

criminal convictions, substance abuse, financial insolvency and a history of welfare receipt, delinquency of other children of the petitioners,²⁴ and removal of foster children or poor relationships with other children.²⁵ Prospective adopters have been approved even if they are residing with another adult out of wedlock, whether the partner is of the opposite gender²⁶ or same gender.²⁷

c. State Pre-adoption Requirements if Adoption in the U.S.

If the child is to be adopted in the United States rather than in his or her country of origin, prospective adopters must also establish that any state pre-adoption requirements for transnational adoptive placements have been satisfied. State preadoption requirements for immigrating foreign-born children vary from state to state, and many, if not most states, like Oklahoma, have no such preadoption requirements.²⁸

failed to establish proper care); Matter of T-E-C-, 10 I. & N. Dec. 691, 1964 WL 12117 (B.I.A. 1964) (petitioner's financial status, erratic work record, receipt of welfare, erratic rent payments, indicated difficulty in supporting six children of her own).

²⁴ Kathleen M. Sullivan, *Intercountry Adoption, A Step-by-Step Guide for the Practitioner*, 95-09 Immig. Briefings 1 (1995), at n.123 and accompanying text.

²⁵ Cf. Matter of [Name Withheld], File No. [withheld], 2007 WL 5746519 (INS) (AAO Dec. 13, 2007) (AAO reversed denial of I-600A, initially denied due to estrangement from birth children and removal of foster children, because foster care agency reported applicant was excellent foster parent and children removed for other reasons and adult children reported relationship strained but healthy and adequate.)

²⁶ Matter of [Name Withheld], File No. [withheld], A72 466 877 (AAU Oct. 18, 1992), reported in 71 No. 11 Interrel 391.

²⁷ Matter of Gressin, A 72 457 702 (AAU Sept. 13, 1993), reported in 70 No. 46 Interrel 1603.

²⁸ The two state laws typically given as examples in the treatises of pre-adoption requirements no longer effectively have them. Illinois previously required in 750 Ill. Comp. Stat. Ann. 50/41, *inter alia*, medical reports, verification that an adoptive family is a licensed foster family, and a bond or contract from a placement agency assuming responsibility if an adoption disrupted; however, the statute was amended in 2015 to eliminate these requirements.

New York still has a statute on the books, N.Y. Dom. Rel. §115-a., imposing preadoption requirements only for independent adoptions of children immigrating through orphan visas. It mandates that before a child who has not been placed by an agency is admitted to the United States for adoption in New York, prospective adopters must file a petition, home