



STATE STATUTES
CURRENT THROUGH AUGUST 2020

Home Study Requirements for Prospective Parents in Domestic Adoption

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

Laws and policies for approving prospective adoptive homes vary considerably from State to State. In all cases, the process involves conducting an assessment or home study of the prospective adoptive parent or parents. The home study process serves many purposes, including educating and preparing the prospective parents for parenting an adopted child, gathering information about the family in order to better match the parent and child, and evaluating the fitness of the adoptive family.



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This publication summarizes the laws and policies regarding home study requirements for all 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands.¹

WHO MUST BE INCLUDED IN THE HOME STUDY

In all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, all applicants for adoption, whether single or couples adopting jointly, must be included in the adoption home study. In approximately 22 States, any adult member of the household also must be evaluated.² In 21 States, the District of Columbia, and Guam, all household members, regardless of age, must be included in the study.³

AGENCY OR PERSON CONDUCTING THE STUDY

State laws and regulations specify the person or entity who can conduct a home study that will be accepted by the court that will hear the adoption petition. In most States, the department or licensed child-placing agency may be that entity. In 12 States, a licensed social worker may conduct home

studies.⁴ In five States, a licensed psychologist or therapist may conduct the study.⁵ In 10 States and the Northern Mariana Islands, a person designated by the court may conduct studies.⁶ In seven States, an agency or individual licensed or qualified by the department may complete the assessment of the prospective adoptive home.⁷ In New Mexico and Wisconsin, when a person seeks to adopt an Indian child, the home study may be conducted by an agent designated by the child's Tribe.

QUALIFICATIONS FOR ADOPTIVE PARENTS

In general, any adult, whether single or married, may apply to adopt a child. Two States require married couples to have been married for a minimum length of time.⁸ In four States, couples who are cohabiting but not legally married to one another are not allowed to adopt.⁹

Prospective adoptive parents must be in good health and have adequate income to meet the needs of the child(ren) placed in their family. Home ownership is not required, but a history of stable residency in a home that can accommodate, comfortably and safely, all family members, including the adopted

¹ The adoption of a Native American child is subject to the Federal Indian Child Welfare Act and the laws and customs of the child's Tribe, which is beyond the scope of this publication.

² The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through August 2020. The States that require all adult members to be included in home studies are Arizona, California, Colorado, Florida, Hawaii, Illinois, Indiana, Maine, Massachusetts, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Utah, Washington, West Virginia, and Wisconsin.

³ Arkansas, Connecticut, Delaware, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, New Hampshire, New Mexico, Ohio, Rhode Island, South Carolina, South Dakota, Texas, Vermont, and Virginia

⁴ Alabama, Kansas, Massachusetts, Missouri, Montana, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Utah, and Virginia

⁵ Kansas, Missouri, Ohio, Texas, and Utah

⁶ Alaska, Arizona, Illinois, Kansas, New York, Ohio, Texas, Utah, Vermont, and Washington

⁷ Alabama, Florida, Illinois, Iowa, New Mexico, North Carolina, and Vermont

⁸ Alabama (3 years) and New York (1 year)

⁹ Arkansas, Mississippi, Nevada, and Utah

child, is needed. In 18 States, the prospective parents must have completed any family preparation training or orientation offered by the department.¹⁰

No applicant can be excluded from consideration for an adoptive placement based on sex, race, national origin, or religion. Colorado and Kentucky require that all applicants be lawfully present in the United States, and Alabama requires that an applicant, or one member of a married couple, be a U.S. citizen. In 10 States, applicants must be residents.¹¹

ELEMENTS OF A HOME STUDY

The goal of the adoption home study is to assess whether the prospective adoptive parents have the ability to make a lifelong commitment to providing a nurturing home to the adopted child or children. If the parents have identified a particular child for adoption, the study will determine the parents' ability to meet the specific needs of that child.

The person conducting the study will interview the applicants and all family members, including any children, to assess the applicants' parenting abilities, their attitudes toward adoption, and other social and personal characteristics. Personal references are contacted for further information. Some States require that at least some of the references be unrelated to the

applicants. Onsite home visits are conducted to determine whether the home is safe, can accommodate all family members, including the adopted child(ren), and is in conformity with local building codes. To ensure the adoptive parents are healthy enough to provide appropriate care, 26 States, the District of Columbia, and Guam require the submission of the results of recent health examinations.¹² Checks of criminal records and child abuse and neglect records also are included in the study.¹³ Nine States require checks of the sex offender registry.¹⁴

GROUNDINGS FOR WITHHOLDING APPROVAL

An adoption home study will be given an unfavorable recommendation if the applicant or a member of the applicant's household has been convicted of any crime that would put a child at risk of harm. Specific crimes that are barriers to approval include criminal child abuse and neglect; domestic violence; crimes against a child, including child pornography; and crimes of violence, including rape, sexual assault, and homicide. In Louisiana, Maryland, and Texas, an applicant who has been convicted of human trafficking will be disqualified. Any convictions for physical assault or battery or drug-related crimes committed within the past 5 years also may lead to an unfavorable recommendation.

¹⁰ Alabama, Alaska, Arkansas, Florida, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, Ohio, Oregon, South Carolina, Utah, Virginia, West Virginia, and Wisconsin

¹¹ Delaware, Georgia (unless the placement is made through the Interstate Compact on the Placement of Children), Idaho (6 months), Illinois (6 months), Indiana (unless the child has special needs), Kentucky (12 months), Mississippi, South Dakota, Tennessee (6 months), Wyoming (60 days)

¹² Alabama, Arizona, Arkansas, California, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wyoming

¹³ For more information about requirements for background checks, see Information Gateway's [Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers](#).

¹⁴ Alaska, Illinois, Indiana, Iowa, New Mexico, Ohio, Oklahoma, Texas, and Virginia

An applicant also may be denied approval if a central registry check reveals that he or she or a household member has a record of substantiated child abuse or neglect. Other grounds for withholding approval include the following:

- The applicant's income and/or financial skills are inadequate to provide for the family.
- The applicant's home is found to be unsafe or inadequate to provide for the needs of the family with the addition of an adoptive child.
- The applicant suffers from a physical or behavioral health condition that would interfere with providing appropriate care for children.
- The applicant falsifies or omits information on his or her adoption application.

WHEN STUDIES MUST BE COMPLETED

The preplacement home study must be completed and receive a favorable recommendation before an adoptive child may be placed in the prospective adoptive parents' home. If a placement is not made within a certain amount of time, most States will require an update to a home study to verify that the applicant remains suitable to adopt.¹⁵ The home study update may include updated medical reports, criminal records

checks, and central registry checks, as well as at least one interview with the applicants.¹⁶

POSTPLACEMENT STUDY REQUIREMENTS

In most States, the placement of a child with an adoptive family will be supervised by a caseworker from the department or child-placing agency until the adoption is finalized by the court.¹⁷ During this period of supervision, the adoption professional will make regular visits to the home and interview all family members in an effort to determine the level of integration and adjustment of the adoptive child to his or her new family. Based on his or her observations, the caseworker also may recommend services to assist the family in meeting the specific needs of the adopted child.

The observations made during the supervisory visits are recorded in the family's case record, and in five States, regular progress reports on the family's adjustment are submitted to the court.¹⁸ The caseworker also will document any changes in family circumstances that may affect the child. Laws in 21 States require an investigation and report be made to the court of the progress of the family during the postplacement period.¹⁹ In 19 States, a report and recommendation on the suitability of the adoption are required.²⁰

¹⁵ In Texas, the preplacement study must have been completed within 6 months of the child's placement. Annual updates are required by Alaska, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, the District of Columbia, and Puerto Rico. Studies are valid for 18 months in Arizona, Massachusetts, North Carolina, and Virginia; for 2 years in Alabama, North Dakota, and Ohio; and for 3 years in South Dakota.

¹⁶ A central registry is a database of child abuse and neglect investigation records that are typically used to aid social services agencies in the investigation, treatment, and prevention of child maltreatment cases and to maintain statistical information for staffing and funding purposes. Central registry records also are used to screen persons who will be entrusted with the care of children.

¹⁷ Arizona, Connecticut, American Samoa, the Northern Mariana Islands, and the Virgin Islands have no specific provisions for postplacement supervision.

¹⁸ Idaho, Michigan, Mississippi, Missouri, and Tennessee

¹⁹ Alabama, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, and Washington

²⁰ Iowa, Kansas, Kentucky, Louisiana, Minnesota, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Texas, Vermont, Virginia, and Washington

EXCEPTIONS FOR STEPPARENT OR RELATIVE ADOPTIONS

The requirements for stepparent adoptions vary from State to State. Minnesota requires a full background study of the adopting parent. Wisconsin offers abbreviated home studies for the adopting stepparent. In 16 States and the District of Columbia, preplacement home studies are not required at all unless an assessment is ordered by the court.²¹ In 10 States and the District of Columbia, checks of the person's criminal history background and child abuse and neglect records must be completed.²² In 18 States and American Samoa, the postplacement investigation and report are not required unless ordered by the court.²³ Five States waive the requirement for postplacement supervision.²⁴

For adoption by a relative, Minnesota requires a full background study, while California and Maryland offer an abbreviated study. In 13 States, a preplacement home study is not required unless ordered by the court.²⁵ Nine States require criminal background and central registry checks.²⁶ In 17 States, a postplacement investigation and report may be waived by the court.²⁷ In four States, postplacement supervision is not required.²⁸

REQUIREMENTS FOR INTERJURISDICTIONAL PLACEMENTS

In all States, when a child is to be placed for adoption in a home outside his or her home State, that placement is subject to the provisions of the Interstate Compact on the Placement of Children. The State where the child is to be placed (receiving State) must conduct the home study on behalf of the State that is placing the child (sending State). The court of the sending State must accept the home study completed by the receiving State and determine whether the proposed adoption is in the child's best interests.

FOSTER TO ADOPT PLACEMENTS

Laws and policies in 34 States and Guam provide procedures for a foster parent to adopt when his or her foster child becomes legally free for adoption.²⁹ In six States, the foster parent is the preferred placement if he or she qualifies and there are no relatives seeking to adopt the child.³⁰ Thirteen States require that the child must have resided with the foster parents for a period of time before the foster parents can be considered for adoptive placement.³¹ Once they have applied

²¹ Arizona, Colorado, Connecticut, Idaho, Kentucky, Montana, Nebraska, New Hampshire, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, and Washington

²² Arizona, Iowa, Louisiana, Missouri, Nebraska, New Jersey, New Mexico, Utah, Vermont, and Wisconsin

²³ Alabama, Alaska, Florida, Indiana, Iowa, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, and Virginia

²⁴ Delaware, Indiana, Mississippi, Montana, and Ohio

²⁵ Arizona, Colorado, Idaho (grandparent adoptions only), Indiana (grandparent adoptions only), Kentucky, Montana, New Mexico, North Carolina, Oklahoma, Pennsylvania, Tennessee, Utah, and Vermont

²⁶ Arizona, California, Iowa, Louisiana, Maryland, Massachusetts, North Dakota, Utah, and Washington

²⁷ Alabama, Alaska, Florida, Illinois, Iowa, Kansas, Maine, Mississippi, Nevada, New Mexico, New York, North Carolina, North Dakota, South Carolina, Tennessee, Utah, and Virginia

²⁸ Delaware, Mississippi, Montana, and Virginia

²⁹ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, and Wisconsin

³⁰ Illinois, Louisiana, Missouri, Oklahoma, South Carolina, and Tennessee

³¹ Arizona (for 6 months), Maryland (12 months), Michigan (12 months), Mississippi (6 months), New Jersey (15 months), New York (12 months), Ohio (6 months), Oregon (12 months), Pennsylvania (6 months), Rhode Island (2 years), South Carolina (6 months), Tennessee (12 months), and Virginia (18 months)

to adopt the child, an abbreviated home study will be conducted to determine the parents' ability to provide a permanent home. The wishes of the foster child regarding the adoption also may be considered.

In three States, foster parents who wish to adopt a child must undergo a full adoption home study and meet all relevant adoption home standards.³² Six States offer a single assessment process for both foster and adoptive parents.³³ Three States have "legal risk" or "foster/adopt" licensure for foster parents.³⁴ This type of placement is used when the child has concurrent permanency plan goals of reunification and adoption. The foster parent, who is fully certified as both a foster and adoptive parent, agrees to work with the birth family toward reunification and is committed to adopting the child if reunification efforts should fail.

FOR MORE INFORMATION

Many States maintain an array of information and resources on the adoption process and home study requirements on the internet. Links to these resources, as well as links to the full text of relevant State agency regulations, are available under the listing for each State or Territory.

³² Florida, Idaho, and Wisconsin

³³ Colorado, Connecticut, Maryland, Mississippi, New Hampshire, and Utah. Agencies in other States may require assessment and training for foster parents seeking to adopt beyond what is mandated in State law and regulation.

³⁴ New Mexico, Oregon, and South Dakota

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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