

7-2018

# Law and Family Formation Among LGBTQ-Parent Families

Emily Kazyak

*University of Nebraska-Lincoln*, ekazyak2@unl.edu

Brandi Woodell

*University of Nebraska-Lincoln*, bwoodell@huskers.unl.edu

Kristin S. Scherrer

*Metropolitan State University of Denver*, kscherr3@msudenver.edu

Emma Finken

*University of Nebraska-Lincoln*

Follow this and additional works at: <http://digitalcommons.unl.edu/sociologyfacpub>



Part of the [Family, Life Course, and Society Commons](#), and the [Social Psychology and Interaction Commons](#)

---

Kazyak, Emily; Woodell, Brandi; Scherrer, Kristin S.; and Finken, Emma, "Law and Family Formation Among LGBTQ-Parent Families" (2018). *Sociology Department, Faculty Publications*. 552.  
<http://digitalcommons.unl.edu/sociologyfacpub/552>

This Article is brought to you for free and open access by the Sociology, Department of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Sociology Department, Faculty Publications by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.



Published in *Family Court Review*, Vol. 56 No. 3 (July 2018), pp 364–373.

doi 10.1111/fcre.12353

Copyright © 2018 Association of Family and Conciliation Courts.

Published by John Wiley & Sons. Used by permission.

Published July 24, 2018.

---

# Law and Family Formation Among LGBTQ-Parent Families

Emily Kazyak,<sup>1</sup> Brandi Woodell,<sup>1</sup>  
Kristin Scherrer,<sup>2</sup> and Emma Finken<sup>1</sup>

<sup>1</sup> University of Nebraska–Lincoln

<sup>2</sup> Metropolitan State University of Denver

*Corresponding author* – E. Kazyak, email [ekazyak2@unl.edu](mailto:ekazyak2@unl.edu)

## Abstract

This article addresses how the law affects family formation among families with lesbian, gay, bisexual, and queer (LGBQ) parents in the United States. Our discussion draws on a socio-legal approach to law that focuses not only on the law on the books (what we refer to as “legal barriers”) but also on issues like how the law is practiced, how people experience the law in everyday life, and how the law serves as an interpretive framework through which people understand themselves and their families (what we refer to as “social barriers”). In our review, we highlight how attorneys can play a role in valuing and advancing rights for LGBQ-parent families and LGBTQ prospective parents.

## Key Points:

- Up-to-date review of research on the law and its impact on LGBTQ-parent families
- Synthesis of nearly 100 articles
- Recommendations for attorneys on how they can work with LGBTQ-parent families

**Keywords:** family, law, LGBTQ, parent, sexuality, same-sex couples

In the *Obergefell v. Hodges* (2015) ruling that extended marriage to same-sex couples, the Court referenced lesbian, gay, bisexual, and queer (LGBQ) parents, arguing that the lack of marriage equity “harm[s] and humiliate[s] the children of same-sex couples” (p. 15). Findings from social science literature underscore the negative impact that a lack of recognition of same-sex relationships has on parents and children alike (Bernstein & Taylor, 2013; Goldberg & Kuvalanka, 2012; Kimport, 2014; Meezan & Rauch, 2005; Richman, 2014; Riggle, Rostosky, Prather, & Hamrin, 2005). Moreover, the lack of marriage rights in the United States also resulted in LGBQ people facing a number of legal barriers when pursuing parenthood (Ball, 2012; Kazyak & Woodell, 2016). For instance, both parents could not be listed on the birth certificate; some states excluded same-sex couples from adoption because they were not married; and, in general, much uncertainty and variation existed across states (Baumle & Compton, 2015; Ball, 2012; Shapiro, 2013). Following *Obergefell v. Hodges* (2015), nearly all of these legal barriers have dissipated. Married same-sex couples are thus generally afforded the same rights regarding parenthood as married heterosexual couples. For example, laws regarding adoption that require marriage no longer exclude same-sex couples. In addition, at the birth of a child, both same-sex spouses can be listed on the birth certificate in all states.

Nonetheless, we argue that the law continues to be an important issue to consider in LGBQ-parent families and that marriage equality does not alleviate all of the legally related problems that these families face. Reviewing social science literature that examines how LGBQ-parent families are impacted by the law,<sup>1</sup> we discuss legal barriers as well as social barriers connected to the law that exist for LGBQ parents and prospective parents. Our discussion draws on a socio-legal approach to law that focuses not only on the law on the books (what we refer to as “legal barriers”) but also on issues such as how the law is practiced, how people experience the law in everyday life, and how the law serves as an interpretive framework through which people understand themselves and their families (what we refer to as “social barriers”) (Ewick & Silbey, 1998; Sarat & Kearns, 1995). Our review underscores that there continues to be an unsettled legal landscape even in the wake of marriage equality, as well as a lasting legacy of the prior legal inequity that LGBQ individuals faced. We also highlight how attorneys can play a role in valuing and advancing rights for LGBQ-parent families and LGBQ prospective parents.

## Legal Barriers

In this section, we outline the legal barriers that either currently exist at the time of this writing or have existed for each of the different routes that LGBQ individuals take to become parents, including donor insemination, adoption, and surrogacy (Patterson & Riskind, 2010; Tornello & Patterson, 2015).<sup>2</sup> Overall, it is important to note that very few formal legal barriers currently exist for LGBQ people (with the exception of those pursuing surrogacy). Yet as we explain further in the next section, it is nevertheless important for attorneys to be cognizant of how the law matters for LGBQ parents and prospective parents in light of the legal barriers that do still exist, coupled with the saliency of legal inequity in recent decades.

With regard to donor insemination, there is no legal restriction on LGBQ women pursuing insemination (Mamo, 2007; Murphy, 2001). One legal barrier that existed in the past for female same-sex couples who become parents through donor insemination was that the nonbiological parent was not able to be immediately listed as a parent on the birth certificate. Rather, to be legally recognized as a parent, the nonbiological parent had to do a second-parent adoption, which was not available in all states (Boggis, 2001; Dalton, 2001; Sterett, 2009). This legal barrier has changed for married same-sex couples following *Obergefell v. Hodges*. In all states, both parents, if they are married, are now immediately listed on the birth certificate and thus legally recognized as parents. Married couples who had children prior to the ruling are also able to pursue stepparent adoption to create a legal tie between the nonbiological parent and her children (*Pavan v. Smith*, 2017).

Similarly, few legal barriers currently exist with regard to LGBQ individuals pursuing domestic adoption. All states now permit LGBQ individuals to adopt since the ban in Florida was overturned in 2010 and following *Obergefell v. Hodges*, married same-sex couples can petition to jointly adopt in all states (Pertman & Howard, 2011; Shapiro, 2013). Yet there are seven states with laws that allow state-licensed agencies to decline placement based on religious beliefs that could restrict LGBQ individuals and same-sex couples in their pursuit of adoption, though to date, no known case exists (Eggert, 2015; Cadei, 2017). There are, however, many legal barriers for LGBQ people pursuing international adoption. Specifically, no country currently allows same-sex couples to adopt internationally and not all countries allow single

LGBQ people to adopt (Goldberg et al., 2014; International Lesbian, Gay, Bisexual, Trans, and Intersex Association, 2015).

Finally, many legal barriers exist for same-sex couples who become parents through surrogacy. Only nine states recognize surrogacy contracts, grant pre-birth parentage orders that declare both intended parents as legal parents, and name both parents on the birth certificate; other states do not, resulting in difficulties for intended parents to be legally recognized as parents (Berkowitz, 2013; Carroll, 2015; Creative Family Connections, 2015; Spivack, 2010).<sup>3</sup>

Although few legal barriers currently exist for LGBQ individuals who are interested in parenting, it has only been relatively recent that some of these barriers have fallen. Prior to *Obergefell v. Hodges*, LGBQ people faced a legal landscape that varied drastically by state and set up inequities between same-sex couples and different-sex couples (Connolly, 2002; Davis, 2013; Shapiro, 2013). The law often resulted in LGBQ people facing difficulty in a number of avenues, including being able to pursue parenthood (in the case of adoption in some states) and being legally recognized as a parent (in the case of donor insemination and surrogacy). Moreover, even now not every pathway to parenthood is equally free of barriers. International adoption and surrogacy are particularly challenging pathways for LGBQ individuals. Similarly, conscience clauses that provide exceptions to service provision based on religious beliefs may also present challenges in some states as private adoption agencies may refuse to assist same-sex couples in their pursuit of adoption. Although LGBQ individuals experience relatively few legal barriers to parenting, these are not the only issues LGBQ people experience when navigating the legal landscape to pursue parenting.

### **Social Barriers**

In this section, we discuss social barriers that exist for LGBQ parents and prospective parents. Again, we draw on a perspective that focuses on some of the ramifications of the laws on the books and thus the social barriers we address are ones that are directly tied to the legal barriers discussed above (Ewick & Sibley, 1998). In this way, even though legal barriers may fall, their impact may take longer to dissipate. Specifically, we address: perceptions about whether parenthood

is an attainable goal, perceptions about which pathway is most legally secure, decision making during the process of becoming parents, the lack of comprehensive understandings of the law, difficulty accessing accurate and current legal information, and ramifications of the law with regard to an individual's mental health.

First, previous research suggests that parenthood aspirations are impacted by the law. Although not all LGBQ people desire to become parents—indeed, some are happily childfree (Kazyak, Park, McQuillan, & Greil, 2016; Riskind & Patterson, 2010; Stacey, 2011)—legal inequities have been prominent as LGBQ people have thought about parenthood and have negatively affected those who would otherwise want to become parents. Scholars have assessed the impact of a variety of legal barriers that LGBQ people faced in the past, including the lack of access to marriage, bans on joint adoption and second-parent adoption, and bans on surrogacy contracts. Of course, perhaps most significantly, living in a state that had banned LGBQ people from adopting (e.g., Florida) means that LGBQ people will understandably have seen adoption as impossible. Berkowitz and Marsiglio (2007) recount one gay man's experience of living in Florida when there was such a ban; he stated: "I really thought to myself this was never going to happen unless I get out of the country... but I mean, more and more, the country is becoming a little more accepting. There's, you know, Massachusetts, New York, and California" (p. 376). Other work underscores the finding that legal barriers can negatively impact LGBQ people's perceptions about their ability to become a parent (Brown, Smalling, Groza, & Ryan, 2009; Riskind, Patterson, & Nosek, 2013; Wall, 2011). For instance, based on analysis of survey data from 1,098 gays and lesbians without children, Riskind et al. (2013) found that those living in favorable social and legal climates believed they could become parents while those in unfavorable social and legal climates were more likely to report doubts as to whether they could become parents.

Second, social science research also indicates that LGBQ people have perceived certain pathways to parenting as more legally secure than others. Specifically, many LGBQ people view donor insemination and surrogacy as the most legally secure pathways to parenthood (Baumle & Compton, 2015; Berkowitz, 2007; Lev, 2006; Park, Kazyak, & Slauson-Blevins, 2016; Ryan & Berkowitz, 2009). Ryan and Berkowitz (2009), for instance, found that many lesbian women viewed donor insemination as more secure from a legal perspective than other

pathways to parenthood, given that the birth mother would automatically be recognized as a parent on the birth certificate. Baumle and Compton (2015, p. 44) further discussed how some women felt they had “greater control” and a greater sense of family security pursuing donor insemination as opposed to other routes to parenthood. Again, we note that all of this research took place when the legal landscape looked very different than it does today. Thus, although no adoption bans are currently in effect, the legacy of such laws (coupled with some states’ recent passage of laws that provide conscience clauses that have garnered quite a bit of media attention) may live on in the minds of LGBQ people and continue to shape their perceptions about the viability of adoption as a pathway to parenthood. It is also important to note that people’s perceptions about the law are not always accurate. Nonetheless, the existing scholarship in this area highlights how the law has been salient in LGBQ people’s decision-making processes about how to become a parent.

Third, the law impacts people’s perceptions, decisions, and experiences of becoming parents regardless of which pathway they pursue (Bergstrom-Lynch, 2015). For instance, research outlines how the varied state legal contexts for surrogacy can necessitate gay men working with agencies outside of their state of residence (Bergstrom-Lynch, 2012; Berkowitz, 2013; Bergman, Rubio, Green, & Padron, 2010; Berkowitz & Marsiglio, 2007). Sexual minority women pursuing donor insemination consider the law in deciding on whether to use a known or unknown sperm donor (Chabot & Ames, 2004; Hequembourg, 2004; Park et al., 2016); often they decide on an unknown donor “to avoid any threats to their custody rights by a [known] donor” (Hequembourg, 2004, p. 758). Further, although all adoptive parents must navigate the law, this process can be especially challenging for LGBQ adoptive parents (Brooks, Kim, & Wind, 2011; Wells, 2011). Based on a national survey of both heterosexual and gay or lesbian adoptive parents, Brooks et al. (2011) reported that more gay or lesbian adoptive parents said that they needed legal advice than heterosexual adoptive parents. In the face of adoption bans, LGBQ people and same-sex couples have felt the need to hide their sexual orientation in order to be able to complete domestic and international adoptions (Baumle & Compton, 2015; Berkowitz, 2007; Bergstrom-Lynch, 2012; Goldberg, Moyer, Weber, & Shapiro, 2013; Park et al., 2016). Even in the absence of laws that ban adoption, adoption professionals

may not be aware of state laws concerning adoption for LGBQ people and same-sex couples. In addition, adoption agencies may not explicitly state their willingness to work with members of sexual minorities (Brodzinsky, 2011; Brown et al., 2009; Goldberg, Downing, & Richardson, 2009; Kinkler & Godlberg, 2011; Kimberly & Moore, 2015; Mallon, 2011). Such factors led Brown and colleagues (2009) to note that “some [lesbian and gay] families clearly fear that this is not equal protection under the law for their adopted children” (p. 239). In this way, even in the absence of legal barriers, social barriers may still exist.

The fourth social barrier is the fact that LGBQ people can face difficulty obtaining legal information. Many LGBQ individuals spend a lot of time researching the laws and can find the process of trying to gain knowledge about the legal landscape to be stressful, nonetheless they do not always have accurate knowledge about the law (Baumle & Compton, 2011, 2015; Brown et al., 2009; Kazyak et al., 2016; Kazyak, 2015). Rather than consult attorneys, LGBQ parents often obtain legal information from other avenues such as friends and others in their social networks and the media (Baumle & Compton, 2015; Gash & Raiskin, 2016; Kazyak, 2015). Even those who consult attorneys can obtain inaccurate information, as highlighted by a story from one couple who asked a lawyer about second-parent adoption (prior to *Obergefell v. Hodges*) and were incorrectly told that even if they could complete it in another state, it would not be recognized in their current state of residence (Kazyak, 2015). Parents working with adoption agencies may face service providers who are unaware of the laws impacting LGBQ parents (Brodzinsky, 2012; Brodzinksky, Patterson, & Vaziri, 2008; Kimberly & Moore, 2015). Brodzinksky and colleagues (2008) conducted a nationwide survey of directors of adoption agencies and found that 14% were unaware of their state’s law concerning gay and lesbian adoption and a small percentage (3%) reported incorrect knowledge of their state’s law. Additionally, given the high cost involved in hiring lawyers or executing legal documents, LGBQ parents are all the more disadvantaged if they do not have the economic resources needed to obtain these services (Bergman et al., 2010; Berkowitz & Marsiglio, 2007; Boggis, 2001; Dalton, 2001; Kazyak, 2015).

Finally, the law is important to acknowledge when considering LGBQ parents and prospective parents insofar as research illustrates how the legal inequities in family and parenting laws can negatively affect people’s mental health. LGBQ parents and prospective parents

living in contexts without legal protections have worse mental health outcomes compared to their peers with legal protections (Bauermeister, 2014; Bos, 2013; Goldberg & Smith, 2011; Shapiro, Peterson, & Stewart, 2009). For instance, Bauermeister (2014) analyzed survey data from 1,487 gay and bisexual men. He found that men who desired parenthood and considered fatherhood to be of high importance to them but were living in states with an unfavorable legal climate reported lower self-esteem and higher depressive symptoms. Another study that focused on mothers in Canada and the United States illustrated similar results; that those living in more supportive legal contexts (Canada) reported less depressive symptoms than those living in less supportive legal contexts (United States) (Shapiro et al., 2009).

Same-sex couples' relationships also suffer when both parents are not legally recognized (Acosta, 2013, 2017; Butterfield & Padavic, 2014; Goldberg & Gianino, 2011; Moore, 2008). Research shows that one result of legal inequity between parents can be a power imbalance between partners. This can lead to difficulties in making child-related parenting decisions and it can foster resentment between partners. Goldberg and Gianino (2011, p. 217) highlighted an example from a lesbian couple who reported feelings of "vulnerability," "exclusion," and "frustration" during the adoption process as a result of not being able to pursue a joint adoption. The negative impact of both partners not being recognized as legal parents is especially salient in custody disputes following relationship dissolution. In this context, it can be difficult for the non-legally recognized parent to retain child custody or visitation rights (Acosta, 2017; Allen, 2007; Holtzman, 2013; Vargas, Miller, & Chamberlain, 2012).

Without legal recognition, LGBQ parents also have difficulty advocating for their children in settings such as schools or hospitals, especially if care providers do not consider them to be parents (Brown et al., 2009; Gash & Raiskin, 2016; Kellas & Suter, 2012). Even with legal recognition, LGBQ parents can experience problems. For instance, Gash and Raiskin (2016) described a range of strategies that parents pursue to avoid difficulties, including carrying documents to prove their parenthood or lying about their sexual orientation and/or relationship status to avoid anticipated problems. Speaking of LGBQ parents, Gash and Raiskin argued that for lesbian and gay parents to navigate public settings effectively requires that "institutional gatekeepers" must "share a similar view of our legal standing" (p. 3).

Given changes to the legal context following *Obergefell v. Hodges*, it will be important for social scientists to document the extent of changes in LGBQ people's experiences.

## Discussion

Our review underscores a number of ways in which the law is salient for LGBQ parents and prospective parents. With the exception of international adoption and surrogacy, few formal legal barriers exist for LGBQ parents and prospective parents. Indeed, courts have increasingly recognized LGBQ parents (Ball, 2012; Richman, 2009). Nonetheless, the law remains an important element in LGBQ people's decisions about whether and how to create families with children. Of course, it is important to note that LGBQ parents create expansive understandings of family and parenthood that reject legal classifications (Baumle & Compton, 2014, 2015; Bernstein & Taylor, 2013; Bernstein & Reimann, 2001). In fact, given the history of legal restrictions, some LGBQ people sought to legitimize their families in other ways without relying on the law. Moreover, not all LGBQ individuals want to become parents (Riskind & Patterson, 2010; Riskind & Tornello, 2017) and the law is not the only factor in shaping decisions about parenthood (Mezey, 2008, 2013). It is, however, important for attorneys to be cognizant of the degree to which the law has played a role in both restricting LGBQ people's ability to pursue parenthood and in affecting LGBQ people's experiences of becoming parents.

Attorneys can play an important role in making accurate legal information more accessible to LGBQ individuals. Providing accurate legal information and assistance for LGBQ people interested in adopting may be particularly important. Some LGBQ people are more open to adoption and have more expansive understandings of family and parenthood than do their heterosexual peers (Goldberg et al., 2009; Kazyak et al., 2016). Yet research indicates the need for all LGBQ prospective parents, regardless of pathway chosen, to have adequate legal information. Attorneys can aid in disseminating information about legally secure pathways to parenthood for families headed by same-sex couples; if such information were disseminated more widely, individuals and couples would be able to access it without first needing to cover the cost of an attorney. In this way, more LGBQ people may

be able to realize their goals with respect to parenthood through pathways of their choice. Our review underscores the potential for lawyers to play a pivotal role not only in helping to educate prospective parents but also in educating adoption agencies. Given a recent research finding that 44% of adoption agency directors were not familiar with law in their state related to working with sexual minorities (Kimberly & Moore, 2015), such educational efforts are clearly needed.

The need for legal information and expertise to be accurate and accessible is perhaps especially urgent given the degree to which the legal landscape is changing following *Obergefell v. Hodges*. Moreover, the introduction and passage of some state laws that outline conscience clauses, which provide exceptions to service provision based on religious beliefs, could present additional challenges. The impact of *Obergefell v. Hodges* even on married same-sex couples with regard to parenting is yet to be fully examined (Giambrone, 2015; Nejaime, 2015). Further, as discussed above, the cost associated with hiring an attorney can be high. Many individuals and couples may be reluctant to hire attorneys, especially if they are uncertain as to whether they can achieve parenting goals at all. Broader dissemination of basic legal advice (perhaps through LGBTQ community centers, family groups, and online forums) can help to provide people with the information they need to bring children into their families.

In addition, the law currently privileges married couples above others with respect to most, if not all, aspects of family life. However, social scientists have documented the existence of alternative ways of conceptualizing family outside of marriage. For example, joint adoption by unmarried same-sex couples (or unmarried different-sex couples) present difficulties. Attorneys may be able to find solutions to the legal barriers that exist for these couples and help them develop legal ties to their children. These kinds of endeavors may also benefit prospective adoptive parents in polyamorous relationships. As family formation processes change, collaborative efforts among social scientists and attorneys will become more important to ensure the legal rights of all individuals and families are being maintained.

Finally, our review also highlights several avenues that will be fruitful for future research. First, given that the law is not the only factor affecting family processes discussed here, it will be important for researchers to examine the interplay between the law and other factors. As Gash and Raiskin (2016) have cautioned, *Obergefell v. Hodges* will

not necessarily solve some of the problems that LGBQ parents experience in their daily lives. In that way, for instance, LGBQ prospective parents can face professionals who hold homophobic attitudes that may deter them when pursuing donor insemination, surrogacy, or adoption (Woodford et al., 2010). Even possession of a birth certificate that legally secures ties to a child may not always guarantee that one is treated as a parent by health care providers or others; homophobia may continue to shape LGBQ people's experiences in this regard. We also need further research into both the legal and social impact of so-called religious freedom laws, which would allow agencies to discriminate against same-sex couples and LGBQ individuals. Further research could also examine how these laws impact LGBQ people's ability to become foster parents, a pathway to parenthood often pursued by African American sexual-minority women (Moore & Brainer, 2013). Overall, our review suggests the important roles that attorneys might play in supporting LGBQ parents and prospective parents.

## Notes

1. We use the term "LGBQ" to align with the research reviewed (i.e., some of the studies reviewed include self-identified gay, lesbian, bisexual, and queer individuals in the sample). There is limited research focusing on the legal contexts and issues facing transgender parents. Thus, our review focuses on LGBQ parents. For work addressing transgender parents, including the legal context they face, see Ball (2012), Downing (2013), Pfeffer (2012, 2017), Pyne, Bauer, and Bradley (2015), Ryan (2009), and Veldorable-Griffin (2014). Also, the bulk of the research reviewed here was conducted prior to the *Obergefell v. Hodges* ruling, but we draw implications from the findings to speak to the current moment.
2. It is important to note that LGBQ individuals also become parents prior to coming out (and/or in the context of a different-sex relationship; Gates, 2013; Goldberg, Gartrell, & Gates, 2014). However, almost all of the research we review centers on LGBQ parents who had children after coming out (and/or within the context of a same-sex relationship). For work looking at the legal issues facing LGBQ parents who had children prior to coming out, particularly being denied custody of their children because of their sexual orientation in custody disputes, see Ball (2012), Falk (1989), Haney-Caron and Heilbrun (2014), and Watkins (2011).
3. There is variation across states in terms of whether laws require marriage and/or a biological connection for a pre-birth order that names both intended parents as legal parents. Thus, legal barriers are not all related to sexual orientation of parents; different-sex couples can also face legal barriers pursuing surrogacy.

## References

- Acosta, K. L. (2013). *Amigas y amantes: Sexually nonconforming Latinas negotiate family*. New Brunswick, NJ: Rutgers University Press.
- Acosta, K. L. (2017). In the event of death: Lesbian families' plans to preserve stepparent-child relationships. *Family Relations*, 66, 244-257.
- Allen, K. R. (2007). Ambiguous loss after lesbian couples with children break up: A case for same-gender divorce. *Family Relations*, 56, 175-183.
- Ball, C. (2012). *The right to be parents: LGBT families and the transformation of parenthood*. New York: New York University Press.
- Bauermeister, J. A. (2014). How statewide LGB policies go from "under our skin" to "into our hearts": Fatherhood aspirations and psychological well-being among emerging adult sexual minority men. *Journal of Youth and Adolescence*, 43, 1295-1305.
- Baumle, A. K., & Compton, D. R. (2011). Legislating the family: The effect of state family laws on the presence of children in same-sex households. *Law & Policy*, 33, 82-115.
- Baumle, A. K., & Compton, D. R. (2014). Identity versus identification: How LGBTQ parents identify their children on Census surveys. *Journal of Marriage and Family*, 76, 94-104.
- Baumle, A. K., & Compton, D. R. (2015). *Legalizing LGBT families: How the law shapes parenthood*. New York: New York University Press.
- Bergman, K., Rubio, R. J., Green, R., & Padron, E. (2010). Gay men who become fathers via surrogacy: The transition to parenthood. *Journal of GLBT Family Studies*, 6, 111-141.
- Bergstrom-Lynch, C. (2012). How children rearrange the closet: Disclosure practices of gay, lesbian, and bisexual prospective parents. *Journal of GLBT Family Studies*, 8, 173-195.
- Bergstrom-Lynch, C. (2015). *Lesbians, gays, and bisexuals becoming parents or remaining childfree*. Washington, DC: Roman & Littlefield.
- Berkowitz, D. (2007). A sociohistorical analysis of gay men's procreative consciousness. *Journal of GLBT Family Studies*, 3, 157-190.
- Berkowitz, D. (2013). Gay men and surrogacy. In A. E. Goldberg & K. R. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp. 71-85). New York: Springer.
- Berkowitz, D., & Marsiglio, W. (2007). Gay men: Negotiating procreative, father, and family identities. *Journal of Marriage and Family*, 69, 366-381.
- Bernstein, M., & Reimann, R. (Eds.). (2001). *Queer families, queer politics: Challenging culture and the state*. New York, NY: Columbia University Press.
- Bernstein, M., & Taylor, V. (Eds.). (2013). *The marrying kind? Debating same-sex marriage within the gay and lesbian movement*. Minneapolis, MN: University of Minnesota Press.
- Boggis, T. (2001). Affording our families: Class issues in family formation. In M. Bernstein & R. Reimann (Eds.), *Queer families, queer politics: Challenging culture and the state* (pp. 175-182). New York: Columbia University Press.

- Bos, H. (2013). Lesbian-mother families formed through donor insemination. In A. E. Goldberg & K. R. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp. 21–38). New York: Springer.
- Brodzinsky, D. M. (2012). Adoption by lesbians and gay men: A national survey of adoption agency policies and practices. In D. M. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay men: A new dimension in family diversity* (pp. 62–84). New York: Oxford University Press.
- Brodzinsky, D. M., Patterson, C. J., & Vaziri, M. (2008). Adoption agency perspectives on lesbian and gay prospective parents: A national study. *Adoption Quarterly*, 5(3), 5–23.
- Brooks, D., Kim, H., & Wind, L. (2011). Supporting gay and lesbian adoptive families before and after adoption: Service need, utilization, and helpfulness. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay Men: A new dimension in family diversity* (pp. 150–183). New York: Oxford University Press.
- Brown, S., Smalling, S., Groza, V., & Ryan, S. (2009). The experiences of gay men and lesbians in becoming and being adoptive parents. *Adoption Quarterly*, 12, 229–246.
- Bütterfield, J., & Padavic, I. (2014). The impact of legal inequality on relational power in planned lesbian families. *Gender & Society*, 28(5), 1–23.
- Cadi, E. (2017). Religious freedom efforts: Next front opens in battle on gay marriage. *Newsweek*. Retrieved March 15, 2017 from <http://www.newsweek.com/state-religious-freedom-laws-568299>
- Carroll, M. (2015, July 7). Beyond legal equality for LGBT families. Contexts. Retrieved August 2, 2015, from <http://contexts.org/blog/beyond-legal-equality-for-lgbt-families/>
- Chabot, J. M., & Ames, B. D. (2004). It wasn't 'let's get pregnant and go do it': Decision making in lesbian couples planning motherhood via donor insemination. *Family Relations*, 53, 348–356.
- Connolly, C. (2002). The voice of the petitioner: The experiences of gay and lesbian parents in successful second-parent adoption proceedings. *Law & Society Review*, 36, 325–246.
- Creative Family Connections. (2015). US surrogacy law map. Retrieved April 1, 2017 from <https://www.creativefamilyconnections.com/us-surrogacy-law-map>
- Dalton, S. (2001). Protecting our parent-child relationships: Understanding the strengths and weaknesses of second-parent adoption. In M. Bernstein & R. Reimann (Eds.), *Queer families, queer politics: Challenging culture and the state* (pp. 201–220). New York: Columbia University Press.
- Davis, M. A. (2013). Demographics of gay and lesbian adoption and family practice. In A. Baumle (Ed.), *International handbook on the demography of sexuality* (pp. 383–401). New York: Springer Netherlands.
- Downing, J. (2013). Transgender-parent families. In A. Goldberg & K. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp. 105–115). New York: Springer.

- Eggert, D. (2015). LGBT adoption just got harder in Michigan. U.S. News & World Report. Retrieved January 10, 2016, from <http://www.usnews.com/news/us/articles/2015/06/11/new-michigan-law-lets-adoption-agencies-decline-referrals>
- Ewick, P., & Sibley, S. S. (1998). *The common place of law: Stories from everyday life*. Chicago: University of Chicago Press.
- Falk, P. J. (1989). Lesbian mothers psychosocial assumptions in family law. *American Psychologist*, 44, 941-947.
- Gash, A., & Raiskin, J. (2016). Parenting without protection: How legal status ambiguity affects lesbian and gay parenthood. *Law & Social Inquiry*, 43(1). <https://doi.org/10.1111/lasi.12233>
- Gates, G. (2013). LGBT parenting in the United States. Williams Institute. Retrieved March 1, 2014, from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>
- Giambrone, A. (2015, May 26). Equality in marriage may not bring equality in adoption. *The Atlantic*. Retrieved May 26, 2015, from <http://www.theatlantic.com/politics/archive/2015/05/equality-in-marriage-may-not-bring-equality-in-adoption/393806/>
- Goldberg, A. E., Downing, J. B., & Richardson, H. B. (2009). The transition from infertility to adoption: Perceptions of lesbian and heterosexual preadoptive couples. *Journal of Social and Personal Relationships*, 26, 938-963.
- Goldberg, A. E., Gartrell, N. K., & Gates, G. (2014, July). Research report on LGB-parent families. Williams Institute. Retrieved August 10, 2014, from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgb-parent-families-july-2014.pdf>
- Goldberg, A. E., & Gianino, M. (2011). Lesbian and gay adoptive parent families: Assessment, clinical issues, and intervention. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay men: A new dimension in family diversity* (pp. 204-232). New York: Oxford University Press.
- Goldberg, A. E., & Kuvalanka, K. A. (2012). Marriage (in)equality: The perspectives of adolescents and emerging adults with lesbian, gay, and bisexual parents. *Journal of Marriage and Family*, 74, 34-52.
- Goldberg, A. E., Moyer, A. M., Weber, E. R., & Shapiro, J. (2013). What changed when the gay adoption ban was lifted?: Perspectives of lesbians and gay parents in Florida. *Sexuality Research and Social Policy*, 10, 110-124.
- Goldberg, A. E., & Smith, J. Z. (2011). Stigma, social context, and mental health: Lesbian and gay couples across the transition to adoptive parenthood. *Journal of Counseling Psychology*, 58, 139-150.
- Haney-Caron, E., & Heilbrun, K. (2014). Lesbian and gay parents and determination of child custody: The changing legal landscape and implications for policy and practice. *Psychology of Sexual Orientation and Gender Diversity*, 1, 19-29.
- Hequembourg, A. (2004). Unscripted motherhood: Lesbian mothers negotiating incompletely institutionalized family relationships. *Journal of Social and Personal Relationship*. 21, 739-762.

- Holtzman, M. (2013). GLBT parents' rights during custody decision making: The influence of doctrine, statute, and societal factors in the United States. *Journal of GLBT Family Studies*, 9, 364-392.
- International Lesbian, Gay, Bisexual, Trans, and Intersex Association. (2015). Worldwide legislation: Adoption by individuals. Retrieved September 5, 2015, from <http://ilga.org/>
- Kazyak, E. (2015). "The law's the law, right?" sexual minority mothers navigating legal inequities and inconsistencies. *Sexuality Research and Social Policy*, 12, 188-201.
- Kazyak, E., Park, N., McQuillan, J., & Greil, A. L. (2016). Attitudes towards motherhood among sexual minority women in the United States. *Journal of Family Issues*, 37, 1771-1796.
- Kazyak, E., & Woodell, B. (2016). Law and LGBTQ-parent families. *Sexuality and Culture*, 20, 749-768.
- Kellas, J. K., & Suter, E. A. (2012). Accounting for lesbian-headed families: Lesbian mothers' responses to discursive challenges. *Communication Monographs*, 79, 475-498.
- Kimberly, C., & Moore, A. (2015). Attitudes to practice: National survey of adoption obstacles faced by gay and lesbian prospective parents. *Journal of Gay and Lesbian Social Services*, 27, 436-456.
- Kimport, K. (2014). *Queering marriage: Challenging family formation in the United States*. New Brunswick, NJ: Rutgers University Press.
- Kinkler, L. A., & Goldberg, A. E. (2011). Working with what we've got: Perceptions of barriers and supports among small-metropolitan-area same-sex adopting couples. *Family Relations*, 60, 387-403.
- Lev, A. I. (2006). Gay dads: Choosing surrogacy. *The British Psychological Society Lesbian and Gay Psychology Review*, 7, 72-76.
- Mallon, G. P. (2011). The home study assessment process for gay, lesbian, bisexual, and transgender prospective foster and adoptive. *Journal of GLBT Family Studies*, 7(1-2), 7-21.
- Mamo, L. (2007). *Queering reproduction: Achieving pregnancy in the age of technoscience*. Durham, NC: Duke University Press.
- Meezan, W., & Rauch, J. (2005). Gay marriage, same-sex parenting, and America's children. *The Future of Children*, 15, 97-115.
- Mezey, N. J. (2008). *New choices, new families: How lesbians decide about motherhood*. Baltimore: John Hopkins University Press.
- Mezey, N. J. (2013). How lesbian and gay men decide to become parents or remain childfree. In A. E. Goldberg & K. R. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp 59-70). New York: Springer.
- Moore, M. (2008). Gendered power relations among women: A study of household decision making in stepfamilies. *American Sociological Review*, 73, 335-358.

- Moore, M., & Brainer, A. (2013). Race and ethnicity in the lives of sexual minority parents and their children. In A. E. Goldberg & K. R. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp. 133–148). New York: Springer.
- Murphy, J. (2001). Should lesbians count as infertile couples? Antilebian discrimination in assisted reproduction. In M. Bernstein & R. Reimann (Eds.), *Queer families, queer politics: Challenging culture and the state* (pp. 182–200). New York: Columbia University Press.
- Nejaime, D. (2015, June 26). With ruling on marriage equality, fight for gay families is next. LA Times. Retrieved June 26, 2015, from <http://www.latimes.com/opinion/op-ed/la-oe-nejaime-gay-marriage-decision-does-not-solve-everything-20150628-story.html>
- Obergefell v. Hodges*, 576 U.S. (2015).
- Park, N., Kazyak, E., & Slauson-Blevins, K. (2016). How law shapes experiences of parenthood for same-sex couples. *Journal of GLBT Family Studies*, 12, 115–137.
- Patterson, C. J., & Riskind, R. G. (2010). To be a parent: Issues in family formation among gay and lesbian adults. *Journal of GLBT Family Studies*, 6, 326–340.
- Pavan v. Smith*, 582 U.S. (2017).
- Pertman, A., & Howard, J. (2011). Emerging diversity in family life: Adoption by gay and lesbian parents. In D. Brodzinsky & A. Pertman (Eds.), *Adoption by lesbians and gay men: A new dimension in family diversity* (pp. 20–35). New York: Oxford University Press.
- Pfeffer, C. (2012). Normative resistance and inventive pragmatism: Negotiating structure and agency in transgender families. *Gender & Society*, 26, 574–602.
- Pyne, J., Bauer, G., & Bradley, K. (2015). Transphobia and other stressors impacting trans parents. *Journal of GLBT Family Studies*, 11, 107–126.
- Pfeffer, C. A. (2017). *Queering families: The postmodern partnerships of cisgender women and transgender men*. New York: Oxford University Press.
- Richman, K. D. (2009). *Courting change: Queer parents, judges, and the transformation of American family law*. New York: New York University Press.
- Richman, K. D. (2014). *License to wed: What legal marriage means to same-sex couples*. New York: New York University Press.
- Riggle, E. D. B., Rostosky, S., Prather, R., & Hamrin, R. (2005). The execution of legal documents by sexual minority individuals. *Psychology, Public Policy, and Law*, 11, 138–163.
- Riskind, R. G., & Patterson, C. J. (2010). Parenting intentions and desires among childless lesbian, gay and heterosexual individuals. *Journal of Family Psychology*, 24, 78–81.
- Riskind, R. G., Patterson, C. J., & Nosek, B. A. (2013). Childless lesbian and gay adults' self-efficacy about achieving parenthood. *Couple and Family Psychology: Research and Practice*, 2, 222–235.
- Riskind, R. G., & Tornello, S. (2017). Sexual orientation and future parenthood in a 2011-13 nationally representative United States sample. *Journal of Family Psychology*, 31, 792–798.

- Ryan, M. (2009). Beyond Thomas Beatie: Trans men and the new parenthood. In R. Epstein (Ed.), *Who's your daddy? And other writings on queer parenting* (pp. 139-150). Toronto, Canada: Sumach Press.
- Ryan, M., & Berkowitz, D. (2009). Constructing gay and lesbian parent families "Beyond the closet." *Qualitative Sociology*, 32, 153-172.
- Sarat, A., & Kearns, T. R. (1995). *Law in everyday life*. Ann Arbor, MI: University of Michigan Press.
- Shapiro, J. (2013). The law governing LGBT-parent families. In A. Goldberg & K. Allen (Eds.), *LGBT-parent families: Innovations in research and implications for practice* (pp. 291-306). New York: Springer.
- Shapiro, D. N., Peterson, C., & Stewart, A. J. (2009). Legal and social contexts and mental health among lesbian and heterosexual mothers. *Journal of Family Psychology*, 23, 255-262.
- Spivack, C. (2010). The law of surrogate motherhood in the United States. *The American Journal of Comparative Law*, 58, 97-114.
- Stacey, J. (2011). *Unhitched: Love, marriage and family values from West Hollywood to Western China*. New York: New York University Press.
- Sterett, S. M. (2009). Parents and paperwork: Same-sex parents, birth certificates, and emergent legality. In S. Barclay, M. Bernstein, & A. Marsh (Eds.), *Queer mobilizations: LGBT activists confront the law* (pp. 103-119). New York: New York University Press.
- Tornello, S. L., & Patterson, C. L. (2015). Timing of parenthood and experiences of gay fathers: A life course perspective. *Journal of GLBT Family Studies*, 11, 35-56.
- Vargas, J. H., Miller, M. K., & Chamberlain, J. (2012). The rights and responsibilities of gay social parents and the potential implications for children's well-being. *Journal of GLBT Family Studies*, 8, 465-495.
- Veldorable-Griffin, A. (2014). Transgender parents and their adult children's experiences of disclosure and transition. *Journal of GLBT Family Studies*, 10, 475-501.
- Wall, M. (2011). Hearing the voices of lesbian women having children. *Journal of GLBT Family Studies*, 7, 93-108.
- Watkins, K. A. (2011). Defining legal parenthood: The intersection of gender and sexual identity in U.S. child custody decisions, 2003-2009. Ph.D. dissertation, University of Massachusetts-Amherst.
- Wells, G. (2011). Making room for daddies: Male couples creating families through adoption. *Journal of GLBT Family Studies*, 7, 155-181.
- Woodford, M., Sheets, K., Scherrer, K. S., d' Eon-Blemings, R., Tenkate, I., & Addams, B. (2010). Lesbian adoptive couples: Responding to shifting identities and social relationships. *Affilia: Journal of Women and Social Work*, 25, 278-290.



**Emily Kazyak**, Ph.D., M.A., is an associate professor of sociology and women's and gender studies at the University of Nebraska-Lincoln. Her research examines Americans' responses to the changing social landscape related to sexuality. She focuses on both public opinion about lesbian, gay, bisexual, transgender, and questioning/queer (LGBTQ) rights and the identities and family relationships of LGBTQ people. Her work has appeared in numerous journals, including *Gender & Society*, *Qualitative Sociology*, and the *Journal of Marriage and Family*.

**Brandi Woodell**, M.A., is a Ph.D. candidate in sociology at the University of Nebraska-Lincoln. Her work focuses on several aspects of understanding the lives of sexual minorities, including rural sexual minority health and social support; identity negotiations among lesbian, gay, and bisexual Christians in the rural South; and family support and well-being among LGBTQ people of color.

**Kristin Scherrer**, Ph.D., LCSW, M.A., is an associate professor and BSSW Program Director in the Department of Social Work at Metropolitan State University of Denver. Her research and teaching interests include gender and sexualities, gerontology, intergenerational family relationships and social work practice.

**Emma Finken** is an undergraduate double majoring in sociology and women's and gender studies at the University of Nebraska-Lincoln. She is interested in sexualities and gender and how they both influence and are influenced by the social world.