

TEACH Alliance

TRANS* EDUCATION, ACTIVISM, COMMUNITY & HEALTH



Foster Care & Licensing: Information for Transgender Parents

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Table of Contents

- 3 Basic Licensing Requirements
- 4 Fostering Laws & Policies
- 5 Finding a Welcoming Agency
- 6 Disclosing a Transgender Identity
- 7 Advocating for Yourself and Your Family
- 8 Discrimination and Bias
- 9 Works Referenced & Additional Resources



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Foster parents need
patience, understanding
and a sense of humor

-National Foster Parent Association

Basic Licensing Requirements

The requirements for becoming a foster parent vary greatly from state to state, but there are some universal requirements. According to the National Foster Parent Association everyone must minimally complete the following steps to become licensed or certified:

- Be at least 21 years old
- Complete an orientation and 10 to 30 hours of pre-service training
- Complete a background and criminal history check, and have each adult member of the household fingerprinted
- Provide three or more character references
- Complete a family home study or interview
- Complete a home safety check
- Fill out an application for licensure or certification

Individual states and agencies may have additional requirements such as home fire inspections, documentation of pet vaccination, or CPR and/or First Aid certifications.

Foster parents do not need to own their own homes in order to foster a child.

However, their household must be free of health or fire hazards. Agencies may also have requirements that the living space be equipped with working smoke detectors and/or fire extinguishers. If the home or apartment is multi-story and does not have a fire escape, some agencies may also require that the household have a fire ladder.

The household must have enough bedrooms to accommodate the foster children, though in many states foster children of the same gender may share rooms. Agencies may have additional requirements for the home, such as a kitchen or dining table for family meals. In most cases the foster parent(s) will be asked to disclose information regarding household income.

Agencies want to ensure that foster parents can provide 24-hour care or supervision for children, can work as part of a team, and be patient and understanding.

In the United States, LGBT parents raise 3% of all foster children and 4% of all adopted children.

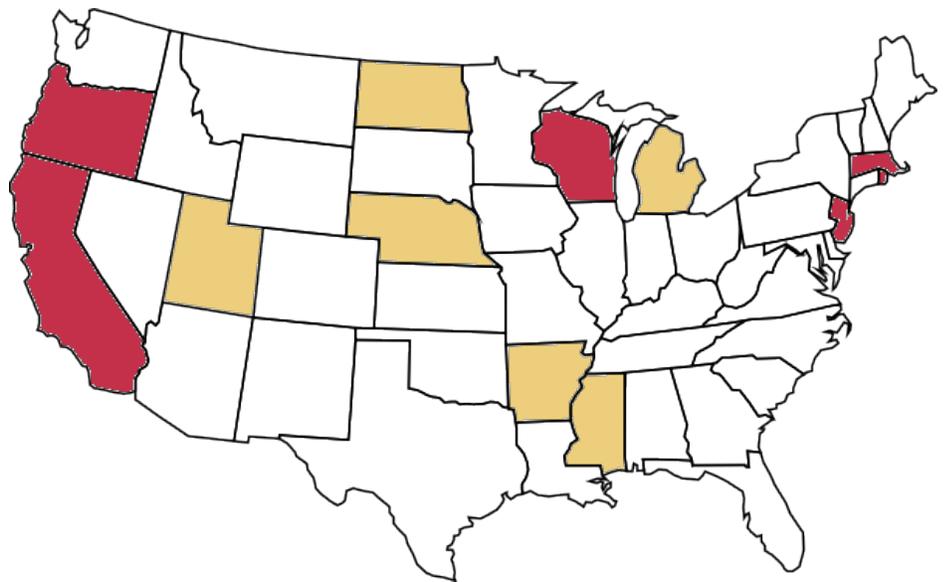
– National Resource Center for Permanency and Family Connections



Fostering Laws & Policies

Each state has different laws regarding who may become a foster parent and who may adopt. While most state statutes are silent on the issue of LGBT fostering, several have specific provisions that may affect the ability of transgender parents to foster or adopt:

- California, Massachusetts, New Jersey, Oregon, Rhode Island and Wisconsin prohibit discrimination against same-sex **foster** parent couples
- Nebraska prohibits **fostering** and adoption by gay individuals or same-sex couples
- North Dakota agencies are permitted to make **fostering** and adoptive child placement decisions based on religious or moral objections
- Arkansas and Utah prohibit **fostering** and adoption by unmarried couples and give preference to married couples over single adults
- In Connecticut the sexual orientation of the **foster** parent may be considered when placing a child
- Michigan and Mississippi have laws restricting adoption by same-sex couples
- California, Maryland, Massachusetts, Nevada, New Jersey and New York prohibit discrimination against same-sex adoptive couples or LGBT individuals



States that have laws or policies that prohibit discrimination against LGBT foster parents

(Blank states, Alaska and Hawaii are silent on LGBT fostering)

States where LGBT fostering is prohibited or where permanent placements may become complicated due to laws, policies or bans on LGBT adoption

While some states have policies or laws that may affect same-sex couples, transfolk may be able to foster as individuals or as part of a differently-gendered couple. States that legally recognize gender transitions should allow documentation to be changed on foster licenses or certifications – however, the agency that provided the licensure or certification may have its own set of policies that affect your ability to receive a placement. (See Finding a Welcoming Agency.)

States that include gender identity / expression in non-discrimination policies are more likely to place children with transgender foster or adoptive parents.

You can visit www.familyequality.org to familiarize yourself with state-specific laws and policies regarding LGBT fostering and adoption.

States that do not allow same-sex couples to foster or adopt may nevertheless allow transgender *individuals* or legally married transpersons to foster or adopt.

Finding a Welcoming Agency

There are many different types of foster care including traditional, emergency, relative, therapeutic, respite and tribal care. The agency that licenses or certifies you as a foster parent may depend upon which type of care you are interested in providing and where you live.

Finding a welcoming foster licensing or placement agency can be a challenge. You may want to begin by talking to other LGBT foster parents in your area and ask them for feedback on the foster agency they used. Review the website or brochures of local agencies to see whether the language and images they use speak to LGBT families. You can also call agencies directly and ask about their policies in working with LGBT families. The following questions may be helpful to ask:

- Has the agency placed children with *LGBT families* in the past?
- How many LGBT families has the agency previously worked with?
- What percentage of foster families that the agency works with are LGBT?
- How long was the average wait time before placing a child with an LGBT family?
- Has the agency placed *LGBT children* in the past? (Agencies that frequently place LGBT youth may have a better understanding

of the needs and concerns of transgender foster parents.)

- Has the agency worked specifically with *transgender* youth or adults in the past?

If you live in an area where LGBT adoption is restricted, you may wish to ask the agency how it navigates those challenges in terms of permanent child placements.

A National Survey of Adoption Agency Policies, Practices and Attitudes by the Evan B. Donaldson Adoption Institute found that the agencies most willing to place children with LGBT parents were public, secular private, Jewish- and Lutheran-affiliated agencies. In some regions, foster licensing or certification is contracted through non-profit or private agencies. These groups may be more willing to work with transgender individuals or LGBT couples.



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-Evan B. Donaldson Adoption Institute



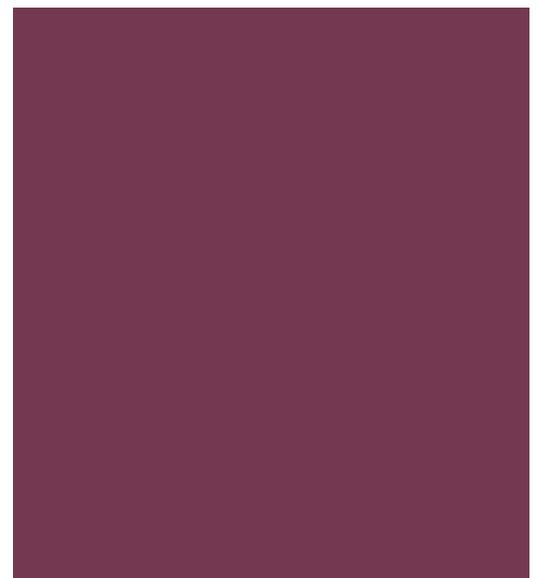
Disclosing a Transgender Identity

Transgender foster applicants are often concerned that disclosing their transgender status may disqualify them as foster parents or cause increased scrutiny of their application. Although it can be daunting, full disclosure is advised in order to receive the best preparation and resources for your family as well as to provide the best placement for foster children. It is advisable to disclose early on in the application process to learn whether or not an agency has specific policies about placing children with LGBT individuals or couples. If you know the agency through which you are becoming licensed or certified is open to working with transgender individuals or LGBT couples, you may choose to disclose your transgender status during your home study or family assessment. The home study may consist of a written description of - or a conversation about - your household, family, background and identified community supports.

If you are not able or not willing to disclose your sexual orientation or transgender status there can be serious legal ramifications. When completing a background check you must provide any and all former names and social security numbers (if applicable). It may be better to discuss with your case worker or agency representative the information that will come up in your background check ahead of time to avoid confusion or surprises.

“Ideally, the agency, and the home study social worker in particular, should be aware of your sexual orientation, gender identity, and relationship status to help you navigate the particular challenges in the city, county or state where you reside.”

-Child Welfare Information Gateway



Advocating for Yourself and Your Family



Holding open, honest discussions with everyone living with you is an important first step in the fostering process. You want to make sure your children, family or partners are willing and able to accept a foster child placement.

Researching local and state laws can help you find out whether or not you can be licensed as a foster parent in your area. As mentioned before, most states do not have specific laws concerning transgender fostering, but you may nevertheless encounter difficulties depending on your marital status or sexual orientation. LGBT affirming agencies or advocacy groups may be able to help you navigate unclear laws and policies.

Thoroughly researching local licensing agencies in your area before you apply to be a foster parent can save you headaches later on. Likewise, early disclosure to your social worker or agency may help to alleviate miscommunication and misunderstandings.

You may wish to make a list of LGBT competent family attorneys in your area. They may be able to help you if you experience any issues with licensing or permanent child placements and adoption.

As a transgender individual you may find agencies or social workers who are willing to help you become a foster parent, but that are misinformed or under-informed about what it means to be transgender. Familiarize yourself with local LGBT organizations and advocacy groups that you can refer a caseworker or agency to if they have questions.

A support network is an incredibly important tool for foster parents. You may find support from local LGBT organizations, friends and family, as well as other foster parents or families. Your licensing or certifying agency should have a directory of local and online supports and resource tools for you.

Your agency should also have a listing of parenting classes they offer or that are offered through one of their affiliates. These classes can be very helpful in gaining parenting skills, creating a support network, and helping you manage the stress of the licensing and placement process.

Being open and honest can help your caseworker identify the resources that will best serve you, your family and the child(ren) placed in your care.

“In the healthcare and social services professions, there is a consensus that LGBT people should not be barred from serving as foster parents on the sole basis of their sexual orientation or gender identity.”

-The Human Rights Campaign



Discrimination and Bias

If at any point in the licensing process you feel that you have been treated unfairly or that you have been discriminated against by a case worker or agency, you should talk with that person or entity. It may be that there has been a miscommunication or inadvertent offense. Report your concerns directly to the individual first, and if the issue is not resolved, go to their supervisor and report up the chain of command.

Remember that many of the agencies that perform licensing and child placement are incredibly busy and may be slow to return calls and emails – they are not necessarily singling you out. It is a good idea to join a foster parent support group in order to get a better idea of how responsive the agency is to other parents, how long other parents wait for a placement, and how the agency has handled other complaints or inquiries.

If you feel that you have been explicitly discriminated against on the basis of your sexual orientation or gender identity / expression, and your issue has not be resolved with the agency, contact one of the LGBT advocacy organizations below.



American Civil Liberties Union

125 Broad Street
New York, NY 10004
(212) 549-2627

<http://www.aclu.org/lgbt-rights>

Lambda Legal

120 Wall Street, Suite 1500
New York, NY 10005-3904
(212) 809-0055

<http://www.lambdalegal.org>

National Gay & Lesbian Task Force

1325 Massachusetts Ave. NW, Suite 600
Washington, DC 20005
(202) 393-5177

<http://www.nglftf.org>

Gay & Lesbian Advocates & Defenders

30 Winter Street, Suite 800
Boston, MA 02108
(617) 426-1350

<http://www.glad.org/>

(New England only)

National Center for Lesbian Rights

870 Market Street, Suite 370
San Francisco, CA 94102
(415) 392-6257

<http://www.nclrights.org>

Transgender Law Center

870 Market Street, Suite 400
San Francisco, CA 94102
(415) 865-0176

<http://transgenderlawcenter.org/>

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