



Child Welfare Information Gateway

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STATE
STATUTES
SERIES

*Current Through
February 2006*

Who May Adopt, Be Adopted, or Place a Child for Adoption? Summary of State Laws

In order for an adoption to take place, a person available to be adopted must be placed in the home of a person or persons eligible to adopt. All States, the District of Columbia, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands have laws that specify which persons are eligible as adopting parents and which persons can be adopted. In addition, all States, the District of Columbia, Puerto Rico, and the territories have laws that designate which persons or entities have the authority to make adoptive placements.

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Who May Adopt?

In general, any single adult or a husband and wife jointly can be eligible to adopt. In addition, a stepparent can adopt the birth child of his or her spouse.¹ In approximately 13 States and the District of Columbia, there are no additional conditions specified.² In some States, married persons may adopt singly if they are legally separated from their spouse or if their spouse is legally incompetent.

Eligibility by Age

In approximately six States (Kentucky, Louisiana, Montana, New Jersey, Tennessee, and Washington), prospective parents must be 18 to be eligible to adopt; three States (Colorado, Delaware, and Oklahoma) and American Samoa set the age at 21; and Georgia and Idaho specify age 25. A few States allow minors to adopt under certain circumstances, such as when the minor is the spouse of an adult adoptive parent.

In approximately six States (California, Georgia, Nevada, New Jersey, South Dakota, and Utah) and the Northern Mariana Islands, the adopting parents must be at least 10 years older than the person to be adopted. In Puerto Rico, the adopting parent must be at least 14 years older; in Idaho, the parent must be at least 15 years older.

Eligibility by Residency

Approximately 17 States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands require that petitioners for adoption be State residents.³ The required period of residency ranges from 60 days to 1 year. There are exceptions to the residency requirement in some States. For example, in South Carolina and Indiana, a nonresident can adopt a child with special needs; in Illinois, Mississippi, New Mexico, and Rhode Island, a nonresident may adopt through an agency.

¹ A parent can usually adopt a stepchild without the spouse (the birth parent) joining in the petition, as long as the spouse consents to the adoption.

² The word *approximately* is used to stress the fact that the statutes are constantly being revised and updated. This information is current as of February 2006. In North Carolina, Pennsylvania, and Texas, any adult may adopt. In Alabama, Hawaii, Kansas, Maine, Massachusetts, Michigan, Missouri, Nebraska, and West Virginia, a single adult and married couples jointly may adopt. In Vermont, any adult and a parent's partner may adopt.

³ Arizona, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Minnesota, Mississippi, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and Wyoming.

Who May Be Adopted?

Gay and Lesbian Adoption

The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons. At this time, only two States, Florida and Mississippi, explicitly prohibit adoption by homosexuals in their statutes. Utah bars adoption by persons who are cohabiting but not legally married; this language could be interpreted to encompass gay and lesbian adoptions. In Connecticut, the sexual orientation of the prospective adoptive parent may be considered, notwithstanding provisions in the State's laws prohibiting discrimination based on sexual orientation.

All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands permit the adoption of a child. Some States also allow the adoption of an adult, under certain circumstances.

Adoption of a Child

Three States (Colorado, Indiana, and Rhode Island), American Samoa, and the Northern Mariana Islands specify that the child to be adopted must be under age 18. Five States (Connecticut, Delaware, Montana, Texas, and Wisconsin), American Samoa, and Guam specify in statute that the child must be legally free for adoption. Six States (Arizona, Colorado, South Carolina, Texas, Wisconsin, and Wyoming), American Samoa, and the Virgin Islands require that the child to be adopted must be present in the State at the time the petition is filed. Iowa requires that the child must have resided for a minimum period of 180 days in the home of the prospective adoptive parents.

Adoption of an Adult

Approximately 26 States and the District of Columbia allow the adoption of any person, regardless of age.⁴ Colorado, Rhode Island, American Samoa, and the Northern Mariana Islands allow parties to petition the court for the adoption of persons over age 18 but under age 21. Nevada specifies that the adult to be adopted must be younger than the adoptive parent, and West

⁴ Alaska, Arkansas, Florida, Georgia, Hawaii, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, and Wyoming.

Who May Place a Child for Adoption?

Virginia's statutes state that the adopting parent must be a resident of that State to adopt an adult.

Alabama restricts adoption of adults to persons who are permanently and totally disabled or mentally retarded. Ohio allows adoption of an adult only when the person is permanently disabled, mentally retarded, or a stepchild or foster child with whom the relationship was established while the child was a minor.

Idaho, Illinois, and South Dakota require that the adopting parent be in a sustained parental relationship for a specified period of time, ranging from 6 months to 2 years, with the adult to be adopted. Virginia allows the adoption of an adult stepchild, niece, or nephew, as long as the adopted person resided in the home for at least 3 months prior to reaching adulthood and is at least 15 years younger than the adopting parent.

In general, any person or entity who has the right to make decisions about a child's care and custody may place that child for adoption. Such persons include the birth parents or the child's legal guardian or guardian *ad litem*; legal entities include State Departments of Social Services or child-placing agencies. All States, the District of Columbia, and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands specifically designate which persons or entities hold the authority to make adoptive placements.

Agency and Department Placements

Approximately four States (Delaware, Indiana, Ohio, and West Virginia) require that all adoptive placements be made by the State Departments of Human or Social Services or child-placing agencies that are licensed by the State or meet certain standards.

Nonagency Placements

Most States allow "nonagency" placements of children for adoption, often referred to as "private" or "independent" adoption. One type of private adoption allowed in most States is the direct placement of a child by the birth parent with an adoptive family. Many States that allow direct placement have detailed statutory regulations in order to protect the interests of the parties

to the adoption. In six States (Florida, Kentucky, Massachusetts, Minnesota, New Mexico, and Rhode Island), parents who wish to make private placements must notify the Department or obtain the approval of the Department or the court. An exception to these requirements may be made when the child is being placed with a birth relative.

A few States allow the use of intermediaries in arranging private placements. These intermediaries are usually attorneys, and their activities, as well as the compensation they are allowed to accept, are strictly regulated.⁵

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, 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.

⁵ For additional information about the use of intermediaries, see the Information Gateway publication *Use of Advertising and Facilitators in Adoptive Placements* at www.childwelfare.gov/systemwide/laws_policies/statutes/advertising.cfm.

Alabama

Who May Adopt

Citation: Ala. Code § 26-10A-5

Any adult person or husband and wife jointly who are adults may adopt, with the following stipulations:

- No regulation shall prevent an adoption by a single person solely because the person is single.
- No regulation shall prevent an adoption solely because of the person's age.
- No regulation shall prevent an adoption solely because the adult person is employed outside the home.

Who May Be Adopted

Citation: Ala. Code § 26-10A-6

The following persons may be adopted:

- A minor
- An adult who is:
 - » Totally and permanently disabled
 - » Mentally retarded

Who May Place a Child for Adoption

Citation: Ala. Code § 26-10A-33

A child may be placed for adoption by any of the following:

- A parent
- A parent of a deceased parent
- A relative of a degree of relationship specified in § 26-10A-28
- The Department of Human Resources
- A licensed child-placing agency
- An agency approved by the Department

Alaska

Who May Adopt

Citation: Alaska Stat. § 25.23.020

The following persons may adopt:

- A husband and wife together
- An unmarried adult
- The unmarried parent of the person to be adopted
- A married person without the other spouse joining as a petitioner if:
 - » The other spouse is a parent of the person to be adopted and consents to the adoption.
 - » The petitioner and the other spouse are legally separated.
 - » The other spouse fails to join in the petition or to agree to the adoption due to prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.

Who May Be Adopted

Citation: Alaska Stat. § 25.23.010

Any person may be adopted.

Who May Place a Child for Adoption**Citation: Alaska Stat. §§ 25.23.040; 25.23.240**

A child may be placed for adoption by:

- The birth mother or father
- Any person lawfully entitled to custody of the minor or empowered to consent, including a licensed child-placing agency

American Samoa**Who May Adopt****Citation: Ann. Code § 45.0411**

The following persons may adopt:

- Any person age 21 or older
- A minor who petitions the court and receives approval to adopt

Who May Be Adopted**Citation: Ann. Code § 45.0410**

The following persons may be adopted:

- Any child under 18 years of age, legally available and present in the territory
- A person older than 18 but under 21, whose adoption is approved by the court

Who May Place a Child for Adoption**Citation: Ann. Code § 45.0413**

A child may be placed by any of the following:

- An individual who is the guardian of the child
- The court
- The Department of Health
- A child placement agency

Arizona**Who May Adopt****Citation: Rev. Stat. § 8-103**

Any adult resident of the State, whether married, unmarried, or legally separated, is eligible to adopt. A husband and wife may jointly adopt.

Who May Be Adopted**Citation: Rev. Stat. § 8-102**

The following persons may be adopted:

- A child
- A foreign-born person age 21 or less who is not an illegal alien

A person to be adopted must be present within the State at the time the petition is filed.

Who May Place a Child for Adoption**Citation: Rev. Stat. §§ 8-106; 8-130**

A child may be placed as follows:

- The child's parent may consent to a direct placement or an agency placement.
- A licensed child-placing agency or the division may handle a direct placement or an agency placement.
- A State licensed attorney may handle direct placements.

Arkansas**Who May Adopt****Citation: Ann. Code § 9-9-204**

The following persons may adopt:

- A husband and wife together, although one or both are minors
- An unmarried adult
- The unmarried parent of the person to be adopted
- A married individual without the spouse if:
 - » The other spouse is a parent of the individual to be adopted and consents to the adoption.
 - » The petitioner and the other spouse are legally separated.
 - » The failure of the other spouse to join in the petition or to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.

Who May Be Adopted**Citation: Ann. Code § 9-9-203**

Any individual may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code §§ 9-2-202; 9-9-206**

The following persons may place a child for adoption:

- The parent of the child
- Any person lawfully entitled to custody of the child or empowered to consent
- An agency that has been licensed to place minors for adoption

California**Who May Adopt****Citation: Family Code §§ 8600; 8601**

A child may be adopted by an adult who is at least 10 years older than the child. An exception to this requirement may be made if the adoptive parent is a stepparent, sister, brother, aunt, uncle, or first cousin of the child and, if that person is married, is adopting jointly with his or her spouse.

Who May Be Adopted**Citation: Family Code § 8600**

An unmarried minor may be adopted by an adult.

Who May Place a Child for Adoption**Citation: Family Code §§ 8801.5; 8704**

The child may be placed by any of the following:

- The child's birth parent in an independent adoption
- A licensed adoption agency or the department that has custody of the child

Colorado**Who May Adopt****Citation: Rev. Stat. § 19-5-202**

The following persons may adopt:

- Any person who is age 21 or older, including a foster parent
- A minor upon court approval
- A person jointly with a living spouse, unless they are legally separated

Who May Be Adopted**Citation: Rev. Stat. § 19-5-201**

Any child under age 18 who is present in the State may be adopted. A person who is over age 18 but under age 21 may be adopted if approved by the court.

Who May Place a Child for Adoption**Citation: Rev. Stat. § 19-5-206**

An adoptive placement may be made by any of the following:

- The birth parent(s)
- The court
- The county Department of Social Services
- A licensed child-placing agency

Connecticut**Who May Adopt****Citation: Gen. Stat. §§ 45a-726a; 45a-732**

Any adult person may adopt, with the following stipulations:

- The sexual orientation of the adopter may be considered when placing a child.
- The Commissioner is not required to place a child with a person who is homosexual or bisexual.
- A husband and wife must adopt jointly unless excepted by the court.

Who May Be Adopted**Citation: §Gen. Stat. § 45a-724; 45a-725**

Any minor child who is legally free for adoption, as defined by § 45a-725, may be adopted.

Who May Place a Child for Adoption**Citation: Gen. Stat. §§ 45a-724; 45a-726**

The child may be placed for adoption by any of the following:

- Any parent or statutory parent
- The child's guardian(s)
- The Commissioner of Children and Families
- A child-placing agency

Delaware**Who May Adopt****Citation: Ann. Code Tit. 13, § 903**

The following persons may adopt:

- An unmarried person
- A husband and wife jointly
- A divorced or legally separated person

The petitioners must be residents of the State at the time of filing and over age 21.

Who May Be Adopted**Citation: Ann. Code Tit. 13, § 908**

The child who is to be adopted must be legally free for adoption.

Who May Place a Child for Adoption**Citation: Ann. Code Tit. 13, § 904**

Any child sought to be adopted must be placed for adoption by the department, a licensed or authorized agency, and the placement must be supervised by the department or licensed agency. Such placement or supervision shall not be necessary in the case of:

- Adoption by a stepparent
- Adoption by a blood relative

No placement for an identified adoption in which an intermediary has been involved shall be approved or permitted by the department or a licensed agency.

In any case in which the child to be adopted is from out of the State, pursuant to § 926 of this title, the placement must be approved and supervised by the department or a licensed agency.

District of Columbia**Who May Adopt****Citation: Ann. Code § 16-302**

Any person may adopt. A married person must petition jointly with his spouse.

Who May Be Adopted**Citation: Ann. Code § 16-303**

Any minor or adult may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code § 4-1405**

Only the following may place a child for adoption:

- The parent
- A guardian
- A relative within the third degree
- A licensed child-placing agency

Florida**Who May Adopt****Citation: Ann. Stat. § 63.042**

The following persons may adopt:

- A husband and wife jointly
- An unmarried adult
- A married person without a spouse if excused by the court for good cause shown

No person is eligible to adopt if that person is a homosexual.

Who May Be Adopted**Citation: Ann. Stat. § 63.042**

Any person, a minor or an adult, may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. §§ 63.022; 63.202**

A child may be placed by any of the following:

- A parent or intermediary who must report any placement to the Department of Children and Family Services, , except for relative, adult, or stepparent adoptions
- A child-placing agency that is licensed by the department

Georgia

Who May Adopt

Citation: Ann. Code § 19-8-3

Any adult person, including a foster parent, may adopt a child when he or she meets all of the following criteria:

- Is at least 25 years old or married and living with his or her spouse
- Is at least 10 years older than the child
- Has been a resident at least 6 months
- Is financially, physically, and mentally able to have permanent custody of the child

Married persons must file a joint petition.

Who May Be Adopted

Citation: Ann. Code §§ 19-8-3; 19-8-21

The following persons may be adopted:

- Any child
- An adult who gives written consent

Who May Place a Child for Adoption

Citation: Ann. Code §§ 19-8-4; 19-8-5; 19-8-7

A child may be adopted through the department or any child-placing agency only if each such parent and each such guardian:

- Has voluntarily and in writing surrendered all of his rights to the child to the department or to a child-placing agency and the department or agency thereafter consents to the adoption
- Has had all of his or her rights to the child terminated by order of a court of competent jurisdiction, the child has been committed by the court to the department or to a child-placing agency for placement for adoption, and the department or agency thereafter consents to the adoption

Any living parent or guardian may relinquish his or her child for adoption by:

- A relative who is related by blood or marriage to the child as a grandparent, great-grandparent, aunt, uncle, great aunt, or great uncle
- A third party who is neither the stepparent nor relative of that child

Guam

Who May Adopt

Citation: Ann. Code Tit. 19, § 4203

The following persons may adopt:

- A husband and wife jointly
- A stepparent
- An unmarried adult
- A married adult if legally separated from his spouse

Petitioners must be legal residents of Guam.

Who May Be Adopted**Citation: Ann. Code Tit. 19, § 4201**

Any child who is legally free for adoption may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code Tit. 19, § 4201**

The child shall be placed by the Division of Social Services except in adoptions by close relatives.

Hawaii**Who May Adopt****Citation: Rev. Stat. § 578-1**

The following persons may adopt:

- Any unmarried adult
- The spouse of a birth parent
- A husband and wife jointly

Who May Be Adopted**Citation: Rev. Stat. § 578-1.5**

Any person may be adopted. An adult to be adopted must give written consent to the adoption.

Who May Place a Child for Adoption**Citation: Rev. Stat. §§ 578-1; 578-2**

The child may be placed by the following:

- The parent or legal guardian
- The department
- An approved child placement organization

Idaho**Who May Adopt****Citation: Idaho Code §§ 16-1501; 16-1502; 16-1503**

Any adult resident of Idaho may adopt, subject to specific provisions stipulated in statute. The adopting person, except the spouse of a natural parent, must be:

- At least 15 years older than adoptee, or
- Age 25 or older

If the adopting person is married, consent of the spouse is required.

Who May Be Adopted**Citation: Idaho Code § 16-1501**

Any minor child may be adopted.

Any adult may be adopted when the adopting person has sustained the relationship of a parent for a period in excess of 1 year while the adopted person was still a minor, or if the court determines a substantial family relationship has been created.

Who May Place a Child for Adoption**Citation: Idaho Code § 16-1504**

The following may consent to the child's adoption:

- The parent
- Any legally appointed custodian or guardian of the child

Illinois**Who May Adopt****Citation: 750 ILCS 50/2**

The following persons may adopt:

- A resident for at least 6 months or a member of the armed forces domiciled in the State for 90 days
- A reputable adult of either sex
- A minor with leave of the court

Husband and wife must petition jointly.

Residency requirement does not apply to a related child or to an agency placement.

Who May Be Adopted**Citation: 750 ILCS 50/3**

The following persons may be adopted:

- Any child
- Any adult who has resided with the adoptive parent for at least 2 years while the person was a minor or who is related to the adoptive parent

Who May Place a Child for Adoption**Citation: 750 ILCS 50/4.1**

The birth mother and father who have the right of consent may place the child with a specified person. All other placements must be made by:

- The Department of Children and Family Services
- Any agency licensed by the department

Indiana**Who May Adopt****Citation: Ann. Code §§ 31-19-2-2; 31-19-2-3; 31-19-2-4**

The following persons may adopt:

- A resident of Indiana may adopt.
- A nonresident may adopt a hard to place child.
- A husband and wife must petition jointly.

Who May Be Adopted**Citation: Ann. Code §§ 31-19-2-2; 31-19-2-1**

The following persons may be adopted:

- A child less than age 18
- A person age 18 or older who consents to his or her adoption by a resident of Indiana

Who May Place a Child for Adoption**Citation: Ann. Code § 31-19-7-1**

A parent may make a direct placement when the child is sought to be adopted by a stepparent, grandparent, aunt, or uncle. In all other cases, a child may not be placed in a proposed adoptive home without the prior written approval of a licensed child-placing agency or county office of family and children.

Iowa**Who May Adopt****Citation: Ann. Stat. § 600.4**

The following persons may adopt:

- An unmarried adult
- A husband and wife together
- A husband or wife separately if the petitioner is:
 - » The stepparent
 - » Separated from his or her spouse
 - » Unable to obtain consent from his or her spouse due to disability, prolonged absence, and an unreasonable unwillingness to consent

Who May Be Adopted**Citation: Ann. Stat. § 600.10**

Any person may be adopted. The adoption of a minor may not be decreed until the minor has resided with the adoptive parent for a minimum of 180 days.

Who May Place a Child for Adoption**Citation: Ann. Stat. §§ 600.7; 600.7A**

The child may be placed by any of the following:

- The guardian of the person to be adopted
 - The Department of Human Services
-

Kansas**Who May Adopt****Citation: Ann. Stat. § 59-2113**

The following persons may adopt:

- Any adult
- A husband and wife jointly

Who May Be Adopted**Citation: Ann. Stat. § 59-2113**

Any minor or adult may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. § 59-2112**

A child may be placed by any of the following:

- The child's parent(s)
- The child's legal guardian
- A person given authority to consent *in loco parentis*
- A child-placing agency

Kentucky**Who May Adopt****Citation: Rev. Stat. § 199.470**

Any person, age 18 or older, who has been a State resident for at least 12 months may adopt.

A husband and wife must petition jointly.

Who May Be Adopted**Citation: Rev. Stat. § 199.470**

Any child may be adopted.

Who May Place a Child for Adoption**Citation: Rev. Stat. §§ 199.470; 199.473**

The child's placement must:

- Be by a child-placing institution or agency or the cabinet
- Have the written approval of the secretary

No approval shall be necessary in the case of:

- Adoption by a stepparent, grandparent, sister, brother, aunt, uncle, great grandparent, great aunt, or great uncle
- Placement by an agency from outside the State with the written consent of the secretary
- An adoption finalized in another country

Louisiana**Who May Adopt****Citation: Ch. Code Art. 1198, 1221**

A single person, who is age 18 or older, or a married couple jointly may adopt, either privately or through an agency.

Who May Be Adopted**Citation: Ch. Code Art. 1198, 1221**

Any child may be adopted.

Who May Place a Child for Adoption**Citation: Ch. Code Art. 1198, 1221**

An adoptive placement may be by:

- Private placement
- A child-placing agency

Maine**Who May Adopt****Citation: Ann. Stat. Tit. 18-A, § 9-301**

The following persons may adopt:

- A husband and wife jointly
- An unmarried person
- A resident or nonresident

Who May Be Adopted**Citation: Ann. Stat. Tit. 18-A, § 9-301**

Any person, regardless of age, may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. Tit. 18-A, § 9-302**

The child may be placed by:

- The child's parent(s)
- The person or agency having legal custody or guardianship of the child

Maryland**Who May Adopt****Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-12**

Any adult may petition to adopt a child. If a petitioner is married, the petitioner's spouse shall join in the petition unless the spouse:

- Is separated from the petitioner
- Is not competent to join in the petition

Who May Be Adopted**Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-12**

Any child may be adopted.

Who May Place a Child for Adoption**Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-12**

The child may be placed by any of the following:

- A parent or grandparent
- A local department that has custody of the child
- A child-placing agency that has been awarded guardianship

Massachusetts**Who May Adopt****Citation: Ann. Laws Ch. 210 § 1**

The following persons may adopt:

- Any adult
- A husband and wife jointly
- A minor with his or her spouse to adopt the natural child of either spouse

Who May Be Adopted**Citation: Ann. Laws Ch. 210 § 1**

Any person younger than the petitioner may be adopted, except for a spouse, sibling, or aunt or uncle

Who May Place a Child for Adoption**Citation: Ann. Laws Ch. 210, §§ 2; 2A**

The child may be placed by any of the following:

- The child's parent(s) when the placement has been approved by the department or an authorized agency
- The Department of Social Services
- A licensed child-placing agency

Michigan**Who May Adopt****Citation: Comp. Laws § 710.24**

The following persons may adopt:

- Any person
- A husband and wife jointly

Who May Be Adopted**Citation: Comp. Laws § 710.24**

Any child or adult may be adopted.

Who May Place a Child for Adoption**Citation: Comp. Laws §§ 710.23a, 710.23b, 710.23c**

The child may be placed by any of the following:

- A parent or guardian having legal and physical custody
- A child-placing agency
- The department
- A court having legal custody

Minnesota**Who May Adopt****Citation: Ann. Stat. § 259.22**

Any person who has resided in the State for at least 1 year may adopt. The court may waive any residence requirement if the petitioner is an individual who is related to the child, a member of a child's extended family, or important friends with whom the child has resided or had significant contact.

Who May Be Adopted**Citation: Ann. Stat. § 259.22**

Any child or adult may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. §§ 259.22; 259.47**

The child must be placed by the Commissioner of Human Services, the Commissioner's agent, or a licensed child-placing agency. An exception may be made if:

- The child is age 14 years or older.
- The child is sought to be adopted by an individual who is related to the child.
- The child has been lawfully placed under the laws of another State while the child and petitioner resided in that other State.
- The court waives the requirement in the best interests of the child or petitioners.
- The child has been lawfully placed by a parent or guardian in a direct placement.

Direct placement by a parent or guardian must be approved by the court, and an adoption study completed.

Mississippi**Who May Adopt****Citation: Ann. Code § 93-17-3**

The following persons may adopt:

- An unmarried adult
- A married person jointly with his or her spouse
- A State resident for a least 90 days, except in an agency adoption

Adoption by persons of the same gender is prohibited.

Who May Be Adopted**Citation: Ann. Code § 93-17-3**

Any person may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code §§ 93-17-5; 93-17-9**

The child may be placed by any of the following:

- The parent(s)
- Any two adult kin of the child if both parents are deceased
- A guardian *ad litem* of an abandoned child
- A child-placing agency to whom the child has been surrendered

Missouri**Who May Adopt****Citation: Ann. Stat. § 453.010**

The following persons may adopt:

- Any person, regardless of residence
- A person who petitions jointly with his or her spouse

Who May Be Adopted**Citation: Ann. Stat. § 453.010**

Any child may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. § 453.014**

The child may be placed by any of the following:

- The Division of Family Services of the Department of Social Services
- A licensed child-placing agency
- The child's parent(s) without the direct or indirect assistance of an intermediary, in the home of a relative of the child within the third degree
- An intermediary, including an attorney, physician, or clergyman

Montana**Who May Adopt****Citation: Ann. Code § 42-1-106**

The following persons may adopt:

- A husband and wife jointly
- A stepparent
- An unmarried individual who is age 18 or older
- A married person singly who is legally separated or whose spouse is incompetent

Who May Be Adopted**Citation: Ann. Code § 42-1-105**

The following persons may be adopted:

- A child who is legally free for adoption
- Any adult
- A stepchild

Who May Place a Child for Adoption**Citation: Ann. Code § 42-1-107**

A child may be placed for adoption by:

- The department or agency to which the child has been relinquished or has been authorized to place the child
- The child's parents
- A guardian authorized by the court

Nebraska**Who May Adopt****Citation: Rev. Stat. § 43-101**

Any adult person may adopt. A husband and wife must adopt jointly, unless the adoptive parent is a stepparent.

Who May Be Adopted**Citation: Rev. Stat. § 43-101**

Any minor or adult child may be adopted.

Who May Place a Child for Adoption**Citation: Rev. Stat. § 43-105**

The following persons may consent to the adoptive placement of a child:

- The parents
- The Department of Health and Human Services
- A licensed child-placing agency
- The child's guardian or guardian *ad litem*

Nevada**Who May Adopt****Citation: Rev. Stat. §§ 127.020; 127.030**

The following persons may adopt:

- An adult person at least 10 years older than the adopted person
- Any adult

Married persons must adopt jointly.

Who May Be Adopted**Citation: Rev. Stat. §§ 127.020; 127.190**

The following persons may be adopted:

- A minor child at least 10 years younger than the adoptive parent
- Any adult person younger than the adoptive parent

Who May Place a Child for Adoption**Citation: Rev. Stat. §§ 127.040; 127.050**

The parents or guardian of the child may consent to a specific adoption or relinquish the child to an agency authorized to accept relinquishments. An agency that provides child welfare services or a licensed child-placing agency may accept relinquishments and make adoptive placements

New Hampshire**Who May Adopt****Citation: Rev. Stat. § 170-B:4**

Any of the following adults may adopt:

- A husband and wife together
- A married person without his or her person spouse joining as a petitioner if any one of the following circumstances apply:
 - » The petitioner is the stepparent.
 - » The petitioner and his or her spouse are legally separated.
 - » The failure of the petitioner's spouse to join in the petition is excused by the court by reason of prolonged unexplained absence, unavailability, or circumstances constituting an unreasonable withholding of assent.
 - » The petitioner's spouse assents to the adoption and the adopted person is over age 18.
- An unmarried adult
- The unmarried parent of the adopted person

Who May Be Adopted**Citation: Rev. Stat. § 170-B:3**

Any individual may be adopted.

Who May Place a Child for Adoption**Citation: Rev. Stat. § 170-B:5**

The child may be placed by any of the following:

- The parents or legal guardian
 - The Department of Health and Human Services
 - An agency licensed to place children
-

New Jersey

Who May Adopt

Citation: Ann. Stat. §§ 9:3-39.1; 9:3-43

Any of the following persons may adopt:

- Any person who is at least 18 years of age and 10 years older than the child to be adopted
- Married persons jointly
- The child's brother, sister, aunt, uncle, grandparent, birth father, or stepparent

Who May Be Adopted

Citation: Ann. Stat. § 9:3-39.1

Any child may be adopted.

Who May Place a Child for Adoption

Citation: Ann. Stat. § 9:3-39.1

A child may be placed for adoption by:

- The parent or guardian of the child
- An approved agency
- An intermediary, if the adoptive parent has been qualified for placement by an approved agency home study

New Mexico

Who May Adopt

Citation: Ann. Stat. § 32A-5-11

Residents who are one of the following may adopt:

- Any individual who has been approved by the court as a suitable adoptive parent
- A married individual without the individual's spouse joining in the adoption if:
 - » The nonjoining spouse is a parent of the adopted person.
 - » The individual and the nonjoining spouse are legally separated.
 - » The failure of the nonjoining spouse to join in the adoption is excused for reasonable circumstances as determined by the court.

Nonresidents may adopt in New Mexico if the adopted person is a resident of New Mexico or was born in New Mexico but is less than 6 months of age and was placed by the department or an agency licensed by the State of New Mexico.

Who May Be Adopted

Citation: Ann. Stat. §§ 32A-5-11; 32A-5-5

Any child may be adopted.

An Indian child should be placed with:

- His or her extended family
- Members of his or her tribe
- Other Indian families

Who May Place a Child for Adoption**Citation: Ann. Stat. § 32A-5-12**

Placements for adoption shall be made by:

- The department
- An appropriate public authority of another State
- An agency

A parent may arrange an independent placement for his or her child pursuant to § 32A-5-13. In such case, the petitioner must file a request with the court to allow the placement. A preplacement study will be required. An exception to these requirements is made when:

- A stepparent seeks to adopt the child, and prior to the filing of the adoption petition, the child has lived with the stepparent for at least 1 year since the marriage of the stepparent to the custodial parent and the family has received counseling.
- A relative within the fifth degree of consanguinity to the child or that relative's spouse seeks to adopt the child, and, prior to the filing of the adoption petition, the child has lived with the relative or the relative's spouse for at least 1 year.
- A person designated to care for the child in the will of the child's deceased parent seeks to adopt the child, and, prior to the filing of the adoption petition, the child has lived with that person for at least 1 year.

New York**Who May Adopt****Citation: Dom. Rel. Law § 110**

The following persons may adopt:

- An adult unmarried person
- An adult husband and adult wife together
- An adult married person legally separated

Who May Be Adopted**Citation: Dom. Rel. Law § 110**

Any person may be adopted.

Who May Place a Child for Adoption**Citation: Soc. Serv. Law § 374**

The child may be placed for adoption by:

- An authorized agency
 - A parent
 - A legal guardian
 - A relative within the second degree
-

North Carolina**Who May Adopt****Citation: Gen. Stat. § 48-1-103**

Any adult may adopt, except that spouses may not adopt each other.

Who May Be Adopted**Citation: Gen. Stat. § 48-1-104**

Any individual may be adopted.

Who May Place a Child for Adoption**Citation: Gen. Stat. § 48-3-201**

The child may be placed by any of the following:

- An agency
- A guardian
- Both parents if married and living together
- A parent with legal and physical custody of the child

North Dakota**Who May Adopt****Citation: Cent. Code § 14-15-03**

The following persons may adopt:

- A husband and wife jointly if they are not separated, even if one or both are minors
- An unmarried adult
- The unmarried parent of the person to be adopted
- A married individual singly if he or she is legally separated or the child's stepparent

Who May Be Adopted**Citation: Cent. Code § 14-15-02**

Any individual may be adopted.

Who May Place a Child for Adoption**Citation: Cent. Code §§ 14-15-05; 50-06-01.4**

The child may be placed by:

- The child's parent(s)
- The custodian of the child
- The department
- A licensed child-placing agency

Northern Mariana Islands

Who May Adopt

Citation: Commonwealth Code Tit. 8, § 1403

Any adult resident may adopt who is:

- Unmarried
- Married to the legal parent
- Husband and wife jointly
- At least 10 years older than the child to be adopted

Who May Be Adopted

Citation: Commonwealth Code Tit. 8, § 1402

Any person under age 18 may be adopted.

The court may allow the adoption of persons over age 18 if in conformance with local custom or not for the purpose of evading the law.

Who May Place a Child for Adoption

Citation: Commonwealth Code Tit. 8, § 1404

The child may be placed by:

- The mother
- The legal father
- Any person or agency having legal custody of the child

Ohio

Who May Adopt

Citation: Rev. Code § 3107.03

The following persons may adopt:

- A husband and wife together, at least one of whom is an adult
- An unmarried adult or a married person singly if legally separated
- The unmarried minor parent of the person to be adopted
- A stepparent

Who May Be Adopted

Citation: Rev. Code § 3107.02

The following persons may be adopted:

- Any minor
- An adult if he or she is:
 - » Totally and permanently disabled
 - » Mentally retarded
 - » A stepchild or foster child of the adoptive parent and the relationship was established while the adopted person was still a minor

Who May Place a Child for Adoption**Citation: Rev. Code § 3107.011**

A person seeking to adopt a minor shall utilize an agency or attorney to arrange the adoption. Only an agency or attorney may arrange an adoption.

Any person may informally aid or promote an adoption by making a person seeking to adopt a minor aware of a minor who will be or is available for adoption.

Oklahoma**Who May Adopt****Citation: Ann. Stat. Tit. 10, § 7503-1.1**

The following persons may adopt:

- A husband and wife jointly if both are at least age 21
- Either the husband or wife if the other spouse is a parent or relative of the child
- A married person who is legally separated and at least age 21
- An unmarried person who is at least age 21

Who May Be Adopted**Citation: Ann. Stat. Tit. 10, §§ 7503-1.1; 7507-1.1**

Either a child or an adult may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. Tit. 10, § 7503-2.1**

A child may be placed by:

- The child's parent(s)
 - Legal guardian or guardian *ad litem*
 - The department
 - A licensed child-placing agency
-

Oregon**Who May Adopt****Citation: Rev. Stat. § 109.309**

Any person may petition to adopt as long as at least one party in the proceeding is a resident of Oregon.

Who May Be Adopted**Citation: Rev. Stat. § 109.309**

The following persons may be adopted:

- A minor child
- An adult

Who May Place a Child for Adoption**Citation: Rev. Stat. § 109.309**

A child may be placed for adoption by:

- A parent
- A relative or other person
- A licensed adoption agency

Pennsylvania**Who May Adopt****Citation: Cons. Stat. Tit. 23, § 2312**

Any individual may adopt.

Who May Be Adopted**Citation: Cons. Stat. Tit. 23, § 2311**

Any individual may be adopted, regardless of age or residence.

Who May Place a Child for Adoption**Citation: Cons. Stat. Tit. 23, §§ 2501; 2502**

The child's parent(s) may relinquish the child to a child-placing agency or directly to the adoptive parents.

Puerto Rico**Who May Be Adopted****Citation: Ann. Laws Tit. 31, § 533**

The following persons may be adopted:

- Nonemancipated minors and minors emancipated by judicial decree or with the consent of the father, mother, or parents with patria potestas
- An unmarried emancipated minor or a person of legal age under one of the following circumstances:
 - » The adopted person has resided in the home of the adoptive parents prior to having reached age 18 and the situation has continued to the date the petition for adoption is filed.
 - » The adopted person is an emancipated minor who has never been married.

The following persons may not be adopted:

- Those persons who have reached legal age as of the date an adoption decree is granted, even though they are minors at the time the petition for adoption is filed
- Presently or formerly married persons, even though they may be minors
- An ascendant of the adoptive parent with a relationship of consanguinity or affinity
- A guardian by his or her ward
- A ward by his or her guardian until the final and binding approval by judicial decree of the general and final guardianship account

Who May Place a Child for Adoption**Citation: Ann. Laws Tit. 31, § 535**

The child may be placed by:

- The child's parent(s)
- The department
- The child's legal guardian
- The child's grandparents

Rhode Island**Who May Adopt****Citation: Gen. Laws § 15-7-4**

The following persons may adopt:

- Any adult resident
- A nonresident who adopts a child in the custody of a child-placing agency

A husband and wife must petition jointly.

Who May Be Adopted**Citation: Gen. Laws § 15-7-4**

The following persons may be adopted:

- Any person younger than the adopter and under age 18
- Persons over age 18 whose adoptions are granted by the probate court

Who May Place a Child for Adoption**Citation: Gen. Laws § 15-7-2**

Placements may be made in the following manner:

- A parent may place his or her child directly with a father, brother, sister, aunt, uncle, grandparent, or stepparent of the child.
- When a parent places the child with any other person, the parent must notify the department within 15 days.
- The court shall determine whether the placement is in the best interests of the child.
- The court may approve the placement, return the child to his or her parent, or place the child with the department or child-placing agency.

South Carolina

Who May Adopt

Citation: Ann. Code § 20-7-1670

The following persons may adopt:

- Any South Carolina resident may adopt.
- A nonresident may adopt if:
 - » The child is a special needs child.
 - » The child is being placed with a relative.
 - » At least one of the adoptive parents is a member of the military.
 - » Unusual or exceptional circumstances or public notoriety concerning the child or the child's family mean the best interests of the child would be served by adoption by placement outside the State.
 - » The child has been in foster care for at least 6 months and has been legally freed for adoption.

Who May Be Adopted

Citation: Ann. Code § 20-7-1660

Any child present within the State at the time the petition is filed may be adopted.

Who May Place a Child for Adoption

Citation: Ann. Code § 20-7-1670

The child may be placed by the following:

- A parent
- The department
- A child-placing agency

South Dakota

Who May Adopt

Citation: Ann. Laws § 25-6-2; 25-6-3

Any adult person who is at least 10 years older than the child may adopt. A married person must have the consent of his or her spouse, unless they are legally separated.

Who May Be Adopted

Citation: Ann. Laws §§ 25-6-2; 25-6-18

Any minor child may be adopted. An adult may be adopted if he or she lived in the home of the adoptive parents during his or her minority for at least 6 months.

Who May Place a Child for Adoption

Citation: Ann. Laws § 26-6-8

Only the following may place a child for adoption:

- A parent
 - A guardian
 - A relative within the second degree
 - A licensed child welfare agency
 - The Department of Social Services
-

Tennessee**Who May Adopt****Citation: Ann. Code § 36-1-115**

Any person over age 18 who has been a resident for at least 6 months may adopt, with the following stipulations:

- Spouses must petition jointly.
- Foster parents are given first preference on adopting their foster child.

Who May Be Adopted**Citation: Ann. Code § 36-1-115**

Any person may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code § 36-1-108**

Only the following may place a child for adoption:

- The child's parent
 - The department
 - A licensed child-placing agency
 - A licensed clinical social worker
-

Texas**Who May Adopt****Citation: Fam. Code § 162.001**

Any adult may adopt.

Who May Be Adopted**Citation: Fam. Code § 162.001**

A child residing in the State may be adopted if any of the following hold:

- The rights of the parents have been terminated.
- The petitioner is a stepparent.
- The child is at least 2 years old, and the petitioner is a former stepparent who:
 - » Has cared for the child at least 6 months, and the non-terminated parent consents
 - » Has had care, possession, and control of the child for at least 1 year

Who May Place a Child for Adoption**Citation: Fam. Code § 162.025**

Only the following may place the child:

- The child's natural or adoptive parent
 - The child's legal guardian
 - A licensed child-placing agency
-

Utah

Who May Adopt

Citation: Ann. Code §§ 78-30-1; 78-30-2; 78-30-3

The following persons are eligible to adopt:

- Adults who are legally married to each other
- A stepparent
- Any single adult

The following qualifications apply:

- Persons who are cohabiting but not legally married may not adopt.
- The adoptive parent must be at least 10 years older than the adopted person.
- In the case of a married couple, only one person needs to be 10 years older.
- A married person may not adopt without the consent of his or her spouse unless they are legally separated.

Who May Be Adopted

Citation: Ann. Code § 78-30-1

Any minor child or adult may be adopted.

Who May Place a Child for Adoption

Citation: Ann. Code § 62A-4a-602

The child may be placed by the following:

- A parent
- A licensed child-placing agency

An attorney, physician, or other person may assist a parent in identifying or locating a person interested in adopting the parent's child, or in identifying or locating a child to be adopted. However, no payment, charge, fee, reimbursement of expense, or exchange of value of any kind, or promise or agreement to make the same, may be made for that assistance.

Vermont

Who May Adopt

Citation: Ann. Stat. Tit. 15A, § 1-102

The following persons may adopt:

- Any person
- A parent's partner

Who May Be Adopted

Citation: Ann. Stat. Tit. 15A, § 1-102

Any person may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Stat. Tit. 15A, § 2-101**

Only the following may place a child for adoption:

- The parent having legal custody
 - A guardian who has been expressly authorized to place the child for adoption
 - An agency to which the child has been relinquished
-

Virgin Islands**Who May Adopt****Citation: Ann. Code Tit. 16, § 141**

Any inhabitant of the Virgin Islands may adopt a child. Married couples may adopt jointly.

Who May Be Adopted**Citation: Ann. Code Tit. 16, § 141**

A child who is in the Virgin Islands may be adopted.

Who May Place a Child for Adoption**Citation: Ann. Code Tit. 16, § 142**

A child may be placed for adoption by the following:

- A parent
 - A guardian or guardian *ad litem*
 - Next of kin
-

Virginia**Who May Adopt****Citation: Ann. Code § 63.2-1201**

The following persons may adopt:

- Any resident
 - A husband and wife jointly
 - A stepparent
-

Who May Be Adopted**Citation: Ann. Code §§ 63.2-1200; 63.2-1243**

The following persons may be adopted:

- A minor child
- A person age 18 or older under the following circumstances:
 - » The adopted person is a stepchild to whom the petitioner has stood *in loco parentis* for a period of at least 3 months.
 - » The adopted person is a niece or nephew who has no living parents and who has lived in the home of the petitioner for at least 3 months.
 - » The adopted person is the birth child of the petitioner or had resided in the home of the petitioner for a period of at least 3 months prior to reaching age 18.
 - » The adopted person is at least 15 years younger than the petitioner, and the petitioner and the adopted person have known each other for at least 5 years prior to the filing of the petition for adoption.

Who May Place a Child for Adoption**Citation: Ann. Code § 63.2-1200**

A child may be placed for adoption by:

- A licensed child-placing agency
- A local board of social services
- The child's parent or legal guardian if the placement is a parental placement
- An out-of-State agency that is licensed by that State, but any entrustment agreement must comply with Virginia law to be valid

Washington**Who May Adopt****Citation: Rev. Code § 26.33.140**

Any person who is legally competent and age 18 or older may adopt.

Who May Be Adopted**Citation: Rev. Code § 26.33.140**

Any person, regardless of age or residence, may be adopted.

Who May Place a Child for Adoption**Citation: Rev. Code § 26.33.160**

A child may be placed for adoption by:

- The child's parent or guardian
 - The department
 - A child-placing agency
-

West Virginia

Who May Adopt

Citation: Ann. Code § 48-22-201

The following persons may adopt:

- Any person
- A stepparent with the consent of his or her spouse
- A husband and wife jointly

Who May Be Adopted

Citation: Ann. Code §§ 48-22-201; 48-22-801

The following persons may be adopted:

- Any minor child
- Any person age 18 or older, if the adopting parent is a West Virginia resident

Who May Place a Child for Adoption

Citation: Ann. Code §§ 49-3-1; 48-22-104

Relinquishment for an adoption to an agency or to the department is required of the birth parent or any other person whose consent is required by § 48-22-301. Only a public or private agency or the department of health and human resources is authorized to place children for adoption.

Wisconsin

Who May Adopt

Citation: Ann. Stat. § 48.82

The following State residents are eligible to adopt:

- A husband and wife jointly
- A stepparent
- An unmarried adult

Who May Be Adopted

Citation: Ann. Stat. § 48.81

Any child present in the State may be adopted if any of the following criteria are met:

- Both of the child's parents are deceased.
- The parental rights of both of the child's parents have been terminated.
- The parental rights of one of the child's parents have been terminated and the child's other parent is deceased.
- The person filing the petition for adoption is the spouse of the child's parent with whom the child and the child's parent reside and either of the following applies:
 - » The child's other parent is deceased.
 - » The parental rights of the child's other parent with respect to the child have been terminated.

Who May Place a Child for Adoption**Citation: Ann. Stat. §§ 48.837; 48.833**

The child may be placed for adoption by the following:

- A parent having custody of the child
 - The department
 - A licensed child-placing agency
-

Wyoming**Who May Adopt****Citation: Ann. Stat. § 1-22-103**

Any adult person who has resided in the State at least 60 days and has been determined to be fit and competent may adopt.

Who May Be Adopted**Citation: Ann. Stat. § 1-22-102**

Any person may be adopted who is present within the State when the petition is filed.

Who May Place a Child for Adoption**Citation: Ann. Stat. § 1-22-109**

The child may be placed for adoption by:

- The child's parent(s)
 - The child's legal guardian or custodian
 - A licensed child-placing agency
 - The Department of Family Services
 - The legal guardian of any parent who is adjudged mentally incompetent
-