



**STATE STATUTES**  
CURRENT THROUGH AUGUST 2020

# Providing Adoptive Parents With Information About Adoptees and Their Birth Families

To find statute information for a particular State, go to the [State Statutes Search](#).

When prospective adoptive parents are provided information about the physical and behavioral health, developmental, educational, and social histories of the child they hope to adopt, they are better able to make informed decisions about whether they are emotionally and financially prepared to meet the child's needs. In addition, knowing the medical and genetic histories of the child's birth family is important for meeting the child's medical needs throughout the child's lifetime.

In State statutes, the requirements for collecting information about adopted persons and their birth relatives vary from State to State. All 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico have statutes that specify the kinds of information that may be collected and shared with the adopting parents.

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## **AGENCY OR PERSON PREPARING THE REPORT**

State laws specify the persons or entities authorized to prepare a report about the conditions and antecedents (family history) of the child to be adopted. In most States, information about the child and his or her birth family is compiled by the child-placing agency, the State's department of social services, or other designated person or agency that arranged the adoption. In approximately 10 States and the Northern Mariana Islands,<sup>1</sup> the court may designate another qualified person, such as a social worker or specially trained investigator, to complete the report on the birth family. In approximately 11 States and Puerto Rico, the child's birth parent or other person placing the child for adoption is required to submit family information to the court.<sup>2</sup>

## **CONTENTS OF THE REPORT ABOUT THE ADOPTEE**

Information compiled about the person to be adopted usually includes their medical and genetic history, family and social background, mental health history, placement history, and any history of abuse or neglect. In 15 States, the requirements ask for detailed information about the child, including medical and developmental history, as well as any school records.<sup>3</sup> In five States and the District of Columbia,

the report must provide the child's religious and ethnic background, if known.<sup>4</sup>

In six States, the report must indicate whether the adoptee is an American-Indian/Alaska Native child and, if so, whether the placement complies with the Indian Child Welfare Act.<sup>5</sup> In Alabama, Mississippi, Pennsylvania, the District of Columbia, and American Samoa, the report must disclose any known assets or property owned by the child. Massachusetts requires verification that the adoptee is not listed on the Federal register of missing children. Approximately eight States require information about whether the child is eligible for any State or Federal adoption assistance.<sup>6</sup>

## **CONTENTS OF THE REPORT ABOUT THE BIRTH FAMILY**

States generally require reports that include information about the birth parents' medical and genetic histories, family and social backgrounds, mental health histories, religious backgrounds, ethnic and racial backgrounds, and educational levels attained. In 17 States, the same types of information must be collected and disclosed about extended family members—including grandparents, aunts, and uncles—whenever possible.<sup>7</sup> Some States also stipulate that information be collected on physical appearance, talents, hobbies, field of

<sup>1</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current as of August 2020. The States that currently have this provision include Alabama, Alaska, Colorado, Georgia, Indiana, Kansas, Kentucky, Ohio, Pennsylvania, and South Dakota.

<sup>2</sup> Iowa, Michigan, Minnesota, Missouri, Montana, New Hampshire, New York, Oklahoma, Tennessee, Texas, and Vermont

<sup>3</sup> California, Connecticut, Florida, Illinois, Iowa, Maine, Michigan, Minnesota, New Mexico, Ohio, Oklahoma, Rhode Island, Texas, Vermont, and Washington

<sup>4</sup> Iowa, Michigan, New Hampshire, New York, and Pennsylvania

<sup>5</sup> Louisiana, Montana, Nevada, New Hampshire, Ohio, and Oklahoma

<sup>6</sup> Florida, Michigan, Nevada, Ohio, Oklahoma, Rhode Island, Texas, and Vermont

<sup>7</sup> Illinois, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin

occupation, and drugs taken by the mother during pregnancy. In most instances, only nonidentifying information is shared with the adopting parents.<sup>8</sup> However, in Colorado, New York, and American Samoa, names, addresses, and other identifying information about the birth parents, if obtainable, must be included in the reports.

## WHEN THE REPORT IS MADE

The timeframe for collecting the information and making a report about the birth family varies from State to State. In 20 States, the information must be provided to the prospective adoptive parents prior to the placement of the child.<sup>9</sup> In eight States, American Samoa, and the District of Columbia, the report on the birth family's background must be included with the adoption petition.<sup>10</sup> Four States require relinquishing birth parents to submit family and medical information to the court at the time that parental rights are terminated.<sup>11</sup>

In nine States, statutes require the court to order a study and report when the initial application to adopt is filed, with specific time limits for completion.<sup>12</sup> Nine States,

Guam, and the Northern Mariana Islands require the report to be submitted prior to the final hearing on the adoption petition.<sup>13</sup> Maryland will provide any available information about the birth family to the adoptive parents on request.

## EXCEPTIONS FOR STEPPARENT OR RELATIVE ADOPTIONS

In 24 States, American Samoa, and the District of Columbia, an investigation into a child's family background is not required when the child will be adopted by his or her stepparent.<sup>14</sup> In 21 States, the requirement is waived if the child will be adopted by a close relative.<sup>15</sup> If the person to be adopted is an adult, no report is required in seven States and the District of Columbia.<sup>16</sup> Other cases in which the requirement may be waived include adoption by a legal guardian in American Samoa, by the parent's domestic partner in the District of Columbia, a person who shares parental responsibility with the parent of the child in Connecticut, or by a person named in a deceased parent's will in New Mexico.

<sup>8</sup> For more information on accessing adoption records, see Child Welfare Information Gateway's [Access to Adoption Records](#).

<sup>9</sup> Arizona, Arkansas, California, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Missouri, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Washington, and Wisconsin

<sup>10</sup> Colorado, Kansas, Mississippi, Montana, Nebraska, Nevada, New York, and Tennessee

<sup>11</sup> New Hampshire, South Dakota, Tennessee, and Wisconsin

<sup>12</sup> Connecticut (within 60 days), Delaware (60 days), Idaho (30 days), Indiana (30 days), Iowa (30 days), Kentucky (90 days), Massachusetts (30 days), Pennsylvania (6 months), and Virginia (60 days)

<sup>13</sup> Alabama, Alaska, Florida, Georgia, Hawaii, North Dakota, Ohio, Utah, and Wyoming

<sup>14</sup> Alabama, Alaska, Arizona, Arkansas, Connecticut, Florida, Idaho, Iowa, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, and Virginia

<sup>15</sup> Alabama, Alaska, Arizona, Arkansas, Florida, Idaho (by a grandparent only), Illinois, Iowa, Kansas, Louisiana, Maine, Michigan, Nebraska (by a grandparent only), Nevada, New Mexico, Ohio (by a grandparent only), Oklahoma, Rhode Island, South Carolina, Texas, and Virginia

<sup>16</sup> Alaska, Arkansas, Florida, Illinois, Iowa, Minnesota, and North Dakota

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

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