A P P E N D I X 8

State Rules Relating to Adoption by Lesbian and Gay Persons and Couples (Dec. 31, 2010)

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| **State** | **May Individual Lesbians and Gay Men Adopt?** | **May a Lesbian or a Gay Partner Be Recognized as “Second Parents” by Adoption?\*** |  |
| *Alabama* | Yes | None Officially Reported\* |  |
| *Alaska* | Yes | None Officially Reported\* |  |
| *Arizona* | Yes | None Officially Reported |  |
| *Arkansas* | Yes | None Officially Reported |  |
| *California* | Yes | Yes (*Sharon S.,* 31 Cal.4th 417 (2003); 2003 domestic partnership statute) |  |
| *Colorado* | Yes | Yes (2007 second-parent adoption statute) |  |
| *Connecticut* | Yes | Yes (2000 second-parent adoption statute; 2005 civil unions statute) |  |
| *Delaware* | Yes | Yes (*In re Hart,* 806 A.2d 1179 (2001)) |  |
| *D.C.* | Yes | Yes (*In re M.M.D.*, 662 A.2d 837 (1995)) |  |
| *Florida* | Yes (1977 antigay bar invalidated by state courts, 2010) | None Officially Reported |  |
| *Georgia* | Yes | Sometimes (*Wheeler v. Wheeler*, 642 S.E.2d 103 (2007), denying review to a lower court judgment granting second-parent adoption) |  |
| *Hawaii* | Yes | None Officially Reported\* |  |
| *Idaho* | Yes | None Officially Reported |  |
| *Illinois* | Yes | Yes (*Petition of K.M.,* 653 N.E.2d 888 (1995)) |  |
| *Indiana* | Yes | Yes (*Adoption of K.S.P.,* 804 N.E.2d 1253 (2004)) |  |
| *Iowa* | Yes | Yes (*Varnum v. Brien* (2009), recognizing gay marriages) |  |
| *Kansas* | Yes | None Officially Reported |  |
| *Kentucky* | Yes | No (*S.J.L.S. v. T.L.S.*, 265 S.W.3d 804 (2008)) |  |
| *Louisiana* | Yes | None Officially Reported |  |
| *Maine* | Yes | Yes (*Adoption of M.A.*, 930 A.2d 1088 (2007)) |  |
| *Maryland* | Yes | None Officially Reported\* |  |
| *Massachusetts* | Yes | Yes (2003 second-parent adoption statute; *Goodridge* [2003]) |  |
| *Michigan* | Yes | None Officially Reported\* |  |
| *Minnesota* | Yes | None Officially Reported\* |  |
| *Mississippi* | Maybe | No (2000 statute limiting couple’s adoption to married couples) |  |
| *Missouri* | Yes | None Officially Reported\* |  |
| *Montana* | Yes | None Officially Reported |  |
| *Nebraska* | Yes | No (*Adoption of Luke,* 263 Neb. 365 (2002)) |  |
| *Nevada* | Yes | Yes (2009 domestic partnership statute) |  |
| *New Hampshire* | Yes | Yes (2007 civil unions statute; 2009 marriage law) |  |
| *New Jersey* | Yes | Yes (*Adoption by H.N.R.,* 666 A.2d 535 (1995); 2007 civil unions statute) |  |
| *New Mexico* | Yes | None Officially Reported—but De Facto Parenting Recognized (*A.C. v.C.B.*, 829 P.2d 660 (1992)) |  |
| *New York* | Yes | Yes (*In re Jacob,* 660 N.E.2d 397 (1995)) |  |
| *North Carolina*\* | Yes | No—but De Facto Parenting Recognized (*Boseman v. Jarrell*, No. 416PA08-2 (N.C., Dec. 20, 2010)) |  |
| *North Dakota* | Yes | None Officially Reported |  |
| *Ohio* | Yes | No (*Adoption of Jane Doe,* 719 N.E.2d 1071 (1998)) |  |
| *Oklahoma* | Yes | None Officially Reported |  |
| *Oregon* | Yes | Yes (2007 domestic partnership statute) |  |
| *Pennsylvania* | Yes | Yes (*Adoption of R.B.F.,* 803 A.2d 1195 (2002)) |  |
| *Rhode Island* | Yes | None Officially Reported\* |  |
| *South Carolina* | Yes | None Officially Reported |  |
| *South Dakota* | Yes | None Officially Reported |  |
| *Tennessee* | Yes | None Officially Reported |  |
| *Texas* | Yes | No—but Conservatorship Claims Sometimes Allowed. *In re M.K.S.-V.*, 301 S.W.3d 460 (Dallas App. 2009) |  |
| *Utah* | Maybe (2000 statute excludes gay person cohabiting with another) | No (2000 statute excludes from adoption any person living in a non-marital relationship with another) |  |
| *Vermont* | Yes | Yes (1995 second-parent adoption statute; 2000 civil unions statute; 2009 marriage law) |  |
| *Virginia* | Yes | None Officially Reported |  |
| *Washington* | Yes | Yes (2007 domestic partnership statute) |  |
| *West Virginia* | Yes | None Officially Reported |  |
| *Wisconsin*\* | Yes | No ( *In re Angel Lace M.,* 516 N.W.2d 578 (1994))—but De Facto Parenting Recognized (*In re Custody of H.S.H.-K.*, 533 N.W.2d 419 (1995)) |  |
| *Wyoming* | Yes | None Officially Reported |  |

\* Many states have no reported appellate decision sanctioning second-parent adoptions but have seen lower court judges grant such adoptions in unreported dispositions. We mark these states with an asterisk (\*). Our source for these judgments is Lambda Legal, “Overview of State Adoption Laws,” *available at*  <http://www.lambdalegal.org/our-work/issues/marriage-relationships-family/parenting/overview-of-state-adoption.html> (viewed Jan. 3, 2011).