Maryland LGBTQ+ Adoption Attorney

Adoption can be an exciting step for LGBTQ+ families, but it can also raise important questions about legal parentage and parental rights. For gay and lesbian couples, transgender parents, and other LGBTQ+ families, understanding how Maryland law recognizes the parent-child relationship can provide greater certainty for the future. Marriage does not always answer every question about legal parentage. Depending on your circumstances, adoption may provide an additional layer of legal protection and establish a clear legal relationship between a parent and child.

Why Marriage Equality Isn't the Same as Legal Parentage in Maryland

Marriage and legal parentage are related, but they are not the same. Maryland presumes that a married couple are the legal parents when a child is conceived or born during the marriage. A non-birth parent may also establish parentage through an Affidavit of Parentage or court order, depending on the circumstances.

In cases where one parent is not a biological parent or where a child is brought into the family by surrogacy, adoption can be a vital means of protecting the legal rights of the parent whose biological material was not used as part of conception. A known donor or surrogate may have parental rights with the minor child, and the parent who is not genetically related but is no less the parent of the child.

For gay and lesbian couples, second-parent or stepparent adoption can provide additional legal certainty for a non-birth parent. Adoption can also help protect a parent's legal relationship with a child if the family moves, travels, or later faces a separation or divorce. Adoption can also extinguish the rights of a surrogate or donor parent in order to protect the rights of the family as a whole. Transgender parents may also have questions about how their parental relationship will be recognized and documented, which an adoption can provide clarity on. An attorney can help determine whether adoption or another legal process is appropriate based on the family's circumstances.

Types of LGBTQ+ Adoptions We Handle

LGBTQ+ families may pursue different types of adoption depending on their family structure and how the parent-child relationship was established.

Second-Parent Adoption

Second-parent adoption allows a person to establish a legal parent-child relationship with a child without requiring the first legal parent to give up their parental rights. This can be an important option for LGBTQ+ couples when one parent is already legally recognized as the child's parent.

Step-Parent Adoption for LGBTQ+ Families

A stepparent may seek to adopt their spouse's child. For a married couple, this can provide the non-biological or non-birth parent with a formal legal relationship to the child.

Joint and Single-Parent Adoption

Maryland law allows adults to petition to adopt. LGBTQ+ individuals and couples may pursue adoption jointly or as a single parent, depending on their circumstances and the type of adoption involved. For joint adoptions, parents may use an agency or they may do what is called an "independent adoption."

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Adoption for Unmarried LGBTQ+ Couples

Marriage is not required for every adoption situation. Unmarried LGBTQ+ couples may have options for establishing legal parentage, including second-parent adoption in appropriate circumstances.

Agency and Foster Care Adoption

LGBTQ+ individuals and couples may also pursue adoption through a public or private agency or through foster care. These adoptions can involve additional requirements, documentation, and agency procedures, including home inspection, financial review, and other processes as the agency determines are necessary.

How the LGBTQ+ Adoption Process Works

The adoption process depends on the type of adoption and the circumstances of the family. Generally, the process may include:

1. **Determine the type of adoption.** An attorney can help identify the appropriate legal process based on your family structure and existing parentage.
2. **Gather information and documents.** Adoption petitions require information about the child, parents, and prospective adoptive parent.
3. **Address consent and notice requirements.** Depending on the case, biological or legal parents may need to provide consent or receive notice of the proceeding.
4. **Complete required investigations and filings.** Some adoptions require an investigation or additional documentation before the case can move forward.
5. **File the adoption petition.** The petition is filed with the appropriate Maryland court.
6. **Attend the adoption hearing.** The court may schedule a hearing to review the petition and determine whether the legal requirements for adoption have been met.
7. **Receive the final adoption order.** If the court grants an adoption, the final order establishes the legal parent-child relationship.

How Long Does an LGBTQ+ Adoption Take in Maryland?

There is no single timeline for an LGBTQ+ adoption in Maryland. The time required can depend on the type of adoption, whether all necessary consents are obtained, required investigations, agency involvement, court scheduling, and whether anyone contests the adoption. An attorney can explain what to expect based on the circumstances of your case and help make sure the required steps are completed correctly.

What an Adoption Protects That a Birth Certificate Doesn't

A birth certificate can identify a parent, but it is not the same as a court order establishing an adoptive parent-child relationship. A final adoption order provides a formal legal relationship between the adoptive parent and child and establishes the rights and responsibilities that come with that relationship. Birth certificates, as a record, do provide some rights, but lack the same protection as a court order, which provides protections even in states where LGBTQ+ rights are not as protected as they are in Maryland. Through a doctrine known as "full faith and credit," court orders are considered as valid in one state as they are in any other state, meaning that rights granted by Maryland court orders will carry over to any state that an LGBTQ+ couple may choose to move to in the future.

For LGBTQ+ families, this additional legal certainty can be especially important when questions arise about parental rights, travel, relocation, medical decisions, inheritance, or other matters affecting the child. An adoption order also ensures that any question as to the second parent's rights is answered by extinguishing the rights of any donor or surrogate who may have claims otherwise.

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Why Choose Joseph, Greenwald & Laake for LGBTQ+ Adoption

At Joseph, Greenwald & Laake, our family law attorneys represent LGBTQ+ individuals and couples in adoption and legal parentage matters throughout Maryland. We handle second-parent adoptions, stepparent adoptions, agency adoptions, and other adoption matters, including the filings, consent and notice requirements, and court proceedings involved.

Adoption can provide important legal protection for parents and children by formally establishing the parent-child relationship. If you are considering adoption or have questions about your parental rights, our attorneys can help you determine the appropriate legal path for your family, guide you through the process, and ensure that your rights are protected. To learn more about your legal options or schedule a consultation, contact JGL.

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