

SUPERIOR COURT OF STANISLAUS COUNTY
SELF HELP CENTER

**STEP-PARENT ADOPTIONS AND
TERMINATION OF PARENTAL RIGHTS**

Material prepared and/or distributed by the Superior Court Clerk's Office IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY. Such material is NOT intended to be and IT IS NOT LEGAL ADVICE as to your specific case. IT IS NOT INTENDED TO TAKE THE PLACE OF COMPETENT LEGAL ADVICE FROM AN ATTORNEY. You are strongly advised to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have and of which you may be unaware. Please contact a competent attorney of your choice or contact the LAWYERS REFERENCE SERVICE of the Stanislaus County Bar Association at (209) 571-5727 for a referral. The Clerk's Office cannot give you legal advice.

In order to begin a minor step parent adoption you will need to file TWO cases at the same time. The first case will terminate the parental rights of the other parent. The second case will request the adoption of the minor child.

The forms should be typed or completed in **blue or black ink**, neatly and clearly so photocopies can be made.

• **NOTES:**

- Any forms noted as “pleading” forms [example: (Pleading Form)] are forms created on number lined paper. You can download these forms from the Stanislaus County Superior Court Self Help Center website at <http://www.stanct.org>. Any forms noted by form number [example: (ADOPT-200)] are judicial counsel forms. You can download these forms from the Judicial Counsel website at <http://www.courtinfo.ca.gov/forms>
- Before you can proceed with the Step Parent Adoption, you MUST FIRST terminate the other parent's parental rights. There is no filing fee for the Termination in the Adoption case.
- There is a filing fee of \$20.00 for the Step Parent Adoption.
- If the parent whose rights are being terminated, the case will be referred to the Family Court Services Investigator. There will be a fee assessed for this investigation. You may qualify for a fee waiver for both the filing fee and the investigation fee. The Fee Waiver and Additional Waiver of Court Fees forms may be obtained from the Superior Court Clerk's office or downloaded from the Judicial Counsel website noted above.

STEP 1. PREPARING THE PAPERWORK TO TERMINATE PARENTAL RIGHTS

A. Complete the following forms:

- Petition to Declare Minor Free from Parental Custody and Control (Pleading Form)
- Citation (Pleading Form)

Refer to attached samples for assistance with completing these forms.

STEP 2: FILING THE FORMS:

A. Make two (2) copies of all the completed forms listed above. The original must be 2-hole punched at the top and stapled at each corner.

A. Present the forms to the Probate clerk

1. Originals and copies are given to the Clerk to file
2. The Clerk keeps the original Petition, along with one copy of each document to mail to the California Department of Social Services.
3. The Clerk will issue a hearing date on the Citation and return the original and copies of the Citation, along with the file marked copy of the Petition to you.
4. Make one copy of each document for your records.
5. Be sure to mark the date and time of the hearing on your calendar and make the necessary arrangements to attend this hearing.

STEP 3. SERVING THE DOCUMENTS

- A. The biological parent must be PERSONALLY served (handed) with a **copy** of the Petition and Citation after they have been filed with the Court.
- The person serving your document **MUST** be someone other than you or your spouse (NOT A PARTY TO THE ACTION) and over the age of 18. This can be done by a friend, a relative, a certified process server or sheriff.

STEP 4. FILING THE PROOF OF SERVICE

- A. Have the person who served the other party complete, date and sign a Proof of Personal Service (FL-330).
- B. Attach the Proof of Personal Service to the original Citation. File the Citation with the Probate Clerk.

STEP 5. PREPARING THE PAPERWORK FOR THE STEP PARENT ADOPTION

The Step Parent adoption forms DO NOT NEED TO BE SERVED ON THE BIOLOGICAL PARENT. Both sets of paperwork can be filed with the Clerk at the same time.

- B. Complete the following forms:

- Adoption Request (Form ADOPT-200)
- Adoption Agreement (Form ADOPT-210)
- Adoption Order (Form ADOPT-215)

Refer to attached samples for assistance with completing these forms.

STEP 6: FILING THE FORMS

- A. Make two (2) copies of all the completed forms listed above. The original must be 2-hole punched at the top and stapled at each corner.
- B. Present the forms to the Probate clerk
1. Originals and copies are given to the Clerk to file
 2. The Clerk keeps the originals, along with one copy of each document to mail to the California Department of Social Services.
 3. A social worker will be appointed to write a report. However, the social worker will not be able to complete the report until the biological parent's rights have been terminated.

STEP 7: ATTEND THE HEARING ON THE TERMINATION OF PARENTAL RIGHTS

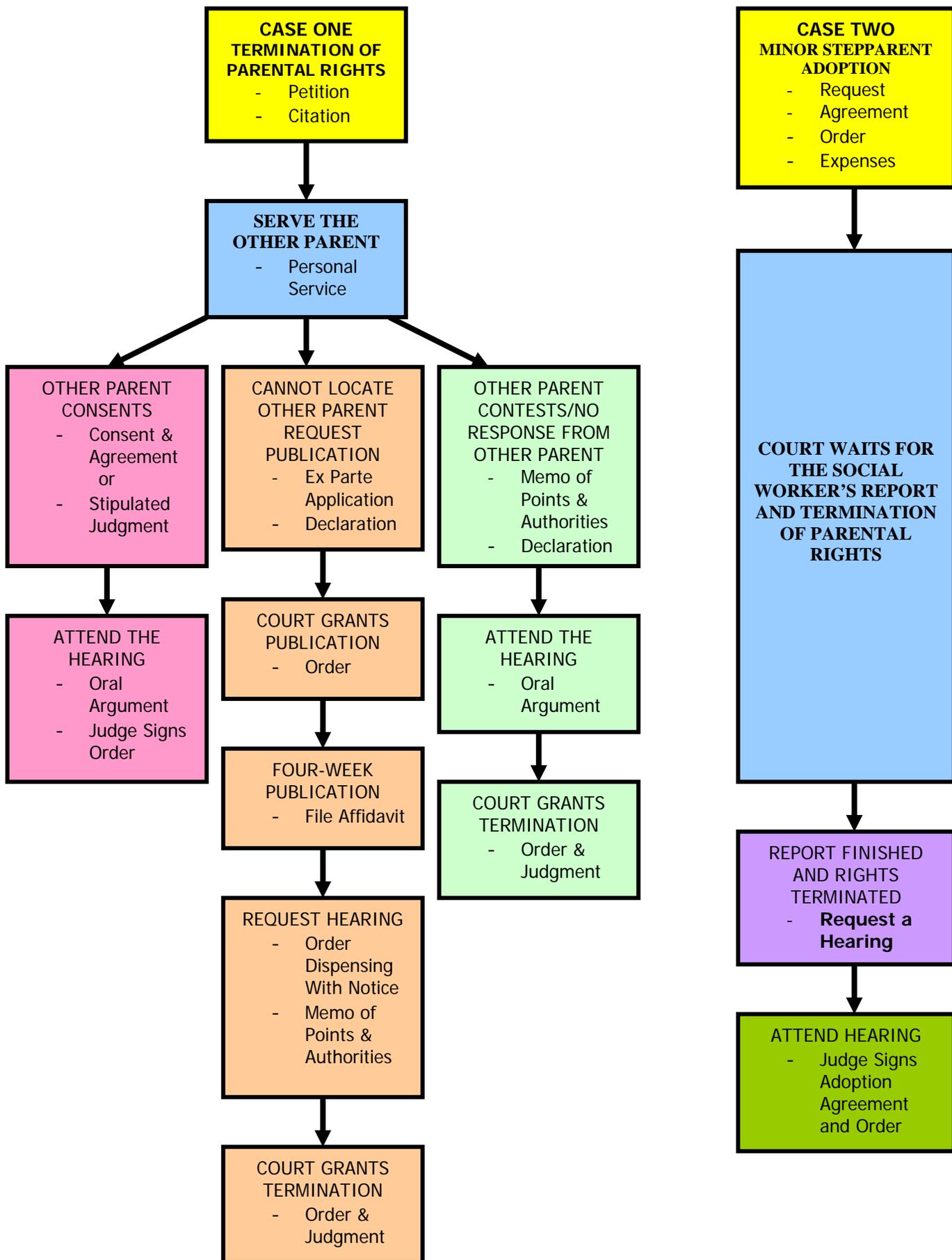
- A. If the parent whose rights are being terminated objects, a court trial will be set for both parties to give testimony and present evidence in support of their position. The case will also be referred to the Family Court Services Investigator to prepare a recommendation and report. Fees may apply as noted above.
- B. If the parent whose rights are being terminated does not object, then the Judge will make a final Order the day of the hearing.

- C. Once a final Order is made, the adoption is then referred to the appointed social worker to prepare to due a back ground investigation on the adopting step parent. The social worker then prepares a recommendation and report that is filed with the court.
- D. On receipt of a recommendation and report for adoption, you must request a date for the adoption hearing from the Probate Clerk.
 - This is an informal confidential hearing, usually held within the Judges chambers. You may invite a minimal number of family members or friends to witness the event. Following the hearing the Adoption Order is signed and forwarded to the California Vital Static's for amendment of the minor's birth certificate.

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MINOR STEPPARENT ADOPTION FLOWCHART

These cases MUST be open AT THE SAME TIME



ADOPT-210 Adoption Agreement

Clerk stamps date here when form is filed.

SAMPLE

① Your names (*adopting parents*): **Your Name Here**

a. _____
b. _____

Relationship to child: **Stepparent**

Your address (*skip this if you have a lawyer*):
Street: **Street Address**
City: **Your City Name** State: **CA** Zip: **Your Zip Code**
Your phone number: (____) **Your Telephone Number**
Your lawyer (*if you have one*): (*Name, address, phone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of
Stanislaus County
800 – 11th Street
Modesto, CA 95354

Fill in case number:

Case Number:
Case Number Here

② Child's name:
Before adoption: **Child's Name BEFORE Adoption**
After adoption: **Child's Name AFTER Adoption**
Date of birth: **Child's DOB** Age: **Child's Age**

③ I am the child listed in ② and I agree to the adoption.
Date: **Date Here**

Child's Printed Name **If the Child is 12 or Older, He/She Will Date and Sign This At the Hearing**
Type or print *Signature of older; optional if child is under 12)*

④ *If only one adopting parent, read and sign below:*
a. I am the adopting parent listed in ①, and I agree that the child will:
(1) Be adopted and treated as my legal child (Fam. Code, § 8612(b)); and
(2) Have the same rights as a natural child of mine, including the right of inheritance.

Date: _____

Print Your Name **You Will Date and Sign This At the Hearing**
Type or print your name *Signature of Adopting Parent (sign at hearing)*

b. I am the spouse or state-registered domestic partner of the adopting parent listed in ①, and I agree to his or her adoption of the child.
Date: **Date Here**

Spouse's Printed Name **Spouse's Signature**
Type or print *Signature of Spouse or State-Registered Domestic Partner*



Your Name Here

Case Number:

Case Number Here

Your name: _____

5 If *two adopting parents*, read and sign below:

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

- (1) Be adopted and treated as our legal child (Fam. Code, § 8612(b));
- (2) Have the same rights as a natural child of ours, including the right of inheritance;

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

Date: _____

Type or print your name

▶ _____
Signature of Adopting Parent (sign at hearing)

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

Date: _____

Type or print your name

▶ _____
Signature of Adopting Parent (sign at hearing)

6 For *stepparent/domestic partner* adoptions only:

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

I am the legal parent of the child and the spouse or state-registered domestic partner of the adopting parent listed in **1**, and I agree to his or her adoption of my child.

Date: _____

Print Your Name

Type or print your name

You Will Date and Sign This At the Hearing

▶ _____
Signature of Legal Parent (sign at hearing)

7 Executed:

Date: _____

▶ _____
Judge (or Judicial Officer)

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

SAMPLE

1 Your names (*adopting parents*): **Your Name Here**
a. _____
b. _____
Relationship to child: **Stepparent**
Your address (*skip this if you have a lawyer*):
Street: **Street Address**
City: **City** State: **CA** Zip: **Your Zip**
Your phone number: (____) **Your Telephone Number**
Your lawyer (*if you have one*): (*name, address, phone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

**Stanislaus
800 - 11th Street
Modesto, CA 95354**

Fill in case number:

Case Number:

Case Number Here

2 Child's name after adoption: **Child's Name AFTER Adoption**
Date of birth: **Child's DOB** Age: **Child's Age**
City: **City Where Child Lives** State: **CA** Country: **USA**

of adoption agency: _____
present in court today (*date*): **Court Date**
_____ Div.: _____ Rm.: _____ Judge: **Judge's Name**

Check These Boxes

- Adopting parents Lawyer for adopting parents
- Child Child's lawyer
- Parent keeping parental rights (*stepparent/state-registered domestic partner name*): **Stepparent's Name Here**
- Other people present (*list name and relationship to child*):

a. **Biological Mother's Name Here**
b. _____

If more, attach a sheet of paper, write "ADOPT-215, Item 4" at the top, and list additional names and relationships to child.

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.

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
b. Will treat the child as his or her own
c. Will support and care for the child
d. Has a suitable home for the child *and*
e. Agrees to adopt the child.



Your name: Your Name Here

Case Number: Case Number Here

Your name: _____

7 This case is a relative adoption 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 under section 8714.5(g).
The child's name before adoption was: _____

8 The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 11 below.

9 The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
 As submitted As amended on ADOPT-310

10 The judge believes the adoption is in the child's best interest and orders this adoption.
The child's name after adoption will be: _____
The adopting parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship.

Date: _____ ▶ _____
Judge (or Judicial Officer)

Clerk will fill out section below.

11 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 (*check all that apply*):

- ADOPT-200, *Adoption Request*
- ADOPT-215, *Adoption Order*
- ADOPT-220, *Adoption of Indian Child*
- ADOPT-310, *Contact After Adoption Agreement*

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, with full postage, by U.S. mail from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

1 **TYPE/WRITE IN ADOPTING**
2 **STEP PARENTS NAME, ADDRESS**
3 **AND TELEPHONE NUMBER HERE**

4 In Pro Per

5
6
7
8 **STANISLAUS COUNTY SUPERIOR COURT, STATE OF CALIFORNIA**

9
10 In the Matter of the Adoption Petition of:

11 **ADOPTING STEP PARENT'S**
12 **NAME HERE**

13 Adopting Parent.

Case No.: **CASE NUMBER**

CITATION TO PARENT

Date:

Time: 8:30 A.M.

Dept.:

14 THE PEOPLE OF THE STATE OF CALIFORNIA

15 TO: **NAME OF PARENT WHO'S RIGHTS ARE BEING TERMINATED**

16 By order of this court you are hereby advised that you may appear before the judge
17 presiding in Department ___ of this court on **DATE OF HEARING** at 8:30 a.m. then and
18 there to show cause, if any you have, why **NAME OF CHILD** should not be declared free
19 from your custody and control for the purpose of freeing **CHILD'S NAME** for placement for
20 adoption. The following information concerns rights and procedures that relate to this
21 proceeding for the termination of custody and control of said minor as set forth in Family Code
22 Section 7860 et seq.:

23 1. At the beginning of the proceeding the court will consider whether of not the interests
24 of the minor child require the appointment of counsel. If the court finds that the interests of the
25 minor do require such protection, the court will appointment counsel to represent him, whether

1 or not he is able to afford counsel. The minor will not be present in court unless he requests or
2 the court so orders.

3 2. If a parent of the minor appears without counsel and is unable to afford counsel, the
4 court must appoint counsel for the parent, unless the parent knowingly and intelligently waives
5 the right to be represented by counsel. The court will not appoint the same counsel to represent
6 both the minor and his parent.

7 3. The court may appoint either the public defender or private counsel. If private counsel
8 is appointed, he or she will receive a reasonable sum for compensation and expenses, the amount
9 of which will be determined by the court. That amount must be paid by the real parties in
10 interest, but not by the minor, in such proportions as the court believes to be just. If, however, the
11 court finds that any of the real parties in interest cannot afford counsel, the amount will be paid
12 by the county.

13 4. The court may continue the proceeding for not more than thirty (30) days as necessary
14 to appoint counsel to become acquainted with the case.

15 Date:

_____, Clerk

16 By: _____

17 Deputy Clerk

1 **WRITE IN ADOPTING PARENT'S**
2 **NAME, ADDRESS AND**
3 **TELEPHONE NUMBER**

4 In Pro Per

5
6
7
8 **STANISLAUS COUNTY SUPERIOR COURT, STATE OF CALIFORNIA**

9
10 In the Matter of the Adoption Petition of:

11
12 **ADOPTING PARENT'S NAME**

13
14 Adopting Parent.

Case No.: **CASE NUMBER HERE**

**PETITION TO DECLARE MINOR
FREE FROM PARENTAL CUSTODY
AND CONTROL**

Date:
Time: 8:30 A.M.
Dept.:

15
16 Petitioner respectfully represents:

17 1. Petitioner, **ADOPTING PARENT'S NAME**, is the spouse of the natural
18 mother/father, **NATURAL PARENT'S NAME**, of the minor child, **CHILD'S NAME**, and
19 seeks to adopt the minor child on the termination of the natural mother's/father's right to custody
and control.

20 2. **CHILD'S NAME** is a unmarried minor child who was born on **CHILD'S DATE OF**
21 **BIRTH**, and is a resident of **CITY OF RESIDENCE**, Stanislaus County, California.

22 3. **NATURAL PARENT'S NAME** is the parent who has **DESCRIBE CUSTODIAL**
23 **RIGHT OF NATURAL PARENT (example: sole legal and sole physical custody of the**
24 **child)** and resides at **NATURAL PARENT'S ADDRESS**, California. The child's mother/father
25 is currently **ADDRESS OF RESIDENCE OR IF INCARCERATED STATE WHERE**
INCARCERATED.

1 4. The child has been left by **NAME OF NATURAL PARENT WHOSE RIGHTS**
2 **ARE BEING TERMINATED** with **NATURAL PARENT'S NAME** having primary custodial
3 care and has had no contact with the child since **DATE OF LAST CONTACT BETWEEN**
4 **CHILD AND PARENT WHOSE RIGHTS ARE BEING TERMINATED** to the present
5 and without any provision for the child's support nor communication from absent parent and
6 with the intent on the part of **NAME OF PARENT WHOSE RIGHTS ARE BEING**
7 **TERMINATED** to abandon the child.

8 WHEREFORE, petitioner prays judgment as follows:

9 1. For an order declaring that the minor child **CHILD'S NAME** is free from the custody
10 and control of **NAME OF PARENT WHOSE RIGHTS ARE BEING TERMINATED** and
11 terminating all of his/her rights and responsibilities with regard to the child;

12 2. For an order appointing **NAME OF ADOPTING STEP PARENT** to act under the
13 provisions of Family code Section 7893, as guardian of the minor child; and

14 3. For such other and further relief as the court may deem proper.

15 Dated:

16 _____
17 Print Name: **ADOPTING PARENT'S NAME**

18 **VERIFICATION**

19 I, **ADOPTING PARENT'S NAME**, am the petitioner in this matter. I have read the
20 foregoing Petition and know the contents thereof. The same is true of my own knowledge,
21 except as to those matters which are therein represented on information and belief, and as to
22 those matters which are therein represented on information and belief, and as to those matters, I
23 believe to be true.

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

Dated:

Print Name: **ADOPTING PARENT'S NAME**

1 **WRITE IN ADOPTING PARENT'S**
2 **NAME, ADDRESS AND**
3 **TELEPHONE NUMBER**

4 In Pro Per

5
6
7
8 **STANISLAUS COUNTY SUPERIOR COURT, STATE OF CALIFORNIA**

9
10 In the Matter of the Adoption Petition of:

11
12 **ADOPTING PARENT'S NAME**

13
14 Adopting Parent.

Case No.: **CASE NUMBER HERE**

**JUDGEMENT DECLARING MINOR
FREE FROM PARENTAL CUSTODY
AND CONTROL**

Date:
Time: 8:30 A.M.
Dept.:

15
16 The petition of **ADOPTING PARENT'S NAME**, for a judgment declaring **CHILD'S**
17 **NAME**, a minor, free from the custody and control of **PARENT'S NAME WHOSE RIGHTS**
18 **ARE BEING TERMINATED**, came on regularly for hearing on **DATE OF HEARING**,
19 petitioner appearing in Pro Per. The court having examined petitioner, **ADOPTING**
20 **PARENT'S NAME** and other witnesses, and other evidence both oral and documentary having
21 been introduced, and good cause appearing therefore, the court finds:

- 22 1. Notice of the hearing on the petition was given by citation to **NAME OF PARENT**
23 **WHOSE RIGHTS ARE BEING TERMINATED**, as prescribed by Family code Section 7881;
24 2. The Court Investigator of Stanislaus County Superior Court, California, has filed a
25 written report of his/her investigation of the circumstances of the child as required by Family
Code Section 7851, in which he/she recommends that **CHILD'S NAME** be declared free from

1 the custody and control of **NAME OF PARENTS WHOSE RIGHTS ARE BEING**
2 **TERMINATED**. Further, **NAME OF NATURAL PARENT** has executed a consent to the
3 Step-Parent Adoption by **ADOPTING PARENT'S NAME**.

4 3. There is clear convincing evidence that **CHILD'S NAME** should be declared free
5 from the custody and control of his/her mother/father, **NAME OF PARENTS WHOSE**
6 **RIGHTS ARE BEING TERMINATED**, pursuant to Family Code Section 7820 et seq., in that
7 he/she has left the child in the care and custody of petitioner's husband/wife, the natural parent,
8 for a period of over one year without any provision for the child's support, with the intent to
9 abandon the child.

10 4. The child is adoptable.

11 5. It is in the best interests of the child that he/she be declared free from the custody and
12 control of his/her biological parent, **NAME OF PARENTS WHOSE RIGHTS ARE BEING**
13 **TERMINATED**, and there is no less detrimental alternative to provide for the child's best
14 interests.

15 WHEREFORE IT IS ORDERED that the child, **CHILD'S NAME** is freed from the
16 custody and control of **NAME OF PARENTS WHOSE RIGHTS ARE BEING**
17 **TERMINATED**, and that **ADOPTING PARENT'S NAME** is hereby appointed guardian of
18 the child.

19 Dated:

20 _____
21 Judge of Superior Court
22
23
24
25

