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DISTRICT OF COLUMBIA OFFICIAL CODE  
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\*\*\* Current through laws effective as of May 19, 2014, and through D.C. Act 20-306 \*\*\*

DIVISION II. JUDICIARY AND JUDICIAL PROCEDURE  
TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS  
CHAPTER 3. ADOPTION

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*D.C. Code § 16-301 (2014)*

§ 16-301. Jurisdiction; rules

(a) Subject to subsection (b) of this section, the Superior Court of the District of Columbia has jurisdiction to hear and determine petitions and decrees of adoption of any adult or child with authority to make such rules, not inconsistent with this chapter, as shall bring fully before the court for consideration the interests of the prospective adoptee, the natural parents, the petitioner, and any other properly interested party.

(b) Jurisdiction shall be conferred when any of the following circumstances exist:

- (1) petitioner is a legal resident of the District of Columbia;
- (2) petitioner has actually resided in the District for at least one year next preceding the filing of the petition;
- (3) the child to be adopted is in the legal care, custody, or control of the Mayor or a child-placing agency licensed under the laws of the District; or
- (4) the child to be adopted was born in the District of Columbia.

(c) The jurisdiction conferred upon the Superior Court of the District of Columbia by subsection (b)(4) of this section shall apply retroactively to all children born in the District of Columbia on or after July 18, 2009.

**HISTORY:** Dec. 23, 1963, *77 Stat. 537*, Pub. L. 88-241, § 1; July 29, 1970, *84 Stat. 555*, Pub. L. 91-358, title I, § 145(a)(1); Apr. 30, 1988, D.C. Law 7-104, § 4(a), 35 DCR 147; Mar. 19, 2013, D.C. Law 19-233, § 2, 59 DCR 14769.

**NOTES:** CROSS REFERENCES. --Exclusive adoption jurisdiction, see *§ 11-1101*.

SECTION REFERENCES. --This section is referenced in *§ 16-4601.02*.

PRIOR CODIFICATIONS. --1981 Ed., *§ 16-301*.  
1973 Ed., *§ 16-301*.

EFFECT OF AMENDMENTS. --The 2013 amendment by D.C. Law 19-233 added (b)(4); added (c); and made related changes.

LEGISLATIVE HISTORY OF LAW 7-104. --Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

LEGISLATIVE HISTORY OF LAW 19-233. --Law 19-233, the "Judicial Declaration of Parentage Amendment Act of 2011," was introduced in Council and assigned Bill No. 19-615. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 2, 2012, respectively. Signed by the Mayor on Nov. 20, 2012, it was assigned Act No. 19-550 and transmitted to Congress for its review. D.C. Law 19-233 became effective on Mar. 19, 2013.

### LexisNexis 50 State Surveys, Legislation & Regulations

#### 50 State Surveys - Adoption

ANALYSIS In general Jurisdiction Location of parties Parental rights

#### IN GENERAL.

Formal adoption procedures are for the benefit of the child and they cannot be circumvented or substituted by other procedures. *D.C. Code § 16-301 et seq. Fuller v. Fuller, 247 A.2d 767, 1968 D.C. App. LEXIS 218 (App. 1968).*

A properly executed relinquishment to a child-placing agency may provide a jurisdictional underpinning to the filing of an eventual adoption petition pursuant to this section, because it severs the parental rights and responsibilities of the parent executing the relinquishment. *In re J.W.C., 122 WLR 249 (Super. Ct. 1994).*

The jurisdictional prerequisite of subsection (b)(3) of this section is satisfied when an adoption petition is filed by petitioners who cannot meet the residency requirements of this section. *In re J.W.C., 122 WLR 249 (Super. Ct. 1994).*

#### JURISDICTION.

Superior Court lacked jurisdiction over adoption proceedings on the basis of its general equitable powers; adoption proceedings are purely the creatures of statute. *In re A.W.K., 778 A.2d 314, 2001 D.C. App. LEXIS 159 (2001).*

Superior Court had jurisdiction over proceedings to adopt neglected child, even though the Court never formally committed the child to the Department of Human Services (DHS), but approved placement of child with maternal grandfather's family friend; the Court imposed pervasive responsibilities on the DHS, and it thus exercised a substantial degree of legal care, custody, or control. *In re A.W.K., 778 A.2d 314, 2001 D.C. App. LEXIS 159 (2001).*

A court must look to substance, rather than form, in determining whether the trial court has jurisdiction over adoption petitions. *In re A.W.K., 778 A.2d 314, 2001 D.C. App. LEXIS 159 (2001).*

#### LOCATION OF PARTIES.

The court was without jurisdiction of adoption proceeding where both the child and the child's custodian were in Virginia and so not in court's control. D.C. Code 1940, §§ 16-201, 16-203. *Wathen v. Ugast, 143 F.2d 160, 1944 U.S. App. LEXIS 3034 (1944).*

Adoptive parents' residency in District of Columbia was sufficient to give superior court jurisdiction to enter adoption decree as to child who was born, raised and present in District of Columbia when adoption petition was filed even though child was removed from District while adoption proceeding was pending. *D.C. Code § 16-301(b)(1). Petition of J.E.G., 357 A.2d 855, 1976 D.C. App. LEXIS 285 (1976).*

Since none of petitioners was a legal resident of the District of Columbia or had actually resided in the jurisdiction for at least a year preceding the filing of the petition, the only potential basis for the assertion of jurisdiction by the Superior Court was to be found in subsection (b)(3) of this section. *In re J.W.C., 122 WLR 249 (Super. Ct. 1994).*

#### PARENTAL RIGHTS.

Superior Court did not have jurisdiction over adoption proceedings in which surrogate mother who had been impregnated with sperm of natural father agreed to relinquish parental rights to adoption agency licensed to do business in District of Columbia, father reserved all parental rights, and father consented to adoption by his wife; "legal care, custody,

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or control" of proposed adoptees never passed to child-placing agencies. *D.C. Code 1981, §§ 16-301(b)(3), 32-1007(a)(1). In re S.G.*, 663 A.2d 1215, 1995 D.C. App. LEXIS 289 (1995).