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Do Foster Care Agencies Discriminate Against Gay Couples?  
Evidence from a Correspondence Study

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**Abstract**

There has been considerable recent debate regarding proposed policies that would allow foster care administrators to discriminate on the basis of the sexual orientation of the foster parent. To date, however, we know very little about the level of discrimination on the basis of sexual orientation in the foster care system. To the best of our knowledge, this is the first empirical investigation to ask whether foster care agencies, the public and nonprofit firms that facilitate foster care placements, respond similarly to emails sent by fictitious same-sex and heterosexual couples who inquire about becoming foster parents. Our results suggest that, while foster care agencies respond at somewhat similar rates to gay male couples, gay female couples, and heterosexual couples, responses sent to gay males are of lower quality. Gay males receive much shorter responses that take longer to receive. Responses to gay male couples are also less likely to include essential information about the process of becoming a foster parent, such as details about informational sessions or being given an application. We do not find any evidence of differential treatment towards same-sex female couples.

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## **I: INTRODUCTION**

In November of 2019, the Trump Administration proposed a new rule allowing faith-based child welfare agencies to refuse to work with prospective foster or adoptive parents who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ). This proposal may have important short- and long-term implications for children in need of out-of-home care.<sup>1</sup> A same-sex couple is seven times more likely to provide foster care for a child than a heterosexual couple, and one in five same-sex couples have adopted a child compared to just 3 percent of heterosexual couples (Goldberg & Conron, 2018). Moreover, foster care is one of the primary avenues for children to be adopted domestically (Office of The Assistant Secretary for Planning and Evaluation, 2011).

This proposed rule comes at a time of substantial strain on the foster care system. The number of children in foster care has risen steadily since 2012 (Children’s Bureau, 2018). At the same time, the Family First Prevention Services Act included in the Bipartisan Budget Act (2018) is expected to diminish the supply of available foster care placements as it limits federal reimbursement to states for children placed in congregate care, such as group homes.<sup>2</sup> Foster care is a unique component of the social welfare system in that private citizens primarily provide the actual service (caring for children in the system) while private and public foster care agencies recruit, train, and license those individuals as foster parents before placing children in their homes. Individual agency workers, both in public and nonprofit organizations, have considerable

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<sup>1</sup> Out-of-home care is defined as placements and services for children who are removed from their homes because of maltreatment (Child Welfare Information Gateway, 2018).

<sup>2</sup> The text of the Family First Act (2018) acknowledges that this may further exacerbate the shortage of foster parents but states, “a shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home.”

bureaucratic discretion in deciding who is fit to be a foster parent, which may give rise to discriminatory practices.

Foster care parent recruitment has recently been at the center of considerable policy debate<sup>3</sup> and legal action. It is legal for members of the LGBTQ community to foster and adopt children in all 50 states. However, the United States does not have a nationwide federal statute that prohibits discrimination on the basis of sexual orientation, as it does for protected classes such as race or disability. Instead, anti-discrimination protections for LGBTQ individuals varies by context, state, and locality. Current Health and Human Services (HHS) rules prohibits sexual orientation discrimination in all foster care agencies that receive federal HHS grants. Agencies that do not receive federal funding are nonetheless required to abide by state and local statutes and policies. Twenty-nine states and Washington, DC have additional state level protections for LGBTQ individuals who wish to foster. Eleven states have statutes that protect religiously affiliated private agencies if they choose not to work with LGBTQ individuals based on genuinely held religious beliefs.

In February 2020, the U.S. Supreme Court announced it will hear a case in which the city of Philadelphia, PA found a foster care agency to be in violation of the city's anti-discrimination policy because it refused to work with same-sex couples (*Fulton v. City of Philadelphia*). In related litigation, The American Civil Liberties Union has filed lawsuits in South Carolina and Michigan on behalf of same-sex couples who wish to foster children but who have been turned away by foster care agencies. Despite these high-profile lawsuits and mounting evidence that members of the LGBTQ community face discrimination in other settings, such as the labor and

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<sup>3</sup> See, for example, Bellafonte (2020) and Cha (2019).

housing market,<sup>4</sup> there is little quantitative research examining if public and private child welfare agencies discriminate on the basis of sexual orientation.

In this study, we test if representatives from foster care agencies (FCAs) treat inquiries from same-sex couples who ask about becoming foster parents differently from inquiries made by heterosexual couples. We present the results from an email correspondence study, a field experiment in which we signal gender and sexual orientation of fictitious couples who express interest in becoming foster parents. First, we examine overall response rates to answer the question: Do same-sex couples receive responses at systematically different rates compared to heterosexual couples when inquiring about becoming a foster parent? Though the differences are not statistically significant, we find that same-sex male couples are less likely to receive replies than heterosexual couples. We do not find any response differences for same-sex female couples compared with heterosexual couples.

Next, we examine response quality. We test if the types of responses received differed depending on the agency representative's perception of the sender's sexual orientation. We find that when the agency representatives respond to same-sex male couples, they provide less helpful information and are less positive and friendly in these responses compared to the responses representatives of the same agency send to heterosexual couples. Thus, foster care agencies, or at least the first point of contact for foster care agencies, act in a manner that increases the search and compliance costs for same-sex male couples compared to equally qualified heterosexual and same-sex female couples (Heinrich, 2018; Linos, Quan, & Kirkman, 2020; Moynihan, Herd, &

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<sup>4</sup> See for example, Ahmed and Hammarstedt, (2009); Friedman et al., (2013), Schwegman, (2019); and Schwegman, (2020).

Harvey, 2014). We do not find measurable differences in the response quality between same-sex female couples and heterosexual couples.

## **II. FOSTER CARE SERVICE PROVISION**

Foster care is defined as the full-time temporary care for children removed from their homes and for whom the state has placement and care responsibility (Child Welfare Information Gateway, 2018). Despite being considered temporary, in 2017 the median time children spent in care was 14.7 months (Children’s Bureau, 2019a). Foster care services are typically provided in the public sector by each state’s department of social services. However, faith-based private nonprofit agencies have long played an important role in the care of children unable to remain with their parents (for historical perspectives, see Myers, 2008 and Schene, 1998).

The modern prevalence of governmental partnership and contracting with private faith-based nonprofits came into the forefront with the passage of the charitable choice provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and President George W. Bush’s faith-based initiatives policies which aimed to provide more opportunities for faith-based organizations to provide social services. Faith-based foster care agencies are licensed by the appropriate state or local department that oversees the foster care system in their region of operation. Licensed agencies are eligible to receive federal and state funds. As previously noted, there are no nationwide federal anti-discrimination protections for LGBTQ individuals. Therefore, whether an agency can refuse to work with a LGBTQ individual on the basis of their sexual orientation depends on the policies and statutes of the entities which provide their funding and licensure.

Agencies are not allowed to discriminate on the basis of sexual orientation if they receive HHS federal grant money under current HHS anti-discrimination policy.<sup>5</sup> Under state-level anti-discrimination protections (ADPs), as a condition of their licensure or use of state-funds, agencies in 29 states and Washington, DC are not allowed to discriminate against a prospective foster parent because of their sexual orientation.<sup>6</sup> Eleven states have enacted religious protection (RP) laws which prohibit the state from discriminating against or refusing to license an agency because the agency refuses to provide services that conflict with the agency's sincerely held religious beliefs. These laws provide legal protection for faith-based agencies who refuse to work with LGBTQ individuals because it conflicts with the organization's sincerely held religious beliefs. Three states (South Dakota, Michigan, and Tennessee) have enacted both types of protections.<sup>7</sup> The remaining 13 states have neither type of state-level protection.

The United States Supreme Court has determined that the Free Exercise Clause of the First Amendment in the United States Constitution can apply not only to individuals, but also to certain collections of people exercising their religion, such as churches, faith-based agencies, and closely held corporations. As such, faith-based agencies themselves can have sincerely held religious beliefs and be viewed as legal persons in these instances. In most of the email exchanges in our experiment (described below), we do not know the exact role of the respondent, their beliefs, or the degree to which the agent's actions reflect the preferences of the FCA. Therefore, it is unclear if the respondent is behaving in a manner consistent with the agency's beliefs, or if this individual is a rogue agent who uses their discretion to assist or disentitle

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<sup>5</sup> As previously mentioned in the introduction, the Trump administration has proposed reversing this policy. In 2019, HHS granted agencies in South Carolina a waiver to this policy.

<sup>6</sup> Though agencies may be able to be funded by private donations, they cannot operate without licenses. These rules effectively require agencies in these states to comply with their anti-discrimination policy or not operate.

<sup>7</sup> It is not clear what rules apply to agencies in states with both types of protections. This conflict has led to legal action. For example, religious protections in Michigan currently apply only to agencies that do not receive public funds due to a preliminary injunction issued by a federal judge in September of 2019.

prospective clients based on personal preferences that may contrast with the FCA's preferences or mission (Lipsky 1980; Wenger and Wilkins 2009). Regardless, by allowing this person to serve as their contact point for prospective foster care parents, the foster care agency is empowering this agent to speak for the agency and serve as a conduit for prospective foster parents into the agency. To clearly distinguish between the individual agent responding and the agency, we will refer to the respondent to our inquiries as the agency representative or agent throughout this paper. When describing the legal environment in which these agencies operate, we will use the term agency. This is because the law does not distinguish between the agency itself and employees of the agency.

Both critics and supporters of religious protection policies have raised concerns that there will be negative impacts on child well-being. Supporters argue that the existing federal regulations force FCAs to choose between their religious beliefs and discontinuing service provision. Critics contend that state religious protection laws allow for taxpayer funded and sanctioned discrimination on the basis of sexual orientation. Critics and supporters of the legislation claim that the opposing side's proposals would further exacerbate the nation's chronic shortage of foster parents, as LGBTQ individuals and practicing Christians are two of the most likely demographic groups to foster and adopt children. The Center for American Progress has argued that "turning away LGBTQ prospective parents by asserting a religious exemption... negatively affects the already strained child welfare system, ultimately harming the children in its care" (Bewkes, et al., 2018, p. 29). The Heritage Foundation has argued the opposite: "preventing FBAs [Faith Based Agencies] from serving their communities by not allowing for religious exceptions ...only places a greater strain on other agencies... the population that bears the consequences of this cost is the children in foster care" (Goodnow, 2018, p. 9). However, to

the best of our knowledge, there has been no quantitative causal research investigating the presence of discrimination on the basis of sexual orientation in the foster care system.

Children who are placed into foster care either live in congregate care, such as group homes, or in the private homes of families trained and licensed by agencies. Both public and private agencies must recruit their own network of individuals willing to become foster parents. Individuals interested in becoming a foster parent must first signal their interest by contacting a foster care agency that provides services in their region. As foster care agencies actively recruit prospective parents, they provide a singular point-of-contact for this purpose. Importantly for the context of this study, this point-of-contact is typically an email address. After this initial step, individuals must undergo a multi-stepped process to become licensed as a foster parent. Agencies typically provide information sessions, applications, pre-service training, and home assessments, all of which are steps to become a certified or licensed foster parent. FCAs have significant discretion over whom to promote at each step of the process. Once the certification or licensure process is complete, children may be placed with the foster parents.

### **III: PREVIOUS LITERATURE AND THEORETICAL FRAMEWORK**

While there is a large literature documenting discrimination on the basis of race, gender, sex, and disability in a variety of contexts (e.g. Bertrand & Mullainathan, 2004; Murchie & Pang, 2018; Oh & Yinger, 2015; Ondrich, Stricker, & Yinger, 1998; Riach & Rich, 1995; Weichselbaumer, 2003; Yinger, 1986), the literature examining discrimination on the basis of sexual orientation is more limited. Quantitative research examining sexual orientation discrimination is difficult due to available data. Unlike race or sex, sexual orientation is not an observable characteristic and is therefore not captured in most administrative datasets (Ahmed & Hammarstedt, 2009). To overcome this data limitation, recent studies have increasingly used



experimental designs in which the authors can signal sexual orientation by mentioning the gender of the client's spouse (Ahmed, Aldén, & Hammarstedt, 2013) or the client's affiliation with a pro-gay advocacy group (Patacchini, Ragusa, & Zenou, 2015).

The existing literature almost exclusively focuses on measuring discrimination on the basis of sexual orientation in the private sector, such as in the labor market (Allegretto & Arthur, 2001; Antecol, Jong, & Steinberger, 2008; Ahmed, Aldén, & Hammarstedt, 2013; Badgett & Frank, 2007; Bailey, Wallace, & Wright, 2013; Drydakis, 2009; Patacchini, Ragusa, & Zenou, 2015; Tilcsik, 2011; Weichselbaumer, 2003) and in the rental market (Ahmed, Aldén, & Hammarstedt, 2008; Ahmed & Hammarstedt, 2009; Schwegman, 2019). The results overwhelmingly suggest that gay males, in particular, face significant discrimination in both markets, while the evidence of discrimination against gay women is more mixed. For instance, while there is considerable research documenting rental market discrimination against gay male couples compared to heterosexual couples (Ahmed and Hammarstedt, 2009; Levy et al., 2017; Murchie and Pang, 2018; Schwegman, 2019), there is no differential treatment of gay female couples compared to heterosexual couples by landlords (Ahmed, Aldén, & Hammarstedt, 2008). The authors deduce that gender likely moderates a property owner's propensity to discriminate (i.e., they prefer female tenants to male tenants).

Despite this evidence that members of the LGBTQ community face discrimination in several private sector markets, few studies have examined sexual orientation discrimination in the public sector. Schwegman (2020) is the only study to examine public sector discrimination using experimental methods. He finds evidence that property tax assessors respond less frequently, less helpfully, and less cordially to black and gay male constituents. As he notes, there is reason to believe that there will likely be measurable discrimination against sexual

minorities given that sexual orientation is not a protected class under federal law. There is qualitative and mixed-methods evidence that suggests that LGBTQ individuals face additional barriers to foster or adopt children (Brooks & Goldberg, 2001; Goldberg, Downing, & Sauck, 2007; Goldberg, Frost, Miranda, & Kahn, 2019; Mallon, 2007; Mallon, 2011).

A natural question to ask is: Why might some economic agents, either in the public or private sectors, discriminate based on sexual orientation? The taste-based discrimination model first proposed by Becker (1957) suggests that agents (e.g., employers, landlords, social workers, etc.) may hold a personal prejudice against a particular group (i.e., a “taste for discrimination”). These agents may discriminate against individuals or groups with whom they wish to avoid interacting. Sexual prejudice, negative attitudes towards individuals due to their sexual orientation, is prevalent in American society (Herek, 2000). Though homosexuality is increasingly accepted, according to Pew Research in 2017, 24 percent of Americans believed that homosexuality should be discouraged by society as a whole (Pew Research Center, 2017).<sup>8</sup> Prejudicial foster care representatives may discriminate against LGBTQ individuals because they do not wish to work with these individuals due to their sexual orientation.

Alternatively, an economic agent’s actions could be explained by statistical discrimination (Arrow, 1973; Phelps, 1972). Agents may be incentivized to avoid certain “costly clients.” In this context, a more costly client is a potential foster parent who requires more effort or resources on the part of the agency. Agents may use observable characteristics to infer how likely an individual may complete licensure or successfully have a child placed in their care. These inferences can be based on group-level characteristics or stereotypes about certain groups.

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<sup>8</sup> Pew Research previously asked if gay and lesbian individuals should be allowed to adopt children. In the most recent year the question was asked, in 2012, 52 percent favored gay adoption, while 42 percent opposed it (Pew Research, 2012).

For instance, agents may use sexual orientation to make inferences about the potential resources of an inquiring couple prior to the couple providing that information. Married same-sex couples have higher household incomes, on average, than opposite-sex couples (Fisher, Gee, & Looney, 2018). Thus, an agent may infer that a same-sex couple is more likely than a heterosexual couple to have the necessary resources to provide for a foster child based solely on knowledge of their sexual orientation.

However, agents should only practice statistical discrimination if there are strong incentives to deter certain types of clients. To our knowledge, there are no strong incentives to recruit a certain type of foster parent other than those who can provide a stable home for children. Public providers are typically the sole provider in their county. Thus, these organizations hold local monopolies for providing foster care services. As Jilke, Van Dooren, and Rys (2018) note, there are few incentives to avoid costly clients in monopolistic service-delivery systems. Thus, public sector discrimination in monopolistic settings is more likely to be driven by taste-based discrimination. This observation is consistent with the existing empirical literature that finds public sector racial discrimination is most likely driven by taste-based animus, not statistical discrimination (Giulietti, Tonin, & Vlassopoulos 2017; White, Nathan, & Faller, 2015).

Given the decentralized and multi-sectoral nature of foster care providers, any individual agent in a foster care agency has significant discretion over if and how to respond to an inquiry from a prospective foster care parent. If these individuals hold a taste-based animus against same-sex couples, for instance, then these agents may discriminate against these couples by not responding or responding in a way that imposes greater administrative costs on same-sex couples compared to heterosexual couples. These administrative costs are best conceptualized using the

typology of costs proposed by Moynihan, Herd, and Harvey (2014). Individuals face “learning costs”—they must learn about the public service and how to apply to obtain the service. Individuals may also face psychological costs if accessing the service is stressful or stigmatizing. This stigma can directly affect program participation (Moffitt, 1983). Lastly, individuals may face compliance costs: they must conform to the service’s rules and requirements. The sum of these costs constitutes the level of administrative burden faced by individuals (or groups) when they attempt to access a particular public service (Heinrich, 2018; Herd & Moynihan 2019; Linos, Quan, & Kirkman 2020; Moynihan, Herd, & Harvey 2014). If FCAs are less likely to respond or provide lower-quality responses to same-sex couples, they may directly increase the administrative burden faced by these couples.

To test if foster care agencies discriminate on the basis of sexual orientation and/or gender, we conduct an experimental audit study including both gay and lesbian treatments, as well as a control group (heterosexual couples). We include both same-sex male and same-sex female treatments because it is unclear how gender may moderate same-sex couple’s treatment by foster care agencies. FCAs or agency representatives may have preferences for female caregivers. Caregiving (such as being a foster parent) is more likely to be regarded as a feminine gender role (Glick, 1991). Therefore, child welfare workers who recruit foster parents may be motivated to more actively recruit same-sex female couples or heterosexual couples than gay male couples due to the presence of women in the household. This could be due to gender stereotyping, or the agency representative may view men as riskier potential placements for children in care, an already high-risk population.<sup>9</sup> On the other hand, same-sex female couples

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<sup>9</sup> While it is estimated that a majority of individuals who sexually abuse children are men, sexual abuse only accounts for 8.6 percent of maltreatment cases (Children’s Bureau, 2019b). Slightly more than half of perpetrators who maltreat children are female (Children’s Bureau, 2019b). Given the gender disparity in caregiving, a greater

may also face the same sexual orientation prejudice faced by same-sex male couples. It is important from a legal standpoint to disentangle discrimination on the basis of sexual orientation versus a person's sex. Sexual orientation is not a federally protected class, unlike sex. Therefore, evidence of discrimination against gay males but not gay females may suggest practices in violation of federal anti-discrimination law.

We hypothesize that we will see lower response rates to foster care inquiries from gay men compared to heterosexual couples due to discrimination on the basis of sexual orientation and gender. However, response rates between lesbians and heterosexual couples are more ambiguous. To our knowledge, this is the first paper to test for discrimination in the child welfare sector. This study is also one of the first to use an experimental framework to examine discrimination in local government in the United States. The only published experimental study to examine local government public-sector discrimination in the United States is Giulietti, Tonin, and Vlassopoulos (2017), who examine if public service providers in the United States discriminate based on race. Giulietti and his coauthors found that African Americans are significantly less likely to receive a response to an inquiry about local services from county clerks, local libraries, and county sheriff offices.

#### **IV: EXPERIMENTAL DESIGN AND EMPIRICAL STRATEGY**

We test for differential treatment by foster care placement agency representatives using an email correspondence methodology used by Ahmed and Hammarstedt (2008), Ahmed, Aldén, and Hammarstedt (2008), and Hanson and Hawley (2011). Individuals who wish to become foster parents typically first contact foster agencies either by email or by phone, which makes

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share of male caregivers maltreat the children in their care than female caregivers. This does not necessarily mean that men are riskier caregivers, but it may lead to the perception that they are.

this methodology particularly conducive to auditing child welfare agencies. We use a match-pair design where each agency receives two emails, one sent by a fictitious heterosexual couple and one sent by a fictitious same-sex couple.

We systematically collected all publicly available email addresses for every public and private nonprofit foster care agencies in the United States in the summer of 2019.<sup>10</sup> We then restricted our sample to the 1,147 agencies that provide any type of placement services, as these agencies are likely to recruit foster parents in order to place foster children in their care. Each agency received two emails, for a total of 2,294 emails. For a detailed explanation of our collection process, please see Appendix A.<sup>11</sup> In addition to the names and emails of the agency, we also collected their website, address, city, state, whether the agency had multiple sites, the services they provided, their mission statement and their financial reports, if available.

We developed two equivalent email scripts posing as a fictitious married couple interested in becoming a foster parent. As shown in Appendix Table A1,<sup>12</sup> each email includes an introduction that signals the inquirer's sexual orientation by mentioning the name of the correspondent's spouse following Ahmed, Aldén, and Hammarstedt, (2008). For example, in some instances, a male email sender would state "My husband, [Male Name], and I are looking to become foster parents." Names of the same gender were used to signal same-sex couples, while opposite gender names were used to convey the interested couple was heterosexual. To account for possible differential treatment due to the sex of the correspondent, we chose to keep

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<sup>10</sup> We sent emails on July 16 through July 18, 2019 (round 1) and August 13 through August 15, 2019 (round 2).

<sup>11</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

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the sex of the fictitious correspondents consistent for both emails sent to an agency, so that each agency only received emails from husbands or from wives.

To control for possible differences by race, we only include names that convey that the inquiring couple was white (i.e., two presumed Caucasians). All first names are drawn from Friedman et al., (2013), which are the 20 most popular girls' and boys' names in the white community in the United States from 1970 to 1985, which would make these individuals roughly 34 to 49 in the summer of 2019. We use the last names proposed by Neumark, Burn, and Button (2019). These names are presented in Appendix Table A2.<sup>13</sup> All emails were sent from one of eight email addresses created using a random word generator that were neutral in terms of sexual orientation, gender and race. Each agency received two emails sent one month apart from different email addresses. We randomly assigned both the gender of the correspondents and which script was sent first for each agency. Emails were sent at approximately 11:00 a.m. Eastern Standard Time so that all agencies (regardless of time zone) received the email in the morning. All emails were sent midweek to account for increased agency call volume experienced before and after the weekend.

While sending multiple emails to the same agency increases the risk of detection, we observed no overall difference between response rates by round or by script (see Table B1 in Appendix B).<sup>14</sup> This experimental design, moreover, allows us to control for agency fixed effects. These agency fixed effects capture differential response within one particular foster care agency. The fixed effects guarantees that the only difference between the two email conditions is that one is from a heterosexual couple and one is from a same-sex couple. In other words, within

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<sup>13</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

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the same foster care agency inquiry, there is no variation in the agency characteristics, local context, or inquirer's characteristics other than sexual orientation. Therefore, we do not include additional controls. Our data is collected by the authors, and comes from our communications with foster care agencies across the U.S.

As detailed in Table 1, we measure three main types of outcomes. First, we measure whether each inquirer received a response, the time to response, and the number of words in the response. These measures are previously used in Hanson, Hawley, and Taylor (2011). The amount of time from receipt to response is a measure of agent enthusiasm, while response length is a measure of the agent's effort. We more fully describe these measures in Panel A of Table 1.

**[INSERT TABLE 1 HERE]**

Following recent studies examining bureaucratic discrimination, we examine the extent to which FCAs provide discrete informational items when responding to potential client inquiries (Hemker & Rink, 2017; Jilke, van Dooren, & Rys, 2018; Schwegman, 2020). These informational items, such as providing an application or letting the inquiring couple know about an information session, help to move clients along the administrative process of being a foster parent. By providing different levels of information in their responses, FCAs can deliberately increase the learning costs, and potentially, the compliance costs associated with becoming a foster parent (Moynihan, Herd, & Harvey, 2014). We describe each informational element in Panel B of Table 1.

Finally, as shown in Panel C of Table 1, we examine the tone of the replies. Drawing on the existing audit literature, we look at four measures of "subtle discrimination": types of interactions that may be used to encourage or discourage applicants (Ahmed & Hammarstedt, 2019; Hanson, Hawley, & Taylor, 2011; Hemker & Rink, 2017; Schwegman, 2019; Schwegman,



2020). We estimate models for positive and negative language use, as well as those that include a greeting and exclamation points.

To test for differential responses across groups, we use the following empirical model:

$$r_{ij} = \beta_1 GayMale_{ij} + \beta_2 GayFemale_{ij} + \lambda_j + \varepsilon_{ij}, \quad (1)$$

where  $r_{ij}$  denotes an outcome of interest to email  $i$  from foster care agency  $j$ .  $GayMale_{ij}$  is a binary measure set equal to one if the email was sent from a same-sex male couple (i.e., an email containing two male names and the phrase “my husband”).  $GayFemale_{ij}$  is a binary measure set equal to one if the email was sent from a same-sex female couple (i.e., an email containing two female names and the phrase “my wife”). The omitted category is heterosexual couples. The same-sex binary indicators are never switched on at the same time.<sup>15</sup> We also include agency fixed effects,  $\lambda_j$ , which ensure that identification is based on within-agency variation, and correct our standard errors for clustering at the agency level. We estimate all models using ordinary least squares (OLS). For certain outcomes, we limit our sample to only include agencies that respond to both inquiries.

## **V: RESULTS**

### **Section 5.1: Primary Response Measures**

We begin by presenting the summary statistics for our primary outcome measures: response, time to response, and word count in Figure 1.<sup>16</sup> As shown in the first row of each

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<sup>15</sup> We chose to express the equation as shown instead of  $r_{ij} = \beta_1 Gay_{ij} + \beta_2 Female_{ij} + \lambda_j + \varepsilon_{ij}$  as we did not have agencies receive an email from a gay woman in one round and a gay man in the other, nor from a straight woman and a straight man. We did not have an adequate sample size to include both. Given the ethical implications of taking the time of agency employees we decided to include two treatment arms despite concerns over power instead of running multiple analyses.

<sup>16</sup> We consider automated responses, or responses received within 15 seconds of sending our inquiry, to be non-responses unless the agency representative responded with a second email. We received 204 automatic responses from 102 agencies. Among these, we received 117 follow-up emails. Therefore, the remaining 87 emails were treated as non-responses ( $r_{ij} = 0$ ) as they were automatic responses without an additional email.

panel, we find that 55 percent of all inquiries received responses, the average response time was over three hours after we sent our inquiry, and contained 35 words. There is substantial subgroup variation. Agents are four percentage points more likely to respond to same-sex female couples, but nine percentage points less likely to respond to same-sex male couples than heterosexual couples. While the responses sent to same-sex female and heterosexual couples are of roughly equivalent length, gay male couples receive responses that are approximately 50 percent shorter than same-sex female couples (21 words). FCAs also take an hour and a half longer to send these responses, compared to either same-sex female or heterosexual couples. For complete summary statistics see Table A3 in the appendix.<sup>17</sup> In Appendix Table B2,<sup>18</sup> we present the net measure of discrimination. We find that 40.37 percent of the agencies in our sample replied to both of our inquiries, and 30.60 percent responded to neither email.<sup>19</sup> We also find statistically significantly fewer agencies respond to only same-sex male couples compared to only those that responded to heterosexual couples. However, we do not find any evidence of discrimination against same-sex female couples.

**[INSERT FIGURE 1 HERE]**

In Table 2, we use the regression framework presented above to examine if inquiries sent to the same agency are less likely to receive a response if they are made by a same-sex couple compared to an equivalent heterosexual couple. We present the results for the likelihood of response in column one, time to response in column 2, and word count in column 3 (not conditional on two responses) and column 4 (conditional on two responses). In column 1, we

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<sup>17</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

<sup>18</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

<sup>19</sup> Agencies that responded to neither email were more likely to be private and located in the South or the West.

find suggestive evidence that same-sex male couples are less likely to receive a response. Although the difference is not statistically significant, agents appear 3.7 percentage points, or 6.7 percent (compared to the mean response rate for heterosexual couples) less likely to respond to same-sex male couples compared to heterosexual couples, all else equal. There is no evidence that agency representatives are less likely to respond to same-sex female couples, and, based on our results, they may be more likely to respond to these couples. We also find clear evidence that agents take more time to respond to same-sex male couples. On average, it took agency representatives approximately two hours and forty-five minutes to respond to heterosexual couples. However, as shown in column 2, it took much longer for gay male couples to receive replies, an additional two hours, or about 74 percent longer than heterosexual couples.

**[INSERT TABLE 2 HERE]**

Gay men also received fewer words in their replies, as shown in columns 3 and 4. In column 3, we assume that all non-responses have zero words. These results suggest that same-sex male couples receive 19.9 fewer words (or 52 percent fewer words) in their responses than heterosexual men. Conditional on inquiries receiving a reply, as shown in column 4, same-sex male couples receive 43.3 fewer words than straight males. Assuming the average sentence in English contains about 15 to 20 words, this amounts to two to three fewer sentences received by same-sex male couples, a 59.6 percent decrease. We do not observe statistically significant differences between heterosexual couples and same-sex female couples.

### **Section 5.2. Information Content of the Responses**

Next, we aim to understand what is conveyed in the additional sentences provided to heterosexual and same-sex female couples. If gay male couples simply receive the same information more concisely, our primary results are less concerning. As noted previously, the

process to become a foster parent is long and has multiple steps. In Table 3, we test if agency representatives are more likely and willing to provide discrete informational elements to heterosexual couples relative to same-sex female and male couples that would enable them to more easily become certified foster parents. See Panel B of Table 1 for a list and description of these discrete informational elements.

**[INSERT TABLE 3 HERE]**

Conditional on responding to both inquiries<sup>20</sup>, we find that agency representatives are significantly less likely to provide helpful, information-rich responses to gay male couples relative to heterosexual couples. Agents are less likely to inform gay male couples about informational, training, and orientation sessions, the typical second step in becoming a foster parent. For example, gay men are 58.6 percent less likely to receive a response containing information about a foster care informational session (17 percentage points on a base of 29 percent, see column 2 of Table 3). Compared to heterosexual couples, same-sex male couples are 73.3 percent less likely to receive a response that contains an application (see column 4), 28.0 percent less likely to receive a response that provides contact information (see column 6), 46.9 percent less likely to receive a response that solicits their contact information (see column 7), and they are 56.7 percent less likely to receive a response that asks to set an appointment (see column 8). Same-sex male couples are also 80 percent less likely to receive an attachment than heterosexual couples (12 percentage points, see column 11). These attachments ranged from flyers about foster care and orientation schedules to checklists and state applications. We do not find similar differences when comparing same-sex female couples to heterosexual couples.

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<sup>20</sup> See Table B3 for the unconditional results of this analysis (i.e., where non-responses are included and coded as a zeros). All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

Given the large number of outcomes we examine, one might be concerned that we will find significant results based on the quantity of outcomes modeled. In Table 3, we report robust standard errors clustered at the agency level in parentheses, unadjusted p-values in brackets, as well as p-values adjusted for multiple hypothesis testing using the Westfall and Young (1993) resampling algorithm in braces. The table clearly shows that our results remain robust even after adjusting for multiple hypothesis testing.

Taken together, these results provide strong evidence that agency representatives are less likely to provide same-sex male couples with information to move them along in the licensure process. In doing so, these agency representatives increase the search and compliance costs faced by these couples when attempting to become certified foster care parents. Faced with higher levels of administrative burden, it is possible that fewer same-sex male couples become foster parents, despite their qualifications and their desire to become foster parents.

### **Section 5.3: Do FCAs Practice Subtle Discrimination?**

In Table 4, we examine if agency representatives send responses with more subtle forms of discrimination. Previous correspondence studies of private and public sector discrimination have found that not only do firms discriminate by responding less frequently to inquiries from racial and sexual minorities, but these firms send responses that contain different language (Ahmed & Hammarstedt, 2019; Hanson, Hawley, & Taylor, 2011; Hemker & Rink, 2017; Schwegman, 2019; Schwegman, 2020). Following these previous studies, we examine if FCAs are more (or less) likely to send responses including positive language, negative language, a greeting, or an exclamation point. See Panel C of Table 1 for a description of these variables.

We present the results of this analysis in Table 4. Gay men are 26.4 percent less likely to receive an email containing positive language (nineteen percentage points on a mean of 72

percent, see column 1).<sup>21</sup> Gay men are also seventeen percentage points (or 20.5 percent) less likely to receive an email containing a greeting. As Hanson, Hawley, and Taylor (2011) note, a greeting is the most common way to convey friendliness. Thus, agency representatives appear to send less courteous, friendly emails to gay male couples. Agency representatives also appear to be less enthusiastic to work with gay male couples. One common “marker of excitability” is the use of exclamation points in responses (Waseleski, 2006). Agents are twenty-three percentage points (or 52.3 percent) less likely to include exclamation points in their responses to same-sex male couples, compared to heterosexual couples. When put in context with the results presented in Section 5.2, we find that agency representatives not only send emails containing less helpful information, but also less friendly and enthusiastic emails to same-sex male couples compared to heterosexual couples. We do not find any differences between same-sex female and heterosexual couples.

**[INSERT TABLE 4 HERE]**

#### **Section 5.4: Heterogeneous Behavior by Agency Type and Legal Environment**

Finally, we examine our primary outcomes (response, time to response, and word count) by agency characteristics, the location of the FCA, and the legal environment in which the FCA operates. We begin, in Table 5, by examining if there are systematic differences between public foster care agencies (i.e., state-run organizations, and private nonprofit firms). We identify all state-run FCAs and construct a binary term *Public*, which adopts a value of one if the FCA is a

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<sup>21</sup> Please see Appendix Table B4 for the results of equation [1] for each element used to construct both our positive and negative binary outcomes. We report the results for Table 4 not conditionalized on the receipt of a response in Appendix Table B5. All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher’s website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

public organization, zero otherwise. We interact this indicator with the same-sex variable presented above in equation 1.

**[INSERT TABLE 5 HERE]**

We do not find statistically significant differences in response rates to same-sex couples of either sex from public and non-profit providers, though the point estimates for both of our interaction terms are large in magnitude and positive. We also find no economically or statistically meaningful differences between public and non-profit organizations in terms of time to response (column 2 of Table 5), word count (column 3 of Table 5), or word count conditional on a response (column 4 of Table 5). Taken together, these results suggest that both public and non-profit foster care agencies are both less likely to provide helpful responses to same-sex male couples, and our results are not simply driven by one type of FCA.

In Table 6, we examine if agency representatives for FCAs located in states that require foster care agencies to work with LGBTQ individuals as a condition of licensure or state-funding respond differently than representatives in FCAs in states without these state-level protections for LGBTQ individuals. As noted above, twenty-nine states and Washington, DC have ADPs which prohibit discrimination in foster care on the basis of sexual orientation. Given the non-random nature of ADP adoption, one should interpret these results as associations. We do not find any difference between agency representatives in the states with these anti-discrimination protections and those without. The interaction terms are all small in magnitude and not statistically significant.

**[INSERT TABLE 6 HERE]**

In Table 7, we examine if agency representatives in states with RP laws respond differently than FCAs in states without these laws. At the time of our study, ten states had RP

laws (Movement Advancement Project, 2019).<sup>22</sup> Similar to anti-discrimination protections, RP laws are not adopted randomly, so these estimates are also simply conditional correlations. While agents in states with religious protection laws appear to send approximately 6.57 fewer words than agents in states without these laws (conditional on a response, see column 4), this difference is not statistically significant. Thus, we do not find any measurable differences in the behavior of agents in states with religious protection laws compared to the behavior of agents in other states.<sup>23</sup>

**[INSERT TABLE 7 HERE]**

Lastly, in Table 8, we present our analysis for each of our major outcomes broken down by the four major census regions: Northeast, Midwest, South, and West. We find that agency representatives in western states do not send statistically significantly shorter responses to same-sex male couples, compared to heterosexual couples. Agency representatives in the Northeast send emails with 25 fewer words (statistically significant at the 10 percent level), those in the Midwest send emails with 27.4 fewer words (statistically significant at the 5 percent level), and those in the South send emails with 16.8 fewer words (statistically significant at the 5 percent

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<sup>22</sup> Tennessee enacted a RP law after our experiment, and therefore is coded as not having a RP law.

<sup>23</sup> Multiple states have faced legal challenges as a result of ADPs and RP laws. Three states have had legal action in recent years: Pennsylvania, Michigan and South Carolina. In Pennsylvania, Catholic Social Services (CSS) sued the City of Philadelphia over the city's non-discrimination requirement that requires CSS to license same-sex couples. In April of 2018, a federal appeals court rejected their claim. CSS has asked the Supreme Court to review their case, which is set to hear the case later in 2020. In both Michigan and South Carolina, same-sex couples who were denied licensure by religiously affiliated FCAs brought multiple lawsuits against their respective states and the federal government. Because of the lawsuits, Michigan now requires all state-contracted FCAs to work with families regardless of sexual orientation. The litigation in South Carolina is ongoing. In Appendix Table B6, we replicate Table 3 excluding the three states that had relevant legal actions in recent years. These results are substantively and economically similar to our primary results in Table 3. Thus, our results are robust to the exclusion of these states. In fact, in results available upon request, we continue to find evidence that agents in Pennsylvania, Michigan, and South Carolina continue to discriminate against same-sex male couples despite these legal challenges. In Appendix Table B7, we replicate our foster care process measures excluding these three states. There are no substantive differences between these results and those that we presented in Table 3. We continue to find evidence that foster care agents provide less helpful and informative responses to same-sex male couples. All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.



level). Lastly, only agency representatives in the South take measurably longer to respond to same-sex male couples compared to heterosexual couples.

**[INSERT TABLE 8 HERE]**

## **SECTION VI: DISCUSSION**

In this paper, we use a field experiment to ask if foster care agents respond differently to inquiries from potential foster care recipients depending on the sexual orientation of the requestor. Our results suggest that while there are no statistically significant differences in the rate of response from requests from heterosexual, same-sex female, and same-sex male couples, the quality of the response for same-sex male couples is dramatically different from that found for heterosexual couples. Same-sex male couples receive responses that are much shorter and less likely to provide details for informational sessions, contact information, ask the requestor for an appointment, or have an application attached. Furthermore, the email correspondence for same-sex male couples contains less positive language, is less welcoming, and shows less enthusiasm for the couple's request than responses to heterosexual or same-sex female couples. This set of results suggests that same-sex male couples face considerably higher levels of administrative burden when attempting to foster a child and receive a less welcoming set of communications than heterosexual couples.

This result has many important implications for both child well-being and members of the LGBTQ community. The American foster care system has a shortage of available foster homes. Discriminatory practices in the initial communication with prospective parents may lead to a smaller pool of potential foster parents if higher administrative burden causes fewer individuals and couples to start the process than would otherwise because they are discouraged by unwelcoming or unhelpful communication. The result of these discriminatory practices may

be fewer children spending their time in care with a single-family or ultimately being adopted from care (Goldberg, Frost, Miranda, & Kahn, 2019).

This study provides evidence of differential treatment of an important group in the fostering community as gay individuals are more likely than heterosexual individuals to foster children (Goldberg & Conron, 2018). There are also additional implications for LGBTQ family formation. Gay men have few alternatives to start a family, and other options, such as surrogacy, are typically prohibitively expensive. Compared to other adoptive parents, gay individuals are more likely to adopt older children, children with disabilities, and children of racial minority groups, three groups that typically spend longer times in care (Brooks & Goldberg, 2001; Goldberg, 2009; Goldberg & Smith, 2009; Matthew & Cramer, 2006). Importantly, there is no evidence that same-sex parents provide different quality care for their children than heterosexual parents<sup>24</sup>, while home settings are recommended for children (Dozier et al., 2014). Additionally, discouraging gay individuals from fostering children is concerning as gay youths are overrepresented in foster care and may be less well received or adopted by other types of foster families (Wilson, Cooper, Kastansis, & Nezhad, 2014).

Our results also show that discrimination against same-sex males is occurring at both public and nonprofit foster care organizations. Given that this was occurring under the Obama administration's rule that an individual's sexual orientation could not be used as a criteria for becoming a foster parent in agencies that accept federal funds, one should only expect greater discrimination to occur should the Trump administration's proposal, which rolls back these protections, become codified.

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<sup>24</sup> The Center for Study of Inequality at Cornell (2017) identified 79 studies that examined the well-being of children with same-sex couple parents. The vast majority show no difference. The four studies that find detrimental effects are unable to control for potentially confounding factors (such as previous exposure to parental divorce.)

While there may be some dispute on the legality of differential treatment based on sexual orientation, our results provide some nuance to the differential treatment we observe in the child welfare sector. We find that same-sex female couples received responses as quickly and with as much information as heterosexual couples. Same-sex male couples are treated differently. This suggests that the discrimination we observe may be based on the sex of the same-sex couple. If that is true, then this behavior is likely unlawful as sex is a federally protected class. More research is necessary to separate the role of discrimination on the basis of sex from sexual orientation discrimination. If our result is due to discrimination against men, then there are legal protections in place today that should assist same-sex male couples who want to become foster parents.

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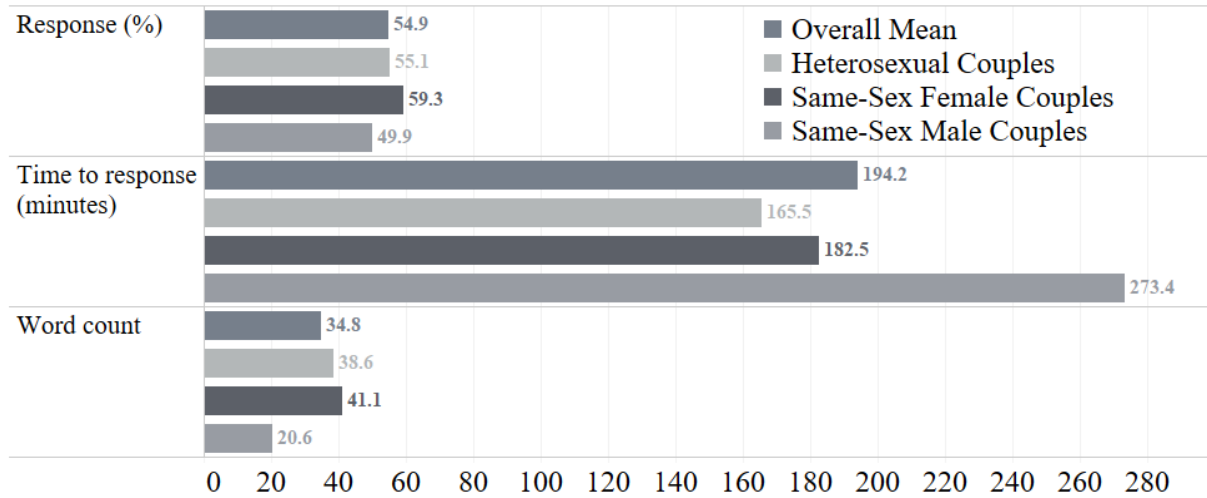
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**Table 1.** Description of Outcomes.

<b>Outcome</b>	<b>Description</b>
<b>Panel A: Primary Response Measures</b>	
Response	Binary variable which adopts a value of one if the respondent receives any non-automated response.
Time to response	Continuous measure of the length of time from delivery to response, measured in minutes.
Word count	Continuous measure of the number of words in the reply. Only the body of the email was included.
<b>Panel B: Fostering Process Measures</b>	
Forward	Binary variable which adopts a value of one if the respondent forwards the email to a different party. This can include: (1) carbon copying another person who is responsible for handling inquiries regarding foster care; (2) replying that they forwarded their inquiry to the relevant person; (3) providing contact information for the correct person or an organization that can handle their request.
Session	Binary variable which adopts a value of one if the respondent's reply mentions an information, orientation, or training session.
Session plus	Binary variable which adopts a value of one if the respondent's reply specifies the time, date, and/or location of the next information, orientation, or training session. (This may involve, but does not require, that the respondent provide the recipient with a schedule.)
Application	Binary variable which adopts a value of one if the respondent's reply references an application, describes the content of an application, or provides an application.
Licensure	Binary variable which adopts a value of one if the respondent's reply references licensure.
Provides contact	Binary variable which adopts a value of one if the respondent provides the inquirer with their contact information (e.g. an email or phone number.)
Solicits information	Binary variable which adopts a value of one if the respondent asks the inquirer to provide their personal information (e.g. address, location, household size, etc.) or their contact information.
Sets appointment	Binary variable which adopts a value of one if the respondent asks to make a future appointment or asks the individual to come into the office.
Talk phone/Questions	Binary variable which adopts a value of one if the respondent asks to talk on the phone, or expresses a willingness to answer questions.
Location	Binary variable which adopts a value of one if the respondent asks where the respondent lives.
Homestudy	Binary variable which adopts a value of one if the respondent mentions a home study.
Attachment	Binary variable which adopts a value of one if the respondent includes an attachment, or references an attachment.
<b>Panel C: Subtle Discrimination Measures</b>	
Positive language	Binary variable which adopts a value of one if the response uses key words: thank you, thanks, blessed
Negative language	Binary variable which adopts a value of one if the response uses key words: criminal, cost, neglect, income
Greeting	Binary variable which adopts a value of one if the response uses key words: hi, hello, dear, morning, good morning, good afternoon, hey
Exclamation	Binary variable which adopts a value of one if the response uses exclamation points.



**Figure 1.** Mean of Primary Response Measure by Group.

**Table 2.** Primary Response Measure Results.

	(1)	(2)	(3)	(4)
	Response	Time to response (min)	Word count	Word count
Gay male	-0.037 (0.032)	122.4* (48.1)	-19.9** (3.63)	-43.3** (6.70)
Gay female	0.027 (0.032)	-10.7 (41.7)	4.22 (3.81)	1.52 (4.91)
Mean of DV for heterosexuals	0.55	165.47	38.6	72.6
Conditional on response	-	-	-	Y
R <sup>2</sup>	0.71	0.72	0.67	0.74
N	2294	1253	2294	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated using ordinary least squares (OLS).

<sup>+</sup> Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.

**Table 3.** Fostering Process Measure Results, Conditional on Two Responses.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Forward	Session	Session plus	Includes application	Licensure	Provides contact info	Solicits contact info	Sets appointments	Talk on phone	Home study	Attachment
Gay male	-0.042 (0.039) [0.281] {0.22}	-0.17** (0.044) [0.000] {0.00}	-0.12** (0.038) [0.002] {0.00}	-0.066* (0.029) [0.024] {0.02}	-0.052+ (0.027) [0.056] {0.03}	-0.14** (0.048) [0.005] {0.02}	-0.061* (0.030) [0.042] {0.04}	-0.085** (0.032) [0.008] {0.02}	-0.080+ (0.043) [0.064] {0.04}	-0.028 (0.019) [0.131] {0.04}	-0.12** (0.038) [0.001] {0.01}
Gay female	0.012 (0.032) [0.704] {0.98}	0.040 (0.037) [0.286] {0.87}	0.024 (0.030) [0.423] {0.98}	0.024 (0.024) [0.317] {0.91}	0.012 (0.025) [0.627] {0.98}	-0.016 (0.038) [0.677] {0.98}	0.00 (0.024) [1.000] {0.98}	-0.024 (0.028) [0.387] {0.91}	-0.024 (0.034) [0.480] {0.98}	0.0040 (0.0098) [0.684] {0.91}	0.044 (0.033) [0.187] {0.87}
Mean of DV for heterosexuals	0.30	0.29	0.17	0.09	0.08	0.50	0.13	0.15	0.39	0.02	0.15
R <sup>2</sup>	0.83	0.75	0.75	0.73	0.70	0.79	0.79	0.77	0.82	0.68	0.69
N	926	926	926	926	926	926	926	926	926	926	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses, *p*-values are reported in brackets and Westfall and Young *p*-values are reported in curly brackets. Agency fixed effects are included in all specifications. All models are estimated as Linear Probability Models (LPM) and are conditionalized on receiving a response. Please see Table 1 for a description of each dependent variable.

+ Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.



**Table 4.** Subtle Discrimination Measure Results, Conditional on Two Responses.

	(1) Positive language	(2) Negative language	(3) Greeting	(4) Exclamation
Gay male	-0.19** (0.058)	-0.014 (0.011)	-0.17** (0.047)	-0.23** (0.049)
Gay female	-0.020 (0.050)	0.0080 (0.014)	-0.032 (0.039)	0.028 (0.046)
Mean of DV for heterosexuals	0.72	0.01	0.83	0.44
R <sup>2</sup>	0.63	0.59	0.70	0.73
N	926	926	926	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated as Linear Probability Models (LPM) and are conditionalized on receiving a response. Please see Table 1 for a description of each dependent variable.

<sup>+</sup> Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.

**Table 5.** Primary Response Measures By Agency Type.

	(1) Response	(2) Time to response	(3) Word count	(4) Word count
Gay male	-0.071 <sup>+</sup> (0.038)	120.3 <sup>+</sup> (70.7)	-18.8 <sup>**</sup> (4.25)	-43.1 <sup>**</sup> (9.28)
Gay female	0.0079 (0.041)	-11.9 (49.0)	4.93 (4.77)	1.48 (5.06)
Public * gay male	0.104 (0.067)	5.29 (91.8)	-3.36 (8.07)	-0.63 (13.3)
Public * gay female	0.056 (0.065)	3.02 (90.2)	-2.05 (7.93)	0.10 (11.2)
Mean of DV for Heterosexuals Responses from Private FCAs Conditional on Response	0.54 - -	172.11 - -	35.7 - -	70.34 Y -
R-Squared	0.71	0.72	0.67	0.74
N	2294	1253	2294	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated using ordinary least squares (OLS).

<sup>+</sup> Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.

**Table 6.** Primary Response Measures By Anti-Discrimination Protections (ADP) Enacted

	(1) Response	(2) Time to response	(3) Word count	(4) Word count
Gay male	-0.036 (0.046)	150.4* (65.2)	-17.7** (5.19)	-39.7** (9.29)
Gay female	0.030 (0.042)	-5.18 (61.9)	6.44 (5.39)	2.27 (6.16)
Gay male * ADP	-0.0013 (0.063)	-54.7 (96.0)	-4.22 (7.26)	-7.12 (13.4)
Gay female * ADP	-0.0044 (0.064)	-11.7 (83.0)	-4.65 (7.61)	-1.60 (9.96)
Mean of DV for heterosexuals in states without an ADP	0.55	151.37	35.96	66.09
Conditional on response	-	-	-	Y
R <sup>2</sup>	0.71	0.72	0.67	0.74
N	2294	1253	2294	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated using ordinary least squares (OLS).

+ Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.

**Table 7.** Primary Response Measures By Religious Protection (RP) Enacted.

	(1) Response	(2) Time to response (min)	(3) Word count	(4) Word count
Gay male	-0.022 (0.035)	143.7** (49.1)	-19.5** (4.15)	-42.1** (7.44)
Gay female	0.042 (0.037)	-28.3 (49.1)	5.99 (4.39)	-1.16 (5.70)
Gay male * RP	-0.069 (0.079)	-115.2 (151.0)	-2.01 (8.54)	-6.57 (17.2)
Gay female * RP	-0.065 (0.073)	84.2 (87.1)	-7.80 (8.81)	12.9 (10.7)
Mean of DV for heterosexuals in states without a RP law	0.56	159.85	38.74	73.03
Conditional on response	-	-	-	Y
R <sup>2</sup>	0.71	0.72	0.67	0.74
N	2294	1253	2294	926

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated using ordinary least squares (OLS).

+ Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.

**Table 8: Primary Response Measures By Region.**

	(1)	(2)	(3)	(4)
<b>Panel A: Response</b>	Response rate			
	<i>Northeast</i>	<i>Midwest</i>	<i>South</i>	<i>West</i>
Gay ale	-0.11 (0.091)	-0.019 (0.051)	-0.048 (0.056)	-0.0098 (0.073)
Gay female	0.053 (0.10)	-0.013 (0.049)	0.041 (0.052)	0.096 (0.092)
Mean of DV for heterosexuals	0.60	0.60	0.52	0.46
R <sup>2</sup>	0.66	0.71	0.72	0.72
N	276	898	770	350
<b>Panel B: Word Count</b>	Word count			
	<i>Northeast</i>	<i>Midwest</i>	<i>South</i>	<i>West</i>
Gay Male	-25.0* (9.88)	-27.4** (6.50)	-16.8** (5.99)	-6.98 (7.70)
Gay Female	11.8 (8.86)	-0.90 (6.25)	9.32 (6.32)	-0.56 (11.7)
Mean of DV for heterosexuals	36.1	45.7	33.1	34.7
R <sup>2</sup>	0.67	0.64	0.68	0.74
N	276	898	770	350
<b>Panel C: Response Time</b>	Time to response (min)			
	<i>Northeast</i>	<i>Midwest</i>	<i>South</i>	<i>West</i>
Gay male	237.0 (163.8)	74.2 (73.9)	168.1+ (95.9)	66.9 (48.8)
Gay female	-105.9 (128.3)	-23.2 (59.7)	45.0 (70.8)	-20.8 (154.1)
Mean of DV for heterosexuals	193.3	167.8	145.1	178.8
R <sup>2</sup>	0.76	0.71	0.71	0.80
N	162	529	398	164
Agency Fixed Effects	Y	Y	Y	Y

*Note:* Standard errors, corrected for clustering at the agency level, are reported in parentheses. Agency fixed effects are included in all specifications. All results are estimated using ordinary least squares (OLS).

+ Statistically significant at the 10 percent level; \* at the 5 percent level; \*\* at the 1 percent level.