



2023 Edition

# Adoption in Connecticut

A Guide to Resources in the Law Library

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Judge Support Services, Law Library Services Unit*

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Treated Elsewhere:

- [Termination of Parental Rights in Connecticut](#)
- [Guardianship in Connecticut](#)
- [Assisted Reproduction, Surrogacy, Wrongful Birth, and Abortion in Connecticut](#)
- [Parentage Actions in Connecticut](#)

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

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This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar **and Harvard's Case Law Access Project**. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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# Introduction

## A Guide to Resources in the Law Library

- Adoption: “means the establishment by court order of the legal relationship of parent and child;” Conn. Gen. Stat. § [45a-707](#)(1) (2023).
- Child care facility: “means a congregate residential setting for the out-of-home placement of children or youths under eighteen years of age, licensed by the Department of Children and Families;” Conn. Gen. Stat. § [45a-707](#)(2) (2023).
- Child-placing agency: “means any agency within or without the state of Connecticut licensed or approved by the Commissioner of Children and Families in accordance with sections 17a-149 and 17a-151, and in accordance with standards established by regulations of the Commissioner of Children and Families; Conn. Gen. Stat. § [45a-707](#)(3) (2023).
- Guardianship: “means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;” Conn. Gen. Stat. § [45a-707](#)(4) (2023).
- Parent: “has the same meaning as provided in section [46b-451](#);” Conn. Gen. Stat. § [45a-707](#)(5) (2023).
- Relative: “means any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child;” Conn. Gen. Stat. § [45a-707](#)(6) (2023).
- Statutory parent: “means the Commissioner of Children and Families or the childplacing agency appointed by the court for the purpose of the adoption of a minor child or minor children;” Conn. Gen. Stat. § [45a-707](#)(7) (2023).
- Termination of parental rights: “means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of the child or the religious affiliation of the child.” Conn. Gen. Stat. § [45a-707](#)(8) (2023).
- “The adoption of a minor child, and the giving of it in adoption to persons other than its natural parents, is a procedure, and creates a status, unknown to the common law. Being of purely statutory origin, a legal adoption results if the statutory procedure is followed, but fails if any essential requirement of the statute is not complied with.” [Appeal of Goshkarian](#), 110 Conn. 463, 465, 148 A. 379 (1930).
- “Connecticut law provides for only three types of adoptions: (1) statutory parent adoptions; (2) stepparent adoptions; and (3) blood relative adoptions.” [Nancy G. v. Dept. of Children and Families](#), 248 Conn. 672, 684, 733 A.2d 136 (1999).

- “A statutory parent is defined as “the [commissioner] or the child-placing agency appointed by the court for the purpose of giving a minor child . . . in adoption. . . .” General Statutes § 45a-707 (7). A child-placing agency, in turn, is defined as “any agency within or without the state of Connecticut licensed or approved by the Commissioner . . . .” General Statutes § 45a-707 (3) . . . . [Nancy G. v. Dept. of Children & Families](#), 248 Conn. 672, 684, 733 A.2d 136 (1999).” [In re Joshua S.](#), 260 Conn. 182, 218, 796 A.2d 1141 (2002).
- **“To complete an adoption, two steps are essential. First, there must be an agreement to give and receive the child in adoption, and second, there must be approval of the agreement by a Probate Court having jurisdiction.”** [Killen v. Klebanoff](#), 140 Conn. 111, 115, 98 A.2d 520 (1953).
- Termination of parental rights required: **“This court agrees that the termination of parental rights is part of the adoption process; it is clear that adoption cannot proceed unless the parents' rights are terminated in the first instance. The converse is not true. The parents' rights can be terminated without an ensuing adoption.”** [In re Theresa S.](#), 196 Conn. 18, 30, 491 A.2d 355 (1985).
- **“A genetic parent may contract with adopting parents, prior to the adoption, for the continued right to visit the adopted child so long as visitation continues to be in the best interest of the child. See [Michaud v. Wawruck](#), 209 Conn. 407, 551 A.2d 738 (1988). Such agreements are often referred to as ‘open adoption agreements.’”** [In re Christopher G.](#), 118 Conn. App. 569, 572, n.6, 984 A.2d 1111 (2009).

Table 1: The Connecticut Parentage Act

<a href="#">Public Act 21-15</a> Effective January 1, 2022	
<p><a href="#">Major Public Acts</a>,                      2021 Legislative                      Session, Office of                      Legislative                      Research, CT                      General Assembly</p>	<p><i>Uniform Parentage Act</i>  <b>"The legislature adopted the Uniform Parentage Act, cited as the Connecticut Parentage Act (CPA). Among other things, the act:</b></p> <ol style="list-style-type: none"> <li>1. provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing "maternity" and "paternity" to "parentage");</li> <li>2. expands recognition of non-biological parents;</li> <li>3. provides guidance on adjudicating parentage (e.g., creates best interest of the child factors the court must consider);</li> <li>4. creates processes to establish presumptive, de facto, acknowledged, and genetic parentage and parentage through surrogacy; and</li> <li>5. generally allows individuals conceived through assisted reproduction to access medical and identifying information about gamete donors</li> </ol> <p>(PA 21-15, most provisions effective January 1, 2022)."</p>
<p>Connecticut                      Legislative                      History, Senate                      Proceedings, 2021                      Sess., May 20,                      2021, <a href="#">p. 159</a></p>	<p>Rep. Stafstorm (129th): ". . . it changes things significantly. It obviates the need to go through the lengthy, complex, and often costly adoption process in order for to provide stability and resources for child in a same-sex relationship."</p>
<p><a href="#">p. 162</a></p>	<p>Rep. Allie-Brennan (2nd): ". . . I rise in support of House Bill 6321. Yes, even in Connecticut, a leader in the nation on LGBTQ rights, married same-sex couples who use assisted reproduction still need to do lengthy, expensive, and intrusive second-parent adoptions for their children to have legal ties to both parents. This Bill would streamline the recognition of non-biological parents, and in doing so, protect all children, regardless of the circumstances of their birth. No lawyer, no court appearance that requires time off of work, no humiliating home study, no invasive questionnaires. Not only is this easier on the couples,</p>

	<p>but it reduces the burden on DCF and the courts. It's time Connecticut kept pace with modern science, and the diversity of our families.”</p>
<p><a href="#">p. 164</a></p>	<p>Rep. Currey (11th): “The Parentage Act in front of you today is going to ensure that LGBTQ families are no longer having to face a degrading obstacles and painful uncertainty because of outdated and likely unconstitutional parentage laws. With access to a very simple form, the acknowledgment of parenting process, different gendered couples are going to be afforded the same processes that our same gender couples currently have, to establish a legal parent-child relationship at birth without judicial intervention or the costly and intrusive process of <b>adoption.</b>”</p>
<p><u>LEGISLATIVE HISTORY:</u></p>	<ul style="list-style-type: none"> <li>• <a href="#">Public Act No. 21-15</a> (Reg. Sess.). An act concerning adoption and implementation of the Connecticut Parentage Act. House Bill no. 6321.  House pages: 1777-1798  Senate pages: 2613-2627  Judiciary Committee: 1771-1772, 2138-2139, 2395-2444, 2447-2453, 2458-2465, 2487-2488, 2491-2620</li> </ul>

# Section 1: Adoption by Nonrelated Persons

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to procedures for the adoptions of children by nonrelated persons in Connecticut.

TREATED ELSEWHERE: For adoptions in which child has been located by prospective adoptive parents, see [Section 7: Identified Adoptions](#)

DEFINITIONS:

- **Adoption:** "When both parents' rights are terminated, it becomes the obligation of the state to look for permanent placement for the child or children. Adoption is the most appropriate solution unless family members such as grandparents, aunts, uncles, brothers, sisters, etc., are available to act as surrogates on either a temporary or **permanent basis.**" [In re Theresa S.](#), 196 Conn. 18, 30, 491 A.2d 355 (1985).
- **Agency Placement:** "An application for the adoption of a minor child not related to the adoptive parents shall not be accepted by the Court of Probate unless (A) the child sought to be adopted has been placed for adoption by the Commissioner of Children and Families or a child-placing agency, and the placement for adoption has been approved by the commissioner or a child-placing agency; (B) the placement requirements of this section have been waived by the Adoption Review Board as provided in section 45a-764; (C) the application is for adoption of a minor child by a stepparent as provided in section 45a-733; or (D) the application is for adoption of a child by another person who shares parental responsibility for the child with the parent as provided in subdivision (3) of subsection (a) of section 45a-724. The commissioner or a child-placing agency may place a child in adoption who has been identified or located by a prospective parent, provided any such placement shall be made in accordance with regulations promulgated by the commissioner pursuant to section 45a-728. If any such placement is not made in accordance with such regulations, the adoption application **shall not be approved by the Court of Probate.**" Conn. Gen. Stat. § [45a-727](#)(a)(3) (2023).
- **Purpose:** "In promulgating the adoption statutes, the legislature sought to attain a result that would limit, if not **eliminate, the possibility of 'black market adoptions.'** In doing so, the legislature purposefully drafted very narrow legislation limiting who may **give a child in adoption...**" [In re Adoption of Baby Z.](#), Superior Court, Judicial District of New London at Norwich, No. 105695 (April 24, 1996) 45 Conn. Supp. 33, 46, 699 A.2d 1065, (1996 Conn. Super. LEXIS 1091).
- **Statutory Parent:** "means the Commissioner of Children and Families or the childplacing agency appointed by the court for

the purpose of the adoption of a minor child or minor children.” Conn. Gen. Stat. § [45a-707](#)(c) (2023).

- Types of Adoption: **“Connecticut law provides for only three types of adoptions: (1) statutory parent adoptions; (2) stepparent adoptions; and (3) blood relative adoptions.”** [Nancy G. v. Dept. of Children and Families](#), 248 Conn. 672, 684, 733 A.2d 136 (1999).
- Who may give child in adoption: (1) statutory parent; (2) spouse; (3) one other person who shares parental responsibilities; and (4) relative. Conn. Gen. Stat. [§ 45a-724](#) (2023).

#### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-6g](#). Indian Child Welfare Act. Application to actions and proceedings involving an Indian child.
    - § [17a-93](#)(14). Prospective adoptive family, defined.
    - § [17a-112](#). (Formerly Sec. 17-43a). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.
    - § [17a-149](#). Licensing of child-placing agencies. Limit on **commissioner’s ability to inspect**.
    - § [17a-151](#). Investigation. Issuance of license or provisional license. Revocation, suspension or limitation of license. Appeal.
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § 45a-706. Rule of construction.
    - § 45a-706a. Indian Child Welfare Act. Application to actions and proceedings involving an Indian child.
    - § 45a-707. Definitions
    - § 45a-724. Who may give child in adoption.
    - § 45a-724a. Placement for adoption with child-placing agency by Commissioner of Children and Families.
    - § 45a-725. When child free for adoption.
    - § 45a-726b. Recruitment of minority families not to delay placement of adoptive child.
    - § 45a-727. Application and agreement for adoption. Investigation, report. Adoptive parents entitled to receive copy of records and other information re history of child. Assessment of fees. Hearing and decree.
    - § 45a-727a. Legislative findings re best interests of child.
    - § 45a-731. Effects of final decree of adoption. Surviving rights.
    - § 45a-736. Change of name of adopted person.
    - § 45a-737. Obliteration of original name on institutional records, new name substituted.
    - § 45a-764. Powers of Adoption Review Board. Notice and hearing.

[Chapter 815](#). Court Proceedings in Family Relations Matters  
 § [46b-1](#). Family relations matters defined. "Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: . . . (14) appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute . . . ."

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

- U. S. Code (2023)  
[25 U.S.C. Ch. 21](#) Indian Child Welfare  
[CHAPTER 21](#)—Front Matter  
[Sec. 1901](#). Congressional findings  
[Sec. 1902](#). Congressional declaration of policy  
[Sec. 1903](#). Definitions  
[SUBCHAPTER I](#)—Child custody proceedings (sections 1911 to 1923)  
 SUBCHAPTER I—[Front Matter](#)  
[Sec. 1911](#). Indian tribe jurisdiction over Indian child custody proceedings  
[Sec. 1912](#). Pending court proceedings  
[Sec. 1913](#). Parental rights; voluntary termination  
[Sec. 1914](#). Petition to court of competent jurisdiction to invalidate action upon showing of certain violations  
[Sec. 1915](#). Placement of Indian children  
[Sec. 1916](#). Return of custody  
[Sec. 1917](#). Tribal affiliation information and other information for protection of rights from tribal relationship; application of subject of adoptive placement; disclosure by court  
[Sec. 1918](#). Reassumption of jurisdiction over child custody proceedings  
[Sec. 1919](#). Agreements between States and Indian tribes  
[Sec. 1920](#). Improper removal of child from custody; declination of jurisdiction; forthwith return of child: danger exception  
[Sec. 1921](#). Higher State or Federal standard applicable to protect rights of parent or Indian custodian of Indian child  
[Sec. 1922](#). Emergency removal or placement of child; termination; appropriate action  
[Sec. 1923](#). Effective date

PUBLIC ACTS:

- [Public Act No. 22-60](#), *AN ACT APPLYING THE PROVISIONS OF THE INDIAN CHILD WELFARE ACT TO CHILD CUSTODY, PLACEMENT, ADOPTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS INVOLVING AN INDIAN CHILD.* (Effective May 23, 2022)

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is

- Jessica Callahan, [Acts Affecting Children](#), [Indian Child Welfare](#), Connecticut General Assembly, Office of Legislative Research Report, 2022-R-0138 (July 11, 2022).
- Katherine Dwyer, [Private Child Placing Agencies](#), Connecticut General Assembly, Office of Legislative Research Report, 2015-R-0226 (September 25, 2015).  
    **"Do private child-placing agencies in Connecticut have to be licensed and, if so, by whom?"**
- Ryan F. O'Neil, [Adoption And Foster Care: Statistics And Recent Legislation](#), Connecticut General Assembly, Office of Legislative Research Report, 2006-R-0684 (October 31, 2006).  
    **"You asked about (1) statistics concerning adoptive and foster children and (2) recent legislation affecting those children."**
- Lawrence K. Furbish, [Probate Court Adoption Statistics](#), Connecticut General Assembly, Office of Legislative Research Report, 1998-R-1110 (September 2, 1998).  
    **"You asked us to update charts that appeared in a previous report (93-R-1382) concerning the number of adoptions in Connecticut."**
- Saul Spigel, [Guardian and Adoptive Parent Rights and Responsibilities](#), Connecticut General Assembly, Office of Legislative Research Report, 1997-R-1225 (November 4, 1997).  
    **"You asked us to compare the rights and responsibilities of an adoptive parent with those of a guardian. There are several types of guardianship. This report compares adoptive parents to guardians of a minor's person and estate appointed by a probate court when both biological parents are dead or otherwise unlikely to reassume their role as guardians."**

LEGISLATIVE HISTORY:

- [Public Act No. 21-15](#) (Reg. Sess.). An act concerning adoption and implementation of the Connecticut Parentage Act. House Bill No. 6321.  
    House pages: 1777-1798  
    Senate pages: 2613-22627  
    Judiciary Committee: 1771-1772, 2138-2139, 2395-2444, 2447-2453, 2458-2465, 2487-2488, 2491-2620
- [Public Act No. 00-228](#) (Reg. Sess.). An act concerning the best interest of children in adoption matters. Substitute House Bill No. 5830.  
    House pages: 4572-4634  
    Senate pages: 2448-2491  
    Judiciary Committee: 2757-2760, 2769-2780, 2843-2844, 2845-2846, 2864-2867, 2870-2872, 2882-2885, 2902-2907, 2916-2920, 2934-2961, 2965-2674, 2984, 2988-2993, 3034, 3035, 3091-3122, 3352-3353

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. [§17a-150-51 et seq.](#) (eff. Feb. 20, 1997)  
Child Placing Agency Licensing and Responsibilities
  - § 17a-150-51. Definitions
  - § 17a-150-52. Governing board
  - § 17a-150-53. Governing board review requirements
  - § 17a-150-54. Policies and procedures
  - § 17a-150-57. Staff supervision
  - § 17a-150-81. Reports of violations of regulations
  - § 17a-150-82. Reports of abuse or neglect
  - § 17a-150-83. Case records
  - § 17a-150-88. Evaluation before placement
  - § 17a-150-89. Consent for placements
  - § 17a-150-92. Access to documentation of approval
  - § 17a-150-95. Physical requirements of foster and prospective adoptive homes
  - § 17a-150-102. Character standards for foster or prospective adoptive parents and members of the household
  - § 17a-150-109. General requirements of foster or prospective adoptive parents
  - § 17a-150-113. Placement criteria
  - § 17a-150-121. Approval of out-of-state agencies
  - § 17a-150-122. Approval of out-of-country agencies
  - § 17a-150-123. Reporting status of approved homes to the department

DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)

PROBATE COURT RULES:

- Connecticut Probate Court Rules of Procedure (2022)  
Rule **40. Children’s Matters: General** Provisions
  - § [40.10](#). Pre-adoption hearing
  - § [40.11](#). Appointment of out-of-state child-placing-agency as statutory parent to give child in adoption

PROBATE COURT USER GUIDE:

- [Termination Of Parental Rights And Adoptions](#) (2022)
  - What is adoption?, p. 5
  - When is a minor free for adoption? p. 5
  - Who may give a minor in adoption? p. 5
  - What is the legal effect of adoption between the child and the adoptive parent? p. 5

U.S. Dep’t of the Interior: Bureau of Indian Affairs

- [Indian Child Welfare Act](#)

FORMS:

- [Conn. Probate Court Forms](#)  
[PC-603](#). Petition/Adoption (Rev. 7/23)

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) or the [Official Court Webforms page](#) for the current forms.

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

[PC-603CJ](#). Confidential Information/Petition/Adoption (Rev. 8/19)

[PC-610](#). Affidavit/Custody of Minor Child (Rev. 4/18)

[PC-680](#). Adoption Data Sheet (Rev. 1/22)

[PC-681](#). Adoption Agreement (Rev. 4/19)

- [Conn. Judicial Branch Forms JD-FM-164](#). Affidavit Concerning Children (Rev. 1/22)
- [Haaland v. Brackeen](#), \_\_\_ U.S. \_\_\_, 143 S.Ct. 1609 (2023). "This case is about children who are among the most vulnerable: those in the child welfare system. In the usual course, state courts apply state law when placing children in foster or adoptive homes. But when the child is an Indian, a federal statute—the Indian Child Welfare Act—governs. Among other things, this law requires a state court to place an Indian child with an Indian caretaker, if one is available. That is so even if the child is already living with a non-Indian family and the state court thinks it in the child's best interest to stay there.  
  
Before us, a birth mother, foster and adoptive parents, and the State of Texas challenge the Act on multiple constitutional grounds. They argue that it exceeds federal authority, infringes state sovereignty, and discriminates on the basis of race. The United States, joined by several Indian Tribes, defends the law. The issues are complicated— so for the details, read on. But the bottom line is that we reject all of petitioners' challenges to the statute, some on the merits and others for lack of standing."
- [Mueller v. Tepler](#), 312 Conn. 631, 651, n. 18, 95 A.3d 1011 (2014). "We note that Connecticut .... enacted legislation in 2000 providing that, for purposes of adoption, '[t]he best interests of a child are promoted when the child is part of a loving, supportive and stable family, whether that family is a nuclear, extended, split, blended, single parent, adoptive or foster family.' Public Acts 2000, No. 00-228, codified as amended at General Statutes § 45a-727a(3)."
- [Adoptive Couple v. Baby Girl](#), 570 U.S. 637, 641, 133 S.Ct. 2552 (2013). "This case is about a little girl (Baby Girl) who is classified as an Indian because she is 1.2% (3/256) Cherokee. Because Baby Girl is classified in this way, the South Carolina Supreme Court held that certain provisions of the federal Indian Child Welfare Act of 1978 required her to be taken, at the age of 27 months, from the only parents she had ever known and handed over to her biological father, who had attempted to relinquish his parental rights and who had no prior contact with the child. The provisions of the federal statute at issue here do not demand this result.

Contrary to the State Supreme Court's ruling, we hold that 25 U.S.C. § 1912(f)— which bars involuntary termination of a parent's rights in the absence of a heightened showing that serious harm to the Indian child is likely to result from the parent's "continued custody" of the child—does not apply when, as here, the relevant parent never had custody of the child. We further hold that § 1912(d)—which conditions involuntary termination of parental rights with respect to an Indian child on a showing that remedial efforts have been made to prevent the "breakup of the Indian family"—is inapplicable when, as here, the parent abandoned the Indian child before birth and never had custody of the child. Finally, we clarify that § 1915(a), which provides placement preferences for the adoption of Indian children, does not bar a non-Indian family like Adoptive Couple from adopting an Indian child when no other eligible candidates have sought to adopt the child. We accordingly reverse the South Carolina Supreme Court's judgment and remand for further proceedings."

- [In re Joshua S.](#), 260 Conn. 182, 218, 796 A.2d 1141 (2002). "A statutory parent is defined as "the [commissioner] or the child-placing agency appointed by the court for the purpose of giving a minor child . . . in adoption. . . ." General Statutes § 45a-707 (7). A child-placing agency, in turn, is defined as "any agency within or without the state of Connecticut licensed or approved by the Commissioner . . . ." General Statutes § 45a-707 (3) . . . ." [Nancy G. v. Dept. of Children & Families](#), 248 Conn. 672, 684, 733 A.2d 136 (1999)."
- [Nancy G. v. Dept. of Children and Families](#), 248 Conn. 672, 688, 733 A.2d 136 (1999). "Because Jonathan was not placed for adoption by a licensed child-placing agency as required by § 17a-116, the plaintiff is not eligible to receive a postadoption subsidy for Jonathan."
- [In re the adoption of Baby Z](#), 247 Conn. 474, 724 A.2d 1035 (1999). *Denial of adoption of a child by same-sex cohabiting partner of natural mother. Led to the passage of P.A. 00-228, An Act Concerning The Best Interest Of Children In Adoption Matters, making such adoptions possible in Connecticut.*
- [Mississippi Band of Choctaw Indians v. Holyfield](#), 490 U.S. 30, 42, 109 S.Ct. 1597 (1989). "The state-court proceeding at issue here was a 'child custody proceeding.' That term is defined to include any "'adoptive placement'" which shall mean the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption." 25 U. S. C. § 1903 (1)(iv). Moreover, the twins were 'Indian children.' See 25 U. S. C. § 1903(4). The sole issue in this case is, as the Supreme Court of Mississippi recognized, whether the twins were 'domiciled' on the reservation."

[Hao Thi Popp v. Lucas](#), 182 Conn. 545, 551, 438 A.2d 755 (1980). "In her complaint, the plaintiff had petitioned the court for the custody of her children to vindicate her parental rights. Exercising its habeas powers, the court could decide the issue of custody, based upon the best interests of the children, so long as it did so with due regard for the plaintiff's parental rights. In any controversy between a parent and a stranger, the parent "should have a strong initial advantage, to be lost only where it is shown that the child's welfare plainly requires custody to be placed in the stranger.'" [In re Juvenile Appeal \(Anonymous\)](#), 177 Conn. 648, 662, 420 A.2d 875 (1979). 'The right to the integrity of the family is among the most fundamental rights guaranteed by the fourteenth amendment.' [State v. Anonymous](#), 179 Conn. 155, 162-63, 425 A.2d 939 (1979). Thus, the plaintiff has a constitutional right to preserve her parental rights in the absence of a powerful countervailing state interest. [Stanley v. Illinois](#), 405 U.S. 645, 651, 92 S. Ct. 1208, 31 L. Ed. 2d 551 (1972). This amounts to a presumption which the defendant must overcome. To the extent that the language in such cases as [Howarth v. Northcott](#), 152 Conn. 460, 464, 208 A.2d 540 (1965), and [Antedomenico v. Antedomenico](#), 142 Conn. 558, 562, 115 A.2d 659 (1955), which involved custody contests between biological parents, suggests a rule different from that which we articulate today for disputes involving a third party, those cases are hereby overruled."

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
    - 102. Nature and purpose of adoption in general
    - 105. Statutory nature of adoption
    - 108. What law governs
    - 109. Relation between state and federal law; preemption
    - 110. Adoption agencies, facilitators, and service providers; indirect placement
    - 124. Adoption-related payments, fees, and expenses
  - II. Grounds, Factors, and Considerations in General
    - 142. Interest and role of government
    - 143. Interest and role of birth parents
    - 152. Fitness of competence in general
    - 154. Residency requirements
    - 172. Welfare and best interest of child
  - IV. Actions and Proceedings
    - 274. Jurisdiction and venue
    - 280. Parties
    - 286. Process or other notice
    - 288. Pleading
    - 291. Interviews, inspections, assessments, and studies
    - 292. Reference; reports and recommendations
    - 295. Trial or hearing
    - 302. Judgment, order, or decree
    - 311. Counsel
    - 312. Costs and fees

- V. Evidence
  - 322. Presumptions, inferences, and burden of proof
  - 329. Degree of proof
  - 330. Weight and sufficiency
  - 337. Proof of adoption
- VI. Operation and Effect of Adoption
  - 342. Status and rights of adopted person
  - 345. Parental rights, duties, and liabilities

- **Dowling's Digest: *Adoption***

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - I. In general
    - A. Persons who may adopt
      - 1. In general
        - §§ 15-19
      - 2. Particular persons
        - § 25. Foster parents
    - B. Persons who may be adopted
      - §§ 26-30.
  - 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
    - II. Persons who may adopt
      - C. In general
        - §§ 15-18
      - D. Unmarried persons
        - §§ 19-21
    - III. Persons who may be adopted
      - §§ 22-26
    - IV. Judicial Proceedings
      - §§ 75-116
  - 115 *AmJur Trials 465, Termination of Parental Rights Under Adoption and Safe Families Act (ASFA)*, by **Elizabeth O'Connor Tomlinson, J.D.**, Thomson West, 2010 (Also available on Westlaw).

TEXTS & TREATISES:

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:1. Note on evolving adoption laws
    - § 5:3. Adoption of minors or adults
    - § 5:4. Probate Court jurisdiction over adoptions, interstate compacts
    - § 5:5. Who may give minors in adoption

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- § 5:6. When minors are free for adoption
- § 5:7. Termination of parental rights and appointment of guardian or statutory parent for adoption petition
- § 5:11. Procedure on adoption of minors, identified and hard-to-place children
- § 5:15. Legal consequences of adoptions
- § 5:20. Procedures for termination of parental rights and adoption

- **Connecticut Lawyer's Deskbook: A Reference Manual**, 3rd ed., Lewis K. Parker, editor, LawFirst Publishing, 2008.  
Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
- **LexisNexis Practice Guide: Connecticut Family Law**, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).  
Chapter 9. Adoption  
Part II: Conducting Adoptions in Connecticut
  - § 9.03. CHECKLIST: Conducting Adoptions in Connecticut
  - § 9.06. Determining from Whom a Child May be Adopted
  - § 9.07. Determining a Child's Eligibility for Adoption
  - § 9.08. Determining Adults' Eligibility to Adopt a ChildPart III: Navigating the Adoption Process
  - § 9.09. CHECKLIST: Navigating the Adoption Process
  - § 9.10. Applying for an Adoption
  - § 9.11. Determining the Legal Effect of Adoption
- 1 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 4. Adoption Procedures
  - § 4.02. Federal constraints on state adoption laws and procedures
    - [7] The Indian Child Welfare Act (ICWA)
  - § 4.05. Who may adopt
    - [1] Eligibility
    - [2] Residence Requirements
    - [3] Standing to Adopt a Specific Child
  - § 4.06. Who may be adopted
    - [1] Minor Children
    - [2] AdultsAPPENDIX 4-A. Uniform Adoption Act (1994)  
Section 1-107. Proceedings subject to Indian Child Welfare Act.  
Chapter 15. Adoption of Native American Children
  - § 15.01. Introduction
    - [1] Adoption under the Indian Child Welfare Act
    - [3] Goals and Scope of the Indian Child Welfare ActAPPENDIX 15-A. A Bureau of Indian Affairs Final Rule: Indian Child Welfare Act (ICWA) Proceedings  
APPENDIX 15-B. Guidelines for implementing the Indian Child Welfare Act (December 2016)

- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 64. Adoption Law, Procedure and Practice
    - § 64.06. Legal Standards of Adoption
      - [1] Best Interests of the Child
      - [2] Birth Father's Rights**
    - § 64.07. Who May Adopt
    - § 64.08. Who May Be Adopted
    - § 64.22. Indian Child Welfare Act
  
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).
  - Chapter 4. Adoption
    - § 4:8. Who may adopt
    - § 4:55. Surrogate parents
    - §§ 4:66-4:69. Adoption by lesbian and gay individuals or couples
    - §§ 4:70-4:71. Minority issues
  - Chapter 5. Indian Child Welfare Act
  
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).
  - Chapter 6. Adoption of Children and Other Arrangements
    - § 6.1. Introduction to adoption
    - § 6.2. Persons who may be adopted and who may adopt
    - § 6.3. —Consideration of race or religion in adoption proceedings
    - § 6.4. —Indian Child Welfare Act
    - § 6.8. Dispensing with consent; abandonment of child; failure to support
    - § 6.10. Attacks on adoption decrees
  
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).
  - Chapter 14. Adoption
    - § 14.4. Who may adopt
    - § 14.5. Who may be adopted
    - § 14.19. Transracial adoption
  
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.
  - Chapter 6. Adoption
    - § 6.01[A]. Introduction and Overview
    - § 6.01[B]. Involuntary Termination of Parental Rights
    - § 6.01[D]. Agency Adoption
  
- *American Indian Law Deskbook*, 2020 edition, by Conference of Western Attorneys General, Thomson Reuters, 2020.
  - Chapter 13. The Indian Child Welfare Act

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- *The Indian Child Welfare Act Handbook: A Legal Guide to the Custody and Adoption of Native American Children*, by B. J. Jones, American Bar Association, 1995.
- Neoshia R. Roemer, [Finding Harmony or Swimming in the Void: The Unavoidable Conflict between the Interstate Compact on the Placement of Children and the Indian Child Welfare Act](#), 94 *North Dakota Law Review* 149 (2019).
- Pamela Laufer-Ukeles, [The Relational Rights of Children](#), 48 *Connecticut Law Review* 741 (February 2016).
- Jennifer E. Croteau, Case Comments, *In Re Baby Z: Manipulating The Law To Allow Adoption Of A Child By The Same Sex Partner Of The Biological Parent*, 11 *Quinnipiac Probate Law Journal* 99 (1997).
- Charles M. Lyman, *Conflict of Laws and Facts with Special Application to Our Adoption Statutes*, 9 *Connecticut Bar Journal* 315 (1935).
- R. Richard Banks, [The Color of Desire: Fulfilling Adoptive Parents' Racial Preferences Through Discriminatory State Action](#), 107 *Yale Law Journal* 875 (1998).
- Elizabeth Bartholet, [Correspondence, Private Race Preferences in Family Formation](#), 107 *Yale Law Journal* 2351 (1998).

## Section 2: Adoption by Stepparents

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to procedures for stepparent adoption in Connecticut

### DEFINITIONS:

- Stepparent Adoption: **"is the adoption of a child by a person who, though unrelated, is the spouse of the birth or adoptive parent."** Conn. Department of Children and Families Policy Manual, [25-2](#), page 1.

### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-93](#)(14). Prospective adoptive family, defined
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-724](#)(a)(2). Who may give child in adoption
    - § [45a-733](#). Procedure on application for adoption by stepparent or person who shares parental responsibility with the parent of a child

### LEGISLATIVE:

- [Public Act No. 16-156](#), Sec. 1, (June 2016 Sess.). *An Act Concerning Second Parent Adoption*. (Effective October 1, 2016.)
  - Waiver of requirements of notice to the Commissioner of Children and Families in co-parent adoption*
  - Waiver of requirements for investigation and report by the Commissioner of Children and Families in co-parent adoption unless good cause is shown*

### PROBATE COURT RULES:

- Connecticut Probate Court Rules of Procedure (2022)
  - Rule **40. Children's Matters: General Provisions**
    - § [40.12](#). Adoption by same sex married couple

### DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)
  - Relative and Stepparent Adoptions §§ 48-21-2 – 48-21-10

### FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) or the [Official Court Webforms page](#) for the current forms.

- [Conn. Probate Court Forms](#)
  - [PC-601](#). Petition/Consent Termination of Parental Rights AND Stepparent, Co-Parent, or Relative Adoption (Rev. 7/23)
  - [PC-601C1](#). Confidential Information/Petition (Rev. 8/19)
  - [PC-603](#). Petition/Adoption (Rev. 7/23)
  - [PC-610](#). Affidavit/Custody of Minor Child (Rev. 4/18)
  - [PC-680](#). Adoption Data Sheet (Rev. 1/22)
  - [PC-681](#). Adoption Agreement (Rev. 4/19)

- [Conn. Judicial Branch Court Forms](#)  
[JD-FM-164](#). Affidavit Concerning Children (Rev. 2/15)  
[JD-JM-60](#). Affidavit/Consent to Termination of Parental Rights (Rev. 7/11)
- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
Chapter 5. Adoption and Parental Rights  
§ 5.43. Petition/Consent Termination of Parental Rights AND Stepparent, Co-Parent or Relative Adoption (PC 601)  
§ 5:44. Decree, stepparent, relative adoption (PC-661)

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Adoption of K.S.P.](#), 804 N.E.2d 1253, footnote 4 (2004). **"In a lengthy opinion, which included a strong dissent, a majority of the Connecticut Supreme Court held that the state's adoption laws did not permit a child with a natural or adoptive legal parent to be adopted by a second person other than that parent's spouse. [Adoption of Baby Z](#), 247 Conn. 474, 724 A.2d 1035 (Conn. 1999). The Connecticut legislature quickly reacted to this decision by amending existing adoption statutes to specifically allow for second-parent adoptions."**
- [In re Jeremy J.S.](#), Superior Court, Juvenile Matters, Judicial District of New Haven, (March 10, 1992) (1992 WL 48676) **(1992 Conn. Super. LEXIS 670)**. **"Pursuant to Conn.Gen.Stat. § 45a-717(i), this leaves the petitioner herein the sole parent and guardian of the person of the child, and as such may pursue a stepparent adoption by her present husband under Con.Gen.Stat. § 45a-724(2)(D)."**
- [Remkiewicz v. Remkiewicz](#), 180 Conn. 114, 120, 429 A.2d 833, 1035 (1980). **"The adoption statutes contained in chapter 778 of the General Statutes express a legislative intent that no person shall acquire parental status unless certain formalities are observed. A parent has rights as well as duties. If a stepfather could acquire parental rights through the simple expedient of changing his stepchild's birth certificate, all sorts of mischief could result. If the state commissioner of income maintenance wishes to impose obligations of support on persons who acknowledge paternity in writing; see General Statutes § 17-324; [State v. Wolfe](#), supra, 206; the legislature is the appropriate forum to consider his concerns."**

#### DIGESTS:

- West Key Numbers: 17 *Adoption*  
II. Grounds, Factors, and Considerations in General  
160. Spouse or partner of birth parent; stepparents  
161. – In general  
162. – Former spouse or partner
- Dowling's Digest *Adoption*

## ENCYCLOPEDIAS:

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Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - I. In General
    - C. Persons who may adopt  
§§ 15-25.
    - D. Persons who may be adopted  
§§ 26-30.
  - VII. Proceedings for Adoption; Procedure  
§§ 107-162.
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - II. Persons who may adopt  
§§ 15-21.
  - III. Persons who may be adopted  
§§ 22-26.
  - X. Effect of adoption
    - § 137. Open adoption; postadoption visitation
    - § 138. --Grandparents
- 25 *COA2d 1, Cause of action for second-parent adoption*, by Mark A. Momjian, Thomson West, 2004 (Also available on Westlaw).
- 61 *ALR6th 1, Adoption of Child by Same-Sex Partners*, by Ann K. Wooster, J.D., Thomson West, 2011 (Also available on Westlaw).

## TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5.5. Who may give minors in adoption
    - § 5.6. When minors are free for adoption
    - § 5.12. Procedure on adoption of minor by stepparents
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
    - Stepparent Adoptions - pp. 560-561
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).
  - Chapter 9. Adoption
    - Part II: Conducting Adoptions in Connecticut
      - § 9.08. Determining Adults' Eligibility to Adopt a Child
        - [2] Adopting a Child by a Stepparent
        - [3] Adopting a Child by a Co-Parent
- 1 *Adoption Law And Practice*, by Joan H. Hollinger, editor, et al., Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 1. Introduction to Adoption Law and Practice

§ 1.05. Types of Adoptions  
[2] The Types of Adoptions, as Defined by the  
Characteristics of the Parties  
[a] Adoptions by Relatives, Including Stepparents  
Chapter 4. Adoption Procedures  
§ 4.05. Who may adopt  
[1] Eligibility

- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 64. Adoption Law, Procedure and Practice  
§ 64.04[1]. Stepparent adoptions
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption  
§ 4:5. Stepparent
- 2 *Handling Child Custody, Abuse and Adoption Cases 3d*, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).  
Chapter 14. Adoption  
§ 14:8. Stepparent adoption
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013  
Chapter 6. Adoption  
§ 6.01[1]. Second-Parent Adoption

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Jennifer L. Laporte, *Connecticut's Intent Test to Determine Parentage: Equality for Same-Sex Couples at Last*, 26 *Quinnipiac Prob. L.J.* 291 (2013).
- Karthik Subramanian, *Better a Ward of the State than to Have Two Mothers? How Unconstitutional State Bans on Gay Adoption End up Hurting the Children the Most*, 32 *Children's Legal Rights Journal* 46, issue no. 1 (Spring 2012).
- Koreen Labrecque, Notes, *Grandparent Visitation After Stepparent Adoption*, 6 *Connecticut Probate L.J.* 61 (1991) or 10 *Connecticut Family Law Journal* 57 (1992).

Table 2: Co-Parent Adoption

Co-Parent (or Second-Parent) Adoption	
<p>Definitions</p>	<p>Co-parent adoption: <b>"By law, the parent of a minor child may agree in writing with someone who shares parental responsibility for that child that the other person adopt or join in adopting the child. Such an adoption cannot take place unless the parental rights of the child's other parent have been terminated (CGS § 45a-724(a)(3)). Such a second-parent adoption, also called a co-parent adoption, gives a co-parent full legal rights with regard to the child."</b> <a href="#">OLR Bill Analysis</a> For File Copy 14 (Public Act 16-156)</p> <p>Second-parent adoption: <b>"...child adoption proceedings where the person seeking to adopt shares parental responsibility with a child's biological parent ('second-parent adoption')." <a href="#">OLR Bill Analysis</a> For File Copy 14 (Public Act 16-156)</b></p>
<p>Authority</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website.</p> </div>	<p><b>"Subject to the approval of the Court of Probate as provided in section 45a-727, any parent of a minor child may agree in writing with one other person who shares parental responsibility for the child with such parent that the other person shall adopt or join in the adoption of the child, if the parental rights, if any, of any other person other than the parties to such agreement have been terminated."</b> <b>Conn. Gen. Stat. § <a href="#">45a-724</a>(a)(3) (2023)</b></p>
<p>Probate Court Approval</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website.</p> </div>	<p><b>"An application for the adoption of a minor child not related to the adoptive parents shall not be accepted by the Court of Probate unless... (D) the application is for adoption of a child by another person who shares parental responsibility for the child with the parent as provided in subdivision (3) of subsection (a) of section 45a-724."</b> <b>Conn. Gen. Stat. § <a href="#">45a-727</a>(a)(3)(D) (2023)</b></p>
<p>Waiver of requirements of notice to the Commissioner</p> <p>Waiver of requirements for investigation and report by Commissioner</p>	<p><b>"Notwithstanding the provisions of section 45a-727, in the case of a child sought to be adopted by a stepparent or a person who shares parental responsibility with the parent of such child pursuant to subdivision (3) of subsection (a) of section 45a-724, the Probate Court may waive all requirements of notice to the Commissioner of Children and Families and shall waive, unless good cause is shown for an investigation</b></p>

<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website.</p>	<p>and report, all requirements for investigation and report by the Commissioner of Children and Families or by a child-placing agency. Upon receipt of the application and agreement, the Probate Court may set a day for a hearing upon the agreement and shall give reasonable notice of the hearing to the parties to the agreement and to the child, if over twelve years of <b>age.</b>" Conn. Gen. Stat. § <a href="#">45a-733</a>(a) (2023)</p>
<p>Office of Legislative Research Report</p> <p><a href="#">Office of Legislative Research</a> reports summarize and analyze the law in effect on the date of each <b>report's</b> publication. Current law may be different from what is discussed in the reports.</p>	<p>Robin K. Cohen, <a href="#">Co-Parent Adoption and Home Study</a>, Connecticut General Assembly, Office of Legislative Research Report, 2013-R-0088 (February 6, 2013).</p> <p><b>"You asked (1) if state law requires the Department of Children and Families (DCF) to conduct a home study when a second-parent adoption (called co-parent adoption in Connecticut) occurs and (2) how other states handle home studies for these types of adoptions."</b></p>
<p>Legislative</p>	<p><a href="#">Public Act 00-228</a> <i>An Act Concerning the Best Interest of Children in Adoption Matters</i></p> <p><a href="#">Office of Legislative Research Summary</a></p>
<p>Treatise</p> <p>You can <a href="#">contact</a> us or visit our <a href="#">catalog</a> to determine which of our law libraries own the treatises cited.</p> <p>References to online databases refer to in-library use of these databases.</p>	<ul style="list-style-type: none"> <li>• <i>LexisNexis Practice Guide: Connecticut Family Law</i>, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).       <ul style="list-style-type: none"> <li>Chapter 9. Adoption           <ul style="list-style-type: none"> <li>Part II: Conducting Adoptions in Connecticut               <ul style="list-style-type: none"> <li><b>§ 9.08 Determining Adults' Eligibility to Adopt a Child</b> <ul style="list-style-type: none"> <li>[3] Adopting a Child by a Co-Parent</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul>

## Section 3: Adoption by Blood Relatives

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to adoption by relatives in Connecticut, **including unmarried father and the child's grandparents.**

### DEFINITIONS:

- **Relative: "means any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child." Conn. Gen. Stat. § [45a-707](#)(6) (2023)**
- **Relative: "shall include, but not be limited to, a person who has been adjudged by a court of competent jurisdiction to be the father of a child born out of wedlock, or who has acknowledged his paternity under the provisions of section 46b-172a, with further relationship to the child determined through the father." Conn. Gen. Stat. § [45a-724](#)(a)(4) (2023)**
- **Relative adoption: "is the adoption of a child by a person(s) who is a blood relative descended from a common ancestor not more than three generations removed from the child." Conn. DCF Policy Manual, [25-2](#), page 1.**

### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-93](#)(14). Prospective adoptive family, defined
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-724](#). Who may give child in adoption
    - § [45a-725](#). When child free for adoption
    - § [45a-727](#). Application and agreement for adoption. Investigation, report. Adoptive parents entitled to receive copy of records and other information re history of child. Assessment of fees. Hearing and decree

### DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)
  - Relative and Stepparent Adoptions §§ 48-21-2 – 48-21-10

### FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- [Conn. Probate Court Forms](#)
  - [PC-601](#). Petition/Consent Termination of Parental Rights and Stepparent, Co-Parent, or Relative Adoption (Rev. 8/19)
  - [PC-601C1](#). Confidential Information /Petition /Consent /Termination of Parental Rights AND Stepparent, Co-parent or Relative Adoption (Rev. 8/19)
  - [PC-603](#). Petition/Adoption (Rev. 8/19)

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

[PC-610](#). Affidavit/Custody of Minor Child (Rev. 4/18)  
[PC-680](#). Adoption Data Sheet (Rev. 1/20)  
[PC-681](#). Adoption Agreement (Rev. 4/19)

- [Conn. Judicial Branch Court Forms](#)  
[JD-FM-164](#). Affidavit Concerning Children (Rev. 2/15)  
[JD-JM-60](#). Affidavit/Consent to Termination of Parental Rights (Rev. 7/11)

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Daniel R., et al. v. Joette Katz, Commissioner of the Department of Children and Families, Superior Court, Judicial District of Hartford, Juvenile Matters at Hartford, No. H12CP13015300A (January 8, 2014) (2014 WL 279670) (2014 **Conn. Super. LEXIS 36**). **"Further**, pursuant to General Statutes § 46b-129(j)(3), relatives are given preferential treatment for permanent placement of the child." **(Emphasis added.)**

**"Pursuant to the fair preponderance of the evidence presented to the court, the court finds that it is in Izabella's best interest to be placed with her biological family in Pennsylvania. The issue before the court is not to determine which family loves Izabella more or to question the depth of each family's love and affection for her, nor who would make better parents. Indeed, Izabella is clearly a well-loved child. The issue is whether the petitioners have proven that placement of Izabella with her paternal family would be detrimental to her well-being. The petitioners have not proven that assertion to the court by a fair preponderance of the evidence."**

- Mullins v. Oregon, 57 F.3d 789 (9th Circuit 1995). "What this case is really about is creating a new family unit where none existed before. That is, the asserted interest is one in a potential, still undeveloped familial relationship with prospective adopted children. In every material respect except one, this asserted interest is identical to the interest every prospective adoptive parent has in the child he wishes to adopt, and whatever claim a prospective adoptive parent may have to a child, we are certain that it does not rise to the level of a fundamental liberty interest. See Ellis v. Hamilton, 669 F.2d 510, 513-14 (7th Cir.), cert. denied, 459 U.S. 1069, 103 S.Ct. 488, 74 L.Ed.2d 631 (1982). All that distinguishes this case is the biological link that Ms. Mullins shares with her grandchildren. The question we must decide, therefore, is whether biological connection between putative adoptive parent and child, standing alone, gives rise to a fundamental liberty interest entitled to the substantive protection of the Due Process Clause.

Neither the text nor the structure of the Constitution supports the asserted interest. Nor have we found any case that does."

- [Lehr v. Robertson](#), 463 U.S. 248, 103 S.Ct. 2985, 77 L. Ed. 2d 614 (1983). *Unwed father's petition to set aside order of adoption*.

#### DIGESTS:

- West Key Numbers: 17 *Adoption*
  - II. Grounds, Factors, and Considerations in General
    - (B) Factors relating to persons seeking to adopt
      - 156. Relatives in general
      - 157. Grandparents
      - 158. Persons in loco parentis; de facto parents
      - 163. Single or unmarried persons
      - 165. Unmarried or cohabiting partners
    - (C) Factors relating to child
      - 172. Welfare and best interest of child
- **Dowling's Digest** *Adoption*

#### ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d* *Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - I. In General
    - C. Persons who may adopt
      - 2. Particular persons
        - § 24. Other blood relations
    - D. Persons who may be adopted
      - § 29. Blood relations; natural children
  - VII. Proceedings for adoption; Procedure
    - D. Parties
      - § 124. Grandparents
    - F. Factors Affecting Determination
      - § 134. Grandparents
- 2 *C.J.S.* *Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - II. Persons Who May Adopt
    - §§ 15-21.
  - III. Persons who may be adopted
    - §§ 22-26.

#### TEXT & TREATISES

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5.5. Who may give minors in adoption
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin - Relative Adoptions – p. 561
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).
  - Chapter 9. Adoption
    - § 9.08 Determining **Adults' Eligibility to Adopt a Child**

[4] Adopting a Child by a Relative

- 20 *Connecticut Practice Series, Connecticut Elder Law*, by Kate McEvoy, Thomson West, 2023 ed. (Also available on Westlaw).  
Chapter 13. Relative Caregivers
  - § 13.21. Adoption
  - § 13.31. Benefits for relative caregivers – Adoption assistance program
  - § 13: 32. Benefits for relative caregivers – Connecticut adoption subsidy
  - § 13: 33. Benefits for relative caregivers – College assistance/post secondary education assistance
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 64. Adoption Law, Procedure and Practice
  - § 64.07. Who may adopt
  - § 64.08. Who may be adopted
  - § 64.17. Challenge by grandparent or relative
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption
  - § 4:8. Who may adopt
  - § 4:56. Grandparents’ rights**
- 2 *Handling Child Custody, Abuse and Adoption Cases 3d*, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).  
Chapter 14. Adoption
  - § 14.6. Unmarried fathers
  - § 14.7. Unnamed fathers
  - § 14.9. Kinship adoption
- Dave Woods, *Crosspollination of Same-Sex Parental Rights Post-DOMA: The Subtle Solution*, 46 *Connecticut Law Review* 1651 (2014).
- Alan Brown, *Re G; Re Z (Children: Sperm Donors: Leave to Apply for Children Act Orders): Essential ‘Biological Fathers’ and Invisible ‘Legal Parents’*, 26 *Child and Family Law Quarterly* 237, issue # 2 (2014).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

Table 3: Who May Give a Child in Adoption?

Who May Give a Child in Adoption	
Statutory parent	<p><b>"A statutory parent appointed under the provisions of section 17a-112, section 45a-717 or section 45a-718 may, by written agreement, subject to the approval of the Court of Probate as provided in section 45a-727, give in adoption to any adult person any minor child of whom he or she is the statutory parent; provided, if the child has attained the age of twelve, the child shall consent to the agreement."</b> Conn. Gen. Stat. § <a href="#">45a-724</a>(a)(1) (2023)</p>
Parent and spouse	<p><b>"Subject to the approval of the Court of Probate as provided in section 45a-727, any parent of a minor child may agree in writing with his or her spouse that the spouse shall adopt or join in the adoption of the child; if that parent is (A) the surviving parent if the other parent has died; (B) the mother of a child born out of wedlock, provided that if there is a putative father who has been notified under the provisions of section 45a-716, the rights of the putative father have been terminated; (C) a former single person who adopted a child and thereafter married; or (D) the sole guardian of the person of the child, if the parental rights, if any, of any person other than the parties to such agreement have been terminated."</b> Conn. Gen. Stat. § <a href="#">45a-724</a>(a)(2) (2023)</p>
Parent and other person who shares parental responsibility	<p><b>"Subject to the approval of the Court of Probate as provided in section 45a-727, any parent of a minor child may agree in writing with one other person who shares parental responsibility for the child with such parent that the other person shall adopt or join in the adoption of the child, if the parental rights, if any, of any other person other than the parties to such agreement have been terminated."</b> Conn. Gen. Stat. § <a href="#">45a-724</a>(a)(3) (2023)</p>
Relative	<p><b>"Subject to the approval of the Court of Probate as provided in section 45a-727, the guardian or guardians of the person of any minor child who is free for adoption in accordance with section 45a-725 may agree in writing with a relative that the relative shall adopt the child. For the purposes of this subsection 'relative' shall include, but not be limited to, a person who has been adjudged by a court of competent jurisdiction to be the father of a child born out of wedlock, or who has acknowledged his paternity under the provisions of section 46b-571, with further relationship to the child determined through the father."</b> Conn. Gen. Stat. § <a href="#">45a-724</a>(a)(4) (2023)</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	

Table 4: Statutory Parent and Adoption

Statutory Parent and Adoption	
Definitions	<p>“<b>Statutory parent</b>’ means the Commissioner of Children and Families or the child-placing agency appointed by the court for the purpose of the adoption of a minor child or minor children.” <b>Conn. Gen. Stat. § <a href="#">45a-707</a></b> (7)(2023)</p> <p>Probate Court User Guide: <a href="#">Termination of Parental Rights and Adoption</a> (2022) Statutory parent, pg. 4</p>
Appointment	<p>Conn. Gen. Stat. §§ <a href="#">17a-112</a>, <a href="#">45a-717</a> (f) and (g), <a href="#">45a-718</a>(a) (2023)</p> <p>Petition/Appointment of Statutory Parent, Form <a href="#">PC-602</a> (Rev. 7/23)</p>
Duties	<p>Conn. Gen. Stat. § <a href="#">45a-717</a> (k), <a href="#">45a-718</a>(b) (2023)</p> <p>Guardian/Statutory Parent Report/Case Permanency Plan, Form <a href="#">PC-6804</a> (New 10/17)</p>
Removal	<p>Conn. Gen. Stat. § <a href="#">45a-718</a>(c) (2023)</p>
Resignation	<p>Conn. Gen. Stat. § <a href="#">45a-718</a>(c) (2023)</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	

## Section 4: Consent to Adoption

A Guide to Resources in the Law Library

- SCOPE: Bibliographic resources relating to procedures for consenting to adoption including withdrawal or revocation of consent
- DEFINITIONS:
- **"To complete an adoption, two steps are essential. First, there must be an agreement to give and receive the child in adoption, and second, there must be approval of the agreement by a Probate Court having jurisdiction."** [Killen v. Klebanoff](#), 140 Conn. 111, 115, 98 A.2d 520 (1953).
  - **"The right of custody has never been an absolute right, which could be bargained away or disposed of or transferred by either parent, except by giving in adoption with the approval of a Court of Probate in a manner prescribed by statute."** [Johnson v. Terry](#), 34 Conn. 259, 263; General Statutes, §§ 4878, 4879." [Dunham v. Dunham](#), 97 Conn. 440, 442, 117 A. 504 (1922) overruled in part on other grounds by [Freund v. Burns](#), 131 Conn. 380, 385, 40 A.2d 754 (1944).
  - Consent of child who has attained the age of 12: **"A statutory parent appointed under the provisions of section 17a-112, section 45a-717 or section 45a-718 may, by written agreement, subject to the approval of the Court of Probate as provided in section 45a-727, give in adoption to any adult person any minor child of whom he or she is the statutory parent; provided, if the child has attained the age of twelve, the child shall consent to the agreement."** Conn. Gen. Stat. § [45a-724](#)(a)(1) (2023).
- STATUTES:
- You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.
- Conn. Gen. Stat. (2023)
    - [Chapter 801b](#). Probate Court Procedures
      - § [45a-186](#). Appeals from probate)
      - § [45a-187](#). Time of taking appeals
    - [Chapter 803](#). Termination of Parental Rights and Adoption
      - § [45a-719](#). Reopening judgment terminating parental rights. Best interest of child. Final decree of adoption.
      - § [45a-724](#). Who may give child in adoption
      - § [45a-727](#). Application and agreement for adoption. Investigation, report. Adoptive parents entitled to receive copy of records and other information re history of child. Assessment of fees. Hearing and decree
      - § [45a-732](#). Husband and wife to join in adoption
- LEGISLATIVE:
- Susan Price, [Adoption: Birth Mothers' Rights To Revoke Consent](#), Connecticut General Assembly, Office of Legislative Research Report, 2004-R-0661 (September 13, 2004).

## FORMS:

- 1A *Am Jur Legal Forms 2d* Adoption (2021)
  - III. Consents to adoption
  - § 9:15. Form drafting guide
  - § 9:16. Checklist--Matters to consider when drafting consent to adoption
  - § 9:17. Consent to adoption--By parents
  - § 9:18. --By mother or father
  - § 9:19. --By unmarried father
  - § 9:20. --By institution
  - § 9:21. --By spouse of adult
  - § 9:22. --By natural parent--Adoptive parent spouse of other natural parent
  - § 9:23. --By minor child
  - § 9:24. --By spouse of adopting parent
  - § 9:25. Refusal to consent to adoption--By father or mother
  - § 9:26. Withdrawal of consent to adoption--By father or mother
- 1, Part 1 *Nichols Cyclopedia Of Legal Forms Annotated* Adoption of Children (2022)
  - § 7:24. Consent to adoption
  - § 7:26. —Consent by mother
  - § 7:27. —Consent by mother of illegitimate child
  - § 7:28. —Consent by parent
  - § 7:29. —Consent of minor
  - § 7:30. —Consent of adoptee over age twelve
  - § 7:32. —**Consent of children’s home or agency**
  - § 7:33. —Causes showing authority to give consent

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Zen T.](#), 165 Conn. App. 245, 254, 138 A.3d 469 (2016). “These same principles apply here; as long as the motion to open the termination of parental rights has not been granted, the parental relationship between the child and the respondent, with all its rights and responsibilities, has been severed, and the child is free for adoption. See General Statutes § 45a-707 (8). Therefore, we conclude that, under the circumstances of this case, the respondent lacked standing to move to open the **approval of the adoption.**”
- [In re Simon A. W.](#), Superior Court, Judicial District of New Haven at New Haven, No. CP97009105A, n. 3 (May 27, 1997) (1997 WL 309576) (1997 Conn. Super. LEXIS 1480). “**The legislature’s intent that no adoption application may be approved until after the court first determines the validity of any parent’s consent and subsequently issues an order of termination based on such consent, was made explicit by the creation, in P.A. 96-246, of a separate subsection (f) of 45a-717.**”

- [Bailey v. Mars](#), 138 Conn. 593, 87 A.2d 388 (1952). *Withdrawal of consent to adopt.*
- [Killen v. Klebanoff](#), 18 Conn. Supp. 177, 180, (1952 WL 772) (1952). "Consent lies at the foundation of statutes of adoption and when it is required to be given and submitted the court cannot take jurisdiction of the **subject matter without it.**"
- [Meleski v. Havens](#), 129 Conn. 238, 27 A.2d 159 (1942). *Fraudulent representation.*

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - III. Consent to Adoption
    - (A) In General; Necessity
    - (B) Exceptions to Consent Requirement
    - (C) Requisites and Validity of Consent
    - (D) Withdrawal or Revocation of Consent
- **Dowling's Digest:** *Adoption*

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - VI. Consent to adoption
    - A. Introduction
      - §§ 65-66.
    - B. Consent of particular persons
      - §§ 67-93.
    - C. Validity of consent; Formal requirements
      - §§ 94-100.
    - D. Revocation or withdrawal of consent
      - §§ 101-106.
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - VI. Consent of parties
    - §§ 49-74.
  - VIII. Revoking or setting aside adoption
    - §§ 117-127.
- 8 *POF2d* 481, ***Undue Influence in Obtaining Parent's Consent to Adoption of Child***, by Jonathan M. Purver, LL.B., Thomson West, 1976 (Also available on Westlaw).
- 23 *POF2d* 163, ***Guardian's Arbitrary And Unreasonable Withholding Of Consent To Adoption***, by Jonathan M. Purver, LL.B., Thomson West, 1980 (Also available on Westlaw).
- 61 *ALR5th* 151, ***Rights of Unwed Father to Obstruct Adoption of His Child by Withholding Consent***, by Ardis L. Campbell, J.D., Thomson West, 1998 (Also available on Westlaw).

- 14 COA 817, *Cause of Action to Withdraw or Revoke Parental Consent to Adopt*, by Kurtis A. Kemper, J.D., Thomson West, 1987 (Also available on Westlaw).
- 16 COA 219, *Cause of Action for Adoption without Consent of Parent on Ground of Abandonment*, by Stephen A. Brunette, J.D., Thomson West, 1988 (Also available on Westlaw).
- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5.5. Who may give minors in adoption
- ***Connecticut Lawyer’s Deskbook: A Reference Manual***, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
- 1 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 2. Consent to Adoption
    - § 2.02. Whose consent is necessary
    - § 2.03. Mother of the child
    - § 2.04. Father of the child
    - § 2.04A Rights of Putative Fathers with Respect to Putative Father Registries and Other Sources
    - § 2.05. Consent when mother or father is a minor
    - § 2.06. Consent when child has only one or no living parent; Appointment of a legal guardian
    - § 2.07. Consent by adoption agencies
    - § 2.08. Consent of the adoptee
    - § 2.09. Special situations
      - [1] Indian Child Welfare Act
    - § 2.10. Exceptions to the requirement of parental consent
    - § 2.11. Procedure for obtaining consent
    - § 2.12. Revocation of consent and conditional consent
  - APPENDIX 4-A Uniform Adoption Act (1994)
    - Section 5-103. Consent to Adoption.
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 64. Adoption Law, Procedure and Practice
    - § 64.10. Consent to adoption
      - [1] Effect of consent
      - [2] Whose consent may be necessary
    - § 64.12 Drafting adoption pleadings
      - [4]. Consents or surrender documents
    - § 64.15. Challenges by Birth Parents
      - [1] No Consent
        - [a] Lack of Notice
        - [b] Refusal to Consent

**TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

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References to online databases refer to in-library use of these databases. Remote access is not available.

- [2] Validity of Consent
- [3] Revocation of Consent
- § 64.16 Challenge by Agency
- § 64.17 Challenge by Grandparent or Relative
- § 64.18 Challenge by Court
- § 64.19 Challenge by Adopter to Set Aside Adoption

- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).
  - Chapter 4. Adoption
    - IV. Consent Requirements
      - §§ 4:14-4:24.
      - Appendix 4E. Consent to Adoption (Open adoption)
      - Appendix 4F. Consent to Adoption (Closed adoption)
      - Appendix 4G. Consent by Agency
      - Appendix 4H. Consent of Guardian
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).
  - Chapter 6. Adoption of Children and Other Arrangements
    - § 6:6. Consent, or lack of consent, to adoption
    - § 6:7. —Intrafamily adoption
    - § 6:8. —Dispensing with consent; abandonment of child; failure to support
    - § 6:9. —Withdrawal of consent
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).
  - Chapter 14. Adoption
    - § 14.11. Voluntary relinquishment and parental consent
    - § 14.12. Safe Haven Laws
    - § 14.13. Revocation of parental consent
    - § 14.14. Waiver of consent
    - § 14.15. Consent of child
    - § 14.16. Agency consent
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.
  - Chapter 6. Adoption
    - § 6.01[E]. Consent
      - [1] Who Must Give Consent?
      - [2] Consent of Unwed Father
      - [3] Consent of Minor Parent
      - [4] Revocation of Consent
- Malinda L. Seymore, [Adopting Civil Damages: Wrongful Family Separation in Adoption](#), 76 *Washington and Lee Law Review* 895 (Spring 2019).

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Malinda L. Seymore, [\*Sixteen and Pregnant: Minors' Consent in Abortion and Adoption\*](#), 25 *Yale J. L. & Feminism* 99 (2013).
- Ellen Wertheimer, [\*Of Apples and Trees: Adoption and Informed Consent\*](#), 25 *Quinnipiac Law Review* 601 (2007).
- Kathleen M. Lynch, [\*Adoption: Can Adoptive Parents Change Their Minds?\*](#), 26 *Family Law Quarterly* 257 (Fall 1992).
- Michelle De Garneau, Notes, *Fraud In The Inducement And Mistake Of Fact In The Adoption Process: Reevaluating The Best Interests Of The Child With Special Needs*, 2 *Connecticut Prob. L. J.* 83 (Fall 1986).
- Recent Decisions and Statutes, *Adoption—Withdrawal Of Statutory Consent As Affecting Court's Jurisdiction—Bailey v. Mars*, 138 *Conn.* 593 (1952), 26 *Connecticut Bar J.* 314 (1952).

# Section 5: Adoption Agreements

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to agreements to adopt.

SEE ALSO: For provisions concerning visitation after adoption see [Section 6: Open Adoptions](#)

DEFINITIONS:

- **“To complete an adoption . . . there must be an agreement to give and receive the child in adoption . . . The fundamental basis of the proceeding is the agreement. If the purported agreement is void, there is nothing which the Probate Court can approve.”** [Killen v. Klebanoff](#), 140 Conn. 111, 115, 98 A.2d 520 (1953).
- “Except as provided in section 46b-129b, each adoption matter shall be instituted by filing an application in a Court of Probate, **together with the written agreement of adoption, in duplicate.**” Conn. Gen. Stat. § [45a-727](#)(a)(1) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 319a](#). Child Welfare  
§ [17a-112](#). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.  
  
[Chapter 803](#). Termination of Parental Rights and Adoption  
§ [45a-727](#). Application and agreement for adoption

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) or the [Official Court Webforms page](#) for the current forms.

- [Conn. Probate Court Forms](#)  
[PC-601](#). Petition/Consent Termination of Parental Rights AND Stepparent, Co-Parent, or Relative Adoption (Rev. 8/19)  
[PC-603](#). Petition/Adoption (Rev. 8/19)  
[PC-681](#). Adoption Agreement (Rev. 4/19)
- [Conn. Judicial Branch Court Forms](#)  
[JD-FM-164](#). Affidavit Concerning Children (Rev. 2/15)
- [Center for Children’s Advocacy](#)  
[Pleadings Bank](#) - Child Welfare Pleadings, Sample Letters, Evidentiary Issues  
[Agreements and Motions](#)  
Open Adoption Agreement 1  
Open Adoption Agreement 2
- 1A *Am Jur Legal Forms 2d* Adoption (2021).  
IV. Agreements to adopt and miscellaneous forms  
§ 9:27. Form drafting guide

§ 9: 28. --Checklist--Matters to consider when drafting adoption agreement  
 § 9: 29. Custody agreement and promise to adopt  
 § 9: 30. Adoption agreement--Where adopting parent and natural parent have married  
 § 9: 31. --Adult  
 § 9: 32. ----Parties to jointly petition court  
 § 9: 33. --Between married prospective adoptive parents and pregnant natural mother--Payment of medical and hospital costs of pregnant natural mother of prospective adoptee  
 § 9: 34. --Visitation by natural parents  
 § 9: 35. --Visitation by natural grandparents  
 § 9: 36. --Visitation with natural sibling  
 § 9: 37. Authorization for child's medical care  
 § 9: 38. Investigation of adopting parent--Authorization to divulge employment information  
 § 9: 39. Investigation of child being adopted-- Authorization to divulge medical and social history

CASES:

- [Early v. Czaga](#), Superior Court, Judicial District of Middlesex at Middletown, No. MMX-CV-17-5009909-S (August 6, 2019) (2019 Conn. Super Lexis 2213). **“The question before the court is whether the adoption agreement signed by the parties authorizes the defendants to cut off all contact between the plaintiff and M. Because the agreement provides the defendants with discretion to modify its terms, in accordance with the best interests of the child, and the evidence confirms that the defendants made their decision based on M’s best interest and in good faith, the defendants’ conduct is authorized under the adoption agreement. The adoption agreement, however, is not terminated, but rather remains in effect until M reaches the age of majority.”**
- [Mary Doe v. John Roe et al.](#), 246 Conn 652, 653, 717 A. 2d 706 (1998). **“The narrow question presented by this appeal is whether the Superior Court has subject matter jurisdiction to render judgment in accordance with an agreement that includes a promise by a surrogate mother to consent to the termination of her parental rights in Probate Court.”**
- [Michaud v. Wawruck](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4th 209 (1988). “Case law in other jurisdictions does not persuade us that we should strike down the visitation agreement in this case. To a significant extent, the cases turn on legislative determinations that vary from state to state. We note nonetheless that [People ex rel. Sibley v. Sheppard](#), 54 N.Y.2d 320, 429 N.E.2d 1049, 445 N.Y.S.2d 420 (1981), concluded, as do we, that the statutory creation of an adoptive family does not automatically require complete severance of the child from all further contact with former relatives. Similarly, [Weinschel v. Stropole](#), 56 Md. App. 252, 261, 466 A.2d 1301 (1983), concluded, as do we, that as long as the best interest of the

child is the determinative criterion, public policy does not forbid an agreement about visitation rights between a genetic parent and adoptive parents.”

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
    - 115. Adoption Agreements
- **Dowling’s Digest:** *Adoption*

ENCYCLOPEDIAS:

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Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - V. Agreements regarding adoption
    - §§ 49-51. In general
    - §§ 52-58. **Payment for adoption; “Baby Broker” acts**
    - §§ 59-64. Enforcement
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - IV. Contracts or agreements to adopt; Equitable adoption
    - §§ 27-44.
      - § 28. Construction of contract
      - § 29. Operation and effect of contract, generally
      - § 34. Virtual adoption
      - § 35. Property rights acquired by child
      - § 36. Rights of natural parents to withdraw from agreement
      - § 37. Performance or breach of contract
      - § 38. Proof of contract or agreement
      - § 39. Remedies for breach
      - § 40. Fees and expenses, surrogacy agreements
      - § 41. Express or implied contracts for adoption, generally; Requisites
      - § 42. Capacity and assent of parties to contract for adoption
      - § 43. Consideration for contract for adoption
      - § 44. Parol assignments of adoption contracts; Statutes of frauds and wills
- 18 *POF2d* 531, *Equitable Adoption*, by George A. Locke, J.D., Thomson West, 1979 (Also available on Westlaw).

TEXTS & TREATISES:

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- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5.10. Adoption agreements, visitation rights of genetic parents
    - § 5.18. Post-adoption agreements
- ***Connecticut Lawyer’s Deskbook: A Reference Manual***, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.

Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin

Visitation after Termination of Parental Rights – pp. 551-552

- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption  
§ 4:2. Open adoption

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Verna Lilburn, Case Comments, *Michaud v. Wawruck*, 209 Conn. 407 (1988). 5 *Connecticut Probate Law Journal* 151 (1993).

## Section 6: Open Adoptions

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to contracts with the adopting parents, prior to adoption, for the continued visitation after adoption.

### DEFINITIONS:

- “An Open Adoption is one in which birth parents or extended family members (i.e., grandparents) and adoptive parents **share identifying information prior to the adoption.**” Conn. DCF Policy Manual, [25-2](#), page 2
- Open adoption. “The plaintiff does not seek to ‘open,’ to set aside or to diminish in any way the adoptive process that has substituted the defendants as the legal parents of the child. **The plaintiff’s rights are not premised on an ongoing genetic relationship that somehow survives a termination of parental rights and an adoption. Instead the plaintiff is asking us to decide whether, as an adult who has an ongoing personal relationship with the child, she may contract with the adopting parents, prior to adoption, for the continued right to visit with the child, so long as that visitation continues to be in the best interest of the child.**” [emphasis added] [Michaud v. Wawruck](#), 209 Conn. 407, 412, 551 A.2d 738, 78 ALR4th 209 (1988).

### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-112](#)(c). Termination of parental rights of child committed to commissioner. Cooperative postadoption agreements. Placement of child from another state. Interstate Compact on the Placement of Children.
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements.

### PUBLIC ACTS:

- [Public Act No. 15-199, § 18](#). *An Act Expanding Guardianship Opportunities For Children And Implementing Provisions Of The Federal Preventing Sex Trafficking And Strengthening Families Act*. (Effective October 1, 2015).
  - Postadoption sibling visitation (subsection (o) et seq.)

### DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)
  - Open Adoptions § 48-5-5

### LEGISLATIVE:

- Katherine Dwyer, [Cooperative Postadoption Agreements](#), Connecticut General Assembly, Office of Legislative Research Report, 2017-R-0163 (August 31, 2017).

## FORMS:

- [Center for Children’s Advocacy](#)  
[Pleadings Bank](#) - Child Welfare Pleadings, Sample Letters, Evidentiary Issues  
[Agreements and Motions](#)  
Open Adoption Agreement 1  
Open Adoption Agreement 2
- 1A *Am Jur Legal Forms 2d* Adoption (2017)  
Part IV. Agreements to Adopt and Miscellaneous Forms  
§ 9:34. --Visitation by natural parents  
§ 9:35. --Visitation by natural grandparents  
§ 9:36. --Visitation with natural sibling
- [Michaud v. Wawruck](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4th 209 (1988), footnote #1, p. 409. Excerpt from “Open Adoption and Visitation Agreement.” [Table 5](#).

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Christopher E.](#), Superior Court, Judicial District of New London, Juvenile Matters at Waterford, No. K09CP13013387A (April 11, 2016) (2016 WL 2602565) (2016 Conn. Super. LEXIS 818). **“The attorney for the boys, who is acting as their guardian ad litem as well, advocates for termination of parental rights and adoption with continued contact by the parents with the boys. The court is not in a position nor is it authorized to order an open adoption agreement but certainly would encourage one.”**
- [In re Azareon Y., et al.](#), 309 Conn. 626, 637, n. 7, 72 A.3d 1074 (2013). **“The aunt did indicate that she was amenable to an open adoption, an arrangement that would provide the respondent with visitation, but at the aunt's discretion.”**
- [In re Christian C.](#), Superior Court, Judicial District of Middlesex, Child Protection Session at Middletown, No. M08CP0710431A (July 18, 2013) (2013 WL 4046703) (2013 Conn. Super. LEXIS 1653). **“Nevertheless, it is a phenomenon that is part and parcel of an open adoption, premised upon that rare but cherished situation wherein a parent can accept his or her own limitations as a parent and honor their children's right to healing and their need for a safe and permanent home in the care of someone else. In its discretion, DCF, as statutory parent, is empowered to determine what, if any, role the mother can play in the future of her children. What this court will not do, however, is close off any possibility of permanency and stability for these children by keeping the parents' rights intact.”**
- [In re Christopher G.](#), 118 Conn. App. 569, 572, n.6, 984 A.2d 1111 (2009). **“A genetic parent may contract with adopting parents, prior to the adoption, for the continued right to visit the adopted child so long as visitation continues to be in the**

best interest of the child. See [Michaud v. Wawruck](#), 209 Conn. 407, 551 A.2d 738 (1988). Such agreements are often referred to as 'open adoption agreements.'"

- [Pivnick v. Lasky](#), Superior Court, Judicial District of Hartford at Hartford, No. FA99-0720419 (Mar. 24, 2003) (34 Conn. L. Rptr. 426) (2003 Conn. Super. LEXIS 944) (2003 WL 1908248). "The court concludes that the decision of [Roth v. Weston](#) does override the prior court orders in this matter granting visitation rights to non-parent third parties against the wishes of a fit custodial parent."
- [Mary Doe v. John Roe et al.](#), 246 Conn. 652, 655, 717 A. 2d 706 (1998). "The two part agreement (agreement), which the parties filed with the court, consisted of a stipulation and an open adoption and visitation agreement that was incorporated by reference into the stipulation. The agreement provided that the petitioner would execute the documents necessary to terminate her parental rights, thereby enabling Jane Roe to adopt the child. In return, the petitioner would receive: (1) visitation rights with the child; (2) access to information concerning the child; and (3) payment for certain legal and medical expenses. The agreement also provided for confidentiality and joint counseling, and set forth the specific terms of visitation by the petitioner. Moreover, the parties agreed to withdraw all existing legal and administrative proceedings against each other."
- [Michaud v. Wawruck](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4th 209 (1988). "Case law in other jurisdictions does not persuade us that we should strike down the visitation agreement in this case. To a significant extent, the cases turn on legislative determinations that vary from state to state. We note nonetheless that [People ex rel. Sibley v. Sheppard](#), 54 N.Y.2d 320, 429 N.E.2d 1049, 445 N.Y.S.2d 420 (1981), concluded, as do we, that the statutory creation of an adoptive family does not automatically require complete severance of the child from all further contact with former relatives. Similarly, [Weinschel v. Strople](#), 56 Md. App. 252, 261, 466 A.2d 1301 (1983), concluded, as do we, that as long as the best interest of the child is the determinative criterion, public policy does not forbid an agreement about visitation rights between a genetic parent and adoptive parents."

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
  - 122. Open or closed adoption
- Dowling's Digest *Adoption*

ENCYCLOPEDIAS:

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

#### TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

### VIII. Effect of Adoption upon Individuals' Status, Rights, Duties, and Obligations

#### A. In General

##### 1. Natural Parents and Relatives

§ 166. Visitation; "open adoptions"

§ 167. —Visitation agreements with natural parents

§ 168. —Effect of reservation of rights in giving consent or surrendering child for adoption

- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - X. Effect of Adoption
    - A. In General
      - 1. General Considerations
        - § 135. Effect of adoption on natural parent
        - § 137. Open adoption; postadoption visitation
        - § 138. —Grandparents
- 78 *ALR4th* 218, Annotation, *Postadoption visitation by natural parents*, by Danny R. Veilleux, J.D., Thomson West, 1990 (Also available on Westlaw).
- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:10. Adoption agreements, visitation rights of genetic parents
    - § 5:18. Post-adoption agreements
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, LexisNexis, 2023 ed (Also available on Lexis).
  - Chapter 9. Adoption
    - Part III: Navigating the Adoption Process
      - § 9.12 Determining the Post-Adoption Rights of the Biological Parents
      - § 9.14 Proceeding with an Open Adoption
- 2 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 8. Contested Adoptions: Strategy of the Case
    - § 8.04. Settlement Alternative: The "Open Adoption"**
    - Appendix 13-B. Agreements and court orders for post-adoption contact between adoptive families and birth parents or other birth relatives
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).

Chapter 64. Adoption Law, Procedure and Practice  
§ 64.20[2]. Alternatives to litigation - Open adoptions

- 1 *Representing The Child Client*, by Michael J. Dale et al., Matthew Bender, 2023.  
Chapter 4. Representing Children in Dependency Proceedings  
§ 4.15. Adoptions  
§ 4.15[4]. Open adoptions  
§ 4.15[9]. Post-Termination Visitation
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption  
§ 4:2. Open adoption  
Appendix 4E. Consent to adoption (Open adoption)
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).  
Chapter 6. Adoption of Children and Other Arrangements  
§ 6.13. Visitation rights after adoption
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).  
Chapter 14. Adoption  
§ 14.23. Open adoption
- *Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders*, by Martin Guggenheim & Vivek Sankaran, American Bar Association, 2015.  
Chapter 14. Termination of Parental Rights  
14.06(b). Post-adoption contact (Open adoption)
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.  
Chapter 6. Adoption  
§ 6.01[J]. Open Adoption

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Erika Harrison, *Benefits of Post Adoption Contact Agreements*, 31 *Children's Legal Rights Journal* 61, issue 1 (Spring 2011).
- Laurie A. Ames, *Open Adoptions: Truth And Consequences*, 10 *Connecticut Family Law J.* 89 (1992).
- Lawrence W. Cook, *Open Adoption: Can Visitation With Natural Family Members Be In The Child's Best Interest?* 30 *Journal of Family Law* 471 (1992).
- Judy E. Nathan, *Visitation After Adoption: In The Best Interest Of The Child*, 59 *New York University Law Review* 633 (1984).

- Carol Amadio & Stuart L. Deutsch, *Open Adoption: Allowing Adopted Children To 'Stay In Touch' With Blood Relatives*, 22 *Journal of Family Law* 59 (1983-84).
- Cynthia R. Mabry, *The Psychological and Emotional Ties that Bind Biological and Adoptive Families: Whether Court-Ordered Postadoption Contact is in an Adopted Child's Best Interest*, 42 *Capital U. L. Rev.* 285 (2014).

Table 5: Cooperative Postadoption Agreement

<p>Conn. Gen. Stat. § <a href="#">45a-715</a> (2023)</p>
<p>“(j) A cooperative postadoption agreement shall contain the following: (1) An acknowledgment by either or both birth parents that the termination of parental rights and the adoption is irrevocable, even if the adoptive parents do not abide by the cooperative postadoption agreement; and (2) an acknowledgment by the adoptive parents that the agreement grants either or both birth parents the right to seek to enforce the cooperative postadoption agreement.</p> <p>(k) The terms of a cooperative postadoption agreement may include the following: (1) Provision for communication between the child and either or both birth parents; (2) provision for future contact between either or both birth parents and the child or an adoptive parent; and (3) maintenance of medical history of either or both birth parents who are a party to the agreement.</p> <p>(l) The order approving a cooperative postadoption agreement shall be made part of the final order terminating parental rights. The finality of the termination of parental rights and of the adoption shall not be affected by implementation of the provisions of the postadoption agreement, nor is the cooperative postadoption contingent upon the finalization of an adoption. Such an agreement shall not affect the ability of the adoptive parents and the child to change their residence within or outside this state.</p> <p>(m) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the termination of parental rights or the adoption and shall not serve as a basis for orders affecting the custody of the child. The court shall not act on a petition to change or enforce the agreement unless the petitioner had participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute and allocate any cost for such mediation or dispute resolution proceedings. . . .”</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website.</p>
<p>Katherine Dwyer, <a href="#">Cooperative Postadoption Agreements</a>, Connecticut General Assembly, Office of Legislative Research Report, 2017-R-0163 (August 31, 2017).</p>
<p><a href="#">Office of Legislative Research</a> reports summarize and analyze the law in effect on the date of each <b>report’s publication</b>. Current law may be different from what is discussed in the reports.</p>
<p><i>Incapacity, Powers Of Attorney and Adoption in Connecticut</i>, 4th, by Ralph H. Folsom et al., Thomson West, 2021 (Also available on Westlaw).          Chapter 5. Adoption and Parental Rights              § 5:10. Adoption agreements, visitation rights of genetic parents              § 5:18. Post-adoption agreements</p>
<p>Each of our law libraries own the Connecticut treatises cited. You can <a href="#">contact</a> us or visit our <a href="#">catalog</a> to determine which of our law libraries own the other treatises cited or to search for more treatises.</p> <p>References to online databases refer to in-library use of these databases. Remote access is not available.</p>

Table 6: Excerpts from an Open Adoption and Visitation Agreement

<p>The "Open Adoption and Visitation Agreement" provides in relevant part:</p>
<p>"1. <u>Adoption</u>. The parties shall all cooperate fully with the state DCYS in the orderly completion of an adoption of the child by the adopting parents.</p> <p>2. <u>Termination of Rights</u>. The natural mother will withdraw here legal challenge . . . as soon as the adopting parents have approval of their adoption application by DCYS.</p> <p>3. <u>Visitation</u>. The adopting parents will cooperate fully with the natural mother in the natural mother's visits with the child both now and after the adoption takes place until the child's 18th birthday. The parties agree to be guided in carrying out this provision by the present laws of Connecticut regarding reasonable visitation, which are partly embodied in Connecticut General Statutes Section 46b-56, as they pertain to visitation rights of non-custodial parents in dissolutions of marriage. The tender age of the child and her high sensitivity to her, up to the present, state of uncertainty shall be taken into account by the parties.</p> <p>Each of the parties shall at all times in good faith endeavor to maintain in the child respect and affection for the other parties.</p> <p>The rights of visitation shall not be exercised by the natural mother at any time or in such a manner as to interfere with the education and normal social and school activities of the child.</p> <p>Visitation shall be twice a month for three (3) hours each visit at the Wawrucks' home."</p> <p><a href="#">Michaud v. Wawruck</a>, 209 Conn. 407, 409 n.1, 551 A.2d 738 (1988).</p>
<p>Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can <a href="#">contact your local law librarian</a> to learn about the tools available to you to update cases.</p>

Table 7: Adoption Review Board

Adoption Review Board	
Powers of Adoption Review Board	<p><b>"Notwithstanding the provisions of section 45a-727, the Adoption Review Board may, upon application, notice and hearing as hereinafter provided, for cause shown that it is in the best interests of the minor child, waive the requirement that the minor child be placed by the Commissioner of Children and Families or a child-placing agency."</b> Conn. Gen. Stat. § <a href="#">45a-764</a>(a) (2023)</p> <p>"Any judge of probate who has had presented to him an application for adoption which may not proceed because the child has not been so placed may apply in writing to the Adoption Review Board for a waiver of such requirement." Conn. Gen. Stat. § <a href="#">45a-764</a>(b) (2023)</p>
Membership	<p><b>"An Adoption Review Board is established, to consist of the Commissioner of Children and Families or his designee, the Probate Court Administrator or his designee, and an officer of a child-placing agency which is located in the state and licensed by the Commissioner of Children and Families, who shall be appointed by the Governor to serve for a term of four years from the date of his appointment."</b> Conn. Gen. Stat. § <a href="#">45a-763</a>(a) (2023)</p>
Qualifications of members	<p><b>"Each designee or officer shall be a person who is familiar with and experienced in adoption procedures, policies and practices."</b> Conn. Gen. Stat. § <a href="#">45a-763</a>(b) (2023)</p>
Hearing	<p><b>"The hearing shall be held not less than ten days nor more than thirty days after the receipt of the application. The parties entitled to notice shall be given notice at least ten days prior to the hearing."</b> Conn. Gen. Stat. § <a href="#">45a-764</a>(d) (2023)</p>
Evidence	<p><b>"Any party to the adoption proceedings shall have the right to present such evidence as is deemed necessary and relevant to the board. After hearing the evidence the board may deny the application or approve the application in which case the chairman shall notify the court of probate that the adoption may proceed and that the requirement of placement by the Commissioner of Children and Families or a child-placing agency is waived."</b> Conn. Gen. Stat. § <a href="#">45a-764</a>(e) (2023)</p>
Records	<p>Records to be confidential. "All proceedings, documents, correspondence and findings by the board shall be returned to the probate court initiating the application and shall be confidential as required by section 45a-754." Conn. Gen. Stat. § <a href="#">45a-765</a> (2023)</p>
<p>You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>	

# Section 7: Identified Adoptions

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to identified adoptions in Connecticut.

SEE ALSO: [Section 1: Adoption by Nonrelated Persons](#)

- DEFINITIONS:
- Identified adoptions. "The commissioner or a child-placing agency may place a child in adoption who has been identified or located by a prospective parent, provided any such placement shall be made in accordance with regulations promulgated by the commissioner pursuant to section 45a-728. If any such placement is not made in accordance with such regulations, the adoption application shall not be approved by **the Court of Probate.**" Conn. Gen. Stat. § [45a-727](#)(a)(3) (2023).
  - Identified adoptions: "**as permitted by Conn. Gen. Stat. §45a-727**, allows the adoption placement of children who have **been identified or located by prospective adoptive parents.**" Conn. DCF Policy Manual, [25-2](#), page 1.
  - "**An Independent Adoption is an adoption completed between birth parents and adoptive parents with no agency involvement. This is not permissible under Connecticut Law.**" Conn. DCF Policy Manual, [25-2](#), page 2

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-93](#)(14). Prospective adoptive family, defined
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-727](#). Application and agreement for adoption. Investigation, report. Adoptive parents entitled to receive copy of records and other information re history of child. Assessment of fees. Hearing and decree.
    - § [45a-728](#). Regulations re adoption placement of children identified or located by prospective parents
    - § [45a-728a](#). Participation in birth and visitation of newborn identified for adoption by prospective adoptive parents
    - § [45a-728b](#). Discharge of newborn identified for adoption from hospital. Prospective adoptive parents permitted to attend hospital programs re infant care.
    - § [45a-728c](#). Payment of expenses of birth mother by prospective adoptive parents

§ [45a-728d](#). Advertising by birth parent and prospective adoptive parent for purpose of identified adoption

§ [45a-729](#). Penalty for violation of provisions re adoption placement

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- Michelle Kirby, [Identified Adoptions](#), Connecticut General Assembly. Office of Legislative Research Report, 2015-R-0286 (December 15, 2015).

**"An 'identified adoption' is one in which an unrelated child is identified for adoption by prospective adoptive parents before the child's placement in the home (Conn. Agencies Reg. § 45a-728-2(k)). There are strict requirements for identified adoptions..."**

LEGISLATIVE HISTORY:

- 1985 Conn. Acts 285 (Reg. Sess.)  
**"Presently [1985] in the State of Connecticut all adoptions go through agencies exclusively. This [bill] would allow for identified adoptions. Individuals may identify a certain individual who may be pregnant, and they would go through the agency nevertheless, but that child would be earmarked for that person or that family." Rep. Wollenberg, vol. 28 pt.14 House Proceedings p. 5089 [fiche 93 of 244]**

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. [§ 45a-728-1 et seq.](#)  
Adoption Placement of Children Who Have Been Identified or Located by Prospective Adoptive Parents [see [Table 8](#)]

DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)  
[25-1](#). Adoption Overview  
[25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)  
Identified Adoptions § 48-5-4

PROBATE COURT USER GUIDE:

- [Termination Of Parental Rights And Adoptions \(2021\)](#)  
-What is an identified adoption and when is it permitted? (pages 6-7).

FORMS:

- [Conn. Probate Court Forms](#)  
[PC-603](#). Petition/Adoption (Rev. 8/19)  
[PC-603CI](#). Confidential Information/Petition/Adoption (Rev. 8/19)  
[PC-610](#). Affidavit/Custody of Minor Child (Rev. 4/18)

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) or the [Official Court Webforms page](#) for the current forms.

- [PC-611](#). Birth Mother's Financial Affidavit/Identified Adoption (Rev. 3/03)
- [PC-612](#). Adoptive Parents Financial Affidavit/Identified Adoption (Rev. 3/03)
- [PC-613](#). Agency or Department Financial Affidavit/Identified Adoption (Rev. 3/03)
- [PC-680](#). Adoption Data Sheet (Rev. 1/20)
- [PC-681](#). Adoption Agreement (Rev. 4/19)

- [Conn. Judicial Branch Court Forms](#)  
[JD-FM-164](#). Affidavit Concerning Children (Rev. 2/15)
- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
Chapter 5. Adoption and Parental Rights
  - § 5: 40. Birth mother's financial affidavit, identified adoption (PC-611)
  - § 5: 41. Adoptive parent's financial affidavit, identified adoption (PC-612)
  - § 5: 42. Agency or department financial affidavit, identified adoption (PC-613)

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
  - II. Grounds, Factors, and Considerations in General
  - III. Consent to Adoption
  - IV. Actions and Proceedings
  - V. Evidence
  - VI. Operation and Effect of Adoption
  - VII. Setting Aside or Revoking Adoption
- **Dowling's Digest:** *Adoption*

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - I. In General
  - II. Federal Adoption Programs and Assistance
  - III. Governing Law; Interstate Compact on Placement of Children
  - IV. Intercountry Adoptions
  - V. Agreements Regarding Adoption
  - VI. Consent to Adoption
  - VII. Proceedings for Adoption; Procedure
  - VIII. Effect of Adoption Upon Individuals' Status, Rights, Duties, and Obligations**
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - I. In General
  - II. Person Who May Adopt
  - III. Person Who May be Adopted
  - IV. Contracts or Agreements to Adopt; Equitable Adoption

- V. Prerequisites to Adoption in General
- VI. Consent of Parties
- VII. Judicial Proceedings
- VIII. Revoking or Setting Aside Adoption
- IX. Collateral Attack on Validity of Adoption
- X. Effect of Adoption

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:11. Procedure on adoption of minors, identified and hard-to-place children
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
    - Identified Adoptions, p. 561
    - Forms Required for Identified Adoptions, pp. 561-562
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).
  - Chapter 9. Adoption
    - Part III: Navigating the Adoption Process
      - § 9.13 Proceeding with an Identified Adoption
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).
  - Chapter 4. Adoption
    - §§ 4:9-4:13. Adoption services
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).
  - Chapter 6. Adoption of Children and Other Arrangements
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).
  - Chapter 14. Adoption
    - § 14.18. Agency adoption and placement

Table 8: Probate Court Regulations on Identified Adoptions

Probate Court Regulations on Identified Adoptions	
Scope of regulations. "The Commissioner or a Child Placing Agency may place a child in adoption who has been identified or located by a prospective adoptive parent provided any such placement shall be made in accordance with these regulations. If any such placement is not made in accordance with these regulations, the Probate Court shall not approve the adoption application." (Effective February 1, 1994).	<a href="#">45a-728-1</a>
Definitions (Effective December 22, 1994)	<a href="#">45a-728-2</a>
Restricted activities and penalties (Effective December 22, 1994)	<a href="#">45a-728-3</a>
Permissible activities for non-approved child placing agencies (Effective December 22, 1994)	<a href="#">45a-728-4</a>
Prospective adoptive parents—homestudy (Effective December 22, 1994)	<a href="#">45a-728-5</a>
Prospective adoptive parents—permissible activities (Effective December 22, 1994)	<a href="#">45a-728-5a</a>
Advertising (Effective December 22, 1994)	<a href="#">45a-728-6</a>
Birth parent counseling (Effective December 22, 1994)	<a href="#">45a-728-7</a>
Permissible payments by prospective adoptive parents and/or child placing agencies involved in identified placements (a) Living expenses of birth mother (b) Transportation, lodging, food expenses (c) Counseling expenses (d) Foster care expenses (e) Maternity home expenses (f) Medical expenses  (Effective December 22, 1994)	<a href="#">45a-728-8</a>
Provision for less affluent to participate (Effective December 22, 1994)	<a href="#">45a-728-9</a>
Financial affidavits (Effective December 22, 1994)	<a href="#">45a-728-10</a>
You can visit your local law library or browse the <a href="#">Connecticut eRegulations System</a> on the Secretary of the State website to check if a regulation has been updated.	

## Section 8: Special Needs Adoptions

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to adoption of special needs children including adoption subsidies

### DEFINITIONS:

- **A “special needs” child “is a child who is a ward of the Commissioner of Children and Families or is to be placed by a licensed child-placing agency and is difficult to place in adoption because of one or more conditions including, but not limited to, physical or mental disability, serious emotional maladjustment, a recognized high risk of physical or mental disability, age or racial or ethnic factors which present a barrier to adoption or is a member of a sibling group which should be placed together, or because the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child and has been certified as a special needs child by the Commissioner of Children and Families.” Conn. Gen. Stat. § [17a-116](#) (2023).**
- Adoption and Guardianship Assistance Program, [42 U.S.C. § 673](#) (2023)
- **“Connecticut has enacted an adoption subsidy program that in large part is federally funded and regulated. 42 U.S.C. § 673. The purpose of the legislation is evident by its initial limitation of such subsidies to ‘hard-to-place’ children. Public Acts 1986, No. 86-330, § 2 (rewriting General Statutes § 17a-116 to substitute ‘special needs’ for ‘hard-to-place’). The purpose was and is clearly to assist in moving children from foster care to adoptive homes.” Genn v. Connecticut Dep’t of Children & Families, Superior Court, Judicial District of Hartford-New Britain at Hartford, No. CV97-0569090 (Dec. 4, 1997) (1997 WL 771560) (1997 Conn. Super. LEXIS 3234).**
- “A special needs child means a child who is a ward of DCF or is to be placed by a licensed child-placing agency, and is difficult to place in an adoptive home because of one or more of the following conditions:
  1. physical or mental disability;
  2. serious emotional maladjustment;
  3. a recognized high risk of physical or mental disability;
  4. age which presents a barrier to adoption;
  5. racial or ethnic factors which present a barrier to adoption;
  6. is a member of a sibling group which should be placed together, including a child who should be placed with a previously adopted sibling for whom DCF was once a statutory parent; and
  7. because the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child.

The child must be certified as a special needs child by the commissioner.” Conn. DCF Policy Manual, [25-2](#), page 3

STATUTES:

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

U. S. Code (2023)

[42 U.S.C. Chapter 7, Subchapter IV, Part E](#): Federal Payments for Foster Care, Prevention, and Permanency

42 U.S.C. § 670 et seq.

**§ 670. Congressional declaration of purpose; authorization of appropriations**

**§ 671. State plan for foster care and adoption assistance**

**§ 672. Foster care maintenance payments program**

**§ 673. Adoption and guardianship assistance program**

— eligibility 42 U.S.C. § 673(a)(2)(A),(B)

**§ 673b. Adoption and legal guardianship incentive payments**

**§ 674. Payments to States**

**§ 675. Definitions**

**§ 675a. Additional case plan and case review system requirements**

**§ 679. Collection of data relating to adoption and foster care**

**§ 679a. National Adoption Information Clearinghouse**

§ 679c. Programs operated by Indian tribal organizations

• Conn. Gen. Stat. (2023)

[Chapter 319a](#). Child Welfare

§ 17a-116. **“Special needs” child defined**

§ 17a-116a. Information handbook re adoption of children with special needs

§ 17a-116c. Minority recruitment specialist for foster and adoptive families. Duties. Cultural sensitivity training

§ 17a-116d. Interstate Compact On Adoption And Medical Assistance

§ 17a-117. Subsidies for adopting parents

§ 17a-118. Review and change in subsidy. Adoption assistance agreement and subsidy payment

§ 17a-119. Moneys for subsidies. Regulations

§ 17a-120. Medical expenses subsidy for blind, physically or mentally disabled, emotionally maladjusted or high risk children

§ 17a-121. Prior subsidies not affected. Increases

[Chapter 801b](#). Probate Court Procedures.

§ 45a-111(b). Exemptions, waivers and reduction of fees and expenses

REGULATIONS:

- Code of Federal Regulations.  
[45 CFR § 1356.40](#) (2023). Adoption assistance program: Administrative requirements to implement section 473 of the Act.
- Connecticut Agencies Regulations.

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

#### Subsidized Adoption of Special Needs Children

§§ [17a-116-6 to 17a-116-14](#)

§ 17a-116-6. Scope of regulations (Effective March 22, 1994)

§ 17a-116-7. Definitions (Effective March 22, 1994)

§ 17a-116-8 Criteria for certification as a special needs child (Effective March 22, 1994)

§ 17a-116-9 Type and duration of subsidy (Effective March 22, 1994)

§ 17a-116-10. Amount of periodic subsidy (Effective March 22, 1994)

§ 17a-116-11 When subsidy is granted (Effective March 22, 1994)

§ 17a-116-12. Annual review of the subsidy (Effective March 22, 1994; Amended May 30, 2002)

§ 17a-116-13. Reapplication for subsidy (Effective March 22, 1994)

§ 17a-116-14. Adoption subsidy review board (Effective March 22, 1994)

#### Medical Expense Subsidy for Adoptive Parents

§§ [17a-120-3 to 17a-120-9](#) (Effective March 22, 1994)

§ 17a-120-3 Scope of regulations

§ 17a-120-4 Definitions

§ 17a-120-5 Eligibility for medical expense subsidy

§ 17a-120-6 Application and determination of eligibility

§ 17a-120-7 Annual review of the subsidy

§ 17a-120-8 Reapplication for subsidy

§ 17a-120-9 Adoption subsidy review board

- [Connecticut Child Support and Arrearage Guidelines](#), effective July 1, 2015, pages 2-3

**“(11) “Gross income” means the average weekly earned and unearned income from all sources before deductions, including but not limited to the items listed in subparagraph (A) of this subdivision, but excluding the items listed in subparagraph (B) of this subdivision.**

(A) Inclusions

The gross income inclusions are: . . .

(xx) adoption subsidy benefits received by the custodial parent for the child whose support is being determined.”

#### DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)
  - Subsidized Adoptions §§ 48-18-2 – 48-18-18

#### FORMS:

- Adoption Assistance Agreement, [42 U.S.C. § 675\(3\)](#) Description and content.

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Nancy G. v. Dep't of Children & Families](#), 248 Conn. 672, 733 A.2d 136, 145 (1999). “Thus, although children from other jurisdictions may be ‘placed’ for adoption by an ‘approved’ out-of-state child-placing agency; see General Statutes § 45a-727 (a) (3); those children do not qualify as ‘special needs’ children within the meaning of § 17a-116 because their ‘placement’ for adoption is not made by a licensed child-placing agency. Consequently, their adoptive parents are not eligible to receive an adoption subsidy from the state of Connecticut pursuant to § 17a-117.” (pp. 685-686)

“The language of § 17a-116, moreover, specifically excludes from the definition of “special needs children” children who are not placed for adoption in Connecticut by a licensed agency. Thus, the language of § 17a-116 excludes children who are placed by an out-of-state child-placing agency—a clear indication that the legislature intended that Connecticut not provide adoption subsidies for children from other jurisdictions.” (pp. 686-687)

- [Collado v. Vega](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. FA98-0355397 (Mar. 9, 1999) (24 Conn. L. Rptr. 214, 215) (1999 WL 185259) (1999 Conn. Super. LEXIS 768). “The subsidy recognizes that there are additional costs that will be incurred by families who adopt children with special needs. These costs are beyond the ordinary cost of raising a child. There is still the responsibility of the parents to provide for the ordinary and every day care of the child.”

## DIGESTS:

- West Key Numbers: 17 *Adoption*  
129. Public stipends and subsidies; adoption assistance benefits

## ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).  
II. Federal adoption programs and assistance  
§§ 31-35.
- 81 *C.J.S. Social Security and Public Welfare*, Thomson West, 2015 (Also available on Westlaw).  
VI. Family Assistance  
Assistance for Foster Care, Adoption, and Guardianship  
§§ 227-230.

## TEXTS & TREATISES:

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
Chapter 5. Adoption and Parental Rights

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

§ 5: 11. Procedure on adoption of minors, identified, and hard-to-place children

§ 5: 21. Interstate Compact on Adoption and Medical Assistance

- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.  
Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin  
Special Needs/Subsidized Adoptions, pp. 562-563
- ***LexisNexis Practice Guide: Connecticut Family Law***, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).  
Chapter 9. Adoption  
Part V: Subsidizing Adoptions for Special Needs Children
- ***20 Connecticut Practice Series, Connecticut Elder Law***, by Kate McEvoy, Thomson West, 2023 ed. (Also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13: 32. Benefits for relative caregivers – Connecticut adoption subsidy
- ***2 Adoption Law And Practice***, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 9. Adoption assistance for children with special needs
  - § 9.02. Overview of Adoption Assistance Programs
  - § 9.03. Eligibility
  - § 9.04. Adoption Assistance Benefits
  - § 9.05. The Adoption Assistance Agreement
  - § 9.06. Interstate Adoption Protections
  - § 9.07. Structure of Agencies Involved in Adoption Assistance
  - § 9.08. EnforcementAppendix 9A. State and federal materials relating to adoption of children with special needs
  - § 9-A.01. State Adoption Subsidy Statutes
  - § 9-A.02. Selected Sections of Title IV-E, The Adoption Assistance and Child Welfare Act
  - § 9-A.03. Interstate Compact on Adoption and Medical Assistance
  - § 9-A.04. Interstate Compact on Adoption and Medical Assistance Directory of Designated Contact Persons
  - § 9-A.05 Checklist: Adoption Assistance issues
  - § 9-A.06. Directory of Adoption Exchanges
  - § 9-A.07. State Definitions of Special Needs
- ***6 Family Law and Practice***, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 64. Adoption Law, Procedure and Practice  
§ 64.04[5]. Special needs adoptions

- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
     Chapter 4. Adoption  
         §§ 4:41-4:47. Adoption assistance  
         § 4:44. – Special needs children
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).  
     Chapter 6. Adoption of Children and Other Arrangements  
         § 6.12. Adoption subsidies; Adoption Assistance and Child Welfare Act (AACWA)
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).  
     Chapter 14. Adoption  
         § 14.24. Subsidized adoption
- 1 *Representing The Child Client*, by Michael J. Dale et al., Matthew Bender, 2023.  
     Chapter 4. Representing Children in Dependency Proceedings  
         § 4.15. Adoptions  
             § 4.15[5]. Adoption subsidy
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.  
     Chapter 6. Adoption  
         § 6.01[F]. Subsidized Adoptions and Children With Special Needs

LAW REVIEWS:

- Susan L. Brooks, *Rethinking Adoption: a Federal Solution to the Problem of Permanency Planning for Children with Special Needs*, 66 *New York University Law Review* 1130 (1991).

# Section 9: Foster Parents and Adoption

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to the role and rights of foster parents in adoption

## DEFINITIONS:

- Foster Care: "means care provided for a foster child by a person licensed, approved or certified to provide such care pursuant to sections 17a-145-130 through 17a-145-160, inclusive, or sections 17a-150-51 through 17a-150-123, inclusive, or sections 17a-114-14 through 17a-114-25, inclusive, of the regulations of Connecticut State Agencies)." Conn. Agencies Regs. § [17a-126-2](#). (Adopted effective Sept. 1, 1998.)
- Legal Risk Homes: "A legal risk home is defined as one which is licensed for adoption, but provides foster care for a child who is not legally free for adoption." Department of Children and Families Policy Manual § [23-3](#), [page 6](#)
- Department of Children and Families Policy Manual Chapter 25: Adoption (effective January 2, 2019)  
[25-1](#). Adoption Overview  
[25-2](#). Adoption Subsidies

[Chapter 48: Adoptions](#) (no longer in effect)

§ [48-9-2](#). (no longer in effect)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

U. S. Code (2023)

[42 U.S.C. Chapter 7, Subchapter IV, Part E](#): Federal Payments for Foster Care, Prevention, and Permanency

Conn. Gen. Stat. (2023)

[Chapter 319a](#). Child Welfare.

§ 17a-96. Custodians of children to file reports. Placing of children in foster homes

§ 17a-98. Supervision of children under guardianship or care of commissioner

§ 17a-110. Permanency planning for children. Contracts with private child-placing agencies. Funding

[Chapter 815t](#). Juvenile Matters.

§ [46b-129](#). Commitment of child or youth. Petition for neglected, uncared for or abused child or youth. Hearing re temporary custody, order to appear or petition. Review of permanency plan. Cost of care and maintenance of child or youth; reimbursement. Revocation of commitment. Legal guardianships and permanent legal guardianships. Applicability of provisions re placement of child from another state and Interstate Compact on the Placement of Children.

([42 U.S.C. §§ 670-679c](#)). Federal Payments for Foster Care, Prevention and Permanency

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Jessica Callahan, [College Tuition Assistance for Adopted Students](#), Connecticut General Assembly, Office of Legislative Research Report, 2018-R-0282 (October 29, 2018).  
"Do other states have laws similar to the Massachusetts program that awards tuition waivers for instate public higher education institutions to certain adopted children? Is a student required to live in the same state in which they were adopted to use the tuition waiver?"
- Robin K. Cohen, [Adoptions by Foster Parents](#), Connecticut General Assembly, Office of Legislative Research Report, 2012-R-0506 (December 14, 2012).  
"You asked what (1) process foster parents must follow to adopt the child they are caring for and (2) recourse is available to them if they are denied the opportunity to adopt."

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. § [17a-145-130 - § 17a-145-160](#).  
Foster Homes and Adoptive Homes/Family Day Care Homes § 17a-145-132. Assessment of foster or prospective adoptive parents and members of the household § 17a-145-133. Issuance of license or granting of approval. Not transferrable or assignable § 17a-145-137. Physical requirements of foster and prospective adoptive homes § 17a-145-151. General requirements of foster and prospective adoptive parents § 17a-145-160. Limitations to number of placements in one foster or prospective adoptive family

DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)  
[25-1](#). Adoption Overview  
[25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect)  
Foster Parent Assessment § 48-12-3  
Foster Family Considered as Adoptive Applicants § 48-14-3  
Supervision When Foster Home Becomes Adoptive Home § 48-16-5

CASES:

- [In re Nevaeh W.](#), 317 Conn. 723, 733, 120 A.3d 1177 (2015).  
"Termination of a biological parent's rights, by preventing further litigation with that parent, can preserve the stability a child has acquired in a successful foster placement and, furthermore, move the child closer toward securing permanence by removing barriers to adoption."
- [In re Brayden E. -H. et al.](#), 309 Conn. 642, 648-649, 72 A.3d 1083 (2013). "The court further concluded that, in accordance

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

with General Statutes § 46b-129 (k), the petitioner had established by a preponderance of the evidence that the proposed plan of termination and adoption was in the best interests of the children. In so concluding, the court acknowledged the respondent's regular communication with her children while she was incarcerated, as well as her appropriate interactions with them when they visited her monthly. The court also noted, however, significant gains made by both children during the past year that they had been in foster care with Jane and John, who had expressed a **willingness to adopt the children.**"

- [In re Joshua S.](#), 260 Conn. 182, 211, 796 A.2d 1141 (2002). **"First, as the trial court correctly pointed out, the regulations of the department prohibit foster and prospective adoptive parents from using corporal punishment."**
- [Hunte v. Blumenthal](#), 238 Conn. 146, 167, 680 A.2d 1231 (1996). "Under our well established 'right to control' test, we conclude that the plaintiffs, in their role as foster parents, were 'employees' of the state as that term is used in §§ 4-141, 4-165 and 5-141d."
- [Smith v. Organization of Foster Families for Equality & Reform](#), 431 U.S. 816, 97 S.Ct. 2094, 53 L.Ed. 2d 14 (1977). *Due process rights of foster parents*

DIGESTS:

- West Key Numbers: 17 *Adoption*  
I. In General  
159. Foster parents
- **Dowling's Digest:** *Adoption*

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).  
C. Persons who may adopt  
§ 25. Foster parents  
§ 26. Persons who may be adopted – Generally  
F. Factors Affecting Determination  
§ 135. Foster parents
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).  
II. Persons who may adopt  
§ 17. Persons who may adopt. Tutor or guardian
- 18 *Am. Jur. POF 2d 531, Equitable Adoption*, by George A. Locke, J.D., Thomson West, 1979 (Also available on Westlaw).
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).  
Chapter 9. Adoption  
Part II: Conducting Adoptions in Connecticut

TEXTS & TREATISES:

§ 9.08 **Determining Adults' Eligibility to Adopt a Child**  
[5] Adopting a Child by Foster Parents

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *2 Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).  
Chapter 14. Adoption  
§ 14.10. Rights of foster parents
- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
Chapter 5. Adoption and Parental Rights
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.  
Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
- *1 Representing The Child Client*, by Michael J. Dale et al., Matthew Bender, 2023.  
Chapter 4. Representing Children in Dependency Proceedings  
§ 4.15. Adoptions  
§ 4.15[6]. Long-term foster care

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Anarida Delaj et al., *Adoption and Foster Care*, 19 *Georgetown Journal of Gender and the Law* 157 (2018).
- Mitchell W. Pearlman, *Foster Parents Rights In Connecticut*, 5 *Connecticut Law Review* 36 (1972).
- Matthew R. Asman, Notes, *The Rights of a Foster Parent Versus the Biological Parent Who Abandoned the Child: Where Do the Best Interests of the Child Lie?* 8 *Connecticut Probate Law Journal* 93 (1993).

# Section 10: International and Out-of-State Adoptions in Connecticut

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to recognition of foreign or out-of-state adoptions by Connecticut courts

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
  - [Chapter 319a](#). Child Welfare
    - § [17a-152](#). Placement of child from another state
    - § [17a-175](#). Interstate Compact on the Placement of Children
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-727](#)(a)(5). Application and agreement for adoption. Investigation, report. Adoptive parents entitled to receive copy of records and other information re history of child. Assessment of fees. Hearing and decree.
    - § [45a-730](#). Validation of foreign adoption. Petition filed in probate court
- United States Code (2023)
  - [Chapter 143](#). Intercountry Adoptions
    - [42 USC 14901](#) et seq.

## LEGISLATIVE

- Lawrence K. Furbish, [Access to Identifying Adoption Information in Other States](#), 97-R-1372 (December 19, 1997).

## DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Department of Children and Families Policy Manual Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
  - [25-2](#). Adoption Subsidies Foreign-Born Children, page 10

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- [Conn. Probate Court Forms](#)
  - [PC-604](#). Petition/Validation of Foreign Adoption (Rev. 7/18)
  - [PC-604A](#). Petition/Determination of Age and Date of Birth of Adopted Person Born Outside of the Country (New 7/15)
  - [PC-608](#). Petition/Placement for Out-of-State Adoption (New 10/21)

## WEB PAGES:

- United States Citizenship and Immigration Services [Adoption COVID-19 Impacts on Intercountry Adoptions](#)
- United State Department of State – Bureau of Consular Affairs [Intercountry Adoption](#)

- Connecticut Council on Adoption - [Important Information Regarding US Citizenship of Children Adopted by American Citizens](#) – October 31, 2018
- Connecticut State Department of Public Health, [Requesting a Birth Certificate for a Person Who Was Adopted](#) (accessed on August 31, 2023)

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Santiago G.](#), 318 Conn. 449, 475, n.17, 121 A.3d 708 (2015). “The process of international adoption is highly regulated under federal law. See 42 U.S.C. § 14901 et seq. A **major purpose of such regulation is ‘to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) ... and to ensure that such adoptions are in the children’s best interests....’** 42 U.S.C. § 14901 (b) (2). Maria G. and the respondent knowingly agreed to engage in a subterfuge to evade the strictures of these adoption laws and achieve more expeditiously their own goals, albeit admirable ones. For the trial court, or this court, to somehow fashion a special rule to respect their wishes as to who should be Santiago’s mother would amount to the enforcement of an illegal agreement, contrary to the public policies underlying the adoption laws of both this country and of Guatemala.”
- [In re Yarisha F.](#), 121 Conn. App. 150, 163, 994 A. 2d 296 (2010). “In sum, none of the cases cited by the respondent support the proposition that a sending agency, in this case a court, may rely on an independent determination of the best interest of the child, to deliberately disregard the requirement of article III (d). We agree with the court in [In re Adoption of Infants H.](#), supra, 904 N.E.2d 208, that ‘[t]he conditions for placement set forth in article III of the Compact are designed to provide complete and accurate information regarding children and potential adoptive parents from a sending state to a receiving state and to involve public authorities in the process in order to ensure children have the opportunity to be placed in a suitable environment.’”
- [Nancy G. v. Department of Children and Families](#), 248 Conn. 672, 733 A.2d 136 (1999). “More than a decade later, in June, 1995, the plaintiff filed an application with the commissioner for a postadoption subsidy pursuant to § 17a-117 (b). The commissioner denied her application. The plaintiff then exercised her right to a hearing before the board. See General Statutes § 17a-117 (b) and (c). After a hearing, on February 2, 1997, the board, citing testimony that Americans for International Aid and Adoption was the agency that had placed Jonathan for adoption, concluded that, as a matter of law, ‘Jonathan did not ... meet ... the threshold test for classification as a “special needs” child....’ Consequently, the board denied the plaintiff’s request for a postadoption subsidy.

Thereafter, the plaintiff appealed from the decision of the board to the Superior Court pursuant to General Statutes § 4-183 (a). The court concluded that the plaintiff was not eligible for a postadoption subsidy because, inter alia, Jonathan had not been 'placed' for adoption by a child-placing agency licensed in Connecticut as required by § 17a-116. The court, therefore, dismissed the plaintiffs appeal. The plaintiff appealed from the judgment of the trial court to the Appellate Court pursuant to General Statutes §§ 4-184 and 51-197b. We then transferred the appeal to this court pursuant to Practice Book § 65-1 and General Statutes § 51-199 (c).

On appeal, the plaintiff maintains, inter alia, that the trial court improperly concluded that Jonathan had not been 'placed' for adoption by a licensed child-placing agency.<sup>[5]</sup> Specifically, the plaintiff maintains that: (1) in granting Jonathan's adoption, the Probate Court determined that Jonathan had been 'placed' for adoption by Jewish Family Service, a licensed agency, and that the doctrine of res judicata therefore precluded the board from relitigating that issue; and (2) the trial court improperly concluded that the activities undertaken by Jewish Family Service in its capacity as Jonathan's statutory parent did not constitute 'placement' within the meaning of § 17a-116. We disagree with both of the plaintiffs claims."

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - VIII. Interstate and International Adoptions
    - 391. In general
    - 392. Foreign decrees and orders
    - 393. Jurisdiction of forum court
    - 394. Actions and proceedings
- **Dowling's Digest:** *Adoption*

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - III. Governing law; Interstate Compact on Placement of Children
    - B. Interstate compact on placement of children
      - §§ 40-45.
    - IV. Intercountry adoptions
      - §§ 46-48.
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - I. In general
    - C. Adoption or placement agencies
      - § 14. Intercountry Adoption Act
    - V. Prerequisites to adoption in general
      - § 47. Intercountry adoptions
    - X. Effect of adoption
      - A. In general
        - § 136. Foreign adoption

## TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5:16. Out-of-state and out-of-country adoptions
    - § 5:21. Interstate Compact on Adoption and Medical Assistance
- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
    - Out-of-State Adoptions – p. 563
    - International Adoptions – pp. 563-565
      - 1. Introduction
      - 2. United States Immigration and Naturalization Service
      - 3. Citizenship
      - 4. Requirements of foreign adoption
      - 5. Validation of foreign adoptions
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).
  - Chapter 9. Adoption
    - Part IV: Participating in Interstate and International Adoptions
- *2 Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 10. International Adoption: Overview
    - § 10.02. The Phenomenon of International Adoption
    - § 10.03. International Adoption from the Perspective of Adoptive Parents
    - § 10.04. The Politics of International Adoption
  - Chapter 11. Intercountry Adoption: Legal Requirements and Practical Considerations
    - § 11.02. Locating an Adoptable Child
    - § 11.03. United States Immigration Law Requirements
    - § 11.04. Processing an Orphan Petition and Visa Application
    - § 11.05. Obtaining Citizenship for Foreign-Born Adopted Children
    - § 11.06. Hague Convention on Intercountry Adoption
    - § 11.07. United States Ratification and Implementation of Hague Convention: Intercountry Adoption Act (IAA) of 2000
  - Appendix 11-A. International Adoption: Forms and Directories
  - Chapter 16. Liability of Adoption Agencies and Attorneys for Misconduct in the Disclosure of Health-Related Information
    - § 16.03A Liability Claims in International Adoptions

- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 64. Adoption Law, Procedure and Practice
    - § 64.04[6]. International adoptions
    - § 64.21. The Interstate Compact on the Placement of Children
  
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).
  - Chapter 4. Adoption
    - §§ 4:72-4:74. Interstate adoptions
    - §§ 4:75-4:77. International adoption
    - § 4:78. Uniform Adoption Act
  
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).
  - Chapter 6. Adoption of Children and Other Arrangements
    - § 6.5. Adopted child's right to inherit**
  
- 1 *Representing The Child Client*, by Michael J. Dale et al., Matthew Bender, 2023.
  - Chapter 4. Representing Children in Dependency Proceedings
    - § 4.16. The Interstate Compact for the Placement of Children
  
- 2 *Handling Child Custody, Abuse and Adoption Cases* 3d, by Ann M. Haralambie, Thomson West, 2022 (Also available on Westlaw).
  - Chapter 14. Adoption
    - § 14.20. Interstate adoption
    - § 14.21. International adoption
    - § 14.22. Hague convention on protection of children and cooperation in respect of intercountry adoption
  - Appendices: Interstate Compact on the Placement of Children, ICPC Form 100A and Instructions, Uniform Adoption Act, Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption
  
- *International Family Law Desk Book* 2d, by Ann Laquer Estin, American Bar Association, 2016.
  - Chapter 8. Adoption
    - § 8.1. Adopting in the United States
      - Adoption Proceedings
        - Determining Jurisdiction
        - Recognizing Adoption Decrees
          - Foreign Country Adoption Decrees
          - Readoption in the United States
        - Handling Postadoption issues
        - Citizenship of Adopted Children
      - § 8.2. Working with the Hague Adoption Convention

- Convention Procedures
    - Exchange of Reports and Matching Process
    - Hague Adoption within Families
    - Formal Adoption and Transfer of Child
    - Postadoption Responsibilities
  - § 8.3. Intercountry Adoption Procedures in the United States
    - Adopting from Non-Convention Countries (Orphan Visa Process)
      - Definition of "Orphan"**
        - Foreign Adoption Proceedings
        - Orphan Visa Procedures
      - Adopting from Hague Convention Countries
        - Habitual Residence
        - Accredited and Approved Agencies and Persons
        - Hague Adoption Procedures
        - Domestic Hague Adoptions
      - Adopting under the Two-Year Rule
        - Adoption Following Humanitarian Parole
      - Handling Outgoing Intercountry Adoptions
        - Agency Responsibilities in Outgoing Hague Cases
        - Adoption of Custody Decree and Hague Certificate
        - Non-Hague Outgoing Adoption Cases
- Hague Conference on Private International Law | Conférence de La Haye de droit international privé.

[Guides to Good Practice](#)

[The Implementation and Operation of the 1993 Intercountry Adoption Convention: Guide to Good Practice No. 1](#); 2008

[Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice No 2](#); 2013

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Herma H. Kay, *Adoption In The Conflict Of Laws: The UAA, Not The UCCJA, Is The Answer*, 15 *Connecticut Family Law Journal* 37 (1997).
- Pamela R. Zeller, Notes, *Latin American Adoptions In Connecticut—Is There Any Room For Lawyers?* 10 *University Of Bridgeport Law Review* 115 (Winter 1989).
- Mary Ann Candelario McMillan, [International Adoption: A Step Towards a Uniform Process](#), 5 *Pace Int'l L. Rev.* 137 (1993).
- Peter H. Pfund, [Intercountry Adoption: The 1993 Hague Convention: Its Purpose, Implementation and Promise](#), 28 *Family Law Quarterly* 53 (Spring 1994).

# Section 11: Adult Adoptions

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to adoptions of adults in Connecticut.

## DEFINITIONS:

- Adult adoption: "Any person eighteen years of age or older may, by written agreement with another person at least eighteen years of age but younger than himself or herself, unless the other person is his or her spouse, brother, sister, uncle or aunt of the whole or half blood, adopt the other person as his or her child, provided the written agreement shall be approved by the Probate Court for the district in which the proposed adoptive parent resides or, if the proposed adoptive parent does not reside in this state, for the district in which the adopted person resides." Conn. Gen. Stat. § [45a-734](#)(a) (2023).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
  - [Chapter 93](#). Registrars of Vital Statistics
    - § [7-53](#). Birth certificates of adopted persons born in this state.
  - [Chapter 803](#). Termination of Parental Rights and Adoption
    - § [45a-734](#). Adoption of adults. Inheritance.
    - § [45a-735](#). Husband or wife of adopted adult to consent.
    - § [45a-751b](#). Disclosure of identifying information. Consent required. Exception.
    - § [45a-751c](#). Order directing issuance of uncertified copy of original birth certificate

## PUBLIC ACTS:

- [Public Act No. 21-21](#). *An Act Concerning Access to Original Birth Certificates by Adult Adopted Persons*. (Effective July 1, 2021).
  - [Summary for P.A. 21-21](#): "This act expands access to birth certificates for adopted persons age 18 and older and their adult children or adult grandchildren by allowing them to obtain an uncertified **copy of the adoptee's original birth** certificate upon request, regardless of when the adoption occurred. Prior law provided this access only for adoptions finalized on or after October 1, 1983. For adoptions before that date, prior law allowed access to the original certificate by these individuals only through a court order. If the birth parents were alive, the court could issue the order only with their consent or, in certain circumstances, the consent of a legal representative or guardian ad litem (GAL)." **Office of Legislative Research, CT General Assembly, Summary of 2021 Public Acts**

## PROBATE COURT RULES:

- Connecticut Probate Court Rules of Procedure (2022)
  - Rule **40. Children's Matters: General Provisions**
    - § [40.13](#). Notice in adult adoption proceeding

PROBATE COURT  
USER GUIDE:

- Termination Of Parental Rights And Adoptions (2021)  
[Adult Adoption](#), p. 6

FORMS:

- 1A *Am Jur Legal Forms 2d* Adoption (2023).
  - III. Consents to adoption
    - § 9:21. By spouse of adult
  - IV. Agreements to adopt and miscellaneous forms
    - § 9:30. Adoption Agreement—Where adopting parent and natural parent have married
    - § 9:31. --Adult
    - § 9:32. ----Parties to jointly petition court
- 1, Part 1 *Nichols Cyclopedia Of Legal Forms Annotated* (2022)  
Chapter 7. Adoption of Children
  - III. Forms
    - § 7:24. Consent to adoption
    - § 7:31. --Consent of **adult adoptee's spouse**
- [Conn. Probate Court Forms](#)  
[PC-603A](#). Petition and Agreement of Adult Adoption (Rev. 10/21)

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Eder's Appeal From Prob.](#), 177 Conn. App. 163, 178–79, 171 A.3d 506, 514–15 (2017). **"The court found that the settlor's financial gifts to the Richter brothers continued after he adopted them. The court concluded that such gifts were further evidence of the continuing close relationship between the settlor and the Richter brothers. The court concluded that the settlor gave the funds to the Richter brothers because they were in need of them, which underscored the court's finding that they were the natural objects of his bounty and confirmed the familial relationship that had existed for years and was independent of a desire to harm David Eder. The court found that the settlor's problems with David Eder may have been a catalyst for him to consider adopting them given his long relationship with the Richter brothers and David Eder's wealth. The court reasoned that common sense, as described in [Davis v. Neilson](#), supra, 871 S.W.2d at 38, seemed to dictate the adoptions were not a sham or subterfuge just to hurt David Eder, but were consistent with the settlor's affectionate and long-term relationship with the Richter brothers."**
- [Riether v. Perrotti](#), Superior Court, Judicial District of New Haven at New Haven, No. CV10-6010980 (Jan. 24, 2011) (2011 WL 522890) (2011 Conn. Super. LEXIS 121). **"Though there are no Connecticut cases directly addressing aggrievement in the context of an appeal to an adult adoption, Connecticut law does not consider the expectancy of an inheritance to be a legally protected interest to establish standing. 'The mere possibility of future inheritance cannot support an appeal by one who is not otherwise directly**

aggrieved ... The allowance of such appeals, which would invite actions based on speculation rather than on actual fact, would be directly contrary to the principle that an appellant must **have a real interest in the matter in controversy.**' (Citations omitted.) *Maloney v. Taplin*, 154 Conn. 247, 250–51, 224 A.2d 731 (1966) (nephew and former ward lacked standing as a potential heir to challenge the appointment of conservator for aunt's estate)."

- [Strakosch v. Connecticut Trust & Safe Deposit Co.](#), 96 Conn. 471, 114 A. 660 (1921).

#### DIGESTS:

- West Key Numbers: 17 *Adoption*  
 II. Grounds, Factors and Considerations In General  
 (C) Factors relating to children  
 173. Adult children
- **Dowling's Digest:** *Adoption*

#### ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).  
 I. In general  
 D. Persons Who May Be Adopted  
 § 27. Adults  
 § 28. —Effect of purpose of adoption of adult
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).  
 III. Persons who may be adopted  
 § 23. Adoption of minors or adults
- 68 *POF3d 93, Determination of Heirship*, by Thomas R. Kellogg, J.D., Thomson West, 2002 (Also on Westlaw).  
 §§ 10.5. Adult adoption

#### TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
 Chapter 5. Adoption and Parental Rights  
 § 5:3. Adoption of minors or adults  
 § 5:10. Adoption agreements, visitation rights of genetic parents  
 § 5:13. Procedure and limitations on adoption of adults  
 § 5:15. Legal consequences of adoptions
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.  
 Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin  
 Adult adoptions – p. 562  
 Legal Impact and Consequences of Adoption – p. 565

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).  
Chapter 9. Adoption  
Part II: Conducting Adoptions in Connecticut  
**§ 9.08 Determining Adults' Eligibility to Adopt a Child**  
[6] Adopting Adults
- *2 Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 2. Consent to Adoption  
§ 2.08. Consent of the Adoptee  
[2] When the Adoptee is an Adult  
Chapter 4. Adoption Procedure  
§ 4.06. Who May be Adopted  
[2] Adults  
  
Appendix 4-A. Uniform Adoption Act (1994)  
Article 5. Adoption of Adults and Emancipated Minors  
Section 5-101. Who May Adopt Adult of Emancipated Minor  
Section 5-102. Legal Consequences of Adoption  
Section 5-103. Consent to Adoption  
Section 5-104. Jurisdiction and Venue  
Section 5-105. Petition for Adoption  
Section 5-106. Notice and Time of Hearing  
Section 5-107. Dispositional Hearing  
Section 5-108. Decree of Adoption
- *1 Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption  
§ 4:7. Adoptions of adults
- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.  
Chapter 6. Adoption  
§ 6.01[G]. Adult Adoption

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Brynne E. McCabe, *Adult Adoption: The Varying Motives, Potential Consequences, and Ethical Considerations*, 22 *Quinnipiac Probate Law Journal* 300 (2009).
- Sarah Ratliff, [Adult Adoption: Intestate Succession and Class Gifts Under the Uniform Probate Code](#), 105 *Northwestern University Law Review* 1777 (2011).

# Section 12: Adoption and Birth Records

A Guide to Resources in the Law Library

SCOPE: Availability and confidentiality of birth and adoption records in Connecticut including original birth certificate

DEFINITIONS:

- “It is the policy of the state of Connecticut to make available to adopted and adoptable persons who are adults (1) information concerning their background and status; to give the same information to their adoptive parent or parents; and, in any case where such adopted or adoptable persons are deceased, to give the same information to their adult descendants, including adopted descendants; (2) to provide for consensual release of additional information which may identify the biological parents or relatives of such adult adopted or adoptable persons when release of such information is in the best interests of such persons; (3) except as provided in subdivisions (1) and (4) to (6), inclusive, of this section, to protect the right to privacy of all parties to termination of parental rights, statutory parent and adoption proceedings; (4) to make available to any biological parent of an adult adopted or adult adoptable person, including a person claiming to be the father who was not a party to the proceedings for termination of parental rights, information which would tend to identify such adult adopted or adoptable person; (5) to make available to any adult biological sibling of an adult adopted or adult adoptable person information which would tend to identify such adult adopted or adult adoptable person; and (6) to make available to any adult adopted person eighteen years of **age or older or such adopted person’s adult child or grandchild** a copy of an original birth certificate, as provided in section 7-53 or 45a-751c.” **Conn. Gen. Stat. § 45a-744** (2023).

STATUTES:

- Conn. Gen. Stat. (2023)
  - [Chapter 14](#). Freedom of Information Act
    - § [1-210](#)(b)(14).
  - [Chapter 93](#). Registrars of Vital Statistics
    - § 7-42. Duties of Registrar of Vital Statistics
    - § 7-44. When authenticated copies of certificates to be transmitted to other towns. Use of electronic vital records system
    - § 7-45. Preparation of certificates
    - § 7-48. Birth certificates: Filing requirements
    - § 7-48a. Filing of original certificate of birth.
      - Gestational agreement: Replacement certificate of birth
    - § 7-49. Failure to file birth certificate
    - § 7-50. Restrictions on content of birth certificates.
      - Exceptions. Filing of acknowledgments of adjudications of paternity. Removal or

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

changing of paternity information. Access to copies restricted.

§ 7-51. Access to and examination and issuance of certified copies of birth and fetal death records or certificates restricted. Access to and disclosure of confidential information restricted.

§ 7-51a. Copies of vital records. Access.

§ 7-52. Certification of birth registration

§ 7-53. Birth certificates of adopted persons born in this state.

§ 7-53a. Reports re issuance of original birth certificates to adopted persons and certain other persons and filing of contact preference and health history forms. Section 7-53a is repealed, effective July 1, 2021. (Repealed by [P.A. 21-21](#), sec. 4)

§ 7-54. Certification of birth registration or certificate of foreign birth for person born outside of the country and adopted by state resident

§ 7-55. Certification of birth to have force and effect of original

§ 7-57. Delayed registration of births

§ 7-58. Record of birth of child born outside United States

§ 7-59. Report of foundling

[Chapter 803](#). Termination of Parental Rights and Adoption  
[Part IV](#). Availability And Confidentiality of Adoption  
Records

§ 45a-743. Definitions

§ 45a-744. Legislative policy

§ 45a-745. Adoption record

§ 45a-746. Information available to adoptive parents and adult adopted or adoptable person

§ 45a-747. Information regarding adoption completed before October 1, 1977

§ 45a-748. Agency or department to make effort to obtain information

§ 45a-749. Request for information

§ 45a-750. Identifying information

§ 45a-751. Release of identifying information by child-placing agency or department

§ 45a-751a. Conditions re release of information. Counseling

§ 45a-751b. Disclosure of identifying information. Consent required. Exception.

§ 45a-751c. Order directing issuance of uncertified copy of original birth certificate.

§ 45a-753. Obtaining consent of person whose identity is requested. Petition to court

- § 45a-754. Records related to termination of parental rights, removal of parent as guardian, appointment of statutory parent, adoption matters, temporary guardianship and emancipation of minors. Confidentiality. Exceptions.
- § 45a-755. Registries. Filing of registration
- § 45a-756. Agreement to release identifying information. Notification. Fee
- § 45a-757. Records maintained on a permanent basis

PUBLIC ACTS:

- [Public Act No. 21-21](#). *An Act Concerning Access to Original Birth Certificates by Adult Adopted Persons*. (Effective July 1, 2021).  
[Summary for P.A. 21-21](#): "This act expands access to birth certificates for adopted persons age 18 and older and their adult children or adult grandchildren by allowing them to **obtain an uncertified copy of the adoptee's original birth certificate** upon request, regardless of when the adoption occurred. Prior law provided this access only for adoptions finalized on or after October 1, 1983. For adoptions before that date, prior law allowed access to the original certificate by these individuals only through a court order. If the birth parents were alive, the court could issue the order only with their consent or, in certain circumstances, the consent of a legal representative or guardian ad litem (GAL)." **Office of Legislative Research, CT General Assembly, Summary of 2021 Public Acts**
- [Public Act No. 14-133](#). *An Act Concerning Access To Birth Certificates And Parental Health Information For Adopted Persons*. (Effective July 1, 2015).

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- Katherine G. Dwyer, [Gestational Agreements](#), Connecticut General Assembly, Office of Legislative Research Report, 2014-R-0074 (March 10, 2014).  
**"Has the legal status of parties to gestational agreements in Connecticut changed since 1999?"**
- James Orlando, [Summary of HB 5144](#) (2014), (An Act Concerning Access to Birth Certificates and Parental Health Information for Adopted Persons, P.A. 14-133), 2014-R-0070, (February 21, 2014).
- Kristin Sullivan, [Access to Information in Birth Certificates](#). Office of Legislative Research Report, 2014-R-0030 (January 31, 2014).  
**"Who has access under state law to information in birth certificates less than 100 years old? How would a public agency that does not currently have access gain it?"**

- Lawrence K. Furbish, [Access to Information Identifying the Biological Parents of Adult Adoptees](#), Connecticut General Assembly, Office of Legislative Research Report, 98-R-0436 (October 7, 2003).
- [Sealed Adoption Records](#), Report of the Connecticut Law Revision Commission to the Judiciary Committee of the Connecticut General Assembly, prepared by David D. Biklen (February 17, 1999).
- [Bibliography](#), Connecticut Legislative Revision Commission (February 17, 1999).

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs.
  - Procedures for Creating and Indexing Confidential Adoption Records for Adopted Persons Born in this State (effective July 19, 2005)
    - § [7-53-1](#). Procedures for creating and indexing confidential adoption records
    - § [7-53-3](#). Procedure with regard to certified copies
  - Child Placing Agency Licensing and Responsibilities (effective February 20, 1997)
    - § [17a-150-83](#). Case records
    - § [17a-150-84](#). Maintenance of confidential records
    - § [17a-150-85](#). Transfer of case records

DEPARTMENT OF CHILDREN AND FAMILIES POLICY MANUAL:

- Chapter 25: Adoption (effective January 2, 2019)
  - [25-1](#). Adoption Overview
    - Records of Adoptions, p. 4
    - Requests for Information, p. 4
    - Information Provided, p. 4
    - Request for Information in Medical Emergencies, p. 5
    - Adoption Reunion Registry, p. 5
    - Medical Information to be Maintained, p. 5
  - [25-2](#). Adoption Subsidies
- [Chapter 48: Adoptions](#) (no longer in effect) (date of saved document in Web Archive is March 11, 2012)
  - Content of Closed Adoption Record § 48-19-4
  - Change of Birth Certificate § 48-19-5
  - Birth Certificate Change By the Department of Public Health and Addiction Services § 48-19-6
  - Change of Baptismal Certificate § 48-19-7

AGENCY WEBSITES:

- [Requesting a Birth Certificate for a Person Who Was Adopted](#), Connecticut State Department of Public Health
- [Adoptive Parent/Child Search](#), 211 of United Way Connecticut

PROBATE COURT RULES:

- Connecticut Probate Court Rules of Procedure (2022)
  - Rule 16. Public Access to Hearings and Records  
[Sec. 16.2\(c\)](#) Statutorily confidential matters in general
  - Rule 40. **Children’s Matters:** General Provisions  
[Sec. 40.22](#) Files and reports of family specialist
  - Rule 72. News Media Coverage  
[Sec. 72.2\(a\)\(14\)](#) News media coverage not permitted -- Adoption

PROBATE COURT USER GUIDE:

- Termination Of Parental Rights And Adoptions (2022)  
[Access to Adoption Records, p. 6](#)

FORMS:

- [Conn. Probate Court Forms PC-607](#). Petition for Order Directing Registrar of Vital Statistics to Issue Original Birth Certificate (Rev. 7/21)

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
  - 123. Adoption records
- **Dowling’s Digest:** *Adoption*

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Santiago G.](#), 318 Conn. 449, 471-472, 121 A.3d 708 (2015). **“Additionally, although Maria G. was in possession of a birth certificate naming her as Santiago’s mother, she ultimately conceded that that birth certificate was fraudulent. As we previously have explained, ‘[a] birth certificate is a vital record that must accurately reflect legal relationships between parents and children—it does not create those relationships.’”**
- [Raftopol v. Ramey](#), 299 Conn. 681, 698, 12 A.3d 783 (2011). **“We conclude that § 7-48a allows an intended parent who is a party to a *valid* gestational agreement to become a parent without first adopting the children, without respect to that intended parent’s genetic relationship to the children. . . . No one should misunderstand this opinion to state that the department, by placing Hargon’s name on the replacement birth certificate, or by refusing to do so, confers or declines to confer parental status on Hargon. In this particular case, that relationship was created by the valid gestational agreement, and that relationship is accurately reflected by naming Hargon as a parent to the children on the replacement birth certificate. A birth certificate is a vital record that must accurately reflect legal relationships between parents and children—it does not create those relationships. General Statutes §§ 19a-40 and 19a-42.”**
- [Martin v. Martin](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, FA93-0530304 (Jun. 6, 1995) (14 Conn. L. Rptr. 467) (1995 WL 357653) (1995 Conn. Super. LEXIS 1697). *Husband’s name put on birth certificate of child*

*born prior to marriage not issue of husband.*

ATTORNEY  
GENERAL  
OPINIONS:

- [Sherry H. v. Probate Court](#), 177 Conn. 93, 411 A.2d 931 (1979). *Inspection of original birth certificate*
- 23 *Op. Atty. Gen.* 336 (March 29, 1944). **"It is therefore my opinion that, in a certificate of birth of an adopted child, ... the ages of the adopting parents shall be given as of the time of the birth of the adopted child."**
- 23 *Op. Atty. Gen.* 444 (October 20, 1944). **"One who is not an adopting parent cannot be included in such certificate. Where a widow adopts a child, the deceased husband of such widow cannot be considered as one of the adopting parents."**

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d* Adoption, Thomson West, 2014 (Also available on Westlaw).  
IX. Access to adoption records  
§§ 196-200.
- 66 *Am. Jur. 2d* Records and Recording Laws, Thomson West, 2021 (Also available on Westlaw).  
I. Records of Public Acts and Writings  
B. Correction and cancellation of public records  
§ 9. Correction or change of public records
- 39A *C.J.S.* Health & Environment, Thomson West, 2014 (Also available on Westlaw).  
I. Health regulation  
C. Particular Subjects of Regulation  
5. Other health and safety regulations  
§§ 69-70. Registration of births and deaths

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).  
Chapter 5. Adoption and Parental Rights  
§ 5: 14. Change of name, birth certificate and other adoption-related records  
§ 5: 17. Confidentiality, access to adoption records
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.  
Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin  
Change of Name; Birth certificate – p. 560  
Confidentiality of Adoption Records – p. 560  
Adoption Searches – p. 560  
**Necessary Documents for Adoptive Child's File – p. 568**
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2023 (Also available on Lexis).

Chapter 64. Adoption Law, Procedure and Practice  
§ 64.23. Birth certificates

- 3 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).  
Chapter 13. The Aftermath of Adoption: Legal and Social Consequences  
§ 13.01. Access to Adoption Records  
  
Appendix 13-A. Procedures for Obtaining Sealed Original Birth Certificate (OBC) and Identifying Information, by State
- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
Chapter 4. Adoption  
IX. Access to adoption records  
§§ 4:48-4:53
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).  
Chapter 6. Adoption of Children and Other Arrangements  
§ 6.14. Access to adoption records by adoptees and biological parents

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Jessica Colin-Greene, Note, *Identity and Personhood: Advocating for the Abolishment of Closed Adoption Records* *Laws* 49 *Connecticut Law Review* 4 (May 2017), pp. 1271-1298.
- Gloria L. Kelly, *Getting to Know You: Disclosure of Information Contained in Sealed Adoption Records Under Connecticut Public Act 87-555*, 5 *Connecticut Probate Law Journal* 81 (1989).
- Michael H. Hanley, *A Reasonable Approach To The Adoptee's Sealed Records Dilemma*, 2 *Ohio Northern University L. Rev.* 542, issue no. 3 (1975).

# Section 13: Adoption and Inheritance

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to right to inheritance of adopted persons including from and through adopting parent and person.

## DEFINITIONS:

- **"The adoptive parent and the adopted person shall have rights of inheritance from and through each other and the biological and adopted relatives of the adoptive parent. The right of inheritance of an adopted person extends to the heirs of such adopted person, and such heirs shall be the same as if such adopted person were the biological child of the adoptive parent."** Conn. Gen. Stat. § [45a-731\(2\)](#) (2023).
- **"The adopted person and the biological children and other adopted children of the adoptive parent shall be treated, unless otherwise provided by statute, as siblings, having rights of inheritance from and through each other. Such rights of inheritance extend to the heirs of such adopted person and of the biological children and other adopted children, and such heirs shall be the same as if each such adopted person were the biological child of the adoptive parent."** Conn. Gen. Stat. § [45a-731\(3\)](#) (2023).
- **"The adopted person shall, except as hereinafter provided, be treated as if such adopted person were the biological child of the adoptive parent for purposes of the applicability of all documents and instruments, whether executed before or after the adoption decree is issued, which do not expressly exclude an adopted person in their operation or effect."** Conn. Gen. Stat. § [45a-731\(4\)](#) (2023).
- Stranger to the adoption doctrine: **"doctrine under which a testator or settlor other than the adopting parent is presumed not to intend to share his bounty with adopted child."** [Schapira v. Connecticut Bank & Trust Co.](#), 204 Conn. 450, 458, 528 A.2d 367 (1987). *Statutorily extinguished by §45-64a [now 45a-731] in 1959 (applicable to wills and trusts instruments subsequent to October 1, 1959).*
- Issue: **"In 1959, the legislature enacted the predecessor to General Statutes § 45-64a (4), which reversed the common law presumption that adopted children are not included in the term 'issue,' but restricted the application of this statute to any will or trust instrument executed after October 1, 1959. 1959 Public Acts, No. 106. The statute provides that in documents executed after that date the word 'issue,' as well as other similar words, 'shall include legally adopted persons unless such document clearly indicates a contrary intention.'" [Connecticut Bank & Trust Co. v. Coffin](#), 212 Conn. 678, 686, 563 A.2d 1323 (1989).**

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
  - Chapter 802a. Wills: Execution and Construction
    - § [45a-257b](#). Failure of testator to provide for children born or adopted after execution of will
  - Chapter 803. Termination of Parental Rights and Adoption
    - § [45a-731](#). Effects of final decree of adoption. Surviving rights
    - § [45a-734](#). Adoption of adults. Inheritance

## PUBLIC ACTS:

- Public Act [No. 14-104](#). *An Act Concerning Probate Courts.*

## DIGESTS:

- West Key Numbers: 17 *Adoption*
  - VI. Operation and Effect of Adoption
    - 342. Status and rights of adopted person
    - 345. Parental rights, duties, and liabilities

- **Dowling's Digest:** *Adoption*

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Eder's Appeal From Prob.](#), 177 Conn. App. 163, 174–75, 171 A.3d 506, 512–13 (2017). **"The court cited and analyzed numerous cases from other jurisdictions involving trust or will contests involving the adoption of adults. 'Adult adoptions in estates and trusts cases have been rife with controversy. This controversy has led to three lines of cases among the jurisdictions in deciding the effect of an adult adoption on the construction of a testamentary instrument. The oldest line presumes all adult adoptees to be included in class gifts to children. A second line presumes all adult adoptees to be excluded from class gifts to children. A third line takes the middle ground by allowing exceptions to presumptive inclusion or exclusion depending on particular circumstances.'** [Davis v. Neilson](#), 871 S.W.2d 35, 38 (Mo. App. W.D. 1993).

In resolving the appeal, the court adopted what it called the commonsense test articulated in [Davis](#). '[C]ommon sense tells us that a donor would normally expect anyone partaking of his bounty to be a true family member and not just some willing adult adopted for the purpose of reducing or defeating a gift-over to others.... Common sense tells us that [the testator], by inserting adopted children in the class described as [the settlor's] issue, intended to include only individuals with some familial bond to her family—individuals to whom [the settlor] felt a familial bond of love and duty, such as adult stepchildren.'"

- [Dansker v. Whittaker](#), Superior Court, Judicial District of New Haven at Meriden, No. CV13-6006086-S (May 22, 2015) (60 Conn. L. Rptr. 412) (2015 WL 3686636) (2015 Conn. Super. LEXIS 1254). **"The Probate Court held that as a result of that adoption the plaintiff could not prevail upon her claim for a share of Whittaker's estate because General Statute § 45a-**

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731(6) provides in pertinent part that no 'adopted person have any rights of inheritance from or through the biological parent ...'. The Probate Court also stated that the plaintiff was trying to assert claims that, if they existed at all, belonged to her biological parent, Whittaker and not to her."

- [Riether v. Perrotti](#), Superior Court, Judicial District of New Haven at New Haven, No. CV10-6010980 (Jan. 24, 2011) (51 Conn. L. Rptr. 279) (2011 WL 522890) (2011 Conn. Super. LEXIS 121). "Though there are no Connecticut cases directly addressing aggrievement in the context of an appeal to an adult adoption, Connecticut law does not consider the expectancy of an inheritance to be a legally protected interest to establish standing. 'The mere possibility of future inheritance cannot support an appeal by one who is not otherwise directly aggrieved ... The allowance of such appeals, which would invite actions based on speculation rather than on actual fact, would be directly contrary to the principle that an appellant must have a real interest in the matter in controversy.' (Citations omitted.) [Maloney v. Taplin](#), 154 Conn. 247, 250-51, 224 A.2d 731 (1966) (nephew and former ward lacked standing as a potential heir to challenge the appointment of conservator for aunt's estate)."
- [Connecticut Bank & Trust Co. v. Coffin](#), 212 Conn. 678, 693, 563 A.2d 1323 (1989). "In [Stamford Trust Co. v. Lockwood](#), 98 Conn. 337, 119 A. 218 (1922), this court held that a child who had been adopted out of the family of her deceased natural father, the son of a life tenant of a testamentary trust established by the child's great grandfather, could not participate in a distribution of the remainder of the trust as one of the 'lawful issue' of her grandfather, the life tenant, because she had no vested interest in the remainder at the time of her adoption and had ceased to be the child of her natural father by virtue of a statutory predecessor of § 45-64a(6) providing that an adopted child 'shall not inherit estate from its natural parents or their relatives.' General Statutes (1918 Rev.) § 4879. The present case may be distinguished on the ground that the interest of Kathryn Blaire Greenhalgh as one of the income beneficiaries of the trust vested upon her birth. To the extent that the opinion in [Stamford Trust Co.](#) may have relied upon a statute plainly applicable only to intestate distributions in construing the term 'lawful issue' not to include an adopted-out child, however, it is overruled."
- [Rauhut v. Short](#), 26 Conn. Supp. 55, 212 A.2d 827 (1965).
- [Killen v. Klebanoff](#), 17 Conn. Supp. 223, (1951 WL 1169) (1951).
- 24 *Op. Atty. Gen.* 380 (Sept. 18, 1946). Interlocutory decree – 1. Permission for medical operation; 2. Inheritance; 3. Removal by natural parents of child from adoptive parents

A.G. OPINIONS:

## ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 2 *Am. Jur. 2d Adoption*, Thomson West, 2014 (Also available on Westlaw).
  - VIII. Effect of adoption upon individuals' status, rights, duties, and obligations
    - B. Inheritance; other means of disposing of property§§ 174-195.
- 2 *C.J.S. Adoption of Persons*, Thomson West, 2023 (Also available on Westlaw).
  - X. Effect of adoption
    - B. Inheritance§§ 146-160.
- 94 *COA2d 385, Cause of Action to Probate Will Presumptively Revoked or Altered as Result of Marriage, Divorce, Birth, or Adoption*, by Theodore Z. Wyman, J.D., Thomson West, 2020 (Also on Westlaw).
- 68 *POF3d 93, Determination of Heirship*, by Thomas R. Kellogg, J.D., Thomson West, 2002 (Also on Westlaw).
  - §§ 10. Adoption
- 18 *Am. Jur. POF 2d 531, Equitable Adoption*, by George A. Locke, J.D., Thomson West, 1979 (Also available on Westlaw).

## TEXTS & TREATISES:

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- *Incapacity, Powers Of Attorney and Adoption in Connecticut*, 4th, by Ralph H. Folsom et al., Thomson West, 2023 (Also available on Westlaw).
  - Chapter 5. Adoption and Parental Rights
    - § 5: 15. Legal consequences of adoptions
- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., Lewis K. Parker, ed., LawFirst Publishing, 2008.
  - Chapter 22. Adoption: Law and Practice by Hon. Dianne E. Yamin
    - Legal Impact and Consequences of Adoption – p. 565
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis (Also available on Lexis).
  - Chapter 9. Adoption
    - Part III: Navigating the Adoption Process
      - § 9.11 Determining the Legal Effect of Adoption
- 20 *Connecticut Practice Series, Connecticut Elder Law*, by Kate McEvoy, Thomson West, 2023 ed. (Also available on Westlaw).
  - Chapter 4. Execution and Construction of Basic Wills
    - § 4: 10. Failure to make provision for children born or adopted after execution
- 1 *Legal Rights Of Children*, 3d edition, by Thomas R. Young, Thomson West, 2022-2023 ed. (Also available on Westlaw).
  - Chapter 6. Adoption of Children and Other Arrangements

### § 6.5. Adopted child's right to inherit

- 3 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).

Chapter 12. The aftermath of adoption: The economic consequences – Support, inheritances and taxes  
Appendix 12-A. State table of intestate inheritance rights  
Appendix 12-B. State table of testamentary inheritance rights

- *Understanding Family Law*, 4th edition, by John Dewitt Gregory et al, Matthew Bender, 2013.  
Chapter 6. Adoption  
§ 6.01[K]. Effects of Adoption

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Sarah Ratliff, [Adult Adoption: Intestate Succession and Class Gifts Under the Uniform Probate Code](#), 105 *Northwestern University Law Review* 1777 (2011).
- William H Wood, Jr. et al, *Treatment Of Adopted Individuals Under Laws Of Descent And Distribution In Connecticut*, 14 *Connecticut Family Law Journal* 1 (1995) or 9 *Connecticut Probate Law Journal* 211 (1995).

# Section 14: Wrongful Adoption

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the tort of wrongful adoption.

SEE ALSO:

- [Conception and Birth in Connecticut](#)  
Section 3: Wrongful Birth or Life

DEFINITIONS:

- Wrongful adoption: “. . . **fraudulent concealment by intermediaries** (adoption agencies . . .) of material facts about a child or her biological family—usually a hereditary physical or mental condition—which, if disclosed to the prospective adoptive parents, would have resulted **in the adoption not taking place.**” [Juman v. Louise Wise Services](#), 608 N.Y.S.2d 612, 614-615 (1994).

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Mallete v. Children’s Friend and Service](#), 661 A.2d 67, 68 (R.I. 1995). “**According to the Mallettes' amended complaint, at this time employees of CFS negligently misrepresented and omitted material information concerning Christopher's medical and family history.**”

“**Unfortunately, courts and commentators have injected some confusion into this area by employing the term ‘tort of wrongful adoption’ to encompass a variety of distinct common law causes of action. See, e.g., Juman v. Louise Wise Services**, 211 A.D.2d 446, 620 N.Y.S.2d 371 (1995) (fraud and misrepresentation) ; Note, *When Love Is Not Enough: Toward a Unified Wrongful Adoption Tort*, 105 Harv. L. Rev. 1761, 1762 (1992) (negligent or intentional misrepresentation). Recently courts have begun to discard the term, realizing that the question of whether to **recognize causes of action for ‘wrongful adoption’** simply requires the straightforward application and extension of well-recognized common-law actions, such as negligence and fraud, to the adoption context and not the creation of new torts. See [Roe v. Catholic Charities of the Diocese of Springfield](#), 225 Ill. App. 3d 519, 167 Ill. Dec. 718, 716, 588 N.E.2d 354, 357, *appeal denied*, [146 Ill.2d 651](#), [176 Ill.Dec. 821](#), [602 N.E.2d 475 \(1992\)](#). ([r]ecognition of this cause of action is not a dramatic, radical departure from the well-established common law \* \* \* [i]t is rather an extension of the doctrine of the **common law fraud’**); [Gibbs v. Ernst](#), 538 Pa. 193, 647 A.2d 882, **886 (1994)** (‘causes of action for wrongful adoption are no more than an extension of common law principles to the adoption setting’).” (p. 69)

“**With these elements in mind, the narrow issue confronting this court, which is one of first impression, becomes whether to recognize the tort of negligent misrepresentation in the adoption context.**” (p. 70)

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

**"In the adoption context, several of our sister states have specifically imposed a duty to use due care on adoption agencies when they begin *volunteering* information to potential adopting parents. See, e.g., [M.H. v. Caritas Family Services](#), 488 N.W.2d 282, 288 (Minn. 1992) (adoption agencies have **duty to use due care** 'when they undertake to disclose information about a child's genetic parents and medical **history**'); [Gibbs](#), 538 Pa. at 216, 647 A.2d at 893 (an 'adoption agency has assumed the duty to tell the truth when it volunteers information to prospective parents'); [Meracle v. Children's Service Society of Wisconsin](#), 149 Wis.2d 19, 32, 437 N.W.2d 532, 537 (1989) (adoption agencies are under no duty to disclose health information, but once they voluntarily undertake to supply such information, a duty to use due care arises). We note that the imposition of a duty in these cases appears predicated not on the varying disclosure statutes of the particular jurisdiction but rather on the adoption agencies' *voluntary* dissemination of health information concerning the **child to potential adopting parents.**" (p. 70)**

"We note that among the courts that have been faced with similar factual situations there is a split on the question of whether to extend the common-law tort of negligent misrepresentation to the adoption context." (p. 71)

**"We are in complete agreement with these cases** in holding that public policy does not preclude the Mallettes from maintaining a claim for negligent misrepresentation against CFS. In fact **recognition of such a tort would promote public policy.**" (p. 72)

**"We are of the opinion that in order to avoid liability,** an adoption agency needs simply to refrain from making representations, or if it does begin making representations it must do so in a nonnegligent manner. See [Gibbs](#), 538 Pa. at 211, 647 A.2d at 891 ('agencies may refrain from making any **representations at all**'); [Meracle](#), 149 Wis.2d at 32, 437 N.W.2d at 537 (agencies have no preexisting duty to disclose health information). We caution that our opinion in no way renders adoption agencies guarantors or insurers of a child's future health. *Id.* To guard against such a result, we note that traditional principles of negligence require that the child's condition be reasonably predictable at the time of the adoption. [Gibbs](#), 538 Pa. at 213-15, 647 A.2d at 892 (citing [Richard P. v. Vista Del Mar Child Care Service](#), 106 Cal. App.3d 860, 867, 165 Cal. Rptr. 370, 373 (1980))." (p. 73)

- [Juman v. Louise Wise Services](#), 608 N.Y.S.2d 612 (1994), *aff'd* 620 N.Y.S.2d 371 (1995). *Includes history of wrongful adoption.*
- [Roe v. Catholic Charities of the Diocese of Springfield, Illinois](#), 588 N.E.2d 354, 356 (1992). "The adoptive parents brought suit based on fraud, breach of contract and negligence."

- [Meracle v. Children's Service Society of Wisconsin](#), 149 Wis.2d 19, 437 N.W.2d 532, 533 (1989). "We conclude that the Meracles' claim for future, extraordinary medical expenses is not barred by either the statute of limitations or by public policy. We also hold, however, that the Meracles' claim for emotional distress must be dismissed because the alleged emotional distress was **not manifested by physical injury.**"
- [Michael J. v. County of Los Angeles, Department of Adoptions](#), 201 Cal.App.3d 859, 875, 247 Cal. Rptr. 504 (1988). "By recognizing an action for intentional misrepresentation or fraudulent concealment, we are not imposing on the agency a duty to predict the future health of a prospective adoptee. However, there must be a good faith full disclosure of material facts concerning existing or past conditions of the child's health. (8b) If the adoptive parents had been informed of the doctor's refusal to make a prognosis they would have been placed on notice, allowing a consideration of the significance of such refusal and an independent inquiry into the matter. The County was not without the means of resources with which to competently investigate the total medical condition of an obviously blemished child. (7c) Public policy cannot extend to condone concealment or intentional misrepresentation which misleads prospective adoptive parents about the unusual calamity they are assuming. The adoption of a child is an act of compassion, love and humanitarian concern where the adoptive parent voluntarily assumes enormous legal, moral, social and financial obligations. Accordingly, a trustworthy process benefits society, as well as the child and parent. As keepers of the conscience of the community, we cannot countenance conduct which would allow persons who desire entrance into the emotional realm of parenting to be unprotected from schemes or tactics designed to discharge societal burdens onto the unsuspecting or unwary. As trustees of the child's destiny the agency was obligated to act with morals greater than those found in a purveyor's common marketplace."

DIGESTS:

- West Key Numbers: 17 *Adoption*
  - I. In General
    - 130. Wrongful adoption
    - 131. Offenses and prosecutions
  - 184 *Fraud*
    - 16. Fraudulent Concealment
    - 28. Fraud in particular transactions of for particular purposes
    - 58(2). Falsity of representations and knowledge thereof
      - (4). Reliance on representations and inducement to act
- Dowling's Digest: *Adoption*

ENCYCLOPEDIAS:

- 2 *Am. Jur. 2d Adoption*, 2014, Thomson West, (Also available on Westlaw).

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

## TEXTS & TREATISES:

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References to online databases refer to in-library use of these databases.

### VII. Proceeding for Adoption

#### G. Decree, Order, and Judgment

##### 3. Equitable relief, annulment, or wrongful adoption §§ 151-160.

- 2 *C.J.S. Adoption of Persons*, Thomson West 2023 (Also available on Westlaw).
  - I. In General
    - C. Adoption or Placement Agencies
      - § 13. In general. Adoption or Placement Agencies. Liability of agency; wrongful adoption
- 74 *ALR5th* 1, Annotation, "**Wrongful Adoption**" *Causes of Action Against Adoption Agencies Where Children Have or Develop Mental or Physical Problems That are Misrepresented or Not Disclosed to Adoptive Parents*, by Harriet Dinegar Milks, J.D., Thomson West, 1999 (Also available on Westlaw).
- 18 *ALR5th* 892, Annotation, *Attorney Malpractice In Connection With Services Related To Adoption Of Children*, by Damian Edward Okasinski, J.D., M.S., M.B.A., Thomson West, 1994 (Also available on Westlaw).
- 8 *ALR5th* 860, Annotation, *Liability Of Public Or Private Agency Or Its Employees To Prospective Adoptive Parents In Contract Or Tort For Failure To Complete Arrangement For Adoption*, by Kathleen M. Door, J.D., Thomson West, 1992 (Also available on Westlaw).
- 3 *Adoption Law And Practice*, by Joan H. Hollinger et al., editor, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 16. Liability of Adoption Agencies and Attorneys for Misconduct in the Disclosure of Health-Related Information
    - § 16.02. What Conduct is Actionable
    - § 16.03. A Closer Look at Theories of Liability: Possibilities and Pitfalls
    - § 16.04. Suits Against Governmental Defendants: Additional Claims and Defenses
    - § 16.05. Damages
    - § 16.06. Disciplinary Proceedings and Other Sanctions
    - § 16.07. Precautionary Measures to Minimize Risk of Liability
    - § 16.08. Bibliography
- 27 *Personal Injury: Actions, Defenses and Damages*, by Louis R. Frumer and Melvin I. Friedman, Matthew Bender, 2023 (Also available on Lexis).
  - Chapter 148. Wrongful Adoption: Liability for Misconduct in Disclosure of Health-Related Information
    - § 148.01 Development of Attitudes on Disclosure of Adopted Child's Health-Related Information
    - § 148.02 Action Based on Intentional Conduct

§ 148.03 Action Based on Negligent Conduct  
 § 148.04 Action Based on Undisclosed Impairment Without Agency Misconduct  
 § 148.05 Action for Fraud, Deceit, and Intentional Misrepresentation  
 § 148.06 Action for Negligence and Negligent Misrepresentation  
 § 148.07 Action for Intentional Infliction of Emotional Distress  
 § 148.08 Action for Negligent Infliction of Emotional Distress  
 § 148.09 Action for Professional Malpractice  
 § 148.10 Defenses  
 § 148.11 Damages  
 § 148.12 Practice Considerations and Checklists  
 § 148.13 Forms—Causes of Action

- 1 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2023 (Also available on Westlaw).  
 Chapter 4. Adoption  
 XI. Wrongful Adoption  
 §§ 4:57-4:65.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Malinda L. Seymore, [Adopting Civil Damages: Wrongful Family Separation in Adoption](#), 76 *Washington and Lee Law Review* 895 (Spring 2019).
- Charoletta J. Ransom, *Wrongful Adoption*, 20 *Journal of Juvenile Law* 245 (1999).
- Amanda Trefethen, *The Emerging Tort of Wrongful Adoption*, 11 *J. Contemp. Legal Issues* 620 (April 1999).
- Marianne Blair, [Getting the Whole Truth and Nothing But the Truth: The Limits of Liability for Wrongful Adoption](#), 67 *Notre Dame L. Rev.* 851 (1992).
- Notes, *When Love is Not Enough: Toward a Unified Wrongful Adoption Tort*, 105 *Harvard Law Review* 1761-1779 (May 1992).
- Mary E. Schwartz, Notes, [Fraud in the Nursery: Is the Wrongful Adoption Remedy Enough?](#) 26 *Valparaiso University Law Review* 807 (Summer 1992).
- Janet Hopkins Dickson, Comments, *Emerging Rights of Adoptive Parents: Substance or Specter?* 38 *UCLA Law Review* 917 (April 1991).
- Susan Kempf LeMay, *The Emergence Of Wrongful Adoption As A Cause Of Action*, 27 *Journal of Family Law* 475 (Feb. 1989).