



Court Jurisdiction and Venue for Adoption Petitions: Summary of State Laws

Adoption is a process for making a child a permanent member of a family other than the child's birth family.¹ This legal process falls under the jurisdiction of a court of law in the State where the adoption occurs.

Jurisdiction

In each State, different courts are designated to hear specific types of cases. That designation is

¹ The adopted person is not always a child. For more information, see Child Welfare Information Gateway's *Who May Adopt, Be Adopted, or Place a Child for Adoption?* at www.childwelfare.gov/systemwide/laws_policies/statutes/parties.cfm.

Electronic copies of this publication may be downloaded at www.childwelfare.gov/systemwide/laws_policies/statutes/jurisdiction.cfm

To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/search/index.cfm

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Examples of Jurisdiction

what is meant by the term “jurisdiction.” For example, criminal cases will be tried in a State criminal court. Adoption is a civil procedure, and at the State level, certain civil courts are given jurisdiction over adoption cases. A person who seeks to adopt a child must file his or her petition for adoption with the appropriate court.

All 50 States, the District of Columbia, Puerto Rico, and the U.S. territories of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands specify in their statutes one or more types of court that have jurisdiction over adoption cases.

State courts are organized in a hierarchy that includes both of the following:

- Courts of original jurisdiction, where cases are first heard
- Appellate courts, which hear cases that have been appealed from lower courts

The names given to these courts vary from State to State. All adoption cases commence with a petition filed with the appropriate court of original jurisdiction.

The type of court designated as the court of original jurisdiction for adoption cases in each State reflects the organization of that State’s court system. Names given to these courts include:

- Circuit court, used in 10 States²
- District court, used in 8 States and 2 territories³
- Superior court, used in 7 States, 2 territories, and the District of Columbia⁴
- Probate court, used in 8 States⁵

² Arkansas, Florida, Illinois, Kentucky, Michigan, Missouri, Oregon, South Dakota, Virginia, and West Virginia.

³ Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Wyoming, American Samoa, and Puerto Rico.

⁴ Alaska, Arizona, California, Georgia, New Jersey, North Carolina, Washington, Guam, and the Virgin Islands.

⁵ Alabama, Connecticut, Indiana, Maine, Massachusetts, New Hampshire, Ohio, and Vermont.

- Family court, used in 5 States⁶
- Juvenile court, used in 3 States⁷

Some other names used are equity (Maryland), chancery (Mississippi), court of common pleas (Pennsylvania), county (Nebraska and Wisconsin), trial (Northern Mariana Islands), and court of first instance (Puerto Rico).

In some States, more than one court may have jurisdiction over adoption cases. In those States, either court designated in statute may hear an adoption petition. For example, in Iowa, either the juvenile or district court has jurisdiction, while in New York, either the family court or surrogate's (probate) court has jurisdiction. Either the chancery or circuit court has jurisdiction in Tennessee, while in Texas, a district court, juvenile court, or other court having jurisdiction of a suit affecting the parent-child relationship can hear an adoption petition.

In some States, other courts may have jurisdiction over an adoption case under specific circumstances. For example, in six States (Alabama, California, Georgia, Massachusetts, Nebraska, and Utah), the juvenile court will have jurisdiction if the child to be adopted has previously been placed under that court's supervision or if that court handled the case of termination of the parent's rights. In Nevada and New Mexico, if the child to be adopted is an Indian child, a Tribal court may have jurisdiction over the case. The trial division of the high court has jurisdiction over contested adoptions in American Samoa.

Venue

Venue refers to the geographic location of the court that will hear the case. Most States, Puerto Rico, and the Virgin Islands maintain courts of all types located in different counties or districts throughout the State or territory.⁸ Petitions for adoption are filed in the type of court that has the appropriate jurisdiction at the location (or venue) that is convenient to the parties involved in the case. In many cases, there is a residency requirement. Venue options include the county where the

⁶ Delaware, Hawaii, New York, Rhode Island, and South Carolina.

⁷ Colorado, Louisiana, and Minnesota.

⁸ Rhode Island, the District of Columbia, American Samoa, Guam, and the Northern Mariana Islands, due to their small geographic areas, have one court that handles adoption petitions. For this reason, the statutes do not specify venue.

person seeking to adopt (petitioner) and/or the child to be adopted reside, or where the child-placing agency is located.

Note: Adoptions that involve more than one State can be more complex and may be subject to the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA) or the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).⁹ These situations are beyond the scope of this publication. An attorney experienced with a State's adoption laws and interstate placements can assist a person seeking to adopt in drafting the adoption petition and making sure that the petition is filed with the court having the appropriate jurisdiction and venue.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

⁹ For background on the provisions of UCCJEA, see Patricia M. Hoff's "The Uniform Child Custody Jurisdiction and Enforcement Act," *Juvenile Justice Bulletin* (December 2001), available at www.ncjrs.gov/pdffiles1/ojjdp/189181.pdf.

Alabama**Jurisdiction****Citation: Ala. Code § 26-10A-3**

The probate court has original jurisdiction over adoption proceedings.

If any party fails to or is unable to consent, the proceeding shall be transferred to the juvenile division of the circuit court for the limited purpose of termination of parental rights.

Venue**Citation: Ala. Code § 26-10A-4**

All petitions may be filed in the probate court in the county in which:

- The minor or adult resides or has a legal residence.
- A petitioner resides or is in the military service.
- An office of any agency having guardianship is located.

Alaska**Jurisdiction****Citation: Alaska Stat. § 25.23.030**

Proceedings for adoption shall be brought in the superior court.

Venue**Citation: Alaska Stat. § 25.23.030**

Venue is in the county where the adoptee resides, the petitioner resides or is in military service, or the agency having custody is located.

The court may transfer, stay, or dismiss the adoption proceeding if it is in the interest of substantial justice that the case be heard in another judicial district.

American Samoa**Jurisdiction****Citation: Ann. Code §§ 45.0103(8); 45.0115**

The district court has original jurisdiction over uncontested adoptions.

The trial division of the high court has jurisdiction over contested adoptions.

Venue

This issue is not addressed in the statutes reviewed.

Arizona**Jurisdiction****Citation: Rev. Stat. § 8-102.01**

If a petition for adoption is filed prior to a child's 18th birthday, jurisdiction of the superior court continues for purposes of entering an order of adoption of such child even if the child becomes age 18 prior to the final adoption hearing.

Venue**Citation: Rev. Stat. § 8-104**

The adoption petition may be filed in the court of the county in which:

- The prospective adoptive parents reside.
- The child is a ward, i.e., in the care of a governmental agency.

Arkansas**Jurisdiction****Citation: Ann. Code §§ 9-9-202(2); 9-9-205(3)(B); 9-27-306(a)**

The probate court shall possess jurisdiction over the adoption of a minor if the person seeking to adopt the child, or the child, is a resident of the State.

The circuit court:

- Shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed outside the State of Arkansas
- Shall have exclusive original jurisdiction of proceedings for termination of parental rights for a juvenile under title 9, subchapter 27

If the juvenile is the subject matter of an open case filed under § 9-27-301 et seq., the adoption petition shall be filed in that case.

Venue**Citation: Ann. Code §§ 9-9-205(c); 9-27-307**

Proceedings for adoption must be brought in the county in which, at the time of filing or granting the petition, the petitioner or petitioners, or the individual to be adopted resides or is in military service, or in which the agency having the care, custody, or control of the minor is located.

If the court finds in the interest of substantial justice that the matter should be heard in another forum, the court may transfer, stay, or dismiss the proceedings in whole or in part on any conditions that are just.

Adoptions and guardianships may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile.

California**Jurisdiction****Citation: Fam. Code § 200; Welf. & Inst. Code § 366.3**

The superior court has jurisdiction over proceedings under the Family Code.

If a juvenile court orders a permanent plan of adoption or legal guardianship [for a child who has been adjudged a dependent of the court], the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established.

Venue**Citation: Fam. Code §§ 8714; 8802; 9000; Welf. & Inst. Code § 366.3**

The petition shall be filed in the county in which:

- The petitioner resides.
- The placing birth parent(s) resided when the placement agreement was signed.
- The placing birth parent(s) resided when the petition was filed.

The court that has jurisdiction over a dependent child and has terminated the parents parental rights is located.

Colorado**Jurisdiction****Citation: Rev. Stat. § 19-1-104(1)**

The juvenile court shall have exclusive original jurisdiction in proceedings for the adoption of a person of any age.

Venue**Citation: Rev. Stat. § 19-5-204**

A petition for adoption shall be filed in the county of residence of the petitioner or in the county in which the placement agency is located.

Connecticut**Jurisdiction****Citation: Ann. Stat. § 45a-727**

An application for adoption must be filed in a court of probate.

Venue**Citation: Ann. Stat. § 45a-727(a)(4)**

The application for adoption shall be filed in the probate court for the district where the adopting parent resides or in the district where the main office or any local office of the statutory parent is located.

Delaware**Jurisdiction****Citation: Ann. Code Tit. 13, § 902**

The family court shall have jurisdiction over adoption proceedings.

Jurisdiction is retained, even if the petitioner moves into another county or jurisdiction, until a final decision is rendered.

Whenever the family court has jurisdiction for the purposes of terminating parental rights over a child, it shall retain jurisdiction for the purposes of an adoption proceeding.

Venue**Citation: Ann. Code Tit. 13, § 902(b)**

The adoption petition shall be filed in the county in which:

- The licensed or authorized agency placing the child is located.
 - The petitioner resides.
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District of Columbia**Jurisdiction****Citation: Ann. Code § 16-301**

The Superior Court of the District of Columbia has jurisdiction to hear and determine petitions and decrees of adoption of any adult or child.

Jurisdiction shall be conferred when any of the following circumstances exist:

- The petitioner is a legal resident of the District of Columbia.
- The petitioner has actually resided in the District for at least 1 year prior to the filing of the petition.
- The child to be adopted is in the legal care, custody, or control of the Mayor or a child-placing agency licensed under the laws of the District.

Venue

This issue is not addressed in the statutes reviewed.

Florida**Jurisdiction****Citation: Ann. Stat. § 63.102(1)**

An adoption petition must be filed in the circuit court.

The circuit court in this State must retain jurisdiction over the matter until a final judgment is entered on the adoption. The Uniform Child Custody Jurisdiction and Enforcement Act does not apply until a final judgment is entered on the adoption.

Venue**Citation: Ann. Stat. § 63.102(2)**

A petition for adoption shall be filed in the county where the petition for termination of parental rights was granted, unless the court, in accordance with § 47.122, changes the venue to the county where the petitioner or petitioners or the minor resides or where the adoption entity with which the minor has been placed is located.

Georgia**Jurisdiction****Citation: Ann. Code § 19-8-2(a)**

The superior court of each county shall have exclusive jurisdiction in all matters of adoption, except in counties in which such jurisdiction has been granted to the juvenile courts.

Venue**Citation: Ann. Code § 19-8-2(b)**

All adoption petitions shall be filed in the county in which any petitioner resides, except that:

- Upon good cause being shown, the court of the county of the child's domicile or of the county in which is located any child-placing agency having legal custody of the child sought to be adopted may, in its discretion, allow the petition to be filed in that court.
- Any person who has been a resident of any United States Army post or military reservation within this State for the 6 months preceding the filing of the petition for adoption may file the petition in any county adjacent to the United States Army post or military reservation.

Guam**Jurisdiction****Citation: Ann. Code Tit. 19, §§ 5102; 5103**

The family division of the superior court has jurisdiction over the adoption of a minor child.

Venue**This issue is not addressed in the statutes reviewed.**

Hawaii**Jurisdiction****Citation: Rev. Stat. § 578-1**

An adoption petition must be filed in the family court in the relevant circuit.

Venue**Citation: Rev. Stat. § 578-1**

The appropriate circuit is the one in which:

- The petitioner resides or is in military service.
 - The child to be adopted resides or was born.
 - A child-placing organization that has legal custody of the child is located.
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Idaho**Jurisdiction****Citation: Ann. Code § 16-1506**

Adoption petitions must be filed in the district court of the relevant county.

If the adoption arises from a child protective act case, the petition shall be filed in the court having jurisdiction over the child protective act case unless that court relinquishes jurisdiction over the adoption proceeding.

Venue**Citation: Ann. Code § 16-1506**

The petition must be filed in the county in which the petitioner(s) have resided and maintained a dwelling for at least 6 consecutive months prior to the filing of the petition.

Illinois**Jurisdiction****Citation: Comp. Stat. Ch. 750 § 50/4**

The circuit court in the relevant county has jurisdiction over adoption petitions.

Venue**Citation: Comp. Stat. Ch. 750 § 50/4**

Venue is in the county where the petitioner(s) or birth parents reside, or the person to be adopted resides or was born.

If an agency or guardian has custody and control of a child and is authorized to consent to the adoption, the proceeding may be commenced in any county the agency or guardian chooses.

Indiana**Jurisdiction****Citation: Ann. Stat. §§ 31-19-1-2; 31-19-2-1**

In each county that has a separate probate court, the probate court has exclusive jurisdiction in all adoption matters. In other counties, adoption petitions are heard by the court that handles probate matters.

Venue**Citation: Ann. Stat. §§ 31-19-2-2; 31-19-2-3**

A resident of Indiana who seeks to adopt a child may file a petition for adoption with the court having probate jurisdiction in the county in which:

- The petitioner for adoption resides.
- A licensed child-placing agency or governmental agency having custody of the child is located.
- The child resides.

An individual who is not a resident of Indiana and who seeks to adopt a hard-to-place child may file a petition for adoption with the court having probate jurisdiction in the county in which:

- The licensed child-placing agency or governmental agency having custody of the child is located.
- The child resides.

Iowa**Jurisdiction****Citation: Ann. Stat. § 600.30**

A petition for adoption shall be filed with the juvenile court or any county court.

Venue**Citation: Ann. Stat. § 600.3**

The court must be in the county where the guardian of a minor person to be adopted or the petitioner is domiciled or resides.

Kansas**Jurisdiction****Citation: Ann. Stat. § 59-2127; 2006 Kan. ALS 200, § 3**

Subject to the uniform child custody jurisdiction and enforcement act, §§ 38-1336 through 38-1377, the district court shall have original jurisdiction over the placement of a child in any foster, preadoptive, and adoptive home.

A court in this State may not exercise jurisdiction if the proceeding is pending in a court of another State, unless the proceeding is stayed by the other court.

Venue**Citation: Ann. Stat. § 59-2126**

In an independent adoption, venue shall be in the county in which the petitioner resides or in the county in which the child to be adopted resides.

In an agency adoption, venue shall be:

- In the county in which the petitioner resides
- In the county in which the child to be adopted resided prior to receipt of custody by the agency
- Where the child-placing agency is located

In a stepparent adoption, venue shall be in the county in which the petitioner resides or where the child resides.

If the petitioner resides upon or is stationed at a United States military post or reservation within this State, and the child to be adopted is then residing with the petitioner, venue may be in the district court of the county in which the post or reservation is located, or in the district court of any county located immediately adjacent to such county.

Kentucky**Jurisdiction****Citation: Ann. Stat. § 199.470**

An adoption petition must be filed in the circuit court of the relevant county.

Venue**Citation: Ann. Stat. § 199.470**

The petition must be filed in the county where the petitioner resides or has resided for at least the 12 months prior to the petition.

Louisiana**Jurisdiction****Citation: Children's Code Art. 1180**

The juvenile court has jurisdiction over adoption petitions.

Venue**Citation: Children's Code Art. 1180**

The petition shall be filed in the juvenile court of the parish [county]:

- Of the domicile of the petitioner
 - Of the domicile of the custodian of the child
 - In which a voluntary act of surrender has been executed with respect to the child to be adopted
 - In which the child has been adjudicated a child in need of care or in which the child in need of care proceeding is pending
 - That previously terminated parental rights of a parent with respect to the child to be adopted
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Maine

Jurisdiction

Citation: Rev. Stat. Tit. 18-A, § 9-103

The probate court has exclusive jurisdiction over petitions for adoption.

Venue

Citation: Rev. Stat. Tit. 18-A, § 9-104

If the adopted person is placed by a licensed child-placing agency or the department, the petition for adoption must be filed in the court in the county where:

- The petitioner resides.
- The adopted person resides or was born.
- An office of the agency that placed the adopted person for adoption is located.

If the adopted person is not placed by a licensed child-placing agency or the department, the petition for adoption must be filed in the county where the adopted person resides or where the petitioners reside.

If, in the interests of justice or for the convenience of the parties, the court finds that the matter should be heard in another probate court, the court may transfer, stay, or dismiss the proceeding, subject to any further conditions imposed by the court.

Maryland

Jurisdiction

Citation: Fam. Law § 1-201

An equity court has jurisdiction over the adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance.

Venue

Citation: Cts. & Jud. Pro. § 6-203(e)

The venue for a proceeding for adoption of an individual who is physically within this State or subject to the jurisdiction of an equity court is in a county where:

- The petitioner is domiciled.
- The petitioner has resided for at least 90 days immediately prior to the filing of the petition.
- A licensed child-placing agency having legal or physical custody of the individual is located.
- The individual is domiciled, if the individual is related to the petitioner by blood or marriage or is an adult.
- An equity court has continuing jurisdiction over the custody of the individual.

Massachusetts

Jurisdiction

Citation: Ann. Laws Ch. 210, § 1

Adoption petitions must be filed with the probate court.

The district or juvenile court may, if it appears necessary or convenient, exercise the powers authorized by this chapter, but only in respect to a pending proceeding before such district or juvenile court.

Venue**Citation: Ann. Laws Ch. 210, § 1**

A person may file an adoption petition in the probate court in the county where he or she resides.

If a person not an inhabitant of the State desires to adopt a child residing here, the petition may be made to the probate court in the county where the child resides.

Michigan**Jurisdiction****Citation: Comp. Laws § 710.22**

The family division of circuit court of this State, or if the context requires, the court having jurisdiction over adoption in another State or country has jurisdiction over adoption proceedings.

Venue**Citation: Comp. Laws § 710.24**

Adoption petitions shall be filed with the court of the county in which the petitioner resides or where the adopted person is found.

If the petitioner and adopted person reside out of State, the petition shall be filed where the parent's parental rights were terminated or are pending termination.

If both parents' parental rights were terminated at different times and in different courts, a petition shall be filed in the court of the county where parental rights were first terminated.

If there has been a temporary placement of the child, the petition for adoption shall be filed with the court that received the report described in section 23d(2) of this chapter.

Minnesota**Jurisdiction****Citation: Ann. Stat. § 259.23, subd. 1**

The juvenile court shall have original jurisdiction in all adoption proceedings.

Venue**Citation: Ann. Stat. § 259.23, subd. 1**

The proper venue for an adoption proceeding shall be the county of the petitioner's residence.

Venue for the adoption of a child committed to the guardianship of the commissioner of human services shall be the county with jurisdiction in the matter according to § 260C.317, subd. 3. Upon request of the petitioner, the court having jurisdiction over the matter under § 260C.317, subd. 3, may transfer venue of an adoption proceeding involving a child under the guardianship of the commissioner to the county of the petitioner's residence upon determining that:

- The commissioner has given consent to the petitioner's adoption of the child or that consent is unreasonably withheld.
- There is no other adoption petition for the child that has been filed or is reasonably anticipated.
- Transfer of venue is in the best interests of the child.

In all other adoptions, if the petitioner has acquired a new residence in another county and requests a transfer of the adoption proceeding, the court in which an adoption is initiated may transfer the proceeding to the appropriate court in the new county of residence if the transfer is in the best interests of the person to be adopted.

Mississippi**Jurisdiction****Citation: Ann. Code § 93-17-3**

The adoption shall be by sworn petition filed in the chancery court.

Venue**Citation: Ann. Code § 93-17-3**

The adoption petition shall be filed in the county in which:

- The adopting petitioner or petitioners reside.
 - The child to be adopted resides, was born, or was found when it was abandoned or deserted.
 - The home is located to which the child has been surrendered by a person authorized to so do.
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Missouri**Jurisdiction****Citation: Ann. Stat. § 453.010**

The juvenile division of the circuit court has jurisdiction over adoption proceedings.

Venue**Citation: Ann. Stat. § 453.010**

The adoption petition shall be filed in the county where:

- The petitioner resides.
 - The child to be adopted was born.
 - The child is located at the time of the filing of the petition.
 - Either birth person resides.
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Montana**Jurisdiction****Citation: Ann. Code § 42-1-104**

Proceedings for adoption must be brought in the district court.

Venue**Citation: Ann. Code § 42-1-104**

The court must be in the county where the petitioner resides.

Nebraska**Jurisdiction****Citation: Rev. Stat. § 43-102**

The county court has jurisdiction of adoption proceedings, except that if a separate juvenile court already has jurisdiction over the child to be adopted under the Nebraska Juvenile Code, such separate juvenile court has concurrent jurisdiction with the county court in such adoption proceeding.

Venue**Citation: Rev. Stat. § 43-102**

The court must be in the county where the petitioner resides.

Nevada**Jurisdiction****Citation: Rev. Stat. § 127.010**

Except when the child involved is subject to the jurisdiction of an Indian Tribe pursuant to the Indian Child Welfare Act, the district courts have original jurisdiction in adoption proceedings.

Venue**Citation: Rev. Stat. § 127.030**

The petition may be filed in the district court of any county in the State.

New Hampshire**Jurisdiction****Citation: Rev. Stat. § 170-B:15(I)**

The probate court has exclusive jurisdiction to grant a petition for adoption if the adopted person is present in the State or is in the legal custody or legal guardianship of an authorized agency located in the State at the time of filing of the petition.

Venue**Citation: Rev. Stat. § 170-B:15(II-III)**

The petition for adoption shall be filed in the probate court of the county in which the surrender has taken place, or where a guardianship or a termination of parental rights proceeding has occurred related to the same adopted person.

If the court finds that in the interest of substantial justice the matter should be heard in another court, the court may transfer the proceeding in whole or in part to another court within the State or other foreign jurisdiction.

New Jersey**Jurisdiction****Citation: Ann. Stat. § 9:3-42**

An action for adoption shall be instituted in the Superior Court, Chancery Division, Family Part.

Venue**Citation: Ann. Stat. § 9:3-42**

An adoption petition shall be filed in the court of the county in which:

- The prospective parent resides.
- The child resided immediately prior to placement for adoption.
- The county in which the child was born if the child is less than 3 months of age.

Whenever the child to be adopted has been received into the home of a prospective parent from an approved agency, the action may be instituted in the court of any county in which the approved agency has an office.

New Mexico**Jurisdiction****Citation: Ann. Stat. §§ 32A-1-4; 32A-1-9**

Jurisdiction of adoption petitions is under the children's court division of the district court.

In adoption proceedings for the placement of an Indian child, the court shall, in the absence of good cause to the contrary, transfer the proceeding to the jurisdiction of the Indian child's Tribe upon the petition of the Indian child's parent, the Indian child's guardian, or the Indian child's Tribe. The transfer shall be barred if there is an objection to the transfer by a parent of the Indian child or the Indian child's Tribe.

Venue**Citation: Ann. Stat. § 32A-5-10**

A petition for adoption may be filed in any county in which:

- A petitioner is a resident.
- The adopted person is physically present at the time the petition is filed.
- An office of the agency that placed the adoptee for adoption is located.
- The department office from which the child was placed is located.

New York**Jurisdiction****Citation: Fam. Ct. §§ 115, 641**

The family court has original jurisdiction concurrent with the surrogate's courts over adoption proceedings under article 7 of the domestic relations law.

Venue**Citation: Dom. Rel. §§ 113(3); 115(2)**

In an agency adoption proceeding, the petition shall be filed in the same court and, wherever practicable, shall be assigned to the same judge of the county in which:

- Parental rights had been terminated.
- A judicial surrender had been approved.
- The adoptive parents reside.
- The authorized agency has its principal office if the adoptive parents do not reside in the State.

In a private placement adoption, the proceeding shall be instituted in the county where the adoptive parents reside or, if the adoptive parents do not reside in the State, in the county where the adoptive child resides.

North Carolina

Jurisdiction

Citation: Gen. Stat. § 48-2-100

Adoption shall be by a special proceeding before the clerk of superior court.

Jurisdiction over adoption proceedings exists if, at the commencement of the proceeding:

- The adopted person has lived in this State for at least the 6 consecutive months immediately preceding the filing of the petition or from birth, and the prospective adoptive parent is domiciled in this State.
- The prospective adoptive parent has lived in or been domiciled in this State for at least the 6 consecutive months immediately preceding the filing of the petition.

The courts of this State shall not exercise jurisdiction under this chapter if at the time the petition for adoption is filed, a court of any other State is exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction and Enforcement Act.

Venue

Citation: Gen. Stat. § 48-2-101

A petition for adoption may be filed in the county in which:

- The petitioner lives or is domiciled at the time of filing.
- The adopted person lives.
- An office of the agency that placed the adopted person is located.

North Dakota

Jurisdiction

Citation: Cent. Code § 14-15-01

The district court has jurisdiction over adoption proceedings.

Venue

Citation: Cent. Code § 14-15-04(1)-(2)

Proceedings for adoption must be brought in the court for the place in which, at the time of filing or granting the petition, the petitioner or the individual to be adopted resides or is in military service or in which the agency having the care, custody, or control of the minor is located.

If the court finds in the interest of substantial justice that the matter should be heard in another forum, the court may transfer, stay, or dismiss the proceeding in whole or in part on any conditions that are just.

Northern Mariana Islands

Jurisdiction

Citation: Commonwealth Code Tit. 8, § 1101

The Commonwealth trial court has jurisdiction over adoption proceedings.

Venue

This issue is not addressed in the statutes reviewed.

Ohio

Jurisdiction

Citation: Rev. Code § 3107.01

The probate court has jurisdiction over adoption proceedings.

Venue

Citation: Rev. Code § 3107.04

A petition for adoption shall be filed in the court in the county in which:

- The person to be adopted was born.
- The petitioner or the person to be adopted or parent of the person to be adopted resides at the time of filing the petition.
- The petitioner is stationed in military service.
- The agency having the permanent custody of the person to be adopted is located.

If the court finds in the interest of justice that the case should be heard in another forum, the court may stay the proceedings, dismiss the petition in whole or in part on any conditions that are just, or certify the case to another court.

Oklahoma

Jurisdiction

Citation: Rev. Stat. Tit. 10, § 7502-1.1

A district court of this State has jurisdiction over proceedings for the adoption of a minor if immediately preceding commencement of the proceeding:

- The minor lived in the State with a parent, guardian, prospective adoptive parent, or another person acting as parent for at least 6 consecutive months, excluding periods of temporary absence.
- In the case of a minor under 6 months of age, the minor:
 - » Lived in the State from soon after birth with any of the individuals listed above
 - » Was born in the State and the mother has been a legal resident 6 months prior to the birth or, if not a legal resident for 6 months prior to birth, verifies compliance with or exemption from the Interstate Compact on the Placement of Children
- The prospective adoptive parent lived in the State for at least 6 consecutive months.
- The child-placing agency that placed the minor for adoption is located in the State.
- The minor and the prospective adoptive parent are physically present in this State, and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to or threatened with mistreatment or abuse or is otherwise neglected.
- It appears that no other State would have jurisdiction or another State has declined to exercise jurisdiction on the ground that this State is the more appropriate forum to hear a petition for adoption of the minor.

Venue

Citation: Rev. Stat. Tit. 10, § 7502-1.2

Proceedings for adoption may be brought in the district court in the county where the petitioners or the child to be adopted reside.

Oregon

Jurisdiction

Citation: Rev. Stat. § 109.309(1)-(3)

Any person may petition the circuit court to adopt another person. One petitioner, the child, one parent, or the person, who is not an adoption agency, consenting to the adoption must be a resident of the State.

Except as provided below, when the petition is for the adoption of a minor child, the adoption is governed by the Uniform Child Custody Jurisdiction and Enforcement Act, §§ 109.701 to 109.834.

Notwithstanding §§ 109.741 and 109.744, a court of this State has jurisdiction over the adoption of a minor child if, immediately prior to the filing of a petition for adoption:

- The child resided in the State for at least 6 consecutive months including periods of temporary absence.
- One parent or another person consenting to the adoption, who is not an adoption agency, resided in the State for at least 6 consecutive months including periods of temporary absence.
- The prospective adoptive parent resided in the State for at least 6 consecutive months including periods of temporary absence and substantial evidence is available concerning the present or future care of the child.
- It appears that no court of another State would have jurisdiction.
- A court of another State has declined to exercise jurisdiction on the grounds that this State is a more appropriate forum to hear a petition for adoption of the child and it is in the best interests of the child that a court of this State assume jurisdiction.

Venue

Citation: Rev. Stat. § 109.309(5)

In a petition to adopt a minor child, venue lies in the Oregon county with which the child has the most significant connection or in the Oregon county in which the licensed adoption agency is located.

Pennsylvania

Jurisdiction

Citation: Cons. Stat. Tit. 23, § 2301

The court of common pleas of each county shall exercise through the appropriate division original jurisdiction over voluntary relinquishment, involuntary termination, and adoption proceedings.

Venue

Citation: Cons. Stat. Tit. 23, § 2302

Proceedings for voluntary relinquishment, involuntary termination, and adoption may be brought in the court of the county in which:

- The parent or parents or the adopted person or the person or persons who have filed a report of intention to adopt reside.
- An office of an agency having custody of the adopted person or in the county where the agency having placed the adopted person is located.
- With leave of court, the adopted person formerly resided.

Puerto Rico**Jurisdiction****Citation: Ann. Laws Tit. 32, § 2699b**

The petitioner shall file an adoption petition in the court of the first instance.

Venue**Citation: Ann. Laws Tit. 32, § 2699b**

The adoption petition must be made to the court of the first instance corresponding to the place of residence of the adopted person.

Rhode Island**Jurisdiction****Citation: Gen. Laws § 15-7-4**

Any person residing in Rhode Island may petition the family court for leave to adopt.

The family court shall retain jurisdiction over any petition when and if the petitioners become nonresidents after the petition is filed, while the case is still pending.

Any person not a resident of Rhode Island may petition the family court to adopt if the child is in the care and custody of a governmental child-placing agency or licensed Rhode Island child-placing agency at the time of the filing of the petition.

Venue**Citation: Gen. Laws § 15-7-4**

There is one family court in Rhode Island for all adoptions of children under age 18. Ê

For an adopted person age 18 or older, venue is the probate court in the city or town where petitioners live.

South Carolina**Jurisdiction****Citation: Ann. Code § 20-7-1680**

The family court has exclusive jurisdiction over all adoption proceedings.

Venue**Citation: Ann. Code § 20-7-1680**

Proceedings for adoption by residents of this State may be brought in the family court of the county in which the petitioner resides or is in military service, or in the county in which the child resides or is born.

For nonresidents of this State, proceedings for adoption must be brought in the county in which the child resides, in which the child is born, or in which the agency having custody of the child is located.

The family court may order a change of venue as in civil proceedings in this State.

South Dakota**Jurisdiction****Citation: Ann. Stat. § 25-6-6**

The circuit court is vested with the jurisdiction to hear, try, and determine all matters relative to the adoption of children.

Venue**Citation: Ann. Stat. § 25-6-7**

The circuit court for the county of the child's legal residence or of the adopting parent's legal residence according to where petition is first filed shall have the original jurisdiction.

Tennessee**Jurisdiction****Citation: Ann. Code § 36-1-102(16)**

The chancery or circuit court has jurisdiction over adoption proceedings.

Venue**Citation: Ann. Code § 36-1-114**

The adoption petition may be filed in the county in which:

- The petitioners reside.
 - The child resides.
 - The child resided when a child-placing agency gained custody.
 - The licensed child-placing agency having custody or guardianship is located.
-

Texas**Jurisdiction****Citation: Fam. Code. § 101.008**

The district court, juvenile court having the same jurisdiction as a district court, or other court expressly given jurisdiction of a suit affecting the parent-child relationship shall have jurisdiction over adoption proceedings.

Venue**Citation: Fam. Code. § 103.001(b)**

A suit in which adoption is requested may be filed in the county where the child resides or in the county where the petitioners reside.

Utah

Jurisdiction

Citation: Ann. Code §§ 78-30-7; 78-3a-104(1)(p)

Adoption proceedings shall be commenced by filing a petition with the district court.

The juvenile court has exclusive original jurisdiction in proceedings concerning adoptions when the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child.

Venue

Citation: Ann. Code § 78-30-7

Adoption proceedings shall be filed:

- In the district where the adopting person resides
- If the adopting person is not a resident of the State, in the district where the child was born or in which the child-placing agency that has custody of the child is located

Vermont

Jurisdiction

Citation: Ann. Stat. Tit. 15A, § 3-101

The probate court has jurisdiction over a proceeding for the adoption of a minor if:

- Immediately before commencement of the proceeding, the minor lived in the State with a parent, a guardian, a prospective adoptive parent, or another person acting as parent, for at least 6 consecutive months, including periods of temporary absence, or, in the case of a minor under 6 months of age, lived in the State from soon after birth with any of those persons.
- Immediately before commencement of the proceeding, the prospective adoptive parent lived in the State for at least 6 consecutive months, including periods of temporary absence.
- An agency placed the minor for adoption, and it is in the best interest of the minor that a court of this state assume jurisdiction because the minor and the minor's parents, or the minor and the prospective adoptive parent, have a significant connection with the State.
- The minor and the prospective adoptive parent are physically present in the State, and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to or threatened with mistreatment or abuse or is otherwise neglected.
- It appears that no other State would have jurisdiction, or another State has declined to exercise jurisdiction on the ground that this State is the more appropriate forum to hear a petition for adoption of the minor.

A court of this State may not exercise jurisdiction over a proceeding for adoption of a minor if, at the time the petition is filed, a proceeding concerning the custody or adoption of the minor is pending in a court of another State exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction Act or this title, unless the proceeding is stayed by the court of the other State.

Venue ↪

Citation: Ann. Stat. Tit. 15A, § 3-102

A petition for adoption may be filed in the probate court in the district in which a petitioner resides or has legal residence at the time of filing, the adopted person resides, or an office of an agency or the department that placed the adopted person is located.

A consent or petition for relinquishment or termination of parental rights may be filed in the probate court in the district in which the minor resides, a relinquishing parent resides, or the agency or person receiving the relinquishment has its principal place of business.

Virgin Islands**Jurisdiction****Citation: Ann. Code Tit. 4, § 76**

The Superior Court shall have original jurisdiction to grant adoptions and changes of name.

Venue**Citation: Ann. Code Tit. 4, § 78**

Venue is in the judicial division where the petitioner resides.

For the convenience of parties and witnesses and in the interest of justice, the court may transfer any action or proceeding pending in one judicial division to another for hearing and determination.

Virginia**Jurisdiction****Citation: Ann. Code § 63.2-1201**

Proceedings for the adoption of a minor child and for a change of name of such child shall be instituted only by petition to a circuit court.

Venue**Citation: Ann. Code § 63.2-1201**

The petition must be filed in the county or city in which:

- The petitioner resides.
 - The child-placing agency that placed the child is located.
 - A birth parent executed a consent.
-

Washington**Jurisdiction****Citation: Rev. Code § 26.33.030**

A petition for adoption may be filed in the superior court.

Venue**Citation: Rev. Code § 26.33.030**

The petition may be filed in the county in which:

- The petitioner is resident.
 - The adopted person is domiciled.
-

West Virginia**Jurisdiction****Citation: Ann. Code § 48-22-201**

The circuit court has jurisdiction over adoption proceedings.

Venue**Citation: Ann. Code § 48-22-201**

The petition must be filed in the county in which the petitioner resides.

Wisconsin**Jurisdiction****Citation: Ann. Stat. § 48.83**

The court of the county where the proposed adoptive parent or child resides, upon the filing of a petition for adoption or for the adoptive placement of a child, has jurisdiction over the child until the petition is withdrawn, denied, or granted.

If the adoption is denied, jurisdiction over the child shall immediately revert to the court that appointed the guardian, unless the appointing court is a court of another State or foreign jurisdiction, in which case the court of the county where the child is shall have jurisdiction.

Venue**Citation: Ann. Stat. § 48.83**

Venue shall be in the county where the proposed adoptive parent or child resides at the time the petition is filed. The court may transfer the case to a court in the county in which the proposed adoptive parents reside.

Wyoming**Jurisdiction****Citation: Ann. Stat. § 1-22-104**

Adoption proceedings shall be commenced by a petition filed in district court.

Venue**Citation: Ann. Stat. § 1-5-108**

The petition shall be filed in the county in which:

- The petitioner resides
- The guardian was appointed or resides