



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-163

For business meeting on September 19, 2023

Title

Family and Juvenile Law: Implementation of Assembly Bill 2495

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 5.451;
revise forms ADOPT-050-INFO,
ADOPT-200, ADOPT-215, ADOPT-310,
and ADOPT-330

Effective Date

January 1, 2024

Date of Report

July 14, 2023

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulse, Cochair

Hon. Amy M. Pellman, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending one rule of the California Rules of Court and revising five forms to conform with recent statutory changes enacted by Assembly Bill 2495 (Patterson; Stats. 2022, ch. 159) regarding various topics related to adoptions, including when to display a child's preadoption name on the adoption request and order forms, procedures for filing a postadoption contact order, and venue for adoption requests. The committee also recommends technical changes to the forms to correct errors and respond to partner and stakeholder feedback.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rule 5.451 to delete provisions of the rule that restate statutory text and retain sections that provide court operations information and guidance.
2. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to clarify and make more legally precise the explanation of the required steps in a stepparent adoption to confirm parentage and to make technical revisions primarily to conform to Judicial Council style;
3. Revise *Adoption Request* (form ADOPT-200) to respond to new legislation and to make technical revisions primarily to conform to Judicial Council style;
4. Revise *Adoption Order* (form ADOPT-215) to respond to new legislation and to make technical revisions primarily to conform to Judicial Council style;
5. Revise *Contact After Adoption Agreement* (form ADOPT-310) to correct an erroneous code citation, to reconfigure a table to make it more accessible, and to make technical revisions primarily to conform to Judicial Council style; and
6. Revise *Request for Appointment of Confidential Intermediary* (form ADOPT-330) to correct an erroneous phone number and make technical revisions primarily to conform to Judicial Council style.

The proposed amended rule and revised forms are attached at pages 10–31.

Relevant Previous Council Action

The *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) were 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.

Also in 1998, the Judicial Council adopted a rule of court and several forms, including what is now styled as California Rules of Court, rule 5.451 and *Contact After Adoption Agreement* (form ADOPT-310) to implement procedures for “kinship” adoption agreements, which allowed for ongoing contact between adopted children and their birth relatives. All references to “kinship adoption agreement” were revised to “postadoption contact agreement” based on legislative changes in 2001. Forms ADOPT-200 and ADOPT-215 were revised in April 2001 to provide information on postadoption contact. In 2002, form ADOPT-310 was updated with a table employing icons to signify the types of postadoption contact agreed upon by the parties.

The council adopted the information sheet *How to Adopt a Child in California* (form ADOPT-050-INFO) in 1999 to provide basic information on the adoption process. This information sheet was revised in 2010, 2016 and 2021 to incorporate information on new and amended adoption processes and procedures.

California Rules of Court, rule 5.410, *Request for Appointment of Confidential Intermediary* (form ADOPT-330) and *Order for Appointment of Confidential Intermediary* (form ADOPT-331) were adopted with an effective date of January 1, 2008, to facilitate contact between adoptees and their siblings in accordance with amendments to Family Code section 9205. In 2012, California Rules of Court, rule 5.410 was renumbered to rule 5.460 based on recommendations made by the Elkins Family Law Implementation Task Force.

On January 1, 2021, the Judicial Council revised several adoption forms and approved a new form in response to two important pieces of legislation affecting international adoptions and adoptions of children born to gestational surrogates in states that do not recognize both intended parents on the child's birth certificate. These legislative changes were implemented with revisions to forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215; the approval of new form ADOPT-206; and revisions to California Rules of Court, rule 5.493.

Analysis/Rationale

Statutory changes prompting proposal

California law sets forth a statutory scheme in the Family Code that organizes adoptions into four major categories:

1. Agency Adoptions (Fam. Code, § 8700 et seq.), including Relative Caregiver/Foster Parent Adoptions and Agency Joinder Adoptions (Fam. Code, §§ 8714.5, 8730–8736)
2. Independent Adoptions (Fam. Code, § 8800 et seq.)
3. Intercountry (International) Adoptions (Fam. Code, § 8900 et seq.)
4. Stepparent Adoptions (Fam. Code, § 9000 et seq.), including Stepparent Adoptions to Confirm Parentage (Fam. Code, § 9000.5)

Assembly Bill 2495 made statutory changes affecting a variety of processes and procedures related to each of these types of adoptions. The committee recommends amendments to rule 5.451 and revisions to ADOPT forms based on the statutory changes described below.

Venue for the filing of an adoption request

AB 2495 expands the possible counties in which an adoption request may be filed by authorizing an adoption request for a nondependent minor to be filed with the court in the county in which an office of the agency that is filing the adoption request is located. This expansion of venue requires a revision to the *Adoption Request* (form ADOPT-200).

Postadoption contact agreements, filing requirements, and authorized relatives

AB 2495 attempts to standardize provisions for four types of adoptions to consistently refer to Family Code section 8616.5 for information about the process for developing and filing, enforcing, modifying, and terminating a postadoption contact agreement. These changes provide an opportunity to streamline rule 5.451 of the California Rules of Court.

Adoption request and order: listing of child's name before adoption

Before the enactment of AB 2495, the child's name before the adoption was listed only on the adoption request for independent, stepparent, or tribal customary adoptions. With the bill's amendment of Family Code section 8912(b), intercountry adoptions are added to this list. This addition requires a change to the *Adoption Request* (form ADOPT-200).

Similarly, before AB 2495, the child's name before the adoption was not listed on the adoption order. With the bill's amendments to Family Code sections 8714(f), 8802(f), 8912(d), and 9000(e), the child's name before the adoption must now be listed on the adoption order for agency adoptions, independent adoptions, intercountry adoptions, and stepparent adoptions. This new requirement necessitates a change to *Adoption Order* (form ADOPT-215).

The committee further recommends technical and nonsubstantive revisions to the forms to respond to concerns expressed by courts and stakeholders and to correct erroneous citations and an incorrect phone number.

Proposed changes to rule and forms

California Rules of Court, rule 5.451

This rule of court was adopted in 1998 as a description of the process related to "kinship adoption agreements" and postadoption contact agreements that were authorized only in relative agency adoptions. In 1998, access to statutory materials via electronic devices and online resources was far less available to judicial officers and the public than at present. To ensure that courts and the public had comprehensive information about the requirements in these situations, the original drafters of the rules paraphrased or directly included extensive sections of the relevant underlying statutes in the rules.

Since that time, the law surrounding postadoption contact agreements has been applied to other types of adoptions. The rule amendments frequently lag the underlying statutory amendments by a year or more because of the time needed for the Judicial Council rule-making process. At the same time, the growth of online legal resources such as the California Legislative Information website allows judicial officers and the public to access up-to-date statutory materials easily at no cost.

These changes in the information infrastructure for courts warrant a reexamination of the role of the rules of court in these proceedings. The committee, therefore, recommends deleting those provisions of the rule that restate statutory text and retaining those sections of the rule that provide court operations information and guidance. These changes would streamline the rule and reduce the frequency with which the rule needs to be amended to reflect changes in the statutory text.

A detailed description of recommended revisions can be found in Attachment A at pages 9-10.

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

Concerns have been raised regarding a lack of clarity and legal precision in this information sheet in the explanation of the required steps in a stepparent adoption to confirm parentage. To address these concerns, the committee recommends the following:

- On page 1, remove references to the specific steps required for a stepparent/domestic partner adoption and for a stepparent adoption to confirm parentage.
- On page 2, add a note under the first item 2 to explain that in a stepparent adoption to confirm parentage, a home investigation and a hearing are required only if the court orders them for good cause.

Based on a comment received regarding inquiry under the Indian Child Welfare Act (ICWA), the committee recommends changing the fourth paragraph on page 4 from “If, after additional inquiry, there is **reason to know** that the child is an Indian child...” to “If, at any time during the proceeding, there is **reason to know** that the child is an Indian child....”

The committee also recommends technical revisions to conform to Judicial Council style. All recommended revisions are listed in Attachment A at pages 9-10.

Adoption Request (*form ADOPT-200*)

In response to legislative language expanding venue to include the county in which an office of the agency that files the request for adoption is located, the committee recommends the addition of this language to item 2.

In item 5, the committee recommends the inclusion of intercountry adoptions on the list of adoptions for which the child’s name before adoption must be listed on the request. To make this information fit, the committee recommends rewording the instructions slightly and removing capitalization.

To address concerns about the explanation of the required steps in a stepparent adoption to confirm parentage, the committee recommends the addition of a check box option to item 12e. The new option would read, “This is an adoption to confirm parentage. No investigation is required unless court ordered for good cause.”

The committee also recommends technical revisions to conform to Judicial Council style. All recommended revisions are listed in Attachment A at pages 9-10.

Adoption Order (*form ADOPT-215*)

AB 2495 requires the name of the child before adoption to be listed on the adoption order for the following types of adoptions: nonrelative agency, independent, intercountry, and stepparent adoption. For an adoption of a dependent child by a relative filed under Family Code section 8714.5(g), the child’s name before adoption should be listed on the order only upon request by the adopting relative or by the minor child, if that child is 12 years of age or older. Therefore, the committee recommends rewording item 7 to allow for the child’s name before adoption to be

listed for nonrelative agency, independent, intercountry, and stepparent adoptions, and in cases of adoption of a dependent child by a relative, only in the specified circumstances.

The committee also recommends technical revisions to conform to Judicial Council style. All recommended revisions are listed in Attachment A at pages 9-10.

Contact After Adoption Agreement (*form ADOPT-310*)

With the enactment of SB 182 (Stats. 2003, ch. 251), the provision of the Family Code governing and describing procedures for postadoption contact agreements was renumbered from 8714.7 to 8616.5. The committee recommends updating the reference to this code section in item 2d.

In addition, the committee recommends reconfiguring the table in item 3, which collects information about the types of postadoption contact that have been agreed on by the parties. Currently, the table cannot be used when the form is filled out online and it is not screen-reader accessible. The committee also recommends changing “party(ies)” to “party/parties” in item 3.

The committee also recommends technical revisions to conform to Judicial Council style. All recommended revisions are listed in Attachment A at pages 9-10.

Request for Appointment of Confidential Intermediary (*form ADOPT-330*)

The Department of Social Services provided feedback indicating that the phone number on the front page of this form, directing an adoptee seeking contact with a sibling to contact the Adoption Support Unit for assistance, was incorrect. In addition, the department has changed the name of this unit to the “Adoption Services Branch.” The committee recommends updating both the name and phone number on this form, in addition to technical revisions to conform to Judicial Council style. Because these changes are nonsubstantive corrections, the committee recommends that the council make this revision without circulating the form for comment, in accordance with California Rules of Court, rule 10.22(d)(2).

All recommended revisions are listed in Attachment A at pages 9-10.

Policy implications

California law presents a statutory scheme in the Family Code that organizes adoptions into four major categories. AB 2495 made statutory changes affecting a variety of processes and procedures related to each of these types of adoptions, including venue for independent adoptions, requirements surrounding postadoption contact agreements, and the listing of the child’s name before the adoption on request and order forms. The committee’s recommendations are designed to ensure that court rules, forms, and processes are consistent with the legislative requirements presented in the Family Code.

Comments

The proposal was circulated for public comment from March 31 through May 12, 2023. A total of 8 comments were received from stakeholders and courts. Four commenters agreed with the proposal, two agreed with modifications, and two commenters did not indicate a position.

Several commenters provided feedback leading to improvements to the clarity of proposed language on the forms. The superior courts that submitted comments provided helpful information regarding the operational impacts on courts of the new process.

The substantive comments and feedback focused principally on the most efficient and appropriate way to populate the child's name before adoption on the Adoption Order. Changes were made to incorporate these helpful suggestions. One superior court recommended a number of changes to items on the forms that address compliance with ICWA inquiry and notice. Some of these recommendations were adopted; others fell outside the scope of the current proposal but will be included for consideration in the upcoming overhaul of the adoption form series.

The chart of comments and committee responses is attached at pages 32–41.

Alternatives considered

The committee is developing a proposal to reorganize and redesign the ADOPT forms, to be brought forward in the winter 2023–2024 cycle. The reorganization effort will potentially result in a streamlined form ADOPT-200 that solicits information applicable to all types of adoptions, and the development of attachments corresponding to the various types of adoptions, which will each solicit information relative only to that specific type of adoption. Consideration was given to incorporating items in the current proposal into this larger effort; however, it was determined that because AB 2495 took effect on January 1, 2023, the committee needed to act quickly to make the forms and rules of court consistent with the law.

The failure to update Judicial Council forms to comply with legislative changes could result in confusion among courts, stakeholders, and families involved in adoption proceedings. Therefore, the option of waiting to incorporate these changes with the more extensive revamping of the forms planned for a future cycle was considered and discarded. Because the legislative changes affected a rule of court and several forms, it was determined that technical and clarifying changes to the forms should also be made at this time.

Fiscal and Operational Impacts

According to the comments received from superior courts, training for court staff would be minimal, and no required changes are anticipated to court case management systems. It will be important to communicate changes on the forms to bench officers. Courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms. Because there are revisions to forms ADOPT-050-INFO and ADOPT-200, which have been translated into four languages, and to form ADOPT-215, which has been translated into Spanish, the Judicial Council would incur costs in updating these translated versions, should the forms be revised by the Judicial Council.

Attachments and Links

1. Attachment A: Detailed Description of Recommended Changes, at pages 9-10
2. Cal. Rules of Court, rule 5.541, at pages 11–16

3. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330, at pages 17–32
4. Chart of comments, at pages 33–42
5. Link A: Assem. Bill 2495,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2495

Attachment A: Detailed Description of Recommended Changes

California Rules of Court, rule 5.451

- Amend subdivision (a) to properly reflect the applicability of Family Code section 8616.5 to all types of adoptions and delete language that restates provisions of Family Code section 8714.5.
- Delete subdivision (b), which restates provisions of Family Code section 8616.5.
- Amend and reletter subdivision (c) as (b), provide information about the use of mandatory *Contact After Adoption Agreement* (form ADOPT-310), and delete remaining language on court approval, which restates statutory provisions.
- Delete subdivision (d) and reletter as (c) with the new title, “Enforcement, modification, or termination of the agreement,” and include the language of subdivisions (h) and (i) describing which court retains jurisdiction to enforce these agreements, the mandatory use of form ADOPT-315 to enforce an agreement, and the mandatory use of form ADOPT-315 to modify or terminate an agreement.
- Delete subdivision (e) and reletter as (d) with the new title, “Costs and fees,” and include the language of subdivision (j) with information about limits on the filing fee for form ADOPT-315.
- Delete subdivision (f), which restates provisions of Family Code section 8616.5.
- Delete subdivision (g), which restates provisions of Family Code section 8715.
- Delete the remaining language of subdivisions (h), (i), and (j), which restates provisions of Family Code section 8616.5.
- Delete subdivision (k), which restates provisions of Family Code section 8616.5.

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

- Throughout the document, remove underlining of section headers.
- Page 1, remove references to the specific steps required for a stepparent/domestic partner adoption and for a stepparent adoption to confirm parentage.
- Page 1, first paragraph, update the name of the California Courts self-help web resource.
- Page 1, second paragraph, rearrange bullet points in order of appearance in the form.
- Page 1 footer, add a citation to the Family Code.
- Page 2, add a note under the first item 2 to explain that in a stepparent adoption to confirm parentage, a home investigation and a hearing are required only if the court orders them for good cause.
- Page 2, substitute the word “form” for “the” immediately before “ADOPT-210”.
- Page 2, include the full title of the Family Code in the reference to section 8617(b).
- Page 4, fourth paragraph, change “If, after additional inquiry, there is **reason to know** that the child is an Indian child...” to “If, at any time during the proceeding, there is **reason to know** that the child is an Indian child....”
- Page 4, text assigned to first check box, correct apostrophe in “child’s”.
- Page 4, add “(form ADOPT-200)” and “(form ADOPT-215)” to references to the adoption request and order, respectively.

Adoption Request (form ADOPT-200)

- Item 1, change “e-mail” to “email”.
- Item 2, add venue option of the county in which an office of the agency that files the request for adoption is located.
- Item 5, include intercountry adoptions on the list of adoptions for which the child’s name before adoption must be listed on the request. To make this information fit, reword the instructions slightly and remove capitalization.
- Item 10a, change “might” to “may”.
- Item 11a, change “Independent Adoptive Placement Agreement” to “Independent Adoption Placement Agreement” to conform with the correct title of this document, produced by the California Department of Social Services.
- Items 11d and 12f, reword the first check box options for plain language.
- Item 12e, reword the first check box option for clarity and plain language.
- Item 12e, add a check box option to read, “This is an adoption to confirm parentage. No investigation is required unless court ordered for good cause.”
- Substitute the full title of the Family Code for the abbreviated instances.
- Abbreviate the titles of codes cited in the form’s footer.

Adoption Order (form ADOPT-215)

- Item 1, change “e-mail” to “email.”
- Item 4, add a check box option next to the instructions for an attachment and revise the instructions to conform to the standard language for attachments.
- Item 7, allow for the child’s name before adoption to be listed for nonrelative agency, independent, intercountry, and stepparent adoptions, and in cases of adoption of a dependent child by a relative, only in the specified circumstances.
- Item 9, add the word “form” before two references to form ADOPT-310.
- Substitute the full title of the Family Code for the abbreviated instances in the text.
- Abbreviate the titles of codes cited in the form’s footer.

Contact After Adoption Agreement (form ADOPT-310)

- Item 2c, reword instructions and change “#” to “number”.
- Item 2d, reword item and update code citation from 8714.7 to 8616.5.
- Item 3, reconfigure the table that collects information about the types of postadoption contact that have been agreed on by the parties, change “party(ies)” to “party/parties”.
- Page 2, Notice box, change the spelling of “canceled” and add the word “form” in front of ADOPT-315.
- Abbreviate the titles of codes cited in the form’s footer.

Request for Appointment of Confidential Intermediary (form ADOPT-330)

- Page 1, update phone number of the Adoption Services Branch.
- Page 1, change reference to “Adoption Support Unit” to “Adoption Services Branch.”
- Page 1, footer, correct reference to California Rules of Court.
- Abbreviate the titles of codes cited in the form’s footer.

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

Rule 5.451. Contact after adoption agreement

(a) Applicability of rule

This rule applies to any adoption of a child filed under Family Code section 8714, 8714.5, 8802, 8912, or 9000. ~~The adoption petition must be filed under Family Code sections 8714 and 8714.5. If the child is a dependent of the juvenile court, the adoption petition may be filed in that juvenile court and the clerk must open a confidential adoption file for the child, and this file must be separate and apart from the dependency file, with an adoption case number different from the dependency case number. For the purposes of this rule, a “relative” is defined as follows:~~

~~(1) An adult related to the child or the child’s sibling or half sibling by blood or affinity, including a relative whose status is preceded by the word “step,” “great,” “great-great,” or “grand”; or~~

~~(2) The spouse or domestic partner of any of the persons described in (1) even if the marriage or domestic partnership was terminated by dissolution or the death of the spouse related to the child.~~

~~(b) Contact after adoption agreement~~

~~An adoptive parent or parents; a birth relative or relatives, including a birth parent or parents or any siblings of a child who is the subject of an adoption petition; or an Indian tribe that the child is a member of and the child may enter into a written agreement permitting postadoption contact between the child and birth relatives, including the birth parent or parents or any siblings, or an Indian tribe. No prospective adoptive parent or birth relative may be required by court order to enter into a contact after adoption agreement.~~

~~(c)~~(b) Court approval; time of decree Preparing the agreement

Any agreement must be prepared and submitted on *Contact After Adoption Agreement* (form ADOPT-310) and include all terms required under section 8616.5.

~~If, at the time the adoption petition is granted, the court finds that the agreement is in the best interest of the child, the court may enter the decree of adoption and grant postadoption contact as reflected in the approved agreement.~~

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

(d)(c) Terms of agreement Enforcement, modification, or termination of the agreement

(1) The court that grants the petition for adoption and approves the contact after adoption agreement retains jurisdiction over the agreement.

(2) Any petition for enforcement of an agreement must be filed on *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315).

(3) Any petition for modification or termination of an agreement must be filed on *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315).

~~The terms of the agreement are limited to the following, although they need not include all permitted terms:~~

~~(1) Provisions for visitation between the child and a birth parent or parents;~~

~~(2) Provisions for visitation between the child and other identified birth relatives, including siblings or half-siblings of the child;~~

~~(3) Provisions for contact between the child and a birth parent or parents;~~

~~(4) Provisions for contact between the child and other identified birth relatives, including siblings or half-siblings of the child;~~

~~(5) Provisions for contact between the adoptive parent or parents and a birth parent or parents;~~

~~(6) Provisions for contact between the adoptive parent or parents and other identified birth relatives, including siblings or half-siblings of the child;~~

~~(7) Provisions for the sharing of information about the child with a birth parent or parents;~~

~~(8) Provisions for the sharing of information about the child with other identified birth relatives, including siblings or half-siblings of the child; and~~

~~(9) The terms of any contact after adoption agreement entered into under a petition filed under Family Code section 8714 must be limited to the sharing~~

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

~~of information about the child unless the child has an existing relationship with the birth relative.~~

(e)(d) Child a party Costs and fees

The fee for filing *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315) must not exceed the fee assessed for the filing of an adoption petition.

~~The child who is the subject of the adoption petition is a party to the agreement whether or not specified as such.~~

~~(1) Written consent by a child 12 years of age or older to the terms of the agreement is required for enforcement of the agreement, unless the court finds by a preponderance of the evidence that the agreement is in the best interest of the child and waives the requirement of the child's written consent.~~

~~(2) If the child has been found by a juvenile court to be described by section 300 of the Welfare and Institutions Code, an attorney must be appointed to represent the child for purposes of participation in and consent to any contact after adoption agreement, regardless of the age of the child. If the child has been represented by an attorney in the dependency proceedings, that attorney must be appointed for the additional responsibilities of this rule. The attorney is required to represent the child only until the adoption is decreed and dependency terminated.~~

(f) Form and provisions of the agreement

~~The agreement must be prepared and submitted on *Contact After Adoption Agreement* (form ADOPT-310) with appropriate attachments.~~

(g) Report to the court

~~The department or agency participating as a party or joining in the petition for adoption must submit a report to the court. The report must include a criminal record check and descriptions of all social service referrals. If a contact after adoption agreement has been submitted, the report must include a summary of the agreement and a recommendation as to whether it is in the best interest of the child.~~

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

~~(h) — Enforcement of the agreement~~

~~The court that grants the petition for adoption and approves the contact after adoption agreement must retain jurisdiction over the agreement.~~

~~(1) — Any petition for enforcement of an agreement must be filed on *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315). The form must not be accepted for filing unless completed in full, with documentary evidence attached of participation in, or attempts to participate in, mediation or other dispute resolution.~~

~~(2) — The court may make its determination on the petition without testimony or an evidentiary hearing and may rely solely on documentary evidence or offers of proof. The court may order compliance with the agreement only if:~~

~~(A) — There is sufficient evidence of good faith attempts to resolve the issues through mediation or other dispute resolution; and~~

~~(B) — The court finds enforcement is in the best interest of the child.~~

~~(3) — The court must not order investigation or evaluation of the issues raised in the petition unless the court finds by clear and convincing evidence that:~~

~~(A) — The best interest of the child may be protected or advanced only by such inquiry; and~~

~~(B) — The inquiry will not disturb the stability of the child's home to the child's detriment.~~

~~(4) — Monetary damages must not be ordered.~~

~~(i) — Modification or termination of agreement~~

~~The agreement may be modified or terminated by the court. Any petition for modification or termination of an agreement must be filed on *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315). The form must not be accepted for filing unless completed in full, with documentary evidence attached of participation in, or attempts to participate in, mediation or other appropriate dispute resolution.~~

~~(1) — The agreement may be terminated or modified only if:~~

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

~~(A) All parties, including the child of 12 years or older, have signed the petition or have indicated on the *Answer to Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-320) their consent or have executed a modified agreement filed with the petition; or~~

~~(B) The court finds all of the following:~~

~~(i) The termination or modification is necessary to serve the best interest of the child;~~

~~(ii) There has been a substantial change of circumstances since the original agreement was approved; and~~

~~(iii) The petitioner has participated in, or has attempted to participate in, mediation or appropriate dispute resolution.~~

~~(2) The court may make its determination without testimony or evidentiary hearing and may rely solely on documentary evidence or offers of proof.~~

~~(3) The court may order modification or termination without a hearing if all parties, including the child of 12 years or older, have signed the petition or have indicated on the *Answer to Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-320) their consent or have executed a modified agreement filed with the petition.~~

~~(j) Costs and fees~~

~~The fee for filing a *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315) must not exceed the fee assessed for the filing of an adoption petition. Costs and fees for mediation or other appropriate dispute resolution must be assumed by each party, with the exception of the child. All costs and fees of litigation, including any court-ordered investigation or evaluation, must be charged to the petitioner unless the court finds that a party other than the child has failed, without good cause, to comply with the approved agreement; all costs and fees must then be charged to that party.~~

~~(k) Adoption final~~

~~Once a decree of adoption has been entered, the court may not set aside the decree, rescind any relinquishment, modify or set aside any order terminating parental rights, or modify or set aside any other orders related to the granting of the~~

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2024, to read:

- 1 ~~adoption petition, due to the failure of any party to comply with the terms of a~~
- 2 ~~postadoption contact agreement or any subsequent modifications to it.~~

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 [Self-Help Guide to the California Courts](#) 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 do not have 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 information sheet provides steps for the following types:

- Stepparent/domestic partner adoptions
- Independent or agency adoptions in the United States
- Stepparent/domestic partner confirmation of parentage
- Intercountry adoptions

Page 4 also has information about open adoptions and special requirements for the adoption of Indian (Native American) children.

Stepparent/Domestic Partner Adoptions

If you wish to adopt the child of your spouse or domestic partner, you may be eligible for a stepparent adoption. There are two types of stepparent adoptions. Answer these questions to figure out which process is right for you:

- Were you in a union with the child's legal parent **at the time the child was born** and are you **still in a union** with the legal parent? (A "union" means a marriage, a California registered domestic partnership, or a registered domestic partnership or civil union from another state that is legally equivalent to a marriage.)
- Did your **spouse or domestic partner give birth to the child** or was the child born through a **gestational surrogacy process** brought about by one or both of you?

If you answered no to **either** question, complete the items below for a **stepparent/domestic partner adoption**.

If you answered yes to **both** questions, complete the items below 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 be an Indian child.
<input type="checkbox"/> ICWA-020	<i>Parental Notification of Indian Status</i>	One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status.

Additional Forms for Stepparent Adoption to Confirm Parentage

<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.
-OR-		
<input type="checkbox"/> ADOPT-206 (or an equivalent declaration)	<i>Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy</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 because the child was conceived through a gestational surrogate and was born outside of California, and the state where the child was born only allowed one intended parent to be named as a legal parent on the child's birth certificate.

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. If there is no hearing, form ADOPT-210 must be signed in front of the court clerk or a notary.

Note: In a **stepparent adoption to confirm parentage**, no home investigation or hearing is required unless ordered by the court for good cause. Sign form ADOPT-210 in front of a notary or the court clerk when you file the forms and a judge will review your request. If the paperwork is complete and you meet the requirements, the judge will sign the Adoption Order and the adoption is complete. If the judge orders an investigation and hearing, go to the next steps.

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 or Agency Adoptions in the United States

If this is an independent or agency adoption in the United States, complete 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. See Family Code section 8617(b).

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 the required questions have been asked to determine whether the child may be an Indian child. |
| <input type="checkbox"/> ICWA-020* | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status. |

*The agency or adoption service provider is responsible for getting these forms completed and making them part of the adoption file.

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*)



Intercountry Adoptions

If this is an intercountry (international) adoption, complete items 1 through 6 below.

Note: You must follow this process to adopt your child under California law, even if the adoption was previously finalized in a foreign country. If the child's adoption was finalized in a foreign country, you must file the *Adoption Request* within the earlier of 60 days of the child's entry to the United States, or the child's 16th birthday.

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 be an Indian child. |
| <input type="checkbox"/> ICWA-020 | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status. |

2 Postadoption or postplacement visits and reports

If the child's adoption was finalized in a foreign country, there will be at least one postadoption visit provided by the international adoption agency. The report of this visit must be submitted to the court as described below. If the child was born in a foreign country and placed with a California family for adoption in this state, the adoption agency must provide postplacement supervision with up to four visits. These reports are also provided to the court.

3 Attach documentation

If the child's adoption was finalized in a foreign country, you must attach the following documents to your *Adoption Request*:

- ☐ A certified or otherwise official copy of the foreign decree, order, or certification of adoption that reflects finalization of the adoption in the foreign country;
- ☐ A certified or otherwise official copy of the child's foreign birth certificate;
- ☐ A certified translation of all required documents that are not written in English;
- ☐ Proof that the child was granted lawful entry into the United States as an immediate relative of the adoptive parent or parents;
- ☐ A report from at least one postplacement home visit by an intercountry adoption agency or a contractor of that agency licensed to provide intercountry adoption services in the state of California; and
- ☐ A copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services, in accordance with Family Code section 8900.

4 Take your forms to court

Take the completed forms and any required documents 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.

5 Provide a copy of the forms and documents

If the child's adoption was finalized in a foreign country, provide a copy of the forms and documentation you filed with the court to any adoption agency that provided services to you for your international adoption.

6 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*)



Inquiry and Notice Under the Indian Child Welfare Act

- ☐ The child and other people in the **child's** life must be asked specific questions in order to determine whether the child may be an Indian child. The *Indian Child Inquiry Attachment* (form [ICWA-010\(A\)](#)) should be attached to the *Adoption Request*. In agency adoptions, it is the responsibility of the agency to ensure that this inquiry is conducted and that the form is made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- ☐ A completed version of *Parental Notification of Indian Status* (form [ICWA-020](#)) for each birth parent should be attached to the *Adoption Request*, OR it should be shown that a good faith attempt was made to provide the form to each birth parent, the Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court. In agency adoptions, it is the responsibility of the agency to ensure that this form is provided to the birth parents and made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.
- ☐ If there is **reason to believe** that the child is or may be an Indian child, additional inquiry is required. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- ☐ If, **at any time during the proceeding**, there is **reason to know** that the child is an Indian child, notice must be provided of the adoption request to the child's tribe or tribes, parents, Indian custodian, and the Bureau of Indian Affairs, using *Notice of Child Custody Proceeding for Indian Child* (form [ICWA-030](#)). This form must be served by registered or certified mail, with return receipt requested.
- ☐ If it is determined that the child **is an Indian child** or this is a tribal customary adoption, see Adoption of an Indian Child, below.

Adoption of an Indian Child

If you are adopting an Indian child, fill out and bring to court the following additional forms:

- ☐ *Adoption of Indian Child* (form ADOPT-220); and
- ☐ *Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225).

If this is a tribal customary adoption, a copy of the tribal customary adoption order must be attached to the petition (form [ADOPT-200](#)) and the order (form [ADOPT-215](#)).

"Open" Adoption

If you want your child to have contact with their birth family, use *Contact After Adoption Agreement* (form [ADOPT-310](#)) to describe the kind of contact the birth family will have with your child. Fill out this form and bring it to your hearing.

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

Clerk stamps date here when form is filed.

DRAFT 6.21.2023
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 Adopting parent(s)

a. Name: _____

b. Name: _____

Relationship to child: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Lawyer (if any) (name, address, telephone numbers, email address, and State Bar number):

2 County of filing

This *Adoption Request* is filed in this court because (check all that apply):

- ☐ The adopting parent or parents live in this county;
- ☐ The child was born in or the child now lives in this county;
- ☐ An office of the agency that placed the child or is filing the request for adoption is located in this county;
- ☐ An office of the department or public adoption agency that is investigating the request is located in this county;
- ☐ The placing birth parent or parents lived in this county when the adoptive placement agreement, consent, or relinquishment was signed;
- ☐ The placing birth parent or parents lived in this county when the request was filed;
- ☐ The child was freed for adoption in this county.

(Note: 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 or parents reside. See Family Code section 8714.)

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

Hearing
Date

Hearing is set for:

Date: _____

Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

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

3 Type of adoption

Check one of the following:

☐ Agency (name): _____ ☐ Relative ☐ Nonrelative

☐ Tribal customary adoption (attach tribal customary adoption order)

☐ Independent: ☐ Relative ☐ Nonrelative ☐ Additional Parent(s)

☐ Intercountry (name of agency): _____

☐ Stepparent adoption

☐ Stepparent adoption to confirm parentage. See form [ADOPT-050-INFO](#) to determine whether you are eligible for the stepparent adoption to confirm parentage process.

Joinder:

☐ Joinder is being filed at same time as this *Adoption Request*.

☐ Joinder will be filed.



Your name: _____

4 Information about the child

- a. The child's new name will be: _____
- b. Sex: ☐ Female ☐ Male ☐ Nonbinary
- c. Date of birth: _____ Age: _____
- d. Child's address (if different from address of adopting parent or parents):
 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 the physical care of the adopting parents: _____
- h. ☐ The child was conceived by assisted reproduction in compliance with Family Code section 7613.
- i. ☐ The child is a dependent of the court. Juvenile Case No. _____ County: _____

5 Child's name before adoption (only for independent, intercountry, stepparent, or tribal customary adoption)

Child's name before adoption: _____

6 Birth parents

Names of birth parents, if known: _____

7 Legal guardianDoes the child have a legal guardian? ☐ Yes ☐ No (If yes, attach *Letters of Guardianship* and fill out below.)

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

8 Inquiry and notice under the Indian Child Welfare Act

- a. ☐ The inquiry required under law to determine whether the child may be an Indian child has been made, and a completed *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
 Note: In agency adoptions, it is the responsibility of the agency to ensure that this inquiry is conducted and the form is made part of the file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.
- b. ☐ A completed version of *Parental Notification of Indian Status* (form ICWA-020) is attached OR a good faith attempt has been made to provide the form to the parents, Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court.
 Note: In agency adoptions, it is the responsibility of the agency to ensure that these forms are made part of the file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.
- c. ☐ There is **reason to know** that this child is an Indian child. Notice of the adoption request will be provided to the child's tribe or tribes, parents, Indian custodian, and the Bureau of Indian Affairs, using *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030).

9 Adoption of an Indian child

- a. ☐ This is an adoption of an Indian child. The adopting parents have filled out and attached *Adoption of Indian Child* (form ADOPT-220) and will bring *Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225) to the hearing.
- b. ☐ 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.



10 Agency adoption questions

- 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 **may** be available.
- 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 (**Family Code section 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:

11 Independent adoption questions

- a. ☐ A copy of the **Independent Adoption Placement Agreement** from the California Department of Social Services is attached. (This is required in most independent adoptions; see **Family Code section 8802**.)
- 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.
- d. ☐ This is an independent adoption involving additional parent(s):
☐ **All persons with existing parental rights agree to this adoption and will keep those parental rights.**
☐ An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.

12 Stepparent adoption and confirmation of parentage questions

- 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 parent married or entered into a registered domestic partnership with the legal parent 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 or whose parentage was established through a gestational surrogacy process, and we remain in that union. See attached:
☐ Form ADOPT-205, *Declaration Confirming Parentage in Stepparent Adoption*
☐ Form ADOPT-206, *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy*
☐ Declaration describing the circumstances of the child's conception.
- e. The investigation or written report will be completed as follows (choose one):
☐ **I will choose someone to do an investigation or written report and will pay them directly. I understand that this person must be a licensed clinical social worker, a licensed marriage and family therapist, or work for a licensed private adoption agency.**
☐ I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.
☐ **This is an adoption to confirm parentage. No investigation is required unless court ordered for good cause.**
- f. ☐ This is a stepparent adoption involving an additional parent:
☐ **All persons with existing parental rights agree to this adoption and will keep those parental rights.**
☐ An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.



Your name: _____

13 Intercountry adoption questions

- a. ☐ This adoption may be subject to the Hague Adoption Convention (*form [ADOPT-216](#) must be filed with this request*).
- b. ☐ This is an adoption conducted under the requirements of the Hague Adoption Convention and the child has already moved with the adopting parent(s) to another Hague Convention member country or will be moving at the conclusion of this adoption.

Child will be moving or has moved to (name of country): _____

Adopting parent(s): ☐ seek(s) a California adoption ☐ will be petitioning for a Hague Adoption Certificate
☐ will be seeking a Hague Custody Declaration.

- c. ☐ This is an intercountry adoption that was finalized in another country before the child entered the United States with the adopting parent(s).

Date the child entered the United States: _____

See form [ADOPT-050-INFO](#) for a list of documents to attach to this *Adoption Request*.**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**

Complete all sections that apply to your adoption:

- a. ☐ The consent of the birth parent is not necessary because (*check the applicable reasons under Family Code section 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.
- (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. ☐ The child has a presumed parent under Family Code section 7611. The consent of the presumed parent is not required because:

- (1) ☐ The presumed parent did not become a presumed parent before the mother's relinquishment or consent became irrevocable or the mother's parental rights were terminated. (**Family Code section 8604(a).**)
- (2) ☐ The presumed parent signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code section 7660.5.

- c. ☐ Termination of parental rights of an alleged father is not required because:

- (1) ☐ The relationship to the child was previously terminated or determined not to exist by a court.
- (2) ☐ The alleged father was served as prescribed in Family Code section 7666 with a written notice of alleged parentage and the proposed adoption, and has failed to bring an action pursuant to Family Code section 7630(c) within 30 days of service of the notice or the birth of the child, whichever is later. (*Attach proof of notice to this Adoption Request.*)
- (3) ☐ The alleged father has executed a written form to waive notice, deny parentage, relinquish the child for adoption, or consent to the adoption of the child.



Your name: _____

15

- d.
- ☐
- 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.)

- e.
- ☐
- 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 (attach a copy of the order):

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

- f.
- ☐
- 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: _____

- g.
- ☐
- 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. (Family Code section 8604(b).)

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

- h.
- ☐
- 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 are checked, adopting parent must also check item 15f and file an Application for Freedom From Parental Custody. See Family Code section 7822(a).)

- i.
- ☐
- 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 their own;
- c. Will support and care for the child;
- d. Has a suitable home for the child; and
- e. Agrees to adopt the child.



Your name: _____

17 Requests to court


☐ 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 (Family Code section 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, the lawyer 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).

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

DRAFT 6.21.2023
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 Adopting parent(s)

a. Name: _____
b. Name: _____
Relationship to child: _____
Street address: _____
City: _____ State: _____ Zip: _____
Daytime telephone number: _____
Lawyer (if any) (name, address, telephone number, email address, and State Bar number): _____

2 Information about the child

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. _____
☐ Check here 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. You may use form MC-025, Attachment.
☐ The hearing is waived pursuant to Family Code section 9000.5 (Check this box only if this is an adoption confirming parentage of a parent who was married to or in a state-registered domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, with the legal parent 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 Family Code section 8601(b);
 b. Will treat the child as their own;
 c. Will support and care for the child;
 d. Has a suitable home for the child; and
 e. Agrees to adopt the child.

7 Child's name before adoption

Complete for nonrelative agency, independent, intercountry, or stepparent adoption.

If this is an adoption of a dependent child by a relative filed under Family Code section 8714.5, complete only if requested by the adopting relative or by the child being adopted, if 12 years of age or older.

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* (form ADOPT-310)

☐ As submitted ☐ As amended on form 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 adoption involving an additional parent or parents. ☐ 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* (form ADOPT-200) ☐ *Adoption of Indian Child* (form ADOPT-220)
☐ *Adoption Order* (form ADOPT-215) ☐ *Contact After Adoption Agreement* (form 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

☐ Original
 ☐ Change

Clerk stamps date here when form is filed.

DRAFT 6.21.2023
NOT APPROVED BY
THE JUDICIAL
COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Your name(s):

a. _____

b. _____

Relationship to child: _____

Your address (skip this if you have a lawyer)

Street: _____

City: _____ State: _____ Zip: _____

Your phone number: _____

Your lawyer (if you have one) (name, address, phone number, and State Bar number):

2 Information about the child

a. Child's name (after adoption): _____

b. Date of birth: _____ Age: _____

c. Is the child a dependent of Juvenile Court? ☐ No ☐ Yes

If yes, list juvenile court and juvenile case number:

County: _____ Case number: _____

d. Child's Lawyer (If the child has a lawyer, fill out below. If item 2c is yes, child must have a lawyer. See Family Code section 8616.5(d).)

Name of child's lawyer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone number: _____ State Bar number: _____

3 The people below agree with the requesting party/parties in 1 about contact with the child after adoption. If the agreement is confidential, write "Confidential" instead of the person's name.

If you need more space, attach a sheet of paper. Write "ADOPT-310, Item 3—Other Relatives" at the top.

Type of Contact (check all that apply):

Visits	Phone	Email	Letter	Share Info	Other*
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Explain type of contact on a sheet of paper. Write "ADOPT-310, Item 3—Other Types of Contact" at the top.

Number of pages attached: _____



Your name:


- 4 If you have a signed, written agreement about *Contact After Adoption*, attach a copy.
Number of pages attached: _____
- 5 The parties have discussed the reasons for continued contact between the child and the specified relatives or other parties, considering the best interests of the child.

Notice

1. After the judge signs the Adoption Order for this child, the adoption is final. It can never be canceled or changed, even if anyone who signed this agreement:
 - Does not follow the agreement, and/or
 - Files form ADOPT-315 (to change, end, or enforce this agreement).
2. Before this agreement can be changed by the court, all of the people who signed it have to try to fix any problems with it through a dispute resolution program, like mediation.

- 6** *Everyone involved in this agreement must sign below (including the child, if 12 or older, and the child's attorney).*

Date: _____

_____  _____

Type or print your name and relationship to child *Sign your name*

Date: _____

Type or print your name and relationship to child

Sign your name

Date: _____

_____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____

_____ *Type or print your name and relationship to child*  _____ *Sign your name*

Date: _____

_____  _____

Type or print your name and relationship to child *Sign your name*

Date: _____

_____ *Type or print your name and relationship to child*  _____ *Sign your name*

If more relatives need to sign, attach a sheet of paper. Write “ADOPT-310, Item 6—Signatures of Other Relatives,” at the top.

Number of pages attached:

Date: _____

Judge (or Judicial Officer)

ADOPT-330**Request for Appointment of
Confidential Intermediary**

Clerk stamps date here when form is filed.

Use this form if you are seeking contact with your sibling who is not currently a dependent of the court and one of you has been adopted. If your sibling is currently a dependent of the court, you must follow the procedure in Welfare and Institutions Code section 388(b) instead of using this form.

*Before completing this form, you must ask for contact with your sibling from the department or licensed adoption agency that joined in your adoption or your sibling's adoption. If you do not know the name of the department or agency, ask the California Department of Social Services, **Adoption Services Branch, 916-651-8089**.*

After filling out this form, bring it and a blank copy of the proposed Order (ADOPT-331) to the clerk of the court where the adoption was finalized. After the court signs the order, a copy of this Request and the Order will be forwarded to the California Department of Social Services or the adoption agency, as designated by the court, and copies will be given to you.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 I am asking the court to appoint a confidential intermediary to help me get contact information for my sibling.

- a. My name: _____
 b. My address: _____
 c. My phone number: _____

2 a. ☐ The person helping me complete this request for the appointment of a confidential intermediary is:

(1) Name: _____

☐ My attorney (State Bar No. _____) ☐ My guardian ad litem

(2) Address: _____

(3) Phone number: _____

b. ☐ I do not have an attorney or guardian ad litem who is helping me complete this request for the appointment of a confidential intermediary.

3 ☐ An attorney used to represent me.

a. Name of former attorney: _____

b. Address of attorney: _____

c. Phone number of attorney: _____

d. This attorney used to represent me because: _____

4 The department or the licensed adoption agency that joined in the adoption petition for:

☐ me

☐ my sibling

a. Name of agency: _____

b. Address: _____

c. Phone number: _____



Case Number:

Your name: _____

- 5 The sibling whom I would like to contact is:
- a. My sibling's name: _____
- b. My sibling's current address (*if known*): _____
- c. ☐ My sibling is under the age of 18 years.
- (1) My sibling currently lives with (*name and relationship to my sibling, if known*): _____
- (1) My sibling used to live with (*name and relationship to my sibling, if known*): _____

6 My sibling was adopted in this county: ☐ Yes ☐ No ☐ Unknown

7 My sibling was previously a dependent of the court in this county: ☐ Yes ☐ No ☐ Unknown

- 8 The following are true (*check all that apply*):
- a. ☐ I submitted a written California Department of Social Services waiver form AD 904A or AD 904B to the agency listed in 4 before I completed this form.
- b. ☐ The agency in 4 sent a letter to me stating that no waiver for my sibling is in its file.
A copy of the letter from the agency is attached to this request.
- c. ☐ I am asking the court to appoint a confidential intermediary to help me get contact information for my sibling.
- d. ☐ I am under the age of 18 years.
- (1) My parent/guardian signed a consent giving me permission to contact my sibling: ☐ Yes ☐ No
- (2) The court signed a consent giving me permission to contact my sibling: ☐ Yes ☐ No
- e. ☐ My sibling is under the age of 18 years.
- f. ☐ To the best of my knowledge, there is not now, and never has been, an order stating that I cannot have contact with the sibling named in 5.

9 Any other information that would be helpful to the court:

I declare under penalty of perjury under the laws of the State of California that the information in items 1 through 9, and in all attachments, is true and correct, which means that if I lie on this form, I am committing a crime.

Date: _____
Type or print your name

Sign your name

Person who helped the applicant complete the form:

Date: _____
Type or print name

Signature

☐ Attorney ☐ Guardian ad litem

Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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

	Commenter	Position	Comment	Committee Response
1.	Alliance for Children’s Rights by Kristin Power, Vice President, Policy & Advocacy Los Angeles, California	NI	Proposed Changes to Form ADOPT-215 We are pleased with the statutory change that allows the child’s name before the adoption to be listed on the adoption order. As a practical matter, it is extremely helpful to have both the child’s birth and adoptive names on the adoption order for purposes of showing agencies like the Social Security Administration proof of the name change on one document (previously, the Alliance’s attorneys had to instruct adoptive parents to always keep the adoption agreement with the adoption order to show that a name change had occurred).	The Committee appreciates this feedback.
			We recommend the following modification to the revised form ADOPT-215: Revert back to the current format for listing the child’s name after adoption in item 2. Currently, the adoption order has a line for the child’s adoptive name and, additionally below that line, the child’s adoptive name broken down into three lines (first, middle, and last). This is important for purposes of preparing the child’s new birth certificate and for clarifying which are the child’s last name(s).	The Committee appreciates this feedback and has reverted Item 2 back to its original state, with separate fields for the child’s first, middle and last names after adoption.
			Additionally, we understand that AB 2495 amends relevant provisions of the Family Code to require the child’s name before adoption to be listed on the adoption order for agency, independent, intercountry, and stepparent adoptions; but that AB 2495 did not amend Family Code 8714.5,	The Committee appreciates these suggestions. Given the explicit mandate in Family Code section 8714.5(g) limiting the appearance of a child’s name before adoption on the order to situations in which it is requested by the adopting relative or the child, if 12 years of age or older, the

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SPR23-18

Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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	Commenter	Position	Comment	Committee Response
			<p>which provides that for adoption of a dependent child by a relative filed pursuant to Family Code 8714.5, the child's name before adoption should only be listed on the adoption order upon request by the adopting relative or by the child, if the child is age 12 or older. This may have been a legislative oversight, but in our view, the requirement to list the child's name before adoption on the order should be uniformly applied as well to relative adoptions filed pursuant to Family Code 8714.5 without the language limiting that to only when requested by the relative or child. That is, we are not aware of the policy or practical reasons why this would continue to be different for only the relative type of adoption.</p> <p>But, given that AB 2495 doesn't make that uniform, we acknowledge the necessity for adding a field at Item 2 to describe the relative adoption exception. However, we found the Committee's solution somewhat awkward and the suggested language confusing and recommend the following alternative language to describe the relative adoption exemption: "Name before adoption:</p> <p>(complete for nonrelative agency, independent, intercountry, and stepparent adoption) (italicized) (complete for adoption of a dependent child by a relative filed pursuant to Family Code 8714.5 only if requested by the adopting relative, or by the</p>	<p>Committee has retained this exception language in a reworded version of Item 7, which also incorporates most of these suggested revisions for clarity.</p>

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			child being adopted, if 12 years of age or older) (italicized)	
			And, we suggest deleting Item #7 entirely.	Please see above.
2.	California Lawyers Association, Family Law Section Executive Committee (FLEXCOMM) Sacramento, California	A	FLEXCOM agrees with this proposal.	The Committee appreciates this comment.
3.	Steven Ipson Commissioner Superior Court of California, County of Los Angeles	A	This revision appropriately streamlines the forms.	The Committee appreciates this comment.
4.	Orange County Bar Association by Michael Gregg, President	AM	Rule 5.451 Contact after adoption agreement [Agree with proposal] ADOPT-050-INFO How to Adopt a Child in California Agree as Modified The proposal would remove at page I, references to the specific steps required for a stepparent/domestic partner adoption and for a stepparent adoption to confirm parentage. These “specific steps” are set forth in corresponding numbered items contained in the form. It is believed that reference to these numbered items	The Committee appreciates this comment. The Committee appreciates this comment and has retained the instruction to “complete the items below” while inserting guidance for differentiating a stepparent adoption to confirm parentage in Step 2.

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	Commenter	Position	Comment	Committee Response
			<p>provides guidance and clarity for the user and should be retained. Accordingly, to this extent, the proposal is disagreed with. At the sentence addressing a stepparent adoption to confirm parentage, however, the proposal substitutes “below” for “only” appearing in the current form, which change in wording is agreed with.</p> <p>ADOPT-200 Adoption Request Agree as Modified At Item 12e, the proposal contains a new checkbox and new language to address concerns about the explanation of the steps required for a stepparent adoption to confirm parentage. The second sentence of this option reads, “[i]nvestigation not required unless ordered by court for good cause.” It is understood that this proposed language is condensed to fit on a single line. More in keeping with the balance of the form’s language, however, it is suggested that this second sentence read, “[n]o investigation is required unless court-ordered for good cause.” This suggested language is shorter than that proposed and should fit on a single line.</p> <p>ADOPT-215 Adoption Order [Agree with proposal, though it is noted that at Item 9, “form” does not appear before either reference to ADOPT-310 and should, perhaps, be added for consistency.]</p>	<p>The Committee appreciates this comment and has made the suggested revision to the language of Item 12e.</p> <p>The Committee appreciates this feedback and has inserted the word “form” in the appropriate places in Item 9.</p>

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Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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	Commenter	Position	Comment	Committee Response
			<p>ADOPT-310 Contact After Adoption Agreement Agree as Modified At Item 2d, consistent with the other forms in this series, it is suggested that the period at the end of the second sentence be placed between the two parentheses.</p> <p>Request for Specific Comments Yes, the proposal appropriately addresses the stated purpose.</p>	<p>The Committee appreciates this feedback and has updated the instruction and corrected the citation in Item 2d.</p> <p>The Committee appreciates this comment.</p>
5.	Superior Court of California, County of Orange by Jenny Diaz Avendano, Operations Analyst Analyst & Training Team Family Law and Juvenile Divisions	NI	<ul style="list-style-type: none"> ▪ <u>Does the Proposal appropriately address the stated purpose?</u> Yes. ▪ <u>Would the proposal provide cost savings? If so, please quantify.</u> No. ▪ <u>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</u> The implementation would require revising procedures, training courtroom and Self-Help Center staff (approximately 1 hour each group) and printing revised 	<p>The Committee appreciates these comments regarding the operational impacts of form changes on the courts.</p>

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Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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	Commenter	Position	Comment	Committee Response
			<p>information packets for each of the Self-Help Center office locations.</p> <ul style="list-style-type: none"> ▪ <u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> No. ▪ <u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for Orange County. 	
6.	Superior Court of California, County of Riverside by Susan Ryan, Chief Deputy of Legal Services	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes, the proposal does address the stated purpose of conforming the forms to the recent changes required by AB 2495, namely, making it clear when to place the child's preadoption name on the forms, procedures for filing postadoption contact orders and clarifying the expansion of venue requirements. The updates to the rule address the purpose of removing unneeded statutory references.</p> <p>Would the proposal provide cost savings? If so, please quantify?</p> <p>There will be no cost savings.</p>	The Committee appreciates these comments regarding the operational impacts of form changes on the courts.

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	Commenter	Position	Comment	Committee Response
			<p>What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>For juvenile courts, there would be minimal staff training needed to make them aware of the changes. It is likely that no changes to the case management system would be required based on these changes.</p> <p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes</p> <p>How well would this proposal work in courts of different sizes?</p> <p>This proposal should have similar impact for courts of any size.</p>	
7.	Superior Court of California, County of San Bernardino by Anita Morales Legal Processing Assistant II Barstow District	A	No specific comments provided.	The Committee thanks this commenter for taking the time to review the proposal and express agreement.

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Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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	Commenter	Position	Comment	Committee Response
8.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Does the proposal appropriately address the stated purpose? For the most part, yes. It would be helpful to have CRC 5.730(b) and perhaps form ADOPT-215 (item 8) address the need for the court to find that ICWA inquiry and notice requirements have been satisfied and, if applicable, a finding that the child is not an Indian child and ICWA does not apply to the adoption. (See Welf & Inst. Code §§ 224.2, 224.3, which are applicable to adoptions under Fam. Code § 177.) There is already a check box in item 8 of ADOPT-215 for the finding that the child is an Indian child. See below for additional suggested edits.	The Committee appreciates this comment but finds that this change would be beyond the scope of the current proposal.
			Would the proposal provide cost savings? If so, please quantify. Probably. The proposal saves the trial courts the time and effort that would be required to develop these forms on their own or to include all the new required findings and orders in their case management systems.	The Committee appreciates this comment.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? In addition to those already mentioned, courts would need to inform their judicial officers and their justice partners (child welfare agency, adoption	The Committee appreciates this comment and acknowledges the importance of communication with bench officers and other partners regarding the publication of new and revised forms.

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Family and Juvenile Law: Implementation of Assembly Bill 2495 (amend Cal. Rules of Court, rule 5.451, and revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, ADOPT-310, and ADOPT-330)

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Commenter	Position	Comment	Committee Response
		attorneys, et al.) of the new rule of court and the new mandatory forms.	
		Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The Committee appreciates this feedback.
		How well would this proposal work in courts of different sizes? This proposal would work fine in the San Diego Superior Court (a large court).	The Committee appreciates this feedback.
		Additional suggestions: <ul style="list-style-type: none"> ADOPT-050-INFO, p. 4, par. 4 – consider adding “before or”: “If, <u>before or</u> after additional inquiry, there is reason to know ...” 	The Committee appreciates this comment and has modified this paragraph to read, “If, at any time during the proceeding, there is reason to know...”
		<ul style="list-style-type: none"> ADOPT-050-INFO, p. 4, last sentence after “Adoption of an Indian Child,” consider adding form numbers: “If this is a tribal customary adoption, a copy of the tribal customary adoption order must be attached to the petition (<u>form ADOPT-200</u>) and the order (<u>form ADOPT-215</u>). 	The Committee appreciates this comment and has made the suggested addition of form numbers.
		<ul style="list-style-type: none"> ADOPT-215, p. 2, item 8 – Consider adding text before the current first check box (see (see Welf. & Inst. Code § 224.4(c), which is applicable to adoptions under Fam. Code § 177; CRC rules 5.480, 5.481): 	The Committee appreciates this comment but finds that this change would be beyond the scope of the current proposal.

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SPR23-18

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	Commenter	Position	Comment	Committee Response
			<p><input type="checkbox"/> <u>Petitioners have satisfied the inquiry and notice requirements of the Indian Child Welfare Act.</u></p> <p><input type="checkbox"/> <u>The child is not an Indian child. The Indian Child Welfare Act does not apply to this adoption.</u></p> <ul style="list-style-type: none">• ADOPT-310, p. 2, item 5, Notice, #2, consider: 2. Before this agreement can be changed by the court, all of the people who signed it <u>in item 6 must</u> have to try to fix any problems with it through a dispute resolution program, like mediation.	<p>The Committee appreciates this comment but, in the interest of plain language, declines to change this wording.</p>

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