

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR17-17__

Title	Action Requested
Family Law & Juvenile Law: Stepparent Adoption and Contact After Adoption Revisions and Amendments	Review and submit comments by April 28, 2017
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend California Rules of Court, rule 5.451; revise forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325	January 1, 2018
Proposed by	Contact
Family and Juvenile Law Advisory Committee, Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Chris Cleary, 415-865-8792, christine.cleary@jud.ca.gov ; Kyanna Williams, 415-865-7911, kyanna.williams@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending rule 5.451 of the California Rules of Court and revising five Judicial Council forms for use in adoption proceedings.¹ Changes are needed to conform to new legislation, Senate Bill 1060, relating to postadoption contact by siblings of dependent children or youth in delinquency; and Assembly Bill 2872, relating to stepparent adoptions. Other proposed changes correct inaccuracies and outdated material in the forms, which have not been updated since 2003.

Background

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

¹ There is, as part of the proposal titled Juvenile Law: Title IV-E Findings & Orders, a proposed revision of two Judicial Council findings and orders forms used after termination of parental rights when there is a permanent plan of adoption or another plan; these revisions also respond to the postadoption contact requirements in Senate Bill 1060.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

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

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

Form ADOPT-200 was last revised in January 2016 to conform to new statutory requirements under AB 2344, the Modern Family Act, and SB 274. The Modern Family Act expedited adoptions for nonbiological parents. SB 274 amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. To conform to these new requirements, items 3, 11, 12, and 13 on form ADOPT-200 were revised to conform to these new statutory provisions.

The ADOPT-300 series related to postadoption contact has not been revised since it was first adopted in 2003. In addition to updating the forms and conforming them to the requirements of SB 1060, the committee is proposing changes to the form ADOPT-310 "Notice" to users, which was included in the original form approved in 2003 in response to legislation.² The council's attention to plain language in rules and forms began in 2003, and the form ADOPT-310 original notice may have been drafted in plain language to be more understandable to self-represented court users. The committee proposes the revised notice language on the attached form ADOPT-310, which more thoroughly tracks the notice in the legislation while trying to use a plain language approach.

The Proposal

The proposal would:

1. Amend California Rules of Court, rule 5.451, Contact after adoption agreement, to comply with Senate Bill 1060 (Stats. 2016, ch 719), which addresses postadoption contact;

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

2. Revise form ADOPT-200, *Adoption Request*, to comply with Assembly Bill 2872 (Stats. 2016, ch. 702), which addresses the investigation required as part of a stepparent adoption; and
3. Revise forms ADOPT-310, *Contact After Adoption Agreement*; ADOPT-315, *Request to: Enforce, Change, End Contact After Adoption Agreement*; ADOPT-320, *Answer to Request to: Enforce, Change, End Contact After Adoption Agreement*; and ADOPT-325, *Judge's Order to: Enforce, Change, End Contact After Adoption* to facilitate contact with a child after adoption.

Rule 5.451 encourages, where appropriate, postadoption and other permanent plan contact by siblings of dependent children or youth in the delinquency system. Form ADOPT-200 addresses the investigation required as part of a stepparent adoption which may be, at the request of the adoption petitioner, completed by a licensed social worker or therapist or a private adoption agency, in which case the petitioner is not required to pay any investigation fees to the court. That request must be made in writing at the time form ADOPT-200 is filed. It also provides that if the petitioner does not request that a licensed social worker, or therapist, or a private adoption agency complete the investigation, the court may collect an investigation fee and assign a probation officer, court investigator, or, if so authorized by the county board of supervisors, the county welfare department to complete the investigation. Forms ADOPT-310, ADOPT-315, ADOPT-320, and ADOPT-325 facilitate contact with a child after adoption by birth parents, siblings, other relatives, or with an Indian tribe in an Indian Child Welfare Act (ICWA) case.

The text of the amended rule and the revised forms are attached at pages 5–17.

Rationale for Proposal

The amendment to California Rules of Court, Rule 5.451 is necessary to comply with Assembly Bill 2872 (Stats. 2016, ch. 702), which addresses the investigation required as part of a stepparent adoption. Revisions to form ADOPT-200 are necessary to comply with Assembly Bill 2872 (Stats. 2016, ch. 702), which addresses the investigation required as part of a stepparent adoption. Revisions to forms ADOPT-310, ADOPT-315, ADOPT-320, and ADOPT-325 are necessary to facilitate contact with a child after adoption. Additional revisions are proposed for the contact after adoption forms, which have not been updated since 2003. These changes are necessary to make the contact after adoption forms fully compliant with existing statutes and to improve their readability and ease of use.

Alternatives Considered

There were no appropriate alternatives to revising forms ADOPT-200, ADOPT-310, and ADOPT-315 because the new legislation made them inaccurate. The revisions were necessary to comply with legislative intent. And, it seemed appropriate to do necessary updating to forms ADOPT-320 and ADOPT-325, which were in the same family of contact-after-adoption forms and had not been revised since 2003.

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

Implementation Requirements, Costs, and Operational Impacts

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

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are the proposed changes to the “Notice” in form ADOPT-310 written in a way that would be understandable to a typical self-represented court user? (Note: like many Californians, self-represented litigants often read at a 6th grade level or lower.)

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Do you have local rules that would be affected by these changes?
- Would the proposal provide cost savings? If so, please quantify.
- 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.
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.451, at page 5
2. Judicial Council forms ADOPT-200, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325, at pages 6–17
3. Attachment A: SB 1060 (Stats. 2016, ch. 719),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2872
4. Attachment B: AB 2872 (Stats. 2016, ch. 702),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1060

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

1 **Rule 5.451. Contact after adoption agreement**

2

3 (a) * * *

4

5 (b) **Contact after adoption agreement**

6

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

14

15 (c)–(k) * * *

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

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

a. _____

b. _____

Relationship to child: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____

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

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

Where the adopting parent(s) reside;

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

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

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

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

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

Where the child was freed for adoption.

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

③ Type of adoption (*check one*):

Agency (*name*): _____

Relative Nonrelative

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

Tribal customary adoption (*attach tribal customary adoption order*)

Independent

Relative Nonrelative Additional Parent(s)

Intercountry (*name of agency*): _____

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

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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

Hearing is set for:

Hearing Date → Date: _____

Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

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



Your name: _____

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

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

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

- 6** Does the child have a legal guardian? Yes No
 (If yes, attach a copy of the Letters of Guardianship and fill out below):
- a. Date guardianship ordered: _____
 - b. County: _____
 - c. Case number: _____

- 7** Is the child a dependent of the court? Yes No
 (If yes, fill out below):
- Juvenile case number: _____
 County: _____

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

- 9** Names of birth parents, if known:
- a. Mother: _____
 - b. Father: _____

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



Your name: _____

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

11) If this is an independent adoption:

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

12) If this is a stepparent adoption:

- a. The birth parent *(name)*: _____ has signed a consent will sign a consent
- b. The birth parent *(name)*: _____ has signed a consent will sign a consent
- c. The adopting parents were married on **or** The domestic partnership was registered on *(date)*: _____ *(For court use only. This does not affect social worker’s recommendation. There is no waiting period.)*
- d. I am seeking a stepparent adoption to confirm my parentage. At the time the child was born, I was married to or in a state-registered domestic partnership with the parent who gave birth and we remain in that union. see attached Form ADOPT-205 or Declaration describing the circumstances of the child’s conception
- e. I choose to have the investigation or written report completed by a licensed clinical social worker, a licensed marriage and family therapist, or a private licensed adoption agency.

Note: If you do not elect to set up the investigation yourself, the court may collect an investigation fee from you and assign an investigator.

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

14) Contact after adoption

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

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

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



Your name: _____

- (2) The parent has voluntarily surrendered the right to custody and control of the child in a judicial proceeding in another jurisdiction, under a law of that jurisdiction providing for the surrender.
- (3) The parent has deserted the child without providing information to identify the child.
- (4) The parent has relinquished the child under Family Code section 8700.
- (5) The parent has relinquished the child for adoption to a licensed or authorized child-placing agency in another jurisdiction.

b. A court ended the parental rights of:

Name: _____ Relationship to child: _____ on (date): _____
 Name: _____ Relationship to child: _____ on (date): _____
 (Enter the date of the court order ending parental rights and attach a copy of the order.)

c. The child is the subject of a tribal customary adoption order under Welfare and Institutions Code section 366.24, which has modified the parental rights of:

Name: _____ Relationship to child: _____ on (date): _____
 Name: _____ Relationship to child: _____ on (date): _____
 Name: _____ Relationship to child: _____ on (date): _____
 (Attach a copy of the order.)

d. I/We will ask the court to end the parental rights of (attach copy of Petition to Terminate Parental Rights or Application for Freedom From Parental Custody, if filed):

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

e. Adopting parent has custody of the child by court order or by agreement with the other parent, and each of the following persons with parental rights has not contacted the child and has not paid for the child’s care, support, and education for one year or more when able to do so. (Fam. Code, § 8604(b).)

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

f. The child has been abandoned as follows:

- (1) The child has been left by the child’s parent or parents with no way to identify the child.
- (2) The child has been left in the custody of another person by both parents or the sole parent for six months without providing for the child’s support, or without communication from the parent or parents, with the intent to abandon the child.
- (3) One parent has left the child in the care and custody of the other parent for one year or longer without providing for the child’s support or without communication from the parent, with the intent to abandon the child.

(If any of the above boxes is checked, adopting parent must also check item 15(d) and file an Application for Freedom from Parental Custody. See Fam. Code, § 7822(a).)

g. The consent of the presumed father is not required because he did not become a presumed father before the mother’s relinquishment or consent became irrevocable or the mother’s parental rights were terminated. (Fam. Code, § 8604(a).)



Your name: _____

Case Number: _____

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

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

16 Suitability for adoption

Each adopting parent:

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


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

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


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


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

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

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

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

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

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

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

ADOPT-310

Contact After Adoption Agreement

Original Change

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Your name(s):

a. _____

b. _____

Relationship to child: _____

Your address (skip this if you have a lawyer):

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

2 Information about the child:

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

b. Date of birth: _____ Age: _____

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

If yes, Juvenile Court and Juvenile Case number:

County: _____ Case #: _____

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

Name of child's lawyer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ State Bar #: _____

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

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

Type of Contact (circle all that apply):

Telephone Letter Visits
 Share Info E-mail Other*

Name	Relationship to Child						
a.							
b.							
c.							
d.							
e.							
f.							
g.							

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

Number of pages attached: _____



Your name: _____

4 If you have a signed, written agreement about Contact After Adoption, attach a copy.

Number of pages attached: _____

5 The parties have discussed the reasons for continued contact between the child and the specified relatives or other parties, considering the best interests of the child.

Notice

- 1. After the judge signs the Adoption Request for this child, the adoption is final, even if anyone who signed this agreement does not follow it.
- 2. The adoption will still be final even if the people who signed this agreement change their minds, go to court to enforce the agreement, or have other problems with it.
- 3. Before this agreement can be changed by the court, all of the people who signed it have to try to fix any problems with it through a dispute resolution program, like mediation.
- 4. When the adopted child turns 18, he or she can cancel any part of this agreement.

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

Date: _____ Type or print your name and relationship to child Sign your name

Date: _____ Type or print your name and relationship to child Sign your name

Date: _____ Type or print your name and relationship to child Sign your name

Date: _____ Type or print your name and relationship to child Sign your name

Date: _____ Type or print your name and relationship to child Sign your name

Date: _____ Type or print your name and relationship to child Sign your name

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

Number of pages attached: _____

Date: _____ Judge (or Judicial Officer)

ADOPT-315

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

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Your name(s):

a. _____

b. _____

Relationship to child: _____

Your address (skip this if you have a lawyer):

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

2 Child's name (if known):

Child's adopted name (if known): _____

Date of birth: _____ Age: _____

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

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

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

Name/Relationship to child:

a. _____

b. _____

c. _____

d. _____

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

- The adoption of the child named in 2 is still valid.
- The adoption can never be canceled or changed.
- If you disagree with this form, you must file ADOPT-320 within 30 days after receiving this form.



Your name: _____

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

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

Check below, if true:

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

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

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

I/We have tried to resolve these issues by using a dispute resolution program, like mediation.

8 Check on of the boxes below:

I/We ask the court to:

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

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce310" at the top.

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

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce310" at the top.

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

If you need more space, attach a sheet of paper and write "ADOPT-315, Item 8—Enforce310" at the top.

Number of pages attached: _____

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

Date: _____
Type or print your name and relationship to child

Sign your name

Date: _____
Type or print your name and relationship to child

Sign your name

ADOPT-320

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

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 This is my answer to the request to (check one):

- Enforce Change End

an existing Contact After Adoption Agreement.

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

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

2 Your name(s):

a. _____

b. _____

Relationship to child: _____

Your address (skip this if you have a lawyer):

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: _____

Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

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

Date of birth: _____ Age: _____

Date of adoption (if you know): _____

4 Check all that apply:

a. I agree with the requests listed in ADOPT-315 and think the requests are in the child's best interests.

b. I do not agree with the requests in ADOPT-315 because:

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

Number of pages attached: _____

c. I/We have NOT tried to resolve these issues by using a dispute resolution program, like mediation.

Date: _____

Type or print your name and relationship to child

Sign your name

Date: _____

Type or print your name and relationship to child

Sign your name

ADOPT-325

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

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

1 Your name(s) (person(s) who asked for this order):
a. _____
b. _____
Your address (skip this if you have a lawyer):
Street: _____
City: _____ State: _____ Zip: _____
Your phone #: _____
Your lawyer (if you have one): (Name, address, phone #, and State Bar #):

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 Adopted child's name:
Date of birth: _____ Age: _____

3 People present in court today (date): _____ in:
Dept.: _____ Div.: _____ Rm.: _____
Judge: _____
 Adopting parent(s) Lawyer for adopting parent(s) Child Child's lawyer
 Parent keeping parental rights (stepparent/domestic partner):
 Other people present (list name and relationship to child):
a. _____ c. _____
b. _____ d. _____
 Not present:

Judge will fill out section below.

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

5 **Enforcement**
The judge finds and orders:
a. The Contact After Adoption Agreement is a legally enforceable agreement.
b. The Contact After Adoption Agreement is not enforced because:
(1) The person who asked the judge to enforce the Agreement has not tried to solve the problem using mediation or similar method.
(2) Enforcing the agreement is not in the child's best interests.
(3) Other: _____



Judge will fill out section below.

- 6** **Change or End the Agreement**
- a. The judge **approves** the request to change end the Contact After Adoption Agreement because:
- (1) All people involved, including the child (if 12 or older), agreed in writing to the requests listed in ADOPT-315
 - (2) It is in the best **interests** of the child
 - (3) There have been important changes since the original agreement was approved *and*
 - (4) The applicant has participated, or tried to participate, in an appropriate method to resolve the problem outside of court.
- b. The judge **does not approve** the request to change end the contact After Adoption Agreement because:
- (1) It is not in the best interest of the child
 - (2) No important changes have happened since the original agreement was approved
 - (3) The applicant has not participated, nor tried to participate, in an appropriate method to resolve the problem outside of court.
- c. The judge **approves** the request to change end the Contact After Adoption Agreement as amended. A new ADOPT-310 will be filed.

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

Date: _____

Judge (or Judicial Officer)