

Essential Legal Protections for LGBTQ+ Families in a Shifting Political Climate

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By Summer Abel



In recent years, LGBTQ+ rights have made significant progress, providing many LGBTQ+ families with stronger legal protections, including marriage equality and anti-discrimination laws. However, shifts in the political landscape can bring uncertainty, making it critical for LGBTQ+ families to proactively protect their rights and ensure the stability of their family structure within the legal system. As legal challenges to established rights increase and state-level protections fluctuate, LGBTQ+ families face a pressing need to safeguard their rights with extra care, vigilance, and planning.

Below are some legal strategies to help LGBTQ+ families secure protection and stability, regardless of changes in the political climate.

Wills and Estate Planning Documents

Wills and estate plans are essential for all families, but they hold particular importance for LGBTQ+ families, who may face unique legal challenges influenced by the political climate. A well-drafted will ensures that your wishes are clear and your assets are distributed according to your intentions. Without a will, intestacy laws in your state could determine the division of your assets, which may not align with your wishes or reflect your family structure.

Advanced Directives

Advanced directives, including documents such as a living will and durable power of attorney for healthcare, are vital for LGBTQ+ families. These documents empower you to designate a partner or spouse as your decision-maker in medical situations where you're unable to make decisions yourself. Without these documents, other family members—who may not support your relationship—could potentially gain legal standing to make decisions on your behalf.

Second-Parent Adoptions

For LGBTQ+ couples raising children, second-parent adoption offers an added layer of legal security, especially when one parent is the biological or adoptive parent. This process allows the non-biological parent to legally adopt their partner's child without the biological parent losing any parental rights. It ensures that both parents have full legal rights to the child, regardless of marital status or potential changes in the law, providing stability and protection for the family structure.

Family Planning

For LGBTQ families, family planning needs may include adoption, surrogacy, fertility treatments, and other reproductive services. Access to these services can be impacted by laws that regulate reproductive healthcare or place restrictions based on sexual orientation or gender identity. Legal professionals can help safeguard parental rights by drafting clear agreements, ensuring all legal parental statuses are properly documented, and staying informed on shifting policies.

Estate Planning for Non-Biological Parents

Estate planning is especially crucial for non-biological parents in LGBTQ+ families. Without proper legal protections, these parents may encounter challenges in securing custody or inheritance rights for the children they have raised. Comprehensive estate planning can help protect these relationships and ensure the family's intentions are honored.

Given the potential for changes in state and federal policies, LGBTQ+ families can benefit immensely from working with a knowledgeable attorney to address their unique legal needs. A skilled attorney will not only ensure that all documents are legally sound but will also help anticipate potential changes in laws that could impact your family. By working with an attorney experienced in these areas, you can proactively address any legal gaps and feel confident that your rights will be protected, regardless of the political landscape.