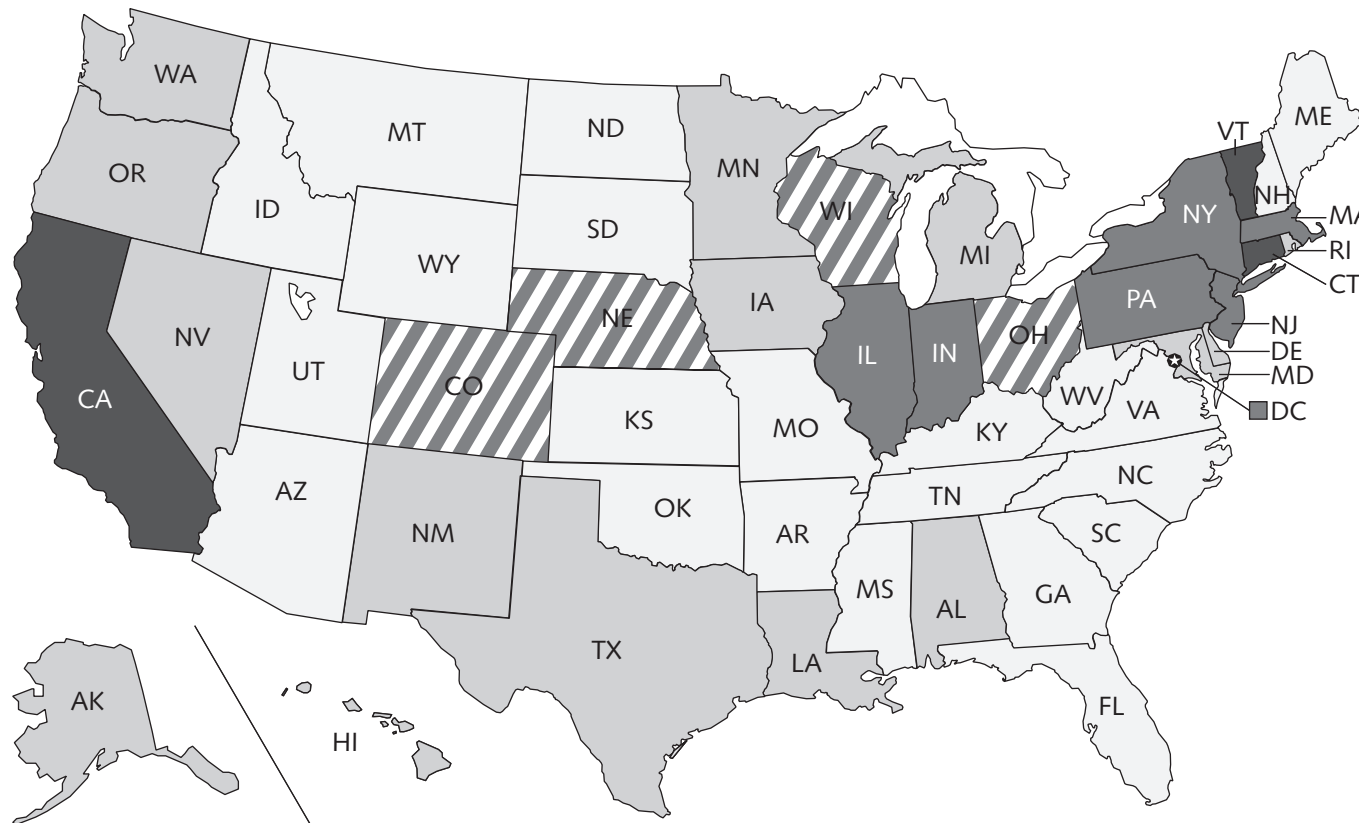


# Second-Parent Adoption in the U.S.

As of January 2005



- States where second-parent adoption is authorized by statute (3 states):**  
California, Connecticut, Vermont<sup>1</sup>
- States where appellate courts have ruled that the state adoption law permits second-parent adoption (7 states and the District of Columbia):**  
California, District of Columbia, Illinois, Indiana, Massachusetts, New York, New Jersey, Pennsylvania<sup>2</sup>
- States where trial courts have granted second-parent adoptions (15 states):**  
Alabama, Alaska, Delaware, Hawaii, Iowa, Louisiana, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Texas, Washington
- States where appellate courts have ruled that the state adoption law does NOT permit second-parent adoption (4 states):**  
Colorado, Nebraska, Ohio, Wisconsin<sup>3</sup>
- States where it is unclear whether the state adoption law permits second-parent adoptions. (22 states):**  
Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wyoming

A second parent adoption is a legal procedure that allows a same-sex parent to adopt his or her partner's biological or adoptive child without terminating the legal rights of the first parent. States must honor second-parent adoptions judgments from other states.\*

\* See *Russell v. Bridgens*, 647 N.W.2d 56 (Neb. 2002) (Nebraska must recognize second-parent adoption granted in Pennsylvania, even though Nebraska would not have permitted such an adoption); *Starr v. Erez*, COA99-1534 (N.C. Ct. App. Nov. 27, 2000) (North Carolina must honor second-parent adoption granted in Washington state). In May 2004, the Oklahoma legislature approved changes to the state adoption code so that the state "shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction." (OKLA. STAT. ANN. tit. 10, § 7502-1.4 (2004)). A challenge to this statute is pending. See *Finstuen et al. v. Edmonson et al.*, CV-04-1152C (W.D. Okla. Dec. 7, 2004) (allowing suit to proceed).

1. CAL. FAM. CODE § 9000(f) (2004) (registered domestic partners only); CONN. GEN. STAT. § 45a-724(3) (2004) (superseding *In re Adoption of Baby Z.*, 724 A.2d 1035 (1999)); VT. STAT. ANN. tit. 15A, § 1-102(b) (2004) (codifying *In re Adoption of B.L.V.B. & E.L.V.B.*, 628 A.2d 1271 (Vt. 1993)).

2. *Sharon S. v. Superior Court of San Diego County*, 73 P.3d 554 (Ca. 2003) (state's adoption law extends to same-sex couples not registered as domestic partners); *In re M.M.D. v. B.H.M.*, 662 A.2d 837 (D.C. 1995); *In re Petition of K.M. & D.M.*, 653 N.E.2d 888 (Ill. App. Ct. 1995); *In re Adoption of K.S.P.*, 804 N.E.2d 1253 (Ind. Ct. App. 2004); *In re Adoption of M.M.G.C.*, 785 N.E.2d 267 (Ind. Ct. App. 2003); *In re Adoption of Tammy*, 619 N.E.2d 315 (Mass. 1993); *In re Jacob*, *In re Dana*, 660 N.E.2d 397 (N.Y. 1995); *In re the Adoption of Two Children by H.N.R.*, 666 A.2d 535 (N.J. Super. 1995); *In re Adoption of R.B.F. & R.C.F.*, 803 A.2d 1195 (Pa. 2002).

3. *In re Adoption of T.K.J. and K.A.K.*, 931 P.2d 448 (Colo. Ct. App. 1996); *In re Adoption of Luke*, 640 N.W.2d 374 (Neb. 2002); *In re Adoption of Doe*, 719 N.E.2d 1071 (Ohio Ct. App. 1998); *Interest of Angel Lace M.*, 516 N.W.2d 678 (Wis. 1994).

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