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LGBTQ Youth: State Laws, Regulations, or Agency Policies Related to LGBTQ Youth in the Child Welfare System

No updates required since May 17, 2022

Alabama

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. This exemption is only permitted for agencies that do not receive government funding. See [HB 24](#) (2017).

Alaska

- State agency explicitly interprets existing protections against discrimination in public services based on sex to include both sexual orientation and gender identity. See [Alaska State Commission for Human Rights](#) (2020), including agency social media [posts](#). See also [Alaska DHSS Discrimination Complaint Form](#), enumerating sexual orientation and gender identity or expression.

Arizona

- State agency policy prohibits discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system. See [DCS 15-39 “LGBTQ+ Policy”](#) (Dec 2021).
- State agency policy includes provision that children “may be placed in living arrangements according to their gender identity, regardless of the sex assigned at birth,” and procedures for evaluating potential placements for transgender and gender diverse children. See [DCS 15-39 “LGBTQ+ Policy”](#) (Dec 2021).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 1399](#) (2022).

Arkansas

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.



California

- State law prohibits discrimination based on sexual orientation and gender identity in the provision of state programs and activities; [SB 1441](#) (2006; effective 2007).
- State law prohibits discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [AB 458](#) (2003; effective 2004), Cal. WIC [16001.9](#), and Cal. Code Regs. tit. 22, §83072.
- State law requires LGBTQ-inclusive cultural competency training for foster agencies and staff. See [AB 458](#) (2003) and Cal. Code Regs. tit. 22, § 88022.
- State law requires that transgender youth in out-of-home care be placed according to their gender identity. See [SB 731](#) (2015), and Cal. WIC [16001.9.19](#)

Colorado

- State law includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity (enumerated separately). See [SB 11-120](#) (2011) and CRS [19-7-101](#).
- State's nondiscrimination law applies to state (via [definition of person](#)), including child welfare agency and government services (via [definition of public accommodations](#), including "any place offering services... to the public"). State's nondiscrimination law enumerates SO, defined to include GI ([2008](#)).
- State law prohibits gender identity discrimination in housing, which may apply to placement in the child welfare system. See 3 Colo. Code Regs. § 708-1:81.9.

Connecticut

- State agency policy prohibits discrimination in adoption, foster care, and for youth in the child welfare system on the bases of sexual orientation and gender identity. See [DCF's Nondiscrimination Statement](#), first issued as [Policy 30-9, May 2004](#).
- State agency policy requires that transgender youth in out-of-home care be placed according to their gender identity. See DCF's "[Working with Transgender Youth and Caregivers Practice Guide](#)" as of Dec 2018, and as early as [Dec 2014 \(p5\)](#).
- Note: LGBTQ-inclusive cultural competency training is available but not required.
- State's nondiscrimination law enumerates sexual orientation (1991) and gender identity (2011)

Delaware

- State agency policy prohibits discrimination against all individuals (adults and youth) based on sexual orientation and gender identity. See [DSCYF's Policy #217](#) (April 2019, and as early as Nov 2012 as [Policy CS-008](#)).
- State's nondiscrimination law explicitly includes state, local, and tax-funded agencies performing public functions (via definition of public accommodations). State's nondiscrimination law enumerates sexual orientation (2009) and gender identity (2013).



District of Columbia

- State agency policy prohibits discrimination in adoption, foster care, and for youth in the child welfare system on the bases of sexual orientation and gender identity. See [CFSA's Statement of Nondiscrimination](#) (2011) and [Gender Identity and Expression Policy](#) (2017)
- State's nondiscrimination law explicitly includes/applies to the state, state licenses, benefits, and more ([§ 2-1402.67](#)). State's nondiscrimination law enumerates sexual orientation (1977) and gender identity (2006).

Florida

- State regulation includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See [FAC 65C-14.021](#) (2016) and [FAC 65C-14.040](#) (2016).
- State regulation includes a protocol for determining whether transgender youth in out-of-home care should be placed according to their gender identity. See FAC [65C-14.040](#) (2016).
- State regulation requires LGBTQ-inclusive cultural competency training for staff working directly with children. See [FAC 65C-14.023](#) (2016).

Georgia

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.

Hawai`i

- State law and policy prohibit discrimination against all individuals (adults and youth) in the child welfare system on the bases of sexual orientation and gender identity. See [DHS's Discrimination Complaints Policy](#) (2014) and [Rights of Children in Foster Care](#) (2018; from [SB 2790](#) (2018)).

Idaho

- State has policy-based protections against discrimination on the bases of sexual orientation, gender identity, and gender expression. See [Idaho Youth in Care Bill of Rights](#) (2015).

Illinois

- State agency policy prohibits discrimination against all DCFS service recipients on the bases of sexual orientation and gender identity. See [DCFS's Affirmative Action Statement](#) (at least as early as [Feb 2017](#)).
- State has policy-based protections against discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [Illinois Foster Child and Youth Bill of Rights](#) (2016)
- State policy provides transgender youth with the right to be placed according to their gender identity. See [Illinois Foster Child and Youth Bill of Rights](#) (2016).
- State policy requires LGBTQ-inclusive cultural competency training. See [Illinois Foster Child and Youth Bill of Rights](#) (2016)
- State nondiscrimination law applies to public officials ([775 ILCS 5-102](#)). State's nondiscrimination law enumerates sexual orientation, defined to include gender identity (2005, effective 2006)



Indiana

- State agency policy prohibits discrimination against individuals based on sexual orientation. See [Indiana Department of Child Services Code of Conduct](#) (2020; SO included as early as [May 2010](#)).
- State agency policy prohibits discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [Indiana Bill of Rights for Youth in Foster Care](#) (2013).

Iowa

- State agency policy prohibits discrimination against all DHS clients and applicants on the bases of sexual orientation and gender identity. See [Iowa Department of Human Services Non-Discrimination Policy](#) (as early as [June 2012](#)).
- State's nondiscrimination law explicitly includes/applies to state and local government and "tax-supported districts" ([VI §216.2](#), via definition of public accommodations). State's nondiscrimination law enumerates sexual orientation and gender identity (2007).

Kansas

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 284](#) (2018).

Kentucky

- State regulation prohibits discrimination against all individuals (adults and youth) on the bases of sexual orientation and gender identity in all government services. See [Executive Order 2020-554](#) (June 2020).

Louisiana

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation only. See [LAC 67-V §7311\(E\)\(5\)](#) (2011) and [LAC 67-V §7115\(A\)\(5\)](#) (2011).

Maine

- State agency policy prohibits discrimination in its programs and services on the basis of sexual orientation (defined in state law to include gender identity). See [Maine DHHS Nondiscrimination Notice](#) (June 2017) and [§4553](#) (2005)
- State agency policy prohibits discrimination against youth in the child welfare system on the bases of sexual orientation, gender identity, and gender expression. See [The Maine Youth in Care Bill of Rights](#) (2008, revised 2016).
- State's nondiscrimination law explicitly includes/applies to state and local governments, agencies, and departments ([5 § 4553.8](#), via definition of public accommodations). State's nondiscrimination law enumerates sexual orientation, defined to include gender identity (2005).



Maryland

- State nondiscrimination law explicitly applies to government units, officers, and employees ([§20-901](#)), including in public accommodations ([§20-304](#)). State's nondiscrimination law enumerates sexual orientation (2001) and gender identity (2014).
- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation only. See [Md. Code Regs. 10.57.05.03\(C\)](#).
- State policy requires LGBTQ-inclusive cultural competency training. See [Policy SSA-CW #17-08](#) (2016), [updated](#) 2018.
- Placement of transgender youth will be made on a case-by-case basis with input from the transgender child, and "shall not be based on the youth's sex assigned at birth." See [Policy SSA-CW #17-08](#) (2016), [updated](#) 2018.

Massachusetts

- State agency policy prohibits discrimination against all individuals (adults and youth) on the bases of sexual orientation and gender identity. See DCF's [LGBTQ – A Guide for Working With Youth and Families](#), pC-12, as early as Spring 2015. See also [Massachusetts Foster Child Bill of Rights](#) (2009).
- State agency policy includes guidance for placing transgender youth according to gender identity. See DCF's [LGBTQ – A Guide for Working With Youth and Families](#), pD-16, as early as Spring 2015.
- State regulation protects against discrimination for all applicants/recipients (adults and youth) of Department services on the basis of sexual orientation only. See [110 CMR 1.09](#) (2000).
- [Executive Order 526](#) (Feb 2011) required that "all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination" based on sexual orientation and gender identity.
- State nondiscrimination law applies to the state and state services (via definition of public accommodations). State nondiscrimination law enumerates sexual orientation (1989) and gender identity (2016).

Michigan

- State agency policy prohibits discrimination against all individuals based on sexual orientation, gender identity, and gender expression. See [MDHHS Nondiscrimination Statement](#) (2019, and as early as [July 2009](#)). See also [Dumont settlement](#) (March 2019).
 - However, in Sept 2019, a federal judge issued a [preliminary injunction](#) of the *Dumont* settlement, meaning that a trial will need to be held to determine the status of religious exemptions and nondiscrimination in child welfare services.
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [HB 4188](#) (2015), [HB 4189](#) (2015), and [HB 4190](#) (2015).



Minnesota

- State agency policy prohibits discrimination against all individuals based on sexual orientation, defined in state law to include gender identity. See [DHS Nondiscrimination Statement](#) (as early as [April 2008](#)). See also [MN DHS Working with lesbian, gay, bisexual, transgender and questioning/queer youth](#) (2013).
- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation, defined in state law to include gender identity. See [Minn. R. 2960.0050](#), [Minn. R. 2960.0080](#), and [Minn. R. 2960.3080](#) (2003).
- State regulation requires LGBTQ-inclusive cultural competency training for child welfare staff. See [Minn. R. 2960.0150](#) (2003).

Mississippi

- State has regulatory-based protection against discrimination on account of sexual orientation and gender identity for youth in the child welfare system. See [CMR 18-6:1.D-XII Appendix L, Appendix M](#) (2017; instituted [2013](#)).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [HB 1523](#) (2016).

Missouri

- State agency policy prohibits discrimination against all individuals based on sexual orientation only. See [Missouri DSS Nondiscrimination Policy Statement](#) (as early as [June 2006](#)).
- See also Children's Division "[Best Practices Guidance for Supporting LGBTQ Youth in Foster Care for Child Welfare Staff](#)" (2020).

Montana

- State agency policy prohibits discrimination against all individuals based on sexual orientation only. See [DPHHS Nondiscrimination Policy](#) (effective [May 2010](#)).

Nebraska

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.

Nevada

- State law and policy includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See [NRS §432.525](#) and [Nevada's Foster Youth Bill of Rights](#) (2011).
- State law requires transgender youth to be placed in accordance with their gender identity. See [AB 99](#) (2017).
- State law requires LGBTQ-inclusive cultural competency training for providers. See [AB 99](#) (2017).
- State's nondiscrimination law explicitly includes "adoption agency or other social service establishment" ([NRS 651.050](#), in definition of public accommodations). State's nondiscrimination law enumerates sexual orientation (2009) and gender identity (2011).



New Hampshire

- State agency policy prohibits discrimination against all individuals on the bases of sexual orientation and gender identity. See [DCYF Policy Directive 17-50](#) (August 2017).
- State nondiscrimination law applies to the state and its agencies (via definitions of [person](#) and [public accommodations](#)). State's nondiscrimination law enumerates sexual orientation (1997) and gender identity (2018).

New Jersey

- State regulation and agency policy prohibit discrimination against all individuals on the bases of sexual orientation and gender identity. See [NJAC Title 3A](#) (2019), [DCF's LGBTQI Policy](#) (Aug 2016), [DCF's Policy No. 100](#) (April 2011), and [Manual of Requirements for Resource Family Parents, 10:122C-1.6](#)

New Mexico

- State has regulatory-based protection against discrimination against all individuals on the bases of sexual orientation and gender identity. See [NMAC 8.26.5.15](#) (2009).
- State regulation requires agency-provided LGBTQ-inclusive cultural competency training for current or prospective foster parents. See [NMAC 8.26.5.18](#) (2009).

New York

- State regulations and agency policy prohibit discrimination against youth (and all individuals) on the bases of sexual orientation and gender identity. See [NYOCFS Policy and Procedures Manual](#) (2008), as well as regulations in [18 CRR-NY §441.24](#) (foster), [18 CRR-NY §423.4](#) (preventive services), and [18 CRR-NY §421.3](#) (adoption).
- Youth can request particular placement on the bases of sexual orientation or gender identity and requests will be taken into consideration in placement determinations. See [NYOCFS Policy and Procedures Manual](#) (2008).
- State has a policy requiring LGBTQ-inclusive cultural competency training for agency staff. See [NYOCFS Policy and Procedures Manual](#) (2008).

North Carolina

- State regulation prohibits discrimination against all individuals (adults and youth) on the bases of sexual orientation and gender identity in all government services. See [Executive Order 24](#) (October 2017).
- State agency policy requires LGBTQ-inclusive cultural competency training for providers. See ["Child Welfare Practice Guidance for LGBTQ+ Youth"](#) (as early as April 2021).
- State agency policy includes guidance on evaluating potential placements of LGBTQ youth, including regarding gender identity. See ["Child Welfare Practice Guidance for LGBTQ+ Youth"](#) (as early as April 2021).



North Dakota

- State agency explicitly interprets existing protections against discrimination in public services based on sex to include both sexual orientation and gender identity. See [North Dakota Department of Labor and Human Rights statement](#) (2020).
- State regulation prohibits discrimination against youth in the child welfare system on the basis of sexual orientation only. See [NDAC 75-03-36-35](#) (April 2010) and [North Dakota Foster Care Handbook for Youth](#) (Jan 2014).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [ND Century Code §50-12-07.1](#) (2003).

Ohio

- State regulation explicitly prohibits discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [OAC 5101:2-5-35\(A\)\(15\), “Youth Bill of Rights”](#) (Nov 2021).
 - Previously, state regulation prohibited discrimination against youth in the child welfare system on the bases of sexual orientation and “sexual identity” only. See [Ohio Admin. Code 5101:2-7-09](#) (2014).
- State regulation does not explicitly require that transgender youth be housed according to gender identity, but several provisions strongly support such rights, including:
 - OAC 5101:2-5-35(A)(15), prohibiting discrimination based on gender identity
 - OAC 5101:2-5-35(A)(3)(c), “The right to receive timely and consistent access to clothing appropriate to the child’s age and gender identity. This includes the right to participate and provide input regarding the selection of their clothing.”
 - OAC 5101:2-5-35(A)(8), “The right to have their opinions heard and be included when any decisions are being made affecting their lives.”
 - OAC 5101:2-5-35(G), the primacy of the youth’s rights over the rights of a resource family or caregiver

Oklahoma

- State regulation prohibits discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [OAC 340:75-14-1\(b\)](#) (2019), [Form 04IL011E Rights of Oklahoma Foster Youth](#) (p57, 2016), and DHS’s [LGBTQ Children, Youth, and Families Practice Guidebook](#) (2019).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 1140](#) (2018).



Oregon

- State agency policy prohibits discrimination against all individuals on the basis of sexual orientation, defined in state law to include gender identity. See [Oregon Department of Human Services, Children, Adults and Families Policy No. I-A.1, Client Rights – Policy](#) (2007).
- State regulation does not explicitly require that transgender youth be housed according to gender identity, but [OAR 413-200-0335\(1\)\(A\)](#) states that “Department staff must consider the age, gender, gender expression, and gender identity, culture, special needs, behavior, and history of abuse of the child or young adult in the care or custody of the Department, when determining appropriate sleeping arrangements.”

Pennsylvania

- State has no explicit protection against discrimination on the bases of sexual orientation or gender identity for youth in the child welfare system.
 - However, state has a regulation prohibiting discrimination against youth in the child welfare system only in the context of residential facilities, based on sexual orientation only. See [55 Pa. Code § 3800.32](#).

Rhode Island

- State law prohibits state agencies from discriminating in the provision of services based on sexual orientation (1995) and gender identity (2001) ([§28-5.1-7](#))
- State has law and regulatory-based protections against discrimination against all individuals on the bases of sexual orientation and gender identity. See [R.I. Gen. L. 42-72-15](#) (2015, Children’s Bill of Rights), [214-RICR-10-00-1.14\(c\)](#), and [214-RICR-40-00-4](#).
- State agency policy prohibited discrimination based on sexual orientation only as early as [Sept 2009](#), and both sexual orientation and gender identity by [October 2011](#).
- State agency policy requires LGBTQ-inclusive cultural competency training for DCYF staff. See [Staff Protocol: Sexual Orientation, Gender Identity and Expression](#) (2016).

South Carolina

- State agency policy prohibits discrimination against all individuals on the basis of sexual orientation only. See [South Carolina Department of Social Services Human Services Policy and Procedure Manual, Section 710 “Non-Discrimination”](#) (2016).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [HB 4950, §38.29](#) (2018). See also [Trump administration waiver](#) of federal nondiscrimination requirements (2019).

South Dakota

- State agency policy prohibits discrimination against all individuals on the bases of sexual orientation and gender identity. See [DSS’s Notice of Nondiscrimination](#) (adopted 2014).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [SB 149](#) (2017).



Tennessee

- State agency policy prohibits discrimination against all individuals on the bases of sexual orientation and gender identity. See [Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression](#) (2015).
- State agency policy directs staff to consider placement of transgender youth on a case-by-case basis, including guidance to base placement on gender identity when possible. See above guidelines (2015).
- State agency policy requires LGBTQ-inclusive cultural competency training for DCS staff. See above guidelines (2015).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs. See [H.B. 836](#) (2020).

Texas

- State has no explicit protection against discrimination on the bases of sexual orientation and gender identity for youth in the child welfare system.
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious belief. See [Tex. HB 3859](#) (2017).

Utah

- State regulation prohibits discrimination against youth in the child welfare system on the basis of sexual orientation only. See Utah Admin. Code [R501-12-13](#) (2014).
- State agency policy has protections against discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See [Practice Guidelines](#) (2020, and as early as [2013](#)).
- State agency policy includes LGBTQ-inclusive training for DCFS staff and prospective families. See [Practice Guidelines](#) (2020, and as early as [2013](#)).
- State agency policy provides that transgender youth will not automatically be housed according to sex assigned at birth. See [Practice Guidelines](#) (2020, and as early as [2013](#)).

Vermont

- State agency policy prohibit discrimination against all individuals on the bases of sexual orientation and gender identity. See [State of Vermont AHS, Chapter/Number 1.11, Non-Discrimination regarding receipt of services and benefits](#) (May 2009).
- Agency policy includes guidance for placing transgender youth, including consideration of their gender identity rather than sex assigned at birth. See [Family Services Policy #76](#) (Jan 30, 2017).



Virginia

- State regulation prohibits discrimination against youth in the child welfare system on the basis of sexual orientation only. See [22 VAC 40-211-80\(A\)](#) (2009).
- State agency manual also includes guidance for working with LGBTQ youth, but it does not explicitly prohibit discrimination. See [Child and Family Services Manual, 17.14 “Working with Lesbian, Gay, Bisexual, Transgender, Questions \(LGBTQ\) youth in foster care”](#) (2021, and as early as [2018](#)).
- State permits state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. See [Va. Code Ann § 63.2-1709.3](#) (2012).

Washington

- State agency policy and regulations prohibit discrimination against all individuals on the bases of sexual orientation and gender identity. See [Administrative Policy 7.22](#) (2011), [DSHS nondiscrimination policy](#) (as early as Sept 2013), Wash. Admin. Code [388-147-1595](#) (2015), and Wash. Admin. Code [388-148-1520](#).
- State agency policy includes guidance for placing transgender youth according to their gender identity. See [DCYF Policy 6900: Supporting LGBTQ+ Identified Children and Youth](#) (July 2018).

West Virginia

- State agency policy prohibits discrimination against all individuals on the bases of sexual orientation and gender identity. See Bureau of Children and Families [Youth Services Policy, Sections 11.1 and 11.2](#) ([October 2017](#) with only SO, updated May 2019 to add GI)
- State regulations prohibit discrimination against youth in the child welfare system on the basis of sexual orientation only. See WV CSR [§78-2-9](#) (2001).
- State requires LGBTQ-inclusive cultural competency training for child welfare staff. See WV CSR [§78-3-11.1.c.3](#) (2013; see code history [here](#)).

Wisconsin

- State regulation prohibits discrimination against youth on the basis of sexual orientation only. See Wis. Admin. Code DCF [§56.09](#) (foster parents), DCF [§52.11](#) (licensees), DCF [§54.04](#) (child placing agencies generally), and DCF [§57.05](#) (group homes). ([2008](#))

Wyoming

- State regulations prohibit discrimination against youth on the basis of sexual orientation only. See Wyo. Admin. Code [§ FAMS 29 Ch. 3 §23\(b\)](#) (2013) and [WCWR 049-080-003](#).

U.S. Territories

American Samoa

- Territory lacks explicit protections against discrimination based on sexual orientation and gender identity for prospective foster parents



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Guam

- Territory lacks explicit protections against discrimination based on sexual orientation and gender identity for prospective foster parents

Northern Mariana Islands

- Territory lacks explicit protections against discrimination based on sexual orientation and gender identity for prospective foster parents

Puerto Rico

- Territory regulation prohibits discrimination against youth on the bases of sexual orientation and gender identity. See [Regulation 8319](#), Article 18 (as early as 2019).

U.S. Virgin Islands

- Territory lacks explicit protections against discrimination based on sexual orientation and gender identity for prospective foster parents