

## **Discrimination Against Same-Sex Parenthood**

Although the United States has made great strides in the topic of same-sex parenthood, it has remained a contentious issue to the present day. Laws, values, and beliefs across the nation impact people in same-sex families. These regulations vary greatly, ranging from complete recognition in some jurisdictions to legal discrimination in others. The changing nature of value and belief systems explains why communities across the nation approach this issue from a variety of angles.

Same-sex parenting could take place between married and unmarried same-sex couples. There are significant differences between married same-sex couples and unmarried same-sex couples. Since *Obergefell v. Hodges*, same-sex marriage is legal and considered the same as any other marriage in the United States. Prejudices against same-sex parenting are frequently founded on unclear, scientifically unsupported assumptions. For instance, some cultural value systems hold that a male child raised by two female parents would lack masculinity. Others believe that children raised in homes with same-gender parents would embrace the LGBT agenda and deviate from what they regard to be normal conduct. All of these beliefs, however, are founded on unsubstantiated myths and unclear attributions.

Discrimination extends beyond the societal level. Consider economic and political elements as well. Same-sex parents tend to have a lower income and less access to resources, which plays a large role in preventing them from becoming successful parents. Legal prejudice is the basis for economic disenfranchisement. It supports the argument that same-sex parents lack the means to sustain a family. Regarding political factors, states have the authority to pass legislation on same-sex parenting. The United States, and the Supreme Court in particular, are making progress in safeguarding same-sex parenting, but the protection is not universal. The Supreme

Court ruled in *Obergefell* that the Fourteenth Amendment required states to recognize same-sex marriages and gave same-sex couples the right to marry. Since this ruling permitted same-sex couples to marry legally, it granted them access to the parental rights given to the vast majority of heterosexual couples. The Supreme Court also ruled in *Pavan v. Smith* that states must list both same-sex parents on a child's birth certificate, even if the parents are not married.<sup>1</sup> This ruling was a major breakthrough in defending the parental rights of same-sex couples since it permits both parents to be recognized on the birth certificate and prohibits the state from denying the recognition of one of the parents. In addition, the ruling ensures that same-sex couples have the same legal rights as opposite-sex couples when it comes to the care, custody, and support of their children.

### **Foundation of Discrimination Against Same-Sex Parenthood**

The origins of these discriminatory attitudes may be traced back to common law, which defined parenting as the union of a man and a woman to create offspring. Notably, this view has been the basis for active regulation of the private lives of individuals. This illustrates the basis for the incursion of the modern government into private lives. Furthermore, many laws take their conception of marriage from religious ideas. According to Abrahamic faiths, marriage is a sacred connection between a man and a woman, and their primary responsibility is to procreate. Therefore, same-sex marriages violate the foundations of traditional family formations. In the case of *Marouf v. Azar*, 391 F. Supp. 3d 23 (D.D.C. 2019), while the case is still pending, the defendants denied a lesbian couple permission to foster a refugee on the grounds that they did not represent the biblically defined family. The ideal biblically defined family consists of a mother who is female and a father who is male. The case is currently pending, and the defendant said their decision is

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<sup>1</sup> Leonard, A.S., Supreme Court May Address Parental Presumption for Children of Married Lesbians This Term.

based on the Free Exercise Clause and the Establishment Clause. However, there is no evidence to imply that same-sex parenting hinders a child's development. In truth, same-sex parents give their children a caring and loving environment, and their children are just as well-adjusted as those of heterosexual parents. Therefore, discrimination against same-sex parenting is based on outmoded assumptions of what a "normal" family should be and is not backed by scientific evidence or research.

The Free Exercise Clause is a fundamental aspect of the First Amendment, and discriminating institutions frequently use it as a justification against same-sex adoption and foster care. This provision permits private citizens to follow religion as they see fit so long as they do not adversely affect public morality or conflict with government interests. Essentially, organizations can assert the right to freely pursue their religious teachings by participating in a variety of discriminatory practices, such as opposing same-sex parenting. This practice is generally governed by the precedence from *Lemon v. Kurtzman*, 403 U.S. 602 (1971). Under this *Lemon* test, the government may only facilitate religion if its principal purpose is secular, the facilitation does not promote or impede religion, and there is no excessive state-church cooperation.<sup>2</sup>

In addition to these legal regulations, defendants for the discrimination against foster and adoption organizations have used pseudo-science to support their position. Due to contextual variables, it is assumed that children raised in same-sex families would have similar sexual orientations. Research has, however, disproven this. The development and health of children raised in same-sex homes are no different from those raised by heterosexual couples. In a study examining the differences and effects of family structures, Bos et al. found that "despite higher levels of parenting stress for same-sex parents, their offspring did not differ in general health,

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<sup>2</sup> U.S. Courts. First Amendment and Religion. 2021.

emotional difficulties, coping behavior, or learning behavior when compared to the offspring of different-sex parents.”<sup>3</sup> As a result, the fears against same-sex parenthood are not based on reliable scientific research but rather on age-old prejudices and discriminatory tendencies.<sup>4</sup>

### **Same-Sex Parenting Statistics**

The 2010 Census estimates that around 650,000 same-sex couples are residing in the United States. Same-sex couples are over four times more likely to adopt children than couples of different sexes. Additionally, they are far more likely to provide foster care for children. An estimated 114,000 children were raised in same-sex homes in 2016.<sup>5</sup> This represents 16.2% of the nation's total number of same-sex couples who choose to raise children. This low percentage demonstrates the fundamental challenges same-sex couples are confronted with when attempting to raise children. Research conducted to understand why a large proportion of same-sex couples (83.8%) choose not to have children found that while many would like to have children of their own or adopt, various obstacles prevent them from doing so.<sup>6</sup> One of the obvious reasons why some same-sex couples do not have children is the biological component. Because it is biologically impossible for two individuals of the same sex to create a child without external assistance, a significant number of same-sex couples do not have children.<sup>7</sup>

Societal stigmas are another primary reason for the reluctance of same-sex parents to raise children. For a lot of American communities, same-sex couples are not yet fully embraced.

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<sup>3</sup> Bos, Henny M W, et al. "Same-Sex and Different-Sex Parent Households and Child Health Outcomes: Findings from the National Survey of Children's Health." *Journal of developmental and behavioral pediatrics: JDBP* vol. 37, 3 (2016): 179–87.

<sup>4</sup> Fitzgibbons, Richard P. "Growing up with gay parents: What is the big deal?" *The Linacre quarterly* vol. 82, 4 2015: 332-6.

<sup>5</sup> Gates, Gary J. *LGBT Parenting in the United States*. 2013.

<sup>6</sup> Conron, Kerith, and Shoshana Goldberg. *How Many Same-Sex Couples in the U.S. are Raising Children?* 2018.

<sup>7</sup> Pavy, L., 2022. Mommy Issues: Louisiana's Gap in Parental Rights for Unmarried, Same-Sex Couples. *Louisiana Law Review*, 83(1), p.9.

Therefore, attempting to become a parent is often frowned upon. This may result in self-judgment, which influences an individual's assessment of their abilities and appraisal of society's standards of acceptability. In the end, some same-sex parents internalize these stigmas, causing them to question their entitlement to experience parenthood.<sup>8</sup> The entire procedure is legally arduous for others, particularly in foster care or adoption.

Additionally, there is concern that the prejudice will spread to children. Children raised in same-sex households are more likely to experience bullying than those reared in heterosexual homes. According to Alday-Mondaca and Lay-Lisboa, "discrimination impacts social and institutional environments, causing them to experience emotions such as fear of discrimination and anguish as a result of the transfer of the effects of such discrimination to their children." In addition to bullying, these children face institutional stigma, where schools treat them differently.<sup>9</sup> Such concerns can negatively affect the child's developmental growth over time. This is a potential problem for the majority of same-sex couples, hence the inclination to forgo parenthood.

### **Discrimination in Adoption**

Adoption is a method for same-sex couples to become parents. Adoption discrimination against same-sex couples is a complex issue that has been the subject of considerable debate and legal action. Due to their sexual orientation, both married and unmarried same-sex couples have suffered discrimination in the adoption process. Some states prohibit same-sex couples from adopting, while others leave the issue to the courts or to an adoption agency's discretion.

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<sup>8</sup> Farr, Rachel H., and Cassandra P. Vázquez. "Stigma experiences, mental health, perceived parenting competence, and parent-child relationships among lesbian, gay, and heterosexual adoptive parents in the United States." *Frontiers in Psychology* 11 (2020): 445.

<sup>9</sup> Alday-Mondaca, Carolina, and Siu Lay-Lisboa. "The Impact of Internalized Stigma on LGBT Parenting and the Importance of Health Care Structures: A Qualitative Study." *International journal of environmental research and public health* vol. 18, 10 5373. May 18. 2021.

There are social and economic challenges to same-sex couples adopting through agencies. Discrimination is one of the most significant social and economic obstacles for same-sex couples when considering adoption through agencies. This can make it difficult for these couples to find an agency that is willing to work with them, and it can prolong the adoption process. Additionally, states like Mississippi, Utah, and Arkansas have laws that restrict or prohibit same-sex couples from adopting, further complicating the process.<sup>10</sup>

However, legislative constraints provide the biggest challenge. In a study of same-sex parents who desired to transition into parenthood, 41% indicated they were uncertain about this move due to the inconsistency of state legislation surrounding same-sex adoption.<sup>11</sup> Consider, for instance, the federal level, where codification of laws protecting same-sex couples' right to parenthood is absent. John Lewis proposed the Every Child Deserves a Family Act in 2013. However, Congress did not pass this bill. According to Congressman Lewis, many government-funded adoption agencies discriminated against same-sex couples, depriving these children of the right to be raised in loving, stable, and safe households. The intent of this bill was to prohibit federally financed adoption agencies from denying the adoption of a child to same-sex couples. In addition, the measure would have authorized the Department of Health and Human Services to withhold funds from adoption agencies and organizations that continued to discriminate against same-sex parents. Although this measure created a framework for eradicating discrimination against adopting children by same-sex parents, its failure to become law demonstrates how the legal environment is biased against same-sex couples in their quest for parenthood. Note that this

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<sup>10</sup> Goldberg, N.G. and Hasenbush, A., 2020. Family law and policy for LGBTQ individuals and families: Adoption, foster care, assisted reproduction, and parental rights. In *Oxford Research Encyclopedia of Politics*.

<sup>11</sup> Kinkler, Lori A, and Abbie E Goldberg. "Working With What We've Got: Perceptions of Barriers and Supports among Small-Metropolitan Same-Sex Adopting Couples." *Family relations* vol. 60, 4 2011: 387–403.

measure was designed to encompass federally financed organizations exclusively, meaning private agencies would still be able to engage in discrimination.

State legislation has also contributed to the intrusion into individuals' private life by sustaining this inequity. Despite the fact that certain jurisdictions let same-sex couples adopt children, several states have erected various barriers that make the process more complex. In Alabama, for instance, state laws have historically been designed to impede same-sex families from adopting children. In 2015, the Alabama Court of Civil Appeals ruled unanimously against a woman's desire to adopt her partner's child in *Searcy v. Strange*, 81 F. Supp. 3d 1285 (S.D. Ala. 2015). Searcy and her partner were married in California, which recognized same-sex unions. In their decision, the justices stated that the state of Alabama does not recognize same-sex marriages, and therefore, Searcy lacked parental rights to adopt the child. This decision elucidates the reasoning behind several of these discriminatory statutes. In places that did not recognize same-sex marriages, a same-sex couple was forbidden from engaging in activities that are typically reserved for married couples, such as a seamless transition into parenthood. Searcy gained the right to adopt the child before the U.S. Supreme Court, demonstrating that the non-recognition of same-sex marriages established a legal basis for discrimination against their capacity to be parents. Again, the friction between state and federal courts reveals the extent to which the government is involved in the private lives of Americans.

The Alabama Supreme Court rendered a similar decision in the case of *V.L. v. E.L.*, 136 S. Ct. 1017, 194 L. Ed. 2d 92 (2016). V.L. and E.L. were legally married partners in accordance with Georgia law. Not only did the state acknowledge their same-sex marriage, but it also permitted V.L. to adopt E.L.'s children. However, after the couple relocated to Alabama and split, V.L. launched a lawsuit to have her adoption rights recognized. While lower courts decided in her favor,

the Supreme Court nullified the adoption for two reasons: (1) Georgia had violated its laws by approving the adoption, and (2) Alabama did not recognize same-sex marriages. According to the ruling, Alabama acknowledged only marriages between a man and a woman. This prejudice demonstrates the majority's preference for heterosexual marriages over same-sex marriages. This is despite research cited earlier repeatedly demonstrating that children raised in same-sex families are identical to those reared in heterosexual marriages. The legal walls erected against same-sex marriages were often used to discriminate against their right to become parents.

Moreover, Mississippi has the nation's highest rate of same-sex couple households with children.<sup>12</sup> However, the Mississippi Domestic Relations Code prevents unmarried same-gender couples from adopting children. The law was established in 2000 to prohibit same-sex couples from adopting children together. Even after the judgment in *Obergefell v. Hodges*, which permitted the recognition of legitimate same-sex marriages across state lines, Mississippi has retained its prohibition on unmarried same-sex couples adopting together.

### **Discrimination in Foster Care**

Fostering entails a temporary commitment instead of the permanent commitment required for adoption. In foster care, parental rights are also restricted. State agencies often employ foster care to ensure that the concerns that led to the child's removal from their parents' care are resolved first. Similar challenges face same-sex parents who wish to provide foster care, as in the case of adoption. No federal laws safeguard the rights of unmarried same-sex couples who foster children at this time. The absence of such regulations creates a void and uncertainty that prejudice has subsequently filled.

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<sup>12</sup> Goldberg, N.G. and Hasenbush, A., 2020. Family law and policy for LGBTQ individuals and families: Adoption, foster care, assisted reproduction, and parental rights. In Oxford Research Encyclopedia of Politics.



Consider the case of *Fulton v. City of Philadelphia*, 593 U.S. \_\_\_\_ (2021). Catholic Social Services (CSS), a foster care organization that was paid under a contract specifically barring discrimination in its performance, violated the terms of its contract by refusing to screen same-sex parents for prospective foster parents. This prompted the City of Philadelphia to terminate the contract. CSS filed a lawsuit in the Eastern District of Pennsylvania against the City of Philadelphia for allegedly violating their First Amendment rights. CSS said that its Catholic faith forbade it from promoting same-sex marriages and that certifying same-sex couples met the city's foster parent criteria would constitute an endorsement of their marriage. The U.S. Supreme Court granted cert and unanimously ruled in favor of the agency. This decision purported to apply the precedent established in *Employment Div. v. Smith*, 494 U.S. 872, 110 S. Ct. 1595 (1990) about neutral and general law. The procurement of foster care services was not deemed a public accommodation and thus subject to strict scrutiny. The city had the discretion to permit exceptions but never did so, which is what led the Court to conclude that the law was not neutral and generally applicable. Consequently, contract termination was a violation of CSS's rights under the Free Exercise Clause and Establishment Clause.

While progress has been made regarding same-sex couples becoming parents, the continued involvement of government was visible in the U.S. Supreme Court's ruling on *Fulton v. City of Philadelphia*, which created more barriers to same-sex couples trying to foster children. Essentially, this ruling legitimized discriminatory procedures used by national foster care organizations. It was, in a way, contradictory to the progressive ruling delivered in *Obergefell*. However, it is important to point out that this discussion was more about marriage than parenthood. There was never any implication that LGBTQ parents lacked parenting skills or affection for their children. The Catholic social services, thus, did not want to endorse same-sex marriages even

though they were legally recognized. Taxpayer-funded foster care organizations might potentially use the Free Exercise Clause to defend their discriminatory acts against same-sex couples, particularly if exemptions are offered, regardless of their ambiguity.

In reality, this interpretation by the Court is part of a pattern of prejudice against same-sex couples. Some members of Congress sponsored legislation in 2017 that would allow foster care providers to discriminate against same-sex couples without repercussions. The U.S. Child Welfare Provider Inclusion Act was presented by Rep. Mike Kelly (R-PA) and U.S. Sen. Mike Enzi (R-WY).<sup>13</sup> A current version of this bill, which is currently pending, would bar government entities from acting against child welfare organizations that discriminate against same-sex couples on the grounds of religion and moral conviction.

State laws assist this discrimination by refusing to adopt protections for same-sex couples desiring to foster children. The level of prejudice differs from state to state. For example, since these regulations are often integrated as executive orders, South Carolina has the most discriminating legislation against same-sex parents attempting to foster. The governor signed an executive order prohibiting the Department of Social Services of South Carolina from rejecting licenses to welfare groups that engage in religious discrimination.<sup>14</sup>

### **Discrimination in Child Custody**

The discrimination against same-sex couples in parenting extends beyond adoption and fostering. Even in divorce situations, these discriminatory practices are prevalent. Same-sex parents going through a divorce have challenges with regard to child custody. As long as the child

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<sup>13</sup> Bewkes, Frank, Shabab Ahmed Mirza, and Caitlin Rooney. Welcoming All Families: Discrimination Against LGBTQ Foster and Adoptive Parents Hurts Children. 2018.

<sup>14</sup> Bewkes, Frank, Shabab Ahmed Mirza, and Caitlin Rooney. Welcoming All Families: Discrimination Against LGBTQ Foster and Adoptive Parents Hurts Children. 2018.

is the result of a valid marriage, states permit the presumption of paternity. What constitutes a legitimate marriage differs from state to state. Florida law, for example, permits same-sex parents to bring children from previous partnerships into a new marriage.<sup>15</sup> To get complete parental rights in these cases, however, a parent must file a lawsuit. Children born during the marriage immediately confer parental rights on both parents. Significant legal complications occur when same-sex parents fail to adopt their children. In the case of a divorce, the non-adoptive spouse will likely not be granted custody. Contrary to regular heterosexual marriages, in which both parties have parental rights when adopting children, neither party has presumed parental rights.

In same-sex partnerships, biological parents also tend to have more rights than the other parent. According to Harris, in 16 states, people entering into same-sex relationships receive "all or almost all the benefits of marriage under state law, including the presumption that the spouse/partner of a legal parent is presumed to be the legal parent of a child born into the relationship."<sup>16</sup> However, the situation becomes complicated when one of the spouses is the child's biological parent. In this circumstance, the biological parent will have greater custody rights than the other parent. However, if the non-biological parent adopts the child during the marriage, he or she will have full parental rights. Partnerships between same-sex couples often confront complex, challenging child custody obstacles. Since there was no marriage, the non-biological parent could not assert parenthood. This is not always the case, though. Certain states permit de facto parenting, in which a non-biological parent who served as a caretaker can seek visiting rights.<sup>17</sup> Few states

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<sup>15</sup> Virga, Gerard. Can same-sex partners be denied parental rights? 2019.

<sup>16</sup> Harris, Leslie Joan. "Voluntary Acknowledgements of Parentage for Same-Sex Couples." *Journal of Gender, Social Policy & the Law* 2012: Vol. 3, 4.

<sup>17</sup> Harris, Leslie Joan. "Voluntary Acknowledgements of Parentage for Same-Sex Couples." *Journal of Gender, Social Policy & the Law* 2012: Vol. 3, 4.

have such progressive legislation, highlighting the challenges many individuals in same-sex relationships and marriages confront.

In certain instances, a parent has been denied parental rights because states did not recognize same-sex marriages and hence could not guarantee parental rights. Consider the case of *Doty-Perez v. Doty-Perez*, 388 P.3d 9, 241 Ariz. 372 (Ariz. Ct. App. 2016). Before migrating to Arizona, Doty-Perez were a lesbian couple who were legally married in Iowa. The couple adopted four children in Arizona, and due to the state's prohibition on same-sex marriages, the children were officially adopted as T. Doty's children. When the couple ultimately split up, S. Doty-Perez demanded that she be given complete parenting responsibilities. However, the court determined that she had not demanded these rights during her marriage and hence had no right to assert parental responsibilities. In a formal sense, the court is correct. The plaintiff should have requested the adoption of the children with both parents mentioned. However, while this is technically accurate, Arizona's non-recognition of same-sex marriages remained, as this occurred before *Obergefell*. The couple first hid the fact that they were married in order to avoid legal complications throughout the adoption process. The adoption would have been void if the couple had disclosed their marital status, and the state would have rejected it since same-sex marriages were prohibited. In other words, private citizens cannot make specific decisions regarding their personal lives without the involvement of the government. Aside from technicalities, the court neglected to examine the plaintiff's predicament at the time of the adoption. This is not a coincidence; it is an extension of the prejudice identical ex-couples experience in restricted jurisdictions. According to Section 8-117(A) of the Arizona Revised Statutes, an adoption decree is made between the adopted child and the adoptive parent. Consequently, parental rights are restricted to adoptive parents of, in this case, T. Doty-Perez. Spouses who have not adopted their

children are not automatically granted parental rights. The inference is made that parents in same-sex marriages cannot assert parental rights in the event of divorce.

### **Discrimination in Birth Certificates**

A birth certificate is a vital document and has substantial legal implications for parental rights. Generally, birth certificates confer an individual social and personal identity to the child. Every citizen has a fundamental right to these identities. However, for same-sex couples and those in same-sex marriages, acquiring birth certificates can be a complex matter. This is partly because, in most countries, birth certificates only permit the mention of the child's mother and father.<sup>18</sup> Again, state regulations addressing who should be listed on a birth certificate vary.

In California, same-sex parents may have their names included on a child's birth certificate if the child was born during the parents' domestic partnership or marriage. Nonetheless, discriminating aspects are not entirely uncommon in the state. Traditionally, unmarried heterosexual couples do not need a court order to have their names added to a birth certificate. Partners in unmarried same-sex partnerships, however, are obliged by law to get a court order to be listed on their child's birth certificate.<sup>19</sup> This law is discriminatory since it treats same-sex parents differently from that of heterosexual couples. In addition, the presence of one's name on a child's birth certificate in other states does not confer parental rights.

It is not uncommon for same-sex parents of children to be refused the ability to be listed on birth certificates. In Nebraska, Lancaster County District Judge Ryan decided that a birth certificate could not list two mothers and a woman could not be listed as the father. The Department

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<sup>18</sup> Geber, Paula, and Phoebe Irving Lindner. "Birth certificates for children with same-sex parents: a reflection of biology or something more." *NYUJ Legis. & Pub. Pol'y* 18 (2015): 225.

<sup>19</sup> Geber, Paula, and Phoebe Irving Lindner. "Birth certificates for children with same-sex parents: a reflection of biology or something more." *NYUJ Legis. & Pub. Pol'y* 18 (2015): 225.

of Public Health disallowed the inclusion of both mothers on the birth certificate because they were both women. Plaintiffs Porterfield and Williams asserted that state officials in Nebraska treat same-sex couples differently than heterosexual spouses.<sup>20</sup> They asserted that the failure to list both mothers on the birth certificate violated their equal protection and due process rights. Every American has the right to a birth certificate listing their parents' names. The rejection of government entities to grant this privilege is another example of government interference into the lives and rights of American citizens. In addition, the judgment indicated that the issue in question could be resolved only by the state legislature and not by the court. This emphasizes the challenges experienced by same-sex couples as parents.

## Conclusion

Due to the extensive engagement of the state and federal government in the private lives of American individuals, same-sex couples in the United States face numerous challenges pertaining to parenthood. Notably, these discriminatory inclinations are rooted in the historical refusal to recognize same-sex partnerships and marriages. It is no secret that both state and federal governments have made improvements. However, the absence of clearly defined guidelines protecting same-sex relationships and marriages has contributed significantly to this subtle discrimination. For most of those who oppose same-sex parenthood's parental rights, it violates their conception of conventional family structures.

When the underlying roots of this resistance are investigated in greater depth, it becomes clear that it is motivated by prejudice and that it is encouraged by the existing legal system in the

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<sup>20</sup> Beck, Margery A. Nebraska judge says birth certificates can't name 2 mothers. 2022. <https://www.pbs.org/newshour/politics/nebraska-judge-says-birth-certificates-cant-name-2-mothers>. 16 September 2022.

United States. The implication is that discriminatory laws are still on the books, despite the fact that proposals that would protect these families are continuously thwarted or shot down. Over the past few years, several states have successfully established laws protecting the rights of families like these. Despite this, a lot of work still needs to be done, particularly when considering the variability of state laws and jurisdictions. While some states, like California, have made strides toward respecting the rights of same-sex couples who choose to be parents, others, like Alabama, still have a long way to go before reaching that point of acceptance.

It is difficult for same-sex couples to move smoothly from one state to another because of the legal obstacles that stand in the way of their ability to exercise their parental rights over their children. In this regard, the *Obergefell* judgment was a decisive, defining moment. These rights are nonetheless subject to the restrictions and statutes of the state in which they are exercised. At the state level, there are obstacles that stand in the way of equal rights for same-sex couples. Even though it is difficult to achieve legislative consistency due to the fact that each state has its own distinct laws, same-sex couples should be allowed parental rights because it is their fundamental right to do so. Progress has indeed been made. However, this achievement needs to be clearly defined and enshrined in the United States legal system.

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