



State Statutes Series 2004

Parties to an Adoption: Summary of State Laws

Who May Adopt

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

In general, any single adult or a husband and wife jointly can be eligible to adopt. In addition, a stepparent can adopt the birth child of his or her spouse.¹ In approximately² 17 States³ and the District of Columbia, there are no additional conditions specified. In some States, married persons may adopt singly if they are legally separated from their spouse or if their spouse is legally incompetent.

In approximately six States (Kentucky, Louisiana, Montana, New Jersey, Tennessee, and Washington), the age of adulthood for purposes of adoption is 18; 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, or when the minor is the unmarried birth parent of the child to be adopted.

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.

Approximately 17 States⁴, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands require that petitioners for adoption be State residents. The required period of residency ranges from 60 days to 1 year. There are exceptions to the residency requirement in some States. For example, in South Carolina and Indiana, a nonresident can adopt a special needs child; in Illinois, Mississippi, New Mexico, and Rhode Island, a nonresident may adopt through an agency.

¹A 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.

²The word *approximately* is used to stress the fact that the statutes are constantly being revised and updated.

³In Maryland, North Carolina, Pennsylvania, and Texas, any adult may adopt. In Alabama, Arizona, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Michigan, Missouri, Nebraska, and Virginia, a single adult and married couples jointly may adopt. In Vermont, any adult and a parent's partner may adopt.

⁴Arizona, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Minnesota, Mississippi, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and Wyoming.



Gay and Lesbian Adoption

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

Who May Be Adopted

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

Approximately 26 States⁵ and the District of Columbia allow the adoption of any person, regardless of age. 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 allows a resident of that State to adopt an adult.

Alabama restricts adoption of adults to persons who are permanently and totally disabled or mentally retarded. Ohio allows adoption of an adult only when the person is permanently disabled, mentally retarded, or a stepchild or foster child with whom the relationship was established while the child was a minor. Idaho, Illinois, and South Dakota require that the adopting parent be in a sustained parental relationship for a specified period of time, ranging from 6 months to 2 years, with the adult to be adopted. Virginia allows the adoption of an adult stepchild, niece, or nephew, as long as the adopted person resided in the home for at least 3 months prior to reaching adulthood and is at least 15 years younger than the adopting parent.

Who May Place a Child for Adoption

In general, any person or entity who has the right of consent to a child 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 (except Arkansas), the District of Columbia, and all the U.S. territories (excluding the Northern Mariana Islands) specifically designate which persons or entities hold the authority to make adoptive placements.

Most States allow "nonagency" placements of children for adoption, often referred to as "private" or "independent" adoption. One type of private adoption allowed in most States is the "direct placement" of a child by the birth parent with an adoptive family.

⁵Alaska, Arkansas, Florida, Georgia, Hawaii, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, and Wyoming.

Many States that allow direct placement have detailed statutory regulation in order to protect the interests of the parties to the adoption.

Approximately six States (Alaska, Delaware, Illinois, Indiana, Ohio, and West Virginia) require that all adoptive placements be made by the State Departments of Human or Social Services or child-placing agencies that are licensed by the State or meet certain standards. In four States (Florida, Kentucky, Minnesota, and Rhode Island), parents who wish to make private placements must first obtain permission from the Department or the court.

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.⁶

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/parties.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/partiesall.pdf> or call the Clearinghouse at (888) 251-0075 or (703) 352-3488 to order a copy.

⁶For additional information about the use of intermediaries, see the NAIC publication *Use of Advertising and Facilitators in Adoptive Placements* at the NAIC website at <http://naic.acf.hhs.gov>.

Alabama**Who May Adopt****Statute: § 26-10A-5**

Any adult person or husband and wife jointly who are adults, 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**Statute: § 26-10A-6**

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

Who May Place a Child for Adoption**Statute: § 26-10A-33**

- A parent
- A parent of a deceased parent
- A relative of a degree of relationship specified in statute
- Department of Human Resources
- A licensed child-placing agency
- An agency approved by the Department

Alaska**Who May Adopt****Statute: § 25.23.020**

- A husband and wife together
- An unmarried adult
- The unmarried parent of the adoptee

Who May Be Adopted**Statute: § 25.23.010**

Any person

Who May Place a Child for Adoption**Statute: § 25.23.240**

A licensed child-placing agency

American Samoa**Who May Adopt****Statute: § 45.0411**

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

Who May Be Adopted**Statute: § 45.0410**

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

Who May Place a Child for Adoption**Statute: § 45.0413**

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

Arizona**Who May Adopt****Statute: § 8-103**

- Any adult resident of the State, whether married, unmarried, or legally separated
- A husband and wife, who may jointly adopt

Who May Be Adopted**Statute: § 8-102**

- 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**Statute: § 8-130**

- A licensed child-placing agency may place a child.
- A State licensed attorney can handle direct placements.

Arkansas**Who May Adopt****Statute: § 9-9-204**

- A husband and wife together, although one or both are minors
- An unmarried adult
- The unmarried parent of the adoptee
- A married individual without the spouse, under specified conditions

Who May Be Adopted**Statute: § 9-9-203**

Any individual

Who May Place a Child for Adoption

Not addressed in statutes reviewed

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

An adult at least 10 years older than the child, except under conditions specified

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

An unmarried minor

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

- The child's birth parent
- A licensed adoption agency
- The department

Colorado**Who May Adopt****Statute: § 19-5-202**

- Any person age 21 or older, including a foster parent, may adopt.
- A minor may petition the court for approval.
- A person with a living spouse shall adopt jointly.

Who May Be Adopted**Statute: § 19-5-201**

- Any child under age 18 present in the State
- A person over age 18 but under 21 if approved by the court

Who May Place a Child for Adoption**Statute: § 19-5-206**

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

Connecticut**Who May Adopt****Statute: §§ 45a-724; 45a-726a; 45a-732**

Any adult person may adopt, with the following stipulations:

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

Who May Be Adopted**Statute: §§ 45a-724; 45a-725**

Any minor child legally free for adoption, as defined by this section

Who May Place a Child for Adoption**Statute: §§ 45a-724; 45a-726**

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

Delaware**Who May Adopt****Statute: Title 13, § 903**

- An unmarried person
- Husband and wife jointly
- A divorced or legally separated person
- Residents of the State at the time of filing
- Over age 21

Who May Be Adopted**Statute: Title 13, § 908**

A child who is legally free for adoption

Who May Place a Child for Adoption
Statute: Title 13, § 904

- The department
 - A licensed or authorized agency
-

District of Columbia**Who May Adopt**
Statute: § 16-302

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

Who May Be Adopted
Statute: § 16-303

Any minor or adult

Who May Place a Child for Adoption
Statute: § 4-1405

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

Florida**Who May Adopt**
Statute: § 63.042

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

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

Who May Be Adopted
Statute: § 63.042

Any person, a minor or an adult

Who May Place a Child for Adoption
Statute: §§ 63.022; 63.202

- A parent or intermediary who must report any placement to the Department of Children and Family Services
- A child-placing agency that is licensed by the department

Georgia**Who May Adopt**
Statute: § 19-8-3

Any adult person, including a foster parent, who:

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

Married persons must file a joint petition.

Who May Be Adopted
Statute: §§ 19-8-3; 19-8-21

- Any child
- An adult who gives written consent

Who May Place a Child for Adoption
Statute: § 19-8-4

- The parent or guardian
 - The department
 - Any child placing-agency
-

Guam**Who May Adopt**
Statute: Tit. 19, § 4203

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

Who May Be Adopted
Statute: Tit. 19, § 4201

Any child who is legally free for adoption

Who May Place a Child for Adoption
Statute: Tit. 19, § 4201

- The parents
- Close relatives
- Division of Social Services

Hawaii**Who May Adopt****Statute: § 578-1**

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

Who May Be Adopted**Statute: § 578-1.5**

- Any person
- An adult who gives written consent to the adoption

Who May Place a Child for Adoption**Statute: § 578-2**

- Parent or legal guardian
 - The department
 - Approved child placement organization
-

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

- Any adult resident of Idaho may adopt, subject to specific provisions stipulated in statute.
- Person adopting, except the spouse of a natural parent, must be:
 - At least 15 years older than adoptee, or
 - Age 25 or older
- If married, consent of the spouse is required.

Who May Be Adopted**Statute: § 16-1501**

- Any minor child
- Any adult where the adopting person has sustained the relationship of a parent for a period in excess of 1 year, or if the court determines a substantial family relationship has been created

Who May Place a Child for Adoption**Statute: § 16-1504**

Parent or legal guardian

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

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

Husband and wife must petition jointly.

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

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

- 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**Statute: 750 ILCS 50/4.1**

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

Indiana**Who May Adopt****Statute: §§ 31-19-2-2; 31-19-2-3; 31-19-2-4**

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

Who May Be Adopted**Statute: §§ 31-19-2-2; 31-19-2-1**

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

Who May Place a Child for Adoption**Statute: § 31-19-7-1**

- A licensed child-placing agency
- The Division of Family and Children

Iowa**Who May Adopt**
Statute: § 600.4

- An unmarried adult
- Husband and wife together
- Husband or wife separately under certain conditions

Who May Be Adopted
Statute: § 600.10

A minor person who has lived with adoption petitioner a minimum of 180 days

Who May Place a Child for Adoption
Statute: §§ 600.7; 600.7A

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

Kansas**Who May Adopt**
Statute: § 59-2113

- Any adult
- Husband and wife jointly

Who May Be Adopted
Statute: § 59-2113

Any minor or adult

Who May Place a Child for Adoption
Statute: § 59-2112

- The child's parent(s)
 - Legal guardian
 - Person *in loco parentis*
 - A child-placing agency
-

Kentucky**Who May Adopt**
Statute: § 199.470

- Any person age 18 or older
 - A resident for at least 12 months
 - Husband and wife jointly
-

Who May Be Adopted**Statute: § 199.470**

Any child

Who May Place a Child for Adoption**Statute: §§ 199.470; 199.473**

- A licensed agency
- The State Cabinet

All other persons must have permission of the Cabinet to place or receive a child.

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

- A single person, age 18 or older
- A married couple jointly

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

A child

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

- Private placement
 - Child-placing agency
-

Maine**Who May Adopt****Statute: Tit. 18-A, § 9-301**

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

Who May Be Adopted**Statute: Tit. 18-A, § 9-301**

Any person, regardless of age

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

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

Maryland**Who May Adopt****Statute: Family Law § 5-309**

Any adult, regardless of marital status

Who May Be Adopted**Statute: Family Law § 5-307**

Any person, whether minor or adult

Who May Place a Child for Adoption**Statute: Family Law § 5-311**

- The birth parent(s)
 - A child placement agency that has been awarded guardianship
-

Massachusetts**Who May Adopt****Statute: Ch. 210 § 1**

- Any adult
- Husband and wife jointly
- A minor with his spouse to adopt the natural child of one of the parties

Who May Be Adopted**Statute: Ch. 210 § 1**

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

Who May Place a Child for Adoption**Statute: Ch. 210, §§ 2; 11A**

- The child's parent(s)
 - The Department of Social Services
 - A licensed child-placing agency
-

Michigan**Who May Adopt****Statute: § 710.24**

- Any person
- A husband and wife jointly

Who May Be Adopted**Statute: § 710.24**

Any child or adult

Who May Place a Child for Adoption
Statute: §§ 710.23a, 710.23b, 710.23c

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

Minnesota**Who May Adopt**
Statute: § 259.22

- Any person
- Resident of the State 1 year or more

Who May Be Adopted
Statute: § 259.22

Any child or adult

Who May Place a Child for Adoption
Statute: §§ 259.22; 259.47

- Commissioner of Human Services
- A licensed child-placing agency

Direct placement by a parent or guardian must be approved by the court.

Mississippi**Who May Adopt**
Statute: § 93-17-3

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

Adoption by persons of the same gender is prohibited.

Who May Be Adopted
Statute: § 93-17-3

Any person

Who May Place a Child for Adoption
Statute: §§ 93-17-5; 93-17-9

- 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**
Statute: § 453.010

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

Who May Be Adopted
Statute: § 453.010

Any child

Who May Place a Child for Adoption
Statute: § 453.014

- The Division of Family Services of the Department of Social Services
 - A licensed child-placing agency
 - The child's parent(s)
 - An intermediary, including an attorney, physician, or clergyman
-

Montana**Who May Adopt**
Statute: § 42-1-106

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

Who May Be Adopted
Statute: § 42-1-105

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

Who May Place a Child for Adoption
Statute: § 42-1-107

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

Nebraska**Who May Adopt**
Statute: § 43-101

Any adult person

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

Who May Be Adopted
Statute: § 43-101

- Any minor child
- Any adult child

Who May Place a Child for Adoption
Statute: § 43-105

- The parents
 - The Department of Health and Human Services
 - A licensed child-placing agency
-

Nevada**Who May Adopt**
Statute: §§ 127.020; 127.030

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

Married persons must adopt jointly.

Who May Be Adopted
Statute: §§ 127.020; 127.190

- 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
Statute: §§ 127.040; 127.050

- The child's parent(s)
- The child's guardian
- An agency that provides child welfare services
- A licensed child-placing agency

New Hampshire**Who May Adopt**
Statute: § 170-B:4

- Husband and wife together
- An unmarried adult
- Any foster parent
- The unmarried parent of the adoptee
- A stepparent

Who May Be Adopted
Statute: § 170-B:3

Any individual

Who May Place a Child for Adoption
Statute: § 170-B:5

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

New Jersey**Who May Adopt**
Statute: § 9:3-43

- Any person who is at least 18 years of age and 10 years older than adoptee may adopt.
- Married persons must adopt jointly.

Who May Be Adopted
Statute: § 9:3-39.1

Any child

Who May Place a Child for Adoption
Statute: § 9:3-39.1

- The parent or guardian of the child
 - An approved agency
 - An intermediary, if the adoptive parent has a home study through an approved agency
-

New Mexico**Who May Adopt**
Statute: § 32A-5-11

- Any resident who has been approved by the court
- Non-residents in cases in which a New Mexico agency or the department placed the child

A married person may file separately if a stepparent or legally separated.

Who May Be Adopted**Statute: §§ 32A-5-11; 32A-5-5**

- Any child
- An Indian child should be placed with:
 - His extended family
 - Members of his tribe or
 - Other Indian families

Who May Place a Child for Adoption**Statute: § 32A-5-12**

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

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

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

Who May Be Adopted**Statute: Dom. Rel. § 110**

Any person

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

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

North Carolina**Who May Adopt****Statute: § 48-1-103**

- Any adult may adopt.
- Spouses may not adopt each other.

Who May Be Adopted**Statute: § 48-1-104**

Any individual

Who May Place a Child for Adoption**Statute: § 48-3-201**

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

North Dakota**Who May Adopt****Statute: § 14-15-03**

- A husband and wife together if not separated, even if one or both are minors
- An unmarried adult
- The unmarried parent of the adoptee
- A married individual legally separated

Who May Be Adopted**Statute: § 14-15-02**

Any individual

Who May Place a Child for Adoption**Statute: §§ 14-15-05; 50-06-01.4**

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

Northern Mariana Islands**Who May Adopt****Statute: § 1403**

Any adult resident 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**Statute: § 1402**

Any person under age 18

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

Who May Place a Child for AdoptionNot addressed in statutes reviewed

Ohio**Who May Adopt****Statute: § 3107.03**

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

Who May Be Adopted**Statute: § 3107.02**

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

Who May Place a Child for Adoption**Statute: § 3107.011**All adoptions must be arranged by an agency or an attorney.

Oklahoma**Who May Adopt****Statute: Tit. 10, § 7503-1.1**

- A husband and wife jointly if both are least age 21
- A stepparent
- An unmarried or legally separated person at least age 21

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

- A child
- An adult

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

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

Oregon**Who May Adopt****Statute: § 109.309**

Any person as long as at least one party in the proceeding is a resident of Oregon

Who May Be Adopted**Statute: § 109.309**

- A minor child
- An adult

Who May Place a Child for Adoption**Statute: § 109.309**

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

Pennsylvania**Who May Adopt****Statute: 23 Pa. § 2312**

Any individual

Who May Be Adopted**Statute: 23 Pa. § 2311**

Any individual, regardless of age or residence

Who May Place a Child for Adoption**Statute: 23 Pa. §§ 2501; 2502**

- The child's parent(s)
- A child-placing agency

Puerto Rico**Who May Adopt****Statute: Tit. 31, §§ 531; 532**

The adopter must:

- Be a resident for at least 6 months
- Be of legal age
- Have legal capacity to act
- Be at least 14 years older than the adoptee

A person may not adopt if he is:

- Declared incompetent
- Incarcerated

Who May Be Adopted**Statute: Tit. 31, § 533**

- Nonemancipated minors and minors emancipated by judicial decree
- An unmarried emancipated minor or person of legal age may be adopted under circumstances specified in statute

Who May Place a Child for Adoption**Statute: Tit. 31, § 535**

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

Rhode Island**Who May Adopt****Statute: § 15-7-4**

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

A husband and wife must petition jointly.

Who May Be Adopted**Statute: § 15-7-4**

- 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**Statute: § 15-7-2**

- A parent who notifies the department
 - The department or child-placing agency
-

South Carolina**Who May Adopt****Statute: § 20-7-1670**

- Any South Carolina resident may adopt.
- A non-resident may adopt:
 - A special needs child
 - If the child is being placed with a relative
 - If the adopter is a member of the military
 - A legally freed child in foster care

Who May Be Adopted**Statute: § 20-7-1660**

Any child present within the State at the time the petition is filed

Who May Place a Child for Adoption**Statute: § 20-7-1670**

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

South Dakota**Who May Adopt****Statute: § 25-6-2; 25-6-3**

- Any adult person, at least 10 years older than the adoptee
- A married person who has the consent of his or her spouse, unless legally separated

Who May Be Adopted**Statute: §§ 25-6-2; 25-6-18**

- Any minor child
- An adult, 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**Statute: § 26-6-8**

- A parent
 - A guardian
 - A relative within the 2nd degree
 - A licensed child welfare agency
 - The Department of Social Services
-

Tennessee**Who May Adopt****Statute: § 36-1-115**

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

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

Who May Be Adopted**Statute: § 36-1-115**

Any person

Who May Place a Child for Adoption**Statute: § 36-1-108**

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

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

An adult

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

A child residing in the State if:

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

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

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

Utah**Who May Adopt****Statute: §§ 78-30-1; 78-30-2; 78-30-3**

- The following persons are eligible to adopt:
 - Adults who are legally married to each other
 - A stepparent
 - Any single adult
- Persons who are cohabiting but not legally married may not adopt.
- The adoptive parent must be at least 10 years older than the adoptee.
- In the case of a married couple, only one person needs to be 10 years older.
- A married person may not adopt without the consent of his or her spouse.

Who May Be Adopted**Statute: § 78-30-1**

- Any minor child
- Any adult

Who May Place a Child for Adoption**Statute: § 62A-4a-602**

- A parent
 - A licensed child-placing agency
-

Vermont**Who May Adopt****Statute: Tit. 15A, § 1-102**

- Any person
- A parent's partner

Who May Be Adopted**Statute: Tit. 15A, § 1-102**

Any person

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

- The parent having legal custody
 - A guardian
 - An agency to which the child has been relinquished
-

Virgin Islands**Who May Adopt****Statute: Tit. 16, § 141**

- Any inhabitant of the Virgin Islands
- Married couples jointly

Who May Be Adopted**Statute: Tit. 16, § 141**

A child who is in the Virgin Islands

Who May Place a Child for Adoption**Statute: Tit. 16, § 142**

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

Virginia**Who May Adopt****Statute: § 63.2-1201**

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

Who May Be Adopted**Statute: §§ 63.2-1200; 63.2-1243**

- A minor child
 - An adult if:
 - A stepchild
 - A niece or nephew
 - Has resided in the home for 3 months prior to majority
 - For good cause shown, provided that the petitioner is at least 15 years older
-

Who May Place a Child for Adoption**Statute: § 63.2-1200**

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

Washington**Who May Adopt****Statute: § 26.33.140**

Any person who is:

- Legally competent
- Age 18 or older

Who May Be Adopted**Statute: § 26.33.140**

Any person, regardless of age or residence

Who May Place a Child for Adoption**Statute: § 26.33.160**

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

West Virginia**Who May Adopt****Statute: § 48-22-201**

- Any person
- A stepparent
- A husband and wife jointly
- Any married person with consent of spouse

Who May Be Adopted**Statute: §§ 48-22-201; 48-22-801**

- Any minor child
- Any person age 18 or older by a West Virginia resident

Who May Place a Child for Adoption**Statute: § 49-3-1**

- The child welfare agency
 - The department
-

Wisconsin**Who May Adopt****Statute: § 48.82**

- A resident of the State
- A husband and wife jointly
- A stepparent
- An unmarried adult

Who May Be Adopted**Statute: § 48.81**

Any child present in the State who is free for adoption, as defined in this section

Who May Place a Child for Adoption**Statute: §§ 48.837; 48.833**

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

Wyoming**Who May Adopt****Statute: § 1-22-103**

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

Who May Be Adopted**Statute: § 1-22-102**

Any person present within the State when the petition is filed

Who May Place a Child for Adoption**Statute: § 1-22-109**

- The child's parent(s)
- Legal guardian or custodian
- A licensed child-placing agency
- The Department of Family Services