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Relationship & Parental Recognition: Second Parent & Stepparent Adoption

No updates required since June 7, 2022

For many couples or families, one individual may wish to adopt their partner's child and become a legal parent of that child, giving the child an additional legal parent and giving each parent legal rights. This is especially important for parents who are not biologically related to the child. To adopt and become a legal parent of their partner's child, the individual can either apply to adopt through stepparent laws or second-parent adoption laws. Stepparent adoption laws require the parents be legally married, while second-parent adoption laws may not. As a result of the 2015 Supreme Court ruling in *Obergefell*, all parents (including same-sex parents) in legally recognized relationships can petition for stepparent adoption. However, only some states offer second-parent adoption independent of marriage status.

Alabama

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Alaska

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Arizona

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Arkansas

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

California

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [Sharon S. v. Superior Court](#), 73 P.3d 554 (2003).

Colorado

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [CRS § 19-5-203 \(d.5\)](#) and [HB 07-1330](#) (2007).



Connecticut

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [CGS § 45a-724\(a\)\(3\)](#) and [HB 5830 / PA 00-228](#) (2000).

Delaware

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

District of Columbia

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re M.M.D. v. B.H.M.](#), 662 A.2d 837 (D.C. 1995).

Florida

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Georgia

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Hawai'i

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Idaho

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re Adoption of Doe](#), No. 41463, 2014 WL 527144 (2014).

Illinois

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re Petition of K.M. and D.M.](#), 653 N.E.2d 888 (1995).

Indiana

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re Adoption of M.M.G.C.](#), 785 N.E.2d 267 (2003) and [In re Adoption of K.S.P.](#), 804 N.E.2d 1253 (2004).

Iowa

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption



Kansas

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Kentucky

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Louisiana

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Maine

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re Adoption of M.A.](#), 930 A.2d 1088 (2007).

Maryland

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Massachusetts

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [Adoption of Tammy](#), 619 N.E.2d 315 (1993).

Michigan

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Minnesota

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Mississippi

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [Matter of Adoption of D.D.H.](#), 268 So. 3d 449, 450 (2018).

Missouri

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption



Montana

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [MCA § 42-4-302](#) or [HB 163](#) (1997).

Nebraska

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Nevada

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [AB 115](#) (2021).

New Hampshire

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [HB 1162](#) (2020).

New Jersey

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re the Adoption of Two Children by H.N.R.](#), 666 A.2d 535 (1995).

New Mexico

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

New York

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In the Matter of Jacob](#), 660 NE.2d 397 (1995).

North Carolina

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

North Dakota

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Ohio

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption



Oklahoma

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [Eldredge v. Taylor](#), 2014 OK 92 (2014).

Oregon

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See *In re Adoption of M.M.S.A.*, No. D8503-61930 (1985).

Pennsylvania

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See *In re Adoption of R.B.F. & R.C.F.*, 803 A.2d 1195 (2002).

Rhode Island

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [H 7541](#) or [§ 15-8.1, the Uniform Parentage Act](#) (2020).

South Carolina

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

South Dakota

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Tennessee

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Texas

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Utah

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State explicitly prohibits unmarried partners from adopting. See [UT § 78B-6-117\(3\)](#).

Vermont

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See *In re Adoption of B.L.V.B. & E.L.V.B.*, 628 A.2d 1271 (1993); VSA 15A § 1-102(b).



Virginia

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [SB 1321](#) (2021).

Washington

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

West Virginia

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Wisconsin

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Wyoming

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

U.S. Territories

American Samoa

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Guam

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Northern Mariana Islands

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow unmarried parents to petition for second-parent adoption

Puerto Rico

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows unmarried parents to jointly adopt but does not speak to whether unmarried parents can petition for second-parent adoption. See [HB 29](#) (2018).

U.S. Virgin Islands

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State allows unmarried parents to petition for second-parent adoption. See [In re L.O.F.](#), No. 2013-0087 (2015).



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MAP relied in part on NCLR's [Legal Recognition of LGBT Families](#) (2019). See also GLAD's [Index of Second Parent Adoption Cases](#) (2011) for summaries of related rulings pre-2011.