Relationship & Parental Recognition:
Types of Adoption: Stepparent, Second/Co-Parent, & Confirmatory Adoption

No updates required since October 20, 2023

What's in this document (click to jump to that section)

Background .............................................................................................................................................. 2
Equality Map & Additional Resources ..................................................................................................... 3
Summary Table ........................................................................................................................................ 3
State-by-State Sources & More Detail ..................................................................................................... 5


To donate to support MAP’s work tracking these policies, click here: https://mapresearch.org/donate

***Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as GLAD and NCLR.***

***Special thanks to GLAD for their guidance and assistance in this research.***

Recommended citation:
Background

Many families use adoption to secure legal ties between a parent and a child. For some families, adoption is a way to establish a legal parent-child relationship (called parentage) with a child whose existing legal parental relationships have been terminated (i.e., a child who has been in the child welfare system). This may be for a single person adopting or fostering, or a couple jointly adopting or fostering. For more information about nondiscrimination protections in these processes, see our child welfare nondiscrimination Equality Maps.

For other families, adoption is a way to formalize and/or legally establish parentage for a child to whom a person may already be acting as a parent. Depending on the laws of the state where a family resides and the legal relationship between a child’s existing parent and the parent wishing to secure legal parentage, families may use different types of adoption, including stepparent adoption, second-parent adoption, and/or confirmatory adoption. Our Equality Map on adoption tracks the availability of these types of adoptions used by families to secure legal parentage. Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as NCLR and GLAD.

Stepparent adoption is available in every state to someone who is married to a child’s legal parent. The 2015 Supreme Court ruling in Obergefell granted marriage equality to same-sex couples nationwide, and as a result, same-sex parents in legally recognized relationships can petition for stepparent adoption nationwide. Usually, the procedures for a stepparent adoption can be streamlined and simpler than for other types of adoptions and do not generally require a home study, though adoption laws vary by state. A married same-sex couple may use a stepparent adoption, for example, to obtain an adoption decree for the parent who did not give birth to their child even though the parent adopting the child is recognized as a legal parent through the marital presumption.

A co-parent or second-parent adoption is available in some, but not all states, and does not require the parents to be legally married. This process allows a second parent to establish legal rights and relationship without the existing (“first”) legal parent losing any rights. Though the process varies by state, a second-parent adoption process typically looks more like the traditional adoption process. This means that the adoptive parent—even if they have been parenting the child since the child was born and may already have established parentage through another pathway—may have to be fingerprinted and undergo a background check, the family may be required to have a home visit, and a judge must evaluate the fitness of the parent to adopt their child.

A confirmatory adoption is a streamlined process established by law to confirm a parent’s existing legal relationship to a child. The parent may have established parentage through other means, but completing the confirmatory adoption process results in a formal adoption decree. Other means of establishing parentage can include the marital presumption (the presumption that married parents are the parents of a child born during their marriage), the holding out presumption (the presumption that if a person acted as a parent to a child, such as by providing a home and raising them, then they are a parent), or as someone who intended to parent a child born through assisted reproduction. In the streamlined confirmatory adoption process, the home study or background check requirements associated with other types of adoptions are not required.
Equality Maps & Additional Resources

- See our Equality Map: Types of Adoption, which is updated and maintained in real time alongside this document.

- See also our Equality Maps: Parental Recognition Laws for information on other pathways to legal recognition of parentage, and our Equality Maps: Child Welfare Nondiscrimination Laws for information on whether states’ child welfare (i.e., adoption and foster care) systems specifically prohibit discrimination against LGBTQ parents and/or youth in child welfare. All these resources are updated and maintained in real time.

- See MAP’s June 2023 report, Relationships at Risk: Why We Need to Update State Parentage Laws to Protect Children and Families, for further discussion of the importance of legal recognition of parent-child relationships, the many pathways to legal recognition of parentage, recent examples of modernized parenting laws, and policy recommendations for all states.

- See also NCLR’s Legal Recognition of LGBT Families (2019), as well as GLAD’s Index of Second Parent Adoption Cases (2011) for summaries of related rulings pre-2011.

- Please note that this is not legal advice and families are encouraged to reach out to legal experts such as the LGBTQ Family Law Institute or LGBTQ legal advocacy groups such as NCLR and GLAD.

Summary Table

<table>
<thead>
<tr>
<th>States</th>
<th>Stepparent</th>
<th>Second Parent/Co-Parent</th>
<th>Confirmatory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(all)</td>
<td>(20 states, D.C., + 1 territory)</td>
<td>(8 states)</td>
</tr>
<tr>
<td>Alabama</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Colorado</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Delaware</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawai‘i</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>Stepparent</td>
<td>Second Parent/Co-Parent</td>
<td>Confirmatory</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------</td>
<td>-------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Maine</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Maryland</td>
<td>Yes</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Michigan</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Missouri</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Montana</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nevada</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>New York</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ohio</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Oregon</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Texas</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Utah</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vermont</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Virginia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Washington</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>American Samoa</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Guam</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Northern Mariana Islands</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>U.S. Virgin Islands</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
</tr>
</tbody>
</table>
State-by-State Sources & More Detail

Alabama
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Alaska
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Arizona
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Arkansas
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

California
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law offers confirmatory adoption process. See AB234 (2014), AB746 (2021), and Cal. Fam. Code § 9000.5.
  - Note, unlike other states with a confirmatory adoption process, California’s process is only available to married couples.

Colorado
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See CRS § 19-5-203 (d.5) and HB 07-1330 (2007).
- State law offers confirmatory adoption process. See HB22-1153 (2022).

Connecticut
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See CGS § 45a-724(a)(3) and HB 5830 / PA 00-228 (2000).
- State law does not have a confirmatory adoption statute
Delaware
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

District of Columbia
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Florida
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Georgia
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Hawai`i
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Idaho
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Illinois
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Indiana
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute
Iowa
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Kansas
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Kentucky
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Louisiana
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Maine
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law offers confirmatory adoption process. See LD1906 (2023).

Maryland
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law offers confirmatory adoption process. See HB 519 (2019).

Massachusetts
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Michigan
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute
Minnesota
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Mississippi
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Missouri
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Montana
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See MCA § 42-4-302 or HB 163 (1997).
- State law does not have a confirmatory adoption statute

Nebraska
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Nevada
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

New Hampshire
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See HB 1162 (2020).
- State law offers confirmatory adoption process. See HB 1162 (2020).

New Jersey
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law offers confirmatory adoption process. See S 3528 (2020).
New Mexico
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

New York
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

North Carolina
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

North Dakota
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Ohio
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Oklahoma
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Oregon
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute

Pennsylvania
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not have a confirmatory adoption statute
Rhode Island
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See H 7541 or § 15-8.1, the Uniform Parentage Act (2020).
- State law offers confirmatory adoption process. See H5226/S0121 (2023).

South Carolina
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

South Dakota
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Tennessee
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Texas
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
- State law does not have a confirmatory adoption statute

Utah
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law does not allow for second-parent adoption for unmarried parents
  - Note: In fact, state law explicitly prohibits unmarried partners from adopting. See UT § 78B-6-117(3).
- State law does not have a confirmatory adoption statute

Vermont
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See In re Adoption of B.I.V.B. & E.I.V.B., 628 A.2d 1271 (1993); VSA 15A § 1-102(b).
- State law does not have a confirmatory adoption statute

Virginia
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law offers confirmatory adoption process. See SB 1321 (2021).
Washington
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• State law does not allow for second-parent adoption for unmarried parents
• State law does not have a confirmatory adoption statute

West Virginia
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• State law does not allow for second-parent adoption for unmarried parents
• State law does not have a confirmatory adoption statute

Wisconsin
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• State law does not allow for second-parent adoption for unmarried parents
• State law does not have a confirmatory adoption statute

Wyoming
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• State law does not allow for second-parent adoption for unmarried parents
• State law does not have a confirmatory adoption statute

U.S. Territories

American Samoa
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• Territory law does not allow for second-parent adoption for unmarried parents
• Territory law does not have a confirmatory adoption statute

Guam
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• Territory law does not allow for second-parent adoption for unmarried parents
• Territory law does not have a confirmatory adoption statute

Northern Mariana Islands
• Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
• Territory law does not allow for second-parent adoption for unmarried parents
• Territory law does not have a confirmatory adoption statute
Puerto Rico
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- Territory law does not allow for second-parent adoption for unmarried parents
  - Note: Territory law allows unmarried parents to jointly adopt (i.e., to jointly adopt a child in the child welfare system) but this does not speak to second-parent adoption. See HB 29 (2018).
- Territory law does not have a confirmatory adoption statute

U.S. Virgin Islands
- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- Territory law does not have a confirmatory adoption statute