C. Art. 89 and 3520.B. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal La. Const. Art XII, §15 and pass comprehensive relationship recognition and out-of-jurisdiction recognition of equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See La. Ch. C. Art. 1198 and 1221. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See La. C.C. Art. 188. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |



Maine
Parental Recognition Laws
As of July, 2012

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Marriage

Amend/repeal 19-A M.R.S § 701. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.

Relationship Recognition

Positive laws already codified for domestic partners registry which accords a legal status similar to that of a married person with respect to matters of probate, guardianships, conservatorships, inheritance, protection from abuse, and related matters (see 22 M.R.S. § 2710 and related code provisions). Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships or amend existing definition of "domestic partner" to include comprehensive relationship recognition.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Codify existing case law and amend adoption laws to explicitly allow joint adoption by unmarried couples; amend existing adoption laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See 18-A M.R.S. § 9-301. See also *In re Adoption of M.A.*, 2007 ME 123 (Me. 2007) for a thorough discussion of the ambiguity in the existing statute.

Second-Parent Adoption

Codify existing case law and amend existing laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See 18-A M.R.S. § 9-301. Although the judgment is related to a joint adoption, second-parent adoption under the statute is also directly addressed in *In re Adoption of M.A.*, 2007 ME 123 (Me. 2007).

Donor Insemination

Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents.

De Facto Parenting

Positive law already codified recognizing 3rd party standing for visitation and 3rd party standing for custody or full parenting rights if placing with either or both parents would place the child in jeopardy (see 19-A M.R.S. § 1653), *C.E.W. v. D.E.W.*, 845 A. 2nd 1146 (2004)). Amend existing laws to remove requirement that placement with *de facto* parents necessitates a finding that placement with legal parents would place a child in jeopardy; instead, allow decisions based on child's best interests.

|  | Maryland Parental Recognition Laws As of July, 2012 |
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| Marriage | Positive laws recently codified for "Civil Marriage Protection Act of 2012" (amended version of Md. Family Law Code Ann. § 2-201 effective January 1, 2013) extending freedom to marry and recognition of out-of-jurisdiction marriages beginning January 1, 2013 although this law's implementation is subject to a voter referendum in November, 2012 . On recognition of out-of-state same-sex marriages prior to extension of freedom to marry, see also <i>Port v. Cowan</i> (Ct. App. Md.) decided May 18, 2012 and Office of the Attorney General of the State of Maryland, "Whether Out-of-State Same-Sex Marriage that is Valid in the State of Celebration May Be Recognized in Maryland, 95 Op. Atty. Gen. Md. 3 (2010). Allow individuals with both valid out-of-jurisdiction equivalent civil unions and equivalent domestic partnerships to obtain a Maryland marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date. |
| Relationship Recognition | See "Marriage." Note: Positive laws already codified for limited domestic partnership recognition for hospital visitation (see Md. Health-General Code Ann. §6-202), state inheritance tax exemption (see Md. Tax-General Code Ann. § 7-203), residential property transfers between partners (see Md. Tax-Property Code Ann. §12-108), and county property transfer taxes upon relationship dissolution (Md. Tax-Property Code Ann. §13-403). |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples. Positive law already codified explicitly prohibiting discrimination on the basis of sexual orientation for prospective adoptive parents; amend to explicitly prohibit discrimination on the basis of gender identity. Md. Family Law Code Ann. § 5-331, § 5-3A-29, § 5-3B-13, and Md. Regs. Code § 07.05.03.09. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption sections of donor insemination provisions of child legitimacy laws to apply irrespective of gender or marital status of intended parents. Maryland Estates and Trust Code Ann. §1-206. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>J.M. v. M.K.</i> , 404 Md. 661, 948 A.2d 73 (Md. Ct. App. 2008). |

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|  | <p style="text-align: center;">Massachusetts Parental Recognition Laws As of July, 2012</p> |
| Marriage | <p>Positive laws already codified for statewide freedom to marry and recognition of out-of-jurisdiction marriages (see Mass. Gen. Laws Ann. Ch. 207, §1 through § 58). Allow individuals with valid out-of-jurisdiction equivalent civil unions and equivalent domestic partnerships to obtain a Massachusetts marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date.</p> |
| Relationship Recognition | <p>See "Marriage."</p> |
| Foster Care | <p>Positive laws already codified explicitly prohibiting discrimination on the basis of sexual orientation for foster children and both sexual orientation and marital status for prospective and existing foster parents (see 110 CMR §1.09). Amend to explicitly prohibit discrimination on the basis of sexual orientation and gender identity.</p> |
| Joint Adoption | <p>Codify existing case law and amend adoption laws to explicitly allow joint adoption by unmarried couples. Positive laws already codified explicitly prohibiting discrimination on the basis of marital status and sexual orientation; amend to explicitly prohibit discrimination on the basis of gender identity. Adoption statutes should be clarified both as they relate to unmarried jointly-petitioning partners with no biological or other legal ties and to second-parent adoptions when one parent has a biological or other legal tie. See Mass. Gen. Laws Ann. Ch. 210 §§ 1, 2 and 2A, 110 CMR §1.09 and <i>Adoption of Susan</i>, 416 Mass. 1003, 619 N.E.2d 323 (1993). See also <i>Adoption of Tammy</i>, 416 Mass. 205, 619 N.E. 2d 315 (1993). Note: Although <i>Adoption of Tammy</i> was a case where a biological parent and a partner sought to jointly adopt, the case set precedent for courts to allow second-parent adoption using a joint petition.</p> |
| Second-Parent Adoption | <p>Codify case law and amend existing laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See Mass. Gen. Laws Ann. Ch. 210 §§ 1, 2, 2A and 6. Amend existing laws to specifically permit waiver of home study requirements for second-parent adoption upon joint petitions involving a legal parent. See Ch. 210 § 5A and <i>Adoption of Galen</i>, 425 Mass. 201 (1997). Note: Although <i>Adoption of Tammy</i>, 416 Mass. 205, 619 N.E.2d 215 (1993) was a case where a biological parent and a partner sought to jointly adopt, the case set precedent for courts to allow second-parent adoption using a joint petition. Adoption statutes should be clarified both as they relate to unmarried jointly-petitioning partners with no biological ties and to second-parent adoption when one parent has a biological tie. See also <i>Della Corte v. Ramirez</i>, 81 Mass. App. Ct. 906 (2012) which clarifies that married same-sex spouses need not pursue second-parent adoption for a child born into a marriage, regardless of whether the spouses were married at the time of conception. Note: Married Massachusetts residents may adopt as stepparents under provisions for relative adoptions (see Mass. Gen. Laws Ann. Ch. 201, §2A) .</p> |
| Donor Insemination | <p>Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Mass. Gen. Laws Ann. Ch. 46, § 4B. Note: Massachusetts law applies to both married heterosexual couples and married same-sex couples despite the fact that some laws may not be gender-neutral. See also <i>Della Corte v. Ramirez</i>, 81 Mass. App. Ct. 906 (2012) which clarifies that married same-sex spouses need not pursue second-parent adoption for a child born into a marriage, regardless of whether the spouses were married at the time of conception.</p> |
| De Facto Parenting | <p>Codify existing case law recognizing <i>de facto</i> parentage as a basis for visitation and expand to allow family courts to recognize <i>de facto</i> parentage as a basis for custody and granting full parenting rights when in a child's best interests. (<i>E.N.O. v. L.M.M.</i>, 711 N.E. 2d 886 (Mass. 1999). See also <i>A.H. v. M.P.</i>, 447 Mass. 828, 857 N.E. 2d 1061 (Mass. 2006).</p> |



Michigan

Parental Recognition Laws

As of July, 2012

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| Marriage | Repeal MCLS Const. Art. I, § 25, MCLS § 551.1 and MCLS § 551.272 and amend/repeal to remove MCLS § 551.271(2). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal MCLS Const. Art. I, § 25. Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See MCLS § 710.24. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. <i>McGuffin v. Overton</i> , 542 N.W.2d 288 (Mich. Ct. App. 1995, <i>appeal denied</i> , 546 N.W.2d 256 (Mich. 1996). |



Minnesota
Parental Recognition Laws
As of July, 2012

Marriage

Amend/repeal Minn. Stat. § 517.03 (4). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.

**Relationship
Recognition**

Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples, and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Minn. Stat. § 259.22.

**Second-Parent
Adoption**

Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents.

Donor Insemination

Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Minn. Stat. §§ 257.55 and 257.66.

***De Facto* Parenting**

Amend Minn. Stat. § 257C.01 et seq. allowing 3rd party petitions for visitation to also allow family courts to recognize *de facto* parentage as a basis for custody and full parenting rights when in a child's best interests (see *Soohoo v. Johnson*, 731 N.W.2d 815 (Minn. 2007)).

|  | Mississippi Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Miss. Const. Ann. Art. 14, § 263A and Miss. Code Ann. §93-1-1(2). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and extend recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to remove prohibition on joint adoption by "couples of the same gender" and to explicitly allow joint adoption by unmarried couples; Amend to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Miss. Code Ann. § 93-17-3. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |



Missouri
Parental Recognition Laws
As of July, 2012

Marriage

Repeal Mo. Const. Art. I, § 33 and Mo. Rev. Stat. § 451.022. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.

**Relationship
Recognition**

Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Mo. Rev. Stat. § 453.010.

**Second-Parent
Adoption**

Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents.

Donor Insemination

Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Mo. Rev. Stat. § 210.824.

***De Facto* Parenting**

Pass laws allowing family courts to recognize *de facto* parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests.

|  | Montana Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Mont. Const., Art. XIII § 7 and Mont. Code Ann. § 40-1-401(1)(d). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Mont. Code Ann. § 40-1-401(4) and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Mont. Code Ann. § 42-1-106. |
| Second-Parent Adoption | Positive law already codified as part of stepparent adoption law stating that, "For good cause shown, a court may allow an individual who is not the stepparent but who has the consent of the custodial parent of a child to file a petition for adoption. The petition must be treated as if the petitioner were a stepparent." See Mont. Code Ann. §42-4-302 (2). |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Mont. Code Ann. § 40-6-101 et seq. |
| De Facto Parenting | Codify existing case law to clarify Mont. Code Ann. § 40-4-211 and § 40-4-228 and amend to allow family courts to recognize <i>de facto</i> parentage as a basis for granting full parenting rights when in a child's best interests. See <i>Kulstad V. Maniaci</i> , 352 Mont. 513 (2009). |

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|  | <p style="text-align: center;">Nebraska Parental Recognition Laws As of July, 2012</p> |
| Marriage | <p>Repeal Ne. Const. Art. I, § 29 or amend to remove the first clause relating to marriage. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.</p> |
| Relationship Recognition | <p>Repeal Ne. Const. Art. I, § 29 or amend to remove the second clause of the amendment relating to civil unions and domestic partnerships. Pass comprehensive relationship recognition and extend recognition of out-of-jurisdiction equivalent relationships.</p> |
| Foster Care | <p>Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. Reverse Nebraska Department of Social Service policy banning foster care placement in the homes of unrelated cohabiting adults or in the homes of "persons who identify themselves as homosexuals." See Administrative Memorandum - Human Services re: Placement in Foster Care, January 23, 1995.</p> |
| Joint Adoption | <p>Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Neb. Rev. Stat. § 43-101.</p> |
| Second-Parent Adoption | <p>Overturn case law and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See <i>In re Adoption of Luke</i>, 640 N.W. 2d 374 (Neb. 2002).</p> |
| Donor Insemination | <p>Amend existing laws to include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. See Neb. Rev. Stat. § 43-1412.01.</p> |
| De Facto Parenting | <p>Codify existing case law on visitation and custody and expand law to allow family courts to recognize <i>de facto</i> parentage as a basis for granting full parentage rights when in a child's best interests. (<i>Latham v. Schwerdtfeger</i>, 282 Neb. 121 (2011)).</p> |

|  | Nevada Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Nev. Const. Art. 1, § 21 and amend Nev. Rev. Stat. Ann. § 122.020. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction equivalent domestic partnerships and civil unions to obtain a Nevada marriage license with a legal date retroactive to the earlier domestic partnership or civil union effective date. Note: Out-of-jurisdiction same-sex marriages are currently recognized as domestic partnerships, although registration may be required. |
| Relationship Recognition | Positive laws already codified for domestic partnerships (see Nev. Rev. Stat. Ann. §§ 122A.010 through 122A.510) and recognition of out-of-jurisdiction equivalent domestic partnerships and civil unions, although Nevada registration may be required. Note: Out-of-jurisdiction same-sex marriages are also currently recognized as domestic partnerships, although registration may be required. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples. Positive law already codified explicitly prohibiting discrimination on the basis of sexual orientation for prospective adoptive parents; amend to explicitly prohibit discrimination on the basis of gender identity. See Nev. Rev. Stat. § 127.030 and Nev. Admin. Code § 127.351. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. Nevada residents in domestic partnerships may adopt as stepparents (see Nev. Rev. Stat. Ann. § 127.160). |
| Donor Insemination | Amend existing laws to include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. See Nev. Rev. Stat. Ann. § 126.061. Note: Nevada laws apply to Nevada residents in domestic partnerships despite the fact that some existing laws may not be gender-neutral or specify broader application to those in recognized relationships outside of marriage. |
| De Facto Parenting | Amend Nev. Rev. Stat. § 125C.050 regarding visitation to allow family courts to recognize <i>de facto</i> parentage as a basis for granting custody and full parentage rights when in a child's best interests. |



New Hampshire
Parental Recognition Laws
As of July, 2012

Marriage

Positive laws already codified for statewide freedom to marry and for recognition of out-of-jurisdiction civil unions and marriages (see RSA 457:1 through 457:46). Note: Couples in civil unions from New Hampshire that were formed prior to January 1, 2010 were given the opportunity to get married, or to have the civil union legally designated and recorded as a marriage between January 1, 2010 and January 1, 2011. Remaining civil unions were automatically converted into marriages in New Hampshire on January 1, 2011. Allow individuals with valid out-of-jurisdiction equivalent domestic partnerships and civil unions to obtain a New Hampshire marriage license with a legal date retroactive to the earlier domestic partnership or civil union effective date.

Relationship Recognition

See "Marriage." Note: Effective January 1, 2010, New Hampshire no longer issues civil union licenses, but it continues to recognize out-of-jurisdiction civil unions and equivalent domestic partnerships and provide those couples with all of the protections and responsibilities of marriage under state law. Couples in civil unions from New Hampshire that were formed prior to January 1, 2010 were given the opportunity to get married, or to have the civil union legally designated and recorded as a marriage between January 1, 2010 and January 1, 2011. Remaining civil unions were automatically converted into marriages in New Hampshire on January 1, 2011.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See RSA § 170-B:4.

Second-Parent Adoption

Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. Note: Married New Hampshire residents may adopt as stepparents (see RSA 170-B:11).

Donor Insemination

Amend existing laws to include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. See RSA 168-B:2 and RSA 168-B:3. Note: New Hampshire law applies to both married heterosexual couples and married same-sex couples despite the fact that some laws may not be gender-neutral.

De Facto Parenting

Pass laws allowing family courts to recognize *de facto* parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See *In re Nelson*, 825 A.2d 501 (N.H. 2003)

|  | New Jersey Parental Recognition Laws As of July, 2012 |
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| Marriage | Extend full recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain a New Jersey marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date. Note: Out-of-jurisdiction same-sex marriages are currently recognized as civil unions. |
| Relationship Recognition | Positive laws already codified for civil unions and out-of-jurisdiction relationship recognition for equivalent comprehensive relationships (see N.J. Stat. §§ 37:1-1 through 37:1-36). Note: Out-of-jurisdiction same-sex marriages are also currently recognized as civil unions. Note also: Positive laws already codified for limited domestic partnerships (see N.J. Stat. §§26:8A-1 through 26:8A-13). |
| Foster Care | Positive laws already codified explicitly prohibiting discrimination on the basis of sexual orientation, and marital, civil union, and domestic partnership status for foster children and prospective and existing foster parents (see N.J.A.C. §§ 10:122B-1.5 and 10:122C-1.6) Amend existing laws to explicitly prohibit discrimination on the basis of gender identity. |
| Joint Adoption | Amend N. J. Stat. § 9:3-43 to explicitly allow joint adoption by unmarried couples. Positive laws already codified prohibiting discrimination on the basis of sexual orientation and marital status (see N.J.A.C § 10:121C-4.1). Amend laws to explicitly prohibit discrimination on the basis of gender identity. |
| Second-Parent Adoption | New Jersey residents in civil unions may adopt as stepparents (see N.J. Stat. § 9:3-48). Codify existing case law and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See <i>In re Adoption of Two Children by H.N.R.</i> , 285 N.J. Super. 1, 666 A.2d 535 (App. Div. 1995) and <i>In re Adoption of a Child by J.M.G.</i> , 267 N.J. Super. 622, 633 A.2d 550 (Ch.Div. 1993). See also N.J. Court Rules, R. 5:10-3(c)(3) specifying that "in the case of a second-parent or co-parent adoption, the complaint shall be the same as that of a stepparent adoption." |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See N.J. Stat. §§ 9:17-43 and 9:17-44. Note: New Jersey laws apply to New Jersey residents in civil unions despite the fact that some existing laws may not be gender-neutral or specify broader application to those in recognized relationships outside of marriage. |
| De Facto Parenting | Codify case law by clarifying the definition of parent in N.J. Stat. § 9:2-13(f) to include <i>de facto</i> parentage as a basis for visitation, and expand to allow family courts to recognize <i>de facto</i> parentage as a basis for custody and full parenting rights when in a child's best interests. (<i>V.C. v J.M.B.</i> , 163 N.J. 200, 748 A.2d. 539 (N.J. 2000). |

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|  | <h2>New Mexico</h2> <h3>Parental Recognition Laws</h3> <p>As of July, 2012</p> |
| Marriage | <p>Positive law already codified for the recognition of lawful marriages from other countries (see N.M. Stat. Ann. § 40-1-4). Codify New Mexico Attorney General Opinion regarding validity of same-sex marriages performed in other jurisdictions (see Opinion of Gary K. King, Attorney General, No. 11-01, January 4, 2011). Extend freedom to marry.</p> |
| Relationship Recognition | <p>Pass comprehensive relationship recognition and out-of-jurisdiction recognition for equivalent relationships.</p> |
| Foster Care | <p>Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.</p> |
| Joint Adoption | <p>Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See N.M. Stat. Ann. § 32A-5-11.</p> |
| Second-Parent Adoption | <p>Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents.</p> |
| Donor Insemination | <p>Positive law already codified stating that a person who consents to assisted reproduction with the intent to be the parent of a child is a parent of the resulting child, irrespective of gender or marital status of intended parents. Positive laws also already codified for applying parental presumption provisions irrespective of gender or marital status of intended parents. N.M. Stat. Ann. §§ 40-11A-703, 40-11A-704. See also <i>Chatterjee v. King</i>, Docket No. 32,789 (June 1, 2012).</p> |
| De Facto Parenting | <p>Clarify existing case law and pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>A.C. v. C.B.</i>, 829 P.2d 660 (1992).</p> |

|  | New York Parental Recognition Laws As of July, 2012 |
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| Marriage | Positive laws already codified for statewide freedom to marry (see NY Dom. Rel. Law §§ 1-25). Codify case law affording the rule of comity to out-of-state marriages (see <i>Martinez v. County of Monroe</i> , 50 AD3d 189, 850 NYS2d 740 (2008) and <i>Van Voorhis V. Brinthal</i> , 86 NY 18 (1881)). Allow individuals with valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain a New York marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date. |
| Relationship Recognition | See "Marriage." |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. NOTE: Regulations proposed in 2011 would have amended sections 180.5(a) and 182-1.5(g)(1) of 9 NYCRR , sections 421.2, 421.16(h), 423.4(f), 423.4(m) and Part 441 of 18 NYCRR to prohibit discrimination on the basis of sexual orientation, and gender identity and expression in detention, runaway and homeless youth programs, foster care, and adoption and preventive services. |
| Joint Adoption | Positive law already codified permitting "any two unmarried adult intimate partners together" to adopt and specifying that prospective adoptive parents should not be rejected solely on the basis of sexual orientation. Amend adoption laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity. See N.Y. Dom. Rel. Law §110 and 18 NYCRR §421.16(h)(2)). NOTE: Regulations proposed in 2011 would have amended sections 180.5(a) and 182-1.5(g)(1) of 9 NYCRR , sections 421.2, 421.16(h), 423.4(f), 423.4(m) and Part 441 of 18 NYCRR to prohibit discrimination on the basis of sexual orientation, and gender identity and expression in detention, runaway and homeless youth programs, foster care, and adoption and preventive services. |
| Second-Parent Adoption | Codify existing case law and amend laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See N.Y. Dom. Rel. Law §110 and §117, and <i>In re Jacob, In re Dana</i> , 660 N.E.2d 397 (N.Y. 1995). Note: Married new york residents may adopt as stepparents (See N.Y. Dom. Rel. Law §117(d)). |
| Donor Insemination | Positive law already codified stating that a child born to a married woman by means of donor insemination, with written consent of both the woman and her husband, shall be the legitimate birth child of both for all purposes. Amend existing consent-to-inseminate and parental presumption language to apply irrespective of gender or marital status of intended parents. See NY CLS Dom Rel § 73. Note: New York law applies to both married heterosexual couples and married same-sex couples despite the fact that some laws may not be gender-neutral. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>Alison D. v. Virginia M.</i> , 572 N.E. 2d 27 (N.Y. 1991) and <i>Janis C. v. Christine T.</i> , 294 A.D.2d 496 (N.Y.Sup.Ct. 202), <i>appeal dismissed</i> , 784 N.E.2d 74 (N.Y. 2002) |

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|  | <p style="text-align: center;">North Carolina Parental Recognition Laws As of July, 2012</p> |
| Marriage | Repeal N.C. Const. art. XIV, §6 and N.C. Gen. Stat. § 51-1.2, amend N.C. Gen. Stat § 51-1. Extend recognition of out-of-jurisdiction same-sex marriages. Extend freedom to marry. |
| Relationship Recognition | Repeal N.C. Const. art. XIV, §6 and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to remove prohibition of joint adoption by unmarried petitioners and to explicitly allow joint adoption by unmarried couples. Amend adoption laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See N.C. Gen Stat. § 48-2-301, § 48-1-103, and § 48-2-302. |
| Second-Parent Adoption | Overturn case law and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See <i>Boseman v. Jarrell</i> , 704 S.E. 2d 494 (N.C. 2010). |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Clarify the definition of standing for N.C. Gen. Stat. §50-13.1 et seq. pursuant to existing case law on custody and pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>Mason v. Dwinell</i> , 660 S.E.2d 58 (N.C. Ct. App. 2008) and <i>Estroff v. Chaterjee</i> , 660 S.E.2d 73 (N.C. Ct. App. 2008). |

|  | North Dakota Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal N.D. Const. Art. XI, §28, and amend/repeal N.D. Cent. Code, § 14-03-01 and amend 14-3-08. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal N.D. Const. Art. XI, §28 or amend to remove second sentence of the amendment regarding "other domestic unions." Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See N.D. Cent. Code, § 14-15-03. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See N.D. Cent. Code, § 14-20-07, 14-20-59 et seq. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |



Ohio
Parental Recognition Laws
As of July, 2012

Marriage

Repeal Oh. Const. Art. XV, § 11 or amend the first sentence to broaden the definition of marriage. Repeal ORC Ann. § 3101.01 or amend to remove §§ (C)(1) and (C)(2). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.

**Relationship
Recognition**

Repeal Oh. Const. Art. XV, § 11 or amend to remove second sentence regarding the legal status for other relationships. Repeal ORC Ann. § 3101.01 or amend to remove §§ (C)(3) and (C)(4). Pass comprehensive relationship recognition and recognition of equivalent relationships.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See ORC Ann. § 3107.03.

**Second-Parent
Adoption**

Overturn case law and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See *In re Adoption of Doe*, 719 N.E.2d 1071 (Ohio Ct. App. 1998).

Donor Insemination

Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See ORC Ann. § 3111.93 and ORC Ann. § 3111.95.

De Facto Parenting

Pass laws allowing family courts to recognize *de facto* parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See *In Re Bonfield*, 97 Ohio St. 3d 387, 780 N.E.2d 241 (Ohio, 2002).

|  | Oklahoma Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Okl. Const. Art. II, § 35 and amend/repeal 43 Okl. St. § 3 (A) and repeal 43 Okl. St. §3.1. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Okl. Const. Art. II, § 35 and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See 10 Okl. St. § 7503-1.1. See also adverse case law for joint adoption in <i>Depew v. Depew (In re Adoption of M.C.D.)</i> , 2002 OK CIV APP 27, 42 P. 3d 873 (Okla. Ct. App. 2001). |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See 10 Okl. St. § 551 et seq. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |

|  | Oregon Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Ore. Const. Art. XV, § 5a. Extend full recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction equivalent domestic partnerships and civil unions to obtain an Oregon marriage license with a legal date retroactive to the earlier domestic partnership or civil union effective date. |
| Relationship Recognition | Positive laws already codified for domestic partnerships (see ORS § 106.300 through 106.340). Pass laws recognizing out-of-jurisdiction equivalent relationships and clarifying recognition of out-of-jurisdiction same-sex marriages as domestic partnerships. |
| Foster Care | Positive laws already explicitly prohibiting discrimination on the basis of sexual orientation for foster parents (see ORS § 418.648(10)). Expand existing laws to explicitly prohibit discrimination on the basis of gender identity and to extend similar protections for foster children. |
| Joint Adoption | Positive laws already codified permitting joint adoption by unmarried, cohabiting adults. Amend adoption laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See OAR §§ 413-200-0314(1)(j)(2) and 413-140-0010(10). |
| Second-Parent Adoption | Positive administrative rules already exist permitting adoption when one of the petitioners is the biological or adoptive parent and the co-petitioner and the parent are not married, including provisions allowing waiver of home study and placement report requirements. See OARS §§413-140-0035(5)(c) and 413-140-0010 (5)(d) (A) and Oregon Dept. of Human Services Second Parent Adoption Checklist (Rev. 5/2010). Oregon residents in domestic partnerships may adopt as stepparents under relative adoption provisions (See ORS §109.309). |
| Donor Insemination | Positive law already codified stating that a child born to the husband of a mother who conceives via donor insemination has the same rights as if the child had been naturally and legitimately conceived by the mother and the mother's husband. Codify case law and amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See ORS § 109.243 et seq. and <i>Shineovich v. Kemp</i> (229 Ore. App. 670), 214 P.3d 29, (Ore. App. 2009, <i>cert. denied</i>). Note: Oregon laws apply to Oregon residents in domestic partnerships despite the fact that some laws may not be gender-neutral or specify broader application to those in other recognized relationships outside of marriage. For parental recognition for donor insemination laws, case law (<i>Shineovich</i> , reference above) has extended protections to all same-sex partners in Oregon. |
| De Facto Parenting | Positive laws already codified for allowing courts to recognize <i>de facto</i> parentage as a basis for visitation and custody (see ORS § 109.119). Expand to allow family courts to recognize <i>de facto</i> parentage for granting full parenting rights when in a child's best interests. |

|  | Pennsylvania Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal 23 Pa.C.S. § 1704 and extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See 23 Pa.C.S. § 2312 and prior history of statute which has already been broadened to allow "any individual" (without reference to marital status) to become an adopting parent. |
| Second-Parent Adoption | Codify existing case law and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See <i>In re adoption of R.B.F. and R.C.F.</i> , 569 Pa. 269, 803 A.2d 1195 (2002). |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Codify case law to include <i>de facto</i> parentage as a basis for visitation and custody, and expand to allow family courts to recognize <i>de facto</i> parentage as a basis for full parenting rights when in a child's best interests. (<i>L.S.K. v. H.A.N.</i> , 813 A.2d 872 Pa. Super. 2002). See also <i>T.B. v. L.R.M.</i> , 567 Pa. 222, 786 A.2d 913 (Pa. 2001). |



Rhode Island
Parental Recognition Laws
As of July, 2012

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Marriage

Per Attorney General opinion (see Op. R.I. Att'y Gen. (February 20, 2007) and Executive Order (Executive Order R.I. 12-02, May 14, 2012), codify existing case law and policy and fully recognize out-of-jurisdiction same-sex marriages. Extend freedom to marry, allowing individuals with both in-state and valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain a Rhode Island marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date.

Relationship Recognition

Positive laws already codified for civil unions and recognition of out-of-jurisdiction equivalent relationships (see R.I. Gen. Laws §§ 15-3.1-1 through 15-3.1-11). See also, "Marriage" for treatment of out-of-jurisdiction same-sex marriages.

Foster Care

Positive regulations already explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective and existing foster parents (see State of Rhode Island Department of Children, Youth and Families, Foster Care and Adoption Regulations for Licensure, October 2011). Amend existing regulations to include protections for foster children.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples. Positive regulations already explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective and existing foster parents. See R.I. Gen. Laws § 15-7-4 and State of Rhode Island Department of Children, Youth and Families, Foster Care and Adoption Regulations for Licensure, October 2011.

Second-Parent Adoption

Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. Rhode Island residents in civil unions may adopt as stepparents (see R.I. Gen. Laws § 15-7-2.1(h)).

Donor Insemination

Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. Amend existing parental presumption provisions of paternity laws to apply irrespective of gender or marital status of parents. See R.I. Gen. Laws § 15-8-3. Note: Rhode Island laws apply to Rhode Island residents in civil unions despite the fact that some laws may not be gender-neutral or specify broader application to those in other recognized relationships outside of marriage.

De Facto Parenting

Codify case law to clarify that R.I. Gen. Laws § 15-8-26 allows standing for *de facto* parents for visitation and custody (see *Rubano v. DiCenzo*, 759 A.2d 959 (R.I. 2000)). Expand to allow family courts to recognize *de facto* parentage as a basis for granting full parenting rights when in a child's best interests.

|  | South Carolina Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal S.C. Const. Ann. Art. XVII, § 15 and S.C. Code Ann. § 20-1-15. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal S.C. Const. Ann. Art. XVII, § 15 and pass comprehensive relationship recognition and recognition of out-of-state equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See S.C. Code Ann. § 63-9-60. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Positive laws already codified for recognition of <i>de facto</i> custodians for visitation and custody (see S.C. Code Ann. § 63-15-60). Expand to allow family courts to recognize <i>de facto</i> parentage as a basis for granting full parenting rights when in a child's best interests. |

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|  | <p style="text-align: center;">South Dakota Parental Recognition Laws As of July, 2012</p> |
| Marriage | Repeal S.D. Const. Ann. Art. XXI, § 9 and amend/repeal S.D. Code Ann. §§ 25-1-1 and 25-1-38. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal S.D. Const. Ann. Art. XXI, § 9 and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See S.D. Code Ann. §§ 25-6-2 and 25-6-3. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| <i>De Facto</i> Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |

|  | Tennessee Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Tenn. Const. Art. XI, § 18 and Tenn. Code Ann. § 36-3-113. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Tenn. Code Ann. §§ 36-1-107 and 36-1-115. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Tenn. Code Ann. § 68-3-306. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>In re Thompson</i> , 11 S.W.3d 913 (Tenn. Ct. App. 1999, cert. denied, Jan. 2000). |



Texas
Parental Recognition Laws
As of July, 2012

Marriage

Repeal Tex. Const. Art. I, § 32 and Tex. Fam. Code §6.204. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry.

Relationship Recognition

Repeal Tex. Const. Art. I, § 32 and Tex. Fam. Code §6.204. Pass comprehensive relationship recognition and recognize out-of-jurisdiction equivalent relationships.

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Tex. Fam. Code Ann. §§ 162.001 and 102.005.

Second-Parent Adoption

Amend existing laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See Tex. Fam. Code Ann. § 162.001 and § 102.005.

Donor Insemination

Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Tex. Fam. Code § 160.701 et seq.

De Facto Parenting

Positive laws already codified granting standing for visitation and custody disputes (see Tex. Fam. Code Ann. §102.003 (9)). Expand to allow family courts to recognize *de facto* parentage as a basis for full parenting rights when in a child's best interests. See also *In the Interest of J.M.W.*, 2010 Tex. App. LEXIS 1817 (Tex. App. 2010)



Utah
Parental Recognition Laws
 As of July, 2012

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| Marriage | Repeal Utah Const. Art. I, § 29 (1) and Utah Code Ann. § 30-1-4.1(1)(a), and amend/repeal § 30-1-2(5). Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Utah Const. Art. I, § 29 (2) and Utah Code Ann. § 30-1-4.1(1)(b) and pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to remove prohibition on placement with unmarried cohabitating couples and to remove preference for married couples. Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. See Utah Code Ann. § 62A-4a-602(5)(b) and § 78B-6-117(3) and (4). |
| Joint Adoption | Amend/repeal adoption laws to remove prohibition on placement with unmarried cohabitating couples, to remove preference for married couples, and to explicitly allow joint adoption by unmarried couples. Amend adoption laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Utah Code Ann. § 62A-4a-602(5)(a) and § 78B-6-117(3) and (4). |
| Second-Parent Adoption | Remove prohibition on adoption for cohabiting unmarried partners and pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See Utah Code Ann. § 78B-6-117. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Utah Code Ann. See §78B-15-701. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See <i>Jones V. Barlow</i> , 154 P.3d 808 (Utah 2007). |



Vermont
Parental Recognition Laws
As of July, 2012

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Marriage

Positive laws already codified for statewide freedom to marry (see Vt. Stat. Ann. Tit. 15 §8). Pass laws acknowledging the validity of out-of-state marriages and allow individuals with both in-state and valid out-of-jurisdiction civil unions and equivalent domestic partnerships to obtain a Vermont marriage license with a legal date retroactive to the earlier civil union or domestic partnership effective date.

Relationship Recognition

Positive laws already codified for civil unions (see Vt. Stat. Ann. Tit. 15 §§ 1201 through 1207). Vermont stopped issuing civil union licenses on September 1, 2009 in conjunction with the passage of freedom to marry, although these laws have not been repealed and existing civil unions continue to be recognized. See also, "Marriage."

Foster Care

Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption (laws already allow any "person" to adopt). Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Vt. Stat. Ann. Tit. 15A, § 1-102.

Second-Parent Adoption

Positive law already codified allowing adoption, without terminating the existing parent's parental rights, when a family unit consists of a parent and the parent's partner, and adoption is in the best interests of the child. See Vt. Stat. Ann. Tit. 15A, § 1-102 (b). Married Vermont residents and Vermont residents in civil unions may adopt as stepparents (see Vt. Stat. Ann. Tit. 15A, §5-105(6)).

Donor Insemination

Although Vermont law does not directly address donor insemination or assisted reproduction, positive law is codified for a gender-neutral, marital status-neutral rebuttable presumption of parentage when the alleged parents have voluntarily acknowledged parentage by filling out and signing a Voluntary Acknowledgement of Parentage form and filing the completed form with the department of health (note that the statute is both gender-neutral and marital status-neutral, but the form from Vermont is only marital-status neutral). Positive law also codified for a rebuttable presumption of parentage when a child is born while a husband and wife are legally married to each other. Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. See Vt. Stat. Ann. Tit. 15, §308 and State of Vermont Voluntary Acknowledgement of Parentage (rev. 1/09). Note: Vermont laws apply to married heterosexual couples, married same-sex couples, and residents in civil unions despite the fact that some laws may not be gender-neutral or specify broader application to those in other recognized relationships outside of marriage.

De Facto Parenting

Pass laws allowing family courts to recognize *de facto* parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. See *Titchenal v. Dexter*, 166 Vt. 373, 693 A.2d 682 (Vt. 1997). See also *In re J.M.*, 750 A.2d 442 (Vt. 2000).

|  | Virginia Parental Recognition Laws As of July, 2012 |
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| Marriage | Repeal Va. Const. Art. I, § 15-A or amend the first sentence to broaden the definition of marriage. Repeal Va. Code Ann. § 20-45.2. Extend recognition of out-of-jurisdiction same-sex marriages and extend freedom to marry. |
| Relationship Recognition | Repeal Va. Const. Art. I, § 15-A or amend to remove the second and third sentences of the amendment regarding other unions, partnerships and legal status. Repeal Va. Code Ann. § 20-45.3. Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Va. Code Ann. §§ 63.2-1201 and 63.2-1201.1. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Va. Code Ann. § 20-158. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |



Washington

Parental Recognition Laws

As of July, 2012

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| Marriage | Positive laws passed extending freedom to marry and recognition of out-of-jurisdiction marriages (beginning June 7, 2012) and converting existing domestic partnerships to marriages (beginning in 2014)(see Engrossed Substitute Senate Bill 6239). Individuals with both in-state and valid out-of-jurisdiction domestic partnerships (and civil unions) may also obtain a Washington marriage license provided they are otherwise eligible to marry and the parties to the marriage are the same as the parties in the previous partnership or civil union. Note: Resolution of laws and implementation of code changes has been delayed until November 2012 by referendum 74. |
| Relationship Recognition | Positive laws already codified for domestic partnerships and recognition of out-of-jurisdiction equivalent relationships, including recognition of same-sex marriages as domestic partnerships (see Wash. Rev. Code (ARCW) §§ 26.60.010 through 26.60.901). When marriage legislation is implemented (see "Marriage"), Washington domestic partnerships will be automatically merged into marriages and deemed marriages as of June 30, 2014 and the date of the original state registered domestic partnership will become the legal date of the marriage. Domestic partnerships will only continue to be formed for partners age 62 and older. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. Wash. Rev. Code (ARCW) §§ 26.33.140 and 26.33.150. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. NOTE: Several lower courts have granted joint petitions for adoption where one of the petitioners is the biological child, but there are no appellate court or higher decisions. Washington residents in domestic partnerships may adopt as stepparents (see Wash. Ct. Rules LSPR § 93.04). |
| Donor Insemination | Positive gender-neutral, marital status-neutral consent-to-inseminate provision already codified that allows a person who consent in writing to assisted reproduction with another person, with the intent to parent, to be considered the parent of the resulting child. Laws also reference the issuance of a birth certificate for the child indicating the legal parentage pursuant to the consent. Positive gender-neutral, marital status-neutral presumption of parentage provision is also codified if the person resided in the same household with a child and parent and the two adults openly held out the child as their own. See Wash. Rev. Code (ARCW) § 26.26.705 et seq. Note: Washington laws apply to Washington residents in domestic partnerships despite that fact that some laws may not be gender-neutral or specify broader application to those in other recognized relationships outside of marriage. |
| De Facto Parenting | Codify existing case law and pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody and for granting full parenting rights when in a child's best interests (see <i>In re Parentage of L.B.</i> , 122 P. 3d 161 (Wash. 2005)). |



West Virginia
Parental Recognition Laws
 As of July, 2012

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| Marriage | Repeal W.Va. Code § 48-2-603 and extend recognition of out-of-jurisdiction same-sex marriages. Amend/repeal W. Va. Code § 48-2-104(c) and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See W. Va. Code § 48-22-201. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Pass donor insemination laws that include consent-to-inseminate and parental presumption provisions that apply irrespective of gender or marital status of intended parents. |
| De Facto Parenting | Codify existing case law and pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and granting full parenting rights when in the child's best interests. See <i>In re Clifford K.</i> , 619 S.E.2d 138 (W. Va. 2005). |



Wisconsin
Parental Recognition Laws
As of July, 2012

Marriage

Amend Wis. Stat. §§ 765.001 through 765.01 and 765.04. Extend recognition of out-of-jurisdiction same-sex marriages. Extend freedom to marry.

**Relationship
Recognition**

Positive laws already codified for limited domestic partnerships providing for specifically enumerated rights related such as intestate inheritance, hospital visitation and family leave, and ability to sue for wrongful death (see Wis.Stat. §§ 770.001 through 770.18). Repeal Wis. Const. Art. XIII, § 13 or amend to remove second sentence of the amendment regarding legal status. Extend comprehensive relationship recognition and recognition for out-of-jurisdiction equivalent relationships.

Foster Care

Positive laws already explicitly prohibiting discrimination on the basis of sexual orientation for prospective and existing foster parents (see Wisc. Admin. Code DCF §56.04). Amend existing laws and/or regulations to include protections for foster children and expand to prohibit discrimination on the basis of gender identity.

Joint Adoption

Amend adoption laws to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity alongside existing protections for disability, race and ethnicity. See Wisc. Stat. § 48.82.

**Second-Parent
Adoption**

Pass laws or clarify existing laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. See Wisc. Stat. § 48.81 and § 48.92. and *In the Interest of Angel Lace M.*, 516 N.W. 2nd 678 (Wis. 1994).

Donor Insemination

Clarify case law and amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Wis. Stat. § 891.40.

De Facto Parenting

Codify existing case law and pass laws allowing family courts to recognize *de facto* parentage as a basis for visitation, custody, and granting full parenting rights when in the child's best interests. (*In re the Custody of H.S.H.-K: Holtzman v. Knowtt*, 533 N.W.2d 419 (Wis. 1995), *cert. denied.*, *Knott v. Holtzman*, 516 U.S. 975 (1995)).

|  | Wyoming Parental Recognition Laws As of July, 2012 |
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| Marriage | Amend Wyo. Stat. §20-1-111 to allow recognition of out-of-jurisdiction state-level marriage contracts (See also <i>Christiansen v. Christiansen</i> , 253 P.3d 153 (Wyo. 2011)). Repeal Wyo. Stat. § 20-1-101 and extend freedom to marry. |
| Relationship Recognition | Pass comprehensive relationship recognition and recognition of out-of-jurisdiction equivalent relationships. |
| Foster Care | Amend existing laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for foster children and prospective and existing foster parents. |
| Joint Adoption | Amend to explicitly allow joint adoption by unmarried couples and to explicitly prohibit discrimination on the basis of sexual orientation and gender identity for prospective adoptive parents. See Wyo. Stat. §§ 1-22-103 and 1-22-104. |
| Second-Parent Adoption | Pass laws to explicitly permit an adult, with the consent of a legal parent, to adopt the legal parent's child, thus securing legal ties to both parents. |
| Donor Insemination | Amend existing consent-to-inseminate and parental presumption provisions of donor insemination laws to apply irrespective of gender or marital status of intended parents. See Wyo. Stat. § 14-2-904. |
| De Facto Parenting | Pass laws allowing family courts to recognize <i>de facto</i> parentage as a basis for visitation, custody, and for granting full parenting rights when in a child's best interests. |

END NOTES AND REFERENCES

Note: References to the “Full Report” in these endnotes are references to the detailed recommendations that can be found in: Movement Advancement Project, Family Equality Council and Center for American Progress, “All Children Matter: How Legal and Social Inequalities Hurt LGBT Families,” October 2011.

- ¹ Originally, U.S. family law said that a child born to an unwed mother had no father at all. Nancy Polikoff, “A Mother Should Not Have to Adopt Her Own Child: Parentage Laws for Children of Lesbian Couples in the Twenty-First Century,” *Stanford Journal of Civil Rights & Civil Liberties*, 2009, 5:201.
- ² A 1972 Supreme Court decision made it impermissible to deny a father parenting rights because he was not married to the mother and forced states to revise their parenting statutes to ensure that fathering rights were recognized even outside of marriage. Some scholars have called this moment a “legal revolution” in family law.
- ³ Rose M. Kreider and Diana B. Elliott, “The Complex Living Arrangements of Children and Their Unmarried Parents,” Population Association of America, Poster Presentation, May 2, 2009.
- ⁴ See Full Report pp. 118-119.
- ⁵ U.S. Census Bureau, Table 1. Household Characteristics of Opposite-Sex and Same-Sex Couple Households: ACS 2010, <http://www.census.gov/hhes/samesex/files/sssex-tables-2010.xls>.
- ⁶ Gary J. Gates, M.V. Lee Badgett, Jennifer Ehrle Macomber and Kate Chambers, “Adoption and Foster Care by Gay and Lesbian Parents in the United States,” The Williams Institute and Urban Institute, 2007, http://www.urban.org/UploadedPDF/411437_Adoption_Foster_Care.pdf.
- ⁷ Ibid.
- ⁸ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman and Mara Keisling, “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey,” National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.
- ⁹ Gary J. Gates, “Can Homophobia Reduce Your Home Equity?” November 9, 2011, http://www.huffingtonpost.com/gary-j-gates/can-homophobia-reduce-you_b_1082729.html.
- ¹⁰ Suzanne Macartney, “Child Poverty in the United States 2009 and 2010: Selected Race Groups and Hispanic Origin,” *American Community Survey Briefs*, November 2011, <http://www.census.gov/prod/2011pubs/acsbr10-05.pdf>.
- ¹¹ Because this relies only on the race/ethnicity of the householder (the person completing the census form), it is likely an underestimation of the diversity among same-sex couples. Householders who identify as white, but who have a spouse or partner who is a person of color, for example, are not included in these statistics. Gary J. Gates, “Same-sex couples in Census 2010: Race and Ethnicity,” The Williams Institute, April 2012. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-Couples-RaceEthnicity-April-2012.pdf>.
- ¹² Ibid.
- ¹³ R. Bradley Sears, Gary J. Gates and William B. Rubenstein, “Same-Sex Couples and Same-Sex Couples Raising Children in the United States: Data from Census 2000,” The Williams Institute, 2005.
- ¹⁴ Craig J. Konnoth and Gary J. Gates, “Same-sex Couples and Immigration in the United States,” The Williams Institute, November 2011. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-Konnoth-Binational-Report-Nov-2011.pdf>.
- ¹⁵ Ibid.
- ¹⁶ See Full Report, pp. 11-13 for a full discussion with references and citations.
- ¹⁷ This report uses “individual” to refer to someone who is living alone or with a partner or spouse but who petitions to adopt individually rather than as a couple, whereas a “single” applicant is someone who petitions individually and is both unmarried and living without a partner. Some states bar unmarried people living with partners from fostering or adopting children, and both Arizona and Utah give preference to married couples over individual or single applicants.
- ¹⁸ Some judges in states lacking relationship recognition for same-sex couples allow same-sex couples to use the stepparent adoption procedure.
- ¹⁹ This data is from Census 2000. Updated data is not available because the Census Bureau has decided not to ask about foster children in the 2010 Census. Gates et al., “Adoption and Foster Care”; Evan B. Donaldson Adoption Institute, Expanding Resources for Waiting Children II: Eliminating Legal and Practice Barriers to Gay and Lesbian Adoption from Foster Care, 2008, 12, http://www.adoptioninstitute.org/publications/2008_09_Expanding_Resources_Legal.pdf.
- ²⁰ Gates et al., “Adoption and Foster Care.” Calculations revised April 2011.
- ²¹ This estimate is based on findings from the 2008-2010 American Community Survey that 2.7% of same-sex couples are raising an adoptive child. This figure was then applied to the roughly 4 million lesbians and gay men in the U.S. See Footnote 1 in Gary J. Gates, “Children and Families Impacted and Fiscal Impact of Virginia HB 189/SB 349,” The Williams Institute, February 2012. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-VA-Adoption-Feb-20121.pdf>.
- ²² Gary P. Mallon, “Assessing Lesbian and Gay Prospective Foster and Adoptive Families: A Focus on the Home Study Process,” *Child Welfare* 86, 2007. Gates et al., “Adoption and Foster Care.”
- ²³ U.S. Dept. of Health and Human Services, Administration for Children and Families, “Adoption and Foster Care Analysis and Reporting System (AFCARS) Report,” 2011, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report18.htm.
- ²⁴ Jennifer Ehrle Macomber, C. Scarcella, E. Zielewski and R. Geen. “Foster Care Adoption in the United States: A State-by-State Analysis of Barriers and Promising Approaches,” Urban Institute, 2004.
- ²⁵ Gates et al., “Adoption and Foster Care.”
- ²⁶ U.S. Dept. of Health and Human Services, Administration for Children and Families, “Adoption and Foster Care Analysis and Reporting System (AFCARS) Report,” 2010; U.S. Census Bureau, “ACS Demographic and Housing Estimates,” 2005-2009 American Community Survey 5-Year Estimates.”
- ²⁷ CWLA/ Lambda Legal, “Combating Misguided Efforts,” 2009. See also Gates et al., “Adoption and Foster Care,” 2007.
- ²⁸ The voter-approved Arkansas law banning cohabiting adults from adopting also banned them from fostering but, as mentioned earlier, was recently struck down by the state’s Supreme Court.

- ²⁹ North Dakota explicitly permits agencies not to place children with foster families if it violates the agency's moral or religious beliefs, though it does not ban such foster families statewide, N. D. Cent. Code §50-12-03, §50-12-07.1.
- ³⁰ Virginia General Assembly 2012 Session, SB 349 and HB 189.
- ³¹ State of Illinois General Assembly 2011-2012 Session, HB 3942.
- ³² *Adar v. Smith*, 591 F. Supp.2d 857 (E.D. La., 2008), *cert. denied* 132 S.Ct. 400 (U.S. 2011).
- ³³ The Adoption and Safe Families Act provides federal funding and incentives to encourage family permanency and sets guidelines to ensure safe, speedy and appropriate adoption placements. Each state has its own detailed laws which must comply with federal requirements if the state seeks access to federal funds. Apart from federal funding eligibility, adoption is regulated by state statute, which can vary widely from state to state.
- ³⁴ In 2010, a Florida Appeals Court struck down a ban on adoption by anyone who is gay, lesbian or bisexual. The decision is binding on all lower courts, and Florida's Dept. of Children and Families ceased enforcing the ban.
- ³⁵ See Full Report, pp. 27-28.
- ³⁶ MAP's list is compiled from three sources as well as examinations of state laws and regulations: ACLU, "Too High A Price: The Case Against Restricting Gay Parenting," 2nd Edition, 2006, 6-11, http://www.aclu.org/files/images/asset_upload_file480_27496.pdf; Family Equality website, http://www.familyequality.org/pdf/foster_withcitations.pdf; Courtney G. Joslin and Shannon P. Minter, *Lesbian, Gay, Bisexual and Transgender Family Law*, 2010, 108-110.
- ³⁷ As of January 1, 2012 the states are: California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington, and the District of Columbia. For updates, please see: http://www.lgbtmap.org/equality-maps/marriage_relationship_laws.
- ³⁸ Evan B. Donaldson Adoption Institute, Expanding Resources for Children III: Research-Based Best Practices in Adoption by Gays and Lesbians, October 2011, http://www.adoptioninstitute.org/publications/2011_10_Expanding_Resources_BestPractices.pdf.
- ³⁹ U.S. Dept. of Health and Human Services, Administration for Children and Families, "The Adoption Home Study Process," http://www.childwelfare.gov/pubs/f_homstu.pdf.
- ⁴⁰ Again, a Florida court struck down a ban on adoption by anyone who is gay, lesbian or bisexual.
- ⁴¹ "If the individual who files the petition is unmarried, no other individual may join in the petition, except that a man and a woman who jointly adopted a minor child in a foreign country while married to one another must readopt jointly." North Carolina General Statutes § 48-2-301, <http://law.onecle.com/north-carolina/48-adoption/48-2-301.html>. Louisiana restricts adoption to "single person or married couple jointly," and case law prohibits joint adoption by unmarried couples.
- ⁴² Alabama, Alaska, Arizona, Florida, Kansas, Kentucky, Louisiana, Maryland, Montana, Nebraska, Ohio, Oklahoma and West Virginia.
- ⁴³ Perhaps because of these statutes, state officials and media reports sometimes assert that joint adoption for unmarried and/or same-sex couples is prohibited, when in fact no court has definitively ruled on how to interpret the statute's language.
- ⁴⁴ Some intermediate-level courts have ruled against certain kinds of same-sex couple adoptions, which casts doubt on whether those states would allow same-sex couples to obtain joint adoptions. These include Kentucky, Nebraska, Ohio and Wisconsin.
- ⁴⁵ Normally a stepparent adoption will be granted only if no other parent (such as the biological father) has or wishes to maintain parenting rights (for instance, if the biological father has died or relinquished or agreed to relinquish his parental claims and obligations). However, in some cases a judge may involuntarily terminate the rights of the non-custodial parent, for example, if that parent is not meeting his or her parental obligations and the judge deems the stepparent adoption to be in the best interests of the child.
- ⁴⁶ The Evan B. Donaldson Adoption Institute estimates that 42% of adoptions are stepparent adoptions, "Overview of Adoption in the United States," <http://www.adoptioninstitute.org/FactOverview.html#5>; U.S. Dept. of Health and Human Services, "Stepparent Adoption," http://www.childwelfare.gov/pubs/f_step.cfm.
- ⁴⁷ Gary J. Gates and Adam Romero, "Parenting by Gay Men and Lesbians: Beyond the Current Research," in H. Elizabeth Peters and Claire Kamp Dush, Eds., *Marriage and Family: Perspectives and Complexities*, New York, 1992, 235-6.
- ⁴⁸ We use this term to refer to LGBT adults who function as a stepparent, whether or not they are formally recognized as such under their state's law.
- ⁴⁹ Po Bronson, "Are Stepparents Real Parents?" *Time Magazine*, May 17, 2006.
- ⁵⁰ National Center for Lesbian Rights, "Legal Recognition of LGBT Families," 2011. The states that offer comprehensive relationship recognition in the form of domestic partnerships or civil unions generally allow same-sex partners all the same rights as legal spouses. Thus, partners in such relationships have access to the stepparent adoption process, although some may not refer to this as a "stepparent" adoption because that term historically has referred to someone who is married to a parent. In addition, some states that do not offer marriage or comprehensive relationship recognition nevertheless allow a same-sex partner to use the stepparent adoption process to adopt a partner's child, or to allow a second-parent adoption which, while it is often more cumbersome and expensive, has the same effect as a stepparent adoption.
- ⁵¹ In some of the 15 states and D.C. where stepparent adoption is available, states, couples may be required to be married or have a domestic partnership or civil union.
- ⁵² Based on National Center for Lesbian Rights, "Adoption by LGBT Parents," 2012, http://www.nclrights.org/site/DocServer/2PA_state_list.pdf?docID=3201 plus a 2010 court ruling in North Carolina that appears to ban second-parent adoptions. While Mississippi has a statute prohibiting adoption by same-sex couples, it is unclear whether this would preclude second-parent adoption by an individual with a same-sex partner.
- ⁵³ For example, Michigan appears to have a judge-ordered ban on second-parent adoptions, but the status of that ban is uncertain. HRC, "Michigan Adoption Law," 2009, <http://www.hrc.org/laws-and-legislation/entry/michigan-adoption-law>.
- ⁵⁴ Jennifer Egan, "Wanted: A Few Good Sperm," *New York Times Magazine*, March 19, 2006; Liza Mundy, *Everything Conceivable: How Assisted Reproduction is Changing Our World*, Anchor Books, 2007.
- ⁵⁵ See Full Report, pp. 34-37.
- ⁵⁶ These states include California, Connecticut, Delaware, Illinois, Massachusetts, New Hampshire, New York, Nevada, Oregon, Rhode Island, Vermont, Washington and D.C. Although Iowa allows same-sex marriage, it does not support a parentage presumption. See Full Report, page 36, footnote 120.
- ⁵⁷ Article IV, Section I of the U.S. Constitution states that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."
- ⁵⁸ In 2008, California allowed gay marriage for a period of six months, but it was banned by voters in November, 2008.
- ⁵⁹ Maryland and New Mexico have pledged to honor marriages of same-sex couples performed elsewhere, and while this means that the presumption of parentage should also be recognized, that interpretation remains untested. As a result, MAP does not include those states as "presumption of parentage" states.

- ⁶⁰ Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009, D.C. Official Code, <http://www.dccouncil.us/images/00001/20090511122621.pdf>. See Appendix 2 of this report for more details about this law.
- ⁶¹ New Mexico Uniform Parentage Act, 2009 N.M. Laws 215, §§ 7-703, 7-704; Polikoff, “A Mother Should Not Have to Adopt Her Own Child,” 240.
- ⁶² *Shineovich v. Kemp* (229 Ore. App. 670), 214 P.3d 29, (Ore. App. 2009, cert. denied).
- ⁶³ Clarifying and Expanding the Rights and Obligations of State Registered Domestic Partners and Other Couples Related to Parentage, H.R. 1267, <http://www.washington-votes.org/2011-HB-1267>.
- ⁶⁴ Center for American Progress, “Assisted Reproductive Technologies: A Glossary,” http://www.americanprogress.org/issues/2007/12/art_resources.html.
- ⁶⁵ Comprehensive statistics about use of egg donation and surrogacy are unavailable. However, given the extraordinary costs associated with these options, it is unlikely that large percentages of LGBT families undertake these options. One surrogacy agency targeting LGBT couples estimates that its services cost between \$115,000 and \$150,000. Abbie E. Goldberg, *Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle*, American Psychological Association, 2010.
- ⁶⁶ Because most employee benefits are regulated under the federal Employee Retirement Income Security Act (ERISA), which does not recognize same-sex couples because of DOMA, most employers are not required to (although they may opt to) offer health benefits to the partners or non-recognized children of LGBT workers, even if those workers are legally married in their state. Carmen DeNavas-Walt, Bernadette D. Proctor and Jessica C. Smith, “Income, Poverty, and Health Insurance Coverage in the United States: 2010,” US Census Bureau, 2011 found that 55% of Americans received health insurance through an employer, their spouse’s employer, or their parents’ employer. Specifically for “working age” Americans, 63% received health insurance through an employer, and more than half of employees chose coverage that included at least one other family member, such as a spouse or child.
- ⁶⁷ See Full Report, pp. 79-83.
- ⁶⁸ See Full Report, pp. 85-89.
- ⁶⁹ See Full Report, pp. 43-45.
- ⁷⁰ See Full Report, pp. 47-48.
- ⁷¹ See Full Report, pp. 73-76.
- ⁷² See Full Report, pp 76-78.
- ⁷³ See Full Report, pp. 51-66 and Movement Advancement Project, Family Equality Council and Center for American Progress, “Strengthening Economic Security for Children Living in LGBT Families,” January 2012.
- ⁷⁴ Because the application of existing surrogacy statutes to LGBT families is an emerging area of the law, we have not provided a legislative or regulatory model in this area. We also have not provided model legislation for parental presumption laws because parentage presumptions do not result in a court judgment and do not hold across state lines.
- ⁷⁵ For instance, British and Dutch law both explicitly permit joint adoption by unmarried partners without restriction with provisions similar to the New York statute above.
- ⁷⁶ See Shawn R. Gebhardt, *Full Faith and Credit for Status Records: A Reconsideration of Gardiner*, 97 CALIF. L. REV. 1419 (2009) and Nancy D. Polikoff, *A Mother Should Not Have To Adopt Her Own Child: Parentage Laws for Children of Lesbian Couples in the 21st Century*, 5 STAN. J. OF C.R. & C.L. 101 (2009).



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