

**§ 48-5-102. Consent to adoption.**

- (a) Consent to the adoption of an adult is required only of:
  - (1) The adult being adopted; and
  - (2) The spouse of the petitioner in an adoption by the adult's stepparent, unless the court waives this requirement for cause.
- (b) The consent of the adult being adopted must:
  - (1) Be in writing and be signed and acknowledged before an individual authorized to administer oaths or take acknowledgments;
  - (2) State that the adult agrees to assume toward the adoptive parent the legal relation of parent and child and to have all of the rights and be subject to all of the duties of that relationship; and
  - (3) State that the adult understands the consequences the adoption may have for rights of inheritance, property, or support, including the loss of nonvested inheritance rights which existed prior to the adoption and the acquisition of new inheritance rights.
- (c) The consent of the spouse of the petitioner in a stepparent adoption:
  - (1) Must be in writing and be signed and acknowledged before an individual authorized to administer oaths or take acknowledgments; and
  - (2) Must state that the spouse:
    - a. Consents to the proposed adoption;
    - b. Understands that the adoption may diminish the amount the spouse might take from the petitioner through intestate succession or by dissenting to the petitioner's will and may also diminish the amount of other entitlements that may become due the spouse and any other children of the petitioner through the petitioner; and
    - c. Believes the adoption will be in the best interest of the adult being adopted and the prospective adoptive parent.
- (d) Anyone who gives a consent under this Article may revoke the consent at any time before the entry of the decree of adoption by delivering a written notice of revocation to the individual to whom the consent was given. If a petition to adopt has been filed, the notice of revocation shall also be filed with the clerk of court in the county where the petition is pending. (1967, c. 880, s. 3; 1969, c. 21, ss. 3-6; 1971, c. 1231, s. 1; 1973, c. 849, s. 3; 1975, c. 91; 1981, c. 657; 1989, c. 208; c. 727, s. 219(4); 1993, c. 553, s. 14; 1995, c. 457, s. 2.)