

## STATE STATUTES

Current Through  
December 2015

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<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>



## Who May Adopt, Be Adopted, or Place a Child for Adoption?

For an adoption to take place, the 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 the persons who are eligible to adopt and the persons who can be adopted. In addition, all States, the District of Columbia, Puerto Rico, and the territories have laws that designate the persons or entities that have the authority to make adoptive placements.



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## Who May Adopt?

In general, any single adult or a married couple jointly can be eligible to adopt.<sup>1</sup> In addition, a stepparent can adopt the child of his or her spouse if the spouse has legal custody of the child.<sup>2</sup> In Vermont, a person may adopt the child of his or her partner.

In approximately 11 States, American Samoa, and the District of Columbia, there are no additional conditions specified.<sup>3</sup> In some States, married persons may adopt singly if they are legally separated or if their spouse is legally incompetent.

### Eligibility by Age

In approximately seven States and Puerto Rico, prospective parents must be age 18 to be eligible to adopt.<sup>4</sup> 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 and the Northern Mariana Islands, the adopting parents must be at least 10 years older than the person to be adopted.<sup>5</sup> In Puerto Rico, the adopting parent must be at least 14 years older; in Idaho, the parent must be at least 15 years older.

<sup>1</sup> Twenty-four States (Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Rhode Island, Virginia, West Virginia, and Wisconsin), Guam, and the Northern Mariana Islands specifically require that a “husband and wife” petition jointly. The other States use more gender-neutral language in their statutes. In Arizona a married couple must be given preference for placement of a child over a single person when all other considerations are determined equal.

<sup>2</sup> 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.

<sup>3</sup> The word “approximately” is used to stress the fact that the statutes are constantly being revised and updated. This information is current as of December 2015. In North Carolina, Pennsylvania, and Texas, any adult may adopt. In Colorado, Connecticut, Louisiana, Maryland, Missouri, Vermont, and Washington, a single adult and married couples jointly may adopt. In Vermont, any adult and a prospective adoptive parent’s partner may adopt.

<sup>4</sup> Connecticut, Kentucky, Louisiana, Montana, New Jersey, Tennessee, and Washington.

<sup>5</sup> California, Georgia, Nevada, New Jersey, South Dakota, and Utah.

## 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.<sup>6</sup> The required period of residency ranges from 60 days to 1 year. There are exceptions to the residency requirement in some of these States. For example, in Indiana and South Carolina, a nonresident can adopt a child with special needs; in Illinois, Mississippi, New Mexico, and Rhode Island, a nonresident may adopt through an agency.

## Adoption by Same-Sex Couples

The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons as single persons.<sup>7</sup> For same-sex couples who wish to adopt a child together, the situation is less clear as many States require that a husband and wife petition jointly. Whether the language can apply to same-sex couples who are legally married is undetermined. In approximately 19 States, the District of Columbia, and the Virgin Islands, the use of gender-neutral language, including “spouses” or “married couples,” serves to allow adoption by same-sex couples.<sup>8</sup> Only Mississippi specifically prohibits adoption by couples of the same gender.

<sup>6</sup> Arizona, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Minnesota, Mississippi, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and Wyoming. Some States make exceptions to the residency requirements for members of the military. For example, in Illinois, a member of the military can be eligible to adopt after he or she has been domiciled in the State for 90 days. South Carolina waives the residency requirement if one adopting parent is a member of the military stationed in the State. Tennessee will allow a nonresident to adopt in a Tennessee court if the adopting parent was a Tennessee resident prior to entering the military. For more information on adoption by military families, see Information Gateway’s *Military Families Considering Adoption* (<https://www.childwelfare.gov/pubs/f-milita/>).

<sup>7</sup> Connecticut § 45a-726a, which allowed the commissioner of human services to consider the sexual orientation of the prospective adoptive parent, notwithstanding provisions in the State’s laws prohibiting discrimination based on sexual orientation, was repealed July 1, 2013. Florida § 63.042(3), which prohibited adoption by a gay or lesbian person, was deleted from the statute June 11, 2015.

<sup>8</sup> California (by spouse or domestic partner), Colorado, Connecticut, Georgia, Idaho, Illinois (spouses and civil union partners), Louisiana, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York (spouses and unmarried intimate partners), North Carolina, South Dakota, Tennessee, Utah, and Vermont. In Utah, the State social services division is required to place a child in its custody with a man and woman married to each other unless that placement is contrary to the child’s best interests.

## Who May Be Adopted?

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 the circumstances described below.

### 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.<sup>9</sup> 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 of 180 days in the home of the prospective adoptive parents.

### Adoption of an Adult

Approximately 29 States and the District of Columbia allow the adoption of any person, regardless of age.<sup>10</sup> 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. Massachusetts and Nevada specify that the adult to be adopted must be younger than the adoptive parent. West Virginia and Wisconsin require that the adopting parent be a resident of that State to adopt an adult.

Alabama permits adoption of adults only if the person to be adopted has a permanent and total physical or intellectual disability. Ohio allows adoption of an adult only when the person to be adopted has a total

or permanent physical or intellectual disability or is a stepchild or foster child with whom the relationship was established while the person was a minor.

Idaho, Illinois, and South Dakota require that the adopting parent be in a sustained parental relationship for a specified time, ranging from 6 months to 2 years, with the adult to be adopted. Connecticut allows a stepparent to adopt the adult child of his or her spouse. 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.

## Who May Place a Child for Adoption?

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 licensed child-placing agencies. All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands specifically designate the persons or entities that hold the authority to make adoptive placements.

### Agency and Department Placements

Approximately five States require that all adoptive placements be made by the States' departments of human or social services or child-placing agencies that are licensed by the State or meet certain standards.<sup>11</sup> In four States and Guam, placement must be through an agency unless the child is being adopted by his or her stepparent or a relative.<sup>12</sup>

<sup>9</sup> A child is legally free for adoption when both birth or current legal parents have had their parental rights terminated or have consented to the child's adoption.

<sup>10</sup> Alaska, Arkansas, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Texas, Vermont, and Washington.

<sup>11</sup> Colorado, Delaware, Indiana, Ohio, and West Virginia.

<sup>12</sup> Kentucky, Louisiana, Missouri, and Rhode Island.

## Nonagency Placements

Most States allow nonagency placements of children for adoption, which are often referred to as private or independent adoptions. 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 to protect the interests of the parties to the adoption. For example, in nine States, parents who wish to make private placements must notify the department or obtain the approval of the department or the court.<sup>13</sup> Four States prohibit the permanent transfer of legal custody of a child without a court order (which is sometimes referred to as “rehoming”).<sup>14</sup> In Delaware, a parental placement for adoption of a child with a nonrelative must be supervised by the department or a child-placing agency. An exception to these requirements may be made when the child is to be placed with a stepparent or 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.<sup>15</sup>

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.

<sup>13</sup> Florida, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Mexico, Rhode Island, and Wisconsin.

<sup>14</sup> Arkansas, Florida, Louisiana, and Missouri.

<sup>15</sup> For additional information about the use of intermediaries, see Child Welfare Information Gateway’s *Use of Advertising and Facilitators in Adoptive Placements* (<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/advertising/>).

## Suggested Citation:

Child Welfare Information Gateway. (2016). *Who may adopt, be adopted, or place a child for adoption*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.

**Alabama****Who May Adopt****Citation: Ala. Code §§ 26-10A-5; 26-10A-27**

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.

Any person may adopt his or her spouse's child, provided that the adoptee must have resided with the petitioner for at least 1 year before the petition for adoption is filed.

**Who May Be Adopted****Citation: Ala. Code § 26-10A-6**

The following persons may be adopted:

- A minor
- An adult who:
  - » Has a total and permanent disability
  - » Has an intellectual disability
  - » Consents in writing and is related in any degree of kinship or is a stepchild by marriage
  - » Consents in writing and is to be adopted by an adult man and woman who are husband and wife

**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, including:
  - » A grandfather, grandmother, great-grandfather, or great-grandmother
  - » A great-uncle or great-aunt
  - » A brother, sister, half-brother, or half-sister
  - » An aunt or uncle of the first degree
  - » Their respective spouses
- The Department of Human Resources
- A licensed child-placing agency
- An agency approved by the department

**Alaska****Who May Adopt****Citation: Ann. Stat. § 25.23.020**

The following persons may adopt:

- A husband and wife together
- An unmarried adult
- The unmarried mother or father of the person to be adopted
- A married person without his or her spouse joining as a petitioner if the person to be adopted is not the spouse, and if:
  - » The spouse is a parent of the person to be adopted and consents to the adoption.
  - » The petitioner and his or her spouse are legally separated.
  - » The 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: Ann. Stat. § 25.23.010**

Any person may be adopted.

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

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

- The mother or father
- Any person lawfully entitled to custody of the minor or empowered to consent, including a licensed 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 age 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 only one of the following:

- An individual who is the guardian of the child
- The court
- The Department of Health
- A child-placing agency or institution

**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.

The division or adoption agency shall place a child in an adoptive home that best meets the safety, social, emotional, and physical and mental health needs of the child. Other relevant factors for consideration, in no order of preference, shall include:

- The marital status, and length and stability of the marital relationship of the prospective adoptive parents
- Placement with the child's siblings
- Established relationships between the child and the prospective adoptive family, including placement with a grandparent or another member of the child's extended family including a person or foster parent who has a significant relationship with the child
- The prospective adoptive family's ability to meet the child's safety, social, emotional, and physical and mental health needs and the ability to financially provide for the child
- The wishes of the child who is age 12 or older
- The wishes of the child's birth parents, unless the rights of the parent have been terminated or the court has established a case plan of severance and adoption
- The availability of relatives, the child's current or former foster parents, or other significant persons to provide support to the prospective adoptive family and child

If all relevant factors are equal and the choice is between a married man and woman certified to adopt and a single adult certified to adopt, placement preference shall be with a married man and woman.

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

The following persons may be adopted:

- A child
- A foreign-born person age 21 or younger 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; 8-101**

A child may be placed as follows:

- The child's birth or adoptive parent may consent to a direct placement or an agency placement.
- A licensed child-placing agency or the Department of Child Safety 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 his or her spouse if:
  - » The spouse is a parent of the individual to be adopted and consents to the adoption.
  - » The petitioner and his or her spouse are legally separated.
  - » The failure of the 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 §§ 9-9-202; 9-9-206; 5-27-211**

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

- 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

It is illegal for an adoptive parent or other person having custody of an adopted minor to avoid permanent parental responsibility by placing the minor in the physical custody of another person or entity without court approval. This section does not apply to:

- A person who places a minor with a relative, stepparent, a licensed agency, a licensed attorney, or the Department of Human Services
- Placement of a minor by a licensed attorney, a licensed agency, or the department
- Temporary placement of a minor by a parent or custodian for a designated short-term period with a specified intent and time period for return of the minor if the temporary placement is due to a vacation or a school-sponsored function or activity; or the incarceration, military service, medical treatment, or incapacity of a parent or guardian
- Placement of a minor in accordance with the requirements of the Interstate Compact on the Placement of Children
- Relinquishment of a minor under the voluntary delivery of a child law (§ 9-34-201, et seq.)

## California

### Who May Adopt

**Citation: Family Code §§ 8600; 8601; 9000; 9326**

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.

A stepparent may adopt the child of the stepparent's spouse, and a domestic partner may adopt the child of his or her domestic partner.

The provider of board and care, treatment, habilitation, or other services to persons with developmental disabilities of a spouse or employee of a provider may adopt.

### Who May Be Adopted

**Citation: Family Code §§ 8600; 9300; 9302; 9320; 9326**

The following adoptions are permitted:

- An unmarried minor may be adopted by an adult.
- An adult, including a stepparent, may adopt another adult who is younger, except for the spouse of the prospective adoptive parent.
- A married minor who is either legally separated or whose spouse has given consent to the adoption may be adopted.
- A developmentally disabled adult may be adopted.

### Who May Place a Child for Adoption

**Citation: Family Code §§ 8801.5; 8704**

A child may be placed by any of the following:

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

## Colorado

### Who May Adopt

**Citation: Rev. Stat. §§ 14-1-101; 19-5-202; 19-5-203**

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
- Any person desiring to adopt an adult as heir at law

A person who has a living partner in a civil union from whom the person is not legally separated shall petition jointly with the partner, unless the partner is the natural parent of the child to be adopted or has previously adopted the child.

A person who is a partner in a civil union may adopt a child of the other partner through the same process outlined in § 19-5-203 for a stepparent adoption and shall be considered a stepparent for the purpose of determining whether a child is available for adoption pursuant to § 19-5-203(1).

A child may be available for adoption upon written and verified consent in a second-parent adoption that the child has a sole legal parent, and the sole legal parent wishes the child to be adopted by a specified second adult.

### Who May Be Adopted

**Citation: Rev. Stat. §§ 19-5-201; 14-1-101**

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 as a child if approved by the court.

A consenting adult or an incompetent adult whose consent to the adoption has been granted by a legally qualified conservator or other representative may be adopted.

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

A child may be placed for purposes of adoption only by one of the following:

- The court
- The county Department of Social Services
- A licensed child-placing agency

**Connecticut****Who May Adopt****Citation: Gen. Stat. §§ 45a-732; 45a-734**

Any adult person may adopt, with the following stipulations:

- A husband and wife must adopt jointly unless excepted by the court.
- A married person and the married person's spouse may join in an adoption agreement.
- In the case of the adoption of an adult, the person is older than the adopted person and has received the applicable approval of the probate court under § 45a-734. A person may not adopt an adult who is his or her wife, husband, brother, sister, uncle, or aunt of the whole- or half-blood.

**Who May Be Adopted****Citation: Gen. Stat. §§ 45a-725; 45a-734**

Any minor child who is legally free for adoption may be adopted. A child shall be considered free for adoption if:

- The child has no living parents.
- All parental rights have been terminated.

Any person age 18 or older may be adopted by another person who is at least age 18 but older than himself or herself, provided that:

- The adopted person has agreed to the adoption in writing and the written agreement has been approved by the Court of Probate for the district in which the adopting parent resides, or if the adopting parent is not an inhabitant of this State, for the district in which the adopted person resides.
- In the case of a married adoptive parent, the spouse of that person joins in the adoption agreement when the surviving birth parent has remarried and the spouse of that parent wishes to become an adoptive parent, he or she may do so with the consent of the surviving biological parent.

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

A child may be placed for adoption only by one 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; 951**

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.

In the case of an adopted person who is age 18 or older, any person or husband and wife jointly may adopt.

**Who May Be Adopted****Citation: Ann. Code Tit. 13, §§ 908; 951; 953**

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

Persons who are age 18 or older may be adopted, subject to their consent to the adoption and their appearance at the adoption hearing.

**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 of Children, Youth, and Their Families or 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
- Adoption by a guardian or permanent guardian as long as guardianship or permanent guardianship has been granted for at least 6 months prior to filing the adoption petition

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 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 or her spouse, unless the other spouse is the natural parent of the person to be adopted.

**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 his or her spouse joining as a petitioner, if the person to be adopted is not his or her spouse, and if:
  - » The spouse is a parent of the person to be adopted and consents to the adoption.
  - » The failure of the spouse to join in the petition or to consent to the adoption is excused by the court for good cause shown or in the best interests of the child.

No person eligible under this section shall be prohibited from adopting solely because the person has a physical disability or handicap, unless it is determined by the court or adoption entity that the disability or handicap renders the person incapable of serving as an effective parent.

No person eligible under this section shall be prohibited from adopting solely because he or she desires to educate the adopted child at home.

#### **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; 63.032; 63.202**

A child may be placed by any of the following:

- A parent or legal guardian
- An adoption entity, which includes:
  - » The Department of Children and Families
  - » A registered child-caring agency
  - » An intermediary
  - » A licensed child-placing agency

An 'intermediary' is an attorney who is licensed or authorized to practice in Florida and who is placing or intends to place a child for adoption.

It is unlawful for any person:

- To place or attempt to place within the State a minor for adoption unless the minor is placed with a relative or with a stepparent, with the exception of an adoption entity
- To sell or surrender, or to arrange for the sale or surrender of, a minor to another person for money or anything of value or to receive such minor child for such payment or thing of value
- To assign or transfer the rights and duties of a parent with respect to the care and custody of a minor for the purpose of, incidental to, or otherwise connected with, selling or offering to sell such rights and duties
- To assist in the commission of any prohibited act described above

## **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 State 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. The petition shall be filed by the stepparent alone if the child to be adopted is the stepchild of the party seeking to adopt.

#### **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 of Human Services or any child-placing agency only if each such parent and each such guardian:

- Has voluntarily and in writing surrendered all of his or her 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, great-uncle, or sibling
- 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 he or she is legally separated from his or her 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 legal parent of the child
- A husband and wife jointly

### Who May Be Adopted

**Citation: Rev. Stat. §§ 578-1.5; 578-2**

Any person may be adopted. An adult may be adopted only if that adult, and his or her spouse if that adult is married, gives written consent to the adoption.

### Who May Place a Child for Adoption

**Citation: Rev. Stat. §§ 578-1; 578-2**

A child may be placed by or consent may be given by any of the following:

- The parent or legal custodian
- The Department of Human Services
- An approved child-placing organization

## Idaho

### Who May Adopt

**Citation: Ann. Code §§ 16-1501; 16-1502; 16-1503**

Any adult resident of Idaho may adopt, subject to specific provisions stipulated in statute. The person adopting a child, except the spouse of a natural parent, must be at least 15 years older than adopted child or age 25 or older.

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

**Who May Be Adopted****Citation: Ann. 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: Ann. Code § 16-1504**

The following persons may consent to the adoptive placement:

- The parent
- Any legally appointed custodian or guardian of the child
- A licensed child-placing agency

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**Illinois****Who May Adopt****Citation: Cons. Stat. Ch. 750, § 50/2**

Any of the following persons who is under no legal disability and who has been a resident for at least 6 months, or is a member of the armed forces domiciled in the State for at least 90 days, may institute an adoption proceeding:

- A reputable adult of either sex
- A minor with leave of the court

A person who is married or in a civil union and has not been living separate and apart from his or her spouse or civil union partner for 12 months or longer shall be a party to the adoption proceeding, including a spouse or civil union partner desiring to adopt a child of the other spouse or civil union partner. In all cases, both spouses or civil union partners must petition jointly.

The residency requirement does not apply to:

- The adoption of a related child or child previously adopted in a foreign country by the petitioner
- The adoption of a child placed by an agency

**Who May Be Adopted****Citation: Cons. Stat. Ch. 750, § 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: Cons. Stat. Ch. 750, § 50/8**

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

- The Department of Children and Family Services
- A licensed child welfare agency

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**Indiana****Who May Adopt****Citation: Ann. Code §§ 31-19-2-1; 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, unless the spouse is married to the biological or adoptive mother or father of the child.

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

The following persons may be adopted:

- A child younger 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 child may not be placed in a proposed adoptive home without the prior written approval of a licensed child-placing agency or local office approved for that purpose by the Department of Child Services.

**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 person to be adopted is not the spouse and if the adopting spouse is:
  - » The stepparent
  - » Separated from his or her spouse
  - » Unable to obtain consent from his or her spouse due to prolonged absence, an unexplained absence, unavailability, incapacity of the spouse, or an unreasonable unwillingness to consent

**Who May Be Adopted****Citation: Ann. Stat. §§ 600.10; 600.3**

The following persons may be adopted:

- A minor who has resided with the adoptive parent for a minimum of 180 days, but this requirement may be waived for a stepparent or relative
- An adult

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

A child may be placed by or consent may be given by any of the following:

- The guardian of the person to be adopted
- The Department of Human Services
- A licensed child-placing agency

**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; 59-2124**

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 is a resident of the State or has resided there for at least 12 months may adopt. A husband and wife must petition jointly unless the petitioner is married to a biological parent of the child to be adopted. The requirement may be waived if the court finds the requirement of a joint petition would serve to deny the child a suitable home.

**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 of Health and Family Services
- Have the written approval of the secretary of the cabinet

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; 1243**

The following persons may adopt:

- A single person who is age 18 or older
- A married couple jointly

A stepparent, step-grandparent, great-grandparent, grandparent, or collaterals within the twelfth degree may petition to adopt a child if the petitioner:

- Is related to the child by blood, adoption, or affinity through the mother of the child or through a father who is filiated to the child in accordance with the Civil Code
- Is a single person older than age 18 or a married person whose spouse is a joint petitioner
- Has had legal or physical custody of the child for at least 6 months prior to filing the petition for adoption

**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. 1169, 1170; Rev. Stat. § 14:46.4**

An adoptive placement may be made by:

- Private placement
- A child-placing agency

It is illegal for a parent to rehome a child. Rehoming of a child is any one of the following:

- A transaction or any action taken to facilitate such transaction, through electronic means or otherwise, by a parent or any person with custody of a child who intends to avoid permanent parental responsibility by placing the child in the physical custody of a nonrelative without court approval
- Selling, transferring, or arranging for the sale or transfer of a minor child to another person for money or anything of value or to receive such minor child for such payments or thing of value
- Assisting, aiding, abetting, or conspiring to commit any act described above, regardless of whether money or anything of value has been promised to or received

Rehoming does not include:

- Placement of a child with a relative, stepparent, licensed adoption agency, licensed attorney, or the Department of Children and Family Services
- Placement of a child by a licensed attorney, licensed adoption agency, or the department
- Temporary placement of a child by parents or custodians for designated short-term periods with a specified intent and time period for return of the child, due to a vacation or a school-sponsored function or activity; or the incarceration, military service, medical treatment, or incapacity of a parent
- Placement of a child in another State in accordance with the requirements of the Interstate Compact on the Placement of Children
- Relinquishment of a child pursuant to the safe haven provisions of law • Relinquishment of a child pursuant to the safe haven provisions of law

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## 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, § 9-202**

The child may be placed by:

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

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## Maryland

### Who May Adopt

**Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-13**

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
- Is a parent of the child and consents to the adoption

### Who May Be Adopted

**Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-13**

Any adult or child may be adopted.

**Who May Place a Child for Adoption****Citation: Family Law §§ 5-331; 5-3A-29; 5-3B-13; 5-3B-12**

The child may be placed by any of the following:

- A parent or grandparent when the child is placed for adoption with a relative of the child by blood or marriage
- A parent or grandparent when the child is placed with a petitioner who is not a relative of the child and the adoption petition is filed with and the placement sanctioned by the court
- A local Department of Social Services that has custody of the child
- A child-placing agency

Except for a child being placed for adoption with a relative of the child, by blood or marriage within four degrees of affinity or consanguinity under the civil law rule, a parent or grandparent may place a child for adoption only if a petition for adoption is filed in court, and the court, by order, sanctions the placement pending final action on the petition.

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

The following persons may adopt:

- Any adult
- A husband and wife jointly; however, the court may grant the petition if only one spouse is a party when certain provisions of the statute are met
- 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, aunt, or uncle of the petitioner.

**Who May Place a Child for Adoption****Citation: Ann. Laws Ch. 210, § 2A; Ch. 15D, § 1A**

A child may be placed by any of the following:

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

**Michigan****Who May Adopt****Citation: Comp. Laws §§ 710.24; 710.41**

The following persons may adopt:

- Any person
- A husband and wife jointly
- A person who is married to the person who has legal custody of the child

**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**

A child may be placed by any of the following:

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

**Minnesota****Who May Adopt****Citation: Ann. Stat. §§ 259.22; 259.21**

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.

The term 'petitioner' means a person with his or her spouse, if there be one, petitioning for the adoption of any person. In the case of adoption by a stepparent, the parent who is the stepparent's spouse shall not be required to join the petition.

**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**

A child must be placed by a licensed child-placing agency. An exception may be made if:

- The child is age 14 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 must be 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 6 consecutive months immediately prior to the adoption

Adoption by couples 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 following persons may consent to the adoptive placement:

- 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**

Any person, regardless of residence, may adopt. If that person is married, his or her spouse may join in the petition. If the spouse does not join in, the court may order joinder, and if the order is not complied with, the court may dismiss the petition.

**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; 453.110**

A child may be placed by any of the following:

- The Children's Division 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 clergy member

No person, agency, organization, or institution shall surrender custody of a minor child or transfer the custody of such a child to another, and no person, agency, organization, or institution shall take possession of a minor child so transferred, without first having filed a petition with the court and obtaining an order from the court approving or ordering a transfer of custody.

If a transfer of custody is made without first obtaining a court order, the court shall, on petition of any public official or interested person, agency, organization, or institution, order an investigation and report as described in § 453.070 to be completed by the division and shall make a custody order that is in the best interests of the child.

**Montana****Who May Adopt****Citation: Ann. Code §§ 42-1-106; 42-4-302**

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 age 18 or older and who is legally separated or whose spouse is incompetent

A stepparent may adopt the minor child of the stepparent's spouse if:

- The spouse has legal and physical custody of the child, and the child has been in the physical custody of the spouse and the stepparent during the 60 days preceding the filing of a petition for adoption.
- The spouse is deceased or mentally incompetent but, before dying or being judicially declared mentally incompetent, had legal and physical custody of the child, and the child has resided primarily with the stepparent during the 12 months preceding the filing of the petition.
- The Department of Public Health and Human Services or an agency placed the child with the stepparent.

For good cause shown, a court may allow an individual who is not the stepparent but who has the consent of the custodial parent of a child to file a petition for adoption. The petition must be treated as if the petitioner were a stepparent.

**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 only by the following:

- 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 expressly authorized by the court to place the child for adoption

## 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. §§ 43-104; 43-105**

The following persons may consent to the adoptive placement:

- 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. Ann. §§ 127.020; 127.030; 127.190**

The following persons may adopt:

- An adult person at least 10 years older than the adopted minor person
- Any adult who is older than the adult person that he or she is adopting

A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

- The child is being adopted by a stepparent, sister, brother, aunt, uncle, or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent.
- The court is satisfied that it is in the best interests of the child and in the interest of the public.

Any adult person or any two persons married to each other may petition the court to adopt a child. A married person not lawfully separated from his or her spouse may not adopt a child without the consent of his or her spouse, if such spouse is capable of giving such consent.

### Who May Be Adopted

**Citation: Rev. Stat. Ann. §§ 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. Ann. §§ 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 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**

A surrender of parental rights shall be obtained from any of the following:

- The parents
- The child's legal guardian
- The Department of Health and Human Services
- A licensed child-placing agency

**New Jersey****Who May Adopt****Citation: Ann. Stat. §§ 9:3-39.1; 9:3-43**

Any person may petition for adoption, except that a married person may do so only with the written consent of his or her spouse or jointly with his or her spouse. The petitioner must be at least age 18 and at least 10 years older than the child to be adopted.

**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; 9:3-38**

A person, firm, partnership, corporation, association, or agency shall place, offer to place, or materially assist in the placement of any child for adoption in New Jersey only if:

- The person is the parent or guardian of the child.
- The firm, partnership, corporation, association, or agency is an approved agency to act as agent, finder, or to otherwise materially assist in the placement of any child for adoption in this State.
- The placement for adoption is with a brother, sister, aunt, uncle, grandparent, birth father, or stepparent of the child.
- The placement is through an intermediary and the person with whom the child is to be placed has been approved for placement for adoption by an approved agency home study, conducted in accordance with the rules and regulations of the Division of Child Protection and Permanency.

The term 'intermediary' means any person, firm, partnership, corporation, association, or agency, which is not an approved agency, who acts for or between any parent and any prospective parent or acts on behalf of either in connection with the placement of the parent's child for adoption in the State or in any other State or country. An intermediary shall not receive money or other valuable consideration in connection with the placement of a child for adoption.

## 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 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**

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

- The Children, Youth and Families Department
- An appropriate public authority of another State
- An agency
- A court order
- The parent

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 married couple together
- Any two unmarried adult intimate partners together

An adult married person who is legally separated from his or her spouse or an adult married person who has been living separate and apart from his or her spouse for at least 3 years prior to commencing an adoption proceeding, may adopt another person. However, the person so adopted shall not be deemed the child or stepchild of the nonadopting spouse for the purposes of inheritance or support rights or obligations or for any other purposes.

An adult or minor married couple together may adopt a child of either of them born in or out of wedlock, and an adult or minor spouse may adopt such a child of the other spouse.

#### **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**

A child may be placed by any of the following:

- 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; 48-4-101**

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

A stepparent may petition to adopt the minor child of his or her spouse if:

- The parent who is the spouse has legal and physical custody of the child, and the child has resided primarily with this parent and the stepparent during the 6 months immediately prior to filing the petition.
- The spouse is deceased or incompetent but, before dying or being adjudicated incompetent, had legal and physical custody of the child, and the child has resided primarily with the stepparent during the 6 months immediately prior to filing the petition.
- For cause, the court permits a stepparent who does not meet the requirements above to file a petition.

#### **Who May Be Adopted**

**Citation: Gen. Stat. §§ 48-1-104; 48-1-108**

Any individual may be adopted.

If the individual is an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., then the provisions of that act shall control the individual's adoption.

#### **Who May Place a Child for Adoption**

**Citation: Gen. Stat. § 48-3-201**

A child may be placed by any of the following:

- An agency
- A guardian
- Both parents if they are married and living together, or one parent has legal custody and the other parent has physical custody
- 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 the individual to be adopted is not the adopting person's spouse, and if:
  - » The petitioner is a stepparent of the individual to be adopted, and the biological or legal parent of the individual to be adopted consents.

- » The petitioner and his or her spouse are legally separated.
- » The failure of the 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: 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 or consent may be given by any of the following:

- The child's parent(s), whether by birth or adoption
- The custodian of the child
- The Department of Human Services
- 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 but not for the purpose of evading the law.

**Who May Place a Child for Adoption****Citation: Commonwealth Code Tit. 8, § 1404**

A child may be placed by any of the following:

- 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 married adult without his or her spouse joining as a petitioner if any of the following apply:
  - » The spouse is a parent of the person to be adopted and supports the adoption.
  - » The petitioner and his or her spouse are separated.
  - » The failure of the spouse to join in the petition or to support the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain either the support or refusal of the spouse.

**Who May Be Adopted****Citation: Rev. Code § 3107.02**

Any minor may be adopted.

An adult may be adopted under the following conditions:

- The adult is totally or permanently disabled.
- The adult is determined to be a mentally retarded person.
- The adult had established a relationship with the petitioner as a foster caregiver, kinship caregiver, or stepparent while a minor, and the adult consents to the adoption.
- The adult was, at the time of his or her 18th birthday, in the permanent custody of or in a planned permanent living arrangement with a public children's services agency or a private child-placing agency, and the adult consents to the adoption.
- The adult is the child of the spouse of the petitioner, and the adult consents to the adoption.

**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 his or her 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**

The following persons may be adopted:

- A child
- An adult with his or her consent or the consent of his or her guardian

**Who May Place a Child for Adoption****Citation: Ann. Stat. Tit. 10, §§ 7503-2.1; 7501-1.3**

The following persons may consent to the adoptive placement or permanently relinquish the child for adoption:

- The child's parent(s)
- A legal guardian or guardian ad litem
- The Department of Human Services
- A licensed child-placing agency

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

Any person may petition to adopt another person as long as at least one party in the proceeding has resided in Oregon continuously for a period of 6 months prior to the date of the petition.

In a proceeding for the adoption of a minor child, a current home study must be approved by either the Department of Human Services or an Oregon licensed adoption agency for the purpose of demonstrating that the petitioner meets the minimum standards for adoptive homes as set forth in the department's administrative rules.

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

The following persons may be adopted:

- A minor child
- An adult

The adoption shall comply with the Indian Child Welfare Act (25 U.S.C. §1901, et seq.), if applicable.

**Who May Place a Child for Adoption****Citation: Rev. Stat. §§ 109.321; 109.325**

The following persons may consent to adoptive placement:

- A parent
- A relative or guardian of the child to be adopted
- A licensed adoption or child-caring agency
- The Department of Human Services

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**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 his or her 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.

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**Puerto Rico****Who May Adopt****Citation: Ann. Laws Tit. 31, §§ 531; 532**

The adopter shall meet the following requirements as of the date the petition of adoption has been filed:

- Have resided uninterruptedly in Puerto Rico for at least 6 months prior to the date on which the petition for adoption is filed
- Be of legal age, except in the case in which two married persons adopt jointly, in which case it shall be sufficient for one of them to be of legal age, allowing for the other adopter to be a minor, but never being less than age 18
- Have legal capacity to act
- Be at least 14 years older than the minor adopted child

In those cases in which a spouse wishes to adopt the child of the other spouse, it shall be sufficient that upon the date the petition for adoption is filed, the adopter has been married to the father or mother of the adopted child for at least 2 years, or that the adopting spouse is at least 14 years older than the minor adopted child.

Persons declared incompetent by judicial decree shall not be able to adopt for the duration of the incompetence. In the case of a person sentenced to a term of imprisonment, that person shall not be able to adopt for the duration of the incarceration.

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

Nonemancipated minors and minors emancipated by judicial decree or with the consent of the father, mother, or parents with patria potestas, may be adopted.

Persons who may not be adopted include:

- 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, unless:
  - » The child to be adopted has resided in the home of the adopters prior to having reached age 18 and continues to reside there to the date the petition for adoption is filed.
  - » The child to be adopted is an emancipated minor who has never been married.
- Presently or formerly married persons, even though they are minors
- An ancestor of the adopter related by blood or marriage
- A guardian by his or her ward
- A ward by his or her guardian

### **Who May Place a Child for Adoption**

**Citation: Ann. Laws Tit. 31, § 535**

The following persons may consent to the adoptive placement:

- The child's parent(s)
- The Department of the Family
- 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 care and 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 of Children, Youth and Families within 15 days.
- The court shall determine whether the placement is in the best interests of the child or is contrary to law. The court may approve the placement, return the child to his or her parent, or place the child with the department or a child-placing agency.

## **South Carolina**

### **Who May Adopt**

**Citation: Ann. Code §§ 63-9-60; 63-9-1110**

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 stationed in South Carolina.

- » Unusual or exceptional circumstances or public notoriety concerning the child or the child's family indicate that the best interests of the child would be served by an adoptive placement outside the State.
- » The child has been in foster care for at least 6 months, has been legally freed for adoption, and no South Carolina resident has been identified as a prospective adoptive parent.

Any person may adopt his or her spouse's child, and any person may adopt a child to whom he or she is related by blood or marriage.

#### **Who May Be Adopted**

**Citation: Ann. Code § 63-9-50**

Any child present within the State at the time the petition is filed may be adopted irrespective of place of birth or place of residence.

#### **Who May Place a Child for Adoption**

**Citation: Ann. Code § 63-9-30**

A child may be placed by any of the following:

- A parent
- The Department of Social Services
- A child-placing agency
- Any person or entity that holds legal or physical custody of a child for the purpose of placement for adoption, or a person or entity that facilitates the placement of children for the purpose of adoption, with the exception of an attorney

### **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; 25-6-24**

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

Due regard shall be afforded to the Indian Child Welfare Act (25 U.S.C. § 1901, et seq.), if that act is applicable.

#### **Who May Place a Child for Adoption**

**Citation: Ann. Laws § 26-6-8**

Only the following entities may place a child for adoption:

- The child's parents
- A guardian of the child
- A home or society for the care of dependent or neglected children to which the child has been surrendered for adoption by the court
- The Department of Social Services if the department has custody of the child

### **Tennessee**

#### **Who May Adopt**

**Citation: Ann. Code §§ 36-1-115; 36-1-107**

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

- Spouses must petition jointly, unless one of the spouses is found incompetent.
- If the spouse of the petitioner is a legal or biological parent of the child to be adopted, the spouse shall sign the petition as co-petitioner.
- Foster parents are given first preference on adopting their foster child.

The residency requirement is waived if:

- The petitioner is in military service stationed outside Tennessee, but had lived, or maintained a regular place of residence, within the State for 6 consecutive months immediately prior to entering military service.
- The petitioner is related to the child. The petitioner need only be a resident of the State at the time of filing the petition.

#### **Who May Be Adopted**

**Citation: Ann. Code § 36-1-107**

Any person may be adopted.

#### **Who May Place a Child for Adoption**

**Citation: Ann. Code § 36-1-108**

Only the following entities may place a child for adoption:

- The child's parent
- The Department of Children's Services
- A licensed child-placing agency
- A licensed clinical social worker

### **Texas**

#### **Who May Adopt**

**Citation: Fam. Code § 162.001**

Any adult may adopt a child.

#### **Who May Be Adopted**

**Citation: Fam. Code §§ 162.001; 162.501; 162.504**

A child residing in the State may be adopted if:

- The rights of the parents have been terminated.
- The parent whose rights have not been terminated is presently the spouse of the petitioner and the proceeding is for a stepparent adoption.
- The child is at least 2 years old, the parent-child relationship has been terminated with respect to one parent, the person seeking the adoption has been a managing conservator or has had actual care, possession, and control of the child for a period of 6 months preceding the adoption, or is the child's former stepparent, and the nonterminated parent consents to the adoption.
- The child is at least 2 years old, the parent-child relationship has been terminated with respect to one parent, and the person seeking the adoption is the child's former stepparent and has been a managing conservator or has had actual care, possession, and control of the child for a period of 1 year preceding the adoption.

An adult residing in this State may adopt another adult with the adult adopted person's written consent.

#### **Who May Place a Child for Adoption**

**Citation: Fam. Code §§ 162.025; 162.001**

Only the following entities may place the child:

- The child's natural or adoptive parent
- The child's legal guardian
- A licensed child-placing agency
- The Department of Family and Protective Services

### **Utah**

#### **Who May Adopt**

**Citation: Ann. Code §§ 78B-6-117; 78B-6-114; 78B-6-118**

A child may be adopted by:

- Adults who are legally married to each other in accordance with the laws of this State, including adoption by a stepparent
- Subject to the limitations listed below, any single adult

A child may not be adopted by a person who is cohabiting in a relationship that is not a legally valid and binding marriage under the laws of this State.

When a child in the custody of the Division of Child and Family Services is placed for adoption, the division or child-placing agency shall place the child with a man and a woman who are married to each other, unless:

- There are no qualified married couples who have applied to adopt a child, are willing to adopt the child, and are an appropriate placement for the child.
- The child is placed with a relative of the child.
- The child is placed with a person who has already developed a substantial relationship with the child.
- The child is placed with a person who is selected by a parent or former parent of the child, if the parent or former parent consented to the adoption of the child, and the parent or former parent:
  - » Knew the person with whom the child is placed before the parent consented to the adoption
  - » Became aware of the person with whom the child is placed through a source other than the division or the child-placing agency that assists with the adoption of the child
- It is in the best interests of the child to place the child with a single person.

The following qualifications apply:

- The adoptive parent must be at least 10 years older than the child being adopted.
- In the case of a married couple, only one person needs to be 10 years older than the child being adopted.
- 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 §§ 78B-6-115; 78B-6-117**

Any minor child or adult may be adopted.

#### **Who May Place a Child for Adoption**

**Citation: Ann. Code § 62A-4a-602**

A 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 entities may place a child for adoption:

- The parent having legal and physical custody
- A guardian who has been expressly authorized to place the child for adoption
- An agency to which the child has been relinquished
- An agency expressly authorized to place the minor for adoption by a court order

## Virgin Islands

### Who May Adopt

**Citation: Ann. Code Tit. 16, § 141**

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

The following persons may consent to the adoptive placement:

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

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## Virginia

### Who May Adopt

**Citation: Ann. Code §§ 63.2-1201; 63.2-1201.1**

Any of the following persons may adopt:

- A resident
- A person with custody of a child placed by a child-placing agency
- An adopting parent of a child who was subject to a consent proceeding
- Intended parents who are parties to a surrogacy contract
- A husband and wife jointly
- A stepparent

A man and woman previously married to each other who stood in loco parentis to a child during their marriage to each other, who could have adopted the child while married to each other, but whose marriage is void, has been annulled, or has dissolved, may adopt the child pursuant to the provisions applicable to married persons.

### 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 close relative.
  - » 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.
  - » For good cause shown, as long as 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
- Any agency outside the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates

**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**

Consent for an adoption, if applicable, shall be required of the following:

- The child's parent or legal guardian
- The Department of Social and Health Services
- A child-placing agency

**West Virginia****Who May Adopt****Citation: Ann. Code §§ 48-22-201; 48-22-301**

The following persons may adopt:

- Any person who is not married
- Any person with the consent of his or her spouse
- A husband and wife jointly

In a stepparent adoption, the birth or adoptive parent of the child who is married to the petitioning adoptive parent must join as a party to the petition for adoption.

**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 §§ 48-22-104; 48-22-301**

Only a public or private agency or the Department of Health and Human Resources is authorized to place children for adoption. The parents of the child must consent to the child's 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; 882.01**

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.

An adult may be adopted by any other adult who is a resident.

### **Who May Place a Child for Adoption**

**Citation: Ann. Stat. §§ 48.833; 48.837**

The department, a county department, or a licensed child welfare agency may place a child for adoption in a licensed foster home without a court order or if the department or agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the required preadoption preparation or the department or agency determines that the proposed adoptive parents are not required to complete that preparation.

In placing an Indian child for adoption, the department, county department, or child welfare agency shall comply with the order of placement preference under § 48.028, unless the department, county department, or child welfare agency finds good cause for departing from that order.

A parent having custody of a child may place the child for adoption in the home of a relative of the child without a court order.

When the proposed adoptive parents of a child reside in this State and are not relatives of the child, a parent having custody of a child and the proposed adoptive parents may petition the court for placement of the child for adoption in the home of the proposed adoptive parents if the home is licensed as a foster home.

When the proposed nonrelative adoptive parents of a child reside outside this State, a parent having custody of a child and the proposed adoptive parents of the child may petition the court for placement of the child for adoption in the home of the proposed adoptive parents if the home meets the criteria established by the laws of the other State for a preadoptive placement of a child in the home of a nonrelative.

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## **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 child 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; 1-22-101**

The following persons may consent to the adoptive placement:

- The child's parent(s)
- The child's legal guardian or custodian
- An agency
- The legal guardian of any parent who is adjudged mentally incompetent



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau

