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Court Jurisdiction and Venue for Adoption Petitions

Adoption is a legal process for making a child a permanent member of a family other than the child's birth family.¹ Jurisdiction refers to the type of court that hears adoption cases. Venue refers to the geographic location of the court.

Jurisdiction

In each state, different courts are designated by statute with the responsibility to hear certain types of cases. That designation is what is meant by the term "jurisdiction." For example, criminal cases are tried in state criminal courts. Adoption is a civil procedure, and at the state level, certain civil courts are given authority to hear adoption cases. A person who seeks to adopt a child must file his or her petition for adoption with the appropriate civil court.²

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

¹ The adopted person is not always a child. For more information, see Information Gateway's *Who May Adopt, Be Adopted, or Place a Child for Adoption?* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/parties/>.

² In the case of adopting a child from foster care, the court having jurisdiction over the adoption petition may be the juvenile court that terminated the birth parents' parental rights, or a different court may have jurisdiction.

Examples of Jurisdiction

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 review cases that have been appealed from lower courts' decisions

The names assigned to these courts vary from state to state. All adoption cases start 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 nine states³
- District court, used in eight states and American Samoa⁴
- Superior court, used in seven states, the District of Columbia, Guam, and the U.S. Virgin Islands⁵
- Probate court, used in eight states⁶
- Family court, used in five states⁷
- Juvenile court, used in four states⁸

Some other names used are equity (Maryland), chancery (Mississippi and Tennessee), court of common pleas (Pennsylvania), county (Nebraska and Wisconsin), trial (Northern Mariana Islands), and the specialized family part of the court of first instance (Puerto Rico).⁹

³ Florida, Illinois, Kentucky, Michigan, Missouri, Oregon, South Dakota, Virginia, and West Virginia.

⁴ Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, and Wyoming.

⁵ Alaska, Arizona, California, Georgia, New Jersey, North Carolina, and Washington.

⁶ Alabama, Arkansas, Connecticut, Indiana, Maine, Massachusetts, New Hampshire, and Ohio.

⁷ Delaware, Hawaii, New York, Rhode Island, and South Carolina.

⁸ Colorado, Iowa, Louisiana, and Minnesota.

⁹ In addition, in some states, the court of original jurisdiction for adoption proceedings may be a division of a court of more general jurisdiction. For example, in Michigan, the family division of the circuit court has jurisdiction over adoptions. In New Mexico, jurisdiction over adoption petitions lies with the children's court division of the district court, while in Missouri, the juvenile division of the circuit court has jurisdiction over adoption proceedings. In Vermont, adoption cases are handled by the probate division of the superior court.

In some states, other courts may have jurisdiction over an adoption case under specific circumstances. For example, in seven states (Arkansas, California, Georgia, Massachusetts, Nebraska, Tennessee, and Utah), the juvenile court has 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 parents' rights. In Nevada, New Mexico, and Wisconsin, 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.

In some states, more than one court may have jurisdiction over adoption cases. In those states, any court designated in statute may hear an adoption petition. For example, in Iowa, either the juvenile or county court may have jurisdiction. 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 may hear an adoption petition.

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 counties or districts throughout the state or territory.¹⁰ 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. In many states, venue options include the county in which the person seeking to adopt (petitioner) resides or is in military service, where the child to be adopted resides, or where the child-placing agency is located. Other venue options include the county where parental rights were terminated (Louisiana and New York) or the county in which the placing birth parent(s) lived when the placement agreement was signed, the child was freed for adoption, or the adoption petition was filed (California).

¹⁰ 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, their statutes do not specify venue.

Note: Adoptions in which the child and the adopting parents live in different states can be more involved, and in those cases the court supervising the placement may be different from the one listed in this publication. Most cases are subject to the provisions of the Interstate Compact on the Placement of Children (ICPC), which is an agreement among all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICPC provides for the movement and safe placement of children between states when the children are in the custody of a state or being placed for private/independent adoption.¹¹

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 agency regulations, case law, and informal practices and procedures.

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¹¹ For more information, visit the website of the Association of Administrators of the Interstate Compact on the Placement of Children at <http://icpc.aphsa.org/content/AAICPC/en/home.html>.

Alabama

Current Through May 2017

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 one of the following applies:

- 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

Current Through May 2017

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 adopted person 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.

The venue for an adoption proceeding for a child in state custody under chapter 47.10 is the superior court where the child-in-need-of-aid proceeding is pending, as provided under § 47.10.111, or the judicial district in which the petitioner resides, if the petitioner provides notice to all of the parties to the child-in-need-of-aid proceeding and no party objects.

American Samoa

Current Through May 2017

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

Current Through May 2017

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 one of the following applies:

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

Arkansas

Current Through May 2017

Jurisdiction**Citation: Ann. Code §§ 9-9-202(2); 9-9-205**

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

For the adoption of an adult, the physical presence of the petitioner or petitioners or the individual to be adopted shall be sufficient to confer subject matter jurisdiction.

Venue**Citation: Ann. Code §§ 9-9-205(c); 9-27-307(a)(4)**

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

Current Through May 2017

Jurisdiction**Citation: Fam. Code § 200; Welf. & Inst. Code § 366.3(a)**

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

If a juvenile court orders a permanent plan of adoption, tribal customary adoption, or adoption of a nonminor dependent pursuant to § 366.31(f), the court shall retain jurisdiction over the child or nonminor dependent until the child or nonminor dependent is adopted.

Venue**Citation: Fam. Code §§ 8609.5; 9000**

An adoption request for the adoption of a nondependent minor may be filed with the court in the county in which one of the following applies:

- The petitioner resides.
- The child was born or resides at the time of filing.
- An office of the agency that placed the child for adoption is located.
- An office of the Department of Social Services or a public adoption agency that is investigating the petition is located.
- A placing birth parent or parents resided when the adoptive placement agreement, consent, or relinquishment was signed.
- A placing birth parent or parents resided when the petition was filed.
- The child was freed for adoption.

A stepparent who wishes to adopt a child of the stepparent's spouse may file a petition for that purpose in the county in which the petitioner resides.

A domestic partner who wishes to adopt a child of his or her domestic partner may file a petition for that purpose in the county in which the petitioner resides.

Colorado

Current Through May 2017

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

Current Through May 2017

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

Current Through May 2017

Jurisdiction

Citation: Ann. Code Tit. 13, § 902

The family court shall have jurisdiction over adoption proceedings. Jurisdiction is retained until a final decision is rendered, even if the petitioner moves into another county or jurisdiction.

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 one of the following applies:

- The licensed or authorized agency placing the child is located.
 - The petitioner resides.
-

District of Columbia

Current Through May 2017

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

Current Through May 2017

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, either within or outside the state. 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 or where the adoption entity is located.

Georgia

Current Through May 2017

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 U.S. 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 U.S. Army post or military reservation.
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Guam

Current Through May 2017

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

Current Through May 2017

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 any of the following applies:

- 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.

Idaho

Current Through May 2017

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) resides. Petitioner(s) shall have resided and maintained a dwelling within the state of Idaho for at least 6 consecutive months prior to the filing of the petition.

Illinois

Current Through May 2017

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

Current Through May 2017

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 any of the following applies:

- 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 any of the following applies:

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

Iowa

Current Through May 2017

Jurisdiction**Citation: Ann. Stat. § 600.3**

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 in which an adult person to be adopted is domiciled or resides or where the guardian of a minor person to be adopted or the petitioner is domiciled or resides.

Kansas

Current Through May 2017

Jurisdiction**Citation: Ann. Stat. § 38-2203**

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.

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 any of the following:

- The county in which the petitioner resides
- 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 U.S. 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

Current Through May 2017

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

Current Through May 2017

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) in which one of the following applies:

- The petitioner is domiciled.
 - The custodian of the child is domiciled.
 - A voluntary act of surrender with respect to the child to be adopted has been executed.
 - The child has been adjudicated a child in need of care, or the child in need of care proceeding is pending.
 - The parental rights of a parent with respect to the child to be adopted have previously been terminated.
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Maine

Current Through May 2017

Jurisdiction**Citation: Rev. Stat. Tit. 18-A, § 9-103; Tit. 4, § 152(5-A)**

Subject to title 4, § 152(5-A), the probate court has exclusive jurisdiction over the following:

- Petitions for adoption
- Consents and reviews of withholdings of consent by persons other than a parent
- Surrenders and releases
- Termination of parental rights proceedings
- Proceedings to determine the rights of putative fathers of children whose adoptions or surrenders and releases are pending before the probate court
- Posttermination reviews conducted pursuant to § 9-205

The district court has jurisdiction to conduct hearings pursuant to § 9-205. The district court has jurisdiction over any matter described in the subsection above if the proceeding concerns a child over whom the district court has exclusive jurisdiction pursuant to title 4, § 152(5-A).

The district court has exclusive jurisdiction of actions for guardianship, adoption, change of name, or other matters involving custody or other parental rights brought under title 18-A, if proceedings involving custody or other parental rights with respect to a minor child, including, but not limited to, adoption, divorce, parental rights and responsibilities, grandparents' rights, protective custody, change of name, guardianship, paternity, termination of parental rights, and protection from abuse or harassment, are pending in the district court.

If the district court presiding over any matter involving custody or other parental rights with respect to a minor child becomes aware that a proceeding for guardianship, adoption, or change of name or another matter involving custody or other parental rights with respect to the minor child is pending in a probate court in this state, the district court shall notify the probate court and take appropriate action to facilitate a transfer of the matter from the probate court.

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 in which one of the following applies:

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

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

Current Through May 2017

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 in which one of the following applies:

- 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

Current Through May 2017

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 who is 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

Current Through May 2017

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**

An adoption petition shall be filed with the court of the county in which the petitioner resides, where the adoptee is found, or 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, the 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 § 710.23d(2).

Minnesota

Current Through May 2017

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; 260C.621, subd. 2**

The proper venue for an adoption proceeding shall be the county of the petitioner's residence, except as provided below in § 260C.621, subd. 2, for the adoption of children under the guardianship of the commissioner of the Department of Human Services. In all adoptions under this chapter, 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.

Venue for the adoption of a child committed to the guardianship of the commissioner shall be the court conducting reviews in the matter according to § 260C.607. Upon request of the responsible social services agency, the court conducting reviews under § 260C.607 may order that filing an adoption petition involving a child under the guardianship of the commissioner be permitted in the county where the adopting parent resides, upon determining that:

- There is no motion for an order for adoptive placement of the child that has been filed or that the agency reasonably anticipates will be filed.
- Filing the petition in the adopting parent's county of residence will expedite the proceedings and serve the best interests of the child.

Mississippi

Current Through May 2017

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

The adoption action shall be commenced 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 one of the following applies:

- The adopting petitioner or petitioners reside.
- The child to be adopted resides, was born, or was found when he or she was abandoned or deserted.
- The home to which the child has been surrendered by a person authorized to so do is located.

Missouri

Current Through May 2017

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 in which one of the following applies:

- 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 parent resides.

Montana

Current Through May 2017

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

Current Through May 2017

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

Current Through May 2017

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

Current Through May 2017

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 the 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

Current Through May 2017

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 one of the following applies:

- The prospective parent resides.
- The child resided immediately prior to placement for adoption.
- The child was born, if the child is less than 3 months old.

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

Current Through May 2017

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 one of the following applies:

- 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 child for adoption is located.
 - The department office from which the child was placed is located.
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New York

Current Through May 2017

Jurisdiction

Citation: Fam. Ct. § 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 one of the following applies:

- 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

Current Through May 2017

Jurisdiction

Citation: Gen. Stat. § 48-2-100

Adoption shall be by a special proceeding before the clerk of the 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.
- An agency licensed by the state or county Department of Social Services has legal custody of the adopted person.

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. However, this subsection shall not apply if, prior to the decree of adoption being granted, the court of the other state dismisses its proceeding or releases its exclusive, continuing jurisdiction.

Venue

Citation: Gen. Stat. § 48-2-101

A petition for adoption may be filed in the county in which one of the following applies:

- 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

Current Through May 2017

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

Current Through May 2017

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

Current Through May 2017

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 one of the following applies:

- 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

Current Through May 2017

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

Jurisdiction over proceedings to terminate parental rights and proceedings for the adoption of a minor commenced pursuant to the Oklahoma Adoption Code shall be governed by the Uniform Child Custody Jurisdiction and Enforcement Act as provided in §§ 551-101 through 551-402 of Title 43 of the Oklahoma Statutes.

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 resides, in Tulsa County or in Oklahoma County, or where termination proceedings took place, at the election of the petitioners.

Oregon

Current Through May 2017

Jurisdiction

Citation: Rev. Stat. § 109.309(1)-(4)

Any person may petition the circuit court to adopt another person. One petitioner, the child, one parent, or the person consenting to the adoption (who is not an adoption agency) 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

Current Through May 2017

Jurisdiction

Citation: Cons. Stat. Tit. 23, § 2301

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

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 one of the following applies:

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

Puerto Rico

Current Through May 2017

Jurisdiction

Citation: Ann. Laws Tit. 32, § 2699b

The petitioner shall file an adoption petition in the specialized family part of 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

Current Through May 2017

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

South Carolina

Current Through May 2017

Jurisdiction

Citation: Ann. Code § 63-9-40

The family court has exclusive jurisdiction over all adoption proceedings.

Venue

Citation: Ann. Code § 63-9-40

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 was born. For nonresidents of this state, proceedings for adoption must be brought in the county in which the child resides, in which the child was 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

Current Through May 2017

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

Current Through May 2017

Jurisdiction

Citation: Ann. Code § 36-1-102(16)

The chancery or circuit court has jurisdiction over adoption proceedings.

The juvenile court has the authority to accept the surrender or revocation of surrenders of a child and to issue any orders of reference, orders of guardianship, or other orders resulting from a surrender or revocation that it accepts for the purpose of authorizing the termination of parental rights.

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

The adoption petition may be filed in the county in which one of the following applies:

- The petitioners reside.
- The child resides.
- The child resided when a child-placing agency gained custody.
- The child resided when the child became subject to partial or complete guardianship or coguardianship pursuant to a surrender proceeding.
- The licensed child-placing agency having custody or guardianship is located.

Texas

Current Through May 2017

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

Current Through May 2017

Jurisdiction**Citation: Ann. Code §§ 78B-6-105; 78A-6-103**

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 interests of the child.

Venue**Citation: Ann. Code § 78B-6-105**

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.
 - » The proposed adopted person resides on the day the petition is filed.
 - » A parent of the proposed adopted person resides on the day the petition is filed.
- With the juvenile court as provided in § 78A-6-103

Vermont

Current Through May 2017

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

The probate division of the superior 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, guardian, 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 interests of the minor that a court of this state assume jurisdiction because the minor and his or her parents, or the minor and the prospective adoptive parent, have a significant connection with the state, and there is available in this state substantial evidence concerning the minor's care.
- 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 from abuse or threatened abuse or the minor 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, and it is in the best interests of the minor that a court of this state assume jurisdiction.

A court of this state may not exercise jurisdiction over an adoption 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 and Enforcement 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 division of the superior 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 division of the superior 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

Current Through May 2017

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

Current Through May 2017

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 one of the following applies:

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

Washington

Current Through May 2017

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 one of the following applies:

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

West Virginia

Current Through May 2017

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

Current Through May 2017

Jurisdiction

Citation: Ann. Stat. §§ 48.83; 48.028(3)(b)

Upon the filing of a petition for adoption or for the adoptive placement of a child, the court of the county in which the proposed adoptive parent or child resides, or the court of the county in which a petition for termination of parental rights to the child was filed or granted, 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 located shall have jurisdiction.

An Indian tribe shall have exclusive jurisdiction over any Indian child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the tribe, except when that jurisdiction is otherwise vested in the state by federal law. If an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction regardless of the residence or domicile of the child.

Venue

Citation: Ann. Stat. § 48.83

Venue in a proceeding for adoption or adoptive placement of a child shall be in the county in which the proposed adoptive parent or child resides at the time the petition is filed or in the county where a petition for termination of parental rights to the child was filed or granted. The court may transfer the case to a court in the county in which the proposed adoptive parents reside.

Wyoming

Current Through May 2017

Jurisdiction

Citation: Ann. Stat. § 1-22-104

Adoption proceedings shall be commenced by a petition filed in district court. The district court may transfer jurisdiction of a petition to adopt a child to the juvenile court if the child proposed for adoption in the petition is under the prior and continuing jurisdiction of the juvenile court.

Venue

Citation: Ann. Stat. § 1-5-108

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



U.S. Department of Health and Human Services
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