



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

Title	Agenda Item Type
Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions	Action Required
	Effective Date
	January 1, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215	August 21, 2015
Recommended by	Contact
Family and Juvenile Law Advisory Committee	Kyanna Williams, 415-865-7911 kyanna.williams@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary

Assembly Bill 2344, the Modern Family Act (Stats. 2014, ch. 636), expedites adoptions for nonbiological parents. Senate Bill 274 (Stats. 2013, ch. 564) amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. The Family and Juvenile Law Advisory Committee recommends the Judicial Council approve creation of one new adoption form and revise four existing adoption forms. The revisions and the new form are required to implement these new California laws.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Approve *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205) as a new optional form; and
2. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO), *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) to help implement Assembly Bill 2344 and Senate Bill 274.

The proposed new and amended forms are attached at pages 12 – 25.

Previous Council Action

The *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) were first adopted by the Judicial Council in October 1998 as part of a proposal for mandatory uniform adoption forms for all minor children subject to adoption proceedings. The forms were revised in October 1999 in response to feedback from users to better meet the needs of courts, practitioners, and petitioners.

The council revised the forms in April 2000 to facilitate the provision of information about the Adoption Assistance Program to adoptive parents. ADOPT-200 and ADOPT-215 were revised in April 2001 to provide information on post-adoption contact. In November 2002, the forms were further revised to adopt plain language and to comply with Assembly Bill 25, which included provisions allowing domestic partners to adopt a partner's child using the stepparent adoption process. These plain-language forms were again revised in October 2003 to incorporate feedback from users and improve the effectiveness and ease of use of the forms.

The forms were revised again in April 2010 to implement the provisions of Assembly Bill 1325, tribal-sponsored legislation allowing the adoption of Indian children who are dependents of the court through the custom, traditions, or law of the child's tribe without requiring termination of parental rights. ADOPT-200 and ADOPT-215 were revised in July 2013 to implement legislative changes and numerous suggestions from court personnel and court users.

The council adopted the information sheet, *How to Adopt a Child in California* (form ADOPT-050) in 1999 to provide basic information on the adoption process. ADOPT-050 was revised in April, 2010 to list certain forms necessary to file with the adoption request to let the court know that an inquiry into the child's possible Indian ancestry had been made.

Declaration Confirming Parentage in Stepparent Adoption (form ADOPT-205) is a new, optional form that the committee recommends the Judicial Council approve. Accordingly, there has been no prior council action on this form.

Rationale for Recommendation

The committee recommends the creation of 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 laws 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 forms' clarity and usability.

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 are required to be provided notice of, or who must consent to, the adoption.

(Fam. Code, § 9000.5(c)(1)–(3).)

The 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-INFO)

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. (One of the proposed revisions adds “-INFO” to the form number to readily identify it as an informational form.) Page 1 of this form addresses stepparent/domestic partner adoptions. Under this proposal, form ADOPT-050 would be revised 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.

Language would be added near the top of page 1 advising court users that adoption may not be necessary for some families and encouraging families to seek legal advice before beginning any adoption. Court users would also be encouraged to visit the California Courts Online Self-Help Center adoption page (www.courts.ca.gov/selfhelp-adoption.htm) to get copies of forms, look for organizations that provide legal help with adoptions, and learn how to complete the adoption process on their own if they cannot afford an attorney.

Family Code section 9000.5 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. Under this proposal, page 1 would include language to help families determine whether they qualify for the streamlined adoption proceedings for stepparent adoptions to confirm parentage established under Family Code section 9000.5 or whether they must go through the longer process for stepparent adoptions that do not fall under that code section.

Page 2 of form ADOPT-050 provides an overview of the process and Judicial Council forms needed for independent, agency, or international adoptions. 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, if the existing parents and adopting parents agree, in independent adoptions, the rights of existing parent(s) do not have to terminate. This language should alert court users of their ability to add additional parents as provided under Family Code section 8617(b).

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 parents, in stepparent adoptions to confirm parentage, to indicate that they were in a union with the parent who gave birth to the child at the time the child was born.

Item 11 provides details regarding independent adoptions. The committee proposes adding a new item 11(d) that allows users to indicate that they are petitioning for an independent adoption involving additional parent(s), that all persons with existing parental rights agree to the adoption and will retain their existing rights, and that an agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.

Item 12 provides details regarding stepparent adoptions. A new item 12(d) would be added that provides litigants the opportunity to indicate that they are seeking a stepparent adoption to confirm their parentage, that at the time the child was born they were married to or in a state-registered domestic partnership with the parent who gave birth, and that they remain in that union. Item 12(d) would also provide litigants the opportunity to indicate that they have attached either form ADOPT-205 or an equivalent declaration describing the circumstances of the child's conception.

Item 13 provides details regarding the manner in which the child was conceived. 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 state that the child was conceived by assisted reproduction in compliance with Family Code section 7613. This revision should improve clarity and make item 13 applicable to additional methods of assisted reproduction.

Each of the changes proposed above should aid in processing stepparent or additional parent adoptions and result in a decreased need for court assistance and case management.

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. This proposal also adds general signing instructions to page 1 to help clarify some of the differences in how court users may sign this form.

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.

A new item 12 provides space for the judge to indicate that the matter concerns an independent adoption involving an additional parent(s), that all persons with existing parental rights agreed to the adoption and will retain their existing rights, and that an agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) was filed with the court. The remaining items are renumbered accordingly.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2015 invitation-to-comment cycle, from April 17 to June 17, 2015, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, social workers, probation officers, CASA programs, and other juvenile and family law professionals. The proposal was also sent to the National Center for Lesbian Rights. Seven individuals or organizations provided comment; two agreed with the proposal, and five agreed if modified. A chart with the full text of the comments received and the committee's responses is attached at pages 26 – 44.

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

Four commentators made specific comments about form ADOPT-050. Two commentators suggested minor changes to clarify the instructions on ADOPT-050, most of which the committee agreed with and incorporated. The committee also incorporated several small formatting changes throughout the form that the committee felt improved clarity and readability.

One commentator suggested adding the following statement to the top of page 1 “If you are adopting multiple children with the same legal/biological parent(s), complete one form for all children. Otherwise, complete a form for each child.” The committee does not recommend accepting this suggestion. Judicial Council adoption forms are formatted in a way that anticipates that separate forms will be used for the adoption of each child. Although there might be some efficiency to allowing families to adopt multiple children through the same set of adoption forms when those children share the same legal or biological parents, amending Judicial Council adoption forms to provide for that option would make the forms more complicated and require extensive changes to numerous adoption forms. Such a change is also outside of the scope of this proposal.

One commentator suggested clarifying, under item 1 on page 1, that families seeking stepparent adoptions may submit either ADOPT-205 or an equivalent declaration. The committee agreed with this change and incorporated it.

In the invitation to comment the committee asked whether adding the word “INFO” would further clarify for court users that this is an informational form. All four commentators agreed that the word “INFO” should be added, so that the form be renamed *How to Adopt a Child in California* (form ADOPT-050-INFO). The committee incorporated this change.

Adoption Request (form ADOPT-200)

Three commentators made specific comments about form ADOPT-200. Referencing additional parent adoptions, one commentator suggested adding language under item 11 indicating that, "...the parents consent to the adoption but will be keeping their parental rights." The committee agreed with this suggestion and incorporated changes similar to those suggested under a new item 11(d).

Paragraph 12(d) provides court users, who are undergoing a stepparent adoption to confirm parentage, with an opportunity to indicate that they have attached a declaration describing the circumstances of the child's conception. All three commentators thought that paragraph 12(d) should be revised to clarify the specific declaration the court user was attaching. The committee agreed and revised paragraph 12(d) in a way that addressed each suggestion.

One commentator noted that Family Code section 7613 is expected to be revised soon and suggested rewording item 13 so that it reads, "The child was conceived by assisted reproduction in compliance with Family Code section 7613." The committee incorporated this change.

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

Five commentators made specific comments about proposed form ADOPT-205, which is an optional declaration form to assist court users in explaining circumstances related to the child's conception. Three commentators suggested minor changes to improve the readability and clarity of item 2, which addresses the relationship between the birth parent and the adopting parent. One commentator suggested that items 2(a) and 2(b) be revised to indicate that the parents remain in the union. Another commentator suggested that in item 2 the parent seeking to confirm parentage be referred to as the "adopting parent" as opposed to the "stepparent." The committee agreed with and incorporated all of these suggestions.

Item 5 addresses the method of conception that the family used. In the invitation to comment the committee drafted item 5 in a way that the committee anticipated would provide for all potential methods of conception. One commentator suggested expanding item 5(b) to include information about the origin of any donated ova. Another commentator questioned the applicability of item 5(c)(2), which addressed circumstances where the child was not conceived through assisted reproduction and the biological mother consents to the adoption and termination of her parental rights. A third commentator thought that 5(c) would confuse self-represented litigants and suggested extensive revisions to streamline and simplify item 5 as a whole. The committee agreed with the latter suggestion and deleted 5(a)–(c), opting instead for a singular item 5 that prompts the court user to describe, in his or her own words, the manner of the child's conception. By incorporating this change the committee also addressed the former concern about the applicability of item 5(c)(2) and made it easier for the court user to explain the origin of any donated sperm or ova.

ADOPT-205 instructs court users to attach it to the *Adoption Request* (form ADOPT-200). One commentator suggested that, since ADOPT-205 serves as an attachment, it should be formatted

similarly to other Judicial Council attachment forms. After reviewing several Judicial Council attachment forms, the committee incorporated this suggestion by reorganizing the top of the form and removing the file-stamp section.

Adoption Agreement (form ADOPT-210)

Two commentators made specific comments about form ADOPT-210, which provides the court with information about the adopting parent(s), the child to be adopted, and provides space for necessary persons to sign indicating their consent to the adoption.

Family Code section 8603 provides that a person who is married or in a domestic partnership may adopt, so long as the other spouse or domestic partner consents. The consenting spouse or domestic partner can provide consent without establishing any parental rights or responsibilities toward the child. Item 4(a) provides for the signature of the adopting spouse while item 4(b) provides for the signature of the consenting spouse. One commentator suggested adding language to item 4(b) to clarify that the consenting spouse is not a party to the adoption. The committee agreed with this suggestion and incorporated it.

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. Under Family Code section 9000.5, these families are allowed to sign ADOPT-210 outside of a court hearing, but Family Code section 9003 requires that the signing be performed in front of a witness or notary. To comply with both statutes, in the invitation to comment the committee proposed adding witnessing and notary instructions specifically for those stepparent adoptions to confirm parentage where no hearing is required.

Referencing the witnessing and notarization instructions under item 8, one commentator wrote, “Family Code section 8613.5 also allows a personal appearance to be waived. Our court has a person pre-sign the ADOPT-210 in front of a notary in that situation. The new language on the form should allow for that.” Also referencing item 8, the other commentator wrote, “[The] language should be modified to clarify that if the form is signed outside of a hearing it needs to be in front of a notary. Also it should clarify that this can be done for Family Code section 9000.5 adoptions to confirm parentage or in cases where authorized by the court under Family Code section 8613. ...”

Family Code sections 8613 and 8613.5 are different in that they do not actually provide for waiver of the hearing. Rather, both code sections allow the court, where it has found personal appearance by the prospective adoptive parent to be impossible or impracticable, to waive the prospective adopting parent’s in-person appearance and instead allow that party’s counsel to appear on his or her behalf. Both code sections explain that a power of attorney giving counsel permission to appear in this manner must be filed with court and then go on to outline various witnessing and notarization options.

The committee agrees that some prospective adoptive parents may benefit from having sections 8613 and 8613.5 power of attorney and witnessing options incorporated into ADOPT-210 but finds that the problems associated with incorporating these changes outweigh the potential benefits. Extensive changes to ADOPT-210 would be necessary in order to effectively incorporate the power of attorney and witnessing options outlined under those statutes. The committee does not recommend accepting either of the above suggestions as doing so would be outside the scope of this proposal, is not required to comply with recent statutory changes, and would complicate ADOPT-210 and make it more confusing for self-represented court users. In addition, prospective adoptive parents seeking appearance by counsel in lieu of personal appearance by definition have an attorney to make that appearance. That attorney can request waiver of the adoptive parent's appearance and draft and attach the required power of attorney.

The committee agreed with and incorporated one commentator's suggestion to slightly reorder items 8(a) and 8(b). Item 8(a) now explains the witnessing and notarization options in stepparent adoptions to confirm parentage while item 8(b) provides space for the judge's signature in cases that involve an adoption hearing.

Adoption Order (form ADOPT-215)

Two commentators made specific comments about form ADOPT-215, which provides identifying information about the adopting parent(s), the child, hearing details, and an order signed by the judge to finalize the adoption. One commentator suggested adding language to the order specific to additional parent adoptions. While there is no legal requirement that the adoption order always identify the underlying type of adoption, the committee accepted this recommendation as it may be useful for the court to make specific findings related to requirements unique to additional parent adoptions. The proposal now includes a new paragraph 12 with space for the judge to indicate that it is an independent adoption, that all persons with existing parental rights agree to the adoption and will maintain their existing parental rights, and that an agreement to this effect was filed with the court.

One commentator wrote, "The Adoption Order does not currently state the child's pre-adoption identifying information on the same form as the order to change this information. This makes the process of applying for passports and the like very difficult as there is nowhere that has a judge's signature that appropriately links the child as named before the adoption to the child as named after the adoption. This was present in older versions of the forms and needs to be re-inserted." The committee considered this suggestion but decided not to recommend incorporating it as the Family Code prohibits the inclusion of the child's name before adoption in the adoption order except in some relative adoptions petitioned under Family Code section 8714.5. Item 7 (formerly numbered as item 8), which was included in 2001 to conform to the law, provides space to include the child's name before adoption for those cases petitioned under Family Code section 8714.5.

Alternatives

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.

Policy implications

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

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.

Attachments and Links

1. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-205, ADOPT-210, and ADOPT-215, at pages 12 – 25
2. Chart of comments, at pages 26 – 44
3. Assembly Bill 2344, available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2344&search_keywords=
4. Senate Bill 274, available at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB274&search_keywords=

General Information on Adoptions

Seek legal advice about your family's options before beginning any adoption. Every family is different and adoption may not be necessary for some families. Visit the California Court's Online Self-Help Center adoption page to get copies of adoption forms, look for organizations that provide legal help with adoptions, and learn how to complete the adoption process on your own if you cannot afford a lawyer: www.courts.ca.gov/selfhelp-adoption.htm. You can also get copies of adoption forms at your local court clerk's office.

In California there are several kinds of adoption. This form includes instructions for:

- Stepparent/domestic partner adoptions (*page 1*)
- Adoption of an Indian (*Native American*) child (*page 2*)
- Independent, agency, and international adoptions (*page 2*)
- Open adoptions (*page 2*)

Stepparent/Domestic Partner Adoptions

Answer these questions to get started.

- Was the adopting parent in a union with the birth parent at the time the child was born? Check one Yes No
A "union" means a:
 - Marriage;
 - California registered domestic partnership; or
 - Registered domestic partnership or civil union from out of state that is legally equivalent to a marriage.
- Is the adopting parent still in a union with the birth parent? Check one Yes No
(See the above explanation of a "union")

If you answered "No" to **either** question, complete items 1 through 4 below for a *Stepparent/Domestic Partner Adoption*.
If you answered "YES" to **both** question, complete items 1 and 2, only, for a *Stepparent Adoption to Confirm Parentage*.

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 (or an equivalent declaration) | <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 to confirm parentage. See above for more information on this type of adoption. Both the birth parent and the adopting parent must complete a separate 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 most adoptions, 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 Form ADOPT-210 Form ADOPT-215
 A camera, if you want a photo of you and your child with the judge (*optional*) Friends/relatives (*optional*)

Independent, Agency, or International Adoptions

If this is an independent, agency, or international adoption, fill out and file the forms listed in items 1 through 4 below.

Note: The rights of the existing parents usually terminate with adoptions. In an independent adoption, if the existing and adopting parents agree, the rights of the existing parent(s) do not have to be terminated.

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"/> ADOPT-230 | <i>Adoption Expenses</i> | This lets the judge know what payments were made that relate to the child you are adopting. |
| <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. |

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

“Open” Adoption

If you want your child to have contact with his or her birth family, request an “open” adoption. Form [ADOPT-310](#) describes the type of contact the birth family will have with your child. In addition to the forms listed in 1 on pages 1 and 2, fill out and bring to court Form ADOPT-310.

Adopting an Indian Child

In addition to the forms listed in ① on pages 1 and 2, fill out and bring to court:

- 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).

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 is set for:

Hearing Date → 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.



Case Number: _____

Your name: _____

- Stepparent
 - Stepparent adoption to confirm parentage. *(Select this option if you were married to or in a state-registered domestic partnership with the birth parent at the time the child was born and you remain in that union.)*

- 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
- d. This is an independent adoption involving additional parent(s): All persons with existing parental rights agree to this adoption and will maintain their existing parental rights. An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.

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 to or in a state-registered domestic partnership with the parent who gave birth and we remain in that union. see attached Form ADOPT-205 or Declaration describing the circumstances of the child's conception

- 13** The child was conceived by assisted reproduction in compliance with Family Code section 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. Or call Covered California at 1-800-300-1506 (English) or 1-800-300-0213 (Spanish).

Case Number:

Your name: _____

Declaration Confirming Parentage in Stepparent Adoption

This form is attached to Form ADOPT-200, Adoption Request.

This optional form may be attached to the form ADOPT-200 if the adopting parent was married to or in a state-registered domestic partnership 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 adopting parent 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 state-registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with the adopting parent who is seeking to confirm parentage (name of adopting parent seeking to confirm parentage) _____ and we remain in that union.

b. I am the adopting parent seeking to confirm parentage. I married or entered into a state-registered domestic partnership with the parent who gave birth (name of parent who gave birth to the child to be adopted) _____ and we remain in that union.

3 We were married/registered as domestic partners on (date you entered into your earliest union) _____, 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 is attached.

4 Our child (name of child to be adopted) _____ was born on (date) _____. A copy of our child's birth certificate is attached.

5 Our child was conceived through assisted reproduction in compliance with Family Code section 7613 as described below (Describe how your child was conceived and whether you used a known or unknown donor. A letter from your sperm bank or a written donor agreement verifying conception by assisted reproduction should be attached. If you used a known donor without a sperm bank or written donor agreement, you should seek legal advice before submitting this form):

Multiple horizontal lines for text entry.




Case Number:

Your name: _____

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: _____

Multiple horizontal lines for writing the response to question 6.

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**

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): _____

Fill in court name and street address:
Superior Court of California, County of

2 Child's name before adoption: _____
Child's name after adoption: _____
Date of birth: _____ Age: _____

Court fills in case number when form is filed.
Case Number:

Signing this form:

- Adoptions usually require a hearing where most signatures on this form must be completed in front of a judge.
- Item 4(b) maybe signed before the hearing.
- If this is a stepparent adoption to confirm parentage involving a spouse or registered domestic partner who gave birth to the child during the union, usually no hearing is required and you may sign this form in front of a proper witness. See paragraph 8(a) 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.
- All other signatures must be signed at a hearing, in front of a judge, unless waived by the judge for good cause.

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 am not a party to this adoption. I agree to his or her adoption of the child.

Date: _____
Type or print your name
Signature of spouse or registered domestic partner
(may be signed before hearing)

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



Case Number: _____

Your name: _____

8 Executed (check one):

a. 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)*: _____

Date: _____

Witness signature: _____

b. 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)

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 state-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.



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); c. Will support and care for the child;
- b. Will treat the child as his or her own; 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 This is an independent adoption involving an additional parent(s). All persons with existing parental rights agreed to this adoption and will maintain their existing parental rights. An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s), was filed with the court.
- 13 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.

14 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

SPR15-19**Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions**

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	National Center for Lesbian Rights (NCLR)	AM	<p>The National Center of Lesbian Rights (NCLR) thanks the Committee for its prompt action to incorporate AB 2344 into the necessary Family Law Judicial Council forms. We are grateful for the thoughtful consideration this Committee has given to the needs of parents seeking to confirm their parentage through an adoption, including same-sex and transgender parents.</p> <p>NCLR strongly supports these proposed changes. Currently, parents doing confirmatory adoptions under Family Code Section 9000.5 are, for the most part, unable to complete their adoptions if they are pro se. The forms do not currently contain options that would allow a parent to adopt under Section 9000.5 without drafting additional pleadings and making alterations to the forms. The following changes are particularly helpful for pro se litigants: the explanation of this type of adoption on ADOPT-50, additional boxes and explanations on ADOPT-200, changes to ADOPT-210 explaining who may witness the litigants' signatures, and the form declaration provided in proposed ADOPT-205.</p> <p>We suggest a minor change to the form declaration in ADOPT-205. Section 2 describes the parent who is adopting as a "stepparent" in subsections (a) and (b). Although the stepparent adoption process is being used, a parent doing a confirmatory adoption under Section 9000.5 is not a stepparent, but rather a parent who is</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee agrees with the recommendation and has incorporated it.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			already legally recognized under California law who is confirming their parentage to ensure that they will be recognized in other states. It would be more respectful and true to the reality of these families to refer to this parent as “the adopting parent” in section 2, as is used elsewhere in the form.	
2.	Orange County Bar Association	A	Agree with proposed changes	No response required.
3.	Orange County Superior Court - Family Law and Juvenile Court Operations Managers	AM	<p>Does the proposal appropriate address the stated purpose?</p> <p>Yes, it addresses the stated purpose.</p> <p>Do the proposed forms and information sheet make it sufficiently clear that, for some families, adoption may not be legally necessary for the recognition of parentage under California Law?</p> <p>ADOPT-050: Page one, 4th paragraph, we recommend striking through last sentence. It is redundant to the information contained in the 2nd paragraph.</p> <p>Page one, right above item #1, we recommend adding, “If you are adopting multiple children with the same legal/biological parent(s), complete one form for all children. Otherwise, complete a form for each child.”</p>	<p>No response required.</p> <p>The committee agrees. The admonition to seek legal advice will be stated once as prominently as possible.</p> <p>The committee does not recommend accepting this suggestion. Judicial Council adoption forms are formatted in a way that anticipates that separate forms will be used for the adoption of each child. Although there might be some efficiency to allowing families to adopt multiple children through the same set of adoption forms</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>Page one, item #1, recommend adding column to identify required forms. If form is not required, recommending adding “<i>If applicable.</i>”</p> <p>Page two, item #4, camera should be designated as <i>optional</i>. Please note this correction is also needed on item #3 (in following section)</p> <p>Page two, paragraph after item #4, we recommend adding, “This process may be used to add additional parents. When you add additional parents, existing parents can either waive or keep their parental rights.”</p>	<p>when those children share the same legal or biological parents, amending Judicial Council adoption forms to provide for that option would make the forms more complicated and require extensive changes to numerous adoption forms. Such a change is also outside of the scope of this proposal.</p> <p>The committee does not recommend accepting this suggestion. The first four forms listed under item 1 are required to be completed in all stepparent/domestic partner adoptions. The fifth form listed under item 1, ADOPT-205 (or an equivalent declaration) is required for all stepparent adoptions to confirm parentage. Creating an additional column would require too much additional space, making the form more difficult to read or causing the form to extend to an additional page.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee agrees, in part, with this suggestion. The committee has incorporated new language that explains that the rights of existing parents usually terminate with adoptions, but that with an independent adoption, if the existing and adopting parents agree, the rights of the existing</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>Page two, we recommend renumbering the second section to clearly separate sections – perhaps 1a, b, c and 2 a, b, c.</p> <p>Page two, item #5 – recommend substituting “Indian” with “Native American” or perhaps adding that reference in parenthesis.</p> <p>ADOPT-200: Page one, top of the form we recommend, “If you are adopting multiple children with the same legal/biological parent(s), complete one form for all children. Otherwise, complete a form for each child.” If recommendation is adopted, recommend adding a selection box to item #4, to reflect “See attachment for additional children.”</p>	<p>parent(s) do not have to be terminated.</p> <p>The committee does not recommend accepting this suggestion as renumbering in this manner may make the form appear more confusing. The committee agrees that improved title formatting could better distinguish between instructions for Stepparent/Domestic Partner Adoptions and instruction for Independent, Agency, or International Adoptions. The committee has incorporated slightly altered title formatting for those sections in a way that better distinguishes them.</p> <p>The committee add the term “Native American” in parenthesis in the general instructions that are now updated on page one of ADOPT-050. This provides adequate clarity for court users without introducing significant inconsistency with how the term “Indian” is used in other Judicial Council adoption forms, including ICWA-010 and 020.</p> <p>The committee does not recommend accepting this suggestion. Judicial Council adoption forms are formatted in a way that anticipates that separate forms will be used for the adoption of each child. Although there might be some efficiency to allowing families to adopt multiple children through the same set of adoption forms when those children share the same legal or biological parents, amending Judicial Council adoption forms to provide for that option would</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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	Commentator	Position	Comment	Committee Response
			<p>Page one, item #3 (last box), we recommend removing 2nd box under stepparent adoption as this is covered under item 12(D) on page three.</p> <p>Page three, item #12(D) we recommend adding, “You may use the Declaration Confirming Parentage in Stepparent Adoption (AD-205) form for this purpose.”</p> <p>ADOPT-205: Remove file stamps and change to ‘attachment to’, similar to the FL311’</p> <p>Page two, item 5(b), recommend rewording to, “<i>Our child was conceived using a known</i></p>	<p>make the forms more complicated and require extensive changes to numerous adoption forms. Such a change is outside of the scope of this proposal.</p> <p>The committee does not recommend accepting this suggestion as the identified items serve different purposes. The selection under item 3 signals to the court, in a clear way, what type of adoption the court user is petitioning for. Item 12(d) notes the requirement that a mandatory declaration explaining the circumstances of conception must be attached in stepparent adoptions involving additional parents.</p> <p>The committee agrees with this suggestion. The committee revised item 12(d) in a way that incorporates this suggestion and other commentator suggestions regarding item 12(d). Item 12(d) now specifies whether the circumstances of conception are described on optional form ADOPT-205 or in another format of the court-user’s choosing.</p> <p>The committee agrees with this suggestion and incorporated changes similar to those suggested while maintaining styling and formatting similar to that used in other Judicial Council adoption forms.</p> <p>The committee agrees, in part, with this recommendation. The committee also agrees with</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

(Approve form ADOPT-205; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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			<p><i>donor(s) but the [] sperm [] ova was not provided to a licensed physician, surgeon, or sperm bank prior to conception. The known donor(s) name(s)...”</i></p> <p>For FC section 9000.5 purposes, does the proposed new <i>Declaration Confirming Parentage in Stepparent Adoption</i> (form ADOPT-205) adequately cover potential circumstances of conception?</p> <p>Yes, we believe this covers all potential circumstances of conception.</p> <p>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 information form. If the form were renamed it would be titled, <i>How to Adopt a Child in California (ADOPT-050-INFO)</i>.</p> <p>Recommend adding “INFO” to be consistent with other judicial council informational forms.</p> <p>Would this proposal cause any unintended effect to the overall clarity or usability of the existing ADOPT forms and information sheet?</p>	<p>another commentator’s suggestion of simplifying item 5 by deleting items 5(a)-5(c) and opting instead for a singular item 5 that prompts the court user to describe, in his or her own words, the manner of the child’s conception. The committee believes that the revised item 5 addresses this suggestion.</p> <p>No response required.</p> <p>The committee agrees and will retitle the form “ADOPT-050 INFO”.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>We do not anticipate any unintended consequences.</p> <p>Would the proposal provide cost savings?</p> <p>We do not expect a cost savings with this proposal. This proposal may reduce the need to refund investigation fees when they are deemed not needed.</p> <p>What would the implementation requirements be courts? For example, training staff, revising processes, and procedures, changing docket codes in CMS or modifying a CMS?</p> <p>We anticipate minimal impact to procedures, training, and our CMS.</p> <p>Would 2 months from JC approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Two months is sufficient time to implement new proposal and forms.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
4.	State Bar's Standing Committee on the Delivery of Legal Services (SCDLS)	AM	<p>Specific Comments</p> <p>Q: Does the proposal appropriately address the stated purpose?</p> <p>Response: Yes.</p>	<p>No response required.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>Q: 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?</p> <p>Response: Yes.</p> <p>Q: 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?</p> <p>Response: Yes.</p> <p>Q: 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).</p> <p>Response: SCDLS agrees with retitling the form.</p> <p>Additional Specific Comments:</p> <p>Page 2 of form ADOPT-050 provides an overview of the process and Judicial Council</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee agrees and will retitle the form “ADOPT-050 INFO”.</p>

SPR15-19

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			<p>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.</p> <p>SCDLS Comment: Because this process is so new, people will not understand that both of the original two parents are giving up rights to the third parent. It would be helpful to include information about where to get legal help, similar to the information on page of FL-107-INFO under the subheading, “Where can I get help?” or the information on page 1 of FL-110 that reads, “For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), at the California Legal Services website (www.lawhelpca.org), or by contacting your local county bar association.”</p> <p>ADOPT-205: From page 2 of the narrative, this form is optional. Will there be any indication to litigants that it is? It appears from the proposed revised</p>	<p>At the top of page 1 of ADOPT 050, there are general instructions which applies to all adoptions, and that includes links to information on accessing legal help. The committee does not recommend repeating those links on page 2 of ADOPT 050 as doing so would make page 2 overly crowded or cause the committee to add an additional page to the form.</p> <p>The committee does not recommend making the suggested change. ADOPT-205 includes a description explaining that it is an optional form</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>ADOPT-050 that this form is included after the ICWA-020 and mandatory as forms people will need to fill out as it says in number 1, “Fill out court forms.” Reading the description lets the litigant know it’s optional and only for stepparent adoptions. SCDLS proposes some indication at the beginning of the description, in italics and underlined (e.g., <i><u>For Stepparent Adoptions Only</u></i>)</p> <p>ADOPT-215: The Adoption Order does not currently state the child’s pre-adoption identifying information on the same form as the order to change this information. This makes the process of applying for passports and the like very difficult as there is nowhere that has a judge’s signature that appropriately links the child as named before the adoption to the child as named after the adoption. This was present in older versions of the forms and needs to be re-inserted.</p>	<p>to be used for stepparent adoptions to confirm parentage. The bottom left-hand corner of ADOPT-205 also indicates that it is an optional form.</p> <p>The committee will revise the instructions at the top of ADOPT-050 to better clarify that instructions on stepparent/domestic partner adoptions begin on page 1 and that page 2 includes instructions on independent, agency, and international adoptions as well as adoptions of an Indian child.</p> <p>The committee does not recommend making the suggested change. The Family Code prohibits the inclusion of the child’s name before adoption in the adoption order except in some relative adoptions petitioned under Family Code section 8714.5. Existing item 8, which was added to ADOPT-2015 during the Spring 2003 comment cycle, provides space to include the child’s name before adoption in those relative adoptions in which the adopting relative or the child, if 12 years of age or older, has requested its inclusion under section 8714.5(g).</p>
5.	Superior Court of Los Angeles County	A	Agree with proposed changes	No response required.
6.	Superior Court of San Diego County by Michael Roddy, Executive Officer	AM	<p>ADOPT-050: Item 3 (on page 1) should say “In most adoptions” since there is now an exception. The process on page 2 does not include the “Take</p>	The committee agrees with the suggestions and has incorporated them.

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>your forms to court” step. The ADOPT-230 should probably be listed in Item 1 as well. We believe this should be an INFO form.</p> <p>ADOPT-200: We believe more might be required for the new “additional parents” adoptions, like a new line in 11 stating that the parents consent to the adoption but will be keeping their parental rights.</p> <p>Include name of form and form number in 12d.</p> <p>ADOPT-205: The form should say “Attach to Adoption Request”, not Order. The place for the date in 3 does not seem right. It is recommended that it be put into the first sentence: “We were married/registered as domestic partners on (date) _____, before our child was born.”</p> <p>Would there ever be a circumstance where 5c2 would be used?</p>	<p>The committee agrees with this suggestion and, in accordance with Family Code 8617, has included language in a new item 11(d) for parties to an independent adoption to indicate that all persons with existing parental rights agree to this adoption and will maintain their existing parental rights and that an agreement to this effect, signed by both the existing parent(s) and the adopting parent(s) is attached.</p> <p>The committee agrees with this suggestion regarding paragraph 12(d) and has incorporated it.</p> <p>The committee agrees with the suggestions and has incorporated them.</p> <p>The committee agrees with the suggestions and has incorporated them.</p> <p>Paragraph 5 will be reorganized to eliminate subsections (b) and (c) in order to allow parties to explain, in their own words, the specific circumstances of conception.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>ADOPT-210: Family Code section 8613.5 also allows a personal appearance to be waived. Our court has a person pre-sign the ADOPT-210 in front of a notary in that situation. The new language on the form should allow for that.</p> <p>ADOPT-215: There is nothing addressing the “additional parents” adoptions. This should be added.</p>	<p>The committee does not recommend incorporating this suggestion. Family Code 8613.5 and 8613.5 allow, in some circumstances when personal appearance is impossible or impracticable, a judicial officer to waive the prospective adoptive parent(s)’s personal appearance and allow counsel to appear on the adoptive parent’s behalf provided that the court receive a written power of attorney giving the attorney permission to do so. The power of attorney may be incorporated into the adoption petition. The committee’s analysis is that, to properly incorporate Family Code 8613 and 8613.5 waiver provisions, ADOPT 210 would need to include power of attorney provisions. The committee does not recommend adding these waiver provisions, as doing so would make the form longer, more complicated, and potentially confusing for self-represented litigants. Family Code sections 8613 and 8613.5 require that an attorney make an appearance at the hearing. That attorney can request waiver of the adoptive parent’s appearance and draft and attach the required power of attorney.</p> <p>The Committee agrees with the recommendation and has incorporated a new paragraph 12 in ADOPT-215 with the following language and check boxes for the court to complete: “ ___ This is an independent adoption involving an additional parent(s). ___ All persons with existing parental rights agreed to this adoption and will</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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				maintain their existing parental rights. ___ An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s), was filed with the court.”
7.	The Executive Committee of the Family Law Section of the State Bar of California (FLEXCOM) San Francisco	AM	<p>ADOPT-050:</p> <p>FLEXCOM agrees that the addition of Form ADOPT-050 would be helpful – especially for self-represented litigants. FLEXCOM further agrees that adding “INFO” to the form name would assist.</p> <p>However, FLEXCOM advises changing the wording of the second highlighted paragraph to read: “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 state registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) at the time the child was born, and remain married or registered, you will only complete steps 1-2 listed below, unless the court orders otherwise. Before signing beginning this process, seek legal advice to determine whether adoption would benefit your family.”</p> <p>FLEXCOM further recommends adding the following wording in the column immediately below “ADOPT-205” in Paragraph 1 of Form ADOPT-050: “Or an Equivalent Declaration” in</p>	<p>The committee will retile the form “ADOPT-050 INFO”.</p> <p>The committee revised the instructions at the top of page one of ADOPT-050 to improve readability and clarity for self-represented litigants. Incorporating some of the suggested language, the new instructions help the court user determine whether a stepparent/domestic partner adoption or a stepparent adoption to confirm parentage under Family Code section 9000.5 is applicable to their family.</p> <p>The committee agrees with the recommendation and has incorporated it.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>light of the fact that Form ADOPT-050 205 is optional, yet a declaration with that information is mandatory.</p> <p>ADOPT-200: FLEXCOM agrees with the proposed revisions to Form ADOPT-200 with some modifications: The first highlighted box under “Stepparent” in Paragraph 3 of the form include the added wording: “Confirming parentage of a stepparent who was married to or in a state registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with the parent who gave birth at the time the child was born or was married to or in a state registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with the parent who became a sole legal parent through adoption or surrogacy at the time of the adoption and are still married or in a registered domestic partnership.”</p> <p>FLEXCOM further recommends modifying Paragraph 12(d) on page 3 of 5 to remove the last sentence [i.e. “A declaration describing the circumstances of the child’s conception is attached.”] and instead: <input type="checkbox"/> SEE ADOPT 205 ATTACHED <input type="checkbox"/> SEE DECLARATION ATTACHED”</p> <p>In light of the expected revision of Family Code</p>	<p>Family Code section 9000.5 addresses stepparent adoptions where one of the spouses or partners gave birth to the child during the marriage or domestic partnership. The Committee does not recommend adding language related to adoptions where one of the spouses became the sole legal parent through surrogacy or a prior adoption, as such adoptions are not addressed by Family Code section 9000.5. The committee revised this paragraph to improve overall readability and incorporated some of the remaining language proposed.</p> <p>The committee agrees with the recommendation and has substantially incorporated it.</p> <p>The committee agrees with the recommendation</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>Section 7613, FLEXCOM also recommends modifying Paragraph 13 on page 3 of 5 to read as follows: “The child was conceived by assisted reproduction in compliance with Family Code Section 7613”.</p> <p>ADOPT-205: Top of page 1 italicized section – language should be added for clarity and to mirror the suggested language in the info sheet as follows: <i>This optional form may be attached to the form ADOPT-200 if the adopting parent was married to or in a state registered domestic partnership (including a registered domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with the parent who gave birth to the child at the time the child was born, and you remain married to that person. 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.</i></p> <p>Page 1, section 2a - should include language that they remain married or in a state registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage)</p> <p>Page 1, section 2b should include language that they remain married.</p> <p>Page 1, section 5a – language should be</p>	<p>and has incorporated it.</p> <p>The committee determined that incorporating the suggested language into the instructions at the top of ADOPT-205 would make those instructions too lengthy and confusing for the court user. The committee, however, substantially incorporated the suggested wording, as appropriate, into the actual declaration.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee agrees with the recommendation</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>modified as follows: Our child was conceived through assisted reproduction in compliance with Family Code 7613 as described below. <i>(Describe how your child was conceived and whether you used a known or unknown donor. A sperm bank letter or written donor agreement must be attached. If you used a known donor without a sperm bank or written donor agreement, consult legal counsel before submitting this form):</i></p> <p>Page 1, sections 5b and 5c - should be deleted as it can be confusing for SRLs and it can all be explained in 5a.</p> <p>FLEXCOM proposes revising Paragraph 5 as follows: “Our child was conceived through assisted reproduction in compliance with Family Code Section 7613 as described below:”</p> <p>In the parenthetical comment that follows, we advise deleting the sentence “If you used a known donor, list donor’s name” and adding a sentence “A letter from your sperm bank or written donor agreement verifying conception by assisted reproduction should be attached.” And then delete a., b., and c. By trying to break out the specifics of the conception, the form becomes more complicated and then creates additional issues with the statute – especially in light of expected revisions to Family Code Section 7613. This revision will simplify the form and this item.</p>	<p>and has incorporated it with minor modifications.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee agrees with the recommendation and has incorporated it.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>ADOPT-210: To be consistent, FLEXCOM recommends modifying the highlighted paragraph under Paragraph 2 of page 1 of 3 as follows: “If this is a stepparent adoption involving a spouse or registered partner who gave birth to the child during the marriage or state registered domestic partnership (including a domestic partnership or civil union from out-of-state legally equivalent to a marriage),”</p> <p>In addition, FLEXCOM recommends revising paragraph 4b. to read: “I am married to, or the registered domestic partner of, the adopting parent listed in 1, and I am not a party to this adoption. I agree to his/her adoption of the child.”</p> <p>Also, at the bottom of page 2 of the draft Adoption Agreement [ADOPT-210], the footer says Adoption Request rather than Adoption Agreement. This should be corrected.</p> <p>Page 3, section 8b – language should be modified to clarify that if the form is signed outside of a hearing it needs to be in front of a notary. Also it should clarify that this can be done for Family Code section 9000.5 adoptions to confirm parentage or in cases where authorized by the court under Family Code section 8613. The language should read as follows: “This form was signed outside of a</p>	<p>The committee determined that incorporating the suggested language would make the instructions too lengthy and confusing for the court user.</p> <p>Family Code section 8603 provides that a person who is married or in a domestic partnership may adopt, so long as the other spouse or domestic partner consents. The committee agrees with this suggestion and has incorporated it.</p> <p>The committee agrees with the recommendation and has incorporated it.</p> <p>The committee does not recommend accepting this suggestion. In stepparent adoptions, Family Code 9000.5 allows the adopting parent to waive a court hearing unless a hearing is otherwise ordered for good cause. Family Code 9003 provides for notarization as well as other witnessing options for the adoption agreement in stepparent adoptions.</p>

SPR15-19

Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions

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			<p>hearing in the presence of a notary public. (Select this option only for a stepparent adoption under Family Code section 9000.5 where the court did not order a hearing for good cause, or when approved by the court under Family Code section 8613).”</p>	<p>Family Code 8613 allows a judicial officer to waive the prospective adoptive parent(s)’s personal appearance and allow counsel to appear on the adoptive parent’s behalf in some circumstances when personal appearance is impossible or impracticable. The court must receive a written power of attorney giving the attorney permission to do so. Family Code 8613 allows, in some circumstances, notarization or other witnessing of that power of attorney. This other witnessing can be provided by specific military and other government personnel who are authorized to take acknowledgments under Civil Code Sections 1183 and 1183.5.</p> <p>Currently, item 8 of ADOPT 210 only addresses the notarization and witnessing options for stepparent adoptions where the hearing is waived, which was within the scope of this current comment cycle and required by recent legislative changes. The committee does not recommend expanding item 8 to include witnessing options for other types of adoptions where the hearing is still required, but the prospective adoptive parent's personal appearance can be made by counsel. To do so would make ADOPT 210 lengthier, potentially more confusing for self-represented litigants, and would be outside the scope of this proposal. In addition prospective adoptive parents seeking appearance by counsel in lieu of personal appearance by definition have an attorney to make that appearance. That attorney can request waiver of the adoptive parent’s appearance and draft and</p>

SPR15-19**Family Law: New Forms and Revisions to Forms for Stepparent and Additional-Parent Adoptions**

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			This section 8b should be moved up before the judge's signature line. The remaining 8b(1), 8b(2) and 8b(3) should be deleted. Page 3, bottom of page – should read Adoption Agreement not Adoption Request.	attach the required power of attorney. The committee agrees with the recommendation and has accepted it. The committee agrees with the recommendation and has accepted it.