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

No updates required since October 20, 2023

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*\*\*\*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.\*\*\**

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## 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.



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## 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

States	Stepparent (all)	Second Parent/Co-Parent (20 states, D.C., + 1 territory)	Confirmatory (8 states)
Alabama	Yes	-	-
Alaska	Yes	-	-
Arizona	Yes	-	-
Arkansas	Yes	-	-
California	Yes	Yes	Yes
Colorado	Yes	Yes	Yes
Connecticut	Yes	Yes	-
Delaware	Yes	-	-
District of Columbia	Yes	Yes	-
Florida	Yes	-	-
Georgia	Yes	-	-
Hawai`i	Yes	-	-
Idaho	Yes	Yes	-
Illinois	Yes	Yes	-
Indiana	Yes	Yes	-
Iowa	Yes	-	-
Kansas	Yes	-	-



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Kentucky	Yes	-	-
Louisiana	Yes	-	-
Maine	Yes	Yes	Yes
Maryland	Yes	-	Yes
Massachusetts	Yes	Yes	-
Michigan	Yes	-	-
Minnesota	Yes	-	-
Mississippi	Yes	Yes	-
Missouri	Yes	-	-
Montana	Yes	Yes	-
Nebraska	Yes	-	-
Nevada	Yes	Yes	-
New Hampshire	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes
New Mexico	Yes	-	-
New York	Yes	Yes	-
North Carolina	Yes	-	-
North Dakota	Yes	-	-
Ohio	Yes	-	-
Oklahoma	Yes	Yes	-
Oregon	Yes	Yes	-
Pennsylvania	Yes	Yes	-
Rhode Island	Yes	Yes	Yes
South Carolina	Yes	-	-
South Dakota	Yes	-	-
Tennessee	Yes	-	-
Texas	Yes	-	-
Utah	Yes	-	-
Vermont	Yes	Yes	-
Virginia	Yes	Yes	Yes
Washington	Yes	-	-
West Virginia	Yes	-	-
Wisconsin	Yes	-	-
Wyoming	Yes	-	-
American Samoa	Yes	-	-
Guam	Yes	-	-
Northern Mariana Islands	Yes	-	-
Puerto Rico	Yes	-	-
U.S. Virgin Islands	Yes	Yes	-
	<b>Stepparent (all)</b>	<b>Second Parent/Co-Parent (20 states, D.C., + 1 territory)</b>	<b>Confirmatory (8 states)</b>



## 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 allows for second-parent adoption for unmarried parents. See [Sharon S. v. Superior Court](#), 73 P.3d 554 (2003).
- 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 allows for second-parent adoption for unmarried parents. See [In re M.M.D. v. B.H.M.](#), 662 A.2d 837 (D.C. 1995).
- 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 allows for second-parent adoption for unmarried parents. See [In re Adoption of Doe](#), No. 41463, 2014 WL 527144 (2014).
- State law does not have a confirmatory adoption statute

#### Illinois

- Parents in legally recognized relationships can petition for stepparent adoption (nationwide)
- State law allows for second-parent adoption for unmarried parents. See [In re Petition of K.M. and D.M.](#), 653 N.E.2d 888 (1995).
- State law does not have a confirmatory adoption statute

#### Indiana

- 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 M.M.G.C.](#), 785 N.E.2d 267 (2003) and [In re Adoption of K.S.P.](#), 804 N.E.2d 1253 (2004).
- 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 allows for second-parent adoption for unmarried parents. See [In re Adoption of M.A.](#), 930 A.2d 1088 (2007).
- 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 allows for second-parent adoption for unmarried parents. See [Adoption of Tammy](#), 619 N.E.2d 315 (1993).
- 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 allows for second-parent adoption for unmarried parents. See [Matter of Adoption of D.D.H.](#), 268 So. 3d 449, 450 (2018).
- 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 allows for second-parent adoption for unmarried parents. See [AB 115](#) (2021).
- 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 allows for second-parent adoption for unmarried parents. See [In re the Adoption of Two Children by H.N.R.](#), 666 A.2d 535 (1995).
- 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 allows for second-parent adoption for unmarried parents. See [In the Matter of Jacob](#), 660 NE.2d 397 (1995).
- 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 allows for second-parent adoption for unmarried parents. See [Eldredge v. Taylor](#), 2014 OK 92 (2014).
- State law does not have a confirmatory adoption statute

#### Oregon

- 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 M.M.S.A.*, No. D8503-61930 (1985).
- State law does not have a confirmatory adoption statute

#### Pennsylvania

- 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 R.B.F. & R.C.F.](#), 803 A.2d 1195 (2002).
- 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.L.V.B. & E.L.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 allows for second-parent adoption for unmarried parents. See [SB 1321](#) (2021).
- 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



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#### 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 allows for second-parent adoption for unmarried parents. See [In re L.O.F.](#), No. 2013-0087 (2015).
- Territory law does not have a confirmatory adoption statute