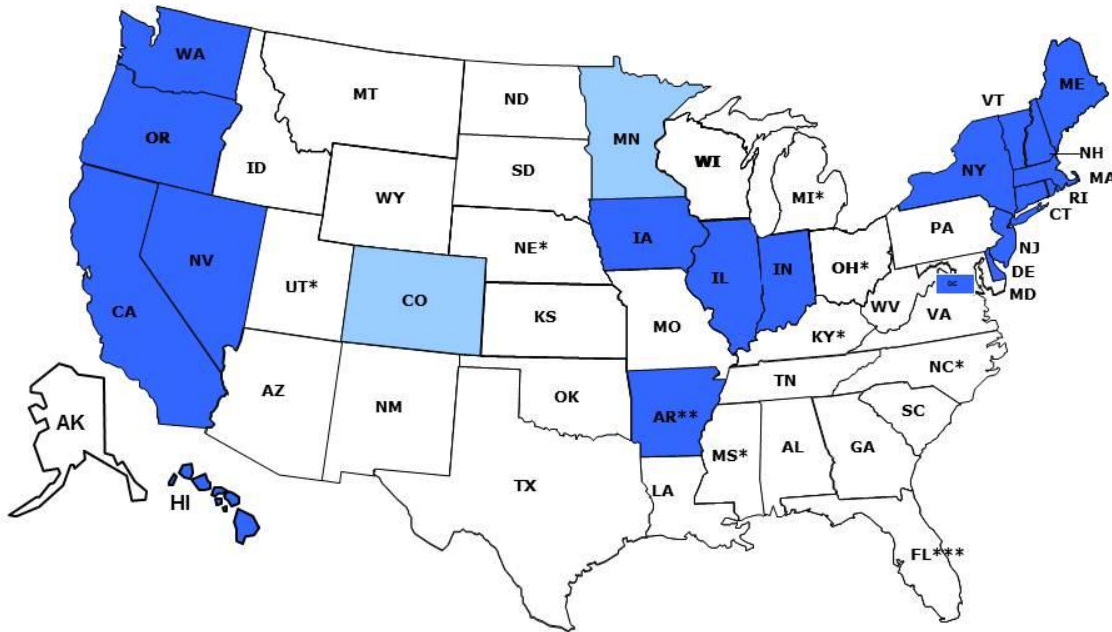




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Parenting Laws: Joint Adoption



Each state has its own laws governing adoption and they vary widely. A *joint adoption* involves a couple adopting a child from the child's biological parent(s) or adopting a child who is in the custody of the state. In many states it is unclear whether a same-sex couple would be permitted to file a joint petition to adopt. This map provides information on the known law and policies.

- States where same-sex couples can jointly petition to adopt statewide. (18 states and D.C.) *Arkansas, California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Indiana, Iowa, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington.*
- States where same-sex couples have successfully petitioned to adopt in some jurisdictions. (2 states) *Colorado and Minnesota*

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, North Carolina and Ohio.

** On April 7, 2011 the Arkansas Supreme Court ruled the statutory ban prohibiting unmarried couples from adopting to be unconstitutional.

***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.