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Desire to be adopted leads to law change She was too old to be adopted; they changed law



Dawn Hurtt, holding her 2-year-old adopted son, R.J., battled for the right to adopt 18-year-old Angel Cina (right), who is now 19.

by **Mary Jo Pitzl** - May. 30, 2008 12:00 AM
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Dawn Hurtt welcomed Angel Cina into her heart, her home and even her clothes closet. But state law prevented her from making the young woman an official part of her family.

Hurtt, 42, a veteran of foster-parent and adoption circles, was undaunted. So was Angel, then 18 and legally beyond adoption age, who wanted to put down roots with Dawn and her husband, Gordon.

The two women are the impetus behind a new state law that allows adoption of consenting adults up to age 21, even if there are no blood or foster-family ties.

When the law takes effect later this year, the Hurtt's intend to make Angel their daughter, providing the young woman the loving cocoon that they say is so often denied older kids in the foster-care system.

Dawn is frequently asked why she is so focused on adopting someone who technically is an adult.

"We've always had a heart for teens," she added, referring to her husband and herself. And besides, turning 18 doesn't end the need for a place to call home.

"They may be raised, but they need a home to come back to."

In a poem she wrote last fall, Angel expressed the relief and near disbelief she felt at having found that home: *"A year ago today I lived in many homes/ Today I live in one home forever."*

Yearning for a home

For Angel, finding a family she could call her own was an almost impossible dream. Since age 5, she had been in state custody and a procession of foster homes throughout Tennessee.

Placements with foster families didn't work out. Then, last summer, she met the Hurttts when they were in the process of adopting a girl who lived in the same foster home as Angel.

They clicked, and the Hurttts decided to adopt Angel, as well. By late summer, Angel had moved to Phoenix from Tennessee and into the Hurttts' bustling Tolleson household, home to two adopted children, a family friend and, over the years, numerous foster children. She enrolled in Estrella High School for her senior year and settled into family life.

The smooth-running plans hit a snag in the fall, when a Probate Court judge denied the adoption request. State law cuts off adoptions at age 18, unless the would-be adopted person is a relative or stepchild or there has been a foster parent/foster-child relationship for at least five years. Angel was 18 years and 6 months old and had not been fostered by the Hurttts.

Attorney Kathleen Mucerino suggested they could appeal. But Dawn didn't have the patience.

"I said, 'I'm not going to wait,' " she recalled. Instead, she followed Mucerino's other course of action and threw herself into getting the law changed.

Her e-mail request landed in the in-basket of state Sen. Richard Miranda, D-Phoenix, who quickly took up the cause.

"These young men and women, they're out (of state custody) at 18," he said. "They have people who care about them, but it's not the same as having someone you can call Mom and Dad."

Besides, Miranda said, such adoptions could save the state money if it takes a young person off the state health-insurance rolls. And it makes the young adult eligible for a range of benefits that come with family ties, such as employer-backed scholarships.

Things moved briskly, propelled by an emotional tale that allowed lawmakers to see its effect on a specific family.

Miranda had a draft of the bill within a week last fall, and the proposal breezed through committee hearings. Earlier this month, Gov. Janet Napolitano signed it into law.

The quick action surprised Gordon Hurtt, 50.

"I always heard government moves at a snail's pace," he said. "Well, it didn't in this case."

Mucerino, who had unsuccessfully urged other clients to take the step Dawn Hurtt did, was amazed at how quickly things came together.

"She just wasn't going to leave this child on her own," Mucerino said.

Emotional testimony

Lawmakers were moved by the emotional appeals from Miranda, Dawn and Angel.

"Everybody deserves to be part of a family and to know that there's a tie that can never be broken," Dawn told a Senate committee earlier this year. "I can house her (Angel) until she's 80 years old, but if she's not adopted and doesn't carry the name, then she feels detached."

Angel echoed that message.

"I don't have a mom and dad I can lean on," she told the Senate Public Safety and Human Services Committee.

Speculating about developments that may occur later in her life, she wondered aloud who would be grandparents to her children.

" 'Here's your grandchild' - who can I say that to?" Angel asked.

Lawmakers were moved by the testimony.

Sen. Chuck Gray, a Mesa Republican, said he is lucky to have a large and caring family.

"Anyone who has not been able to experience that should have the right, even at a delayed point in their life, be able to enjoy those family bonds," he told Dawn and Angel.

Sen. Rebecca Rios, D-Apache Junction, agreed.

"The psychological need to be a part of a family doesn't end at 18," she said. "And one of the crucial things we need is that sense of belonging."

Adoption law

The change brought about by Senate Bill 1282 creates a big opening in adoption law, attorneys in the family-law field say.

"What this does is carve out a large hole in a very narrow period of time," said Rita Meiser, a Phoenix adoption attorney.

That's because, once the bill becomes law this fall, any adult can adopt any other adult 18 to 21 if the would-be adopted person consents.

Meiser said the need for extending the age limit to 21 probably would apply most often to cases where a step-parent wants to adopt a stepchild. Often, she said, blended families don't get around to this move until the child is 18 or older.

Dan Ziskin, another adoption attorney, said he has had clients who would benefit from the new law, such as cases where there is an implied parent-child relationship.

"They're generally good reasons, not bizarre," he said.

But that doesn't mean something unusual won't crop up now that the law has been broadened to allow adults to adopt each other.

"If the law allows it, it'll happen, in ways totally unintended by the Legislature," Ziskin said.

The law doesn't take effect until 90 days after the Legislature adjourns for the year, which likely means late September.

That's when the Hurttts can formally adopt Angel, something Dawn