



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.:* 20-159  
For business meeting on September 25, 2020

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**Title**

Family and Juvenile Law: Implementation of  
Assembly Bills 677 and 1373 Regarding  
Adoptions

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2021

**Rules, Forms, Standards, or Statutes Affected**

Adopt Cal. Rules of Court, rule 5.493;  
approve form ADOPT-206; revise forms  
ADOPT-050-INFO, ADOPT-200,  
ADOPT-210, and ADOPT-215

**Date of Report**

September 1, 2020

**Contact**

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**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn Borack, Cochair  
Hon. Mark Juhas, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court and an amendment to a chapter title in title 5 of the California Rules of Court, in addition to revisions to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also recommends revisions to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020.

### Recommendation

The Family and Juvenile Law Advisory Committee (committee) recommends the following, each with an effective date of January 1, 2021:

1. Adopt California Rules of Court, rule 5.493 setting forth the responsibilities of adoptive parents, adoption agencies, and the courts with regard to the filing of a request for adoption under California law of a child whose adoption was finalized in another country;
2. Amend the title of chapter 3 in division 2 of title 5 of the California Rules of Court to allow for the inclusion of additional rules of court related to intercountry adoptions;
3. Approve *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy* (form ADOPT-206), which is a slightly modified version of *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205), an optional attachment used to confirm parentage;
4. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy; and
5. Revise *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy.

The text of the recommended new rule of court and the amended title is attached at pages 13–15.

The recommended new and amended forms are attached at pages 16-32.

### **Relevant Previous Council Action**

The *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) were first adopted by the Judicial Council in October 1998 as part of a proposal for mandatory uniform adoption forms for all minor children subject to adoption proceedings. The forms were revised in October 1999 in response to feedback from users to better meet the needs of courts, practitioners, and petitioners. The Council revised the forms in April 2000 to facilitate the provision of information about the Adoption Assistance Program to adoptive parents. ADOPT-200 and ADOPT-215 were revised in April 2001 to provide information on post-adoption contact. In November 2002, the forms were further revised to adopt plain language and to comply with Assembly Bill 25 (Stats. 2001, ch. 893), which included provisions allowing domestic partners to adopt a partner's child using the stepparent adoption process. These plain-language forms were again revised in October 2003 to incorporate feedback from users and improve the effectiveness and ease of use of the forms. The forms were revised again in April 2010 to implement the provisions of Assembly Bill 1325 (Stats. 2009, ch. 287), tribal-sponsored legislation allowing the adoption of Indian children who are dependents of the court through the custom, traditions, or law of the child's tribe without requiring termination of parental rights. ADOPT-200 and ADOPT-215 were revised in July 2013 to implement legislative changes and numerous suggestions from court personnel and court users. ADOPT-200

was last revised in January 2016 to conform to new statutory requirements under Assembly Bill 2344, the Modern Family Act (Stats. 2014, ch. 636), expediting adoptions for nonbiological parents, and Senate Bill 274 (Stats. 2013, ch. 564), which amended the Family Code to provide that a child may have a parent-child relationship with more than two parents.

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. ADOPT-050-INFO was revised in April 2010 to list certain forms necessary to file with the adoption request to let the court know that an inquiry into the child's possible Indian ancestry had been made.

The Declaration Confirming Parentage in Stepparent Adoption (form ADOPT-205) was adopted in 2016 in response to Assembly Bill 2344, the Modern Family Act, which established an expedited process for adoptions for nonbiological parents.

## **Analysis/Rationale**

### **Background**

#### ***Intercountry adoptions***

During federal fiscal year 2018, the U.S. Department of State adoption statistics indicated that 269 children were adopted from foreign countries and brought to California to live with their adoptive families.<sup>1</sup> Of these 269 adoptions, 244 had their adoptions finalized in the foreign country and 25 entered the United States with the intention of finalizing their adoption in this country.<sup>2</sup>

With the enactment of the Child Citizenship Act of 2000,<sup>3</sup> the federal government authorized automatic U.S. citizenship for adoptees in certain cases of intercountry adoption, depending on the child's country of origin and age at adoption, whether the adoption was finalized in the child's country of origin, and the visa the child used to enter the United States. If a child does not acquire automatic U.S. citizenship pursuant to the Child Citizenship Act, the federal government requires readoption under state law for purposes of attaining U.S. citizenship. Prior to the enactment of AB 677, California law mandated readoption under state law for children whose adoption was finalized abroad only when required by the Department of State for U.S. citizenship purposes.<sup>4</sup>

As of January 1, 2020, when an adoption has been finalized in a foreign country, California adoptive parents are required under Family Code section 8919 to file a request for adoption

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<sup>1</sup> U.S. Dept. of State, Bureau of Consular Affairs, "Adoption Statistics," 2018, [https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt\\_ref/adoption-statistics1.html?wcmmode=disabled](https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-statistics1.html?wcmmode=disabled).

<sup>2</sup> U.S. Dept. of State, Bureau of Consular Affairs, *FY 2018 Annual Report on Intercountry Adoption* (Mar. 2019), <https://travel.state.gov/content/dam/NEWadoptionassets/pdfs/Tab%201%20Annual%20Report%20on%20Intercountry%20Adoptions.pdf>.

<sup>3</sup> 106 Pub.L. 395 (Oct. 30, 2000) 114 Stat. 1631, [www.congress.gov/106/plaws/publ395/PLAW-106publ395.pdf](http://www.congress.gov/106/plaws/publ395/PLAW-106publ395.pdf).

<sup>4</sup> Readoption under California law was and still is required when a child enters the United States prior to finalization of the adoption, is placed with a California adoptive family, and the adoption is finalized in this state. (Fam. Code, § 8911.)

under state law within the earlier of 60 days from the child’s entry to the United States or by the child’s 16th birthday. Parents are also required to provide a copy of the petition to each adoption agency that provided services to the parents. If the adoptive parents fail to timely file the request for adoption or provide copies to the adoption agency or agencies that provided the adoption services, the adoption agency must—within 90 days of the entry of the child to the United States—initiate the filing with the court and provide a “file-marked copy” of the petition to the adoptive parent and any other adoption agency that provided adoption services, within five business days of filing. The purpose of AB 677 is to ensure that U.S. citizenship is pursued and obtained for children whose adoptions are finalized abroad and to protect adopted children against human trafficking, by requiring adoptive parents to file a request for adoption during a specified time frame and, if the parents fail to do so, by requiring the intercountry adoption agency to initiate the filing.

### *Adoptions in certain cases of gestational surrogacy*

The current “stepparent adoption” process contemplates two possible scenarios. The first scenario is the traditional definition of stepparent adoption: when a person marries or enters into a registered domestic partnership with the legal parent of a child after the child is born and seeks to become a legal parent of the child. This process requires a written investigative report and, in some cases, a home study, and is contained in Family Code sections 9000 and 9001-9007. The second scenario arising under stepparent adoption is a process to confirm parentage when the “stepparent” or person seeking the adoption was married to or in a registered domestic partnership with the birth parent when the child was born. The process allowing for confirmation of parentage was enacted with the Modern Family Act of 2014 (Assem. Bill 2344; Stats. 2014, ch. 636) and is contained in Family Code section 9000.5. Confirmation of parentage does not require a home investigation or study, and the hearing is optional.

California law also contemplates two types of gestational surrogates: “traditional” surrogates, in which the surrogate’s own egg is inseminated with the sperm of an intended parent; and “gestational carriers,” who are implanted with a fertilized embryo and do not contribute any genetic material to the child. (Fam. Code, § 7960(f).) Under legislation enacted in 2016 (Assem. Bill 2349; Stats. 2016, ch. 385), intended parents who have entered into a surrogacy agreement with a gestational carrier who resides outside the state of California are authorized to pursue a prebirth order of parentage and may file an action in California to establish parentage of the child under the Uniform Parentage Act, as enacted in California. (Fam. Code, §§ 7600–7730.) However, some states still prohibit a parent with no genetic ties to the child from establishing parentage under that state’s version of the Uniform Parentage Act and require the parent to pursue adoption in order to be listed on the child’s birth certificate.

The purpose of AB 1373 was to expand the process allowing intended parents to “confirm parentage” in those cases in which **all** of the following apply:

- The intended parents reside in California;
- One or both of the intended parents entered into a surrogacy agreement with a gestational carrier residing out of state;

- The child’s birth was registered in another state;
- The laws of the other state allowed for only one of the two intended parents to be listed on the child’s birth certificate;
- The intended parents were married or in a registered domestic partnership when the child was born and remain in that union; and
- The parent who was not able to establish parentage in another state now seeks to adopt the child in order to be listed on the child’s birth certificate.

### ***Gender identification questions***

California’s Gender Recognition Act (Sen. Bill 179; Stats. 2017, ch. 853) contains findings and declarations regarding the fundamentally personal nature of gender identification and the need for options on state-issued identification documents to ensure that gender is accurately reflected. In addition to streamlining processes for name change and gender recognition, the act establishes *nonbinary* as a new option for gender recognition, making California one of only five states in the nation and the District of Columbia to recognize a third gender category.

As requested by the Judicial Council’s Rules Committee, the Family and Juvenile Law Advisory Committee indicated on its annual agenda that it would “revise all gendered terms or gender identity questions to conform to legislative changes providing for nonbinary gender identity as those forms are subject to revision for any other purpose including implementation of statutory changes.”<sup>5</sup>

Best practices for the identification and removal or revision of gender identification questions on Judicial Council forms dictate that gender identification questions should be asked only when necessary to effectuate the purpose of the form, which includes a statutory requirement to ascertain sex or gender. If it is determined that the question is required, it may need to be revised in order to be legally compliant, use clear and respectful language, and elicit data that satisfies the needs of the form consumer.

The current *Adoption Request* (form ADOPT-200) contains a field in item 4b in which the form user can check a box next to “Boy” or “Girl.” There are five Family Code provisions applicable to adoptions—intercountry, stepparent, agency, and independent adoptions—which require that the petition state the sex of the child.<sup>6</sup> Therefore, this item has been reformulated to ask the “Sex of this child” and include three response options, as follows:

b. Sex of this child    ☐ Female    ☐ Male    ☐ Nonbinary

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<sup>5</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Com., Annual Agenda—2020 (approved Oct. 28, 2019), [www.courts.ca.gov/documents/famjuv-annual.pdf](http://www.courts.ca.gov/documents/famjuv-annual.pdf).

<sup>6</sup> Intercountry adoptions: “The petition shall state the child’s sex and date of birth” (Fam. Code, § 8912(b)); Stepparent adoptions: “The petition shall state the child’s sex and date of birth and the name the child had before adoption” (Fam. Code, § 9000(c)); Agency adoptions: “The petition shall state the child’s sex and date of birth” (Fam. Code, §§ 8714(d), 8714.5(e)); Independent adoptions: “The petition shall state the child’s sex and date of birth and the name the child had before adoption” (Fam. Code, § 8802(c)).

### ***Indian Child Welfare Act content and questions***

In 2016, the federal government finalized comprehensive regulations and issued updated guidelines to implement the Indian Child Welfare Act (ICWA).<sup>7</sup> In 2017, the Attorney General's ICWA Compliance Task Force made recommendations on the implementation of ICWA in California,<sup>8</sup> and in 2018, state legislative changes impacted the ICWA provisions contained in the Welfare and Institutions Code.<sup>9</sup> It was determined that in some areas, federal guidelines were inconsistent with existing California law and practice, thus necessitating a recent proposal to update title 5 of the California Rules of Court and a variety of ICWA and juvenile law forms, which went into effect on January 1, 2020.<sup>10</sup> Specifically, the proposal clarified the application of the standards "reason to believe" and "reason to know" whether a child is an Indian child, and the requirement to conduct additional inquiry.

The current form ADOPT-200 asks whether the child "may have Indian ancestry." Because this question is part of the required inquiry, but is not the sole determinant as to whether additional inquiry is required and whether there is reason to know that a child is an Indian child, this section is proposed to be amended to come into compliance with current federal regulations.

The committee's specific substantive recommendations are described in detail below.

#### **Rule 5.493**

The committee recommends adopting rule 5.493, which sets forth the requirements contained in Family Code sections 8912 and 8919 with respect to the readoption of children born in foreign countries whose adoptions were finalized abroad. Specifically, the proposed rule contains the new statutory requirement to request adoption under California law of a child whose adoption was finalized in a foreign country, the responsibility of agencies to initiate a petition when a parent fails to make a timely request, and the responsibilities of courts to notify the Department of Social Services at their Sacramento office upon the filing of a petition for adoption.

#### **Amendment to chapter title**

The committee recommends an amendment to the title of chapter 3 in division 2 of title 5 from "Adoptions under the Hague Adoption Convention" to "Intercountry Adoptions." The existing rules of court addressing adoptions under the rules of the convention would remain the same, but the more general title for this section will allow for the inclusion of new rule 5.493 related to intercountry adoptions.

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<sup>7</sup> See 25 C.F.R. § 23 (2020), <https://www.law.cornell.edu/cfr/text/25/part-23>; U.S. Dept. of the Interior, Bureau of Indian Affairs, *Guidelines for Implementing the Indian Child Welfare Act* (Dec. 2016), [www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/irc2-056831.pdf](http://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/irc2-056831.pdf).

<sup>8</sup> *California ICWA Compliance Task Force: Report to the California Attorney General's Bureau of Children's Justice* (2017), [www.caltribalfamilies.org/wp-content/uploads/2019/06/ICWAComplianceTaskForceFinalReport2017-1.pdf](http://www.caltribalfamilies.org/wp-content/uploads/2019/06/ICWAComplianceTaskForceFinalReport2017-1.pdf).

<sup>9</sup> Assem. Bill 3176 (Waldron; Stats. 2018, ch. 833), [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB3176](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176).

<sup>10</sup> Judicial Council report available at: <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>

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

The committee recommends revisions to this form to accommodate changes in the law from both bills and the changes to ICWA implementation language. Form ADOPT-050-INFO is an information sheet that provides instructions on the various forms required to be filled out in order to adopt a child in California, and includes information regarding stepparent adoptions; confirmation of parentage; adoption of an Indian child; independent, agency, and intercountry adoptions; and open adoptions.

The recommended revisions to this form are as follows:

- Add information to sections addressing intercountry adoptions and stepparent adoption to confirm parentage with new processes and procedures based on AB 667 and AB 1373.
- Reframe the section that helps adopting parents to distinguish “Stepparent/Domestic Partner Adoptions,” from “Stepparent Adoptions to Confirm Parentage,” as follows:
  - Change the first statement to “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.”
  - Combine the existing two questions into one: “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?” The definition of “union” is included here.
  - Add a question: “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?”
  - Add a reference to new proposed form ADOPT-206, a description indicating when this optional form applies, and a reference to the application of the parentage confirmation process to certain types of gestational surrogacy.
- Revise explanatory information regarding form ICWA-010(A) and form ICWA-020, depending on how each is used in the different types of adoptions.
- Add new section “Inquiry and Notice Under the Indian Child Welfare Act” along with detailed requirements pursuant to recent federal regulatory and state legislative changes.
- With regard to tribal customary adoptions, remove the list of additional forms required and add the statement: “If this is a tribal customary adoption, a copy of the tribal customary adoption order must be attached to the petition and the order.”
- Under the section title “‘Open’ Adoption,” change the text to “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.”

- The form was also revised throughout to incorporate plain language edits.

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

The recommended revisions to this form are as follows:

- In Item 2, reword each option by removing “where” from the beginning and adding “in this county.”
- In Item 3, under the “Intercountry” option, move “This adoption may be subject to the Hague Adoption Convention (form ADOPT-216 must be filed with this request)” to renumbered Item 13, “Intercountry adoption questions.” Change the “Stepparent” option to “Stepparent adoption.” Convert the text under that item to an option that reads “Stepparent adoption to confirm parentage.” Replace the instruction text with: “See form ADOPT-050-INFO to determine whether you are eligible for the stepparent adoption to confirm parentage process.” Added joinder questions to the bottom of this section and separate them to make clear that joinder is not a type of adoption.
- In Item 4, delete the options in 4b. for “Boy” and “Girl” and substituted with “Sex” followed by the options “Female,” “Male,” and “Nonbinary.” This makes the form language consistent with the Gender Recognition Act of 2017 (SB 179), while remaining in compliance with various adoption statutes requiring the collection of information on “sex” on the petition.
- In Item 8, add the heading “Inquiry and notice under the Indian Child Welfare Act.” Reword the questions and information relative to inquiry and notice under ICWA based on recent statutory changes to title 5 of the California Rules of Court and the Welfare and Institutions Code.
- In Item 9, add item 9a allowing the form user to indicate that this is an adoption of an Indian child and instructing the user to fill out two additional forms. Add item 9b (formerly item 10c) allowing the user to indicate that this is a tribal customary adoption.
- In Item 12, modify Item 12c to state “The adopting parent married or entered into a registered domestic partnership with the legal parent” instead of referring to “the adopting parents.” Modify Item 12d to add a check box to indicate whether proposed new form ADOPT-206 is attached. Add item 12f to account for the possibility of adding a third parent without termination of either existing parent’s rights, using the stepparent adoption process.
- In Item 13, add Item 13a (former item 3) containing the statement regarding the Hague Adoption Convention. Add item 13b (former item 10d) but change to: “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.” The Yes/No options will be removed from this question, so it will only be checked when applicable. Pursuant to AB 667, add Item 13c to ask the date the child entered the United States and provide a cross-reference to form ADOPT-050-INFO for a list of documents to attach to the adoption request for an intercountry adoption finalized in another country.

- In Item 15, revise subparagraph a. to remove reference to “presumed father.” Add new subparagraph b. to provide options for consent of presumed parents. Add new subparagraph c. to provide options for consent of alleged father.
- The form was revised throughout to incorporate plain language edits and to increase readability.

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

This form is typically signed in front of a judge at the hearing. Minor changes to items 1 and 2 are recommended to conform to plain language changes in form ADOPT-200. The committee recommended modifying the caption to include additional code provisions contemplated in the form. In response to a suggestion received in public comment, the committee recommends modifying the instructions in Item 4 to read, “If there is only **one** adopting parent and that person is married and not separated, the consent of their spouse is required under section 8603 of the Family Code. Read and sign below. Stepparent adoptions: Go to Item 7.” Minor changes were made to remove the term “his or her” from Items 4 and 7.

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

This form requires only minor modifications to align with legislative changes. The committee recommends the following changes:

- Next to the final check box in Item 4, change instructions to read: “(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).”
- In Item 12, delete the term “independent” to allow for the possibility of a traditional stepparent adoption involving an additional parent, pursuant to this option on form ADOPT-200 (new item 12f).

#### ***Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy (form ADOPT-206)***

This proposed new form is an adaptation of existing form ADOPT-205, which is designed for optional use in a stepparent parentage confirmation process. The title includes the term “Gestational Surrogacy” to indicate that the form may be used in a case to which AB 1373 applies. The rest of the form was modified by removing the term “birth parent” and replacing it

with “parent who established parentage through a gestational surrogacy process” or, in some contexts, “legal parent.” In Item 4, the committee recommends adding the words “outside the state of California” to the statement about the child’s birth. Because this is a different application of the confirmation of parentage process and the terms are long and unwieldy, the committee proposes this separate optional attachment for these very specific cases.

## **Comments**

The proposal was circulated for public comment from April 10 through June 9, 2020. A total of 17 comments were received from agencies providing international adoption services, state child welfare agencies, private attorneys, and courts. Two commenters agreed with the proposal, four disagreed, five agreed with modifications, and the remainder of the 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 fell into the following major categories:

### ***ICWA comments***

Two commenters raised issues related to the forms required for compliance with the Indian Child Welfare Act and the references to Tribal Customary Adoptions. The responsibility for inquiry and the provision of the form ICWA-020 to birth parents was clarified for agency and independent adoptions. References to Tribal Customary Adoptions were scaled back in anticipation of forthcoming guidance from the Department of Social Services and additional substantive changes to these sections will be considered for a future cycle.

### ***Concerns regarding missing options on form ADOPT-200***

Several commenters noted the lack of options to describe why consent of a presumed parent or the termination of parental rights of an alleged parent are not necessary, in accordance with recent legislation. These options have been added to Item 15 of the form.

### ***Logistical concerns from international adoption agencies***

A group of six individual adoption agencies and one association of adoption agencies expressed concerns regarding the requirements on international adoption agencies when adopting families fail to fulfill the requirement to file for adoption under California law. One specific request was to develop a Judicial Council form to serve as a cover sheet in the event that an international adoption agency is required to initiate the *Adoption Request* on behalf of a parent who has failed to do so within the statutory time frame. In view of the operational concerns and administrative burdens inherent in the development, publication, and maintenance of a new Judicial Council form, the committee declined this suggestion. The rule of court contains the requirements for a cover page to be drafted by the adoption agency, with the required information as set forth in statute.

The chart of comments and committee responses is attached at pages 33–76.

### **Policy implications**

Two important pieces of legislation impacting two different types of adoption were the impetus for this proposal. The stated purpose of Assembly Bill 677 was to ensure that U.S. citizenship was pursued for children whose adoptions were finalized abroad and to avoid children falling into situations of human trafficking. The purpose of Assembly Bill 1373 was to streamline an adoption process in the specific circumstance of a child born to a gestational surrogate in a state that will not recognize both intended parents on the child's birth certificate. This proposal creates a path through Judicial Council rules and forms to implement these changes in the law and effectuate the purpose of supporting adoptive children and parents who are currently forming families using these two types of adoption.

### **Alternatives considered**

One alternative proposed by several commenters was to fully examine and reconsider the contents and organization of form ADOPT-200, which encompasses most of the various avenues for adopting a child in California, including independent, agency, intercountry, and stepparent adoptions. Breaking up this lengthy and comprehensive form and allowing for the inclusion of attachments corresponding to the various legal adoption avenues in the state may serve to clarify this process. Ultimately, the committee determined that the overall number of intercountry adoptions statewide each year did not justify the staff and committee time that would have been required to undertake a complete overhaul of these forms. Likewise, for the forms that are impacted by the legislation adding a new category of stepparent adoptions, a very narrow group of adoptive parents is impacted by the changes, so it was determined that for this proposal, the most important task was to ensure compliance of the forms and the process with current law, and the most efficient way to do this is through minor amendments to the existing forms.

Several commenters also proposed the development of new forms—one to accompany an adoption agency filing of the *Adoption Request* if the adopting parents fail to do so within 60 days of a child's entry to the United States, and another form to expand on options for Tribal Customary Adoptions. In both cases, it was determined that the number of potential users of these proposed forms did not justify the administrative costs of developing, programming, maintaining, and translating new forms and that the processes contemplated for these forms could be effectuated using existing forms.

### **Fiscal and Operational Impacts**

According to the comments received from superior courts, there will be a need to train court clerks to respond appropriately when an international adoption agency initiates an adoption request under the new law or a request to confirm parentage is submitted in the case of an out-of-state gestational surrogate. Courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms. Because there are amendments to forms ADOPT-210 and ADOPT-215, both of which have been translated into Spanish, the Judicial Council will incur costs in updating these translated versions should the forms ultimately be amended by the Judicial Council.

## **Attachments and Links**

1. Cal. Rules of Court, rule 5.493, at pages 13-15
2. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-206, ADOPT-210, and ADOPT-215, at pages 16-32
3. Chart of comments, at pages 33–76
4. Link A: Assembly Bill 677,  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB677](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB677)
5. Link B: Assembly Bill 1373,  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1373](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1373)

Rule 5.493 of the California Rules of Court is adopted, effective January 1, 2021, to read:

**Title 5. Family and Juvenile Rules**

**Division 2. Rules Applicable in Family and Juvenile Proceedings**

**Chapter 3. ~~Adoptions under the Hague Adoption Convention~~ Intercountry Adoptions**

**Rules 5.490–5.492 \* \* \***

**Rule 5.493. Requirement to request adoption under California law of a child born in a foreign country when the adoption is finalized in the foreign country (Fam. Code, §§ 8912, 8919)**

**(a) Responsibility to file request**

- (1) A resident of California who has finalized an intercountry adoption in a foreign country must:

  - (A) File a request to adopt the child in California within the earlier of 60 days from the adoptee’s entry into the United States or the adoptee’s 16th birthday; and
  - (B) Provide a copy of the adoption request to each adoption agency that provided the adoption services to the adoptive parent or parents.
- (2) If the adopting parent fails to timely file a request to adopt the child under California law, the adoption agency that facilitated the adoption must:

  - (A) File the request within 90 days of the child’s entry into the United States; and
  - (B) Provide a file-marked copy of the request to the adoptive parent and to any other adoption agency that provided services to the adoptive parent within five business days of filing.
- (3) If an adoption agency files a request in accordance with (2), the adoptive parent or parents will be liable to the adoption agency for all costs and fees incurred as a result of good faith actions taken by the adoption agency to fulfill the requirement set forth in this rule.

**(b) Contents of request**

- 1           (1) A request to adopt under California law a child born in a foreign country  
2 whose adoption was finalized in a foreign country must include all of the  
3 following:  
4  
5           (A) A certified or otherwise official copy of the foreign decree, order, or  
6 certification of adoption that reflects finalization of the adoption in the  
7 foreign country;  
8  
9           (B) A certified or otherwise official copy of the child’s foreign birth  
10 certificate;  
11  
12           (C) A certified translation of all documents described in this subdivision  
13 that are not written in English;  
14  
15           (D) Proof that the child was granted lawful entry into the United States as  
16 an immediate relative of the adoptive parent or parents;  
17  
18           (E) A report from at least one postplacement home visit by an intercountry  
19 adoption agency or a contractor of that agency licensed to provide  
20 intercountry adoption services in the state of California; and  
21  
22           (F) A copy of the home study report previously completed for the  
23 international finalized adoption by an adoption agency authorized to  
24 provide intercountry adoption services, in accordance with Family  
25 Code section 8900.  
26  
27           (2) If an adoption agency initiates a request in accordance with (a)(2), the filing  
28 must consist of the following:  
29  
30           (A) A signed cover sheet containing the name, date of birth, and date of  
31 entry to the United States of the child, the name and address of the  
32 adoptive parent or parents, and the name and contact information for  
33 the adoption agency;  
34  
35           (B) Blank copies of all forms required to initiate the request for adoption  
36 under California law; and  
37  
38           (C) Any document required in (b)(1) that is in the possession of the  
39 adoption agency.  
40

41 **(c) Clerk’s notice of request and order**  
42

- 1       (1) When a request for adoption under California law of a child whose adoption  
2       was finalized in a foreign country is filed, the court clerk must immediately  
3       notify the California Department of Social Services in Sacramento in writing  
4       of the pendency of the proceeding and of any subsequent action taken.  
5  
6       (2) If a request for adoption under California law is initiated under (a)(2), the  
7       clerk of the court must file-stamp the request to allow the adoption agency to  
8       fulfill its obligations under (a)(2)(B).  
9  
10      (3) Within 10 business days of an order granting a request for adoption under  
11      California law, the clerk of the court must submit to the State Registrar the  
12      order granting the request.  
13

**General Information on Adoptions**

**Seek legal advice about your family's options before beginning any adoption.** Every family is different and adoption may not be necessary for some families. Visit the California Court's Online Self-Help Center adoption page to get copies of adoption forms, look for organizations that provide legal help with adoptions, and learn how to complete the adoption process on your own if you do not have a lawyer: [www.courts.ca.gov/selfhelp-adoption.htm](http://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:

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

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 items 1 through 4 below for a stepparent/domestic partner adoption.

If you answered "Yes" to **both** questions, complete items 1 and 2, only, for a stepparent adoption to confirm parentage.

**1 Fill out court forms**

- |                                      |   |  |
|--------------------------------------|---|--|
| <input type="checkbox"/> ADOPT-200   | <i>Adoption Request</i>                       | This tells the judge about you and the child you are adopting.   |
| <input type="checkbox"/> ADOPT-210   | <i>Adoption Agreement</i>                     | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| <input type="checkbox"/> ADOPT-215   | <i>Adoption Order</i>                         | The judge signs this form if your adoption is approved.  |
| <input type="checkbox"/> ICWA-010(A) | <i>Indian Child Inquiry Attachment</i>        | This lets the judge know that you have asked whether the child may 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, the ADOPT-210 must be signed in front of the court clerk or a notary.

**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 Fam. Code, § 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, after additional inquiry, 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 and the order.

**“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.

**NOT APPROVED BY THE  
JUDICIAL COUNCIL**

**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, e-mail address, and State Bar number):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case 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 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.

(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.

(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 Fam. Code, § 8714.)

**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** (fill out ONLY for independent, stepparent, or tribal customary adoption)

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

**6 Birth parents**

Names of birth parents, if known: \_\_\_\_\_

**7 Legal guardian**Does 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.





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

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

**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 might 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 (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:*

**11 Independent adoption questions**

- 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.)
- 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 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 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. 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.
- f. ☐ This is a stepparent adoption involving an additional parent:  
☐ 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.



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

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

**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 Fam. Code, § 8606*):
- (1) ☐ The parent has been judicially deprived of the custody and control of the child.
  - (2) ☐ The parent has voluntarily surrendered the right to custody and control of the child in a judicial proceeding in another jurisdiction, under a law of that jurisdiction providing for the surrender.
  - (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. (Fam. Code, § 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 subdivision (c) of section 7630 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: \_\_\_\_\_

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

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. (Fam. Code, § 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 15d and file an Application for Freedom From Parental Custody. See Fam. Code, § 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); | c. Will support and care for the child;   |
| b. Will treat the child as their own;  | d. Has a suitable home for the child; and |
|  | e. Agrees to adopt the child.             |





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

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

**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 (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, **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](http://www.coveredca.com). Or call Covered California at 1-800-300-1506 (English) or 1-800-300-0213 (Spanish).

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

Case Number:

## Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy

☐ This form is attached to form ADOPT-200 (*Adoption Request*).

*This optional form may be attached to the form ADOPT-200 if the adopting parent was married to or in a state-registered domestic partnership or equivalent civil union with the parent who established parentage through a gestational surrogacy process. You may instead attach a declaration in another format containing substantially the same information. The legal parent through surrogacy and the adopting parent must complete separate declarations.*

- 1 I (write your name) \_\_\_\_\_ declare as follows:
- 2 Relationship between the legal parent and the adopting parent seeking to confirm parentage (check one):
  - a. ☐ I am the parent of a child born through a gestational surrogacy process. Only my parentage was established through the Uniform Parentage Act or another proceeding related to the surrogacy. Before the birth of the child, I married, or entered into a state-registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with, the adopting parent who is seeking to confirm parentage, (name) \_\_\_\_\_, and we remain in that union.
  - b. ☐ I am the adopting parent seeking to confirm parentage. Before the birth of the child, I married, or entered into a state-registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with, the parent whose parentage has been established for a child born through a gestational surrogacy process, (name) \_\_\_\_\_, and we remain in that union.
- 3 We were married/registered as domestic partners on (date you entered into your earliest union) \_\_\_\_\_, before our child was born. A copy of our marriage certificate, registered domestic partner certificate, or certificate of out-of-state domestic partnership or civil union is attached.
- 4 Our child (name of child to be adopted) \_\_\_\_\_ was born on (date) \_\_\_\_\_ outside of the state of California. A copy of our child's birth certificate is attached.
- 5 ☐ Our child was conceived through a gestational surrogacy process. (Describe how your child was conceived.) \_\_\_\_\_

Case Number:

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

[illegible]

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

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



*Sign your name*

Clerk stamps date here when form is filed.

**NOT APPROVED BY THE  
JUDICIAL COUNCIL****1 Adopting parent(s)**

a. Name: \_\_\_\_\_

b. Name: \_\_\_\_\_

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

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

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

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

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

Fill in court name and street address:

**Superior Court of California, County of****2 Information about the child**

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

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

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

Court fills in case number when form is filed.

**Case Number:****Signing this form:**

- Adoptions usually require a hearing where most signatures on this form must be completed in front of a judge.
- Item 4b may be signed before the hearing.
- If this is a stepparent adoption to confirm parentage involving a spouse or registered domestic partner who gave birth to the child or established parentage over a child born through gestational surrogacy during the union, usually no hearing is required and you may sign this form in front of a proper witness. See item 8a for instructions on having your signature properly witnessed. If the court orders a hearing in this case, you must sign this form at the hearing in front of the judge.
- All other signatures must be signed at a hearing, in front of a judge, unless waived by the judge for good cause.

**3** I am the child listed in **2** and I agree to the adoption. (Not required in the case of a tribal customary adoption under Welf. & Inst. Code, § 366.24.)Date: \_\_\_\_\_  
Type or print your nameSignature of child (child must sign if 12 or older;  
optional if child is under 12)**4** If there is only **one** adopting parent and that person is married and not separated, the consent of their spouse is required under section 8603 of the Family Code. Read and sign below. Stepparent adoptions: Go to Item 7.a. I am the adopting parent listed in **1**, and I agree that the child will:

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

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

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

Signature of adopting parent



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

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

- b. I am married to, or am the registered domestic partner of, the adopting parent listed in ①, and I am not a party to this adoption. I agree to the adoption of the child by the adopting parent listed in ①.

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

\_\_\_\_\_  
Signature of spouse or registered domestic partner  
(may be signed before hearing)

⑤ If there are **two** adopting parents, read and sign below.

We are the adopting parents listed in ①, and we agree that the child will:

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

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

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

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

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

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

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

⑥ If this is a tribal customary adoption, read and sign below.

I/we are the adopting parents listed in ①, and I/we agree that the child will:

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

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

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

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

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

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

⑦ For stepparent adoptions only:

If you are the legal parent of the child listed in ②, read and sign below.

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

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

\_\_\_\_\_  
Signature of legal parent



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

**8 Executed (check one):**

- a. ☐ This form was signed outside of a hearing. *(Select this option only for a stepparent adoption to confirm parentage under Family Code, § 9000.5, where the court did not order a hearing for good cause.)*

- (1) ☐ This form was signed **in** California.

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

- ☐ Notary public *(the notary acknowledgment is attached)*  
☐ Court clerk  
☐ Probation officer  
☐ Qualified court investigator  
☐ Authorized representative of a licensed adoption agency  
☐ County welfare department staff member

- (2) ☐ This form was signed **outside** of California.

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

- ☐ Notary public *(the notary acknowledgment is attached)*  
☐ Other person authorized to perform notarial acts *(proof of notarization is attached)*  
☐ Authorized representative of an adoption agency that is licensed in the state or country where this form was signed

- (3) Witness information

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

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

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

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

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

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

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

\_\_\_\_\_  
*Judge (or Judicial Officer)*

# ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

**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, e-mail 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. \_\_\_\_\_

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

☐ The hearing is waived pursuant to Family Code section 9000.5 (Check this box only if this is an adoption confirming parentage of a 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: \_\_\_\_\_

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

- 6 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
- Is at least 10 years older than the child or meets the criteria in Fam. Code, § 8601(b);
  - Will support and care for the child;
  - Has a suitable home for the child; *and*
  - Will treat the child as their own;
  - Agrees to adopt the child.
- 7 ☐ This case is an adoption by a relative petitioned under Family Code section 8714.5.  
☐ The adopting relative ☐ The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (Fam. Code, § 8714.5(g).) The child's name before adoption was:  
First name: \_\_\_\_\_ Middle name: \_\_\_\_\_ Last name: \_\_\_\_\_
- 8 ☐ The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act or that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.
- 9 ☐ The judge approves the *Contact After Adoption Agreement* ([ADOPT-310](#))  
☐ As submitted ☐ As amended on ADOPT-310
- 10 ☐ This is a tribal customary adoption. The tribal customary adoption order of the \_\_\_\_\_ tribe dated \_\_\_\_\_ containing \_\_\_\_\_ pages and attached hereto is fully incorporated into this order of adoption.
- 11 ☐ This is an adoption under the Hague Adoption Convention. *Verification of Compliance with Hague Adoption Convention Attachment* ([form ADOPT-216](#)) is attached and fully incorporated into this order.
- 12 ☐ This is an 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



**S20-18**

**Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions** (Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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

	Commenter	Position	Comment	Committee Response
1.	Adoption Horizons By Cynthia Savage, Director Eureka, CA	AM	<p>1. Response to Proposed Revisions of the ADOPT-200 Form:</p> <p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves. Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable. Date: _____ _____ (name of agency) by: _____ (signature) Printed name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons, and even for many lawyers, as well. Proposed solution: Revise the Adopt 200 form to include only the sections that are</p>	<p>The Committee appreciates this comment and notes that the proposed new California Rule of Court, rule 5.493(b)(2)(A) requires the use of a cover sheet for a filing initiated by an adoption agency, which would be signed by the adoption agency, consistent with the requirement in Family Code section 8919. As long as the required contents of this cover sheet and filing as set forth in subsection (2) are satisfied, an adoption agency would be free to include additional attestations, within the bounds of any restrictions on confidential information in the case.</p> <p>The Committee appreciates this comment; however, revamping the ADOPT-200 form is outside the scope of the current proposal.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S20-18**

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	Commenter	Position	Comment	Committee Response
			<p>applicable to all adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. This would simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 or Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add all of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child, whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the</p>	<p>The Committee appreciates this comment and has inserted additional language on the form to account for the consent of presumed and alleged parents in Item 15.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S20-18**

**Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions** (Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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	Commenter	Position	Comment	Committee Response
			<p>adoption agency is extremely unlikely to have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in (a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p> <p>A licensed adoption agency may submit for filing an Adopt-</p>	<p>The Committee appreciates this comment and would refer the commenter to the language in proposed CRC rule 5.493(b)(2)(C), which requires the adoption agency to attach "Any document required in (b)(1) that is in the possession of the adoption agency."</p> <p>The Committee appreciates this comment and would refer the commenter to the language in proposed CRC rule 5.493(c)(2): "If a request for adoption under California law is initiated under (a)(2), the clerk of the court must file-stamp the request to allow the adoption agency to fulfill its obligations under (a)(2)(B)."</p> <p>Please see proposed Rule 5.493(a)(3), clarifying the responsibility of the adoptive parent for all costs and fees reasonably incurred by the adoption agency if it is required to submit the Adoption Request.</p> <p>The Committee appreciates this suggestion</p>

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**S20-18**

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

	Commenter	Position	Comment	Committee Response
			200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.	but believes that the proposed language of the form currently achieves the goals of this recommended language.
2.	Adopt International By Lisa Clark, Executive Director San Francisco, CA	D	<p>1. Response to Proposed Revisions of the ADOPT-200 Form:</p> <p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves. Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable. Date: _____</p>	Please see Committee response to this proposal in Comment 1.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

**S20-18**

**Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions** (Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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

	Commenter	Position	Comment	Committee Response
			<p>_____ (name of agency)  by: _____ (signature) Printed  name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons, and even for many lawyers, as well. Proposed solution: Revise the Adopt 200 form to include only the sections that are applicable to all adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. This would simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 or Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add all of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child,</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

## S20-18

**Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions** (Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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	Commenter	Position	Comment	Committee Response
			<p>whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in (a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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**S20-18**

**Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions** (Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215)

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	Commenter	Position	Comment	Committee Response
			<p>family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C): A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.</p>	Please see Committee response to this proposal in Comment 1.
3.	<p>California Association of Adoption Agencies (CAAA) By David Boschen, President Scotts Valley, CA</p>	AM	<p>Thank you for this opportunity to respond to the proposed revisions to the California Rules of Court and to the proposed amendments on the adoption forms. The California Association of Adoption Agencies (CAAA) has responded to several conversations regarding the recent changes of the family law, specifically Assembly Bill 677. These conversations included members of the California Department of Social Services (CDSS) Adoptions Policy Unit (APU), members of CAAA who are licensed for international adoptions, with one meeting attended by Diana Glick as a representative of your committee last December 16, 2019 discussing these proposed changes.</p> <p>CAAA has recently received your invitation of comment and have established a workgroup for review of the proposed changes for comment. Below is the collective effort of these meetings with proposed changes that will effectively make it possible for agencies to complete and file all available adoption</p>	

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			<p>information for re-adoption to be compliant to the laws and associated regulations.</p> <p>The question that has been significant to the California licensed international adoption agencies is meeting the new legal requirements of AB677 for re-adoption when the adopting family is non-compliant. The adopting family's non-compliance is the reason for the intended law to complete the re-adoption process. Their noncompliance will likely impede or make it impossible to complete the filing of the court petition under current and proposed changes to the adoption forms and rules of court. As the revised changes are currently being presented with the proposed changes now available for comment, please accept this letter of comment and proposed changes for consideration.</p> <p>Current History:          "The Family and Juvenile Law Advisory Committee proposes the adoption of a new rule of court and revisions to a chapter title in title 5 of the California Rules of Court, in addition to amendments to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also proposes amendments to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020."</p> <p>The California Association of Adoption Agencies (CAAA)          Comments:</p> <p>1. Response to Proposed Revisions of the ADOPT-200</p>	

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	Commenter	Position	Comment	Committee Response
			<p>Form:</p> <p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 as there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves.</p> <p>Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable.</p> <p>Date: _____</p> <p>_____ (name of agency)</p> <p>by: _____ (signature) Printed name and title: _____</p> <p>2. Response to Proposed Rule 5.493: This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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	Commenter	Position	Comment	Committee Response
			<p>have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>a. Remember, the agency will only be filing this form on behalf of non-compliant adoptive families who will not have provided the agency with the adequate child's information and documents received when they completed the adoption in the foreign country.</p> <p>b. In addition, many courts will not provide file-marked copies of an Adoption Request until all required documents have been received and the matter has been set for final hearing. This will leave the agency unable to comply with the statutory requirement of providing a file-marked copy to the parties listed in (a)(2)(B).</p> <p>c. Also, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p> <p>A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.</p> <p>Thank you once again for allowing time for considering comments to the proposed changes in forms and Rule of the Court. The practical application of the Laws often reveals details for consideration such as those mentioned in our comments for applied solutions.</p>	
4.	California Department of Child Support Services By Lucila Ledesma, Attorney Sacramento, CA	A	<p>Commentary on each proposal:</p> <p>1. Title Revision: The revision of the title appears appropriate given that not all countries participate in the Hague Convention and there will be family law matters that involve non-Hague Convention countries. The proposal appropriately addresses the stated purpose and accurately reflects the processes established in the legislation.</p> <p>2. Rule 5.493: The adoption of this rule will significantly enhance clarity regarding the roles of participants in intercountry adoptions impacted by the implementation of AB 677 (intercountry adoptions), AB 1373 (stepparent adoptions) &amp; SB 179 (gender identity issues). The proposal appropriately addresses the stated purpose and accurately reflects the processes established in the legislation.</p> <p>3. Revise form ADOPT-050-INFO: This form incorporates many changes increasing informational content consistent with recent legislation. The proposal appropriately addresses the stated purpose and accurately reflects the processes established in the legislation.</p> <p>4. Revise forms ADOPT-200, ADOPT-210, &amp; ADOPT-215:</p>	The Committee appreciates these comments.

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			<p>The changes to these forms are consistent with recent legislation, facilitate collection of additional relevant information, and enhance the clarity of the parties' intentions. The proposal appropriately addresses the stated purpose and accurately reflects the processes established in the legislation.</p> <p>5. Approve form ADOPT-206:</p> <p>In recognition of the expanding array of ways in which parentage can be established, this new form has been created for a person involved in a gestational surrogacy case as a stepparent who wishes to be acknowledged as a parent of a child born outside of California.</p> <p>The proposal appropriately addresses the stated purpose and accurately reflects the processes established in the legislation. DCSS does not object to any of the proposals. DCSS supports the revisions as appropriate updates to the rule and forms regarding California re-adoption requirements of intercountry adoptions and enhancing of clarity in the implementation of cited legislation.</p>	
5.	<p>California Department of Social Services By Myrna Hernandez, Policy Consultant Sacramento, CA</p>	AM	<p>On the ADOPT-050-INFO - it is states the adopting parents must ask specific questions, however for agency or independent adoptions the duty to inquire falls on the department, county adoption agency, licensed adoption agency, or adoption service provider pursuant to Family Code section 8620. This amendment will contradict what is in the family code allowing adoptive parents to believe they have met the requirements of ICWA inquiry when they have not for agency and independent adoptions.</p> <p>On the ADOPT 200 form number 8a it also states the adopting parents have made inquiry. This will also cause problems as it contradicts Family Code section 8820 as to who is responsible for ICWA inquiry for independent and agency adoptions.</p>	<p>The Committee appreciates this comment and has added language to indicate agency responsibility for the inquiry process to form ADOPT-050-INFO.</p> <p>The Committee appreciates this comment and has added language to indicate agency responsibility for the inquiry process to form ADOPT-200.</p>

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6.	Saul Bercovitch, Director of Governmental Affairs Executive Committee Family Law Section California Lawyers Association Sacramento, CA	A	<p>FLEXCOM agrees with this proposal. As to specific requests for comment, FLEXCOM believes the proposal addresses the stated purpose, and the rule and forms reflect the process established in legislation. FLEXCOM's technical suggestions are set out below.</p> <p>As to Form ADOPT-050-INFO, on page 1, next to the second arrow under Stepparent/Domestic Partner Adoptions, FLEXCOM suggests that the word "domestic" be inserted between "or" and "partner". Also, it might be helpful to have the term "legal parent" briefly defined in the form. In addition, in our experience the descriptor "Indian" sometimes confuses self-represented individuals who think the term applies to people from the country India, even when the context may be the Indian Child Welfare Act. We suggest that the meaning of the descriptor be clarified.</p> <p>As to Form ADOPT-200 at subparagraph 4(b), FLEXCOM suggests differentiating on gender not on sex as a descriptor, consistent with wider usage including other places in this same Form (e.g., the inclusion of the term "nonbinary" in the subparagraph indicates gender is the descriptor category).</p> <p>As to Form ADOPT-206, in the signature line on page 2, to be consistent with the rest of the form, FLEXCOM suggests inserting the word "your" between "sign" and "name."</p> <p>As to Form ADOPT-215, in the italicized instructions following the last checkbox under item 4, FLEXCOM suggests that "including a registered domestic partnership or civil union from another jurisdiction" should be inserted to be consistent</p>	<p>The Committee appreciates this comment and inserted the term "domestic" in front of partner on the information sheet. The instructions on this page also indicate "Indian (Native American)" in the hopes of avoiding the kind of confusion referenced in this comment.</p> <p>The Committee appreciates this comment, and has included the term "Sex" here instead of "Gender" in compliance with Family Code section 8912(b), 9000(c), 8714(d), 8714.5(e), and 8802(c), all of which call for a statement as to the "sex" of the child who is the subject of the adoption.</p> <p>The Committee appreciates this comment and has made this change.</p> <p>The Committee appreciates this comment; this change was made by shrinking the text to a 10-point font.</p>

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			with the language in Family Code section 9000.5.	
7.	Dillon International By Maren Brose, Adoption Supervisor Costa Mesa, CA	D	<p>1. Response to Proposed Revisions of the ADOPT-200 Form:</p> <p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves. Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable. Date: _____ _____ (name of agency) by: _____ (signature) Printed name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons,</p>	Please see Committee response to this proposal in Comment 1.

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			<p>and even for many lawyers, as well. Proposed solution: Revise the Adopt 200 form to include only the sections that are applicable to all adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. This would simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 or Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add all of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child, whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in (a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.	Please see Committee response to this proposal in Comment 1.
8.	Family Connections Christian Adoptions By Alison Foster Davis Legal Director Modesto, CA	AM	<p>1. Response to Proposed Revisions of the ADOPT-200 Form:</p> <p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves.</p> <p>Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form,</p>	Please see Committee response to this proposal in Comment 1.

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			<p>including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable.  Date: _____  _____ (name of agency)  by: _____ (signature) Printed  name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons, and even for many lawyers, as well. Proposed solution: Revise the Adopt-200 form to include only the sections that are applicable to ALL adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. Then the petitioners would only have to answer the questions on the attachment that relates to the type of adoption being requested. This would simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 and Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add ALL of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child, whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to have any of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly have failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>(a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200. Instead, the adoptive family should be required to bear this expense.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p> <p>A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>
9.	Holt International By Ann Cleary CA Branch Director Agoura Hills, CA	D	<p>This bill is onerous to CA international adoption agencies. While the intent to protect adoptees by providing a revised CA birth certificate is an understandable aim, placing the burden on CA agencies is misguided and cumbersome. While we want to support the aim to have adoptees have the necessary documents they need as they move forward, the timeframe of 90 days is short for families and agencies. Families arriving home within the first 60 days are faced with a myriad of needs for their child and family, and filing within 60 days is a challenge. Providing a postplacement report within the first 45 days of arrival is an agency priority, but then the family only has two weeks to file</p>	

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			<p>within the 60 day deadline. Then, the agency has only the 60-90 day window to file on the family's behalf. This is an undue burden on the family and agency. Particularly when we are adoption agencies, and are unfamiliar with the filing procedures for the courts and will have to rely on outside legal services. Which poses the questions, will there be training for agencies on these matters? As a statewide agency, we are not familiar with the filing procedures for all CA counties. Education and support for agencies should be provided if this moves forward. Additionally, the information required to fulfill the petition is not available to the agency. Petitions filed with the courts by the agencies will most likely languish and how a family can be incentivized to complete the petition is not clear. This is a bulky and burdensome attempt to bring families to court to refinalize for the birth certificate. Adoptees already have their citizenship when they enter the country, could they directly apply to Vital Records for a birth certificate? Other states have this option so the adoptee has the US Citizenship and the birth certificate to assure their legal presence in the US.</p> <p>Anyway, if this is where we are with the process, here are suggestions for revisions with the Adoption forms. These forms are bulky and confusing for families, and make it challenging for families to apply to the courts with confidence. Families are already stressed by the recent arrival with a child where the primary concern should be attachment and bonding, not the completion of court paperwork within the first 60 days. Please simplify the process. Suggestions here:</p> <p>1. Response to Proposed Revisions of the ADOPT-200 Form:</p>	

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## S20-18

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	Commenter	Position	Comment	Committee Response
			<p>a. The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves. Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable. Date: _____ _____(name of agency) by: _____ (signature) Printed name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons, and even for many lawyers, as well. Proposed solution: Revise the Adopt 200 form to include only the sections that are applicable to all adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. This would</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 or Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add all of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child, whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in (a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p> <p>A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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	Commenter	Position	Comment	Committee Response
			or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.	
10	Nightlight Christian Adoptions By Daniel Nehrbass, President Santa Ana, CA	D	<p>The requirement to readopt is an unfair burden on families, adds additional cost to their adoption fees, and serves no purpose in light of the fact that it does not secure citizenship and the adoption decree has already been recognized by the federal government. We fully expect this law to fail in court when the federal government determines that CA is meddling in immigration matters. We also believe this law will be unenforceable with regard to families. It will also be unenforceable with agencies, since it requires agencies to have knowledge that the form was not filed, and it is nearly impossible to demonstrate an agency had knowledge that something was not filed.</p> <p>But if the requirement does go into law, we recommend: The proposed revisions to the Adopt 200 form do not adequately address the requirements of AB 677 because there is still no section for an adoption agency representative to sign for the agency as the filing party. A signature line for the agency representative is mandatory, given that the agency is filing in lieu of non-compliant petitioners who are presumably unavailable or unwilling to sign this form themselves. Proposed solution: Add the following to the end of the Adopt-200 form:</p> <p>The undersigned is an authorized representative of _____ (name of licensed adoption agency), which is filing this Adopt-200 based on the reasonable belief that each</p>	Please see Committee response to this proposal in Comment 1.

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			<p>party listed hereon as an adoptive parent or prospective adoptive parent has failed to file an adoption request to readopt the child within the time frame required by Family Code Section 8919. The undersigned confirms that all known information about this case has been provided on this form, including the last known contact information for each adoptive parent or prospective adoptive parent, as applicable.  Date: _____  _____ (name of agency)  by: _____ (signature) Printed  name and title: _____</p> <p>b. The other, more general modifications proposed to clarify the Adopt-200 are helpful, but do not go far enough. This form is much too long and confusing for most laypersons, and even for many lawyers, as well. Proposed solution: Revise the Adopt 200 form to include only the sections that are applicable to all adoptions. Then create a separate attachment sheet for each type of adoption: domestic agency, domestic independent, international, and step-parent. This would simplify the procedure greatly, especially for unrepresented parties, and would also reduce paper waste.</p> <p>c. The Adopt-200 form has no place to note that parental rights do not need to be terminated under the conditions specified in Family Code Section 7660.5 or Family Code Section 7662(a)(2) and (3). Proposed solution: Revise the Adopt-200 form to add all of the following options to Section 15(a):</p> <p>(6) The presumed father has signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>

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			<p>Code Section 7660.5.</p> <p>(7) The alleged father has been served as prescribed in Section 7666 with a written notice alleging that the alleged father is or could be the biological father of the child to be adopted or placed for adoption and has failed to bring an action for the purpose of declaring the existence of the father and child relationship pursuant to subdivision (c) of Section 7630 within 30 days of service of the notice or the birth of the child, whichever is later.</p> <p>(8) The alleged father has executed a written form developed by the department to waive notice of the adoption proceedings or to deny parentage.</p> <p>2. Response to Proposed Rule 5.493. This proposed Rule does not adequately address the requirements of AB 677, because it does not make allowance for the fact that the adoption agency is extremely unlikely to have the majority (if any) of the information and documents needed to complete the Adopt-200 -- other than the name(s) and address of the adoptive family.</p> <p>Remember, the agency will only be filing this form on behalf of non-compliant adoptive families; these families will almost certainly failed to provide the agency with any of the child's information and documents received when they completed the adoption in the foreign country. The adoption agency has no other means by which to obtain these documents if the adoptive family does not provide them; thus, the agency cannot attach them to the Adopt-200 as mandated.</p> <p>In addition, many courts will not provide file-marked copies of</p>	<p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this</p>

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			<p>an Adoption Request until all other required documents for finalization have been received, and the matter has been set for final hearing. In counties where this is the rule, the agency will be unable to comply with the statutory requirement to provide a file-marked copy of the Adopt-200 to the parties listed in (a)(2)(B).</p> <p>Finally, adoption agencies should not be required to pay the \$20 birth certificate fee that is normally required at the time of filing an Adopt-200, as this is an expense that the adoptive family should be required to bear.</p> <p>Proposed solution: Modify proposed Rule 5.493 on Page 13, at the end of line 35, by adding (a)(2)(C):</p> <p>A licensed adoption agency may submit for filing an Adopt-200 form that is incomplete or lacking any or all of the attachments otherwise required by Family Code Section 8919. As long as the Adopt-200 form includes the name, last known address, and last known phone number of each adoptive parent or prospective adoptive parent, as applicable, the court shall accept the form for filing, shall not require payment of any filing fee or birth certificate fee, and shall immediately provide the agency representative with a file-marked copy of the Adopt-200.</p>	<p>proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p> <p>Please see Committee response to this proposal in Comment 1.</p>
11.	O. Raquel Ramirez Senior Deputy County Counsel Warrant Desk Attorney Los Angeles County Counsel	NI	There were no comments from DCFS or county counsel subject matter experts on these proposed revisions.	The Committee appreciates that this commenter took the time to review the proposal.
12.	Delia M. Sharpe, Executive	NI	This letter is in response to the Judicial Council of California's	

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	Director California Tribal Families Coalition Sacramento, CA		<p>invitation for comments to the proposed amendment to California Rules of Court, Rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215.</p> <p>California Tribal Families Coalition is a statewide organization governed by a thirteen-member Board of Directors comprised of duly elected tribal officials, with a membership of 36 federally recognized Indian tribes located across the state, as well as the Southern, Central and Northern California Tribal Chairman's Associations. The mission of CTFC is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and at the core of tribal sovereignty and tribal governance.</p> <p>The invitation to comment explains the ADOPT forms are being amended, in part, because of the adoption of AB 3176 (2018, Waldron), legislation co-sponsored by CTFC codifying the federal ICWA regulations into state law. AB 3176 amended 32 provisions of the California Welfare and Institutions Code (WIC). However, the proposal only includes a minor change regarding ICWA inquiry, which is insufficient to ensure ICWA compliance in family law cases.</p> <p>Comments:</p> <p>The ADOPT forms confuse the Indian Child Welfare Act (ICWA) and Tribal Customary Adoption (TCA). TCA a permanency option available for Indian children who are the subject of a juvenile dependency case. A TCA is limited in application to dependency cases. ICWA, on the other hand, applies to the full array of adoptions, including</p>	<p>The Committee appreciates the comments related to Tribal Customary Adoption. The Committee has been informed of upcoming guidance from the California Department of</p>

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			<p>agency adoptions, stepparent adoptions and gestational surrogacy. The informational form and the forms themselves do not address the substantive requirements of ICWA, including placement, active efforts, reunification services, or qualified expert witness. We strongly recommend a new mandatory ADOPT form be developed (or ADOPT 220 be heavily revised) to address each of ICWA's minimum federal standards and this new form be referenced in every ADOPT form. It is our position that such a form would increase ICWA compliance in adoptions cases, particularly those that do not arise from juvenile dependency matters.</p> <p>ADOPT-050-INFO: Information on ICWA is included on this form; however, it is near the bottom. This is problematic since the inquiry requirement of ICWA applies in all cases. Therefore, we highly recommend moving information on Inquiry and Notice under ICWA to the top of the form, before stepparent adoption.</p> <p>We further recommend, that the ICWA-030 regarding notice be added as a checkbox throughout each section of the form.</p> <p>Additionally, TCA should have its own heading within this form to clarify that it is only available in juvenile dependency cases pursuant to WIC § 366.24.</p> <p>ADOPT-200.</p>	<p>Social Services on Tribal Customary Adoption and will consider additional changes to the forms for a future cycle.</p> <p>The Committee appreciates this comment and has included the ICWA forms under each type of adoption in the ADOPT-050-INFO.</p> <p>The Committee appreciates this comment. Because the ICWA-030 is not required in every adoption, but only when there is reason to know that the child is an Indian child, that form is listed in the ICWA section of the form with an explanation of its use.</p> <p>The Committee appreciates this comment and will consider it for future revisions of the form.</p>

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		<p>We recommend adding a box within #4 regarding whether the child is an Indian child, and a box for the name and contact information for the child's tribe.</p> <p>We also recommend adding a box requiring notice to the Tribe, which is required in stepparent adoptions.</p> <p>We recommend #9a be revised to reflect ICWA's requirement that the certification required by ADOPT-225 must be done in court.</p> <p>ADOPT-206 We recommend adding a #7 that asks whether the surrogate or sperm donor is an Indian person.</p> <p>ADOPT-210 We recommend adding a box regarding whether the child is an Indian child, and a box for the name and contact information for the child's tribe. #6 should reference that TCA is limited in application to dependency cases and include the case number and order affording full faith and credit to the TCA order.</p> <p>ADOPT-215 We recommend adding a box regarding whether the child is an Indian child, and a box for the name and contact information for the child's tribe, and whether the child's tribe has been noticed pursuant to ICWA. #8 addresses the placement preferences of an Indian child and whether there is good cause to deviate from those preferences.</p> <p>Under WIC §361.31 and corresponding Family Code §177, the prevailing social and cultural standards of the Indian community in which the parent or extended family</p>	<p>The Committee appreciates this comment and will consider it for future revisions of the form.</p> <p>The Committee appreciates this comment and has added Item 8c. to this effect.</p> <p>The Committee appreciates this comment and has added language to this effect to Item 9a.</p> <p>The Committee appreciates this comment and will consider it for future revisions of the form.</p> <p>The Committee appreciates this comment and will consider it for future revisions of the form.</p> <p>The Committee appreciates this comment and will consider it for future revisions of the form.</p>

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			members of an Indian child reside, or with which the parent or extended family members maintain social and cultural ties, or the prevailing social and cultural standards of the Indian child's tribe shall be applied. This is confirmed by the Indian child's tribe or a qualified expert witness as defined in WIC §224.6(c). Notice to the Indian child's tribe is required, as well as a hearing on the evidence to deviate from the placement preferences. The court must comply with the requirements of WIC §361.31. The court's order must be made on the record or in writing. #10 references TCA with instructions to attach the TCA order to the form. The California Superior Court order affording full faith and credit to the TCA order should also be attached. #14 must include the Indian child's tribe so the tribe has a record and documentation of the adoption of an Indian child.	The Committee appreciates this comment and will consider it for future revisions of the form.
13.	Family Law Division Superior Court of California, County of Orange	NI	<p>General Comments</p> <ul style="list-style-type: none"><li>▪ The proposed change to ADOPT-200 shows item 1b in italics. Is this correct? If yes, should the (s) in parent(s) also be in italics?</li></ul> <div><b>ADOPT-200 Adoption Request</b> <hr/><p>If you are adopting more than one child, fill out an adoption request for each child.</p><p>① Adopting parent(s) a. Name: _____ b. Name: _____ Relationship to child: _____</p></div> <ul style="list-style-type: none"><li>▪ 5.493. Requirement to request adoption under California law of a child born in a foreign country when the adoption is finalized in the foreign country (Fam. 1Code, §§ 8912, 8919)</li></ul>	The Committee appreciates this comment and has corrected the formatting to remove the italics in item 1b.

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			<p>Comment: The rule requires an agency filing a request on behalf of parent to submit a coversheet with blank ADOPT200 forms under section (b)(2)(A). Are these copies for conforming to be sent back to the agency? If so, why are they blank? Also, the rule does not address any actions the court should take if the agency files the request on behalf of the parents and the parents fail to move the case to finalization hearing. Does the case remain stagnant?</p> <p>Request for Specific Comments</p> <ul style="list-style-type: none"> <li>▪ Does the proposal appropriately address the stated purpose? <ul style="list-style-type: none"> <li>• Yes, the proposal eliminates gender specific language from the forms and provides options for non-binary gender preferences. It also incorporates the provisions of AB 677 and AB 1373 to further regulate Intercountry adoptions to prevent human trafficking and allows confirmation of parentage options for Stepparent adoptions required involving surrogates.</li> </ul> </li> <li>▪ Do the rule and forms accurately reflect the processes established in legislation? <ul style="list-style-type: none"> <li>• The proposed changes to existing forms and the proposed new forms accurately reflect the changes in legislation, except for proposed rule 5.493 and the change to form ADOPT-200 item 3. The rule does not address the requirement for the agency to provide a consent and joinder if they are not the party filing the petition. The changes to the form indicate a joinder must be submitted. This requirement is not addressed in FC §8919, although a consent and joinder are referenced in FC§8912. The</li> </ul> </li> </ul>	<p>CRC Rule 5.493(a)(2)(A) requires that the agency present for filing a cover sheet, the forms required to initiate the adoption request (which may be blank), and any document in the possession of the adoption agency that is required to finalize the adoption. The request must be file-stamped by the court upon receipt and the adoption agency is required to provide the file-marked copy of the adoption request to the adoptive parent(s) and to any other adoption agency involved in the adoption.</p> <p>The Committee appreciates this feedback.</p> <p>The Committee appreciates this feedback.</p>

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		<p>proposed rule could be amended to address the need for a joinder.</p> <p>③ <b>Type of adoption</b>  Check one of the following:  <input type="checkbox"/> Agency (name): _____ <input type="checkbox"/> Relative <input type="checkbox"/> Nonrelative  <input type="checkbox"/> Joinder is being filed at same time as this <i>Adoption Request</i>. <input type="checkbox"/> Joinder will be filed.  <input type="checkbox"/> Tribal customary adoption (<i>attach tribal customary adoption order</i>)  <input type="checkbox"/> Independent: <input type="checkbox"/> Relative <input type="checkbox"/> Nonrelative <input type="checkbox"/> Additional Parent(s)  <input type="checkbox"/> Intercountry (<i>name of agency</i>): _____  <input type="checkbox"/> Joinder is being filed at same time as this <i>Adoption Request</i>. <input type="checkbox"/> Joinder will be filed.</p> <ul style="list-style-type: none"> <li>▪ Would the proposal provide cost savings? If so, please quantify.</li> <li>• No, the proposal does not provide any cost savings to the court unless the amount of Stepparent adoption hearings decreases due to expanding the options to confirm parentage in the case of surrogates and gestational carriers. The savings would be limited to reducing the operating costs of conducting a hearing, but it would depend on the amount of these specific petitions received. It is unknown if the expansion of Stepparent adoptions to confirm parentage will decrease the amount of adoption hearings. The clarification of the language pertaining to ICWA inquiries on the ADOPT-050 and ADOPT-200 has the potential to reduce the number of rejected filings due to lack of service to the tribes, but it is not likely to provide a significant amount of savings to the court.</li> <li>▪ What would the implementation requirements be for courts—for example, training staff (please identify</li> </ul>	<p>The Committee appreciates this comment and does not believe that consent and joinder are required for readoption according to a plain reading of the new statutory language. Item 3 on the ADOPT-200 has been modified to clarify this understanding, by collecting information about potential joinder in a case in a separate section.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p>

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			<p>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> <ul style="list-style-type: none"><li>• The implementation requirements would be minimal to the court. Adoption procedures will need to be updated to include the possibility that Adoption Agencies may be filing petitions for Intercountry adoptions on behalf of the parents. They will also need to be updated to include the expanded opportunity for Stepparent confirmation of parentage along with the new proposed form. A process for confirmation of parentage under certain circumstances already exists, so there will not be a need for developing a new process. The procedures will also need to be updated to include the option for additional parents / waiver of termination of parental rights for Stepparent and Adult adoptions. Most of the implementation will consist of updating procedures and any training materials. Once they are updated, Clerk's Office and Courtroom staff can be advised of the changes in writing. If any training is needed regarding the changes, it should not take more than four hours. A new docket code will not need to be created for the proposed new form as it is an attachment to the petition and is not filed separately. If any hard copy adoption packets are stored and provided to the public, they will need to be replaced to include the revisions and new forms. This could impact staff in the Clerk's Office and the Self-Help Center.</li></ul>	<p>The Committee appreciates this feedback on operational impacts of the proposal.</p>

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			<ul style="list-style-type: none"> <li>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> <li>Yes, 3 months would be sufficient time to implement the changes to the forms and the time needed to update procedures and training materials.</li> <li>How well would this proposal work in courts of different sizes? The proposal should work well for courts of any size. The only impact to operations is a potential increase in Stepparent Adoptions filings to confirm parentage in the case of gestational surrogates. There are no major changes to the process in which adoptions are handled, so a court of any size should be able to implement the proposed changes.</li> </ul>	<p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p>
14.	Juvenile Court Division Superior Court of California, County of Orange	NI	<p>General Comments</p> <ul style="list-style-type: none"> <li>The proposed change to ADOPT-200 shows item 1b in italics. Is this correct? If yes, should the (s) in parent(s) also be in italics?</li> <li>5.493. Requirement to request adoption under California law of a child born in a foreign country when the adoption is finalized in the foreign country (Fam. Code §§ 8912, 8919) The rule requires an agency filing a request on behalf of parent to submit a coversheet with blank ADOPT200 forms under section (b)(2)(A). Are these copies for conforming to be sent back to the agency? If so, why are they blank? Also, the rule does not address any actions the court should take if the agency files the request on behalf of the parents and the parents fail to</li> </ul>	<p>CRC Rule 5.493(a)(2)(A) requires that the agency present for filing a cover sheet, the forms required to initiate the adoption request (which may be blank), and any document in the possession of the adoption agency that is</p>

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			<p>move the case to finalization hearing. Does the case remain stagnant?</p> <p>Request for Specific Comments</p> <ul style="list-style-type: none"><li>▪ Does the proposal appropriately address the stated purpose? Yes, the proposal eliminates gender specific language from the forms and provides options for non-binary gender preferences. It also incorporates the provisions of AB 677 and AB 1373 to further regulate Intercountry adoptions to prevent human trafficking and allows confirmation of parentage options for Stepparent adoptions required involving surrogates.</li><li>▪ Do the rule and forms accurately reflect the processes established in legislation? The proposed changes to existing forms and the proposed new forms accurately reflect the changes in legislation, except for proposed rule 5.493 and the change to form ADOPT-200 item 3. The rule does not address the requirement for the agency to provide a consent and joinder if they are not the party filing the petition. The changes to the form indicate a joinder must be submitted. This requirement is not addressed in FC §8919, although a consent and joinder is referenced in FC§8912. The proposed rule could be amended to address the need for a joinder.</li><li>▪ Would the proposal provide cost savings? If so, please quantify No, the proposal does not provide any cost savings to the court unless the amount of Stepparent adoption hearings decreases due to expanding the options to confirm parentage in the case of surrogates and gestational carriers. The savings would be limited to reducing the operating costs of conducting a hearing, but it would depend on the amount of these specific petitions received. It is unknown if the expansion of Stepparent</li></ul>	<p>required to finalize the adoption. The request must be file-stamped by the court upon receipt and the adoption agency is required to provide the file-marked copy of the adoption request to the adoptive parent(s) and to any other adoption agency involved in the adoption.</p>

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			<p>adoptions to confirm parentage will decrease the amount of adoption hearings. The clarification of the language pertaining to ICWA inquiries on the ADOPT-050 and ADOPT-200 has the potential to reduce the number of rejected filings due to lack of service to the tribes, but it is not likely to provide a significant amount of savings to the court.</p> <ul style="list-style-type: none"> <li>▪ 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?</li> </ul> <p>The implementation requirements would be minimal to the court. Adoption procedures will need to be updated to include the possibility that Adoption Agencies may be filing petitions for Intercountry adoptions on behalf of the parents. They will also need to be updated to include the expanded opportunity for Stepparent confirmation of parentage along with the new proposed form. A process for confirmation of parentage under certain circumstances already exists, so there will not be a need for developing a new process. The procedures will also need to be updated to include the option for additional parents / waiver of termination of parental rights for Stepparent and Adult adoptions. Most of the implementation will consist of updating procedures and any training materials. Once they are updated, Clerk's Office and Courtroom staff can be advised of the changes in writing. If any training is needed regarding the changes, it should not take more than four hours. A new docket code will not need to be created for the proposed new form as it is an attachment to the petition and is not filed separately. If any hard copy adoption packets are stored and provided to the</p>	<p>The Committee appreciates this feedback on operational impacts of the proposal.</p>

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			<p>public, they will need to be replaced to include the revisions and new forms. This could impact staff in the Clerk's Office and the Self-Help Center.</p> <ul style="list-style-type: none"> <li>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> </ul> <p>Three months would be sufficient time to implement the changes to the forms and the time needed to update procedures and training materials.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>The proposal should work well for courts of any size. The only impact to operations is a potential increase in Stepparent Adoptions filings to confirm parentage in the case of gestational surrogates. There are no major changes to the process in which adoptions are handled, so a court of any size should be able to implement the proposed changes.</p>	<p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p>
15.	Mike Roddy, CEO Superior Court of California, County of San Diego	NI	<p>GENERAL COMMENTS:</p> <p>Rule 5.493</p> <p>AB 677 simplified what was previously a very complicated process. We may end up having more intercountry readoptions, but each one should be easier because the same process applies to all of them.</p> <p>Rule 5.493 mostly just restates Family Code section 8919 and does not provide much in the way of helpful clarification.</p> <p>Rule 5.493(b)(1) should include a list of the required forms.</p>	<p>The Committee appreciates this feedback but opted to adhere closely to legislative language in the rule of court and provide additional details in the ADOPT-050-INFO.</p> <p>The list of required forms appears on form</p>

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			<p>Rule 5.493(b)(1)(E): student should be study</p> <p>ADOPT-050-INFO</p> <p>In each section, make it clear that an ICWA-020 form is required for each birth parent. As written, it makes it seem like only one ICWA-020 form is required.</p>	<p>ADOPT-050-INFO, in a new category for Intercounty Adoptions</p> <p>The Committee appreciates this comment and the typo has been corrected.</p> <p>The Committee appreciates this comment and has modified the proposal to recommend the following changes to this form:</p> <p>-page 1, section 1 in third column description of ICWA-020: "One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status."</p> <p>-page 2, section 1 in third column description of ICWA-020: "One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status."</p> <p>-page 3, section 1 in third column description of ICWA-020: "One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status."</p> <p>-page 4, section titled "Inquiry and Notice Under the Indian Child Welfare Act", second checkbox now reads: ...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.</p>

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			<p>Stepparent/Domestic Partner Adoptions to Confirm Parentage: AB 1373 fixed a gap in Family Code section 9000.5. It used to say that one of the partners had to give birth to the child. That made the process available to same sex female partners but technically excluded same sex male partners. That was not the legislative intent and AB 1373 fixed it by adding the part about gestational surrogacy agreements. The language in the statute says that one or both of the spouses or partners can participate in the surrogacy process; it does not have to be the adopting parent. The new second question should read, “Did the adopting parent’s spouse or partner give birth to the child, or was the child born through a gestational surrogacy process brought about by one or both of the spouses or partners?” For these adoptions, no report is required [item 3] and the hearing is optional [item 4]. If the petitioner waives the hearing, the ADOPT-210 must be signed in front of the court clerk or a notary. This information is not captured in this form.</p> <p>Intercountry Adoptions: should say to complete items 1 through 6</p> <p>ADOPT-200 Item 8: either “have attached a completed Indian Child Inquiry Attachment” or “a completed Indian Child Inquiry Attachment (form ICWA-010(A)) is attached”</p> <p>ADOPT-206 Item 5: revise to apply to gestational surrogacy process, which is different than simply using a sperm donor</p> <p>Does the proposal appropriately address the stated purpose?</p>	<p>The Committee appreciates this comment and has changed the second question to read, “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?”</p> <p>Under Item 2, the Committee has added the statement, “If there is no hearing, the ADOPT-210 must be signed in front of the court clerk or a notary.”</p> <p>The Committee appreciates this comment and has corrected this typo.</p> <p>The Committee appreciates this comment and has made this change.</p> <p>The Committee appreciates this comment and has removed references to the sperm donor process from this question.</p>

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			<p>In part. Rule 5.493 should include more detail about the process, including how the state forms are to be used.</p> <p>Do the rule and forms accurately reflect the processes established in legislation? Yes, but rule 5.493 needs more detail.</p> <p>Would the proposal provide cost savings? If so, please quantify. No.</p> <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? Train the adoption clerks and family law facilitators. Update packets with new forms.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final version of the forms are provided to the courts at least 30 days prior to the effective date. This will give courts sufficient time to update procedures.</p> <p>How well would this proposal work in courts of different sizes? It appears that the proposal will work for courts of various sizes.</p>	<p>The Committee appreciates this feedback but opted to adhere closely to legislative language in the rule of court and provide additional details in the ADOPT-050-INFO.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this feedback on operational impacts of the proposal.</p>
16.	Trial Court Presiding Judges Advisory Committee/Court Executive Advisory	AM	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p>	

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	Committee--Joint Rules Subcommittee		<ul style="list-style-type: none"><li>• Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.)? o Rule and forms will require the addition of a new event, hearing and forms identification along with mapping across work queues, notice generation and other management system functions. There is cost in configuration and time required for testing, training and implementation.</li><li>• Results in additional training, which requires the commitment of staff time and court resources. o This addition will require training in the clerk's office and courtroom. Procedures will be drafted, and clerks trained to input new filings correctly. Specific notice required by the new rule will require training and additional time to task. Minutes macros for courtroom clerks will need to be drafted, tested and trained to prior to implementation. Postage, copies will be of undetermined cost.</li><li>• Increases court staff workload.</li></ul> <p>Suggested modification(s): Suggest a change in wording at 5.493(b)(1)(E) from "student" to "study".</p>	<p>The Committee appreciates this feedback on operational impacts of the proposal.</p> <p>The Committee appreciates this comment and this typo has been corrected.</p>
17	Deborah Wald Certified Family Law Specialist The Wald Law Group San Francisco, CA	NI	When only one member of a married couple is adopting a child, the adopting parent's spouse's consent is required. (See Family Code section 8603.) On the Adopt-210 Adoption Agreement form, there is a place (4(b)) for the consenting spouse *who is not also adopting the child* to sign. This is different from the consent required in a stepparent adoption, which appears on the Adopt-210 at #7. Many courts throughout the state are confused about this, and are requiring the spouse retaining parental rights in a stepparent adoption to sign at BOTH 4(b) and 7. This is a misunderstanding of the	

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			<p>purpose of 4(b), and we would appreciate if that could be clarified on the next iteration of the form.</p> <p>*The last effort at clarification, “I am not a party to this adoption” has not been successful. I think we might need to specifically reference Family Code section 8603. I propose adding something along the lines of “Not for use in stepparent adoptions. Use paragraph 7 below instead. (Family Code section 8603.)” to the AD-210, in italics immediately preceding the current language, comparable to the italicized “For stepparent adoptions only” language at paragraph 7.</p>	<p>The Committee appreciates this comment and has modified Item 4 of the ADOPT-210 to read as follows: <i>If there is only <b>one</b> adopting parent and that person is married and not separated, the consent of their spouse is required under section 8603 of the Family Code. Read and sign below. Stepparent adoptions: Go to Item 7.</i></p>

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