

Family Law Quarterly, Vol. 41, No. 2 (Summer 2007)

APPENDIX A

Appointment Provisions in Adoption Cases

State	Appointment of Advocate	Consideration of Child's Preference	Other Provisions	§ Contact
AL	Discretionary if not contested: "upon the motion of any party...may appoint" a guardian ad litem Required if contested: if adoption is contested, "a guardian ad litem shall be appointed." ALA. CODE § 26-10A-22 (2004).	If adoptee is 14 or older, need his or her consent except where court finds adoptee lacks mental capacity to give consent. ALA. CODE § 26-10A-7.		<i>No reference to post-adoption contact in applicable statute.</i>
AK	Discretionary: "may appoint a guardian ad litem or attorney, or both." ALASKA STAT. § 25.23.125 (2006) May appoint an attorney. ALASKA STAT. § 25.24.310(a) The court shall appoint a guardian ad litem when representation of a child's best interest would serve child's welfare (as distinguished from representation of child's preference). ALASKA STAT. § 25.24.310(3)	If adoptee is 10 or older, his or her written consent is required "unless the court in the best interest of the minor dispenses with the minor's consent." ALASKA STAT § 25.23.040. If adoptee is under 10 "and of sufficient age and intelligence to state desires concerning adoption," the court shall consider the person's desires." ALASKA STAT. § 25.23.125.	"May issue a protective order or other order that is in the best interest" of minor to be adopted. ALASKA STAT § 25.23.125. "If at the conclusion of the hearing the court determines ...that the adoption is in the best interest of the person to be adopted, it may issue a final decree of adoption." ALASKA STAT. § 25.23.120© (2006).	<i>No reference to post-adoption contact in applicable statute.</i>
AZ	Discretionary: The court may appoint a guardian ad litem or an attorney, volunteer special advocate, or other qualified person to represent the child. Rule 70 (Rules of Procedure for the Juv. Court, for Adoption).	If adoptee is 12 or older, his or her consent is required. ARIZ. REV. STAT. § 8-106. Consent must be given in open court. ARIZ. REV. STAT. § 8-106.		Child's Preference: The court may consider the wishes of a child who is at least 12 years of age. ARIZ. REV. STAT. § 8-116.01(D). Other: "An agreement entered into pursuant to this section shall state that the adoptive parent may terminate contact between the birth parent and the adoptive child at any time if the adoptive parent believes that this contact is not in the

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				child's best interests." ARIZ. REV. STAT. § 8-116.01(D).
AR	Discretionary (implied): A petition for termination of the relationships of parent and child made in connection with an adoption proceeding may be made by: the petitioner for adoption, the guardian of the person, the legal custodian of the child, or the individual standing in parental relationship to the child or the attorney ad litem for the child. ARK. CODE ANN. § 9-2-220 (2004).	If adoptee is over 10, his or her consent is required "unless the court in the best interest of the minor dispenses with the minor's consent." ARK. CODE ANN § 9-9-206. Comments explain: "[f]lexibility is introduced by permitting the court to dispense with his consent. Apparently, there are cases particularly of "stepchildren" in which the child does not know that he is a stepchild and in terms of his best interest, it would be better not to disclose to him at the time of the adoption proceedings that he is being adopted by a stepfather."		<i>No reference to post-adoption contact in applicable statute.</i>
CA	<i>No reference in statute</i>	If adoptee is over 12, his or her consent is required. CAL. FAM. CODE § 8602.		Child's Preference: The child who is the subject of the adoption petition shall be considered a party to the post-adoption contact agreement. The written consent to the terms and conditions of the post-adoption contact agreement and any subsequent modifications of the agreement by a child who is 12 years of age and older is a necessary condition to the granting of privileges regarding visitation, contact, or sharing of information about the child, unless the court finds by a preponderance of the evidence that the agreement, as written, is in the best interests of the child. CAL. FAM. CODE § 8616.5(d).
CO	Discretionary: "may appoint a guardian ad litem" if court finds: (I) conflict of interest between child and his or her parents, guardian, or legal custodian; (II) such appointment would be in the	Rebuttable presumption that relinquishment is not in best interests if the adoptee is 12 or older and objects to the relinquishment. CO. REV. STAT. § 19-5-103.	Court may interview child in chambers to ascertain his wishes. CO. REV. STAT § 19-5-103. Statute explicitly includes both private adoptions and involuntary	<i>No reference to post-adoption contact in applicable statute.</i>

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	<p>best interests of the child; or (III) child is 12 or older and child's welfare mandates such appointment. CO. REV. STAT. § 19-5-103 (2004).</p> <p>A child may be available for adoption only upon "written and verified consent of the guardian of the person, appointed by the court, of a child whose parents are deceased..." CO. REV. STAT. § 19-5-203(1) (2005).</p>	<p>"Written consent to any proposed adoption shall be obtained from the person to be adopted if such person is twelve years of age or older." CO. REV. STAT. § 19-5-203(2) (2005).</p> <p>"All hearings with reference to adoption shall be closed to the public and, in the discretion of the court, to any child who is the subject of adoption and who is under twelve years of age, but the court may interview the child whenever it deems it proper." CO. REV. STAT. § 19-5-210(5)(a) (2005).</p>	<p>adoptions.</p>	
CT	<p>Discretionary. In any matter before probate court. Appointment of Guardian Ad Litem for Minor, Incompetent, Undetermined and Unborn. CT ST § 45a-132 (2005).</p>	<p>If adoptee is 12 or older, his or her consent is required. CT ST § 45a-724.</p>		<p>Child's Preference: A court may grant post-adoption communication or contact privileges if..."consent to post-adoption communication or contact is obtained from the child, if the child is at least twelve years of age." CT ST § 45a-715(i).</p>
DE	<p>Required if Division of Family Services is a party. GAL is "appointed by the Court to represent the best interests of the child" and shall be a licensed attorney (§ 977-7A of Title 29) or a Court-Appointed Special Advocate (chapter 36 of Title 31). DEL. CODE ANN. tit. 13, § 701(c) (2006).</p> <p>Discretionary: "The Court, in its discretion, may also appoint an attorney to represent the child's wishes." DEL. CODE ANN. tit. 13, § 701.</p> <p>"When determining whether to appoint an attorney through the</p>	<p>If adoptee is 14 or older, his or her written consent is required "unless the Court, upon further investigation or inquiry, deems it to be in the best interest of the child that such consent be waived." DEL. CODE ANN. tit. 13, § 907.</p>		<p>Provides for exchange of identifying information including meeting but no legal right or assurance of continuing contact. If child is 14 must consent to exchange. DEL. CODE ANN. tit.13, § 929</p>

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	Office of the Child Advocate or a Court-Appointed Special Advocate through the Family Court, the Family Court judge, in his or her discretion, should assign the most complex and serious cases to the Office of the Child Advocate." DEL. CODE ANN. tit. 13, § 701.			
D.C.	Discretionary: "may appoint a guardian ad litem who is an attorney... [who] shall in general be charged with the representation of the child's best interest." D.C. CODE ANN. § 16-316 (2006).	If adoptee is 14 or over, his or her consent is required unless after hearing, finding that consent or consent withheld is contrary to the best interest of the child. D.C. CODE ANN. § 16-304.		<i>No reference to post-adoption contact in applicable statute.</i>
FL	Required if abandoned infant: the court "shall appoint a guardian ad litem." FLA. STAT. ANN. § 63.0423. (GAL does not have to be an attorney.) Discretionary (implied). For termination cases, a court "shall consider"... recommendations of the guardian ad litem when deciding § contact. FLA. STAT. ANN. § 63.0427.	If adoptee is 12 or older, his or her consent is required unless the court in the best interest of the minor dispenses with the minor's consent. FLA. STAT. ANN. § 63.021.		Appointment: Discretionary (implied): A parent whose parental rights have been terminated shall have the right to have the court "consider the appropriateness of post-adoption communication or contact. The court shall consider the recommendations of the department, the foster parents if other than the adoptive parents, and the guardian ad litem." FLA. STAT. ANN. § 63.0427(b) (2006).
GA	Discretionary: If it appears "that the interests of the child may conflict with those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to represent the child." GA. CODE ANN. (O.C.G.A) § 19-8-17	If adoptee is 14 or older, his or her written consent is required. GA. CODE ANN. (O.C.G.A) § § 19-8-4(b), 19-8-5(b), 19-8-6(b), 19-8-7(b). Consent must be given and acknowledged in the presence of the court. GA. CODE ANN. (O.C.G.A) § 19-8-4(b).		<i>No reference to post-adoption contact in applicable statute.</i>
HI	Discretionary: If the child's best interests will be served by the appointment of a guardian ad litem, "the court may appoint a	If adoptee is over 10, his or her written consent is required "unless the court in the best interest of the child dispenses with the child's consent." HAW. REV.		<i>No reference to post-adoption contact in applicable statute.</i>

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	guardian ad litem to preserve, protect and promote the best interests of the child." HAW. REV. STAT. § 578-17 (2006).	STAT. § 578-2.		
ID	<i>No explicit or implicit reference to advocate for adoptee within Title 16, Chapter 15, Adoption of Children.</i>	If adoptee is over 12, his or her consent is required "unless he does not have the mental capacity to consent." ID. CODE § 16-1504.	.	<i>No reference to post-adoption contact in applicable statute.</i>
IL	Required: The court "shall appoint some licensed attorney other than the State's attorney acting in his or her official capacity as guardian ad litem to represent a child sought to be adopted." 750 ILL. COMP. STAT. § 50/13 (2006).	If adoptee is 14 or older, his or her written consent is required, "provided, that if such person is in need of mental treatment or mentally retarded, the court may waive the provisions of this Section." 750 ILL. COMP. STAT. 50/12 (2006).	Guardian ad litem has the power to consent to the adoption of the child, if such consent is required. 750 ILL. COMP. STAT. § 50/13 (2006).	<i>No reference to post-adoption contact in applicable statute.</i>
IN	<i>No statutory reference to appointment of GAL or CASA in adoption, but (according to Frances Hill) the courts often do it and are not prohibited by statute.</i>	If adoptee is over 14, his or her consent is required. IND. CODE ANN. § 31-19-9-1 (2006).	If parental rights are terminated the GAL/CASA in the case is required to make recommendations regarding adoption pursuant to IND. CODE ANN. § 31-35-6-2.	<p>Child's Preference: "Consent to postadoption contact required from the child if the child is at least 12 years of age." IND. CODE ANN. § 31-19-16-2 (2006).</p> <p>Appointment: Discretionary: "The court may appoint a guardian ad litem or court appointed special advocate to represent and protect the best interests of the adopted child. However, the court may only appoint a guardian ad litem or court appointed special advocate for the adopted child under this chapter if the interests of an adoptive parent differ from the child's interests to the extent that the court determines that the appointment is necessary to protect the best interests of the child." IND. CODE ANN. § 31-19-16.5-5 (2006).</p> <p>Guardian ad litem: "attorney, a volunteer, or an employee of a county program designated...to: (1) represent and protect the best interests of a child; and (2) provide the child with services requested by the court, including: researching; examining;</p>

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				<p>advocating; facilitating; and monitoring; the child's situation. If GAL is not an attorney, she must complete the same court approved training program required for a court appointed special advocate." IND. CODE ANN. § 31-9-2-50(2004). (very similar) definition of a CASA is in IND. CODE ANN. § 31-9-2-28.</p> <p>"The provisions regarding the representation, duties, and appointment of a guardian ad litem or court appointed special advocate by a juvenile court described under IC 31-32-3 apply to postadoption contact proceedings under this chapter." IND. CODE ANN. § 31-19-16.5-6 (2006).</p> <p>Other Provisions: The court may vacate or modify a postadoption contact order if the court determines that it is in the best interests of the adopted child to do so. IND. CODE ANN. § 31-19-16.5-5 (2006).</p>
IA	Discretionary (implied): "A guardian, guardian ad litem if appointed for the adoption proceedings..." IOWA CODE § 600.11 (2005).	If adoptee is 14 or older, his or her consent is required. IOWA CODE § 600.7(2006).		<i>No reference to post-adoption contact in applicable statute.</i>
KS	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is over 14, his or her consent is required provided that adoptee is of "sound intellect." KAN. STAT. ANN. § 59-2129(2006).		<i>No reference to post-adoption contact in applicable statute.</i>
KY	Required if adoption follows termination or if both parents are deceased: "If the child's biological living parents, if the child is born in lawful wedlock, or if the child is born out of wedlock, its mother, and if paternity is established in legal action or if an affidavit is filed stating that the affiant is	<p>If adoptee is 12 or older, his or her consent is required; however, "[t]he court in its discretion may waive this requirement." KY. REV. STAT. ANN. § 199.500.</p> <p>Consent must be given in court. KY. REV. STAT. ANN. § 199.500.</p>		<i>No reference to post-adoption contact in applicable statute.</i>

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	father of the child, its father, are parties defendant, no guardian ad litem need be appointed to represent the child to be adopted..." KY. REV. STAT. ANN. § 199.480(2006).			
LA	<p>Required if father opposes adoption. LSA-CH.C. ART. 1137.</p> <p>Required if termination proceeding. LSA-CH.C. ART. 1016.</p> <p>Counsel appointed for the child in a termination action shall continue to represent the child in all subsequent review hearings until permanent placement. Counsel shall submit a recommendation for an agreement for § continuing contact. LSA-CH.C. ART. 1042</p>	If adoptee is 12 or older, the court shall solicit and consider his wishes in a petition for agency adoption. LSA-CH.C. ART. 1208.		<p>Child's Preference: "On behalf of the child who is to be adopted, the department, and counsel for the child shall report to the court approval or objection to the agreement and the child's wishes concerning continuing contact." LA. CH. C. ART. 1269.2(B) (2006).</p> <p>"If the child is twelve years of age or older, the court shall solicit and consider the child's wishes in the matter." LA. CH..C. ART. 1269.4(E) (2006).</p> <p>Appointment: "The court-appointed special advocate (CASA) for the child, if any, may also submit recommendations to the court regarding a proposed agreement." LA. CH.C. ART. 1269.2(B) (2006).</p> <p>"If necessary to ensure that the child's best interest is taken into account, the court may also appoint independent counsel for any child involved in future continuing contact. " LA. CH. C. ART. 1269.2(C) (2006).</p>
ME	Discretionary: The court "may appoint" a guardian ad litem for the child at any time during the proceedings. ME. REV. STAT. ANN. Tit. 18-a, § 9-304 (2005).	If the adoptee is 14 or older, his or her consent is required. ME. REV. STAT. ANN. Tit. 18-a, § 9-303.		<i>No reference to post-adoption contact in applicable statute.</i>
MD	The court shall appoint an attorney to represent a child "who has a disability that makes the child incapable of effectively participating in the case; or if the child	A juvenile court may enter an order for a child's adoption only "if the child is at least 10 years old, consents; or if under the age of 10 years, does not object." MD. CODE ANN. FAM. LAW § 5-338		<i>No reference to post-adoption contact in applicable statute.</i>

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	must decide whether to consent to the adoption, who is at least 10 years old." MD. CODE ANN. FAM. LAW § 5-3A-07 and 5-3B-06(2006).	(2006).		
MA	Required if contested: The court "shall appoint counsel to represent the child in the proceeding unless the petition is not contested by any party." MASS. GEN. LAWS ANN. ch. 210, § 3(b) (2006).	If adoptee is over 12, his or her written consent is required. MASS. GEN. LAWS ANN. ch. 210, § 2.		Appointment: In such proceedings, parties shall not be entitled to the appointment of counsel, provided, however, that the court may appoint a guardian ad litem to represent the interests of the child. MASS. GEN. LAWS ANN. ch. 210, § 6D (2006). Other Provisions: "The court shall approve an agreement for post-adoption contact or communication if the court finds that such agreement is in the best interests of the child..." MASS. GEN. LAWS ANN. Ch. 210, § 6C (2006).
MI	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is over 14, his or her consent is required. MICH. COMP. LAWS § 710.43.	Best interests of adoptee include "his or her reasonable preference of the adoptee, if the adoptee is 14 years of age or less and if the court considers the adoptee to be of sufficient age to express a preference." MICH. COMP. LAWS § 710.22.	<i>No reference to post-adoption contact in applicable statute.</i>
MN	Discretionary: The court "may appoint an attorney or guardian ad litem, or both." MINN. STAT. ANN. § 259.65 (2005).	If the adoptee is over 14, his or her written consent is required. MINN. STAT. ANN. § 259.24.	Responsibilities of GAL explained in MINN. STAT. ANN. § 518.165	Other Provisions: "The court shall not modify a post-adoption contact agreement unless it finds that the modification is necessary to serve the best interests of the minor adoptee..." MINN. STAT. ANN. § 259.58 (2005).
MS	Required if contested: "Whenever an adoption becomes a contested matter, the court shall appoint a guardian ad litem to represent the child. Such guardian ad litem shall be an attorney, however his duties are as guardian ad litem and not as attorney for the child. Neither the child nor anyone purporting to act	If the adoptee is more than 14, his or her consent is required. MISS. CODE ANN. § 93-17-5. Consent must be "sworn to or acknowledged by the child" "or personal service of process shall be had upon the child in the same manner and in the same effect as if it were an		<i>No reference to post-adoption contact in applicable statute.</i>

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	<p>on his behalf may waive the appointment of a guardian ad litem." MISS. CODE ANN. § 93-17-8(1)(b)</p> <p>But see: "Appointment of a guardian ad litem is not required in any proceeding under this chapter except as provided in subsection (1)(b) above and except for the guardian ad litem needed for an abandoned child. It shall not be necessary for a guardian ad litem to be appointed where the chancery judge presiding in the adoption proceeding deems it unnecessary and no adoption agency is involved in the proceeding. No final decree of adoption heretofore granted shall be set aside or modified because a guardian ad litem was not appointed unless as the result of a direct appeal not now barred." MISS. CODE ANN. § 93-17-8(5) (2005).</p>	<p>adult." MISS. CODE ANN. § 93-17-5.</p>		
MO	<p>Required: The court "shall ...appoint" a guardian ad litem. MO. ANN. STAT. § 453.025 (2006).</p>	<p>"The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same." MO. ANN. STAT. § 453.030 (2006).</p>	<p>The guardian ad litem shall: "be the legal advocate for the best interest of the party he is appointed to represent with the power and authority to cross-examine, subpoena witnesses, and offer testimony; initiate an appeal of any disposition that he determines to be adverse to the interests of the party he represents; and ascertain the child's wishes, feelings and attitudes regarding the adoption by interviewing persons with knowledge of the child, and if appropriate, to meet with the child."</p>	<p>Other Provisions: "A court may order that an agreement for contact or communication entered into under this section may not be enforced upon a finding that enforcement is detrimental to the child..." MO. ANN. STAT., § 42-5-301(3) (2005).</p>

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			MO. ANN. STAT. § 453.025.	
MT	Discretionary (implied): Petition for adoption must specify "the child's guardian ad litem if the child has one." MONT. CODE ANN. § 42-5-101 (2006).	If the adoptee is 12 or older, his or her consent is required unless he or she does not have the mental capacity to consent. MONT. CODE ANN. § 42-2-301.		<i>No reference to post-adoption contact in applicable statute.</i>
NE	Discretionary (implied in statute about notice to biological father of adoptee born out of wedlock): "[E]vidence submitted to support a petition to finalize an adoption or any evidence submitted by a guardian ad litem if one is appointed..." NEB. REV. STAT. § 43-104.23 (2005).	If adoptee is over 14, his or her written consent is required. NEB. REV. STAT. § 43-104.		Appointment: "Before approving a post-adoption agreement, the court shall appoint a guardian ad litem if the prospective adoptee is not already represented by a guardian ad litem, and the guardian ad litem of the prospective adoptee shall represent the best interests of the child concerning such agreement." NEB. REV. STAT. § 43-163(1) (2005).
NV	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is over 14, his or her consent is required. NEV. REV. STAT. § 127.020		May enter an enforceable agreement NEV. REV. STAT. § 127.187 For modification may consider wishes of child NEV. REV. STAT. § 127.1895
NH	Discretionary (implied): "Notice shall also be given by the court to... the guardian ad litem of any party." N.H. REV. STAT. ANN. § 170-B:17 (2005).	If the adoptee is 14 years of age or older, "he or she must assent to the adoption unless the court determines that it is not in the best interests of the adoptee to require assent." N.H. REV. STAT. ANN. § 170-B:3.		<i>No reference to post-adoption contact in applicable statute.</i>

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NJ	<p>Required if contested: “[I]f after preliminary hearing the approved agency concludes that the best interests of the child would not be promoted by the adoption, the court shall appoint a guardian ad litem for the child...If at any time following the preliminary hearing the approved agency concludes that the best interests of the child would not be promoted by the adoption, the court shall appoint a guardian ad litem for the child and after a hearing held upon the application of the approved agency and upon notice to the plaintiff, may modify or revoke any order entered in the action and make such further order concerning the custody and guardianship of the child as may be deemed proper in the circumstances.” N.J. REV. STAT. § 9:3-48 (2006).</p>	<p>If adoptee is 10 or over, “the appearance of the child shall be required at the final adoption hearing, unless waived by the court for good cause shown, and the child's wishes concerning the adoption shall be solicited by the court and given consideration if the child is of sufficient capacity to form an intelligent preference regarding the adoption.” N.J. REV. STAT. § 9:3-49.</p>	<p>“‘Guardian ad litem’ means a qualified person, not necessarily an attorney, appointed by the court under the provisions of this act or at the discretion of the court to represent the interests of the child whether or not the child is a named party in the action.” N.J. REV. STAT. § 9:3-38(e).</p>	<p><i>No reference to post-adoption contact in applicable statute.</i></p>
NM	<p>Required if contested: “In any contested proceeding, the court shall appoint a guardian ad litem for the adoptee.” N.M. STAT. ANN. § 32A-5-33 (2004).</p> <p>Discretionary: “Upon the motion of any party, or upon the court's own motion, the court may appoint a guardian ad litem for the adoptee...” N.M. STAT. ANN. § 32A-5-33 (2006).</p>	<p>If adoptee is 10 or over, his or her consent is required. N.M. STAT. ANN. § 32A-5-17.</p> <p>“The consent shall be in writing, signed by the adoptee consenting to the adoption and shall state the following:</p> <ol style="list-style-type: none"> (1) the date, place and time of execution; (2) the date and place of birth of the adoptee and any names by which the adoptee has been known; (3) the name of the petitioner; (4) that the adoptee has been counseled regarding the consent pursuant to department regulation; 	<p>If the adoptee is 10 years or older, the adoptee must receive adoption counseling. N.M. STAT. ANN. § 32A-5-22(B)(1).</p> <p>The content of the counseling is set forth at N.M. STAT. ANN. § 32A-5-22(C)(1).</p>	<p>Appointment: “The court may appoint a guardian ad litem for the adoptee. The court shall adopt a presumption in favor of appointing a guardian ad litem for the adoptee when visitation between the biological family and the adoptee is included in an agreement; however, this requirement may be waived by the court for good cause shown.” N.M. STAT. ANN. § 32A-5-35(B) (2006).</p> <p>“If the child is fourteen years of age or older, the court may appoint an attorney for the child. The duties of the guardian ad litem or child's attorney end upon the filing of the decree, unless otherwise ordered by the court.” N.M. STAT. ANN. § 32A-5-35(B)</p>

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		<p>(5) that the adoptee has been advised of the legal consequences of the consent;</p> <p>(6) that the adoptee is voluntarily and unequivocally consenting to the adoption;</p> <p>(7) that the consent or relinquishment cannot be withdrawn;</p> <p>(8) that a counseling narrative has been prepared pursuant to department regulation and is attached to the consent; and</p> <p>(9) that the person who performed the counseling meets the requirements set forth in the Adoption Act N.M. STAT. ANN. § 32A-5-21.</p>		<p>(2006).</p> <p>Child's Preference: "In determining whether the agreement is in the adoptee's best interests, the court shall consider the adoptee's wishes, but the wishes of the adoptee shall not control the court's findings as to the best interests of the adoptee." N.M. STAT. ANN. § 32A-5-35(C) (2006).</p>
NY	<p>Required: In a proceeding under article 3, 7, or 10 of this act or where a revocation of an adoption consent is opposed under DRL § 115- or in any proceeding under § 358-a, 383-c, 384, 384-b, 392 of the social services law or when a minor is sought to be placed in protective custody under § 158 of this act, the family court shall appoint a law guardian to represent a minor who is the subject of the proceeding." Otherwise discretionary N.Y. FAM. CT. ACT § 249 (2006).</p> <p>The court shall appoint a guardian ad litem to represent an infant in a proceeding ... where a revocation of an adoption consent is opposed under DRL § 115-b. N.Y. SURR. CT. PROC. ACT § 403-a (2006).</p>	<p>If adoptee is over 14, his or her consent is required "unless the judge or surrogate in his discretion dispenses with such consent." DRL § 111 (2006).</p>		<p><i>No reference to post-adoption contact in applicable statute.</i></p>
NC	<p>Discretionary if contested: The court on its own motion may</p>	<p>If adoptee is 12 or older, his or her consent is required. N.C.G.S. § 48-3-</p>		<p><i>No reference to post-adoption contact in applicable statute.</i></p>

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	appoint an attorney or a guardian to represent the interests of the adoptee in a contested proceeding brought under this Chapter. N.C.G.S. § 48-2-201 (2005).	601. May waive if in child's best interest. N.C.G.S. § 48-3-603(b)		
ND	Required: "The court shall set a time and place for a hearing on the petition for relinquishment. A guardian ad litem must be appointed for the child at least seven days prior to the hearing. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later." N.D. CENT. CODE § 14-15.1-03 (2006).	If adoptee is over 10, his or her consent is required "unless the court in the best interest of the minor dispenses with the minor's consent." N.D. CENT. CODE § 14-15-05.		<i>No reference to post-adoption contact in applicable statute.</i>
OH	Discretionary (implied in comments explaining R.C. § 3107.031 (2006), which is a part of the Adoption chapter). Comments cite a case, which implies that discretionary to appointment a guardian ad litem emanates from OHIO REV. CODE ANN. § 2111.23 (2006). ("Whenever a minor or other person under legal disability, for whom no guardian of the estate or of the person and estate has been appointed, is interested in any suit or proceeding in such court, the court may appoint a guardian or a guardian ad litem. In a suit or proceeding in which the guardian has an adverse interest, the court shall appoint a guardian ad litem to represent such minor or other person under legal disability.") and Civil R. Rule 17 (2006).	If adoptee is over 12, his or her consent is required "unless the court, finding that it is in the best interest of the minor, determines that the minor's consent is not required." OHIO REV. CODE ANN. § 3107.06.		Other Provision: "A probate court may not refuse to approve post-adoption contact unless it is not in the best interest of the child." OHIO REV. CODE ANN. § 3107.65(B) (2006).

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OK	<p>Required if contested: "The attorney shall be charged with the representation of the child. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child." OKLA. ADMIN. CODE, tit. 10, § 7505-1.2(A).</p> <p>May also appoint a separate guardian ad litem and shall appoint one if requested: "The guardian ad litem shall be appointed to objectively advocate on behalf of the minor and act as an officer of the court to investigate all matters concerning the best interests of the minor. In addition to other duties required by the court and as specified by the court, a guardian ad litem shall have the following responsibilities:</p> <ol style="list-style-type: none"> a. review relevant documents, reports and other information, b. meet with and/or observe the child, c. consider the child's wishes, as appropriate, d. interview parents, caregivers and others with knowledge relevant to 	<p>If adoptee is 12 or older, his or her consent is required "unless the court makes a finding that it is not in the best interest of the minor to require the minor's consent." OKLA. ADMIN. CODE, tit. 10, § 7503-2.1.</p> <p>Consent must be given before the court in such form as the court shall direct. OKLA. ADMIN. CODE, tit. 10, § 7503-2.1.</p>		<p><i>No reference to post-adoption contact in applicable statute.</i></p>

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	<p>the case,</p> <p>e. advocate for the minor's best interests by participating in appropriate aspects of the case and advocating for appropriate community and other services when necessary,</p> <p>f. maintain the confidentiality of information related to the case,</p> <p>g. monitor the minor's best interests throughout any judicial proceeding, and</p> <p>h. advise the court of his or her findings and recommendations, if any, and the facts upon which they are based.” OKLA. ADMIN. CODE, tit. 10, § 7505-1.2(B).</p>			
OR	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is 14 years or older, his or her consent is required. OR. REV. STAT. § 109.328.	The court before which the petition is pending, on its own motion, may take testimony from or confer with the child to be adopted and may exclude from the conference the parents or guardians of the child, the proposed adoptive parents and other persons if the court finds that such action would be likely to be in the best interests of the child. However, the court shall permit an attorney for each party to attend the conference, and the conference shall be reported. OR. REV. STAT. § 109.307.	May agree to post-adoption contact. OR. REV. STAT. § 109.305
PA	Required if contested & involuntary: The court “shall appoint counsel” to represent the child in an involuntary termination proceeding when the proceeding is being contested by one or both of the parents.	If adoptee is over 12, his or her consent is required. PA STAT. ANN. tit. 23, § 2711.		<i>No reference to post-adoption contact in applicable statute.</i>

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State	Appointment of Advocate	Consideration of Child's Preference	Other Provisions	§ Contact
	Discretionary: The court “may appoint counsel or a guardian ad litem to represent any child who has not reached the age of 18 years and is subject to any other proceeding under this part whenever it is in the best interests of the child. No attorney or law firm shall represent both the child and the adopting parent or parents.” PA STAT. ANN. tit. 23, § 2313 (2005).			
RI	Discretionary (implied): “The department of children, youth and families and the child's court appointed special advocate or the guardian ad litem, if one has been appointed pursuant to...” R.I. GEN. LAWS § 15-7-14.1 (2006).	If adoptee is 14 or over, his or her consent is required. R.I. GEN. LAWS § 15-7-5.		<p>Child Preference: Consent to the post-adoption privileges is obtained from the child, if the child is twelve years old. R.I. GEN. LAWS § 15-7-14.1(b)(5) (2006)</p> <p>Appointment: Discretionary (implied): “The court may void or modify a post-adoption privileges agreement if the court determines after a hearing that the best interests of the child require the voiding or modification of the agreement. Before the court: (1) Voids or modifies an agreement, or (2) Hears a motion to compel compliance with an agreement approved under this section, the court shall give notice and an opportunity to be heard to the licensed, child placement agency that sponsored the adoption and to the child's court appointed special advocate (CASA) or court appointed guardian ad litem if one had been appointed prior to the finalization of adoption.” R.I. GEN. LAWS § 15-7-14.1(f) (2006).</p> <p>Other Provisions: A court may grant post-adoption privileges if the court determines that the best interests of the child would be served by granting post-adoption privileges.</p>

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				R.I. GEN. LAWS § 15-7-14.1(b)(1) (2006).
SC	Required: "Before any hearing is held on the adoption or any matter related to the adoption, the court shall appoint a guardian ad litem for the adoptee as in other family court actions, and the adoptee must be served with a copy of the pleadings. However, if the adoptee is fourteen years of age or younger, the child may be served by service upon his guardian ad litem or other person with whom he resides." S.C. CODE ANN. § 20-7-1732 (2006).	If adoptee is over 14, his or her consent is required "except where the court finds that the adoptee does not have the mental capacity to give consent, or that the best interests of the adoptee are served by not requiring consent; and either." S.C. CODE ANN. § 20-7-1690 (2004).		<i>No reference to post-adoption contact in applicable statute.</i>
SD	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is over 12, his or her consent is required. S.D. CODIFIED LAWS § 25-6-5 (2006).		Other Provisions: Post-adoption visitation is an extraordinary remedy and may be exercised only by the adoptive parents when in the child's best interests. S.D. CODIFIED LAWS § 25-6-17 (2006).
TN	Required if child is mentally disabled: "If the child is mentally disabled, the court shall appoint a guardian ad litem to give or withhold consent for the child to the adoption..." TENN. CODE ANN. § 36-1-117 (2006).	If adoptee is over 14, his or her consent is required. TENN. CODE ANN. § 36-1-120.		<i>No reference to post-adoption contact in applicable statute.</i>

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TX	<p>Discretionary:</p> <p>a. In a suit in which best interests of child are at issue,...the court may appoint the following:</p> <ol style="list-style-type: none"> 1- an amicus 2- an attorney ad litem 3- a guardian ad litem <p>b. Shall appoint one unless the best interest of child is not in conflict with child's wishes TEX. FAM. CODE ANN. § 107.021</p>	<p>If adoptee is 12 or older, his or her consent is required; however, the "court may waive this requirement if it would serve the child's best interest." TEX. FAM. CODE ANN. § 162.010.</p>	<p>"Amicus attorney means an attorney appointed by the court in a suit, other than a suit filed by a governmental entity, whose role is to provide legal services necessary to assist the court in protecting a child's best interests rather than to provide legal services to the child..."</p> <p>"Attorney ad litem means an attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation." TEX. FAM. CODE ANN. § 107.001.</p> <p>"Guardian ad litem means a person appointed to represent the best interests of a child. The term includes "a volunteer advocate, a professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of a child's best interests; an adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child; or an attorney ad litem appointed to serve in the dual role." TEX. FAM. CODE ANN. § 107.001.</p>	<p><i>No reference to post-adoption contact in applicable statute.</i></p>

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UT	No reference to appointment of representative for the adoptee within the adoption act, but discretionary (implied) under the Rules of Civil Procedure: "A guardian ad litem may be appointed in any case when it is deemed by the court in which the action or proceeding is prosecuted expedient to represent the minor, insane or incompetent person in the action or proceeding, notwithstanding that the person may have a general guardian and may have appeared by the guardian. In an action in rem it shall not be necessary to appoint a guardian ad litem for any unknown party who might be a minor or an incompetent person..." UT ST RCPO Rule 17 (2004).	If adoptee is over 12, his or her consent is required "unless he does not have the mental capacity to consent." UTAH CODE ANN. § 78-30-4.14 and § 78-30-6.		<i>No reference to post-adoption contact in applicable statute.</i>
VT	Required if contested (discretionary if not): "The court shall appoint a guardian ad litem for a minor adoptee in a contested proceeding under this title and may appoint a guardian ad litem for a minor adoptee in an uncontested proceeding." VT. STAT. ANN. tit. 15A, § 3-201 (2004).	If adoptee is 14 or older, his or her consent is required "unless the court dispenses with the minor's consent" requirement. VT. STAT. ANN. tit. 15A, § 2-401.		Child's Preference: "The agreement shall be signed by the person, the petitioner, the petitioner's spouse, the minor if 14 years of age or older, and, if an agency placed the minor for adoption, an authorized employee of the agency." VT. STAT. ANN. tit. 15A, § 4-112(a) (2006). Appointment: "The court may enter an order approving the agreement only upon determining that the agreement is in the best interest of the minor adoptee. In making this determination, the court shall consider the recommendation of the minor's guardian ad litem, attorney, social worker, or other counselor..." VT. STAT. ANN. tit. 15A, § 4-112(b)(5) (2006).
VA	<i>There is no reference to</i>	If adoptee is 14 or older, his or her		<i>No reference to post-adoption</i>

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	<i>appointment of representative for the adoptee within the adoption chapter.</i>	consent is required, "unless the circuit court finds that the best interests of the child will be served by not requiring such consent." VA. CODE ANN. § 63.2-1202		<i>contact in applicable statute.</i>
WA	Discretionary: The court "may appoint a guardian ad litem for a child adoptee..." WASH. REV. CODE ANN. § 26.33.070 (2006).	If adoptee is 14 or over, his or her consent is required. WASH. REV. CODE ANN. § 26.33.160.		Appointment: Discretionary (implied): "If the child is represented by an attorney or guardian ad litem, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable." WASH. REV. CODE ANN. § 26.33.295(2) (2006). Other Provision: "The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests." WASH. REV. CODE ANN. § 26.33.295(2) (2006).
WV	<i>No reference to appointment of representative for the adoptee within the adoption act.</i>	If adoptee is 12 or over, his or her consent is required, "unless for extraordinary cause, the requirement of such consent is waived by the court." Consent must be "given in the presence of a judge of a court of competent jurisdiction." W. VA. CODE § 48-22-301 (2006).		Child's Preference: The court may, in its sole discretion, consider the position of a child of the age and maturity to express such position to the court. W. VA. CODE § 48-22-704(e) (2006). Other Provisions: "The court may hear a petition to enforce the agreement, in which case the court shall determine whether enforcement of the agreement would serve the best interests of the child." W. VA. CODE § 48-22-704(e) (2006).
WI	Required if contested: The court shall appoint a guardian ad litem for any adoptee who is the subject of a proceeding to terminate	<i>No specific reference to the adoptee's consent within the adoption chapter.</i>		<i>No reference to post-adoption contact in applicable statute.</i>



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	parental rights, whether voluntary or involuntary, for a adoptee who is the subject of a contested adoption proceeding and for a adoptee who is the subject of a proceeding under § 48.977 or § 48.978. WIS. ADMIN. CODE § 48.235 (2005).			
WY	Discretionary: "If the report of the investigation is unfavorable or if it discloses a situation which, in the opinion of the court, raises a serious question as to the suitability of the proposed adoption, the court may appoint a guardian ad litem for the minor whose adoption is proposed. The guardian ad litem may have witnesses subpoenaed and present proof at the hearing." WYO. STAT. ANN. § 48.88(2006).	If adoptee is over 14, his or her consent is required. WYO. STAT. ANN. § 1-22-109.		<i>No reference to post-adoption contact in applicable statute.</i>