

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

### SPR15-19

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Title	Action Requested
Family Law: New Form and Revisions to Forms for Stepparent and Additional-Parent Adoptions	Review and submit comments by June 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve form ADOPT-205; revise forms ADOPT-050, ADOPT-200, ADOPT-210, and ADOPT-215	January 1, 2016
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Kyanna Williams, 415-865-7911 <a href="mailto:kyanna.williams@jud.ca.gov">kyanna.williams@jud.ca.gov</a>
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

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### Executive Summary and Origin

Recent legislation modified the law regarding stepparent adoptions and certain other adoptions.<sup>1</sup> The changes that would be made by this proposal—creating one new adoption form and revising four existing adoption forms—are required to implement the new California laws.

### Background

Assembly Bill 2344, the Modern Family Act, which was enacted in September 2014, expedites adoptions for nonbiological parents. Specifically, the Act added section 9000.5 to the Family Code which exempts stepparent adoptions involving a spouse or partner who gave birth to the child during the marriage or domestic partnership from the following requirements typically applicable to adoptions: that a home visit or home study be performed, that the prospective adoptive parent appear before the court, or that the prospective adoptive parent be liable for all reasonable costs incurred in connection with the stepparent adoption, unless otherwise ordered by the court for good cause.

Senate Bill 274, which was enacted in October 2013, amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. In most instances, the

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<sup>1</sup> See Assembly Bill 2344 (Ammiano; Stats. 2014, ch. 636) and Senate Bill 274 (Leno; Stats. 2013, ch. 564).

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

existing parent or parents of an adopted child are, from the time of the adoption, relieved of all parental duties toward, and all responsibility for, the adopted child, and have no rights over the child. (See Fam. Code, § 8617(a).) SB 274 changed the law so that the existing parent or parents may retain their parental duties and responsibilities if both the existing parent or parents and the prospective adoptive parent or parents sign a waiver of termination of rights at any time before the adoption is finalized. (Fam. Code, § 8617(b).)

### **The Proposal**

The committee is proposing one new adoption form and revisions to four existing adoption forms to implement these new laws. These changes will clarify the process for stepparent and additional-parent adoptions. Minor changes would also be made throughout the forms to improve their overall clarity and usability.

- The changes will benefit families undergoing stepparent and additional-parent adoptions by making Judicial Council adoption forms consistent with the new law and more applicable to their adoption proceedings while making it easier for those families to provide the information the court requires.
- All families using these adoption forms will benefit from changes that improve the clarity and usability of the forms.

### ***Declaration Confirming Parentage in Stepparent Adoption (form ADOPT-205)***

New Family Code section 9000.5 requires litigants in stepparent adoptions where one of the spouses or partners gave birth to the child during the marriage or domestic partnership to provide the following information:

(1) A copy of the parties' marriage certificate, registered domestic partner certificate, or civil union from another jurisdiction[;] [¶] (2) A copy of the child's birth certificate[; and] [¶] (3) Declarations by the parent who gave birth and the spouse or partner who is adopting explaining the circumstances of the child's conception in detail sufficient to identify whether there may be other persons with a claim to parentage of the child who is [sic] required to be provided notice of, or who must consent to, the adoption. (Fam. Code, § 9000.5(c)(1)–(3).)

Proposed new *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205) would make it easier for the stepparent seeking adoption to provide all of this required information, which in turn would make it easier for courts to process these cases. This optional form would be attached to the *Adoption Request* (form ADOPT-200) in stepparent adoption cases involving a spouse or partner who gave birth to the child during the union.

### ***How to Adopt a Child in California (form ADOPT-050)***

ADOPT-050 is an existing Judicial Council instructional form that provides an overview of the adoption process and Judicial Council forms needed for this process. Page 1 of this form addresses stepparent/domestic partner adoptions. Under this proposal, form ADOPT-050 would

be amended to include the proposed *Declaration Confirming Parentage in Stepparent Adoption* (ADOPT-205) in the list of forms to be completed in stepparent/domestic partner adoptions. The following language would also be added near the top of page 1:

The California Legislature developed special procedures for stepparent adoptions used to confirm parentage. If you and the parent who gave birth were married or in a registered domestic partnership (including a domestic partnership or civil union from out-of-state) at the time the child was born, you will only complete steps 1–2 below, unless the court orders otherwise. Before beginning this process, seek legal advice to determine whether adoption would benefit your family.

The first part of this language is necessary to comply with new Family Code section 9000.5, which establishes that stepparent adoptions involving a spouse or partner who gave birth to the child during the union are exempt from certain requirements generally applicable to adoptions, including the requirement that a home visit or home study be performed and that the prospective adoptive parent appear before the court, unless otherwise ordered by the court for good cause. The last sentence encouraging families to seek legal advice before beginning any adoption proceeding is proposed in recognition that adoption may not be appropriate for every family and that it is important for families to be knowledgeable about their legal options before beginning an adoption proceeding. This language highlights the importance of families being educated about their legal options and should reduce the likelihood that families may start unnecessary adoption proceedings.

Page 2 of form ADOPT-050 provides an overview of the process and Judicial Council forms needed for independent, agency, or international adoptions. The following language would be added near the top of page 2 to clarify that in accordance with Family Code section 8617(b), enacted by SB 274, this process may also be used to add additional parents: “You can also use this process to add any additional parent(s) without terminating the rights of the existing parent(s).” This language should clarify the process for litigants and reduce their need for court assistance.

#### ***Adoption Request (form ADOPT-200)***

ADOPT-200 is the existing mandatory Judicial Council form used by the adopting parent to provide information, including identifying details about the child, the adopting parent’s relationship to the child, and the type of adoption taking place. Under this proposal, item 3 on form ADOPT-200 would be amended to conform to the prospective adoptive parent provisions of Family Code section 8617(b) by allowing the prospective adoptive parent to indicate that they are seeking an independent adoption involving “Additional Parent(s).”

Item 3 would also be amended to allow the adopting parent to indicate that they were in a union with the parent who gave birth to the child at the time the child was born. A new item 12(d) would be added with language stating, “I am seeking a stepparent adoption to confirm my parentage. At the time the child was born, I was married or in a registered domestic partnership

(including a domestic partnership or civil union from out-of-state) with the parent who gave birth. A declaration describing the circumstances of the child’s conception is attached.” Each of these proposed changes should aid in processing these adoption cases and result in a decreased need for court assistance and case management.

Item 13 currently states, “There is no presumed or biological father because the child was conceived by artificial insemination using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)”. This proposal would reword item 13 to improve clarity and make the item more applicable to the varying situations in which a family may have used artificial insemination. The revised item 13 would state, “The child was conceived by artificial insemination using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)”.

### ***Adoption Agreement (form ADOPT-210)***

ADOPT-210 is the existing mandatory Judicial Council form used for the adopting and legal parents and the child (if over 12 years old) to indicate their consent to the adoption. Although adoptions typically include a hearing, new Family Code section 9000.5 establishes that in stepparent adoptions involving a spouse or partner who gave birth to the child during the union, no hearing is required unless otherwise ordered by the court for good cause. This proposal adds language to conform form ADOPT-210 to the requirements of section 9000.5.

Although the parties may sign form ADOPT-210 outside of a court hearing, section 9003 of the Family Code requires that the signing be performed in front of a witness or notary. This proposal would add witnessing instructions, space to include identifying information about the witness, and space for the witness to date and sign the form in accordance with Family Code section 9003.

### ***Adoption Order (form ADOPT-215)***

ADOPT-215 is the existing mandatory order form that the judge signs if the adoption is approved. As discussed above, under new Family Code section 9000.5, stepparent adoptions are exempt from hearings unless otherwise ordered by the court for good cause. This proposal creates a revised item 4 on ADOPT-215 by combining the adoption hearing information referenced under items 4 and 5 on the existing form. The proposal adds language to the bottom of revised item 4 indicating that the adopting parent is waiving the hearing pursuant to Family Code section 9000.5. The remaining items are renumbered accordingly.

### **Alternatives Considered**

The committee considered proposing a new set of forms for stepparent adoptions that specifically conformed to the procedures set forth in new Family Code section 9000.5. This would have included new versions of *How to Adopt a Child in California* (form ADOPT-050); *Adoption Request* (form ADOPT-200); *Adoption Agreement* (form ADOPT-210); and *Adoption Order* (form ADOPT-215). The committee determined, however, that creation of a separate set of stepparent adoption forms would be somewhat duplicative and could cause confusion for stepparent litigants whose adoptions are not addressed by Family Code section 9000.5. The

committee also determined that courts may benefit from having fewer types of adoption forms to process. The committee opted for maintaining a more unified set of adoption forms and determined that clarification of the processes could be met through modification of existing forms.

With respect to the proposed new *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205), the committee determined that no existing declaration forms can be reasonably modified to address parentage as required by Family Code section 9000.5. In addition, adding the proposed declaration language to existing adoption forms would make those forms lengthier and less understandable to litigants. The committee determined that, in order to achieve the goal of clarifying stepparent adoptions under Family Code section 9000.5, it is necessary to develop a new declaration form that specifically addresses cases involving a spouse or partner who gave birth to the child during the union.

The committee also considered alternatives such as education, training, guidelines, or best practices but determined that such alternatives do not address the primary goal of making Judicial Council adoption forms more applicable to stepparent and additional-parent adoption proceedings.

### **Implementation Requirements, Costs, and Operational Impacts**

The committee does not anticipate that this proposal will result in any costs to the branch other than the one-time cost of creating a new form and revising four existing forms. These costs are outweighed by the efficiency benefits of making it easier for litigants to provide the information that the court needs for these cases in a concise and structured manner. This should aid in processing these adoption cases and result in a decreased need for court assistance and case management.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Do the proposed forms and information sheet make it sufficiently clear that, for some families, adoption may not be legally necessary for recognition of parentage under California law?
- For Family Code section 9000.5 purposes, does the proposed new *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205) adequately cover potential circumstances of conception?
- *How to Adopt a Child in California* is currently numbered “form ADOPT-050”. The advisory committee would like to know if adding the word “INFO” would further clarify for court users that this is an informational form. If the form were renamed it would be titled, *How to Adopt a Child in California* (form ADOPT-050-INFO).
- Would this proposal cause any unintended effect to the overall clarity or usability of the existing ADOPT forms and information sheet?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. *How to Adopt a Child in California* (form ADOPT-050)
2. *Adoption Request* (form ADOPT-200)
3. *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205)
4. *Adoption Agreement* (form ADOPT-210)
5. *Adoption Order* (form ADOPT-215)
6. Assembly Bill 2344, available at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB2344&search\\_keywords=](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2344&search_keywords=)
7. Senate Bill 274, available at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB274&search\\_keywords=](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB274&search_keywords=)

**ADOPT-050** How to Adopt a Child in California

In California, there are several kinds of adoption. Learn about stepparent/domestic partner adoptions on page 1 and independent, agency, and international adoptions; and adoption of an Indian child on page 2.

**Every family is different and adoption may not be necessary for some families. Seek legal advice about your family's options before beginning any adoption proceeding.** For more information about adoptions in California, please visit: [www.courts.ca.gov/selfhelp-adoption.htm](http://www.courts.ca.gov/selfhelp-adoption.htm).

**Stepparent/Domestic Partner Adoptions**

If you want to adopt your stepchild or the child of your domestic partner, fill out and file the forms listed below. You can get them from the court clerk or from the California Courts Online Self-Help Center: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp).

The California Legislature developed special procedures for stepparent adoptions used to confirm parentage. If you and the parent who gave birth were married or in a registered domestic partnership (including a domestic partnership or civil union from out-of-state) at the time the child was born, you will only complete steps 1–2 listed below, unless the court orders otherwise. Before beginning this process, seek legal advice to determine whether adoption would benefit your family.

**1 Fill out court forms.**

- |                          |             |  |  |
|--------------------------|-------------|--|--|
| <input type="checkbox"/> | ADOPT-200   | <i>Adoption Request</i>  | This tells the judge about you and the child you are adopting.   |
| <input type="checkbox"/> | ADOPT-210   | <i>Adoption Agreement</i>                                      | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it.   |
| <input type="checkbox"/> | ADOPT-215   | <i>Adoption Order</i>  | The judge signs this form if your adoption is approved.  |
| <input type="checkbox"/> | ICWA-010(A) | <i>Indian Child Inquiry Attachment</i>                         | This lets the judge know that you have asked whether the child may have Indian ancestry.   |
| <input type="checkbox"/> | ICWA-020    | <i>Parental Notification of Indian Status</i>                  | This proves that the child's parents have been asked about Indian ancestry.  |
| <input type="checkbox"/> | ADOPT-205   | <i>Declaration Confirming Parentage in Stepparent Adoption</i> | This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption and you and the birth parent were married or in a registered domestic partnership (including a domestic partnership or civil union from out-of-state) at the time of birth. Both the birth parent and the adopting parent must complete a declaration. |

**2 Take your forms to court.**

Take the completed forms to the court clerk in the county where you live. The court will charge a filing fee. Or take the forms to your lawyer or adoption agency, if you are using one.

**3 The social worker writes a report.**

In every adoption, a social worker writes a report. This report gives important information to the judge about the adopting parents and the child. The social worker will ask you questions. You may have to fill out forms. You may be required to pay a fee for this report. The social worker will file the report with the court and send you a copy. When you get the report, ask the clerk for a date for your adoption hearing.

**4 Go to court on the date of your hearing.**

Bring:

- The child you are adopting

Your name: \_\_\_\_\_

Case Number:
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- 4  Form ADOPT-210
- Form ADOPT-215
- A camera, if you want a photo of you and your child with the judge
- Friends/relatives (*optional*)

### Independent, Agency, or International Adoptions

If this is an independent, agency, or international adoption, fill out and file the forms below. You can get them from the court clerk or from the California Courts Online Self-Help Center: [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp).

You can also use this process to add any additional parent(s) without terminating the rights of the existing parent(s).

#### 1 Fill out court forms.

- ADOPT-200     *Adoption Request*     This tells the judge about you and the child you are adopting.
- ADOPT-210     *Adoption Agreement*     This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it.
  
- ADOPT-215     *Adoption Order*     The judge signs this form if your adoption is approved.
- ICWA-010(A)     *Indian Child Inquiry Attachment*     This lets the judge know that you have asked whether the child may have Indian ancestry.
- ICWA-020     *Parental Notification of Indian Status*     This proves that the child's parents have been asked about Indian ancestry.

#### 2 The social worker writes a report.

In every adoption, a social worker writes a report. This report gives important information to the judge about the adopting parents and the child. The social worker will ask you questions. You may have to fill out forms. You may be required to pay a fee for this report. The social worker will file the report with the court and send you a copy. When you get the report, ask the clerk for a date for your adoption hearing.

#### 3 Go to court on the date of your hearing.

Bring:

- The child you are adopting
- Form ADOPT-210
- Form ADOPT-215
- Form ADOPT-230
- A camera, if you want a photo of you and your child with the judge
- Friends/relatives (*optional*)

#### 4 Is this an "open" adoption?

If you want your child to have contact with his or her birth family, fill out ADOPT-310, which asks for an open adoption.

#### 5 If you are adopting an Indian child

In addition to the forms listed in 1, fill out and bring:

- Form ADOPT-220 *Adoption of Indian Child*
- Form ADOPT-225 *Parent of Indian Child Agrees to End Parental Rights*

If you are adopting through a tribal customary adoption:

- Attach a copy of the tribal customary adoption order to *Adoption Request*, ADOPT-200
- Attach a copy of the tribal customary adoption order to the *Adoption Order*, ADOPT-215

# ADOPT-200 Adoption Request

If you are adopting more than one child, fill out an adoption request for each child.

- 1 Your name(s) (adopting parent(s)):
- a. \_\_\_\_\_  
b. \_\_\_\_\_
- Relationship to child: \_\_\_\_\_  
Street address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Lawyer (if any): (Name, address, telephone numbers, e-mail address, and State Bar number):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 I/We filed this Adoption Request in this court because it is in the county (check all that apply):

- Where the adopting parent(s) reside;  
 Where the child was born or resides at the time of filing;  
 Where an office of the agency that placed the child for adoption is located;  
 Where an office of the department or public adoption agency that is investigating the petition is located;  
 Where a placing birth parent or parents resided when the adoptive placement agreement, consent, or relinquishment was signed;  
 Where a placing birth parent or parents resided when the petition was filed;  
 Where the child was freed for adoption.

(If the child is a dependent of the court, the Adoption Request must be filed in the county where the child was freed for adoption or the county where the adopting parent(s) reside(s). See Fam. Code, § 8714.)

3 Type of adoption (check one):

- Agency (name): \_\_\_\_\_  
 Relative  Nonrelative
- Joinder will be filed.  Joinder is being filed at same time as this Adoption Request.
- Tribal customary adoption (attach tribal customary adoption order)
- Independent  
 Relative  Nonrelative  Additional Parent(s)
- Intercountry (name of agency): \_\_\_\_\_

This adoption may be subject to the Hague Adoption Convention (form ADOPT-216 must be filed with this request).

Stepparent

Confirming parentage of a stepparent who was married or in a registered domestic partnership with the parent who gave birth at the time the child was born.

Clerk stamps date here when form is filed.

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

(To be completed by the clerk of the superior court if a hearing date is available.)

**Hearing  
Date**

Hearing is set for:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:  
\_\_\_\_\_  
\_\_\_\_\_

**To the person served with this request:** If you do not come to this hearing, the judge can order the adoption without your input.



Your name: \_\_\_\_\_

- 4 Information about the child:
- a. The child's new name will be: \_\_\_\_\_
  - b.  Boy  Girl
  - c. Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_
  - d. Child's address (if different from yours):  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
  - e. Place of birth (if known):  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Country: \_\_\_\_\_
  - f. If the child is 12 or older, does the child agree to the adoption?  Yes  No
  - g. Date child was placed in your physical care: \_\_\_\_\_

5 Child's name before adoption (Fill out ONLY if this is an independent, stepparent, or tribal customary adoption):  
 \_\_\_\_\_

6 Does the child have a legal guardian?  Yes  No  
 (If yes, attach a copy of the Letters of Guardianship and fill out below):

- a. Date guardianship ordered: \_\_\_\_\_
- b. County: \_\_\_\_\_
- c. Case number: \_\_\_\_\_

7 Is the child a dependent of the court?  Yes  No  
 (If yes, fill out below):

Juvenile case number: \_\_\_\_\_  
 County: \_\_\_\_\_

8 Child may have Indian ancestry:  Yes  No

- a. Whether you answered "Yes" or "No," you must fill out and attach *Indian Child Inquiry Attachment* (form ICWA-010(A)) and *Parental Notification of Indian Status* (form ICWA-020) or other proof that ICWA inquiry has been completed in accordance with rule 5.481(a).
- b. If you answered "Yes," you must also fill out and attach *Adoption of Indian Child* (form ADOPT-220) if, after notice, it is determined that ICWA does apply to the child.

9 Names of birth parents, if known:

- a. Mother: \_\_\_\_\_
- b. Father: \_\_\_\_\_

10 If this is an agency adoption:

- a. I/We have received information about the Adoption Assistance Program, the Regional Center, mental health services available through Medi-Cal or other programs, and federal and state tax credits that might be available.  
 Yes  No
- b. All persons with parental rights agree that the child should be placed for adoption by the California Department of Social Services or a county adoption agency or a licensed adoption agency (Fam. Code, § 8700) and have signed a relinquishment form approved by the California Department of Social Services, and the time to revoke the relinquishment has expired or been waived.  
 Yes  No (If no, list the name and relationship to child of each person who has not signed the relinquishment form or whose time to revoke the relinquishment has not expired or been waived):  
 \_\_\_\_\_  
 \_\_\_\_\_



Your name: \_\_\_\_\_

- c. This is a tribal customary adoption under Welfare and Institutions Code section 366.24. Parental rights have been modified under and in accordance with the attached tribal customary adoption order, and the child has been ordered placed for adoption.  Yes  No
- d. This is an adoption conducted under the requirements of the Hague Adoption Convention and the child will be moving or has already moved with the adopting parent(s) to another Hague Convention member country at the conclusion of this adoption.  Yes  No If yes, child will be moving or has moved to (*name of country*): \_\_\_\_\_ and adopting parent(s):  seek(s) a California adoption  
 will be petitioning for a Hague Adoption Certificate  will be seeking a Hague Custody Declaration.

**11 If this is an independent adoption:**

- a. A copy of the Independent Adoptive Placement Agreement from the California Department of Social Services is attached. (This is required in most independent adoptions; see Fam. Code, § 8802.)  Yes  No
- b. All persons with parental rights agree to the adoption and have signed the Independent Adoptive Placement Agreement or consent on the appropriate California Department of Social Services form.  Yes  No  
*(If no, list the name and relationship to child of each person who has not signed the agreement form):*  
 \_\_\_\_\_
- c. I/We will file promptly with the department or delegated county adoption agency the information required by the department in the investigation of the proposed adoption.  Yes  No

**12 If this is a stepparent adoption:**

- a. The birth parent (*name*): \_\_\_\_\_  has signed a consent  will sign a consent
- b. The birth parent (*name*): \_\_\_\_\_  has signed a consent  will sign a consent
- c. The adopting parents were married on **or** The domestic partnership was registered on  
*(date):* \_\_\_\_\_ *(For court use only. This does not affect social worker's recommendation. There is no waiting period.)*
- d.  I am seeking a stepparent adoption to confirm my parentage. At the time the child was born, I was married or in a registered domestic partnership (including a domestic partnership or civil union from out-of-state) with the parent who gave birth. A declaration describing the circumstances of the child's conception is attached.

- 13**  The child was conceived by artificial insemination using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)

**14 Contact after adoption**

- Contact After Adoption Agreement* (form ADOPT-310)  is attached  will not be used
- will be filed at least 30 days before the adoption hearing  is undecided at this time.
- This is a tribal customary adoption. Postadoption contact is governed by the attached tribal customary adoption order.

**15 Consent for adoption is not necessary because (*complete all sections that apply to your adoption*):**

- a.  The consent of the  birth parent  presumed father is not necessary because  
*(check the applicable reasons under Fam. Code, § 8606):*
- (1)  The parent has been judicially deprived of the custody and control of the child.
- (2)  The parent has voluntarily surrendered the right to custody and control of the child in a judicial proceeding in another jurisdiction, under a law of that jurisdiction providing for the surrender.



Your name: \_\_\_\_\_

- (3)  The parent has deserted the child without providing information to identify the child.
- (4)  The parent has relinquished the child under Family Code section 8700.
- (5)  The parent has relinquished the child for adoption to a licensed or authorized child-placing agency in another jurisdiction.

b.  A court ended the parental rights of:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

*(Enter the date of the court order ending parental rights and attach a copy of the order.)*c.  The child is the subject of a tribal customary adoption order under Welfare and Institutions Code section 366.24, which has modified the parental rights of:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

*(Attach a copy of the order.)*d.  I/We will ask the court to end the parental rights of *(attach copy of Petition to Terminate Parental Rights or Application for Freedom From Parental Custody, if filed)*:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

e.  Adopting parent has custody of the child by court order or by agreement with the other parent, and each of the following persons with parental rights has not contacted the child and has not paid for the child's care, support, and education for one year or more when able to do so. (Fam. Code, § 8604(b).)

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

f.  The child has been abandoned as follows:(1)  The child has been left by the child's parent or parents with no way to identify the child.(2)  The child has been left in the custody of another person by both parents or the sole parent for six months without providing for the child's support, or without communication from the parent or parents, with the intent to abandon the child.(3)  One parent has left the child in the care and custody of the other parent for one year or longer without providing for the child's support or without communication from the parent, with the intent to abandon the child.*(If any of the above boxes were checked, adopting parent must also check item 15(d) and file an Application for Freedom from Parental Custody. See Fam. Code, § 7822(a).)*g.  The consent of the presumed father is not required because he did not become a presumed father before the mother's relinquishment or consent became irrevocable or the mother's parental rights were terminated. (Fam. Code, § 8604(a).)

Your name: \_\_\_\_\_

h.  Each of the following persons with parental rights has died:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

**16 Suitability for adoption**

Each adopting parent:

- a. Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b);
- b. Will treat the child as his or her own;
- c. Will support and care for the child;
- d. Has a suitable home for the child; *and*
- e. Agrees to adopt the child.

**17**  I/We ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.

I/We ask the court to date its order approving the adoption as of an earlier date (*date*): \_\_\_\_\_ for the following reason (Fam. Code, § 8601.5):

\_\_\_\_\_  
\_\_\_\_\_

*(Enter a date no earlier than the date parental rights were ended.)*

This is a tribal customary adoption. I/We ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all of the rights and duties stated in the attached tribal customary adoption order and in accordance with Welfare and Institutions Code section 366.24.

**18** If a lawyer is representing you in this case, he or she must sign here:

Date: \_\_\_\_\_ *Type or print lawyer's name*       \_\_\_\_\_ *Signature of lawyer for adopting parent(s)*

**19** I declare under penalty of perjury under the laws of the State of California that the information in this form and all its attachments is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.

Date: \_\_\_\_\_ *Type or print your name*       \_\_\_\_\_ *Signature of adopting parent*

Date: \_\_\_\_\_ *Type or print your name*       \_\_\_\_\_ *Signature of adopting parent*

**NOTICE—ACCESS TO AFFORDABLE HEALTH INSURANCE:** Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality affordable health care. For more information, visit [www.coveredca.com](http://www.coveredca.com). Or call Covered California at 1-800-300-1506 (English) or 1-800-300-0213 (Spanish).

# ADOPT-205 Declaration Confirming Parentage in Stepparent Adoption

(Attach to Adoption Order (form ADOPT-200))

This optional form may be attached to the form ADOPT-200 if the adopting parent was married to or in a registered domestic partnership (including a domestic partnership or civil union from out-of-state) with the parent who gave birth to the child at the time the child was born. You may instead attach a declaration in another format containing substantially the same information. The birth parent and the adopting parent must complete separate declarations.

- 1 I (write your name) \_\_\_\_\_ declare as follows:
- 2 Relationship between the birth parent and the stepparent seeking to confirm parentage (check one):
  - a.  I am the parent who gave birth to the child to be adopted. I married or entered into a registered domestic partnership with the stepparent who is seeking to confirm parentage (name of stepparent seeking to confirm parentage) \_\_\_\_\_.
  - b.  I am the stepparent seeking to confirm parentage. I married or entered into a registered domestic partnership with the parent who gave birth (name of parent who gave birth to the child to be adopted) \_\_\_\_\_.
- 3 We were married/registered as domestic partners before our child was born. A copy of our marriage certificate, registered domestic partner certificate, or certificate of out-of-state domestic partnership or civil union on (date you entered into your earliest union) \_\_\_\_\_ is attached (attach a copy of the certificate of the earliest union).
- 4 Our child (name of child to be adopted) \_\_\_\_\_ was born on (date) \_\_\_\_\_. A copy of our child's birth certificate is attached.
- 5 Circumstances of conception (check one):
  - a.  Our child was conceived through assisted reproduction and the  sperm  ova were provided to a licensed physician or surgeon or sperm bank before conception. (Describe how your child was conceived and whether you used a known or unknown donor. If you used a known donor, list donor's name):

Clerk stamps date here when form is filed.

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

Your name: \_\_\_\_\_

Case Number:
--------------

- b.  Our child was conceived using a known donor but the sperm was not provided to a licensed physician or surgeon or sperm bank prior to conception. The known donor (*name*), \_\_\_\_\_ consents to this adoption and termination of his parental rights.
- c.  Our child was not conceived through assisted reproduction (*check one*):
  - (1)  The biological father (*name*) \_\_\_\_\_ consents to this adoption and termination of his parental rights.
  - (2)  The biological mother (*name*) \_\_\_\_\_ consents to this adoption and termination of her parental rights.

6  *If there are any other persons who are or may be the child's parents, describe these persons' relationship to the child, including their names, the ways in which these persons act as a parent to the child, and whether these persons consent to the adoption:*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign name*

# ADOPT-210 Adoption Agreement

Clerk stamps date here when form is filed.

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

① Your name(s) (*adopting parent(s)*):

a. \_\_\_\_\_

b. \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Address (*skip this if you have a lawyer*): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Lawyer (*if any*): (*Name, address, telephone numbers, e-mail address, and State Bar number*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

② Child's name before adoption: \_\_\_\_\_

Child's name after adoption: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_

## Signing this form:

*Adoptions usually require a hearing where all signatures on this form must be completed in front of a judge.*

*If this is a stepparent adoption involving a spouse or partner who gave birth to the child during the marriage or registered domestic partnership (including a domestic partnership or civil union from out-of-state), usually no hearing is required and you may sign this form in front of a proper witness. See paragraph 8(b) for instructions on having your signature properly witnessed. If the court orders a hearing in this case, you must sign this form at the hearing in front of the judge.*

③ I am the child listed in ② and I agree to the adoption. (*Not required in the case of a tribal customary adoption under Welf. & Inst. Code, § 366.24.*)

Date: \_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Signature of child (child must sign if 12 or older; optional if child is under 12)*

④ *If there is only one adopting parent, read and sign below.*

a. I am the adopting parent listed in ①, and I agree that the child will:

(1) Be adopted and treated as my legal child (*Fam. Code, § 8612(b)*) and

(2) Have the same rights as a natural child born to me, including the right to inherit my estate.

Date: \_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Signature of adopting parent*



Your name: \_\_\_\_\_

b. I am married to, or the registered domestic partner of, the adopting parent listed in ①, and I agree to his or her adoption of the child.

Date: \_\_\_\_\_  
Type or print your name Signature of spouse or registered domestic partner

5 If there are two adopting parents, read and sign below. We are the adopting parents listed in ①, and we agree that the child will:

- a. Be adopted and treated as our legal child (Fam. Code, § 8612(b)) and
b. Have the same rights as a natural child born to us, including the right to inherit our estate.

I agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name Signature of adopting parent

I agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name Signature of adopting parent

6 If this is a tribal customary adoption, read and sign below. I/we are the adopting parents listed in ①, and I/we agree that the child will:

- a. Be adopted and treated as my/our legal child (Fam. Code, § 8612(b)) and
b. Have the same rights and duties stated in the tribal customary adoption order dated \_\_\_\_\_ (copy attached).

If two adopting parents, we agree to the other parent's adoption of the child.

Date: \_\_\_\_\_  
Type or print your name Signature of adopting parent

Date: \_\_\_\_\_  
Type or print your name Signature of adopting parent

7 For stepparent adoptions only:
If you are the legal parent of the child listed in ②, read and sign below.

I am the legal parent of the child and am the spouse or registered domestic partner of the adopting parent listed in ①, and I agree to his or her adoption of my child.

Date: \_\_\_\_\_  
Type or print your name Signature of legal parent

8 Executed (check one):

- a. [ ] This form was signed at a hearing in front of a judicial officer. (The judge will date and sign the form below.)

Date: \_\_\_\_\_  
Judge (or Judicial Officer)



Case Number:

Your name:

b.  This form was signed outside of a hearing. (Select this option only for a stepparent adoption involving a spouse or partner who gave birth to the child during the union, where the court did not order a hearing for good cause.)

(1)  This form was signed **in** California

This form was signed in front of the following type of witness (check one):

notary public (the notary acknowledgment is attached)

court clerk

probation officer

qualified court investigator

authorized representative of a licensed adoption agency

county welfare department staff member

(2)  This form was signed **outside** of California

This form was signed in front of the following type of witness (check one):

notary public (the notary acknowledgment is attached)

other person authorized to perform notarial acts (proof of notarization is attached)

authorized representative of an adoption agency that is licensed in the state or country where this form was signed

(3) Witness information

This form was signed in: (county) \_\_\_\_\_ (state) \_\_\_\_\_ (country) \_\_\_\_\_

Name of witness: \_\_\_\_\_

Agency witness works for (if applicable): \_\_\_\_\_

Witness signature: \_\_\_\_\_

Date: \_\_\_\_\_

# ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

1 Your name (*adopting parent(s)*):

a. \_\_\_\_\_

b. \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Street address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime telephone number: \_\_\_\_\_

Lawyer (*if any*): (*Name, address, telephone number, e-mail address, and State Bar number*): \_\_\_\_\_

2 Child's name after adoption: \_\_\_\_\_

First name: \_\_\_\_\_

Middle name: \_\_\_\_\_

Last name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_

Place of birth (*if known*): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_

3 Name of adoption agency (*if any*): \_\_\_\_\_

## 4 Hearing Details

Hearing date: \_\_\_\_\_ Dept.: \_\_\_\_\_ Div.: \_\_\_\_\_ Rm.: \_\_\_\_\_

Judicial Officer: \_\_\_\_\_ Clerk's office telephone number: \_\_\_\_\_

People present at the hearing:

Adopting parent(s)  Lawyer for adopting parent(s)

Child  Child's lawyer

Parent keeping parental rights: \_\_\_\_\_

Other people present (*list each name and relationship to child*):

a. \_\_\_\_\_

b. \_\_\_\_\_

*If there are more names, attach a sheet of paper, write "ADOPT-215, Item 4" at the top, and list the additional names and each person's relationship to child.*

*The hearing is waived pursuant to Family Code section 9000.5 (Check this box only if this is an adoption confirming parentage of a stepparent who was married or in a registered domestic partnership with the parent who gave birth at the time the child was born.)*

## Judge will fill out section below.

5 The judge finds that the child (*check all that apply*):

a.  Is 12 or older and agrees to the adoption

b.  Is under 12

c.  Is not required to consent because this is a tribal customary adoption.



Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

- 6 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
  - a. Is at least 10 years older than the child or meets the criteria in Fam. Code, § 8601(b);
  - b. Will treat the child as his or her own;
  - c. Will support and care for the child;
  - d. Has a suitable home for the child; *and*
  - e. Agrees to adopt the child
- 7  This case is an adoption by a relative petitioned under Family Code section 8714.5.
  - The adopting relative  The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (Fam. Code, § 8714.5(g).)
  - The child's name before adoption was:
    - First name: \_\_\_\_\_ Middle name: \_\_\_\_\_ Last name: \_\_\_\_\_
- 8  The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act or that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.
- 9  The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
  - As submitted  As amended on ADOPT-310
- 10 This is a tribal customary adoption, The tribal customary adoption order of the \_\_\_\_\_ tribe dated \_\_\_\_\_ containing \_\_\_\_\_ pages and attached hereto is fully incorporated into this order of adoption.
- 11  This is an adoption under the Hague Adoption Convention. *Verification of Compliance with Hague Adoption Convention Attachment* (form ADOPT-216) is attached and fully incorporated into this order.
- 12 The judge believes the adoption is in the child's best interest and orders this adoption.
  - The child's name after adoption will be:
    - First name: \_\_\_\_\_ Middle name: \_\_\_\_\_ Last name: \_\_\_\_\_
  - The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship or, in the case of a tribal customary adoption, all the rights and duties set out in the tribal customary adoption order and Welfare and Institutions Code section 366.24.
  - The judge believes it will serve public policy and the best interest of the child to grant the request of the adopting parent or parents for the court to make this order effective as of (date): \_\_\_\_\_.
  - Date: \_\_\_\_\_ (Date of Signature) \_\_\_\_\_ Judge (or Judicial Officer)

**Clerk will fill out section below.**

**13 Clerk's Certificate of Mailing**

For the adoption of an Indian child, the Clerk certifies:  
 I am not a party to this adoption. I placed a filed copy of:

- Adoption Request* (ADOPT-200)  *Adoption of Indian Child* (ADOPT-220)
- Adoption Order* (ADOPT-215)  *Contact After Adoption Agreement* (ADOPT-310)

in a sealed envelope, marked "Confidential" and addressed to:

Chief, Division of Social Services  
 Bureau of Indian Affairs  
 1849 C Street, NW  
 Mail Stop 310-SIB  
 Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: \_\_\_\_\_ on (date): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by: \_\_\_\_\_, Deputy