



Maricopa County Attorney

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NEWS RELEASE

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FOR IMMEDIATE RELEASE

DATE HERE

County Attorney Issues Statement on Adoption Services for Same-Sex Stepparents

PHOENIX – Maricopa County Attorney Bill Montgomery issued the following statement today on adoption petition services provided by the County Attorney’s Office:

Under Arizona law, “Prospective adoptive parents have no absolute right to adopt a child” *Adams v. State*, 185 Ariz. 440 (App. 1995), so our adoption statutes should be strictly construed and are distinct from cases arguing a right to marry and recognition of marriages by same-sex couples. Federal district and circuit court rulings have not addressed adoption so as to require any change in the law prior to or in place of action by the Arizona legislature. The requirement for County Attorneys to provide adoption petition services is unique in Arizona law in that it represents a legislative directive to provide legal services to an individual outside of the civil and criminal law duties and responsibilities otherwise set forth by statute. Accordingly, that directive is also strictly interpreted.

This office has never provided adoption petition services in same-sex stepparent situations. Whether we have provided adoption petition services to individuals who are homosexual is unknown since our office does not solicit that information when fulfilling our legal duties and responsibilities under Arizona law.

Should a federal court with jurisdiction issue a ruling or the Arizona legislature takes action addressing Arizona's adoption statutes in these circumstances, we will adjust accordingly just as we did in providing advice on changes to benefits rules for same-sex couples in a legally recognized marriage. Until then, it is not my place as a state executive branch official to give greater import to a federal judicial action than what the ruling directly addressed and that supplants the role of a state legislature.

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