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From Marriage Equality to Parenthood: Adoption Rights of Same-Sex Couples

Qizhen Mei

Ohlone College, Fremont, USA
qmei2@student.ohlone.edu

Abstract. Marriage equality in the United States has not automatically yielded parenthood equality. Although same-sex couples disproportionately shoulder adoption and foster-care responsibilities, access to front-end services remains uneven. This paper maps the legal gap between marriage and adoption equality, evaluates how institutional design mediates equality in practice, and proposes federal solutions. Methodologically, it conducts doctrinal analysis of constitutional and statutory frameworks (including marriage and parentage recognition, interstate judgment recognition, and Free Exercise constraints after recent Supreme Court decisions), examines spending-clause conditions and 2024 administrative rules in child welfare, and undertakes a comparative case study of California and Texas. The analysis finds that constitutional rules secure marriage and core incidents of parental recognition and that interstate recognition preserves the portability of adoption judgments; however, state control over eligibility, licensing, contracting, and vital-records administration, combined with religious-exemption statutes and contract design, produces unequal access. California's aligned legislative, judicial, and administrative architecture normalizes dual legal parentage and nondiscrimination in practice, while Texas's exemption architecture sustains gatekeeping and reduces system capacity. Data blind spots in federal reporting further blunt oversight. The paper recommends a federal adoption-equality statute tied to funding conditions, generally applicable nondiscrimination contract terms, restoration and modernization of child-welfare data elements, targeted training and audits, and embedded evaluation to convert symbolic equality into operational parity centered on permanency for children.

Keywords: Marriage Equality, Adoption Rights, Same-Sex Couples

1. Introduction

"One day, when you really want a child, you're going to do whatever it takes." My infertile aunt once told me this with a sigh, a sentence that quietly stayed with me. And a long time after she said that, I began to understand why some people still want a baby, even though many people today do not want one for various reasons. Later, as I saw some same-sex couples on the street around me, I began to wonder how they could adopt a child legally, and, even further, if adoption law is truly kept in pace with the progress of marriage equality.

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Building from this personal question, recent data indicate that about LGBTQ parents raised five million children in the United States. About two million of these children live in LGBTQ single-parent households, and nearly 300,000 are being raised by parents who are part of a same-sex couple [1]. Additionally, The Census has published that among couples with children, children are adopted by 20.9% of same-sex couples, a rate that far exceeds the 2.9 percent reported for opposite-sex couples [2]. As a result, same-sex couples are approximately seven times more likely to adopt. Furthermore, the number of children living with LGBT parents has increased significantly and is expected to continue rising as society becomes more accepting of same-sex adoption and parenting [3]. These data emphasize the importance of same-sex couples in adoptive parenting and suggest that continued social acceptance could further expand opportunities for children in need of families.

Even though same-sex couples are legally allowed to marry each other across the United States, their ability to adopt is still uneven. Some faith-based adoption agencies refuse to work with same-sex couples by invoking religious doctrine. They contend that placing children with LGBTQ+ parents would conflict with their First Amendment right to the free exercise of religion. However, many of these agencies continue to receive public funding, which makes the line between religious liberty and equal civil rights very difficult to draw. The Supreme Court's decision in Fulton v. City of Philadelphia (2021) sits at the center of this tension and illustrates how contract design can determine the outcome of such conflicts. In Fulton, the Supreme Court unanimously held that Philadelphia violated the Free Exercise Clause of the First Amendment when it terminated its contract with a Catholic foster care agency that declined to serve same-sex couples. However, the decision was narrowly focused on the specific language in Philadelphia's contract, rather than creating a broad religious exemption to anti-discrimination laws. The ruling left open further legal questions about how far religious liberty can go when it conflicts with equal treatment for LGBTQ+ families. And this question is among the many that are left unanswered by the legal systems in the US.

With these stakes in view, the paper will reveal the existence of the significant legal gap between adoption rights and marriage equality for same-sex couples. In turn, the paper aims at advocating for a federal-level law to regulate and protect the adoption rights for same-sex couples. To make the argument the most compelling, the main structure of this report will include the following sections. The next section is a legal background that gives a brief overview of the current statutes, including the laws and past cases on both federal and state level. Following it will be a section of the paper's main argument, which includes three primary layers… In addition, there will be a section of case studies on different states, such as California and Texas, with a more mature system of adoption law. The contrast and comparison will reveal insights to guide the legislation in the US. Finally the paper will reinforce the argument by giving a comprehensive discussion and conclude with several further thoughts and recommendations on future steps.

2. Legal background

To ground the claims sketched in the introduction, it is necessary to clarify the allocation of legal authority over adoption: adoption is mainly governed by state law. Federal constitutional and civil-rights rules set equality norms and attach conditions to federally funded programs, but they do not standardize adoption nationwide. This split explains why marriage equality did not automatically become parenthood equality. Obergefell v. Hodges and Pavan v. Smith made marriage equality a constitutional rule and required equal treatment of marital incidents, yet adoption eligibility, procedures, licensing, and public contracts remain state-controlled, where religious exemptions and administrative choices can still produce unequal access.

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Within this constitutional framework, the Due Process and Equal Protection Clauses of the Fourteenth Amendment serve as the constitutional foundation for contemporary LGBTQ family law. In Obergefell, the Court concluded that same-sex couples may not be excluded from civil marriage, recognizing marriage as a fundamental right protected by both the Due Process Clause and the Equal Protection Clause. The decision also underscored marriage's deep personal and societal importance and explained that denying access to it imposes a constitutionally significant stigma on same-sex couples [4]. Two years later, in Pavan, the Court applied this logic to parentage recognition on birth certificates, holding that married same-sex couples are entitled to the same listing on birth certificates as married different-sex couples, because parentage presumptions are an incident of marriage that the state cannot dole out differently without violating the equal treatment promised in Obergefell [5]. Although neither decision rewrote state adoption statutes, both decisions push in the same direction: equality in marriage entails equality in the legal pathways and documentation that stabilize parent-child relationships. In practice, post-Pavan, a state may not deny a married non-gestational spouse recognition on a birth certificate where it would grant recognition to a married different-sex spouse in analogous circumstances, and that principle has informed the interpretation of connected parentage and adoption questions in state courts and agencies.

Complementing these constitutional holdings, related doctrine secures interstate stability. In Finstuen v. Crutcher the Tenth Circuit held that Oklahoma could not refuse to recognize out-of-state adoption decrees by same-sex couples consistent with the Full Faith and Credit Clause and ordered issuance of an amended birth certificate [6]. The Supreme Court's per curiam decision in V.L. v. E.L. likewise directed Alabama to recognize a Georgia same-sex adoption, reaffirming that judgments of adoption valid where rendered must be given effect elsewhere [7]. These rulings do not solve unequal access at the front end, but they protect families against legal dissolution when they cross state lines.

Shifting from constitutional doctrine to statutes and funding, federal statutory law contributes anti-discrimination baselines indirectly through the Spending Clause. Title VI (1964) [8] bars discrimination in federally funded programs; Title IX [9] prohibits discrimination "on the basis of sex," with recent administrative interpretations extending to sexual orientation and gender identity. Titles VI and IX, while not adoption statutes, exemplify Congress's use of the spending power to attach nondiscrimination obligations to federal funds; this is consequential because Social Security Act Titles IV-E and IV-B [10] are the principal funding streams for state child-welfare programs.

Reflecting those baselines, recent federal rulemaking has begun to translate principles into the child-welfare domain. In April 2024, the Department of Health and Human Services issued a grantmaking final rule strengthening nondiscrimination and access to HHS-funded programs, clarifying that recipients and subrecipients must administer programs without discrimination and that HHS may enforce compliance through audits, corrective action plans, and ultimately funding consequences [11]. Also in 2024, the Administration for Children & Families finalized its "Designated Placement" rule under Titles IV-E and IV-B, directing state agencies to ensure safe and affirming placements for LGBTQI+ youth in care and to provide corresponding training for caseworkers and caregivers [12]. While these rules address youth safety rather than adult applicants, they confirm the federal government's authority and willingness to set nondiscrimination conditions for programs financed with federal funds and to detail operational requirements through guidance and rulemaking. They also reinforce a broader administrative norm: child welfare must be administered in ways that protect vulnerable youth and expand—not constrict—the pool of safe, permanent homes.

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However, despite this developing framework, a major weakness remains in federal data infrastructure. The Adoption and Foster Care Analysis and Reporting System (AFCARS) is the principal national data system for child welfare. After a 2016 rulemaking that would have added sexual-orientation data elements relevant to LGBTQ parents and youth, a 2020 final rule removed those elements, diminishing visibility into disparities; revised specifications took effect only in 2023 [13]. Absent standardized, privacy-protective data on applicant demographics, denials and referral reasons, time-to-placement, and disruption rates, policymakers cannot measure where exclusion happens or whether reforms improve permanency outcomes. Without measurement, enforcement is blunted, litigation must shoulder more weight, and families bear the costs of a system that cannot easily see itself.

Taken together, the constitutional mandates, interstate recognition, spending conditions, administrative rules, and data gaps create a patchwork that sets the stage for the state-level analysis that follows. Obergefell and Pavan constitutionalize equality in marriage and the core incidents of parental recognition; Full Faith and Credit doctrine protects the portability of adoption judgments; federal agencies have begun to articulate nondiscrimination and operational standards for funded programs. But because Congress has not enacted a statute that guarantees equal access to adoption services regardless of sexual orientation or gender identity, states retain room to authorize religious exemptions, to design forms that impede recognition, and to operate contracting regimes that route applicants to ideologically aligned providers. Where the institutional alignment favors equality, marriage equality tends to produce parenthood equality; where the architecture favors exemptions or discretion, it often does not.

3. Case study

Against that legal backdrop, prior to Obergefell, states pursued different paths on recognizing same-sex relationships and parentage; those trajectories also shape adoption access. California and Texas exemplify opposing institutional designs. California aligns courts, legislature, and agencies toward inclusive parentage, while Texas embeds religious-refusal authority into a publicly funded system. These differences are not merely partisan contrasts. Instead, they reflect distinct legal frameworks that either reinforce federal equality principles or weaken their practical effect.

3.1. California: early progress in marriage and adoption equality

To begin with a jurisdiction that illustrates early alignment, California built scaffolding for same-sex families well before nationwide marriage equality. The state established a domestic-partnership registry in 1999 and, in 2003, enacted AB 205 (2003) [14], codified at Cal. Fam. Code §§ 297-299.3 [15], granting registered domestic partners rights and benefits equivalent to spouses. Functionally extending most state-law incidents of marriage to domestic partners normalized non-marital same-sex families in agency practice and courts, positioning California to integrate marriage equality with minimal disruption.

Consistent with that alignment, second-parent adoption shows early doctrinal coherence. In Sharon S. v. Superior Court (2003) the California Supreme Court confirmed the legality of second-parent adoptions for same-sex couples, resolving lower-court uncertainty and providing a stable path to dual legal parentage without terminating the first parent's rights [16,17]. The legislature then allowed registered domestic partners to use the streamlined stepparent adoption procedure, placing same-sex couples on the same procedural footing as different-sex stepparents [18]. These steps reduced litigation risk and transaction costs, making dual legal parentage more common in life.

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In parallel with these judicial and legislative developments, California wove nondiscrimination norms into the daily administration of child welfare. The Foster Care Non-Discrimination Act (AB 458, 2003) [19] forbids discrimination against foster youth and against prospective foster or adoptive parents on the basis of sexual orientation or gender identity. It also mandates training for caregivers and staff, making equality an explicit part of ordinary casework. Later measures, including AB 2119 (2018) [20] guaranteeing access to gender-affirming care for foster youth and additional LGBTQ+ protections enacted in 2023, reinforced this inclusive framework. In short, all these policies translate judicial commitments to equality into administrative practice through training requirements, standardized forms, and ongoing oversight.

Culminating this arc, the marriage-equality chronology further illustrates institutional alignment. The California Supreme Court recognized a state constitutional right to marry in In re Marriage Cases (2008) [21]; Proposition 8 then restricted marriage to different-sex couples. After a full federal trial, Perry v. Schwarzenegger (2010) struck down the ban, and the U.S. Supreme Court in Hollingsworth v. Perry (2013) restored marriage when it held that initiative proponents lacked Article III standing to appeal [22,23]. By Obergefell, California had harmonized domestic partnerships, second-parent and stepparent adoptions, nondiscrimination rules, and marriage recognition. Practically, same-sex couples could adopt jointly, obtain confirmatory or second-parent adoptions expeditiously, and receive vital records reflecting parentage without gendered barriers or ad hoc litigation. Institutional coherence reduced friction and enhanced child and family stability.

3.2. Texas: restrictive laws and religious exemptions for LGBTQ families

By contrast, Texas followed a restrictive course before Obergefell and later constructed a statutory framework privileging religious refusals in child welfare. Pre-Obergefell law limited marriage to different-sex couples and offered no statewide domestic-partnership recognition to provide parentage scaffolding. Post-Obergefell, conflicts persisted. In Pidgeon v. Turner (2017), the Texas Supreme Court vacated a ruling guaranteeing equal city-employee benefits for same-sex spouses and remanded, signaling openness to narrowing Obergefell's reach in related benefits contexts [24].

More directly affecting adoption and foster care, the legislature enacted the "Freedom to Serve Children Act" (HB 3859, 2017) [25]. HB 3859 authorizes child-welfare providers, including those receiving state funds, to decline services that conflict with their sincerely held religious beliefs and shields them from adverse state action. Whatever the framing, the statute creates an exemption architecture that permits categorical refusals of otherwise qualified applicants on religious grounds while preserving public funding and contracts.

Echoing that posture at the administrative level, design choices compounded the problem. For years, supplemental birth certificates used gendered parent fields requiring one "mother" and one "father," effectively preventing two mothers or two fathers from both being listed; 2015 reporting documented resulting denials of equal vital-records recognition for same-sex adoptive parents [26]. Later revisions allowing "mother," "father," or "parent" eased that barrier but showed how forms can quietly impede equality even after Obergefell and Pavan [27]. Adoption procedures also evolved unevenly: historically, joint adoption by same-sex couples depended on judicial discretion, and second-parent adoptions often entailed extra cost and delay. A 2023 change—Tex. Fam. Code § 107.153(a-1) [28]—now permits courts to waive adoption evaluations in certain uncontested stepparent and second-parent adoptions, a facially neutral reform that can benefit many LGBTQ families in which one spouse adopts the other's child; yet the broader exemption regime keeps front-end access to agencies and services uneven.

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3.3. Compare and contrast

Viewed side by side, California and Texas show how institutional alignment, or exemption architecture, mediates the translation of constitutional equality into concrete family formation. In California, early scaffolding via domestic partnerships, judicial validation of second-parent adoption, and statutory nondiscrimination yielded a coherent administrative framework into which Obergefell and Pavan naturally integrated. Parentage equality became routine: courts applied second-parent and stepparent procedures without gendered barriers; agencies processed applicants under nondiscrimination rules; vital records reflected parental reality. The "best interests of the child" could be pursued without excluding classes of competent adults.

In contrast, Texas entered the post-Obergefell period without the legal scaffolding that had supported same-sex families in states such as California. Texas's subsequent policies also sought to limit the practical effects of marriage equality. For example, HB 3859 incorporates religious-refusal authority into the publicly funded child-welfare system and permits contracted providers to decline services on the basis of religious belief [25]. Also, administrative practice has taken a similar approach in the past, including earlier vital-records policies that restricted recognition of same-sex parents [26]. Although recent procedural changes have streamlined certain uncontested second-parent adoptions, the broader system still depends heavily on litigation and varies considerably across local jurisdictions. As a result, similarly situated families can encounter very different adoption prospects depending on where they live and which agencies are available. This variability has direct consequences for children since categorical refusals reduce the number of potential homes, especially in rural areas or regions with few providers, and prolong the time it takes for youth to achieve permanency.

In addition to these institutional contrasts, the empirical consensus undermines premises behind exclusionary regimes. The American Academy of Pediatrics' 2013 policy statement found children raised by gay or lesbian parents have outcomes comparable to peers and endorsed legal mechanisms securing both parents' status to promote stability and well-being [29]. The Williams Institute's 2024 analysis further shows same-sex couples disproportionately shoulder adoption and fostering [1], adoption among same-sex parenting couples is roughly seven times as prevalent as among different-sex parenting couples, and fostering is even more common [2]. Excluding these families does not just infringe equality. Instead, it reduces system capacity by sidelining adults who are most willing to provide permanent homes. This can produce longer foster-care stays, fewer placement options (especially for older youth and sibling groups), and higher risk of disruption—outcomes compromising the system's "best interests" principle.

Simultaneously, doctrinal backstops clarify what current law does and does not guarantee. For example, Full Faith and Credit as articulated in Finstuen and V.L. v. E.L. ensures valid adoption judgments travel, meaning a family that secures a judgment in California can carry that status to Texas [6,7]. But those decisions do not address front-end gatekeeping when publicly funded providers may refuse to serve same-sex applicants, nor do they guarantee equal administrative access to confirmatory or second-parent adoption. Absent federal baseline standards tied to funding conditions, the national map remains a patchwork in which equality depends on state borders and provider ideology. A data gap compounds the challenge: with AFCARS no longer collecting sexual-orientation elements added in 2016, decision-makers lack standardized, privacy-protective data to quantify denials and evaluate reforms [13,30,31]. Where measurement falters, policy learning stalls.

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4. Policy recommendations and further discussions

First, there should be an establishment of a federal statute and contract architecture that directly targets front-end access. Converting marriage equality into parenthood equality requires coordinated action that is doctrinally sound, operationally specific, and centered on child outcomes. As shown above, institutional design can either translate constitutional equality into daily practice or entrench exemption architectures that shrink the pool of permanent homes and lengthen time to permanency. The recommendations below build on that record and aim to replace symbolic equality with operational parity for families and children.

Second, beyond enacting a statute, Congress should pair it with hardened, generally applicable contract terms after Fulton v. City of Philadelphia. Substantively, the statute should prohibit discrimination by any adoption or foster-care provider receiving federal funds—directly or as a subrecipient—by conditioning Titles IV-E and IV-B support on compliance [3]. It should codify that confirmatory and second-parent adoptions confer equal legal parentage without terminating existing rights, bar categorical "referral-out" practices that functionally deny services to otherwise qualified applicants, and require accessible appeals on prompt timelines, with preemption where federal funds are implicated. To ensure enforceability after Fulton, grant conditions and agency contracts should be drafted as neutral and generally applicable terms without individualized exemptions that trigger strict scrutiny. In particular, agencies should anchor responses in compelling interests, such as child safety, permanency, and nondiscrimination, where Free Exercise or RFRA defenses are asserted. This is supported by evidence that same-sex couples disproportionately shoulder adoption and fostering and that child outcomes in same-sex-parent families are comparable to peers. This policy will complement recent administrative rules that strengthen nondiscrimination and LGBTQI+ youth protections in federally funded programs, aligning contracts with doctrine and setting up implementation.

Third, translation requires day-to-day capacity, not only legal commands. Data and capacity for practice must move in tandem. First, data modernization: ACF should restore and standardize AFCARS elements (privacy-by-default) to capture applicant demographics where lawfully and voluntarily reported, reasons for denials/referrals, time-to-placement, and disruption rates, and should publish de-identified dashboards at state and provider levels. Agencies should pilot structured mystery-shopper audits to detect discriminatory steering and tie findings to contract oversight [24-26]. Second, workforce and provider training: consistent with ACF's designated-placement framework, states should require SO/GI-competency training for caseworkers and contractors, emphasize evidence-based recruitment of affirming homes, and operationalize placement practices that protect LGBTQI+ youth [23]. Accountability links these strands: nondiscrimination conditions must be embedded in monitoring, audits, and corrective-action plans; technical assistance should help providers comply without undue burden; and public reporting should communicate how these measures improve matching, reduce disruptions, and shorten time-to-permanency—goals aligned with evidence on the central role of same-sex couples in adoption and foster care [11].

Fourth, because policy change invites litigation and budget scrutiny, implementation must anticipate both. Free Exercise and RFRA claims will persist, especially where providers view inclusion as doctrinal conflict. The doctrinal answer is to avoid discretionary exemptions in contracts and to assemble robust administrative records demonstrating compelling interests in permanency and equality. Federalism concerns can be managed by structuring reforms as conditions on federal funds rather than direct commands to states, a familiar and constitutional modality. Furthermore, capacity is not costless. Tasks like audits, data pipelines, complaint systems, and training require appropriations and technical support. Congress should pair mandates with funding

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for state IT modernization, workforce development, and provider training. It is also noteworthy that continuous polarization may shape reception. Therefore, tools to ensure transparency about outcomes, such as public dashboards, independent evaluations, and clear reporting of reduced time-to-permanency, will be necessary to sustain legitimacy and build durable coalitions.

Finally, to verify that these measures are effective as intended, continuous research and evaluation should be embedded from the outset. For example, researchers can exploit staggered enactment of religious-exemption statutes (e.g., HB 3859) to estimate causal effects on applicant pools, time-to-placement, placement stability, and adoption finalization [8]. Mixed-methods work, including surveys and interviews of applicants and caseworkers, paired with audit studies, can also illuminate denial, referral, and delay. Besides, doctrinal analysis should refine the interplay among Equal Protection, the Spending Clause, Free Exercise/RFRA, and Full Faith and Credit in adoption, and develop model contract language and procurement policies that minimize Fulton vulnerabilities while maximizing enforceability. Finally, evaluations should also assess the effects of 2024 federal rulemaking on youth safety and permanency and whether restored AFCARS elements improve accountability and system performance [23].

5. Conclusion

Stepping back from the doctrinal details and state contrasts, the journey from marriage equality to parenthood equality is incomplete. On the one hand, here are some promising progress. For example, Obergefell and Pavan announced constitutional equality in marriage and core incidents of parental recognition. Full Faith and Credit protects portability of adoption judgments. Federal agencies have begun leveraging grant conditions to embed nondiscrimination. On the other hand, adoption is ultimately governed by state statutes, administrative design, and contract architecture. California shows how aligned institutions translate marriage equality into durable parentage equality through second-parent pathways, inclusive vital-records practices, and nondiscrimination in administration. However, Texas shows how embedding religious refusals in publicly financed systems preserves unequal access and constrains capacity even in the shadow of marriage equality. This gap demands a federal adoption-equality statute. The evidence is clear that same-sex couples are integral to the nation's adoption and foster-care capacity, and children raised by same-sex parents fare as well as peers. Complemented by careful contract drafting, modernized data, and provider training, the federal-level statute will convert symbolic equality into operational reality under the Spending Clause. Closing the gap will also align constitutional commitments with child-centered goals: safe, stable, permanent families—regardless of parents' sexual orientation or gender identity.

References

[1] The Williams Institute: LGBTQ Parenting in the U.S. (2024).
[2] U.S. Census Bureau, Taylor, D.: Fifteen Percent of Same-Sex Couples Have Children in Their Household (2020).
[3] Lifelong Adoptions: LGBT Adoption Statistics.
[4] Legal Information Institute (Cornell Law School): Obergefell v. Hodges, 576 U.S. 644, overview and primary sources(2015).
[5] GLAD Legal Advocates & Defenders: Pavan v. Smith, 582 U.S. 563, case summary and opinion links(2017).
[6] Finstuen v. Crutcher: 496 F.3d 1139 (10th Cir. 2007).
[7] V.L. v. E.L.: 577 U.S. 404 (per curiam) (summary reversal requiring recognition of out-of-state same-sex adoption) (2016).
[8] Title VI of the Civil Rights Act of 1964: Pub. L. No. 88-352, tit. VI, 78 Stat. 241 (1964).
[9] Title IX of the Education Amendments of 1972: 20 U.S.C. §§ 1681-1688.
[10] Social Security Act, Titles IV-E and IV-B: 42 U.S.C. §§ 670-679c, 620-629m.

DOI: 10.54254/2753-7048/2026.ZJU32077

[11] U.S. Department of Health & Human Services: HHS Grantmaking Final Rule - Nondiscrimination and Access to Programs (2024).
[12] Administration for Children & Families, U.S. Department of Health & Human Services: Designated Placement Requirements Under Titles IV-E and IV-B for LGBTQI+ Children (Final Rule). Fed. Reg. 89, 34818 (2024).
[13] Administration for Children & Families, Children's Bureau: AFCARS - 2016 and 2020 Final Rules, Background and Implementation (agency materials summarizing data-element changes and timelines).
[14] California State Legislature: AB 205, Domestic Partner Rights and Responsibilities Act (2003).
[15] California Family Code: §§ 297-299.3, Domestic Partner Rights and Responsibilities Act.
[16] Sharon S. v. Superior Court: 31 Cal. 4th 417 (2003).
[17] Lambda Legal: California Supreme Court Affirms Legality of Second-Parent Adoptions - Press materials and case resources regarding Sharon S. v. Superior Court (2003).
[18] California Department of Social Services: Guidance (2004-2005) recognizing streamlined stepparent adoption procedures for registered domestic partners (as summarized in NCLR and Family Equality materials).
[19] California State Legislature: AB 458, Foster Care Non-Discrimination Act (2003).
[20] California State Legislature: AB 2119, Access to Gender-Affirming Care for Foster Youth (2018).
[21] In re Marriage Cases: 43 Cal. 4th 757 (2008).
[22] Perry v. Schwarzenegger: 704 F. Supp. 2d 921 (N.D. Cal. 2010).
[23] Hollingsworth v. Perry: 570 U.S. 693 (2013).
[24] Pidgeon v. Turner: 538 S.W.3d 73 (Tex. 2017).
[25] Texas Legislature: HB 3859, Freedom to Serve Children Act (2017).
[26] The Texas Tribune: Despite Ruling, Same-Sex Adoptions Still in Question, reporting on vital-records constraints and birth-certificate practices for same-sex adoptive parents (2015).
[27] Family Equality: Texas LGBTQ Family Law Guide, including options to list "mother", "father" or "parent" on birth records and related adoption practices (updated).
[28] Texas Family Code: § 107.153(a-1), Waiver of evaluation in certain uncontested stepparent/second-parent adoptions (2023).
[29] American Academy of Pediatrics: Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian. Pediatrics 131(4), e1374-e1383 (2013).
[30] The Regulatory Review: The Regulatory Erasure of LGBTQ+ Foster Youth, analysis of removal of sexual-orientation data in federal child-welfare data (2021).
[31] Human Rights Campaign: HHS Rule Would Remove Sexual Orientation Data Collection from Federal Child Welfare Systems (2020).