HB701

69481-1

By Representatives Williams (N), Collier, Wood, McClendon, Hammon, Williams (J), Ward, Ball, Allen, McClurkin, Hubbard, Beason, Carns, Bridges, Laird, Greer, Barton, Albritton, McMillan, Greeson, Thomas (E), Oden, Gaston, Glover, Garner, Love, Bentley, Layson, Faust, Beck, Humphryes, Fite, Hill, Morrow, Galliher, Davis, Clouse and Thigpen

RFD: Judiciary

First Read: 31-MAR-05

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SYNOPSIS: Under existing law, the sexual orientation of an adult person is not considered in a petition to the court to adopt a minor.

This bill would prohibit the adoption of a minor by an adult person who is a homosexual.

A BILL

TO BE ENTITLED

AN ACT

To amend Section 26-10A-5 of the Code of Alabama 1975, relating to who may adopt; to prohibit the adoption of a minor by an adult person who is a homosexual.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-10A-5 of the Code of Alabama 1975, is amended to read as follows:

"§26-10A-5.

"(a) Any adult person or husband and wife jointly who are adults may petition the court to adopt a minor.

"(1) No rule or regulation of the Department of Human Resources shall prevent an adoption by a person solely because the person is employed outside the home, provided however, the Department of Human Resources may exercise sound discretion in requiring the person to remain in the home with a minor for a reasonable period of time when a particular minor requires the presence of that person to ensure his or her adjustment. Provided, however, the reasonable period of time shall not exceed 60 consecutive calendar days.

"(2) No rule or regulation of the Department of Human Resources or any agency shall prevent an adoption by a single person solely because such person is single or shall prevent an adoption solely because such person is of a certain age.

"(3) Provided however, in cases, where one who purports to be the biological father marries the biological mother, on petition of the parties, the court shall order paternity tests to determine the true biological father. If the court determines by substantial evidence that the biological father is the man married to the biological mother, then the biological father shall be allowed to adopt the child without the consent of the man who was married to the biological mother at the time of the conception or birth of the child, or both, when the court finds the adoption to be in the best interest of the child.

"(4) No adult person may adopt a minor if the adult person is a homosexual.

"(b) Any adult may petition the court to adopt another adult as provided in this chapter."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.