

REFERENCE TITLE: adoption; marital preference

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1188

Introduced by
Senators Gray, Barto, Yarbrough; Representatives Burges, Dial, Harper,
Montenegro, Olson, Seel, Urie; Senators Allen, McComish, Shooter;
Representatives Barton, Forese, Gray R, Judd

AN ACT

AMENDING SECTION 8-103, ARIZONA REVISED STATUTES; RELATING TO ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-103, Arizona Revised Statutes, is amended to
3 read:

4 8-103. Who may adopt

5 A. Any adult resident of this state, whether married, unmarried or
6 legally separated, is eligible to qualify to adopt children. A husband and
7 wife may jointly adopt children.

8 B. PURSUANT TO RULES ADOPTED BY THE AGENCY, THE DIVISION, AGENCY OR
9 ADOPTION ENTITY SHALL PLACE AN ADOPTABLE CHILD IN THE ADOPTIVE SETTING THAT
10 BEST MEETS THE CHILD'S NEEDS BY CONSIDERING ALL RELEVANT FACTORS, INCLUDING:

11 1. THE WISHES OF THE CHILD'S BIRTH PARENTS.

12 2. FAMILY RELATIONSHIPS BETWEEN THE CHILD AND THE ADOPTIVE FAMILY
13 MEMBERS.

14 3. MARITAL STATUS OF THE ADOPTIVE PARENTS.

15 4. THE FAMILY'S ABILITY TO FINANCIALLY PROVIDE FOR THE CHILD AND TO
16 MEET THE CHILD'S EMOTIONAL, PHYSICAL, MENTAL AND SOCIAL NEEDS.

17 5. THE PLACEMENT OF THE CHILD'S SIBLINGS.

18 6. THE AVAILABILITY OF RELATIVES, THE ADOPTABLE CHILD'S FORMER FOSTER
19 PARENTS OR OTHER SIGNIFICANT PERSONS TO PROVIDE SUPPORT TO THE ADOPTIVE
20 FAMILY AND CHILD.

21 C. THE DIVISION, AGENCY OR ADOPTION ENTITY SHALL GIVE PRIMARY
22 CONSIDERATION TO ADOPTIVE PLACEMENT WITH A MARRIED MAN AND WOMAN. THE
23 DIVISION, AGENCY OR ADOPTION ENTITY SHALL CONSIDER PLACEMENT WITH A SINGLE
24 INDIVIDUAL IF ANY OF THE FOLLOWING APPLIES:

25 1. A MARRIED COUPLE IS NOT AVAILABLE.

26 2. THE SINGLE PERSON IS A LEGAL RELATIVE OF THE CHILD.

27 3. THE ALTERNATIVE FOR THE CHILD IS EXTENDED FOSTER CARE.

28 4. A MEANINGFUL AND HEALTHY RELATIONSHIP BETWEEN THE SINGLE PERSON AND
29 THE CHILD HAS ALREADY BEEN ESTABLISHED.

30 5. THE ADOPTION BY A SINGLE INDIVIDUAL IS THE RESULT OF A DIRECT
31 PLACEMENT ADOPTION PURSUANT TO THE WISHES OF THE BIRTH PARENT OR PARENTS.

32 6. THE CHILD'S BEST INTERESTS REQUIRE THE ADOPTION BY THE SINGLE
33 PERSON.

34 D. IN EACH ADOPTION PROCEEDING THE COURT SHALL MAKE SPECIFIC WRITTEN
35 FINDINGS REGARDING THE BEST INTERESTS OF THE CHILD PURSUANT TO THIS SECTION.