

Examples and Explanations

Family Law, Second Edition, Oliphant & Ver Steegh

Publisher page limitations in the second edition restricted the amount of material and number of problems that we could share with student readers. However, the web provides us with the opportunity to provide more expansive explanations of the law to in the chapters and to add more problems for review and reflection. We believe that the additional explanatory material and problems will further enhance a student's ability to master family law and provide an added intellectual boost when preparing for final family law examinations.

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Chapter 17, Section 16: Adoption and Sexual Orientation

In *In re Adoption of M.A.*, 930 A.2d 1088 (Me. 2007), a same-sex couple filed a joint petition to adopt two foster children; a 10-year-old girl and her 6-year-old brother. The trial court dismissed the petition for lack of jurisdiction and the couple appealed. The appellate court unanimously reversed the trial judge holding that Maine's adoption statute that allowed married couple to file joint petition for adoption did not prohibit a joint adoption petition by an unmarried same-sex couple.

The court viewed the dispute as one involving strictly a matter of statutory construction. From its analysis of Maine's adoption law, it reasoned that if it read the law as prohibiting joint petitions by unmarried persons, the statute would nevertheless allow successive petitions by unmarried persons. This, reasoned the court, would lead to the same result.

Colorado. In May 2007 Colorado became the 10th state to allow same-sex couples, as well as grandparents, aunts, uncles and other relatives, to jointly adopt children. Persons seeking to adopt must be at least 21, however, there is no upper age limit. All adoptive parents must successfully pass home studies, which include background checks, reviews of financial status, home inspections, and extensive discussions about parenting, relationships and resources. The law contains a waiting period of at least six months after taking custody of a child before petitioning for adoption.

