



Judicial Council of California

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Subject Text

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Title

Rules and Forms | Family and Juvenile Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions (Action Required)

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.
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. Both the gender identification question and the item addressing responsibilities under ICWA on form ADOPT-200 are proposed for revision.