



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR23-18

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<b>Title</b>	<b>Action Requested</b>
Family and Juvenile Law: Implementation of Assembly Bill 2495	Review and submit comments by May 12, 2023
<b>Proposed Rules, Forms, Standards, or Statutes</b>	<b>Proposed Effective Date</b>
Amend Cal. Rules of Court, rule 5.451; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, and ADOPT-310	January 1, 2024
<b>Proposed by</b>	<b>Contact</b>
Family and Juvenile Law Advisory Committee Hon. Stephanie E. Hulseley, Cochair Hon. Amy M. Pellman, Cochair	Diana B. Glick, 916-643-7012 <a href="mailto:diana.glick@jud.ca.gov">diana.glick@jud.ca.gov</a>

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### Executive Summary and Origin

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

### Background

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

1. Agency Adoptions (Fam. Code, § 8700 et seq.), including Relative Caregiver/Foster Parent Adoptions and Agency Joinder Adoptions (Fam. Code, §§ 8714.5, 8730–8736)
2. Independent Adoptions (Fam. Code, § 8800 et seq.)

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

3. Intercountry (International) Adoptions (Fam. Code, § 8900 et seq.)
4. Stepparent Adoptions (Fam. Code, § 9000 et seq.), including Stepparent Adoptions to Confirm Parentage (Fam. Code, § 9000.5)

Assembly Bill 2495 made statutory changes affecting a variety of processes and procedures related to each of these types of adoptions. The following changes are those that affect the contents of the California Rules of Court and Judicial Council forms.

### **Venue for the filing of an adoption request**

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

### **Postadoption contact agreements, filing requirements, and authorized relatives**

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

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

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

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

## **The Proposal**

The committee proposes amendments and revisions to rule 5.451 and to ADOPT forms based on statutory changes. The committee further proposes technical and nonsubstantive revisions to respond to concerns expressed by courts and stakeholders and to correct an erroneous code citation.

### **Rule 5.451**

This rule of court was originally adopted in 1998 as a description of the process related to "kinship adoption agreements" and postadoption contact agreements that were authorized only in relative agency adoptions. In 1998, access to statutory materials via electronic devices and online

resources was far less available to judicial officers and the public than at present. To ensure that courts and the public had comprehensive information about the requirements in these situations, the original drafters of the rules paraphrased or directly included extensive sections of the relevant underlying statutes in the rules.

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

This change in the information infrastructure for courts warrants a reexamination of the role of the rules of court in these proceedings. The committee therefore proposes to delete those provisions of the rule that restate statutory text and to retain those sections of the rule that provide court operations information and guidance. These changes would streamline the rule and reduce the frequency with which the rule needs to be amended to reflect changes in the statutory text.

Specifically, the committee proposes the following amendments to the rule:

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

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

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

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

In addition, the committee proposes the following technical revisions, most to conform to Judicial Council form style:

- Throughout the document, remove underlining of section headers.
- On page 1, first paragraph, update the name of the California Courts self-help web resource.
- On page 1 footer, add a citation to the Family Code.
- On page 2, substitute the word “form” for “the” immediately before “ADOPT-210.”
- On page 2, include the full title of the Family Code in the reference to section 8617(b).
- On page 4, text assigned to first check box, correct apostrophe in “child’s.”

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

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

In item 5, the committee proposes to add intercountry adoptions to the list of adoptions for which the child’s name before adoption must be listed on the request. In order to make this information fit, the committee proposes to reword the instructions slightly and remove capitalization.

To address concerns about the explanation of the required steps in a stepparent adoption to confirm parentage, the committee proposes to add a check box option to item 12e. The new option would read, “This is an adoption to confirm parentage. Investigation not required unless ordered by court for good cause.”

The committee proposes the following additional revisions to this form to conform to Judicial Council form style, unless noted otherwise:

- In item 1, change “e-mail” to “email.”
- In items 11d and 12f, the first check box options in each item will be reworded for plain language.

- In item 12e, the first check box option will be reworded for clarity and plain language.
- The full title of the Family Code will be substituted for the abbreviated instances.
- The titles of codes cited in the form’s footer will be abbreviated.

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

Assembly Bill 2495 requires the name of the child before adoption to be listed on the adoption order for the following types of adoptions: nonrelative agency, independent, intercountry, and stepparent adoption. The one exception to this rule is for an adoption of a dependent child by a relative filed pursuant to Family Code section 8714.5, which states that the child’s name before adoption should only be listed on the order upon request by the adopting relative, or by the minor child, if that child is 12 years of age or older. Therefore, the committee proposes adding a field to item 2 to collect this information, with a statement immediately below describing the exception.

The committee also proposes the following revisions to conform to Judicial Council style, except as noted:

- In item 1, change “e-mail” to “email.”
- In item 4, add a check box option next to the instructions for an attachment and revise the instructions to conform to the standard language for attachments.
- The full title of the Family Code will be substituted for the abbreviated instances in the text.
- The titles of codes cited in the form’s footer will be abbreviated.

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

With the enactment of Senate Bill 182 (Stats. 2003, ch. 251), the provision of the Family Code governing and describing procedures for postadoption contact agreements was renumbered from 8714.7 to 8616.5. The committee proposes to update the reference to this code section that appears in item 2d and to provide the full name of the Family Code in the citation.

In addition, the committee proposes to reconfigure the table in item 3, which collects information about the types of postadoption contact that have been agreed on by the parties. Currently, the table cannot be used when the form is filled out online and is not screen-reader accessible.

The committee proposes to abbreviate the names of codes cited in the footer of this form.

**Alternatives Considered**

The committee is developing a proposal to reorganize and redesign the ADOPT forms, to be brought forward in the winter 2023-2024 cycle. The reorganization effort will potentially result in a streamlined form ADOPT-200, which solicits information applicable to all types of adoptions, and the development of attachments corresponding to the various types of adoptions, which will each solicit information relative only to that specific type of adoption. Consideration was given to incorporating items in the current proposal into this larger effort; however, it was

determined that because AB 2495 took effect on January 1, 2023, the committee needed to act quickly to make the forms and rules of court consistent with the law.

## **Fiscal and Operational Impacts**

The substantive changes to the forms are minimal and should not require extensive education and retraining. Courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms. Because there are revisions to forms ADOPT-050-INFO, ADOPT-200, and ADOPT-215, which have been translated into Spanish and other languages, the Judicial Council will incur costs in updating these translated versions should the forms ultimately be revised by the Judicial Council.

### **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?
- As noted in the Alternatives Considered section, the committee is planning a larger proposal to reorganize the forms in the ADOPT series. The committee welcomes early feedback and comments regarding a redesign of the ADOPT-200 form, to possibly include attachments corresponding with specific types of adoption. The committee requests that these comments be provided separately from comments about the specific changes proposed above. These comments will inform a future proposal and will not be addressed in the proposal for changes that go into effect January 1, 2024.

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

- 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 3 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, rule 5.451, at pages 7–12
2. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-215, and ADOPT-310, at pages 13–26
3. Link A: Assem. Bill 2495,  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB2495](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2495)

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

1 **Title 5. Family and Juvenile Rules**

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

4  
5 **Chapter 1. Contact and Coordination**

6  
7 **Rule 5.451. Contact after adoption agreement**

8  
9 **(a) Applicability of rule**

10  
11 This rule applies to any adoption of a child filed under Family Code section 8714,  
12 8714.5, 8802, 8910, or 9000. ~~The adoption petition must be filed under Family~~  
13 ~~Code sections 8714 and 8714.5. If the child is a dependent of the juvenile court, the~~  
14 ~~adoption petition may be filed in that juvenile court and the clerk must open a~~  
15 ~~confidential adoption file for the child, and this file must be separate and apart from~~  
16 ~~the dependency file, with an adoption case number different from the dependency~~  
17 ~~case number. For the purposes of this rule, a “relative” is defined as follows:~~

- 18  
19 (1) ~~An adult related to the child or the child’s sibling or half sibling by blood or~~  
20 ~~affinity, including a relative whose status is preceded by the word “step,”~~  
21 ~~“great,” “great great,” or “grand”;~~ or  
22  
23 (2) ~~The spouse or domestic partner of any of the persons described in (1) even if~~  
24 ~~the marriage or domestic partnership was terminated by dissolution or the~~  
25 ~~death of the spouse related to the child.~~

26  
27 **~~(b) Contact after adoption agreement~~**

28  
29 ~~An adoptive parent or parents; a birth relative or relatives, including a birth parent~~  
30 ~~or parents or any siblings of a child who is the subject of an adoption petition; or an~~  
31 ~~Indian tribe that the child is a member of and the child may enter into a written~~  
32 ~~agreement permitting postadoption contact between the child and birth relatives,~~  
33 ~~including the birth parent or parents or any siblings, or an Indian tribe. No~~  
34 ~~prospective adoptive parent or birth relative may be required by court order to enter~~  
35 ~~into a contact after adoption agreement.~~

36  
37 **~~(e)(b) Court approval; time of decree~~ Preparing the agreement**

38  
39 Any agreement must be prepared and submitted on *Contact After Adoption*  
40 *Agreement* (form ADOPT-310) and include all terms required under section  
41 8616.5.  
42

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

1 If, at the time the adoption petition is granted, the court finds that the agreement is  
2 in the best interest of the child, the court may enter the decree of adoption and grant  
3 postadoption contact as reflected in the approved agreement.  
4

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

7  
8 (1) The court that grants the petition for adoption and approves the contact after  
9 adoption agreement must retain jurisdiction over the agreement.

10  
11 (2) Any petition for enforcement of an agreement must be filed on *Request to:*  
12 *Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-  
13 315).

14  
15 (3) Any petition for modification or termination of an agreement must be filed on  
16 *Request to: Enforce, Change, End Contact After Adoption Agreement* (form  
17 ADOPT-315).

18  
19 The terms of the agreement are limited to the following, although they need not  
20 include all permitted terms:

21  
22 (1) — Provisions for visitation between the child and a birth parent or parents;

23  
24 (2) — Provisions for visitation between the child and other identified birth relatives,  
25 including siblings or half-siblings of the child;

26  
27 (3) — Provisions for contact between the child and a birth parent or parents;

28  
29 (4) — Provisions for contact between the child and other identified birth relatives,  
30 including siblings or half-siblings of the child;

31  
32 (5) — Provisions for contact between the adoptive parent or parents and a birth  
33 parent or parents;

34  
35 (6) — Provisions for contact between the adoptive parent or parents and other  
36 identified birth relatives, including siblings or half-siblings of the child;

37  
38 (7) — Provisions for the sharing of information about the child with a birth parent  
39 or parents;

40  
41 (8) — Provisions for the sharing of information about the child with other identified  
42 birth relatives, including siblings or half-siblings of the child; and



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

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~~(9) — The terms of any contact after adoption agreement entered into under a petition filed under Family Code section 8714 must be limited to the sharing of information about the child unless the child has an existing relationship with the birth relative.~~

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

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

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

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

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

**~~(f)~~ Form and provisions of the agreement**

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

**~~(g)~~ Report to the court**

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

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

1 **(h) — Enforcement of the agreement**

2  
3 The court that grants the petition for adoption and approves the contact after  
4 adoption agreement must retain jurisdiction over the agreement.

5  
6 (1) — Any petition for enforcement of an agreement must be filed on *Request to:*  
7 *Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-  
8 315). The form must not be accepted for filing unless completed in full, with  
9 documentary evidence attached of participation in, or attempts to participate  
10 in, mediation or other dispute resolution.

11  
12 (2) — The court may make its determination on the petition without testimony or an  
13 evidentiary hearing and may rely solely on documentary evidence or offers of  
14 proof. The court may order compliance with the agreement only if:

15  
16 (A) — There is sufficient evidence of good faith attempts to resolve the issues  
17 through mediation or other dispute resolution; and

18  
19 (B) — The court finds enforcement is in the best interest of the child.

20  
21 (3) — The court must not order investigation or evaluation of the issues raised in the  
22 petition unless the court finds by clear and convincing evidence that:

23  
24 (A) — The best interest of the child may be protected or advanced only by  
25 such inquiry; and

26  
27 (B) — The inquiry will not disturb the stability of the child's home to the  
28 child's detriment.

29  
30 (4) — Monetary damages must not be ordered.

31  
32 **(i) — Modification or termination of agreement**

33  
34 The agreement may be modified or terminated by the court. Any petition for  
35 modification or termination of an agreement must be filed on *Request to: Enforce,*  
36 *Change, End Contact After Adoption Agreement* (form ADOPT-315). The form  
37 must not be accepted for filing unless completed in full, with documentary  
38 evidence attached of participation in, or attempts to participate in, mediation or  
39 other appropriate dispute resolution.

40  
41 (1) — The agreement may be terminated or modified only if:  
42

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

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

6  
7           (B) ~~The court finds all of the following:~~

8  
9           (i) ~~The termination or modification is necessary to serve the best~~  
10           ~~interest of the child;~~

11  
12           (ii) ~~There has been a substantial change of circumstances since the~~  
13           ~~original agreement was approved; and~~

14  
15           (iii) ~~The petitioner has participated in, or has attempted to participate~~  
16           ~~in, mediation or appropriate dispute resolution.~~

17  
18           (2) ~~The court may make its determination without testimony or evidentiary~~  
19           ~~hearing and may rely solely on documentary evidence or offers of proof.~~

20  
21           (3) ~~The court may order modification or termination without a hearing if all~~  
22           ~~parties, including the child of 12 years or older, have signed the petition or~~  
23           ~~have indicated on the *Answer to Request to: Enforce, Change, End Contact*~~  
24           ~~*After Adoption Agreement* (form ADOPT-320) their consent or have executed~~  
25           ~~a modified agreement filed with the petition.~~

26  
27           (j) ~~Costs and fees~~

28  
29           ~~The fee for filing a *Request to: Enforce, Change, End Contact After Adoption*~~  
30           ~~*Agreement* (form ADOPT-315) must not exceed the fee assessed for the filing of an~~  
31           ~~adoption petition. Costs and fees for mediation or other appropriate dispute~~  
32           ~~resolution must be assumed by each party, with the exception of the child. All costs~~  
33           ~~and fees of litigation, including any court-ordered investigation or evaluation, must~~  
34           ~~be charged to the petitioner unless the court finds that a party other than the child~~  
35           ~~has failed, without good cause, to comply with the approved agreement; all costs~~  
36           ~~and fees must then be charged to that party.~~

37  
38           (k) ~~Adoption final~~

39  
40           ~~Once a decree of adoption has been entered, the court may not set aside the decree,~~  
41           ~~rescind any relinquishment, modify or set aside any order terminating parental~~  
42           ~~rights, or modify or set aside any other orders related to the granting of the~~

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

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

DRAFT

**General Information on Adoptions**

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

If you answered yes to **both** questions, complete the items below for a **stepparent adoption to confirm parentage**.

**1 Fill out court forms**

- |                                      |   |  |
|--------------------------------------|---|--|
| <input type="checkbox"/> ADOPT-200   | <i>Adoption Request</i>                       | This tells the judge about you and the child you are adopting.   |
| <input type="checkbox"/> ADOPT-210   | <i>Adoption Agreement</i>                     | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| <input type="checkbox"/> ADOPT-215   | <i>Adoption Order</i>                         | The judge signs this form if your adoption is approved.  |
| <input type="checkbox"/> ICWA-010(A) | <i>Indian Child Inquiry Attachment</i>        | This lets the judge know that you have asked whether the child may be an Indian child.   |
| <input type="checkbox"/> ICWA-020    | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child’s parents have been asked about potential Indian status.                       |

Additional Forms for Stepparent Adoption to Confirm Parentage

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> ADOPT-205 (or an equivalent declaration) | <i>Declaration Confirming Parentage in Stepparent Adoption</i>                        | This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage. See above for more information on this type of adoption. Both the birth parent and the adopting parent must complete a separate declaration.   |
| -OR-  |   |  |
| <input type="checkbox"/> ADOPT-206 (or an equivalent declaration) | <i>Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy</i> | This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage because the child was conceived through a gestational surrogate and was born outside of California, and the state where the child was born only allowed one intended parent to be named as a legal parent on the child’s birth certificate. |



**2 Take your forms to court**

Take the completed forms to the court clerk in the county where you live. The court will charge a filing fee. Or take the forms to your lawyer or adoption agency, if you are using one. If there is no hearing, form ADOPT-210 must be signed in front of the court clerk or a notary.

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

**3 The social worker writes a report**

In most adoptions, a social worker writes a report. This report gives important information to the judge about the adopting parents and the child. The social worker will ask you questions. You may have to fill out forms. You may be required to pay a fee for this report. The social worker will file the report with the court and send you a copy. When you get the report, ask the clerk for a date for your adoption hearing.

**4 Go to court on the date of your hearing**

Bring:  The child you are adopting  Form ADOPT-210  Form ADOPT-215  
 A camera, if you want a photo of you and your child with the judge (*optional*)  Friends/relatives (*optional*)

**Independent or Agency Adoptions in the United States**

If this is an independent or agency adoption in the United States, complete items 1 through 4 below.

Note: The rights of the existing parents usually terminate with adoptions. In an independent adoption, if the existing and adopting parents agree, the rights of the existing parent(s) do not have to be terminated. See Family Code section 8617(b).

**1 Fill out court forms**

- |                                       |   |  |
|---------------------------------------|---|--|
| <input type="checkbox"/> ADOPT-200    | <i>Adoption Request</i>                       | This tells the judge about you and the child you are adopting.   |
| <input type="checkbox"/> ADOPT-210    | <i>Adoption Agreement</i>                     | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| <input type="checkbox"/> ADOPT-215    | <i>Adoption Order</i>                         | The judge signs this form if your adoption is approved.  |
| <input type="checkbox"/> ADOPT-230    | <i>Adoption Expenses</i>                      | This lets the judge know what payments were made that relate to the child you are adopting.  |
| <input type="checkbox"/> ICWA-010(A)* | <i>Indian Child Inquiry Attachment</i>        | This lets the judge know that the required questions have been asked to determine whether the child may be an Indian child.                          |
| <input type="checkbox"/> ICWA-020*    | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status.                       |

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

**2 Take your forms to court**

Take the completed forms to the court clerk in the county where you live. The court will charge a filing fee. Or take the forms to your lawyer or adoption agency, if you are using one.

**3 The social worker writes a report**

In most adoptions, a social worker writes a report. This report gives important information to the judge about the adopting parents and the child. The social worker will ask you questions. You may have to fill out forms. You may be required to pay a fee for this report. The social worker will file the report with the court and send you a copy. When you get the report, ask the clerk for a date for your adoption hearing.

**4 Go to court on the date of your hearing**

Bring:  The child you are adopting  Form ADOPT-210  Form ADOPT-215  Form ADOPT-230  
 A camera, if you want a photo of you and your child with the judge (*optional*)  Friends/relatives (*optional*)



## Intercountry Adoptions

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

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

### 1 Fill out court forms

- |                          |             |   |  |
|--------------------------|-------------|---|--|
| <input type="checkbox"/> | ADOPT-200   | <i>Adoption Request</i>                       | This tells the judge about you and the child you are adopting.   |
| <input type="checkbox"/> | ADOPT-210   | <i>Adoption Agreement</i>                     | This tells the judge that you and the child, if over 12, agree to the adoption. Fill it out, but do not sign it until the judge asks you to sign it. |
| <input type="checkbox"/> | ADOPT-215   | <i>Adoption Order</i>                         | The judge signs this form if your adoption is approved.  |
| <input type="checkbox"/> | ADOPT-230   | <i>Adoption Expenses</i>                      | This lets the judge know what payments were made that relate to the child you are adopting.  |
| <input type="checkbox"/> | ICWA-010(A) | <i>Indian Child Inquiry Attachment</i>        | This lets the judge know that you have asked whether the child may be an Indian child.   |
| <input type="checkbox"/> | ICWA-020    | <i>Parental Notification of Indian Status</i> | One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status.                       |

### 2 Postadoption or postplacement visits and reports

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

### 3 Attach documentation

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

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

### 4 Take your forms to court

Take the completed forms and any required documents to the court clerk in the county where you live. The court will charge a filing fee. Or take the forms to your lawyer or adoption agency, if you are using one.

### 5 Provide a copy of the forms and documents

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

### 6 Go to court on the date of your hearing

Bring:  The child you are adopting  Form ADOPT-210  Form ADOPT-215  Form ADOPT-230  
 A camera, if you want a photo of you and your child with the judge (*optional*)  Friends/relatives (*optional*)



## Inquiry and Notice Under the Indian Child Welfare Act

- The child and other people in the **child's** life must be asked specific questions in order to determine whether the child may be an Indian child. The *Indian Child Inquiry Attachment* (form [ICWA-010\(A\)](#)) should be attached to the *Adoption Request*. In agency adoptions, it is the responsibility of the agency to ensure that this inquiry is conducted and that the form is made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- A completed version of *Parental Notification of Indian Status* (form [ICWA-020](#)) for each birth parent should be attached to the *Adoption Request*, OR it should be shown that a good faith attempt was made to provide the form to each birth parent, the Indian custodian, or guardian of the child and inform them that they are required to complete and submit the form to the court. In agency adoptions, it is the responsibility of the agency to ensure that this form is provided to the birth parents and made part of the adoption file. In independent adoptions, the adoption service provider, CDSS Regional Office, or delegated county adoption agency is responsible.
- If there is **reason to believe** that the child is or may be an Indian child, additional inquiry is required. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- If, 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.



# ADOPT-200 Adoption Request

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

Clerk stamps date here when form is filed.

DRAFT 3.16.2023  
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, email 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 or is filing the request for adoption is located in this county;
- An office of the department or public adoption agency that is investigating the request is located in this county;
- The placing birth parent or parents lived in this county when the adoptive placement agreement, consent, or relinquishment was signed;
- The placing birth parent or parents lived in this county when the request was filed;
- The child was freed for adoption in this county.

(Note: If the child is a dependent of the court, the *Adoption Request* must be filed in the county where the child was freed for adoption or the county where the adopting parent or parents reside. See Family Code section 8714.)

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

Hearing Date

Hearing is set for:

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

Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:  
\_\_\_\_\_  
\_\_\_\_\_

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

## 3 Type of adoption

Check one of the following:

Agency (name): \_\_\_\_\_  Relative  Nonrelative

Tribal customary adoption (attach tribal customary adoption order)

Independent:  Relative  Nonrelative  Additional Parent(s)

Intercountry (name of agency): \_\_\_\_\_

Stepparent adoption

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

Joinder:

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

Joinder will be filed.



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

**4 Information about the child**

- a. The child's new name will be: \_\_\_\_\_
- b. Sex:  Female  Male  Nonbinary
- c. Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_
- d. Child's address (if different from address of adopting parent or parents):  
 Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- e. Place of birth (if known): City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_
- f. If the child is 12 or older, does the child agree to the adoption?  Yes  No
- g. Date child was placed in the physical care of the adopting parents: \_\_\_\_\_
- h.  The child was conceived by assisted reproduction in compliance with Family Code section 7613.
- i.  The child is a dependent of the court. Juvenile Case No. \_\_\_\_\_ County: \_\_\_\_\_

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

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

**6 Birth parents**

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

**7 Legal 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: \_\_\_\_\_

**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 (Family Code section 8700) and have signed a relinquishment form approved by the California Department of Social Services, and the time to revoke the relinquishment has expired or been waived.  Yes  No  
*If no, list the name and relationship to child of each person who has not signed the relinquishment form or whose time to revoke the relinquishment has not expired or been waived:*

**11 Independent adoption questions**

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

**12 Stepparent adoption and confirmation of parentage questions**

- a. The birth parent (name): \_\_\_\_\_  has signed a consent  will sign a consent.
- b. The birth parent (name): \_\_\_\_\_  has signed a consent  will sign a consent.
- c. The adopting parent married or entered into a registered domestic partnership with the legal parent on (date): \_\_\_\_\_  
*(For court use only. This does not affect social worker's recommendation. There is no waiting period.)*
- d.  I am seeking a stepparent adoption to confirm my parentage. At the time the child was born, I was married to or in a state-registered domestic partnership with the parent who gave birth or whose parentage was established through a gestational surrogacy process, and we remain in that union. See attached:  
 Form ADOPT-205, Declaration Confirming Parentage in Stepparent Adoption  
 Form ADOPT-206, Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy  
 Declaration describing the circumstances of the child's conception.
- e. The investigation or written report will be completed as follows (choose one):  
 I will choose someone to do an investigation or written report and will pay them directly. I understand that this person must be a licensed clinical social worker, a licensed marriage and family therapist, or work for a licensed private adoption agency.  
 I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.  
 This is an adoption to confirm parentage. Investigation not required unless ordered by court for good cause.
- f.  This is a stepparent adoption involving an additional parent:  
 All persons with existing parental rights agree to this adoption and will keep those parental rights.  
 An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.



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

**13 Intercountry adoption questions**

- a.  This adoption may be subject to the Hague Adoption Convention (*form [ADOPT-216](#) must be filed with this request*).
- b.  This is an adoption conducted under the requirements of the Hague Adoption Convention and the child has already moved with the adopting parent(s) to another Hague Convention member country or will be moving at the conclusion of this adoption.  
Child will be moving or has moved to (name of country): \_\_\_\_\_  
Adopting parent(s):  seek(s) a California adoption  will be petitioning for a Hague Adoption Certificate  
 will be seeking a Hague Custody Declaration.
- c.  This is an intercountry adoption that was finalized in another country before the child entered the United States with the adopting parent(s).  
Date the child entered the United States: \_\_\_\_\_  
See form [ADOPT-050-INFO](#) for a list of documents to attach to this *Adoption Request*.

**14 Contact after adoption**

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

**15 Consent for adoption**

Complete all sections that apply to your adoption:

- a.  The consent of the birth parent is not necessary because (*check the applicable reasons under [Family Code section 8606](#)*):
- (1)  The parent has been judicially deprived of the custody and control of the child.
  - (2)  The parent has voluntarily surrendered the right to custody and control of the child in a judicial proceeding in another jurisdiction, under a law of that jurisdiction providing for the surrender.
  - (3)  The parent has deserted the child without providing information to identify the child.
  - (4)  The parent has relinquished the child under Family Code section 8700.
  - (5)  The parent has relinquished the child for adoption to a licensed or authorized child-placing agency in another jurisdiction.
- b.  The child has a presumed parent under Family Code section 7611. The consent of the presumed parent is not required because:
- (1)  The presumed parent did not become a presumed parent before the mother's relinquishment or consent became irrevocable or the mother's parental rights were terminated. ([Family Code section 8604\(a\)](#).)
  - (2)  The presumed parent signed a Waiver of the Right to Further Notice of Adoption Proceedings pursuant to Family Code section 7660.5.
- c.  Termination of parental rights of an alleged father is not required because:
- (1)  The relationship to the child was previously terminated or determined not to exist by a court.
  - (2)  The alleged father was served as prescribed in Family Code section 7666 with a written notice of alleged parentage and the proposed adoption, and has failed to bring an action pursuant to Family Code section 7630(c) within 30 days of service of the notice or the birth of the child, whichever is later. (*Attach proof of notice to this Adoption Request.*)
  - (3)  The alleged father has executed a written form to waive notice, deny parentage, relinquish the child for adoption, or consent to the adoption of the child.



Case Number: _____
--------------------

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

15 d.  A court ended the parental rights of:  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_  
 (Enter the date of the court order ending parental rights and attach a copy of the order.)

e.  The child is the subject of a tribal customary adoption order under Welfare and Institutions Code section 366.24, which has modified the parental rights of (attach a copy of the order):  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

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

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

h.  The child has been abandoned as follows:  
 (1)  The child has been left by the child’s parent or parents with no way to identify the child.  
 (2)  The child has been left in the custody of another person by both parents or the sole parent for six months without providing for the child’s support, or without communication from the parent or parents, with the intent to abandon the child.  
 (3)  One parent has left the child in the care and custody of the other parent for one year or longer without providing for the child’s support or without communication from the parent, with the intent to abandon the child.  
 (If any of the above boxes are checked, adopting parent must also check item 15f and file an Application for Freedom From Parental Custody. See Family Code section 7822(a).)

i.  Each of the following persons with parental rights has died:  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
 Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

16 **Suitability for adoption**

Each adopting parent:

- |  |   |
|--|---|
| a. Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b); | 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.             |



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

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

**17 Requests to court**

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


I/We ask the court to date its order approving the adoption as of an earlier date (*date*): \_\_\_\_\_ for the following reason (Family Code section 8601.5):

\_\_\_\_\_

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

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

**18** If a lawyer is representing you in this case, the lawyer must sign here:

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

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

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

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

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

# ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

DRAFT 3.16.2023  
NOT APPROVED BY  
THE JUDICIAL  
COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

## 1 Adopting parent(s)

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

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

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

Street address: \_\_\_\_\_

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

Daytime telephone number: \_\_\_\_\_

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

## 2 Information about the child

Name before adoption: \_\_\_\_\_

*If adoption is under Family Code section 8714.5, the child's name before adoption only appears on the order if requested by the adopting relative, or by the child being adopted if 12 years of age or older.*

Name after adoption: \_\_\_\_\_

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

Place of birth (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_

3 Name of adoption agency (if any): \_\_\_\_\_

## 4 Hearing details

Hearing date: \_\_\_\_\_ Dept.: \_\_\_\_\_ Div.: \_\_\_\_\_ Rm.: \_\_\_\_\_

Judicial officer: \_\_\_\_\_ Clerk's office telephone number: \_\_\_\_\_

People present at the hearing:

Adopting parent(s)  Lawyer for adopting parent(s)

Child  Child's lawyer

Parent keeping parental rights: \_\_\_\_\_

Other people present (list each name and relationship to child): \_\_\_\_\_

a. \_\_\_\_\_

b. \_\_\_\_\_

*Check here if there are more names. Attach a sheet of paper, write "ADOPT-215, Item 4" at the top, and list the additional names and each person's relationship to child. You may use form MC-025, Attachment.*

The hearing is waived pursuant to Family Code section 9000.5 (Check this box only if this is an adoption confirming parentage of a parent who was married to or in a state-registered domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, with the legal parent at the time the child was born.)

**Judge will fill out section below.**

## 5 The judge finds that the child (check all that apply):

a.  Is 12 or older and agrees to the adoption

b.  Is under 12

c.  Is not required to consent because this is a tribal customary adoption.



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

- 6 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
  - a. Is at least 10 years older than the child or meets the criteria in Family Code section 8601(b);
  - b. Will treat the child as their own;
  - c. Will support and care for the child;
  - d. Has a suitable home for the child; and
  - e. Agrees to adopt the child.
- 7  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. (Family Code section 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



# ADOPT-310

## Contact After Adoption Agreement

Original       Change

Clerk stamps date here when form is filed.

DRAFT 3.16.2023  
NOT APPROVED BY  
THE JUDICIAL  
COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

**1** Your name(s):  
 a. \_\_\_\_\_  
 b. \_\_\_\_\_  
 Relationship to child: \_\_\_\_\_  
 Your address (skip this if you have a lawyer)  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Your phone number: \_\_\_\_\_  
 Your lawyer (if you have one) (name, address, phone number, and State Bar number):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2** Information about the child  
 a. Child's name (after adoption): \_\_\_\_\_  
 b. Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_  
 c. Is the child a dependent of Juvenile Court?     No     Yes  
 If yes, list juvenile court and juvenile case number:  
 County: \_\_\_\_\_ Case number: \_\_\_\_\_  
 d. If the child has a lawyer, fill out below. If item 2c is yes, child must have a lawyer (Family Code section 8616.5(d)).  
 Name of child's lawyer: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone number: \_\_\_\_\_ State Bar number: \_\_\_\_\_

**3** The people below agree with the requesting party/parties in **1** about contact with the child after adoption. If the agreement is confidential, write "Confidential" instead of the person's name.  
 If you need more space, attach a sheet of paper. Write "ADOPT-310, Item 3—Other Relatives" at the top.

Type of Contact (check all that apply):						
	Visits	Phone	Email	Letter	Share Info	Other*
a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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: \_\_\_\_\_



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

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

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

**Notice**

**1. After the judge signs the Adoption Order for this child, the adoption is final. It can never be canceled or changed, even if anyone who signed this agreement:**

- Does not follow the agreement, and/or
- Files form ADOPT-315 (to change, end, or enforce this agreement).

**2. Before this agreement can be changed by the court, all of the people who signed it have to try to fix any problems with it through a dispute resolution program, like mediation.**

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

Date: _____		▶	
	<i>Type or print your name and relationship to child</i>		<i>Sign your name</i>
Date: _____		▶	
	<i>Type or print your name and relationship to child</i>		<i>Sign your name</i>
Date: _____		▶	
	<i>Type or print your name and relationship to child</i>		<i>Sign your name</i>
Date: _____		▶	
	<i>Type or print your name and relationship to child</i>		<i>Sign your name</i>
Date: _____		▶	
	<i>Type or print your name and relationship to child</i>		<i>Sign your name</i>

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)*