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## **ADULT ADOPTION**

# **How to Adopt an Adult**

Disclaimer: This guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance, consult a lawyer.

*The information included in this guide does not apply to independent, agency, international, or stepparent adoptions. See the [Stepparent Adoption Guide](#) for information on that procedure.*

### **FORMS**

There are no Judicial Council forms for this procedure. Instead, the relevant documents must be typed on 28-line pleading paper. Customizable templates may be downloaded from these links:

- *Adoption Agreement* [www.saclaw.org/Uploads/files/forms/adoption-agreement.doc](http://www.saclaw.org/Uploads/files/forms/adoption-agreement.doc)
- *Consent of Spouse of Adopted Person* [www.saclaw.org/Uploads/files/forms/consent-adoptee-spouse.doc](http://www.saclaw.org/Uploads/files/forms/consent-adoptee-spouse.doc)
- *Consent of Spouse of Adopting Parent* [www.saclaw.org/Uploads/files/forms/consent-adopting-spouse.doc](http://www.saclaw.org/Uploads/files/forms/consent-adopting-spouse.doc)
- *Petition for Approval of Adoption Agreement* [www.saclaw.org/Uploads/files/forms/petition-approval-adoption-agreement.doc](http://www.saclaw.org/Uploads/files/forms/petition-approval-adoption-agreement.doc)
- *Order of Adoption* [www.saclaw.org/Uploads/files/forms/proposed-order-adoption.doc](http://www.saclaw.org/Uploads/files/forms/proposed-order-adoption.doc)

### **BACKGROUND**

Adult adoption is a legal procedure in which an older adult adopts a younger adult. Once an adult adoption is complete, the parties assume toward each other a legal parent-child relationship, with all associated rights and responsibilities of such a relationship, including inheritance rights.

An adult adoption severs all existing parent-child relationships, unless the adopting parent is the adoptee's stepparent. When a stepparent adopts an adult stepchild, the adopting parent's spouse retains his/her parent-child relationship with the adoptee.

The procedures for adopting an adult in California are found in the [California Family Code \(Fam.\) §§ 9300-9340](#). Anyone considering an adult adoption should read these code sections. You can find the Family Code online for free at <http://leginfo.legislature.ca.gov/faces/codes.xhtml> and in the Law Library in either *Deering's California Family Code Annotated (KFC 30.5.D4 F3; Compact)* or *West's Annotated California Family Code (KFC 30 .W48 F36)*.

## Forms required

You will need to draft your own pleadings. The documents that you file with the court must contain very specific language. Samples of the required documents can be found at the end of this guide. Customizable versions of these documents can be downloaded from the Library's website; see "FORMS," above. Although you may handwrite the necessary information onto the template, if you modify it to the specifics of your case, your end result will likely be much easier to read and more persuasive.

The required documents for an adult adoption are:

- **The Adoption Agreement**. This document states that the parties agree to assume toward each other the legal relationship of parent and child, and to have all the rights and be subject to all the duties and responsibilities of that relationship.
- **The Petition for Approval of Adoption Agreement**. This is the formal request that the court approve the Adoption Agreement. This document must provide specific details, including the ages of the parties, the nature and length of their relationship, and the reasons the parties are seeking this adoption. Be clear and specific about why the adoption would be in the best interest of the parties.
- **The Order of Adoption**. This is the formal court order granting the adoption. Present this at the adoption hearing for the judge to sign.
- **Spousal Consent(s)**. If either party is married, consent of the spouse(s) is required.

## Step-by-Step Instructions

### STEP 1: PREPARE THE REQUIRED DOCUMENTS

Prepare the *Adoption Agreement*, *Petition for Approval of Adoption Agreement*, *Order of Adoption*, and any required *Spousal Consents*. These documents do not need to be notarized. Make copies for all parties and for the Court.

Your *Adoption Agreement* and *Spousal Consents* should be attached to your *Petition* as exhibits. A page in front of the exhibit identifying it as Exhibit A (or Exhibit B, or other exhibit letter, depending on how many exhibits you have and the order in which they are mentioned in your *Petition*) is acceptable in the original, and in all of your copies but one. In one of your copies, you must replace this exhibit-identifying page with a sheet of cardstock (thick paper), with a rigid tab on the bottom (paper or plastic is acceptable) marked "Exhibit A" (or other exhibit letter). The copy with the tab is one of the copies that will be kept by the court, and the tab exists to allow the judge to quickly flip to the exhibit. If you forget this tab on one of the copies, the court clerk may reject your entire filing. **Note:** The Sacramento County Public Law Library sells card stock and exhibit tabs at the Circulation Desk for 25 cents each.

## **STEP 2: OBTAIN FORM VS-44, COURT REPORT OF ADOPTION**

Form VS-44, *Court Report of Adoption*, is required for all types of adoptions. The court completes this form and forwards it to the Office of Vital Records. In many courts, the clerk will provide the form. Otherwise, you may request the form by mail from the California Department of Public Health, Office of Vital Records, MS 5103 P.O. Box 997410, Sacramento, CA 95899-7410. An original form is required, so you cannot download it from the internet.

## **STEP 3: FILE YOUR DOCUMENTS**

File your *Petition for Approval of Adoption Agreement*, including exhibits, along with the blank VS-44, if the court will not provide it. You may file in the county where either party resides. In Sacramento, file your papers at the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road. The clerk will endorse your *Petition*, assign your case number, and set a hearing date. The court does not impose a filing fee for adoption papers, but you will have to pay \$20, which is forwarded to the Registrar of Vital Statistics for preparing and maintaining the official records [California Health & Safety Code § 103730](#).

**NOTE:** If the adoptee is a developmentally disabled adult, you must give a 30-day notice of the hearing to the director of the regional center for the developmentally disabled. The center will file a written report with the court regarding the suitability of the adoption. [Fam. § 9327](#).

## **STEP 4: ATTEND THE ADOPTION HEARING**

Both parties must be present at the hearing. Bring your *Adoption Agreement* and *Order of Adoption* to your hearing. The Court will ask you about the reasons for this adult adoption. Make sure that the statements in your *Petition* are clear and specific, so you can refer to the *Petition* as you speak to the judge.

## **STEP 5: FILE YOUR SIGNED ORDER OF ADOPTION**

After your hearing, file your signed *Order of Adoption*. The clerk can provide you certified copies of the *Order of Adoption* upon your request.

## **STEP 6: AMEND YOUR BIRTH CERTIFICATE**

After the adoption is final, the court will mail the VS-44 to the State Office of Vital Records. On this form, you may request an amended birth certificate that reflects this adoption. It may take several months for the Office of Vital Records to process your amendment.

## **FOR MORE INFORMATION**

### **At the Law Library:**

**California Forms of Pleading and Practice** [KFC 1010 .A65 C3](#) (Ready Reference)  
Vol. 2, Chap. 12C, *Adoption: Adults and Unmarried Minors*.

**Electronic Access:** On the Law Library's computers, using the *Matthew Bender CD*.

**California Transactions Forms: Family Law** [KFC 68 .F3](#)

Chap. 6, § III: *Adoption of Adult or Unmarried Minor*.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

**Witkin Summary of California Law** [KFC 80 .W57](#) (Ready Reference)

Vol. 10, *Parent and Child*, §§ 154 - 156.

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

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PAUL PARENT  
1234 Main Street  
Sacramento, CA 95814  
916-555-1234

CHRISTINE CHILD  
9876 Elm Avenue  
Sacramento, CA 95825  
916-555-9876

Enter both petitioners' names, addresses and phone numbers. Below that, enter the petitioners' names next to "IN PRO PER." In Pro Per means you're representing yourself.

Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.

PAUL PARENT and CHRISTINE CHILD, IN PRO PER

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

) Case No.:

In the Matter of the  
Christine Child,  
An Adult Person

Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor." Leave the case number blank for now. It will be assigned when you file your papers.

ADOPTION AGREEMENT

Enter the names, ages, and current addresses for both parties.

Paul Parent, age 50, who lives at 1234 Main Street, Sacramento, and Christine Child, age 25, who lives at 9876 Elm Avenue, Sacramento, have entered into the following agreement:

WHEREAS, Paul Parent wishes to adopt Christine Child, and Christine Child wishes to be adopted by Paul Parent, Enter the party names, as appropriate.

THEREFORE, the parties agree as follows:

1. To assume toward each other the legal relation of parent and child, and to have all the duties and responsibilities of that relation;

Enter the name of the county in which you will file your papers.

2. To file a joint petition in the Superior Court of California, County of Sacramento, praying for approval of this Agreement of Adoption by issuance of a decree of adoption.

Dated: \_\_\_\_\_

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Paul Parent

Both parties must sign and date this agreement.

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Christine Child

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9876 Elm Avenue  
Sacramento, CA 95825  
916-555-9876

Enter both petitioners' names, addresses and phone numbers. Below that, enter the petitioners' names next to "IN PRO PER." In Pro Per means you're representing yourself

PAUL PARENT and CHRISTINE CHILD, IN PRO PER

Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

In the Matter of the Adoption of )  
Christine Child,  
An Adult Person

Case No.:  
CONSENT OF SPOUSE OF ADOPTED PERSON

Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor." Leave the Case Number blank. This will be assigned when you file your papers.

I, Charles Child, hereby state that I was married to Christine Child, an adult person, on June 15, 2006, and that we remain married and are not lawfully separated. I hereby consent to the adoption of my wife by Paul Parent.

Enter the names as appropriate, and date of marriage.

Dated: \_\_\_\_\_

Sign and date the consent.

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Charles Child

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PAUL PARENT  
1234 Main Street  
Sacramento, CA 95814  
916-555-1234

CHRISTINE CHILD  
9876 Elm Avenue  
Sacramento, CA 95825  
916-555-9876

Enter both petitioners' names, addresses and phone numbers. Below that, enter the petitioners' names next to "IN PRO PER." In Pro Per means you're representing yourself.

PAUL PARENT and CHRISTINE CHILD, IN PRO PER

Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

In the Matter of the Adoption of

Case No.:

Christine Child,  
An Adult Person

Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor." Leave the Case Number blank. This will be assigned when you file your papers.

CONSENT OF SPOUSE OF ADOPTING PARENT

I, Pamela Parent, hereby state that I was married to Paul Parent on December 1, 1994, and that we remain married and are not lawfully separated. I hereby consent to the adoption of Christine Child, an adult person, by my husband, Paul Parent.

Enter the names as appropriate, and date of marriage.

Dated: \_\_\_\_\_

Sign and date the consent.

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Pamela Parent

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1234 Main Street  
Sacramento, CA 95814  
916-555-1234

CHRISTINE CHILD  
9876 Elm Avenue  
Sacramento, CA 95825  
916-555-9876

PAUL PARENT and CHRISTINE CHILD, IN PRO PER

Enter both petitioners' names, addresses and phone numbers. Below that, enter the petitioners' names next to "IN PRO PER." In Pro Per means you're representing yourself.

Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

In the Matter of the Adoption of \_\_\_\_\_ ) Case No.:

Christine Child,  
An Adult Person

Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor." Leave the Case Number blank. This will be assigned when you file your papers.

PETITION FOR APPROVAL OF  
ADOPTION AGREEMENT

Petitioners allege:

1. Petitioner Christine Child is an adult person, who is 25 years of age, born on January 15, 1985, in Sacramento, California, and now residing at 9876 Elm Avenue, Sacramento. Petitioner Christine Child, was married to Charles Child on June 15, 2006 in Elk Grove, California and is still married to Charles Child and not lawfully separated from Charles Child.

In separate paragraphs, identify each petitioner, including their name, age, birthdate, and current address. If the petitioner is married, indicate the spouse's name, date of marriage, and if they are still married or are legally separated.

2. Petitioner Paul Parent is an adult person who is 50 years of age, born on April 3, 1959, in Denver, Colorado, and now residing at 1234 Main Street, Sacramento. Petitioner Paul Parent was married to Pamela Parent on December 1, 1994 in Sacramento, California and is still married to Pamela Parent and not lawfully separated from Pamela Parent.

3. On or about March 15, 2009, petitioners entered into and executed a written adoption agreement in which petitioner Paul Parent agreed to adopt petitioner Christine Child, petitioner Christine Child agreed to be adopted by petitioner Paul Parent, and both petitioners agreed to assume towards each other the legal relation of parent and child and

Enter the date your adoption agreement was signed, and the party names as appropriate.

1 to have all the rights and be subject to all the duties and responsibilities of that relation. A  
2 copy of the Adoption Agreement is attached hereto as Exhibit A and made a part hereof.

3 4. The spouse of **Christine Child, Charles Child**, has duly consented in writing to the  
4 adoption sought herein. A copy of his/her consent is attached hereto as Exhibit B and made  
5 a part hereof.

If the adoptee is married, spousal consent is required. Enter the names as appropriate to indicate that spousal consent has been obtained. If the adoptee is unmarried, remove this paragraph.

6 5. The spouse of **Paul Parent, Pamela Parent**, has duly consented in writing to the adoption  
7 sought herein. A copy of his/her consent is attached hereto as Exhibit C and made a part  
8 hereof.

If the adopting parent is married, spousal consent is required. Enter the names as appropriate to indicate that spousal consent has been obtained. If the adopting parent is unmarried, remove this paragraph.

9 10 6. Petitioner **Paul Parent** desires to adopt petitioner **Christine Child**, and petitioner **Christine**  
11 **Child** desires to be so adopted.

Enter the names of the petitioners as appropriate, to indicate that both parties desire this adoption.

12 7. Petitioner **Christine Child** is a **stepdaughter** of petitioner

Indicate the family relationship between the parties, such as stepchild or nephew. If there is no family relationship, remove this paragraph.

Describe the length and nature of the relationship between the parties.

13 8. Petitioner **Paul Parent** has known **Christine Child** for 15 years. Petitioner **Christine Child**  
14 came to live with petitioner **Paul Parent** at the age of 10 when her mother married petitioner,  
15 and resided in his home until her marriage. No adoption was completed during the  
16 minority of **Christine Child** because the birth father would not give his consent to the  
17 adoption.

State reasons why this adoption is sought and is in best interests of the parties and the public.

18 19 9. The Petitioners seek this adoption in order to establish a legal relationship that exists in  
20 fact, and because it is in their best interests that petitioners have between them the legal  
21 rights and obligations of parent and child, including rights relating to inheritance and duties  
22 of support. This adoption is in the public interest for the same reasons, and particularly  
23 because it will create legal duties of support between the petitioners and thereby reduce the  
24 likelihood of either petitioner becoming a public charge in the future.

25 10. The names and addresses of the living parents and adult children of petitioner **Christine**  
26 **Child** are as follows:

List the names and addresses of the adoptee's parents and adult children. If none, remove this paragraph.

27 **Father's name and address**

28 **Mother's name and address**

If the adopting parent, or the adopting parent's spouse, has previously adopted an adult, enter the name and date of that adoption. If not, remove this paragraph.

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11. Paul Parent has previously adopted Name of previous adult adopted person, an adult person, on March 26, 2000, at Sacramento, California.

12. Petitioner Christine Child wishes to continue to be known by that name (or be known by the name of New Name).

Indicate if the adoptee wishes to keep their current name, or take the family name of the adoptive parent.

WHEREFORE, petitioners pray that the court permit all persons concerned in this matter to attend and be heard, and that the court examine all persons appearing before it as required by law, and if satisfied that the best interests of the parties and the public interest will be promoted by the proposed adoption, grant the petition, approve the agreement of adoption, and make a decree that Christine Child has been duly and legally adopted by petitioner Paul Parent.

Dated: \_\_\_\_\_.

Enter the names of the parties as appropriate. Both parties must sign and date this petition.

\_\_\_\_\_  
Paul Parent

\_\_\_\_\_  
Christine Child

VERIFICATION

I, Paul Parent, am one of the petitioners in the above-entitled proceeding. I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and, as to those matters, I believe it to be true.

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

Dated: \_\_\_\_\_

One party must sign the verification, indicating that the contents of the petition are true and correct.

\_\_\_\_\_  
Paul Parent

1 PAUL PARENT  
1234 Main Street  
2 Sacramento, CA 95814  
3 916-555-1234

4 CHRISTINE CHILD  
9876 Elm Avenue  
5 Sacramento, CA 95825  
6 916-555-9876

Enter both petitioners' names, addresses and phone numbers. Below that, enter the petitioners' names next to "IN PRO PER." In Pro Per means you're representing yourself.

7 PAUL PARENT and CHRISTINE CHILD, IN PRO PER

Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SACRAMENTO

12 In the Matter of the Adoption of \_\_\_\_\_ ) Case No.:

13 Christine Child,  
14 An Adult Person

Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor." Leave the case number blank for now. It will be assigned when you file your papers.

ORDER OF ADOPTION

Enter the names as appropriate, as well as the date, department, and judge for the adoption hearing. These will be assigned when you file your papers.

16 The petition of Paul Parent and Christine Child for adoption came on regularly to be heard  
17 on April 15, 2008, in Department No. 20 of this court, before the Honorable Edward Smith,  
18 Judge of the Superior Court. Both petitioners appeared along with their attorney Robert  
19 Johnson. Charles Child, the spouse of petitioner Christine Child, appeared. Pamela Parent,  
20 the spouse of petitioner Paul Parent also appeared. The court, having examined the  
21 petitioners, and received and considered the testimony and documentary evidence and  
22 arguments of counsel, finds as follows:

Enter the name(s) of all attorney(s) and spouse(s) present at the hearing. If no attorneys or spouses were present, remove these sentences.

23 1. Petitioner Paul Parent has attained the age of majority and is older than petitioner  
24 Christine Child.

Enter the party names as appropriate.

25 2. Petitioner Christine Child is an adult.

Enter the adoptee's name and status (e.g., adult or married minor).

26  
27 3. Petitioners Paul Parent and Christine Child are residents of Sacramento County,  
28 California.

Enter the names of the party(s) who reside in the county where this matter is being heard. If only one party resides in the county, list only that name.

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4. On or about **March 15, 2009**, petitioners entered into a written agreement by which petitioner **Paul Parent** agreed to adopt petitioner **Christine Child**, and the latter agreed to be adopted by the former, and the petitioners agreed to assume toward each other the relation of parent and child;

Enter the date the Adoption Agreement was signed, and the party names as appropriate.

5. **Charles Child**, the spouse of petitioner **Christine Child**, has consented in writing to the adoption herein.

Enter the names as appropriate. If the party is not married, remove this paragraph.

6. **Pamela Parent**, the spouse of petitioner **Paul Parent**, has consented in writing to the adoption herein.

Enter the names as appropriate. If the party is not married, remove this paragraph.

7. The court is satisfied and finds that the adoption will be for the best interest of the parties and in the public interest, and that there is no reason why the petition should not be granted.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the petition herein be, and it hereby is, granted and approved and petitioner **Christine Child** is hereby adopted by petitioner **Paul Parent**, and the former shall hereafter be regarded and treated in all respects as the lawful child of the latter **and shall be known as New Name**.

Enter the names as appropriate. If the adoptee requested their name be changed, enter the new name in the last sentence.

Dated: \_\_\_\_\_.

The judge will sign and date this order.

\_\_\_\_\_  
Judge of the Superior Court