



State Statutes Series 2004

Court Jurisdiction and Venue for Adoption Petitions: Summary of State Laws

Jurisdiction

Adoption is a legal process for making a child a permanent member of a family other than the child's birth family. This legal process falls under the jurisdiction of a court of law in the State where the adoption occurs.

Every State maintains a court system in which different courts are designated to hear specific types of cases. That designation is what is meant by the term "jurisdiction." For example, criminal cases will be tried in a State criminal court. Adoption is a civil procedure, and at the State court level, certain civil courts are given jurisdiction over adoption cases. A person who seeks to adopt a child must file his or her petition for adoption with the appropriate court.

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

Examples of Jurisdiction

State courts are organized in a hierarchy of courts of original jurisdiction, which is the level at which cases are first heard, and appellate courts, which hear cases that have been appealed from lower courts. The names given to these courts vary from State to State. All adoption cases commence with a petition filed with the appropriate court of original jurisdiction.

The types of court designated as the court of original jurisdiction reflect the organization of the State court system, and the names can include:

- Circuit court, used in 11 States¹
- District court, used in 8 States and 2 Territories²
- Superior court, used in 7 States, 1 Territory, and the District of Columbia³
- Probate court, used in 8 States⁴
- Family court, used in 5 States⁵
- Juvenile court, used in 3 States⁶

¹ Arkansas, Florida, Illinois, Kentucky, Michigan, Missouri, Oregon, South Dakota, Virginia, West Virginia, and Wisconsin

² Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Wyoming, American Samoa, and Puerto Rico

³ Alaska, Arizona, California, Georgia, New Jersey, North Carolina, Washington, and Guam

⁴ Alabama, Connecticut, Indiana, Maine, Massachusetts, New Hampshire, Ohio, and Vermont

⁵ Delaware, Hawaii, New York, Rhode Island, and South Carolina

⁶ Colorado, Louisiana, and Minnesota



Some other names used are equity (Maryland), chancery (Mississippi), court of common pleas (Pennsylvania), county (Nebraska), trial (Northern Mariana Islands), territorial (Virgin Islands), and court of first instance (Puerto Rico).

In some States, more than one court may have jurisdiction over adoption cases, that is, either court designated in statute may hear an adoption petition. For example, in Iowa, either the juvenile or district court has jurisdiction, while in New York, either the family court or surrogate's (probate) court has jurisdiction. Either the chancery or circuit court has jurisdiction in Tennessee, while in Texas, a district court, juvenile court, or other court having jurisdiction of a suit affecting the parent-child relationship can hear an adoption petition.

In some States, other courts may have jurisdiction over an adoption case under specific circumstances. For example, in six States (Alabama, California, Georgia, Massachusetts, Nebraska, and Utah), the juvenile court will have jurisdiction if the child to be adopted has previously been placed under that court's supervision or if that court handled the case of termination of the parent's rights. In Nevada and New Mexico, if the child to be adopted is an Indian child, a Tribal court may have jurisdiction over the case. The trial division of the high court has jurisdiction over contested adoptions in American Samoa.

Venue

Venue refers to the geographic location of the court that will hear the case. Most States, Puerto Rico, and the Virgin Islands maintain courts of all types located in different counties or districts throughout the State or Territory.⁷ Petitions for adoption are filed in the type of court that has the appropriate jurisdiction at the location (or venue) that is convenient to the parties involved in the case. In many cases, there may be a residency requirement. Venue options include the county where the person seeking to adopt (petitioner) and/or the child to be adopted reside, or where the child-placing agency is located.

An attorney experienced with a State's adoption laws can assist a person seeking to adopt in drafting the adoption petition and making sure that the petition is filed with the court having the appropriate jurisdiction and venue.

This publication is a product of the State Statutes Series prepared by the National Adoption Information Clearinghouse (NAIC). While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Electronic copies of this publication may be downloaded from the Clearinghouse website at <http://naic.acf.hhs.gov/general/legal/statutes/jurisdiction.cfm>.

- To find statute information for a particular State, go to <http://naic.acf.hhs.gov/general/legal/statutes/search> and select the specific State and topic.
- To find information on all of the States and territories, view the complete PDF at <http://naic.acf.hhs.gov/general/legal/statutes/jurisdictionall.pdf> or call the Clearinghouse at (888) 251-0075 or (703) 352-3488 to order a copy.

⁷ Rhode Island, the District of Columbia, American Samoa, Guam, and the Northern Mariana Islands, due to their small geographic areas, have one court that handles adoption petitions. For this reason, the statutes do not specify venue.

Alabama**Jurisdiction****Statute: § 26-10A-3**

- The probate court has original jurisdiction over adoption proceedings.
- If any party fails to or is unable to consent, the proceeding shall be transferred to the juvenile division of the circuit court for the limited purpose of termination of parental rights.

Venue**Statute: § 26-10A-4**

The county where:

- The minor or adult resides or has a legal residence
 - A petitioner resides, or is in the military service
 - An office of any agency having guardianship is located
-

Alaska**Jurisdiction****Statute: § 25.23.030**

The superior court

Venue**Statute: § 25.23.030**

- Venue is in the county where the adoptee resides, the petitioner resides or is in military service, or the agency having custody is located.
 - The court may transfer, stay, or dismiss the adoption proceeding if it is in the interest of substantial justice that the case be heard in another judicial district.
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American Samoa**Jurisdiction****Statute: §§ 45.0103(8); 45.0115**

- The district court
- The trial division of the high court for contested adoptions

Venue

Not addressed in statutes reviewed

Arizona**Jurisdiction****Statute: § 8-102.01**

The superior court for petitions filed prior to a child's 18th birthday

Venue**Statute: § 8-104**

The county where:

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

Arkansas**Jurisdiction****Statute: § 9-9-202**

The circuit court

Venue**Statute: § 9-9-205(c)**

- Venue is in the county where the petitioner(s) or adoptee resides or is in military service, or the agency having custody is located.
 - The court may transfer, stay, or dismiss the proceedings if in the interest of substantial justice.
-

California**Jurisdiction****Statute: Fam. § 200; Welf. & Inst. § 366.3**

- The superior court has jurisdiction.
- The juvenile court shall retain jurisdiction over a child [in State custody] until the child is adopted.

Venue**Statute: Fam. §§ 8714; 8802; 9000**

The county where:

- The petitioner resides
 - The placing birth parent(s) resided when the placement agreement was signed
 - The placing birth parent(s) resided when the petition was filed
 - The child is a dependent of the State and is freed for adoption with the termination of parental rights by court order
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Colorado**Jurisdiction****Statute: § 19-1-104(1)**

The juvenile court

Venue**Statute: § 19-5-204**

The county where:

- The petitioner resides
 - The placement agency is located
-

Connecticut**Jurisdiction****Statute: § 45a-727**

The probate court

Venue**Statute: § 45a-727(a)(4)**

The district where:

- The adopting parent resides
 - The statutory parent is located
-

Delaware**Jurisdiction****Statute: Tit. 13, § 902**

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

Venue**Statute: Tit. 13, § 902(b)**

The county where:

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

District of Columbia**Jurisdiction****Statute: § 16-301**

- The superior court
- Jurisdiction shall be conferred if the petitioner is a resident or has resided in the District for at least 1 year preceding the filing of the petition, or the child to be adopted is in the legal custody of a child-placing agency.

VenueNot addressed in statutes reviewed

Florida**Jurisdiction****Statute: § 63.102(1)**

The circuit court retains jurisdiction until a final judgment is entered.

Venue**Statute: § 63.102(2)**

- Venue is in the county where the petition for termination of parental rights was granted.
 - The court may change venue, per § 47.122, to the county where the petitioner(s) or the minor resides or the adoption entity is located.
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Georgia**Jurisdiction****Statute: § 19-8-2(a)**

The superior courts of the several counties shall have exclusive jurisdiction in all matters of adoption, except such jurisdiction as may be granted to the juvenile courts.

Venue**Statute: § 19-8-2(b)**

- All petitions under this chapter shall be filed in the county where the petitioner resides.
 - Upon good cause shown, the petition may also be filed in:
 - The county where the child resides or any child-placing agency having custody is located; or
 - Any county adjacent to the United States Army post or military reservation, for any person resident in the State for 6 months preceding the filing.
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Guam**Jurisdiction****Statute: Tit. 19, §§ 5102; 5103**The family division of the superior court until the child reaches majority

Venue

Not addressed in statutes reviewed

Hawaii**Jurisdiction****Statute: § 578-1**

The family court in the relevant circuit

Venue**Statute: § 578-1**

The circuit in which:

- The petitioner resides or is in military service
 - The adoptee resides or was born
 - A child-placing organization having legal custody is located
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Idaho**Jurisdiction****Statute: § 16-1506**

In the district court of the relevant county, provided the petitioner(s) resided and maintained a dwelling within the State of Idaho for at least 6 consecutive months prior to the filing of a petition

Venue**Statute: § 16-1506**

The county in which the petitioner(s) resides

Illinois**Jurisdiction****Statute: CH 750 § 50/4**

The circuit court in the relevant county

Venue**Statute: CH 750 § 50/4**

- Venue is in the county where the petitioner(s) or birth parents reside, or the adoptee resides or was born.
 - If an agency or guardian has custody and control of a child and is authorized to consent to the adoption, the proceeding may be commenced in any county.
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Indiana**Jurisdiction****Statute: §§ 31-19-1-2; 31-19-2-1**

- A court having jurisdiction over probate matters
- The probate court in counties having a separate probate court

Venue**Statute: § 31-19-2-2**

The county where:

- The petitioner resides
 - A licensed child-placing agency or governmental agency having custody is located
 - The child resides
-

Iowa**Jurisdiction****Statute: §§ 600.3; 600A.2**

- The juvenile court or any county court
- A district court

Venue**Statute: § 600.3**The county where the guardian of a minor person to be adopted or the petitioner resides

Kansas**Jurisdiction****Statute: §§ 59-2127, 38-1503**

- The district court has original jurisdiction until the adoption is finalized.
- A court in this State may not exercise jurisdiction if the proceeding is pending in a court of another State, unless the proceeding is stayed by the other court.

Venue**Statute: § 59-2126**

- In an independent adoption, the county where the petitioner or adoptee resides
 - In an agency adoption, the county where the petitioner resides, the child-placing agency is located, or the child resided prior to the agency gaining custody
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Kentucky**Jurisdiction****Statute: § 199.470**

The circuit court in the relevant county

Venue**Statute: § 199.470**The county where the petitioner resides or has resided for at least 12 months

Louisiana**Jurisdiction****Statute: Ch. Code Art. 1180**

The juvenile court

Venue**Statute: Ch. Code Art. 1180**

The parish [county] where:

- The petitioner resides
 - The child's custodian resides
 - The child was voluntarily surrendered
 - The court that adjudicated the child to be in need, or the parental rights were terminated, is located
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Maine**Jurisdiction****Statute: Tit. 18-A, § 9-103**

The probate court

Venue**Statute: Tit. 18-A, § 9-104**

- If an agency or department placement, venue is where the petitioner resides, the adoptee resides or was born, or where the agency is located.
 - If not an agency or department placement, venue is where the adoptee or petitioner resides.
 - If it is in the interest of justice or convenience of the parties for the case to be heard in another court, the court may transfer, stay, or dismiss the proceedings.
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Maryland**Jurisdiction****Statute: Fam. Law § 1-201**An equity court has jurisdiction over the adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance.

Venue**Statute: Cts. & Jud. Pro. § 6-203(e)**

The county where:

- The petitioner is domiciled
 - The petitioner has resided for at least 90 days preceding the filing of the petition
 - The licensed child placement agency having custody is located
 - The adoptee is domiciled
 - An equity court has continuing jurisdiction over the person to be adopted
-

Massachusetts**Jurisdiction****Statute: Ch. 210, § 1**

- The probate court
- The district or juvenile court, if necessary or convenient, but only in respect to a pending proceeding

Venue**Statute: Ch. 210, § 1**

- Venue is in the county where the petitioner resides.
 - A non-resident may petition the court in the county where the adoptee resides.
-

Michigan**Jurisdiction****Statute: § 710.22**

The family division of circuit court

Venue**Statute: § 710.22**

- Venue is in the county where the petitioner resides or the adoptee is found.
 - If there has been a temporary placement of the child, the petition for adoption shall be filed with the court that received the report described in section 23d(2) of this chapter.
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Minnesota**Jurisdiction****Statute: § 259.23, subd. 1**

The juvenile court

Venue**Statute: § 259.23, subd. 1**

- Venue is in the county where the petitioner resides.
 - If the petitioner moves to another county, the court in which an adoption is initiated may transfer the proceeding if the transfer is in the best interests of the adoptee.
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Mississippi**Jurisdiction****Statute: § 93-17-3**

The chancery court

Venue**Statute: § 93-17-3**

The county where:

- The petitioners have resided at least 90 days prior to filing the petition
 - The adoptee resides or was born, or was found when it was abandoned or deserted
 - The home is located to which the child has been surrendered by a person authorized to so do
-

Missouri**Jurisdiction****Statute: § 453.010**

The juvenile division of the circuit court

Venue**Statute: § 453.010**

The county where:

- The petitioner resides
 - The adoptee was born
 - The child is located at the time of the filing of the petition
 - Either birth person resides
-

Montana**Jurisdiction****Statute: § 43-1-104**

The district court of the relevant county

Venue**Statute: § 43-1-104**

In the county where petitioner resides

Nebraska**Jurisdiction****Statute: § 43-102**

The county court or the juvenile court, if it already has jurisdiction. In such proceedings, jurisdiction is concurrent.

Venue**Statute: § 43-102**

The county court where the petitioner resides

Nevada**Jurisdiction****Statute: § 127.010**

The district court has original jurisdiction unless the child is subject to the jurisdiction of an Indian Tribal court.

Venue**Statute: § 127.030**

Any county in the State

New Hampshire**Jurisdiction****Statute: § 170-B:11(I)**

The probate court shall have exclusive jurisdiction to grant a petition for adoption if the adoptee is present in the State or is in the legal custody or guardianship of an authorized agency located in the State at the time the petition is filed.

Venue**Statute: § 170-B:11(II-III)**

- Venue is in the county where the petitioner or the adoptee resides at the time of the filing, or the authorized agency has provided services to the adoptee.
 - If the court finds that in the interest of substantial justice the matter should be heard in another court within the State, it may transfer the proceeding in whole or in part.
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New Jersey**Jurisdiction****Statute: § 9:3-42**

Superior Court, Chancery Division, Family Part

Venue**Statute: § 9:3-42**

The county where:

- The prospective parent resides
 - The child resided immediately prior to placement for adoption
 - The child was born, if less than 3 months of age
 - The approved agency has an office
-

New Mexico**Jurisdiction****Statute: §§ 32A-1-4; 32A-1-9**

- Jurisdiction in under the children's court division of the district court.
- For Indian adoptees, the case should be transferred to the jurisdiction of the child's Indian tribe unless an objection is raised.

Venue**Statute: § 32A-5-10**

The county where:

- A petitioner is a resident
 - The adoptee is physically present at the time the petition is filed
 - An office of the agency that placed the adoptee for adoption is located
 - The department office from which the child was placed is located
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New York**Jurisdiction****Statute: Fam. Ct. §§ 115, 641**

The family court has original jurisdiction, concurrent with the surrogate's [probate] court, over adoption proceedings.

Venue**Statute: Dom. Rel. §§ 113(3); 115(2)**

- In an agency placement, the venue is in the county where the termination of parental rights or judicial surrender proceeding is pending or has been approved, the adoptive parents reside, or the authorized agency is located.
- In a private placement, the venue is in the county where the adoptive parents reside, or if the parents are not residents, where the child resides.

North Carolina**Jurisdiction****Statute: § 48-2-100**

- Adoption shall be by a special proceeding before the clerk of the superior court.
- Jurisdiction exists if the adoptee has lived in the State for at least 6 consecutive months prior to filing or from birth, and the prospective adoptive parent is domiciled or lives in the State.
- The courts shall not exercise jurisdiction if at the time the petition is filed, a court of any other State is exercising jurisdiction.

Venue**Statute: § 48-2-101**

The county where:

- A petitioner lives or is domiciled, at the time of filing
 - The adoptee lives
 - An office of the agency that placed the adoptee is located
-

North Dakota**Jurisdiction****Statute: § 14-15-01**

The district court

Venue**Statute: § 14-15-04(1)-(2)**

- Venue is the place where the petitioner or adoptee resides or is in military service at the time of filing, or where the agency having the care, custody, or control of the minor is located.
 - If it finds it is in the interest of substantial justice that the matter be heard in another forum, the court may transfer, stay, or dismiss the proceeding in whole or in part.
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Northern Mariana Islands**Jurisdiction****Statute: Tit. 8, § 1101**

The commonwealth trial court

Venue

Not addressed in statutes reviewed

Ohio**Jurisdiction****Statute: § 3107.01**

The probate court

Venue**Statute: § 3107.04**

- Venue is in the county where the adoptee was born; the petitioner, adoptee, or parents of the adoptee reside; the petitioner is stationed in military service; or the agency having custody is located.
 - The court may, if it finds in the interest of justice that the case should be heard in another forum, stay or dismiss the proceedings in whole or in part.
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Oklahoma**Jurisdiction****Statute: Tit. 10, § 7502-1.1**

The district court, provided:

- The birth and adoptive parents were residents for at least 6 months prior to filing
- The adoptee has been a resident for 6 months prior to filing or from birth
- The child-placing agency is located in the State
- No other State has jurisdiction or has declined to exercise jurisdiction

Venue**Statute: Tit. 10, § 7502-1.2**The county where the petitioner or adoptee resides

Oregon**Jurisdiction****Statute: § 109.309(1), (3)**

- Any person may petition the circuit court if one petitioner, the child, one parent, or the person (who is not an adoption agency) consenting to the adoption is a resident of the State, and no court in another State has jurisdiction.
- As used in this subsection, 'resident' means a person who has resided in the State continuously for a period of 6 months prior to the date of the petition.

Venue**Statute: § 109.309(5)**For a minor child, venue shall lie in the county with which the child has the most significant connection or the licensed adoption agency is located.

Pennsylvania**Jurisdiction****Statute: 23 Pa. § 2301**The court of common pleas of each county

Venue**Statute: 23 Pa. § 2302**

The county where:

- The parent or parents, the adoptee, or the petitioner resides
 - The agency having custody or responsible for placement is located
 - The adoptee formerly resided, with permission of the court
-

Puerto Rico**Jurisdiction****Statute: Tit. 32, § 2699b**

The court of the first instance

Venue**Statute: Tit. 32, § 2699b**The part of the court that corresponds to the place of residence of the adoptee

Rhode Island**Jurisdiction****Statute: § 15-7-4**

- Any resident may petition the family court to adopt a minor child.
- Jurisdiction of the court continues if petitioners become non-residents after filing.
- Non-residents may also adopt if the child is in the custody of a child-placing agency located in the State.
- The probate court has jurisdiction over adoption of individuals age 18 or older.

Venue**Statute: § 15-7-4**

- There is one family court in Rhode Island for all adoptions of children under age 18.
 - For an adoptee age 18 or older, venue is the probate court in the city or town where petitioners live.
-

South Carolina**Jurisdiction****Statute: § 20-7-1680**The family court

Venue**Statute: § 20-7-1680**

- Venue is in the county where the petitioner resides or is in military service, or the child resides or is born.
 - For nonresidents, proceedings for adoption must be brought in the county where the child resides or was born, or the agency having custody of the child is located.
 - The family court may order a change of venue.
-

South Dakota**Jurisdiction****Statute: § 25-6-6**

The circuit court

Venue**Statute: § 25-6-7**The county of the child's or adopting parent's legal residence

Tennessee**Jurisdiction****Statute: § 36-1-102(16)**

The chancery or circuit court

Venue**Statute: § 36-1-114**

The county where:

- The petitioners reside
 - The child resides
 - The child resided when a child-placing agency gained custody
 - The licensed child-placing agency having custody or guardianship is located
-

Texas**Jurisdiction****Statute: Fam. Code. § 101.008**

- The district court
- A juvenile court having the same jurisdiction as a district court
- Other court having jurisdiction of a suit affecting the parent-child relationship

Venue**Statute: Fam. Code. § 103.001(b)**In the county where the child or petitioner resides

Utah**Jurisdiction****Statute: §§ 78-30-7; 78-3a-104(1)(o)**

- The district court
- The juvenile court when that court has previously entered an order terminating the rights of the parent

Venue**Statute: § 78-30-7**

The district where:

- The petitioner resides
 - The child was born, if conceived in the State
-

Vermont**Jurisdiction****Statute: Tit. 15A, § 3-101**

- The probate court has jurisdiction, provided the statutory residency requirements are fulfilled.
- The court may not exercise jurisdiction if another court is exercising jurisdiction over the same child in a similar proceeding.

Venue**Statute: Tit. 15A, § 3-102**

The district where:

- The petitioner resides or has legal residence at the time of filing
 - The adoptee resides
 - An office of the agency or department is located
-

Virgin Islands**Jurisdiction****Statute: Tit. 4, § 76**

The territorial court

Venue**Statute: Tit. 4, § 78**

- Venue is the judicial division where the petitioner resides.
 - For the convenience of parties and witnesses and in the interest of justice, the court may transfer any action or proceeding pending in one judicial division to another for hearing and determination.
-

Virginia**Jurisdiction****Statute: § 63.2-1201**

The circuit court

Venue**Statute: § 63.2-1201**

The county or city where:

- The petitioner resides
 - The child-placing agency is located
-

Washington**Jurisdiction****Statute: § 26.33.030**

The superior court

Venue**Statute: § 26.33.030**

The county where:

- The petitioner is resident
 - The adoptee is domiciled
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West Virginia**Jurisdiction****Statute: § 48-22-201**

The circuit court

Venue**Statute: § 48-22-201**The county where the petitioner resides

Wisconsin**Jurisdiction****Statute: §§ 48.83; 753.03**

- The circuit court has jurisdiction until the petition is withdrawn, denied, or granted.
 - The court may transfer the case for cause.
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Venue

Statute: § 48.83

The county where the proposed adoptive parents or the child resides at the time of filing

Wyoming

Jurisdiction

Statute: § 1-22-104

The district court

Venue

Statute: § 1-5-108

The county where:

- The petitioner resides
- The guardian was appointed or resides