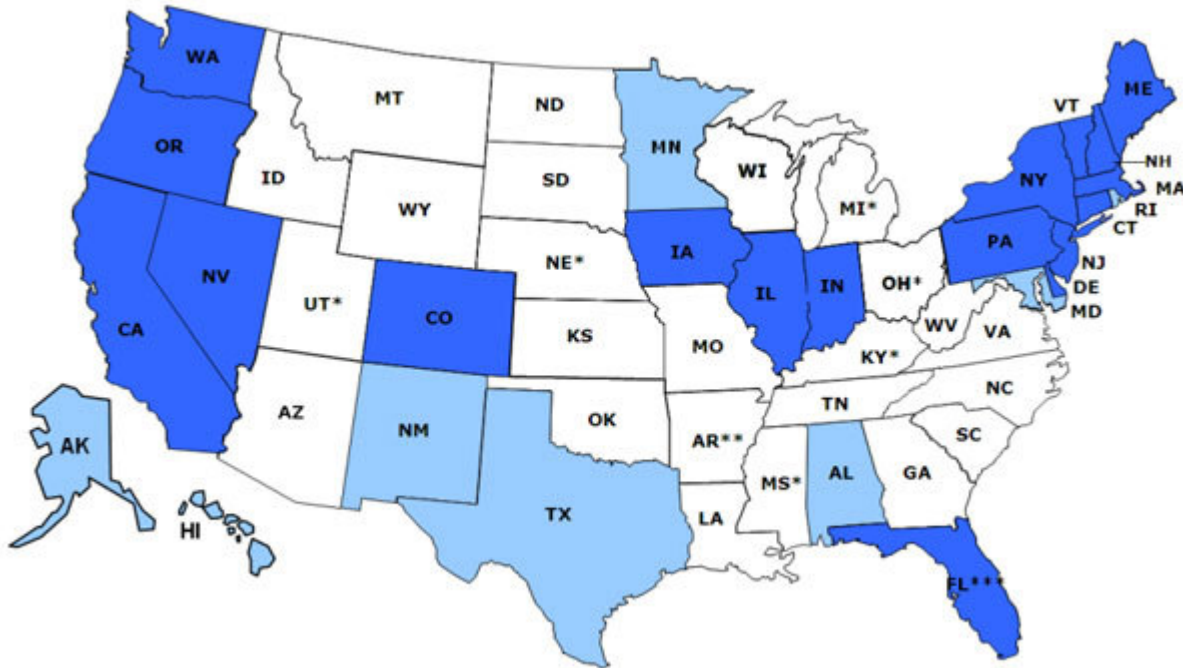





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Parenting Laws: Second Parent Adoption



Each state has its own laws governing adoption and they vary widely. In some states, a person can petition to adopt the child of his or her partner. These are usually called *second-parent* or stepparent adoptions. This map provides information on the known laws and policies that apply to same-sex couples.

 Where second-parent adoption is an option for same-sex couples statewide. (18 states + DC)
California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Vermont and Washington.

 States where same-sex couples have successfully petitioned for second-parent adoption in some jurisdictions. (8 states)
Alabama, Alaska, Hawaii, Maryland, Minnesota, New Mexico, Rhode Island and Texas.

In many states the status of parenting law for LGBT people is unclear. The determination of parenting rights is always made on a case-by-case basis and it is ultimately the decision of the judge whether to grant the adoption petition. If you are considering becoming a parent, you should consult with a lawyer licensed in your state and familiar with LGBT family law.

***Obstacles to Equal Treatment:** Same-sex couples are prohibited from adopting in Mississippi and Utah. State courts in Michigan have ruled that unmarried individuals may not jointly petition to adopt. State courts have ruled that second-parent adoptions are not available under current law in Kentucky, Nebraska and Ohio.

****** On April 16, 2010 a Pulaski County Circuit Judge ruled the statutory ban prohibiting unmarried couples from adopting to be unconstitutional. The decision will likely be appealed to the Arkansas Supreme Court.

***On September 22, 2010, Florida's Third District Court of Appeals ruled that a 1977 statute prohibiting "homosexuals" from adopting is unconstitutional. The decision is binding on all trial level courts in Florida.