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2011 Edition

Adoption in Connecticut

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) (2011).
- “Being of purely statutory origin, a legal adoption results if the statutory procedure is followed, but fails if any essential requirement is not complied with.” Appeal of Goshkarian, 110 Conn. 463, 465, 148 A. 379 (1930).
- **Termination of parental rights and adoption:** “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).

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Treated Elsewhere

- [Termination of Parental Rights in Connecticut](#)
- [Guardianship in Connecticut](#)
- [Conception and Birth in Connecticut](#)

These guides are provided with the understanding that they represent only a beginning to research.

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This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar. The online versions are for informational purposes only.

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 where child has been located by prospective adoptive parents see [Sec. 7 Identified Adoptions](#)

DEFINITION: **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, 30-31, 491 A.2d 355 (1985).

Purpose: “The purpose of Connecticut's strict adoption statutes is to protect the welfare of children, specifically by preventing the potential for ‘black market babies.’” [In Re Baby Z.](#), 45 Conn. Sup. 33, 41, 700 A.2d 1065 (1996).

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).

Agency Placement. “An application for adoption of a minor child not related to the adopting parent shall not be accepted by the court of probate unless the child sought to be adopted has been placed by the commissioner of children and families or a child -placing agency, except as provided by section 45a-764 [Adoption Review Board], and the placement for adoption has been approved by the commissioner or a child-placing agency.” CONN. GEN. STATS. § [45a-727\(a\)\(3\)](#) (2011).

- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [Chapter 803.](#) Termination of parental rights and adoption
 - [§ 45a-706.](#) **Rule of construction.** The provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-734, inclusive, 45a-736, 45a-737 and 52-231a shall be liberally construed in the **best interests of any child** for whom a petition has been filed under said sections.(Emphasis added).
 - [§ 45a-724.](#) Who may give children in adoption
 - [§ 45a-724a.](#) Placement for adoption with child-placing agency by Commissioner of Children and Families
 - [§ 45a-725.](#) When children are free for adoption
 - [§ 45a-726a.](#) Considerations of sexual orientation of prospective adoptive or foster parents
 - [§ 45a-726b.](#) Recruitment of minority families not to delay placement of adoptive children
 - [§ 45a-727.](#) Application and agreement of adoption. Investigation,

report, assessment of fees. Hearings and decrees
[§ 45a-727a](#). State policy re best interest of child; public policy re marriage
[§ 45a-727b](#). Endorsement of rights and responsibilities of unmarried persons to child subject to adoption, but not marriage or union of such persons
[§ 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
[§ 46b-1](#)(14). Family relations matters defined. “[A]ppeals 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”

LEGISLATIVE:

- 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.”

LEGISLATIVE HISTORY:

- [2000 Conn. Acts 228](#) (Reg. Sess.). An act concerning the best interest of children in adoption matters. Substitute House Bill no. 5830.
Senate page: 2448-2491
House pages: 4572-4634
Committee: Judiciary: 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:

- 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-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. Consent for placement
 § 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

DCF POLICY MANUAL: • [Chapter 48: Adoptions](#)

FORMS: • [CONN. PROBATE COURT FORMS](#)
[PC-603](#). Application/Adoption
[PC-610](#). Affidavit/ Temporary Custody, Removal, Termination or Adoption
[PC-681](#). Agreement of Adoption

DIGESTS: • WEST KEY NUMBERS: *Adoption*
9. Judicial proceedings
9.1. — In general
10. — Jurisdiction
11. — Petition and parties
12. — Notice
13. — Examination and approval by court
14. — Order or decree
15. — Review
16. Setting aside or revoking adoption

• DOWLING’S DIGEST: *Adoption*

• CONNECTICUT FAMILY LAW CITATIONS: *Adoption*

COURT CASES: • [In re Joshua S.](#), 260 Conn. 182, 200, 794 A.2d 996 (2002). The Ps [testamentary guardians] cite *Bristol v. Brundage*, supra, 24 Conn. App. 402 [,589 A.2d 1 (1991)], in support of their argument that there is a presumption that it is in a child's best interests to allow a named **testamentary guardian** [guardian appointed through will executed in accordance with CONN. GEN. STAT. § 45a-596(a) (2001)] to serve as such, and that this presumption may be rebutted only by demonstrating that this would be detrimental to the child. The Ps claim further that Bristol dictates that detriment is shown only by demonstrating that the testamentary guardians are not fit to serve as such. While we agree with the Ps that this presumption may be rebutted only by showing that it would be detrimental to the child to permit the named testamentary guardian to serve as such, we disagree with their narrow interpretation of how detriment is demonstrated. We conclude, moreover, that the trial court properly determined that the presumption was rebutted." [emphasis added]

• [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. Lead to passage of 2000 Conn. Acts 228 (Reg. Sess.) making such adoptions possible in Connecticut.*

• [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."

- [Bristol v. Brundage](#), 24 Conn. App. 402, 406, 589 A.2d 1 (1991). "We hold that 45a-596 (a) should be interpreted as mandating the appointment of the sole surviving parent's testamentary choice of a guardian because it should be presumed that the best interests of the child are served by that appointment. This presumption, like that of 46b-56b, may be rebutted only by a showing that it would be detrimental to the child to permit the named testamentary guardian to serve as such. Here there was no such showing in the trial court. Unless the presumption is challenged by the introduction of rebuttal evidence, 45a-596 (a) is not one of the sections of the chapter to be construed in terms of the best interests of the minor child. General Statutes 45a-605 (a)."
- [Hao Thi Popp v. Lucas](#), 182 Conn. 545, 551, 438 A.2d 755 (1980). "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." [internal quotation marks and citation omitted.]

ENCYCLOPEDIAS:

- 2 [C.J.S. Adoption of Persons](#) (2003).
 §§ 15-21. Persons who may adopt
 §§ 22-27. Persons who may be adopted
 §§ 77-118. Judicial proceedings
- 2 [AM. JUR. 2D Adoption](#) (2004).
 §§ 15-25. Persons who may adopt
 §§ 26-30. Persons who may be adopted
 §§ 107-162. Proceedings for adoption; Procedure
- Ann K. Wooster, Annotation, *Adoption of Child by Same-Sex Partners*, 61 ALR6th 1 (2011).

TEXTS & TREATISES:

- RALPH H. FOLSOM & GAYLE B. WILHELM, [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
 Chapter 5. Adoption and Parental Rights
 § 5.3. Probate Court jurisdiction over adoptions, interstate compacts
 § 5.4. Who may give minors in adoption
 § 5.5. When minors are free for adoption
 § 5.13. Change of name, birth certificate, and other adoption-related records
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed., 3D ED, 2008).
 Chapter 22. Adoption: Law and Practice
- 1 JOAN H. HOLLINGER ET AL., [ADOPTION LAW AND PRACTICE](#) (2006).
 Chapter 4. Adoption Procedures
 § 4.05. Who may adopt
 § 4.06. Who may be adopted
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
 Chapter 64. Adoption law, procedure and practice
 § 64.07. Who may adopt
 § 64.08. Who may be adopted
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS &](#)

OBLIGATIONS (1995).

Chapter 4. Adoption

§ 4:08. Who may adopt

§ 4:55. Surrogate parents

§§ 4:66. Adoption by lesbian and gay individuals or couples

§§ 4:70-40:71. Minority issues

- 1 DONALD T. KRAMER, LEGAL RIGHTS OF CHILDREN (2d rev.ed. 2005).

Chapter 6. Adoption of Children and Other Arrangements.

§ 6.01. Introduction to adoption

§ 6.02. Persons who may be adopted and who may adopt

§ 6.03. _____. Consideration of race or religion in adoption proceedings.

§ 6.08. Attacks on adoption decrees

- 2 ANN M. HARALAMBIE, HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES (3D ED. 2009).

Chapter 14. Adoption

§ 14.04. Who may adopt

§ 14.05. Who may be adopted

§ 14.19. Transracial adoption

LAW REVIEWS:

- Danielle Rickard, *Second Parent Adoption: An Update On The Most Recent Court Decision*, 24 CHILDREN'S LEGAL RIGHTS JOURNAL 42 (Fall 2004).
- Jennifer E. Croteau, Note, *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).
- C.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 L.J. 875 (1998).
- Elizabeth B. Correspondence, *Private Race Preferences in Family Formation*, 107 YALE L.J. 2351 (1998).
- LEGALTRAC® SUBJECT HEADING: *Adoptive Parents*
Interracial Adoption

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Section 2: Adoption by Stepparents

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to procedures for stepparent adoption in Connecticut
- STATUTES:**
- CONN. GEN. STAT. (2011)
[Chapter 803](#). Termination of parental rights and adoption
[§ 45a-733](#). Procedure on application for adoption by stepparent
- DCF POLICY MANUAL:**
- [Chapter 48: Adoptions](#)
Relative and Stepparent Adoptions §§ 48-21-1- 48-21-10
- FORMS:**
- [CONN. PROBATE COURT FORMS](#)
[PC-603](#). Application/Adoption
[PC-610](#). Affidavit/ Temporary Custody, Removal, Termination or Adoption
[PC-681](#). Agreement of Adoption
- DIGESTS:**
- WEST KEY NUMBER: *Adoption* # 9. Judicial proceedings
 - DOWLING'S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- COURT CASES**
(Connecticut):
- [Remkiewicz v. Remkiewicz](#), 180 Conn. 114, 120, 429 A.2d 1035 (1980).
Stepfather may not obtain parental rights through single expedient of changing stepchild's birth certificate
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
§§ 15-25. Persons who may adopt
§§ 107-162. Proceedings for adoption; Procedure
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
§§ 15-21. Persons who may adopt
§§ 22-27. Persons who may be adopted
- TEXTS & TREATISES:**
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5.4. Who may give minors in adoption
§ 5.11. Procedure on adopting minor by stepparents
 - [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed., 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
Stepparent adoptions - pp. 560-561
 - 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.04[1]. Stepparent adoption

§ 64.25. Sample pleadings and orders

[4]. Stepparent adoption

[a] Petition for adoption

[b] Motion to dispense with investigation

[c] Order to dispense with investigation

[d] Final decree of adoption

- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§ 4:05. Stepparent

LAW REVIEWS:

- Usha Rengachary Smerdon, *Federal Income Tax Consequences Of The Stepparent-Stepchild Relationship*, 1998 WILEY FAMILY LAW UPDATE, Chapter 9 (1998).
- Kareen Labrecque, Note, *Grandparent Visitation After Stepparent Adoption*, 6 CONNECTICUT PROBATE L.J. 61 (1991).

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Section 3: Adoption by Blood Relatives

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to adoption by relative in Connecticut including unmarried father and the child's grandparents.
- DEFINITION:** **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) (2011).
- 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) (2011).
- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [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 of adoption. Investigation, report. Adoptive parents entitled to receive copy and other information re history of child. Assessment of fees. Hearings and decrees.
- DCF POLICY MANUAL:**
- [Chapter 48: Adoptions](#)
Relative and Stepparent Adoptions §§ 48-21-1- 48-21-10
- FORMS:**
- [CONN. PROBATE COURT FORMS](#)
 - [PC-603](#). Application/Adoption
 - [PC-610](#). Affidavit/ Temporary Custody, Removal, Termination or Adoption
 - [PC-681](#). Agreement of Adoption
- CASES:**
- [Mullins v. Oregon](#), 57 F.3d 789 (9th Circuit 1995). *Constitutional rights of grandparents.*
 - [Lehr v. Robertson](#), 463 U.S. 248, 77 Led 2d 614 (1983). *Unwed father.*
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*
 - DOWLING'S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
 - § 24. Persons who may adopt. Other blood relatives
 - § 29. Persons who may be adopted. Blood relatives; natural children
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
 - §§ 15-21. Persons who may adopt
 - §§ 18-24. Persons who may be adopted

TEXTS & TREATISES:

- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5.4. Who may give minors in adoption
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
Relative adoption – p. 561
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.07. Who may adopt
§ 64.08. Who may be adopted
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§ 4:08. Who may adopt
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
Chapter 14. Adoption
§ 14.06. Unmarried fathers
§ 14.07. Unnamed fathers
§ 14.09. Rights of grandparents

LAW REVIEWS:

- Richard Hoffman, Note, *Grudging And Crabbed Approach To Due Process For The Unwed Father*, 16 CONNECTICUT LAW REVIEW 571 (1984).
- Deborah L. Forman, *Unwed Fathers and Adoption: A Theoretical Analysis in Context*, 72 TEXAS LAW REVIEW 967 (1994).

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Table 1: Who May Give a Child in Adoption?

Who May Give a Child in Adoption	
Statutory parent	<p>“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. STATS.. § 45a-724(a)(1) (2011)</p>
Parent and spouse	<p>“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</p> <p>(A) the surviving parent if the other parent has died;</p> <p>(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;</p> <p>(C) a former single person who adopted a child and thereafter married; or</p> <p>(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.” CONN. GEN. STATS. § 45a-724(a)(2)(2011)</p>
Parent and other person who shares parental responsibility	<p>“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.” CONN. GEN. STATS. § 45a-724(a)(3)(2011)</p>
Relative	<p>“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-172a, with further relationship to the child determined through the father.” CONN. GEN. STATS. § 45a-724(a)(4)(2011)</p>

Table 2: Statutory Parent and Adoption

Statutory Parent and Adoption	
Definition	“[T]he Commissioner of Children and Families or the child-placing agency appointed by the court for purpose of giving a minor child or minor children in adoption.” CONN. GEN. STATS. § 45a-707 (7)(2011)
Appointment	CONN. GEN. STATS. §§ 17a-112 , 45a-717 , 45a-718 (2011),
Duties	CONN. GEN. STATS. § 45a-718 (b) (2011)
Removal	CONN. GEN. STATS. § 45-718 (c) (2011)
Resignation	CONN. GEN. STATS.. § 45-718 (c) (2011)

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
- DEFINITION:** “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 to 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.” [Dunham v. Dunham](#), 97 Conn. 440, 442, 117 A. 504 (1922).
- 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. STATS. [§ 45a-724\(a\)\(1\)](#) (2011).
- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [Chapter 803](#). Termination of parental rights and adoption
 - [§ 45a-724](#). Who may give child in adoption
 - [§ 45a-727](#). Application and agreement of adoption.
 - Investigation, report. Adoptive parents entitled to receive copy and other information re history of child. Assessment of fees. Hearings and decrees.
 - [§ 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](#) (2007)
 - §§ 9:20-9:27. Consent to adoption
 - § 9:28. Refusal to consent to adoption-By father or mother
 - § 9:29. Withdrawal of consent to adoption-By father or mother
 - 1 [NICHOLS CYCLOPEDIA OF LEGAL FORMS ANNOTATED](#) (1997)
 - § 1.785. Consent to adoption
 - § 1.787. —Consent by mother
 - § 1.788. —Consent by mother of illegitimate child
 - § 1.789. —Consent of minor
 - § 1.790. —Consent of children’s home or agency
 - § 1.791. —Causes showing authority to give consent

**WEST KEY
NUMBER:
DIGESTS:**

Adoption # 7. Consent of the parties

- DOWLING'S DIGEST: *Adoption*
- CONNECTICUT FAMILY LAW CITATIONS: *Adoption*

COURT CASES :

- Killen v. Klebanoff, 18 Conn. Supp. 177, 180, 87 A.2d 388 (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."
- Bailey v. Mars, 138 Conn. 593, 87 A.2d 388 (1952). *Withdrawal of consent to adopt.*
- Meleski v. Havens, 129 Conn. 238, 27 A.2d 159 (1942). *Fraudulent representation.*

ENCYCLOPEDIAS:

- 2 AM. JUR. 2D *Adoption* (1994).
 - §§ 65-106. Consent to adoption
 - §§ 67-93. Consent of particular person
 - §§ 94-100. Validity of consent; Formal requirements
 - §§ 101-106. Revocation or withdrawal of consent
- 2 C.J.S. *Adoption of Persons* (2003).
 - §§ 49-76. Consent of parties
- Claudia G. Catalano, Annotation, *Natural Parent's Indigence As Precluding Finding That Failure To Support Child Waived Requirement Of Consent To Adoption—Factors Other Than Employment Status*, 84 ALR5th 191 (2000).
- Claudia G. Catalano, Annotation, *Natural Parent's Indigence Resulting From Unemployment Or Underemployment As Precluding Finding That Failure To Support Child Waived Requirement Of Consent To Adoption*, 83 ALR5th 375 (2000).
- Claudia G. Catalano, Annotation, *Comment Note: Natural Parent's Indigence As Precluding Finding That Failure To Support Child Waived Requirement Of Consent To Adoption—General Principles*, 82 ALR5th 443 (2000).
- Ardis L. Campbell, Annotation, *Rights Of Unwed Father To Obstruct Adoption Of His Child By Withholding Consent*, 61 ALR5th 151 (1998).
- Tracy A. Bateman, Annotation, *Validity Of Birth Parent's "Blanket" Consent To Adoption Which Fails To Identify Adoptive Parents*, 15 ALR5th 1 (1993).
- Sara L. Johnson, Annotation, *Required Parties In Adoption Proceedings*, 48 ALR4th 860 (1986).
- *Undue influence in obtaining parent's consent to adoption of child*, 8 POF2D 481 (1976).
- *Revocation Of Consent To Adopt*, 14 COA 817 §1 et seq.
- *Guardian's Arbitrary And Unreasonable Withholding Of Consent To Adoption*, 23 POF2D 163 (1980).
- Gary D. Spivey, Annotation, *Mistake Or Want Of Understanding As Ground For Revocation Of Consent To Adoption Or Of Agreement Releasing Infant To Adoption Placement Agency*, 74 ALR3d 489 (1976).
- Gary D. Spivey, Annotation, *Duress In Obtaining Parent's Consent To Adoption Of Child Or Surrender Of Child To Adopting Agency*, 74 ALR3d 527 (1976).
- Gary D. Spivey, Annotation, *Natural Parent's Right To Withdrawal Of Valid Consent To Adoption Of Child*, 74 ALR3d 421 (1976).
- Jack W. Shaw, Annotation, *What Constitutes Undue Influence In Obtaining A Parent's Consent To Adoption Of Child*, 50 ALR3d 918 (1973).

- Annotation, *Natural Parents' Consent As Essential To Adoption Where Parents Are Divorced*, 47 ALR2d 824 (1956).

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Chapter 5. Adoption and Parental Rights
§ 5.4. Who may give minors in adoption
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed., 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
- 1 JOAN H. HOLLINGER ET AL., [ADOPTION LAW AND PRACTICE](#) (2006).
Chapter 2. Consent to Adoption
§ 2.02. Whose consent is necessary
§ 2.03. Mother of the child
§ 2.04. Father of the child
§ 205. 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 agency
§ 2.08. Consent of adoptee
§ 2.09. Special situations
§ 2.10. Exceptions to the requirement of parental consent
§ 2.11. Procedure for obtaining consent
§ 2.12. Revocation of consent
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.10. Consent to adoption
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§§ 4:14 - 4:24. Consent requirements
- 1 DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d rev. ed. 2005).
Chapter 6. Adoption of Children and Other Arrangements
§ 6.5. Consent, or lack of consent, to adopt
§ 6.7. —Withdrawal of consent
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
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

LAW REVIEWS:

- Ellen Wertheimer, [Of apples and trees: Adoption and informed consent.](#), 25 QLR 601 (2007).

- Note, *Adoption—Withdrawal Of Statutory Consent As Affecting Court’s Jurisdiction—Bailey v. Mars*, 138 Conn. 593 (1952), 26 CONNECTICUT BAR JOURNAL 314
- Michelle De Garneau, Note, *Fraud In The Inducement And Mistake Of Fact In The Adoption Process: Reevaluating The Best Interest Of The Child With Special Needs*, 2 CONNECTICUT PROBATE LAW JOURNAL pp. 83 (Fall 1986).
- Kathleen M. Lynch , *Adoption: Can Adoptive Parents Change Their Minds?* 26 FAMILY LAW QUARTERLY 257 (Fall 1992).
- LEGALTRAC® SUBJECT HEADING: *Adoption—forms*

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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 [Open Adoptions § 2.6](#)
- DEFINITION:** “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, 115-116, 98 A.2d 520 (1953).
- “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. STATS. [§ 45a-727](#)(a)(1) (2003).
- STATUTES:**
- CONN. GEN. STAT. (2011)
[§ 45a-727](#). Application and agreement of adoption
- FORMS:**
- [CONN. PROBATE COURT FORMS PC-681](#). Agreement of Adoption
- DIGESTS:**
- WEST KEY NUMBER: *Adoption # 6* Agreement to adopt
 - DOWLING’S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- COURT CASES:**
- [Michaud v. Wawrack](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4TH 209 (1988). *Contract between genetic and adoptive parents for visitation does not violate public policy.*
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
§§ 49-64. Agreements regarding adoption
§§ 49-51. In general
§§ 59-64. Enforcement
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
§§ 28-45. Contracts or agreements to adopt
 - 1A [AM JUR LEGAL FORMS 2D](#) *Adoption* (2007).
§§ 9:30-9:44. Agreements to adopt and miscellaneous forms
- TEXTS & TREATISES:**
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5.9. Adoption agreements, visitation rights of genetic parents
 - [CONNECTICUT LAWYERS’ DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
Chapter 22. Adoption: Law and Practice

- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§ 4:02. Open adoption

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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
- DEFINITION:** **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. Wawrack](#), 209 Conn. 407, 412-413, 551 A.2d 738, 78 ALR4th 209 (1988).
- STATUTES:**
- CONN. GEN. STAT. (2011).
[§ 45a-715](#). Petition to terminate parental rights. Cooperative postadoption agreements
- DCF POLICY MANUAL:**
- [Chapter 48: Adoptions](#)
Open Adoptions [§ 48-5-5](#)
- FORMS:**
- 1A [AM JUR LEGAL FORMS 2D Adoption](#) (2007)
§ 9:38. Adoption agreement—visitation by natural parents
§ 9:39. Adoption agreement—visitation by natural grandparents
§ 9:40. Adoption agreement—visitation with natural sibling
 - [Michaud v. Wawrack](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4th 209 (1988), footnote #1, p.409. Excerpt from “Open Adoption and Visitation Agreement.”
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*
 - DOWLING’S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- CASES:**
- [Pivnick v. Lasky](#), No. FA 99-0720419 (Mar. 24, 2003), 34 Conn. L. Rptr. 426 (2003). “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.”
 - [Michaud v. Wawrack](#), 209 Conn. 407, 551 A.2d 738, 78 ALR4th 209(1988). *Contract between genetic and adoptive parents for visitation does not violate public policy.*
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D Adoption](#) (2004).
§ 174. Visitation; "open adoption"
§ 175. —Visitation agreement with natural parents
 - 2 [C.J.S. Adoption of Persons](#) (2003).

§ 138. Effect of adoption on natural parent

- Danny R. Veilleux, Annotation, *Postadoption visitation by natural parents*, 78 ALR4th 218 (1990).

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TREATISES:**

- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5:18. Post-adoption agreements
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed., 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§ 4:02. Open adoption
- 1 DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d rev. ed. 2005).
Chapter 6. Adoption of Children and Other Arrangements
§ 6.11. Visitation rights after adoption
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
Chapter 14. Adoption.
§ 14.23. Open adoption

LAW REVIEWS:

- Laurie A. Ames, *Open Adoptions: Truth And Consequences*, 10 CONNECTICUT FAMILY LAW JOURNAL 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).

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Table 3: Cooperative Postadoption Agreement

CONN. GEN. STAT. § 45a-715 (2011)

(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.

(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.

Table 4: Excerpts from an Open Adoption and Visitation Agreement

The "Open Adoption and Visitation Agreement" provides in relevant part:

"1. **Adoption.** The parties shall all cooperate fully with the state DCYS in the orderly completion of an adoption of the child by the adopting parents.

2. **Termination of Rights.** The natural mother will withdraw here legal challenge . . . as soon as the adopting parents have approval of their adoption application by DCYS.

3. **Visitation.** 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.

Each of the parties shall at all times in good faith endeavor to maintain in the child respect and affection for the other parties. 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.

Visitation shall be twice a month for three (3) hours each visit at the Wawrucks' home."

[Michaud v. Wawruck](#), 209 Conn. 407, 409, 551 A.2d 738 (1988).

Table 5: Adoption Review Board

Adoption Review Board	
Powers of Adoption Review Board.	<p>“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.” CONN. GEN. STATS. § 45a-764(a).</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. STATS. § 45a-764(b) (2011).</p>
Membership	<p>“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.” CONN. GEN. STATS. § 45a-763(a) (2011).</p>
Qualifications of members	<p>“Each designee or officer shall be a person who is familiar with and experienced in adoption procedures, policies and practices.” CONN. GEN. STATS. § 45a-763(b) (2011).</p>
Hearing	<p>“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.” CONN. GEN. STATS. § 45a-764(d) (2011)</p>
Evidence	<p>“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.” CONN. GEN. STATS. § 45a-764(e) (2011)</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 and placed in sealed envelopes as required by section 45a-754.” CONN. GEN. STATS. § 45a-765 (2011)</p>

Section 7: Identified Adoptions

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to identified adoptions in Connecticut.
- SEE ALSO:** [§ 2.1 Adoption by Nonrelated Persons](#)
- DEFINITION:** **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 shall not be approved by the Court of Probate.” CONN. GEN. STATS. [§ 45a-727](#)(a)(3) (2011).
- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [§ 45a-728](#). Regulations concerning adoption placement of children identified or located by prospective parents
 - [§ 45a-728a](#). Participation in birth and visitation of newborn identified or located by prospective 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 HISTORY:**
- 1985 CONN. ACTS 285 (Reg. Sess.)
“Presently [1985] in the State of Connecticut all adoptions go through agencies exclusively. This [bill] will 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:**
- CONN. AGENCIES REGS. [§ 45a-728-1 et seq.](#) (2-97)
Adoption placement of children who have been identified or located by prospective adoptive parents [see [Table 6](#)]
- DCF POLICY MANUAL:**
- [Chapter 48: Adoptions](#)
Identified Adoptions [§ 48-5-4](#)
- FORMS:**
- [CONN. PROBATE COURT FORMS](#)
 - [PC-603](#). Application/Adoption
 - [PC-610](#). Affidavit/ Temporary Custody, Removal, Termination or Adoption
 - [PC-681](#). Agreement of Adoption
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*

- DOWLING'S DIGEST *Adoption*
- CONNECTICUT FAMILY LAW CITATIONS: *Adoption*

ENCYCLOPEDIAS:

- 2 [C.J.S.](#) *Adoption of Persons* (2003).
- 2 [AM. JUR. 2D](#) *Adoption* (2004).

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 - Chapter 5. Adoption and Parental Rights
 - § 5:39. Birth mother's financial affidavit, identified adoption (PC-611)
 - § 5:40. Adoptive parent's financial affidavit, identified adoption (PC-612)
 - § 5:41. Agency or department financial affidavit, identified adoption (PC-613).
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
 - Chapter 22. Adoption: Law and Practice
 - Identified Adoptions, pp. 561-562
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
 - Chapter 4. Adoption
 - §§ 4:09-4:13. Adoption services
- 1 DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d rev. ed. 2005).
 - Chapter 6. Adoption of Children and Other Arrangements
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
 - Chapter 14. Adoption
 - § 14.18. Agency adoption and placement

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Table 6: Regulations on Identified Adoptions

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).	45a-728-1
Definitions	45a-728-2
Restricted activities and penalties	45a-728-3
Permissible activities for non-approved child placing agencies	45a-728-4
Prospective adoptive parents—homestudy	45a-728-5
Prospective adoptive parents—permissible activities	45a-728-5a
Advertising	45a-728-6
Birth parent counseling	45a-728-7
Permissible payments by prospective adoptive parents and/or child placing agencies involved in identified placements Living expenses of birth mother Transportation, lodging, food expenses Counseling expenses Foster care expenses Maternity home expenses Medical expenses	45a-728-8
Provision for less affluent to participate	45a-728-9
Financial affidavits	45a-728-10

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
- DEFINITION:** **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 or 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. STATS. [§ 17a-116](#) (2011).
- Adoption Assistance Program, [42 U.S.C. § 673](#)(a)(2)(C)
- “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](#), No. CV97 0569090 (Conn. Super. Ct. J.D. Hartford-New Britain), 1997 WL 771560.”
- STATUTES:**
- [42 U.S.C. § 670](#) et seq. Adoption Assistance and Child Welfare Act
— eligibility [42 USC § 673](#)(a)(2)(A),(B)
[§§ 5111](#) et seq. Child Abuse Prevention and Adoption Reform Act
 - CONN. GEN. STAT. (2011)
 - [§ 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. Adoption Subsidy Review Board [see Table 18]
 - [§ 17a-118](#). Review and change in subsidy. Adoption Subsidy Review Board [see Table 18]
 - [§ 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
- REGULATIONS:**
- [45 CFR § 1356.40](#) (2011). Adoption assistance program: Administrative requirements to implement section 473 of the Act.

- CONN. AGENCIES REGS. §§ 17a-116-6 to 17a-120-9 (Effective. March 22, 1994)
 - [§ 17a-116-8](#) Criteria for certification as a special needs child
 - [§ 17a-116-9](#) Type and duration of subsidy
 - [§ 17a-116-11](#) When subsidy is granted
 - [§ 17a-116-14](#) Adoption Subsidy Review Board [see Table 18]

**DCF POLICY
MANUAL:**

- [Chapter 48: Adoptions](#)
Subsidized Adoptions §§ 48-18-1 – 48-18-18

FORMS:

- Adoption Assistance Agreement, [42 U.S.C. § 675\(3\)](#) (2010). Description and content.

CASES:

- [Collado v. Vega](#), No. FA 98 0355397 (Conn. Super. Bridgeport, Mar. 16, 1999), 24 Conn. L. Rptr. 214, 215 (May 24, 1999). “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 NUMBER: *Social Security And Public Welfare* # 4, 194 et seq.
- DOWLING’S DIGEST: *Adoption*
- CONNECTICUT FAMILY LAW CITATIONS: *Adoption*

ENCYCLOPEDIAS:

- 2 [AM. JUR. 2D](#) *Adoption* (2004).
§§ 31-35. Federal adoption assistance programs
- 81 [C.J.S.](#) *Social Security and Public Welfare* (2003).
§ 10. Relief and welfare funds generally
§§ 113 et seq. Family, maternal and child welfare assistance

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TREATISES:**

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Chapter 5. Adoption and Parental Rights
§ 5:10. Procedure on adoption of minors, identified, and hard-to-place children
- [CONNECTICUT LAWYERS’ DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
Special needs/Subsidized adoptions, pp. 562-563
- 2 JOAN H. HOLLINGER ET AL., [ADOPTION LAW AND PRACTICE](#) (2006).
Chapter 9. Adoption Assistance for Children with Special Needs
Appendix 9-A. State and federal materials relating to adoption of children with special needs
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.04. [5]. Special needs adoption
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).

Chapter 4. Adoption
§§ 4:41-4:47. Adoption assistance

- DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d rev. ed. 2005).
Chapter 6. Adoption of Children and Other Arrangements
§ 6.10. Adoption Assistance and Child Welfare Act.
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
Chapter 14. Adoption
§ 14.24. Subsidized adoption

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).
- LEGALTRAC® KEY WORD SEARCH: *Adoption and Special Needs*

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Table 7: Adoption Subsidy Review Board

Adoption Subsidy Review Board	
Purpose	CONN. GEN. STATS. § 17a-117 (c) (2011)
Composition	CONN. GEN. STATS. § 17a-117 (c)) (2011)
Procedures	CONN. GEN. STATS. §§ 17a-118 (a), 17a-120 (b)) (2011)
Use of best interest of the child standard	CONN. GEN. STATS. § 17a-117 (c)) (2011)
Regulations	CONN. AGENCIES REGS. §§ 17a-116-14 , 17a-120-9 (2011)

Section 9: Foster Parents and Adoption

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the role of foster parents in adoption including the rights of foster parents in an adoption
- DEFINITION:** “‘Child in Foster Care’ means a child residing with an adult who is approved by the Department of Children and Families (DCF) to stand in loco parentis for the child and on whose behalf foster care payments are being made by DCF.” CONN. AGENCIES REGS. § 8-210b-9a (eff. August 11, 1994).
- STATUTES:** CONN. GEN. STAT. (2011)
- [§ 17a-96](#). Custodians of children to file reports. Placing of child in foster home
 - [§ 17a-98](#). Supervision of children under guardianship or care of Commissioner of child and families
 - [§ 17a-110](#). Permanency planning for children. Definitions. Regulations. Central registry. Contracts with private child-placing agencies. Funding.
 - [§ 45a-726a](#). Considerations of sexual orientation of foster parents
 - [§ 46b-129](#). Commitment of child or youth
 - (o). A foster parent shall have standing for the purposes of this section in Superior Court in matters concerning the placement or revocation of commitment of a foster child living with such parent. A foster parent shall receive notice of any motion to revoke commitment or any hearing on such motion. A foster parent who has cared for a child or youth for not less than six months shall have standing to comment on the best interests of such child or youth in any matter under this section which is brought not more than one year after the last day the foster parent provided such care.
- Social Security Act, Part IV-E ([42 USC §§ 670-677](#))
- LEGISLATIVE:**
- Susan Price, [FOSTER AND ADOPTIVE PARENTS’ RIGHTS](#), Connecticut General Assembly, Office of Legislative Research Report, 2007-R-0413 (July 13, 2007).
“You asked several questions about Department of Children and Families' (DCF) policies concerning foster and adoptive parents' rights. The information for this report comes from Connecticut statutes, DCF policies, and department regulations; the agency did not respond to several requests for more specific information..”
- REGULATIONS:**
- CONN. AGENCIES REGS. [§ 17a-100-1 et seq.](#) (11/99)
Removal Hearings for Out of Home Care Providers
- DCF POLICY MANUAL:**
- [Chapter 48: Adoptions](#)
 - 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](#)

DIGESTS:

- WEST KEY NUMBER: *Infants* # 226. Foster or adoptive homes, placement to
- DOWLING'S DIGEST: *Adoption*
- CONNECTICUT FAMILY LAW CITATIONS: *Adoption*

CASES:

- [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 Family for Equality & Reform](#), 431 U.S. 816, 97 S.Ct. 2094, 53 L.Ed. 2d 14 (1977). *Due process rights of foster parents*

ENCYCLOPEDIAS:

- 2 [AM. JUR. 2D](#) *Adoption* (2004).
 - § 25. Persons who may adopt. Foster parents
 - § 26. Persons who may be adopted. Generally
 - § 135. Relation of petitioner to person sought to be adopted —Foster parents
- 2 [C.J.S.](#) *Adoption of Persons* (2003).
 - § 17. Persons who may adopt. Tutor or guardian
- Kristine Cordier Karnezis, Annotation, *Validity And Enforcement Of Agreement By Foster Parent That They Will Not Attempt To Adopt Foster Child*, 78 ALR3d 770 (1977).

TEXTS & TREATISES:

- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
 - Chapter 14. Adoption
 - § 14.10. Rights of foster parents
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
 - Chapter 5. Adoption and Parental Rights
- MARK I. SOLER ET AL. [REPRESENTING THE CHILD CLIENT](#) (1987).
 - § 2.03[2]. Constitutional and state tort claims of children in foster care.
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
 - Chapter 22. Adoption: Law and Practice

LAW REVIEWS:

- Mitchell W. Pearlman, *Foster Parents Rights In Connecticut*, 5 CONNECTICUT LAW REVIEW 36 (1972).
- Matthew R. Asman, Note, *The Rights of a Foster Parent Versus the Biological Parent Who Abandoned the Child: Where Do the Best Interest of the Child Lie?* CONNECTICUT PROBATE LAW JOURNAL 93 (1993).
- LEGALTRAC® SUBJECT HEADING: *Foster Parents*

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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:**
- CONN. GEN. STAT. (2011)
 - [§ 17a-152](#). Placement of child from another state
 - [§ 17a-175](#). Interstate Compact on the Placement of Children. Compact.
 - [§ 45a-730](#). Validation of foreign adoption. Petition filed in probate court
- CASES:**
- [In re Yarisha F.](#), 121 Conn. App. 150, 163, 949 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). *Appeal from decision of Adoption Subsidy Review Board on a child adopted from India.*
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*
 - DOWLING’S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
 - §§. 46-48. Governing law; recognition of foreign decrees
 - §§ 40-45. Interstate Compact on Placement of Children
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
- TEXTS & TREATISES:**
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
 - Chapter 5. Adoption and Parental Rights
 - § 5:15. Out-of-state and out-of-country adoptions
 - [CONNECTICUT LAWYERS’ DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
 - Chapter 22. Adoption: Law and Practice
 - Out of State Adoptions – p. 563
 - International Adoptions – pp. 563-565

Introduction
United States Immigration and Naturalization Service
Citizenship
Requirements of foreign adoption
Validation of foreign adoptions

- 2 JOAN H. HOLLINGER ET AL., [ADOPTION LAW AND PRACTICE](#) (2006).
Chapter 10. International adoption: Overview
Chapter 11. International adoption: Legal requirements and practical considerations
Appendix 11-A. International Adoption: Forms and Directories
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.04[6]. International adoptions
§ 64.21. The Interstate Compact on the Placement of Children
§ 64.22. Indian Child Welfare Act
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§§ 4:72-4:74. Interstate adoptions
§§ 4:75-4:77. International adoptions
- 2 ANN M. HARALAMBIE, [HANDLING CHILD CUSTODY, ABUSE AND ADOPTION CASES](#) (3D ED. 2009).
Chapter 14. Adoption.
§ 14.20. Interstate adoption
§ 14.21. International adoption

LAW REVIEWS:

- 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, Note, *Latin American Adoptions In Connecticut—Is There Any Room For Lawyers?* 10 UNIVERSITY OF BRIDGEPORT LAW REVIEW, 115 (Winter 1989).
- Peter H. Pfund, *Intercountry Adoption: The 1993 Hague Convention: Its Purpose, Implementation and Promise*, 28 FAMILY LAW QUARTERLY 53 (Spring 1994).
- LEGALTRAC® SUBJECT HEADING: *Intercountry Adoption
Adoption—international aspects*

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Section 11: Adult Adoptions

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to adoptions of adults in Connecticut
- DEFINITION:** **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, unless the other person is his or her wife, husband, brother, sister, uncle or aunt of the whole or half-blood, adopt the other person as his child, provided the written agreement shall be approved by the court of probate for the district in which the adopting parent resides or, if the adopting parent is not an inhabitant of this state, for the district in which the adopted person resides.” CONN. GEN. STATS. [§ 45a-734](#)(a) (2011).
- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [§ 45a-734](#). Adoption of adults. Inheritance.
 - [§ 45a-735](#). Husband or wife of adopted adult to consent
- FORMS:**
- 1A [AM JUR LEGAL FORMS 2D](#) (2007).
 - § 9:35. Adoption agreement—Adult
 - § 9:36. Adoption agreement—Adult—Parties to Jointly Petition Court
- COURT CASES:**
- [Strakosch v. Connecticut Trust & Safe Deposit Co.](#), 96 Conn. 471, 114 A. 660 (1921).
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*
 - DOWLING’S DIGEST *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS *Adoption*
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
 - § 27. Adults, generally
 - § 28 —Effect of purpose of adoption of adult
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
 - § 23. Persons who may be adopted. Minors or adults
 - Russell G. Donaldson, Annotation, *Marital or sexual relationship between parties as affecting right to adopt*, 42 A.L.R.4th 776 (1985).
 - Annotation, *Adoption of Adult*, 21 ALR3rd 1012 (1968).
- TEXTS & TREATISES:**
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
 - Chapter 5. Adoption and Parental Rights
 - § 5:1.5. Adoption of minors or adults
 - § 5:12. Procedure and limitations on adoption of adults
 - § 5:14. Legal consequences of adoptions
 - [CONNECTICUT LAWYERS’ DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
 - Chapter 22. Adoption: Law and Practice

Adult adoptions – p. 562

- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§ 4:07. Adoption of adults

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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 adult persons are deceased, to give the same information to their adult descendants, including adopted descendants except a copy of their original birth certificate as provided by section 7-51; (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 (4) and (5), 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 adult adoptable person; and (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.” CONN. GEN. STATS. [§ 45a-744](#) (2011).

- STATUTES:**
- CONN. GEN. STAT. (2011)
 - [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
 - [§ 7-49](#). Failure to file birth certificate
 - [§ 7-51](#). Access to and examination and issuance of certified copies of birth and fetal death certificates restricted. Access to and disclosure of confidential information restricted.
 - [§ 7-52](#). Certification of birth registration
 - [§ 7-53](#). Birth certificates of adopted persons born in this state
 - [§ 7-54](#). Certification of birth registration of persons born outside the state or country and adopted by state residents
 - [§ 7-55](#). Certification of birth to have force and effect of original
 - [§ 7-57](#). Belated registration of births
 - [§ 7-58](#). Record of birth of child born outside United States
 - [§ 7-59](#). Report of foundling children
 - [Chapter 803](#).
 - 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 10/1/77.
- [§ 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
- [§ 45a-752](#). Appeal to probate court. Advisory panel. Report. Hearing, Decision
- [§ 45a-753](#). Obtaining consent of person whose identity is requested. Petition to court. Report. Hearing
- [§ 45a-754](#). Record to be maintained in locked files. Disclosure for health or medical reasons
- [§ 45a-755](#). Registries. Filing of registration
- [§ 45a-756](#). Agreement to release identifying information. Notification. Fee
- [§ 45a-757](#). Records maintained on permanent basis.

LEGISLATIVE:

- LAWRENCE K. FURBISH, [ADULT ADOPTEES' ACCESS TO INFORMATION IDENTIFYING THEIR BIOLOGICAL PARENTS](#), Connecticut General Assembly. Office of Legislative Research Report 98-R-0436 (March 21, 1998).
- [SEALED ADOPTION RECORDS: REPORT OF THE CONNECTICUT LEGISLATIVE 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).
- RELEASE TO ADOPTEE OF SEALED ADOPTION RECORDS, Proposed Draft, Connecticut Law Revision Commission (February 17, 1999).

REGULATIONS:

- CONN. AGENCIES REGS. (2-06)
Procedures for creating and indexing confidential adoption records for adopted person born in this state
[§ 7-53-1](#). Procedures for creating and indexing confidential adoption records
[§ 7-53-3](#) Procedure with Regard to Certified Copies

DCF POLICY MANUAL:

- [Chapter 48: Adoptions](#)
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](#)

COURT CASES:

- [Raftopol v. Ramey](#), 299 Conn. 681, 10 A.3d 942 (2011). “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...

“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.”

- [Sherry H. v. Probate Court](#), 177 Conn. 93, 411 A.2d 931 (1979). *Inspection of original birth certificate*
- [Martin v. Martin](#), FA 930530304 (1995). *Husband's name put on birth certificate of child born prior to marriage not issue of husband.*

**ATTORNEY
GENERAL
OPINIONS:**

- 23 OP.ATTY.GEN. 336 (March 29, 1944). Age of adopting parents
- 23 OP.ATTY.GEN. 444 (October 20, 1944). Adopting parent included in birth certificate

ENCYCLOPEDIAS:

- [AM. JUR. 2D Adoption](#) (2004).
§§ 199-203. Access to adoption records
- 66 [AM. JUR. 2D Records](#) (2011)
§ 9. Correction or change
- 2 [C.J.S. Adoption of Persons](#) (1972).
§ 48. Recording of instrument
- 39A [C.J.S. Health & Environment](#) (1976).
§ 74. Registration of births and deaths
- Shannon Clark Kief, Annotation, *Restricting Access To Judicial Records Of Concluded Adoption Proceedings*, 103 ALR5th 255 (2002).
- Kristine C. Karnezis , Annotation, *Restricting Access To Judicial Records Of Pending Proceedings*, 83 ALR3d 824 (1978)

**TEXTS &
TREATISES:**

- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5:16. Confidentiality, access to adoption records
- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
Change of name; Birth certificate – p. 560
Confidentially of adoption records – p. 560
Adoption searches – p. 56
- 6 ARNOLD H. RUTKIN, GEN. ED., [FAMILY LAW AND PRACTICE](#) (2011).
Chapter 64. Adoption law, procedure and practice
§ 64.23. Birth certificates
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§§ 4:48-4:53. Access to adoption records

- DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (2d rev. ed. 2005).
§ 6.12. Access to adoption records by adoptees and biological parents.

LAW REVIEWS:

- 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 L REV 542 (1975).
- LEGALTRAC® SUBJECT HEADING: *Adoption—records and correspondence
Children, adopted—records and
correspondence*

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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:** **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). *Statutory extinguished by §45-65a in 1959 (applicable to wills and trusts instruments subsequent to October 1, 1959).*
- STATUTES:**
- CONN. GEN. STAT. (2011).
[§ 45a-731](#). Effects of final decree of adoption. Surviving rights
[§ 45a-734](#). Adoption of adults. Inheritance
- DIGESTS:**
- WEST KEY NUMBER: *Adoption*
21. Inheritance by adopted children
22. Inheritance from adopted children
23. Inheritance through adopted children
 - DOWLING’S DIGEST: *Adoption*
 - CONNECTICUT FAMILY LAW CITATIONS: *Adoption*
- COURT CASES**
- [Stamford Trust Co. v. Lockwood](#), 98 Conn. 337, 119 A. 218 (1922).
 - [Rauhut v. Short](#), 26 Conn. Supp. 55, 212 A.2d 827 (1965).
 - [Killen v. Klebanoff](#), 17 Conn. Supp. 223 (1951).
- A.G. OPINIONS:**
- 24 OP. ATTY GEN. 380 (Sept. 18, 1946).
- ENCYCLOPEDIAS:**
- 2 [AM. JUR. 2D](#) *Adoption* (2004).
§§ 174-198. Inheritance; Other means of disposing of property
 - 2 [C.J.S.](#) *Adoption of Persons* (2003).
§§ 151-164. Inheritance
 - Jay M. Zitter, Annotation, *Adopted Child As Within Class Named In Deed Or Inter Vivos Trust Instrument*, 37 ALR5th 237 (1996).
 - Jay M. Zitter, Annotation, *Adopted Child As Within Class Named In Testamentary Trust*, 36 ALR5th 395 (1996).
 - Christopher H. Hall, Annotation, *Adoption As Precluding Testamentary Gift under Natural Relative’s Will*, 71 ALR4th 374 (1989).
- TEXTS & TREATISES:**
- RALPH H. FOLSOM & GAYLE B. WILHELM , [INCAPACITY, POWERS OF ATTORNEY AND ADOPTION IN CONNECTICUT](#) 3d (2007).
Chapter 5. Adoption and Parental Rights
§ 5:14. Legal consequences of adoptions

- [CONNECTICUT LAWYERS' DESKBOOK: A REFERENCE MANUAL](#), (Peter L. Costas, managing ed.,. 3D ED, 2008).
Chapter 22. Adoption: Law and Practice
Legal impact and consequences of adoption – p. 562

LAW REVIEWS:

- 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).

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Section 14: Wrongful Adoption

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the emerging tort of wrongful adoption
- SEE ALSO:**
- [Conception and Birth in Connecticut](#)
[Section 4: 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).
- Wrongful life:** “Sydney Rich did not suffer legally cognizable injuries that were proximately caused by the defendants in being born with imparities as opposed to not being born at all. Being born with a handicap instead of not being born is not a legally cognizable injury. Damages for living life with impairments are damages that cannot be computed or alternatively, are only already recoverable under a wrongful birth action. Therefore, this court finds that a claim for wrongful life is not legally cognizable and thus, grants motion to strike three of the complaint.” [Rich v. Foye](#), 51 Conn. Supp. 11, 976 A.2d 819 (2007).
- CASES:**
- [Rich v. Foye](#), 51 Conn. Supp. 11, 976 A.2d 819 (2007). “Sydney Rich did not suffer legally cognizable injuries that were proximately caused by the defendants in being born with imparities as opposed to not being born at all. Being born with a handicap instead of not being born is not a legally cognizable injury. Damages for living life with impairments are damages that cannot be computed or alternatively, are only already recoverable under a wrongful birth action. Therefore, this court finds that a claim for wrongful life is not legally cognizable and thus, grants motion to strike three of the complaint.”
 - [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.*
 - [Mallete v. Children’s Friend and Service](#), 661 A.2d 67 (R.I. 1995).
 - [Roe v. Catholic Charities of the Diocese of Springfield, Illinois](#), 588 N.E.2d 354 (1992)
 - [Meracle v. Children’s Service Society of Wisconsin](#), 437 N.W.2d 532 (1989).
 - [Michael J. v. County of Los Angeles, Department of Adoptions](#), 247 Cal. Rptr. 504 (1988).
- WEST KEY NUMBERS**
- *Adoption* # 20
 - *Fraud* # 10, 16, 20, 27, 28, 49, 58(1), 58(2)

ENCYCLOPEDIAS:

- 2 [AM. JUR. 2D Adoption](#) (2004).
§ 155. On application of adoptive parent—Action for wrongful adoption
2 [C.J.S. Adoption of Persons](#) § 13
- Harriet Dinegar Milks, 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*, 74 ALR5th 1 (1999).
- Damian Edward Okasinski, Annotation, *Attorney Malpractice In Connection With Services Related To Adoption Of Children*, 18 ALR5th 892 (1994).
- Kathleen M. Door, 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*, 8 ALR5th 860 (1992).

TREATISES:

- 2 JOAN H. HOLLINGER ET AL., [ADOPTION LAW AND PRACTICE](#) (2006).
Chapter 16. Liability of adoption agencies and attorneys for misconduct in the disclosure of health-related information
- 1 THOMAS A. JACOBS, [CHILDREN AND THE LAW: RIGHTS & OBLIGATIONS](#) (1995).
Chapter 4. Adoption
§§ 4:57-4:65. Wrongful adoptions

LAW REVIEWS

- Note, *When Love is Not Enough: Toward a Unified Wrongful Adoption Tort*, 105 HARVARD LAW REVIEW 1761-1779 (May 1992).
- Mary E. Schwartz, *Fraud in the Nursery: Is the Wrongful Adoption Remedy Enough?* 26 VALPARAISO UNIVERSITY LAW REVIEW 807-842 (Summer 1992).
- Janet Hopkins Dickson, *Emerging Rights of Adoptive Parents: Substance or Specter?* 38 UCLA LAW REVIEW 917 (April 1991).
- Paul Marcotte, *Wrongful adoption: couple sues agency for hiding adoptive son’s background*, 76 ABA JOURNAL 22(2) (April 1990).
[Krueger v. Leahy](#) (Illinois)
- Susan Kempf LeMay, *The Emergence Of Wrongful Adoption As A Cause Of Action*, 27 JOURNAL OF FAMILY LAW 475 (Feb. 1989).

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Table 8: Adoption Laws on the Internet

Adoption Laws on the Internet	
U.S. Adoption Law Materials	http://www.childwelfare.gov/systemwide/laws_policies/state/adoption/ http://adoption.state.gov/index.php http://topics.law.cornell.edu/wex/Adoption