



# Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

STATE  
STATUTES

Current Through  
January 2012

## 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 be adopting parents 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 husband and wife jointly can be eligible to adopt.<sup>1</sup> In addition, a stepparent can adopt the birth child of his or her spouse.<sup>2</sup> In Vermont, a person may adopt the child of his or her partner.

In approximately 13 States 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 six States (Kentucky, Louisiana, Montana, New Jersey, Tennessee, and Washington), prospective parents must be 18 to be eligible to adopt; three States (Colorado, Delaware, and Oklahoma) and American Samoa set the age at 21; and Georgia and Idaho specify age 25. A few States allow minors to adopt under certain circumstances, such as when the minor is the spouse of an adult adoptive parent.

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

**Eligibility by residency.** Approximately 17 States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands require that petitioners for adoption be State residents.<sup>4</sup> The

<sup>1</sup> 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 January 2012. In North Carolina, Pennsylvania, and Texas, any adult may adopt. In Alabama, Hawaii, Kansas, Maine, Massachusetts, Michigan, Missouri, Nebraska, and West Virginia, a single adult and married couples jointly may adopt. In Vermont, any adult and a prospective adoptive parent's partner may adopt.

<sup>4</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 ([http://www.childwelfare.gov/pubs/f\\_milita.cfm](http://www.childwelfare.gov/pubs/f_milita.cfm)).

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 South Carolina and Indiana, a nonresident can adopt a child with special needs; in Illinois, Mississippi, New Mexico, and Rhode Island, a nonresident may adopt through an agency.

**Gay and lesbian adoption.** The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons. A statute in Florida prohibits adoption by gay persons.<sup>5</sup> Mississippi prohibits adoption by couples of the same gender. Utah bars adoption by persons who are cohabiting but not legally married; this language could be interpreted to encompass gay and lesbian adoptions. In Connecticut, the sexual orientation of the prospective adoptive parent may be considered, notwithstanding provisions in the State's laws prohibiting discrimination based on sexual orientation.

## 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 certain circumstances.

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

**Adoption of an adult.** Approximately 25 States and the District of Columbia allow the adoption of any person, regardless

<sup>5</sup> On September 22, 2010, this provision was ruled unconstitutional by the Florida Court of Appeals.

of age.<sup>6</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. Nevada specifies that the adult to be adopted must be younger than the adoptive parent, and West Virginia's statutes state that the adopting parent must be a resident of that State to adopt an adult.

Alabama permits adoption of adults only if the person to be adopted is permanently and totally disabled or mentally retarded. Ohio allows adoption of an adult only when the person to be adopted is permanently disabled or mentally retarded or is a stepchild or foster child with whom the relationship was established while the child was a minor.

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

## 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 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 four States (Delaware, Indiana, Ohio, and West Virginia) 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>6</sup> Alaska, Arkansas, Florida, Georgia, Hawaii, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Vermont, and Washington.

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

A few States allow the use of intermediaries in arranging private placements. These intermediaries are usually attorneys, and their activities, as well as the compensation they are allowed to accept, are strictly regulated.<sup>7</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.

**Suggested Citation:**

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<sup>7</sup> For additional information about the use of intermediaries, see Child Welfare Information Gateway's *Use of Advertising and Facilitators in Adoptive Placements* ([http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/advertising.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/advertising.cfm)).

## Alabama

### Who May Adopt

#### Citation: Ala. Code § 26-10A-5

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

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

### Who May Be Adopted

#### Citation: Ala. Code § 26-10A-6

The following persons may be adopted:

- A minor
- An adult who:
  - » 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

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## 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

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**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 any 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, 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, 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 less who is not an illegal alien

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

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

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

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

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 or the department that has custody of the child

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## **Colorado**

### **Who May Adopt**

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

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

### **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 by any of the following:

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

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## **Connecticut**

### **Who May Adopt**

**Citation: Gen. Stat. §§ 45a-726a; 45a-732; 45a-734**

Any adult person may adopt, with the following stipulations:

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

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

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

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

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**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
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**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 is eligible to adopt if that person is a homosexual.\*

\*On September 22, 2010, this provision was declared unconstitutional in a decision filed by the Florida Court of Appeals.

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**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
- A child-placing agency that is licensed by the Department of Children and Family Services

All placements of minors must be reported to the department, except for relative, adult, or stepparent adoptions.

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**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.

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## **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 the 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 90 days, may institute an adoption proceeding:

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

A husband and wife must petition jointly.

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

### 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 §§ 50/4.1; 50/8; Ch. 225 § 10/2.08**

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

**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 county Office of Family and Children 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

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## **Kentucky**

### **Who May Adopt**

**Citation: Rev. Stat. § 199.470**

The following persons may adopt:

- 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

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**

The following persons may adopt:

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

### **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**

An adoptive placement maybe made by:

- Private placement
  - A child-placing agency
- 

## **Maine**

### **Who May Adopt**

**Citation: Ann. Stat. Tit. 18-A, § 9-301**

The following persons may adopt:

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

### **Who May Be Adopted**

**Citation: Ann. Stat. Tit. 18-A, § 9-301**

Any person, regardless of age, may be adopted.

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

**Citation: Ann. Stat. Tit. 18-A, § 9-202**

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
- 

## **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.

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

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

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

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### **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

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### **Michigan**

#### **Who May Adopt**

**Citation: Comp. Laws § 710.24**

The following persons may adopt:

- Any person
- A husband and wife jointly

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

**Citation: Comp. Laws § 710.24**

Any child or adult may be adopted.

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

**Citation: Comp. Laws §§ 710.23a, 710.23b, 710.23c**

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**

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

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

Any child or adult may be adopted.

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

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

- The child is age 14 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.

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**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**

A child may be placed by any of the following:

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

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

The following persons may adopt:

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

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

The following persons may be adopted:

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

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

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

- The Department of Public Health and Human Services or agency to which the child has been relinquished or has been authorized to place the child
- The child's parents
- A guardian authorized by the court

## **Nebraska**

### **Who May Adopt**

**Citation: Rev. Stat. § 43-101**

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

### **Who May Be Adopted**

**Citation: Rev. Stat. § 43-101**

Any minor or adult child may be adopted.

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

**Citation: Rev. Stat. §§ 43-104; 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*

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## **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

Married persons must adopt jointly.

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

Any of the following persons may adopt:

- Any person who is at least age 18 and 10 years older than the child to be adopted
- Married persons jointly
- A married person living separately and apart from his or her spouse
- The child's brother, sister, aunt, uncle, grandparent, birth father, or stepparent

**Who May Be Adopted****Citation: Ann. Stat. § 9:3-39.1**

Any child may be adopted.

**Who May Place a Child for Adoption****Citation: Ann. Stat. § 9:3-39.1**

A child may be placed by any of the following:

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

**New Mexico****Who May Adopt****Citation: Ann. Stat. § 32A-5-11**

Residents who are one of the following may adopt:

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

Nonresidents may adopt in New Mexico if the adopted person is a resident of 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

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## **North Carolina**

### **Who May Adopt**

**Citation: Gen. Stat. § 48-1-103**

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

### **Who May Be Adopted**

**Citation: Gen. Stat. § 48-1-104**

Any individual may be adopted.

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

**Citation: Gen. Stat. § 48-3-201**

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

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**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

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## **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 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.

### Who May Be Adopted

**Citation: Rev. Stat. § 109.309**

The following persons may be adopted:

- A minor child
- An adult

### Who May Place a Child for Adoption

**Citation: Rev. Stat. §§ 109.312; 109.316**

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.

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

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

**Who May Place a Child for Adoption****Citation: Cons. Stat. Tit. 23, §§ 2501; 2502; 2102**

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 adoptee.

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; 15-7-2.1**

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.

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**South Carolina****Who May Adopt****Citation: Ann. Code § 63-9-60**

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.

**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
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**South Dakota****Who May Adopt****Citation: Ann. Laws §§ 25-6-2; 25-6-3**

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

**Who May Be Adopted****Citation: Ann. Laws §§ 25-6-2; 25-6-18**

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

**Who May Place a Child for Adoption****Citation: Ann. Laws § 26-6-8**

Only the following may place a child for adoption:

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

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

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### **Texas**

#### **Who May Adopt**

**Citation: Fam. Code § 162.001**

Any adult may adopt.

#### **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 may place the child:

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



## Utah

### Who May Adopt

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

The following persons are eligible to adopt:

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

The following qualifications apply:

- Persons who are cohabiting but not legally married may not adopt.
- The adoptive parent must be at least 10 years older than the 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.

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## Vermont

### Who May Adopt

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

The following persons may adopt:

- Any person
- A parent's partner

### Who May Be Adopted

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

Any person may be adopted.

### Who May Place a Child for Adoption

**Citation: Ann. Stat. Tit. 15A, § 2-101**

Only the following may place a child for adoption:

- The parent having legal 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
- 

**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 a 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
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### **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**

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

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

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

The following persons may be adopted:

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

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

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

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

**Wisconsin****Who May Adopt****Citation: Ann. Stat. §§ 48.82; 882.01**

The following State residents are eligible to adopt:

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

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

**Who May Be Adopted****Citation: Ann. Stat. § 48.81**

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

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

**Who May Place a Child for Adoption****Citation: Ann. Stat. §§ 48.833; 48.835; 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.

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.

## 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

