



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

Title	Agenda Item Type
Family & Juvenile Law: Stepparent Adoption and Postadoption Contact by Siblings	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 5.451; revise forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325	January 1, 2018
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	June 29, 2017
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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending rule 5.451 of the California Rules of Court and revising five Judicial Council forms for use in adoption proceedings. The proposed changes conform them to new legislation relating to postadoption contact by siblings of dependent children or youth in delinquency and stepparent adoptions. Other proposed changes correct inaccuracies and outdated material in the forms.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2018:

1. Amend rule 5.451 (Contact after adoption agreement) to comply with Senate Bill 1060 (Stats. 2016, ch. 719), which encourages, where appropriate, postadoption and other permanent-plan contact by siblings of dependent children or youth in delinquency;

2. Revise *Adoption Request* (form ADOPT-200) to comply with Assembly Bill 2872 (Stats. 2016, ch 702), allowing the adopter to specify who will do the investigation or written report and addressing payment thereof; and
3. Revise *Contact After Adoption Agreement* (form ADOPT-310); *Request to: Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-315); *Answer to Request to: Enforce, Change, End Contact After Adoption Agreement* (ADOPT-320); and *Judge's Order to: Enforce, Change, End Contact After Adoption Agreement* (ADOPT-325) to appropriately facilitate contact with a child after adoption by birth parents, siblings, or other relatives, or with an Indian tribe in an ICWA case.

The text of the amended rule and the revised forms are attached at pages 6–18.

Previous Council Action

Rule 5.451 was first adopted as rule 1180, effective July 1, 1998, followed by a series of amendments and renumbering, most recently as rule 5.451, effective January 1, 2013.

Adoption Request (form ADOPT-200) was first adopted by the Judicial Council in October 1998 as part of a proposal for mandatory uniform adoption forms for all minor children subject to adoption proceedings. It was revised several more times, including in November 2002, to adopt plain language and to comply with Assembly Bill 25, which included provisions allowing domestic partners to adopt a partner's child using the stepparent adoption process, and in April 2010 to implement the provisions of AB 1325, tribal sponsored legislation allowing the adoption of Indian children who are dependents of the court through the custom, traditions, or law of the child's tribe without requiring termination of parental rights. It was last revised in January 2016 to conform to new statutory requirements under Assembly Bill 2344, the Modern Family Act, expediting adoptions for nonbiological parents, and Senate Bill 274, which amended the Family Code to provide that a child may have a parent-child relationship with more than two parents.

The ADOPT-300 series of forms related to postadoption contact has not been revised since it was first adopted in 2003.

Rationale for Recommendation

The amendment to rule 5.451 and revisions to the forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325 are necessitated by (1) the new legislation noted above, and (2) changes needed to update some of the companion forms related to the contact-after-adoption forms, which were last updated in 2003.¹

¹ The separate report for the September council meeting titled *Juvenile Law: Title IV-E Findings & Orders* includes a proposed revision of two Judicial Council findings and orders forms used after termination of parental rights when there is a permanent plan of adoption or another plan; these revisions also respond to the postadoption contact requirements in Senate Bill 1060.

Revisions to form ADOPT-200 comply with AB 2872, which clarifies that the investigation required as part of a stepparent adoption may be, at the request of the adoption petitioner, completed by a licensed social worker or therapist or a private adoption agency, in which case the petitioner is not required to pay any investigation fees to the court. That request must be made in writing at the time ADOPT-200 is filed. It also provides that if the petitioner does not request that a licensed social worker or therapist or a private adoption agency complete the investigation, the court may collect an investigation fee and assign a probation officer, court investigator, or if so authorized by the county board of supervisors, the county welfare department to complete the investigation. In addition to adding the stepparent adoption investigation options provided in AB 2872, the committee is recommending minor changes intended to increase the form's plain language to make it more accessible to court users.

With regard to the ADOPT-300 series of forms, in addition to updating the forms to conform them to the requirements of SB 1060, the committee is proposing changes to the series responding to the fact that they have not been revised since they were adopted in 2003. The "Notice" to users in form ADOPT-310, which was included in the original form approved in 2003 in response to legislation,² does not adequately track the notice requirement in Family Code section 8616.5(e). The council's attention to plain language in rules and forms began in 2003, and the original notice in form ADOPT-310 may have been drafted in plain language to be more understandable to self-represented court users. The committee proposes the revised notice language on form ADOPT-310, which more thoroughly tracks the notice in the legislation while trying to use a plain language approach. The committee also proposes a change to form ADOPT-315 under item 4 to clarify its meaning to the user and again to keep it in plain language. Forms ADOPT-320 and ADOPT-325 were modified to clarify the language and make them consistent with the other forms in the series, again in an effort to ease their accessibility for court users. Those two forms do not need revisions to comply with the legislation, but need minor revisions to ensure consistent language throughout the series and to correct or update dates and minor errors because they have not been updated since 2003 and are in the same family of forms related to contact after adoption.

Comments, Alternatives Considered, and Policy Implications

The current proposal circulated for comment as part of the winter 2017 invitation-to-comment cycle, from February 27 to April 28, 2017, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys including adoption law practitioners, family law facilitators and self-help center staff, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals.

² Sen. Bill 182; Stats. 2003, ch. 251.

Comments

The committee received seven comments on the proposal. Of these commenters, five raised no issues of note (two agreeing without modification and three with minor grammatical and formatting suggestions). Two other commenters specifically suggested that the statutory language required by Family Code section 8616.5(e) to be included in a postadoption agreement (ADOPT-310) should track the statute verbatim rather than be provided in plain language to assist all court users.

In response to those two commenters, since the notice has been in plain language since 2003, and the current proposed modification is intended to more accurately adhere to the language of the statute, we are recommending that the notice remain in plain language with the suggested modification because court users may have trouble understanding the verbatim statutory language.

In addition, in response to one of the commenters, the committee is recommending changes to the notice under item 4 on form ADOPT-315 to clarify its meaning in plain language for court users.

Alternatives considered

No alternatives were appropriate to consider in lieu of revising forms ADOPT-200, ADOPT-310, and ADOPT-315 because of the new legislation. And updates to forms ADOPT-320 and ADOPT-325 seemed appropriate because they are in the same family of contact-after-adoption forms and have not been revised since 2003.

The committee considered referring to the Family Code sections rather than amending rule 5.451 to avoid having the rule track the statute. But on review of the relevant statutes, having one rule that covers the issue of contact after adoption seemed likely to be much clearer to a potential court user than being referred to two separate statutes that could be confusing.

Implementation Requirements, Costs, and Operational Impacts

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

Attachments and Links

1. Cal. Rules of Court, rule 5.451, at page 6
2. Forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, and ADOPT-325, at pages 7–18
3. Comment chart, at pages 19–34
4. Link A: SB 1060 (Stats. 2016, ch 719),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1060

5. Link B: AB 2872 (Stats. 2016, ch 702),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2872

Rule 5.451 of the California Rules of Court is amended, effective January 1, 2018, to read:

Rule 5.451. Contact after adoption agreement

(a) * * *

(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)–(k) * * *

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
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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

a. _____

b. _____

Relationship to child: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

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

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

☐ Where the adopting parent(s) live;

☐ Where the child was born or where the child now lives;

☐ Where an office of the agency that placed the child for adoption is located;

☐ Where an office of the department or public adoption agency that is investigating the petition is located;

☐ Where a placing birth parent or parents lived when the adoptive placement agreement, consent, or relinquishment was signed;

☐ Where a placing birth parent or parents live(s) when the petition was filed;

☐ Where the child was freed for adoption.

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

3 Type of adoption (check one):

☐ Agency (name): _____

☐ Relative ☐ Nonrelative

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

☐ Tribal customary adoption
(attach tribal customary adoption order)

☐ Independent

☐ Relative ☐ Nonrelative ☐ Additional Parent(s)

☐ Intercountry (name of agency): _____

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

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

Hearing is set for:

Hearing Date

→ Date: _____

Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

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



Your name: _____

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

4 Information about the child

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

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

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

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

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

Juvenile case number: _____
 County: _____

- 8 Child may have Indian ancestry: ☐ Yes ☐ No

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

- 9 Names of birth parents, if known:

a. Mother: _____ b. Father: _____

10 If this is an agency adoption:

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



Your name: _____

Case Number: _____

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

11 If this is an independent adoption:

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

12 If this is a stepparent adoption:

- a. The birth parent (*name*): _____ ☐ has signed a consent ☐ will sign a consent.
- b. The birth parent (*name*): _____ ☐ has signed a consent ☐ will sign a consent.
- c. The adopting parents were married on **or** The domestic partnership was registered on
(*date*): _____. (For court use only. This does not affect social worker's recommendation.
There is no waiting period.)
- d. ☐ I am seeking a stepparent adoption to confirm my parentage. At the time the child was born, I was married to or in a state-registered domestic partnership with the parent who gave birth and we remain in that union.
See attached ☐ form ADOPT-205 or ☐ declaration describing the circumstances of the child's conception.
- e. **Completing the investigation or written report (Choose one)**
☐ I will choose someone to do an investigation or written report. I understand that the person I choose must be a licensed clinical social worker, a licensed marriage and family therapist, or work for a licensed private adoption agency. I will pay this person or agency directly.
☐ I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.

- 13** ☐ The child was conceived by assisted reproduction in compliance with Family Code section 7613.

14 Contact after adoption

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

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

- a. ☐ The consent of the ☐ birth parent ☐ presumed father is not necessary because
(check the applicable reasons under Fam. Code, § 8606):
(1) ☐ The parent has been judicially deprived of the custody and control of the child.



Your name: _____

Case Number: _____

- 15** a. (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. ☐ A court ended the parental rights of:
- Name: _____ Relationship to child: _____ on (date): _____
- Name: _____ Relationship to child: _____ on (date): _____
- (Enter the date of the court order ending parental rights and attach a copy of the order.)
- c. ☐ The child is the subject of a tribal customary adoption order under Welfare and Institutions Code section 366.24, which has modified the parental rights of:
- Name: _____ Relationship to child: _____ on (date): _____
- Name: _____ Relationship to child: _____ on (date): _____
- Name: _____ Relationship to child: _____ on (date): _____
- (Attach a copy of the order.)
- d. ☐ I/We will ask the court to end the parental rights of (attach copy of Petition to Terminate Parental Rights or Application for Freedom From Parental Custody, if filed):
- Name: _____ Relationship to child: _____
- Name: _____ Relationship to child: _____
- e. ☐ Adopting parent has custody of the child by court order or by agreement with the other parent, and each of the following persons with parental rights has not contacted the child and has not paid for the child's care, support, and education for one year or more when able to do so. (Fam. Code, § 8604(b).)
- Name: _____ Relationship to child: _____
- Name: _____ Relationship to child: _____
- Name: _____ Relationship to child: _____
- f. ☐ The child has been abandoned as follows:
- (1) ☐ The child has been left by the child's parent or parents with no way to identify the child.
- (2) ☐ The child has been left in the custody of another person by both parents or the sole parent for six months without providing for the child's support, or without communication from the parent or parents, with the intent to abandon the child.
- (3) ☐ One parent has left the child in the care and custody of the other parent for one year or longer without providing for the child's support or without communication from the parent, with the intent to abandon the child.
- (If any of the above boxes **are** checked, adopting parent must also check item 15(d) and file an Application for Freedom From Parental Custody. See Fam. Code, § 7822(a).)
- g. ☐ The consent of the presumed father is not required because he did not become a presumed father before the mother's relinquishment or consent became irrevocable or the mother's parental rights were terminated. (Fam. Code, § 8604(a).)



Your name: _____

Case Number: _____

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

Name: _____ Relationship to child: _____
Name: _____ Relationship to child: _____

16 **Suitability for adoption**

Each adopting parent:

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

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

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

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

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

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

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

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

Date: _____
Type or print your name
Signature of adopting parent

Date: _____
Type or print your name
Signature of adopting parent

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

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Your name(s):

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, Juvenile Court and Juvenile Case number:

County: _____ Case #: _____

d. If the child has a lawyer, fill out below. If item 2c is yes, child must have a lawyer (Fam. Code, § 8714.7).

Name of child's lawyer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone number: _____ State Bar number: _____

3 The people below agree with the requesting party(ies) 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.

Name	Relationship to Child	Type of Contact (circle all that apply): Telephone Letter Visits Share Info E-mail Other*					
a.							?
b.							?
c.							?
d.							?
e.							?
f.							?
g.							?

*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: _____

Case Number: _____

- 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 cancelled or changed, even if anyone who signed this agreement:

- Does not follow the agreement, and/or
- Files 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)

DRAFT
**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1 Your name(s):**

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 Child's name (if known):Child's adopted name (*if known*): _____

Date of birth: _____ Age: _____

- 3** I/We want to (*check one*): ☐ Enforce ☐ Change ☐ End
an existing Contact After Adoption Agreement.

**The judge will not look at your request unless you and the other people who signed ADOPT-310 first try
to come to an agreement using a dispute resolution program, like mediation.**

4 List all people who signed the original Contact After Adoption Agreement (form ADOPT-310).*If the agreement was confidential, write "Confidential" instead of the person's name.*

Name/Relationship to child:

a. _____

b. _____

c. _____

d. _____

Notice to people listed in 4 who are served with this form:

The person who filed this form is asking the court to enforce, change, or end your Contact After Adoption Agreement. If you do **not** agree with what the person is asking for, you need to file ADOPT-320 within 30 days after you receive this form.

5 Attach to this request:

- A copy of ADOPT-310 (Contact After Adoption Agreement)
- A copy of the signed, written agreement about Contact After Adoption, if there is one
- Proof of Service showing this form was served **on** each person in 4, along with a blank answer form (ADOPT-320)



Your name: _____

- 6 If any person in 4 was not served, you must explain in writing why he or she was not served.

Check below, if true:

- a. ☐ I do not know the names of the other people who signed the original Contact After Adoption Agreement, so I could not serve them.
- b. ☐ The other people who signed the original Contact After Adoption Agreement (ADOPT-310) agree with what I am asking in this request and have signed ADOPT-320.

If you want to give more explanation, attach a sheet of paper and write "ADOPT-315, Item 6" at the top.

- 7 Remember: The judge will not look at your request until all people who signed ADOPT-310 have tried to come to an agreement using mediation or other form of dispute resolution.

- ☐ I/We have tried to resolve these issues by using a dispute resolution program, like mediation.
- ☐ I have tried to fix these problems, but the other party refuses to participate in a dispute resolution program, like mediation. I am asking for a court date for the judge to review this case.

- 8 Check one of the boxes below:

I/We ask the court to:

- a. ☐ Enforce ADOPT-310. Explain how the original agreement has not been followed:

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce, Change, or End 310" at the top.

- b. ☐ Change ADOPT-310. Describe the changes you want and how these changes will be good for the child:

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce, Change, or End 310" at the top.

- c. ☐ End ADOPT-310. Explain why you want to end the agreement and how ending the agreement will be good for the child:

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce, Change, or End 310" at the top.

Number of pages attached: _____

- 9 I/We declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct, which means if I lie on this form, I am guilty of a crime.

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

**Answer to Request to: Enforce,
Change, End Contact After
Adoption Agreement**

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1** This is my answer to the request to (*check one*):☐ Enforce ☐ Change ☐ End

an existing Contact After Adoption Agreement.

a. Name(s) of person who filed ADOPT-315 and his or her relationship to the child:

b. I received a copy of the signed, written agreement, ADOPT-310.

2 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*):

3 Child's adopted name (*if you know*): _____

Date of birth: _____ Age: _____

Date of adoption (*if you know*): _____**4** Check all that apply:a. ☐ I agree with the requests listed in ADOPT-315 and think the requests are in the child's best interests.b. ☐ I do not agree with the requests in ADOPT-315 because:

If you need more space, attach a sheet of paper and write "ADOPT-320, Item 4—Do Not Agree With 315" at the top.

Number of pages attached: _____

c. ☐ I/We have NOT tried to resolve these issues by using a dispute resolution program, like mediation.d. ☐ I/We tried to fix these problems by using a dispute resolution program, like mediation, but were unable to reach an agreement.Date: _____
Type or print your name and relationship to child Sign your nameDate: _____
Type or print your name and relationship to child Sign your name

**Judge's Order to:
Enforce, Change, End Contact
After Adoption Agreement**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1** Your name(s) (*person(s) who asked for this order*):

- a. _____
b. _____

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** Adopted child's name:

Date of birth: _____ Age: _____

3 People present in court today (*date*): _____ in:

Dept.: _____ Div.: _____ Rm.: _____

Judge: _____

- ☐ Adopting parent(s) ☐ Lawyer for adopting parent(s) ☐ Child ☐ Child's lawyer
☐ Parent keeping parental rights (stepparent/domestic partner):
☐ Other people present (*list name and relationship to child*):

a. _____ c. _____

b. _____ d. _____

☐ Not present: _____**Judge will fill out section below.****4** The judge has reviewed:

- ☐ ADOPT-310 ☐ ADOPT-315 ☐ ADOPT-320 ☐ Other evidence ☐ Testimony
☐ All people listed in ADOPT-315 have tried to come to an agreement using mediation or some other form of dispute resolution. (Fam. Code, § 8714.7.)

5 ☐ **Enforcement****The judge finds and orders:**

- a. ☐ The Contact After Adoption Agreement is enforced. This means that everyone who signed the agreement must do what the agreement says.
b. ☐ The Contact After Adoption Agreement is not enforced because:
(1) ☐ The person who asked the judge to enforce the Agreement has not tried to solve the problem using a dispute resolution program, like mediation.
(2) ☐ Enforcing the agreement is not in the child's best interests.
(3) ☐ Other: _____



Your name: _____

Case Number: _____

Judge will fill out section below.

6 ☐ **Change or End the Agreement**

- a. ☐ The judge **approves** the request to ☐ change ☐ end the Contact After Adoption Agreement because:
- (1) ☐ All people involved, including the child (if 12 or older), agreed in writing to the requests listed in ADOPT-315;
 - (2) ☐ It is in the best **interests** of the child;
 - (3) ☐ There have been important changes since the original agreement was approved; *and*
 - (4) ☐ The applicant has **tried to resolve the problem using a dispute resolution program, like mediation.**
- b. ☐ The judge **does not approve** the request to ☐ change ☐ end the contact After Adoption Agreement because:
- (1) ☐ It is not in the best interest of the child.
 - (2) ☐ No important changes have happened since the original agreement was approved.
 - (3) ☐ The applicant has not **tried to resolve the problem using a dispute resolution program, like mediation.**
- c. ☐ The judge **approves** the request to ☐ change ☐ end the Contact After Adoption Agreement as amended. A new ADOPT-310 will be filed.

7 ☐ **More Time to Study or Evaluate**

- a. ☐ The judge needs more time to make a decision.
- b. ☐ The judge orders further study or evaluation of the issues in the request because there is clear and convincing evidence that:
- (1) ☐ It is the only way to protect or promote the child's best interest; *and*
 - (2) ☐ It will not disturb the stability of the child's home
- c. ☐ The study or evaluation must look at the following:
- (1) ☐ **Whether the request(s) in ADOPT-315 will be good for the child**
 - (2) ☐ The child's wishes
 - (3) ☐ The child's mental health
 - (4) ☐ Other: _____
- d. ☐ The study or evaluation will be done by (*individual or agency*): _____
The people involved must cooperate with this individual or agency.
- e. ☐ The cost of the study or evaluation and written report will be paid by
name(s) of person to pay: _____
relationship to child: _____
- f. ☐ The judge and all people involved in this case will get a complete report by (*date*): _____
- g. ☐ The judge will review the report and make a decision by: _____
- h. ☐ The people involved in this case must return to court on (*date*): _____
at (*time*): _____ ☐ a.m. ☐ p.m.

Date: _____

Judge (or Judicial Officer)

RemSPR17: 17

Family Law & Juvenile Law: Stepparent Adoption and Contact After Adoption Revisions and Amendments (Amend Cal. Rules of Court, rule 5.451; revise forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325)

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

	Commentator	Position	Comment	Committee Response
1.	State Bar of California Executive Committee of the Family Law Section (FLEXCOM) by Saul Bercovitch, Assistant General Counsel	AM	<p>Form ADOPT-200:</p> <p>Page 3, Item 12.e. should state:</p> <p style="padding-left: 40px;">Select one of the two following choices:</p> <p><input type="checkbox"/> I am electing to have the investigation and written report completed by a licensed clinical social worker, a licensed marriage and family therapist or a private licensed adoption agency. I understand that I am responsible for payment directly to the person or agency completing the investigation.</p> <p><input type="checkbox"/> I request the court to assign an investigator and I understand the court may collect an investigation fee or I will be required to pay it directly to the investigator.</p> <p>Form ADOPT-310:</p> <p>On Page 2, the boxed “Notice” should be modified to duplicate the statutorily required bold face language in Fam. Code § 8616.4(e)(1), (2) and (3). The cited sections set forth warnings that are statutorily required to be in bold type in any Contact After Adoption Agreement (CAAA) and are as follows:</p> <p>(1) After the adoption petition has been granted by the court, the adoption cannot be set aside due to the failure of an adopting parent, a birth parent, a birth relative, including a sibling, an Indian tribe, or the child to follow the terms of this agreement or a later change to this agreement.</p>	<p>The committee agrees with this suggestion and has incorporated it, with some alterations, as written below.</p> <p>“(e) Completing the Investigation or Written Report (<i>Choose one</i>)</p> <p><input type="checkbox"/> I will choose someone to do an investigation or written report. I understand that the person I choose must be a <u>licensed</u> clinical social worker, a <u>licensed</u> marriage and family therapist, or work for a <u>licensed</u> private adoption agency. I will pay this person or agency directly.</p> <p><input type="checkbox"/> I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.”</p> <p>The committee discussed this suggestion but does not recommend incorporating it. The committee determined that, although <u>Family Code Section 8616.5(e)</u> can be understood by most lawyers, it is not written in a way that can be understood by most laypersons. Developing forms that can be understood and used by laypersons, many of whom read at or below a 6th grade reading level, is a priority for the committee. For that reason, the committee prefers to maintain plain language throughout the form, including in this notice</p>

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	Commentator	Position	Comment	Committee Response
			<p>(2) A disagreement between the parties or litigation brought to enforce or modify the agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child.</p> <p>(3) A court will not act on a petition to change or enforce this agreement unless the petitioner has participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute.</p> <p>Since the statute requires those warnings to be included in all CAAA, the proposed language as currently written does not comply with the statute. Thus, if the required language is not included on the form, that could later be used as a basis to attack the validity of the agreement.</p> <p>Item 4 in the same box should also be modified because, as written, the language suggests the term of the agreement continues beyond the adopted child reaching the age of majority unless it is changed or canceled by the adopted child. Instead, the language should be clear the terms of the agreement end when the child turns 18.</p> <p>Form ADOPT-315:</p> <p>Page 1, Notice under Item 4: The third listed notice should be</p>	<p>provision. The committee believes that more court users will understand the form and the notice provision if they are written in plain language.</p> <p>Other commentators offered differing opinions on the notice language. The committee revised the notice language based on some of the other comments received. The committee's response to comment number 5 includes a copy of the revised notice language.</p> <p>The committee discussed this suggestion and decided to remove the sentence in question. The committee determined that revising the sentence in the manner suggested might introduce confusion to the layperson who could mistakenly think that the adoption itself ends at age 18. Removing the current sentence removes the ambiguity that commentator is concerned about, while also avoiding new ambiguities that revising the sentence might cause.</p> <p>The committee agrees with the suggestion and has</p>

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	Commentator	Position	Comment	Committee Response
			<p>changed to “If you disagree with the requests in this form, you must file an ADOPT-320 within 30 days after receiving this form.” This is to clarify any ambiguity, as the user is not in disagreement with the form, but with the request set forth in the form.</p> <p>On page 2, Item 7, should include an additional option as follows:</p> <p><input type="checkbox"/> I have attempted to resolve these issues, but the other party refuses to participate in a dispute resolution program, and I am requesting a court date for the judge to review this case.</p> <p>This is needed because sometimes parties are uncooperative and refuse to participate in mediation as required, so the form should allow for a party to notify the court of the issue and request the judge review the case. Otherwise, the party failing to comply can simply refuse mediation and there will be no recourse.</p> <p>Form ADOPT-320:</p> <p>Page 1, Item 4.c. should also be modified for the same reason stated above, and should provide:</p>	<p>incorporated it with some modifications to improve the overall clarity of the instruction and make it more plain language. The committee now suggests the following language: “The person who filed this form is asking the court to enforce, change, or end your Contact After Adoption Agreement. If you do not agree with what the person is asking for, you need to file ADOPT-320 within 30 days after you receive this form.”</p> <p>The committee agrees with the suggestion and has incorporated it, with the following modifications that the committee feels improves readability and is more plain language.</p> <p>“<input type="checkbox"/> I have tried to fix these problems, but the other party refuses to participate in a dispute resolution program, like mediation. I am asking for a court date for the judge to review this case.”</p> <p>The committee agrees with the suggestion and has incorporated it, with the following modifications that the committee feels improves readability and is more plain language.</p>

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

	Commentator	Position	Comment	Committee Response
			<p><input type="checkbox"/> I/we have tried to resolve these issues by using a dispute resolution program, but were unable to reach an agreement.</p> <p>Form ADOPT-325:</p> <p>On page 1, in Item 3 the language “parent keeping parental rights (stepparent/domestic partner)” should be modified to “Parent who retained parental rights (stepparent/domestic partner).”</p> <p>Since the matter is already finalized, use of the word “retaining” is inappropriate and potentially confusing.</p> <p>On page 1, Item 5.a. should be modified to:</p> <p><input type="checkbox"/>The Contact After Adoption Agreement is a legally enforceable agreement, therefore, the parties are ordered to comply with the terms of the Contact After Adoption Agreement as written.</p> <p>The purpose of this provision is to reflect the court’s decision. The language alone that it is a “legally enforceable agreement” does not indicate a judicial finding or an accurate response to the person who is requesting that the agreement be enforced.</p>	<p>“<input type="checkbox"/> I/we tried to fix these problems by using a dispute resolution program, like mediation, but were not able to reach an agreement.”</p> <p>The committee considered the suggestion but prefers retain the language as is. The suggestion refers to a portion of the form that is not being changed at this time and for which public comment was not being requested. The committee is not aware of any confusion being caused by the current wording of the portion of the form.</p> <p>The suggestion refers to a portion of the form that was not technically open to public comment. After considering the comment, however, the committee decided to incorporate the suggestion with modification. The committee believes that the modifications improve readability through use of plain language. The committee now recommends the following language:</p> <p>“<input type="checkbox"/>The Contact After Adoption Agreement is enforced. This means that everyone who signed the agreement must do what the agreement says.”</p>
2.	Celeste Liversidge Adoption Law Group	AM	*The committee determined that some of her comments submitted by Ms. Celeste Liversidge, of the Adoption Law Group involved suggestions for minor grammatical, formatting, or stylistic tweaks,	

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	Commentator	Position	Comment	Committee Response
			<p>as opposed to substantive changes.</p> <p>For any substantive comments, the committee included those comments in the comment chart and responded to them in a typical manner. For comments that focused only on minor grammatical, formatting, or stylistic tweaks, the committee chose not to include those in the comment chart. The committee did however, consider and review each of the minor suggested tweaks and incorporated many of them into the revised document. Her complete comments are shown in Attachment A.</p> <p>AD310, page 2, #5 “considering the best interests of the child” should be modified to: “and have considered the best interests of the child before entering this agreement” Reasoning: Proposed language is grammatically incorrect; additionally, it the language used here should make it clear that the child’s best interest has been considered at the time of entering into the agreement</p> <p>AD310, page 2, #5 Notice #1 “After the judge signs the Adoption Request” should be modified to “After the judge signs the Adoption Order”... Reasoning: The judge does not sign the Adoption Request. This provision is supposed to refer to the Adoption Order.</p> <p>#3 “all of the people who signed it have tried to fix any problems with it” should be modified to “all of the people who signed it have to try to “resolve” or “solve” any problems with it” Reasoning: Better word choice</p>	<p>The committee agrees with this suggestion and has incorporated it with alterations. The committee has revised the paragraph as follows:</p> <p>“The parties have discussed the reasons for continued contact between the child and the relatives or other parties listed in item 3. The parties have considered the best interests of the child before signing this agreement.”</p> <p>The committee agrees with this suggestion and has incorporated it.</p> <p>The sentence referenced to in this suggestion does not appear on ADOPT-310. As the committee is unsure which form this comment might be referring to, the committee is unable to offer a further response at this time.</p>

RemSPR17: 17

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Commentator	Position	Comment	Committee Response
		<p>#4 “he or she can cancel any part of this agreement” should be modified to “he or she may cancel any part of this agreement” Reasoning: “can fix “ is an incorrect use of the word in this context.</p> <p>Need to add: “#5. The people who are adopting the child are required to file this agreement with the court before the adoption is finalized.” Reasoning: Family Code 8714 requires that this form be filed with the petition for adoption</p> <p>AD315, page 1, #3 “The judge will not look at your request unless” should be modified to “The judge will not consider your request unless” Reasoning: More appropriate/descriptive wording</p> <p>AD315, page 1, #4 Notice 3rd point “If you disagree with this form” should be modified to “If you disagree with this request” Reasoning: The user is not disagreeing with the form, but with the request set forth in the form.</p> <p>AD315, page 2, #7 “The judge will not look at your request until all people who signed</p>	<p>The sentenced referenced in this suggestion does not appear on ADOPT-310. As the committee is unsure which form this comment might be referring to, the committee is unable to offer a further response at this time.</p> <p>The sentenced referenced in this suggestion does not appear on ADOPT-310. As the committee is unsure which form this comment might be referring to, the committee is unable to offer a further response at this time.</p> <p>The committee considered this suggestion but prefers to the current, more plain language wording.</p> <p>The committee agrees with the suggestion and has incorporated it with some modifications to improve the overall clarity of the instruction and make it more plain language. The committee now suggests the following language:</p> <p>“The person who filed this form is asking the court to enforce, change, or end your Contact After Adoption Agreement. If you do not agree with what the person is asking for, you need to file ADOPT-320 within 30 days after you receive this form.”</p> <p>The committee agrees with this suggestion and</p>

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

	Commentator	Position	Comment	Committee Response
			<p>ADOPT-310 have tried to come to an agreement using mediation or other forms of dispute resolution” should be modified to “The judge will not consider your request until all people who signed ADOPT-310 have tried to come to an agreement using a dispute resolution program, like mediation.”</p> <p>Reasoning: More appropriate wording as to “consider”; The other alternative wording (“dispute resolution program, like mediation”) is consistent with the way this provision is expressed in other places in both this form and in the companion forms.</p> <p>AD315, page 2, #8, (b)</p> <p>“Describe the changes you want and how these changes will be good for the child” should be modified to “Describe the changes you want and how these changes will be best for the child”</p> <p>Reasoning: .” Inappropriate word choice as to “good. Family Code sets forth the applicable standard as best interest, not just that the change would be good.</p> <p>AD315, page 2, #8, (c)</p> <p>“Explain why you want to end the agreement and how ending the agreement will be good for the child” should be modified to “Explain why you want to end the agreement and how ending the agreement will be best for the child”</p> <p>Reasoning: Inappropriate word choice as to “good.” Family Code 8616.5(f) sets forth the applicable standard as best interest, not just that the change would be good. Should be consistent throughout the document and should accurately reflect the applicable standard.</p> <p>AD320, page 1, #3</p> <p>“Date of adoption (if you know):” should be modified to “Date the adoption was finalized”</p> <p>Reasoning: The proposed wording will easily lead to confusion as to date child was placed for adoption v. date the final order was</p>	<p>has incorporated it.</p> <p>The committee believes that the current language is understandable to the general public and does not affect the judge’s ability to make a determination of what is in the best interest of the child. The committee prefers to retain the language as is.</p> <p>The committee believes that the current language is understandable to the general public and does not affect the judge’s ability to make a determination of what is in the best interest of the child. The committee prefers to retain the language as is.</p> <p>The committee considered the suggestion but prefers retain the language as is. The suggestion refers to a portion of the form that is not being changed at this time and for which public</p>

RemSPR17: 17

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	Commentator	Position	Comment	Committee Response
			<p>entered.</p> <p>AD325, page 1, #3 “Parent keeping parental rights (stepparent/domestic partner)” should be modified to “Parent who retained parental rights (stepparent/domestic partner)” Reasoning: Since the matter is already finalized, use of the word “retaining “ is inappropriate and potentially confusing.</p> <p>A line should be added after “Not present:” Reasoning: User needs a line in order to provide the names of those not present, as the form requests.</p> <p>AD325, page 1, #5, (a) “The Contact After Adoption Agreement is a legally enforceable agreement” should be modified to “The Contact After Adoption Agreement is enforced” Reasoning: The purpose of this provision is to reflect the court’s decision. “Legally enforceable” does not indicate a judicial finding or an accurate response to the Petitioner who is requesting that the agreement be enforced.</p> <p>AD325, page 1, #5, (b), (1) ...“to enforce the Agreement has not tried to solve the problem</p>	<p>comment was not being requested. The committee is not aware of any confusion being caused by the current wording of the portion of the form.</p> <p>The committee considered the suggestion but prefers retain the language as is. The suggestion refers to a portion of the form that is not being changed at this time and for which public comment was not being requested. The committee is not aware of any confusion being caused by the current wording of the portion of the form.</p> <p>The committee agrees with this suggestion and has incorporated it.</p> <p>The suggestion refers to a portion of the form that was not technically open to public comment. After considering the comment, however, the committee decided to incorporate the suggestion with modification. The committee believes that the modifications improve readability through use of plain language. The committee now recommends the following:</p> <p>“<input type="checkbox"/>The Contact After Adoption Agreement is enforced. This means that everyone who signed the agreement must do what the agreement says.”</p> <p>The committee agrees with the suggestion and has</p>

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	Commentator	Position	Comment	Committee Response
			<p>using mediation or similar method” should be modified to... “to enforce the Agreement has not tried to solve the problem using a dispute resolution program, like mediation.”</p> <p>AD325, page 2, #6 (a) (4) “The applicant has participated, or tried to participate, in an appropriate method to resolve the problem outside of court” should be changed to “the applicant has tried to resolve the problem using a dispute resolution program, like mediation.” Reasoning: “dispute resolution program, like mediation” is consistent with the way this provision is expressed in other places in both this form and in the companion forms.</p> <p>AD325, page 2, #6(b)(3) “The applicant has not participated, or tried to participate, in an appropriate method to resolve the problem outside of court, should be modified to: “The applicant has not tried to resolve the problem using a dispute resolution program, like mediation.”</p> <p>AD325, page 2, #7, (c), (1) “Whether the request(s) in ADOPT-315 will be good for the child” should be modified to “Whether the request(s) in ADOPT-315 will be best for the child” Reasoning: Reasoning: Inappropriate word choice as to “good.” Family Code 8616.5(h) sets forth the applicable standard as best interest, not just that the change would be good. Language should be consistent throughout the document and should accurately reflect the correct standard. Proposed language is confusing and inconsistent with companion documents.</p>	<p>incorporated it.</p> <p>The committee agrees with this suggestion and has incorporated it.</p> <p>The committee agrees with the suggestion and has incorporated it with a minor modification. The new language recommended is:</p> <p>“The applicant has not tried to fix the problem using a dispute resolution program, like mediation”.</p> <p>The committee has considered this request but prefers to retain the language as is.</p>

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	Commentator	Position	Comment	Committee Response
3.	Superior Court of California, County of Orange Family Law and Juvenile Court Division Cynthia Beltran Administrative Analyst	N/I	We do not have local rules that would be affected by these changes. An effective date of three months would be sufficient time for implementation.	No Response Required
4.	Superior Court of California, County of San Diego Michael M. Roddy Executive Officer	AM	<ul style="list-style-type: none"> • If "reside" is being changed to "live" on the ADOPT-220, why not also change "Where the adopting parent(s) reside"? • ADOPT-310, page 2: The judge does not sign the Adoption Request. Change to Adoption Order. • The required warnings are listed in Family Code section 8616.5(e). The "plain language" warnings on the ADOPT-310 do not track the required warnings accurately, and phrases like "problems with it" introduce unnecessary ambiguity. 	<p>The committee agrees with this suggestion and has incorporated it.</p> <p>The committee agrees with this suggestion and has incorporated it.</p> <p>The committee discussed this suggestion but does not recommend incorporating it. The committee determined that, although <u>Family Code Section 8616.5(e)</u> can be understood by most lawyers, it is not written in a way that can be understood by most laypersons. Developing forms that can be understood and used by laypersons, many of whom read at or below a 6th grade reading level, is a priority for the committee. For that reason, the committee prefers to maintain plain language throughout the form, including in this notice provision. The committee believes that more court users will understand the form and the notice provision if they are written in plain language.</p>

RemSPR17: 17

Family Law & Juvenile Law: Stepparent Adoption and Contact After Adoption Revisions and Amendments (Amend Cal. Rules of Court, rule 5.451; revise forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> ADOPT-315, page 2: The "attach a sheet of paper" sentences all say Enforce, when they should say Enforce, Change, and End. ADOPT-325, page 2: still says "best interest" in two spots. 	<p>Other commentators offered differing opinions on the notice language. The committee revised the notice language based on some of the other comments received. The committee's response to comment number 5 includes a copy of the revised notice language.</p> <p>The committee agrees with this suggestion and has incorporated it.</p> <p>The committee agrees with this suggestion and has incorporated it.</p>
5.	Orange County Bar Association Michael L. Baroni President	AM	<p>Q) Are the proposed changes to the "Notice" in the form ADOPT-310 written in a way that would be understandable to a typical self-represented court user?</p> <p>A) Yes, but with one suggested modification. Under item number 2 of the "Notice" the language states "The adoption will be final even if the people who signed this agreement change their minds, go to court to enforce the agreement, or have other problems with it." If someone is unhappy with a court order or agreement then they can either seek to enforce it against the people who aren't complying, or they would seek to modify or terminate the order/agreement.</p> <p>Suggested modification of ADOPT-310 "Notice" box would be that item 2 be revised to read "The adoption will be final even if the people who signed this agreement change their minds, go to court to enforce/modify/terminate the agreement, or have other problems with it." The "other problems" may not require court action (such as the emotional reaction to the timeshare after adoption).</p>	<p>The committee partially agrees with these suggestions. The committee, however, received differing feedback from other commentators. The considered the feedback from this commentator and others in crafting the revised notice language below:</p> <p>Notice</p> <p>1) After the judge signs the Adoption Order for this child, the adoption is final. It can never be cancelled or changed, even if anyone who signed this agreement:</p> <ul style="list-style-type: none"> Does not follow the agreement, and/or Files ADOPT-315 (to change, end, or enforce this agreement).

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

	Commentator	Position	Comment	Committee Response
				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.	Superior Court of California, County of Riverside Susan D. Ryan Chief Deputy of Legal Services	A	*The commentator indicates agreement with the proposal.	No Response Required
7.	Superior Court of California, County of Los Angeles	A	*The commentator indicates agreement with the proposal.	No Response Required

Attachment A to Comment Chart
(Complete comments of Celeste Liversidge, Adoption Law Group)

SPR17 edits

AD200, page 3, #15

Should have less space after “presumed father.”

Reasoning: Format error. The extended space is confusing for user.

AD310, page 1, Title

“Change” should be modified to: “Modified” or “Amended”

Reasoning: Better word choice. “Change” is not grammatically correct.

AD310, page 1, #2

“Child’s name (after adoption)” should be changed to “Child’s name **after adoption**

Reasoning: The parentheses serve no purpose.

AD310, page 1, #3

“The people below agree with the requesting party(ies) in (1)” should be modified to “The people below agree with the **people listed in** (1)”

Reasoning: Proposed language is confusing. Use of the word “Parties” is not consistent with the clear language intent.

In “Type of Contact” the house icon for home needs to be replaced with a regular house instead of a house and landscape.

Reasoning: It is difficult for the user to discern what the proposed icon is supposed to symbolize.

AD310, page 2, #5

“considering the best interests of the child” should be modified to: “**and have considered** the best interests of the child before entering this agreement”

Reasoning: Proposed language is grammatically incorrect; additionally, the language used here should make it clear that the child’s best interest has been considered at the time of entering into the agreement

AD310, page 2, #5 Notice

#1 “After the judge signs the Adoption Request” should be modified to “After the judge signs the Adoption **Order**”...

Reasoning: The judge does not sign the Adoption Request. This provision is supposed to refer to the Adoption Order.

#3 “all of the people who signed it have tried to fix any problems with it” should be modified to “all of the people who signed it have to try to “**resolve**” or “**solve**” any problems with it”

Reasoning: Better word choice

#4 “he or she can cancel any part of this agreement” should be modified to “he or she **may** cancel any part of this agreement”

Reasoning: “can fix “ is an incorrect use of the word in this context.

Need to add: “#5. The people who are adopting the child are required to file this agreement with the court before the adoption is finalized.”

Attachment A to Comment Chart

(Complete comments of Celeste Liversidge, Adoption Law Group)

Reasoning: Family Code 8714 requires that this form be filed with the petition for adoption

AD315, page 1, #3

“The judge will not look at your request unless” should be modified to “The judge will not **consider** your request unless”

Reasoning: More appropriate/descriptive wording

AD315, page 1, #4 Notice

3rd point “If you disagree with this form” should be modified to “If you disagree with this **request**”

Reasoning: The user is not disagreeing with the form, but with the request set forth in the form.

AD315 page 2, #5

3rd point should have a period at the end of the sentence.

Reasoning: Correct punctuation.

AD315, page 2, #7

“The judge will not look at your request until all people who signed ADOPT-310 have tried to come to an agreement using mediation or other forms of dispute resolution” should be modified to “The judge will not **consider** your request until all people who signed ADOPT-310 have tried to come to an agreement using a **dispute resolution program, like mediation.**”

Reasoning: More appropriate wording as to “consider”; The other alternative wording (“dispute resolution program, like mediation”) is consistent with the way this provision is expressed in other places in both this form and in the companion forms.

AD315, page 2, #8, (b)

“Describe the changes you want and how these changes will be good for the child” should be modified to “Describe the changes you want and how these changes will be **best** for the child”

Reasoning: .” Inappropriate word choice as to “good. Family Code sets forth the applicable standard as best interest, not just that the change would be good.

AD315, page 2, #8, (c)

“Explain why you want to end the agreement and how ending the agreement will be good for the child” should be modified to “Explain why you want to end the agreement and how ending the agreement will be **best** for the child”

Reasoning: Inappropriate word choice as to “good.” Family Code 8616.5(f) sets forth the applicable standard as best interest, not just that the change would be good. Should be consistent throughout the document and should accurately reflect the applicable standard.

AD320, page 1, #1, (b)

“I received a copy of the signed, written agreement, ADOPT-310” should be modified to “I received a copy of the **signed agreement about Contact After Adoption (ADOPT-310)**”

Reasoning: Better sentence structure.

Attachment A to Comment Chart
(Complete comments of Celeste Liversidge, Adoption Law Group)

AD320, page 1, #3

“Date of adoption (*if you know*):” should be modified to “Date **the adoption was finalized**”

Reasoning: The proposed wording will easily lead to confusion as to date child was placed for adoption v. date the final order was entered.

AD325, page 1, #3

“Parent keeping parental rights (stepparent/domestic partner)” should be modified to “Parent **who retained parental rights** (stepparent/domestic partner)”

Reasoning: Since the matter is already finalized, use of the word “retaining “ is inappropriate and potentially confusing.

A line should be added after “Not present:”

Reasoning: User needs a line in order to provide the names of those not present, as the form requests.

AD325, page 1, #5, (a)

“The Contact After Adoption Agreement is a legally enforceable agreement” should be modified to “The Contact After Adoption Agreement is **enforced**”

Reasoning: The purpose of this provision is to reflect the court’s decision. “Legally enforceable” does not indicate a judicial finding or an accurate response to the Petitioner who is requesting that the agreement be enforced.

AD325, page 1, #5, (b), (1)

...“to enforce the Agreement has not tried to solve the problem using mediation or similar method” should be modified to... “to enforce the Agreement has not tried to solve the problem using **a dispute resolution program, like mediation.**”

AD325, page 1, #5, (b), (2)

“enforcing the agreement is not in the child’s best interests” should be modified to “Enforcing the **Agreement** is not in the child’s best interests.”

Reasoning: Need for consistency with the immediately preceding provision by capitalizing the “A” in agreement.

AD325, page 2, #6, (a)

Need to reduce the gap after “end”

Reasoning: Format error. There are too many spaces here.

AD325, page 2, #6, (a), (1)

“All people involved, including the child (if 12 or older), agreed in writing”... should be modified to “All people involved, including the child (if 12 or older) **have agreed** in writing”...

Reasoning: Better sentence structure.

AD325, page 2, #6 (a) (4)

Attachment A to Comment Chart
(Complete comments of Celeste Liversidge, Adoption Law Group)

“The applicant has participated, or tried to participate, in an appropriate method to resolve the problem outside of court” should be changed to “the applicant has tried to resolve the problem using a dispute resolution program, like mediation.”

Reasoning: “dispute resolution program, like mediation” is consistent with the way this provision is expressed in other places in both this form and in the companion forms.

AD325, page 2, #6, (b)

Need to reduce the gap after “end”

Reasoning: Format error. There are too many spaces here.

AD325, page 2, #6(b)(3)

“The applicant has not participated, or tried to participate, in an appropriate method to resolve the problem outside of court, should be modified to:

“The applicant has not tried to resolve the problem using a dispute resolution program, like mediation.”

AD325, page 2, #7, (b)

“...further study or evaluation of the issues in the request...” should be modified to “...further study or evaluation of the issues in the **case**” or “raised by the request”

Reasoning: Better, more accurate wording

AD325, page 2, #7, (c)

“The study or evaluation must look at the following” should be modified to “The study or evaluation must **consider** the following”

Reasoning: Better, more accurate wording

AD325, page 2, #7, (c), (1)

“Whether the request(s) in ADOPT-315 will be good for the child” should be modified to

“Whether the request(s) in ADOPT-315 will be **best** for the child”

Reasoning: Reasoning: Inappropriate word choice as to “good.” Family Code 8616.5(h) sets forth the applicable standard as best interest, not just that the change would be good.

Language should be consistent throughout the document and should accurately reflect the correct standard. Proposed language is confusing and inconsistent with companion documents.

AD325, page 2, #7, (f)

“The judge and all people involved in this case will get a complete report by” should be modified to “The judge and all people involved in this case will **receive a completed** report by”

Reasoning: Better, more accurately descriptive wording.