

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

W13-07

Title	Action Requested
Family Law: Adoption of New Rule and Form for Adoptions Under the Hague Adoption Convention and Revisions to Adoption Forms	Review and submit comments by January 25, 2013
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.405; adopt form ADOPT-216; revise forms ADOPT-200 and ADOPT-215	July 1, 2013
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Chris Cleary
Hon. Kimberly J. Nystrom-Geist, Cochair	christine.cleary@jud.ca.gov
Hon. Dean T. Stout, Cochair	415-865-8792

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes one rule and one form for adoption by the Judicial Council that clarify the requirements for courts conducting adoptions under the Hague Adoption Convention, and proposes revisions to two Judicial Council forms for use in adoption proceedings. Changes to the affected forms are also needed to conform to new legislation: Assembly Bill 687, which allows the court to issue orders of adoption nunc pro tunc in certain cases; and Assembly Bill 1757, which amends and adds sections to the Family Code that affect adoptions. The committee also intends to include language mandated by Assembly Bill 792 in the adoption request (form ADOPT-200) as soon as the language has been determined. Other proposed changes respond to many suggestions the Administrative Office of the Courts (AOC) and the Judicial Council have received from courts and other users to make the forms both easier to use and more comprehensive.

Background

A substantially similar proposal circulated in the spring 2012 cycle. Following the comment period and before the Judicial Council acted on spring 2012 proposals, the Governor signed AB 1757, necessitating further changes to ADOPT-200 and ADOPT-215. Further, the committee

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 These proposals are circulated for comment purposes only.

received comments and guidance on compliance with the Hague Adoption Convention. In addition, the spring 2012 comment period generated a number of suggestions for the forms that resulted in changes requiring public circulation before the advisory committee can recommend that the council adopt them. Given the costs and workload ramifications of form changes, the Family and Juvenile Law Advisory Committee elected to defer the spring 2012 changes and instead circulate a new proposal, incorporating all necessary changes, in this winter 2013 cycle.

Assembly Bill 687. In October 2011, Assembly Bill 687 added section 8601.5 to the Family Code, which allows the court to issue an order of adoption nunc pro tunc “when it will serve public policy and the best interests of the child, such as cases where adoption finalization has been delayed beyond the child’s 18th birthday due to factors beyond the control of the prospective adoptive family and the proposed adoptee.” (Fam. Code, § 8601.5(a).) A request for a nunc pro tunc order must be stated in the *Adoption Request* (ADOPT-200) or on an amendment to the request and needs to include facts in support of such an order. While not explicitly noted in the legislation, presumably the nunc pro tunc order should be reflected in the adoption order (ADOPT-215) as well.

Assembly Bill 1757. In addition, AB 1757 was signed by the Governor on September 27, 2012, relating to adoption and amending and adding sections in both the Family Code and the Probate Code. As it affects this proposal, the bill does the following: (1) adds a new section, 8700.5, to the Family Code that provides a mechanism for a relinquishing parent to sign a waiver of the right to revoke that relinquishment; and (2) revises and consolidates the Family Code provisions addressing the venue where an adoption petition may be filed (without altering the venue provisions for the adoption of dependent children). The current form ADOPT-200 does not specifically include a section that addresses venue and jurisdiction.

Assembly Bill 792. This proposal would also revise *Adoption Request* (form ADOPT-200) to comply with the requirement of Assembly Bill 792 (Stats. 2011, ch. 851) that courts, upon the filing of a petition for adoption on and after January 1, 2014, provide a specified notice informing the petitioner and respondent that they may be eligible for reduced-cost coverage through the California Insurance Exchange or no-cost coverage through Medi-Cal. The legislation requires the Insurance Exchange (now known as “Covered California”) to develop the above notice which will be included in the adoption petition. That change is not reflected on the form in this Invitation to Comment, but the statutory language will be available by mid-January 2013 and will be added to the form at that time.

Hague Adoption Convention Compliance. The Hague Adoption Convention (HAC) is a treaty that entered into force with respect to the United States on April 1, 2008. The HAC strengthens protections for children, birth parents, and prospective adoptive parents and establishes internationally agreed-upon rules and procedures for adoptions between countries that have a treaty relationship under the HAC. It provides a framework for member countries to work together to ensure that children are provided with permanent, loving homes; that adoptions take

place in the best interests of a child; and that the abduction, sale, or traffic of children is prevented.

In 2007, Senate Bill 703, related to the placement of children, passed into law and, among many other changes, added sections 8900.5, 8921, 8923, 8924, and 8925 to the Family Code, which partially codified the HAC into California law. However, those new code sections do not provide the procedural guidance needed by the state courts to make the required findings needed for compliance with the HAC requirements in outgoing HAC cases.

The Family and Juvenile Law Advisory Committee sought comment in the spring 2012 cycle from those who had experience in intercountry adoptions and who may have created and/or worked with local forms intended to ensure compliance with the HAC. It received a local court form used in San Diego. In addition, the committee reviewed rules adopted by the New Jersey court system, and carefully studied the HAC and the Code of Federal Regulations requirements imposed on state courts. The proposed rule and form summarize the procedures necessary for state courts to follow when they are conducting an adoption under the Hague Adoption Convention.

Additional changes. In addition to the above changes, many form users have submitted comments over the years requesting changes to these adoption forms. Some of the requests apply to the same forms that need revision to reflect the recent legislation; fulfilling these requests at the same time would make the forms more effective and helpful to the courts and the parties.

The Proposal

- This proposal for a new rule, a new form, and revisions to two adoption forms is necessary because it:
 1. Is urgently needed to conform to the law (passage of AB 687 and AB 1757; the U.S. being a signatory to the Hague Adoption Convention); and
 2. Is responsive to identified concerns (lists of prior requests from users of the forms).
- The proposal would create a new rule of court, rule 5.405, and form, ADOPT-216, to ensure state court compliance with the requirements of the Hague Adoption Convention; and would add language to two adoption forms, ADOPT-200 and ADOPT-215, that is responsive to legislative changes in Assembly Bill 687 that allows the court to make a nunc pro tunc adoption order under certain circumstances, and in Assembly Bill 1757, which adds venue and jurisdiction options and provides for the option to waive time after relinquishment. It would also reorganize and reword parts of those same forms to clarify or correct sections that have caused confusion to form users.
- The proposal would benefit the judicial branch, along with attorneys and self-represented litigants who use the forms, by making the forms current with recent law and by clarifying them to make them more effective and user friendly.

Specific changes proposed

The following new rule is proposed:

Adoptions of United States citizens by residents of foreign countries that are signatories to the Hague Adoption Convention (Cal. Rules of Court, rule 5.405). This rule addresses the following:

- The applicability of the rule to any adoption involving a child who is a U.S. citizen who is being (or has been) moved to another country that is a signatory to the Hague Adoption Convention;
- The requirement that the adoption request must allege facts about the applicability of the Hague Adoption Convention, and that the court must determine whether the Hague Adoption Convention applies in the country where the child will be residing;
- The evidence that must be received by the state court to verify compliance with the Hague Adoption Convention;
- The findings that must be made by the state court to meet the requirements for the petitioner to qualify for a Hague Certificate of Adoption or a Hague Declaration of Custody;
- The findings that the state court must make if it is satisfied that all of the Hague Adoption Convention requirements have been made; and
- That the petitioner(s) must declare an intent to finalize the adoption in California or in their country of residence.

The following new form is proposed:

Verification of Compliance with Hague Adoption Convention Attachment (form ADOPT-216). This form is intended to provide the court with all of the necessary findings, verifications, and orders that it needs to comply with the requirements of the Hague Adoption Convention as set forth in Code of Federal Regulations section 97.3.

- The first section includes the required state court findings before the adoption can proceed.
- The next section lists all of the evidence that the state court is required to verify to ensure compliance with the Hague Adoption Convention.
- The last section offers the court the choice of ordering a final adoption or ordering final custody in cases where the adoption will be completed in the country that is receiving the child.

The following forms are proposed to be revised as follows:

Adoption Request (form ADOPT-200). Proposed changes to this form include the following:

- Item 2 has been added to the form to provide the court with necessary venue/jurisdiction information from AB 1757 changes.
- Under item 3, the check box for “Relative” has been removed and check boxes for “Agency” and “Independent” have been modified to include subcategories for “Relative” and “Nonrelative.” This responds to suggestions from the California Department of Social Services noting that the “Relative” box is causing the Department problems because it is not a “type” of adoption, but rather, relative adoptions are either “Independent” or “Agency” adoptions.
- Grammatical changes to item 5 (former item 4).
- Under item 8, the section has been modified to clarify that forms ICWA-010(A), *Indian Child Inquiry Attachment*, and ICWA-020, *Parental Notification of Indian Status* must be filed in every adoption. This responds to some apparent confusion that resulted in forms ICWA-010(A) and ICWA-020 being left off of adoption requests when ADOPT-220 was attached.
- Item 10 has been revised to revise sub item "a" to comply with the actual language of the law, to revise sub item "b" to comply with the language of AB 1757 about the expiration or waiver of the right to revoke, and to add sub item “d” for Hague Adoption Convention allegations.
- Item 11 has been modified to clarify the language.
- Former items 14 through 18 have been combined into one item 15 with the heading “*Consent for adoption is not necessary because (complete all sections that apply to your adoption):*” Former items 14 through 18 all applied to various issues involving consent to adoption. This combined section should clarify the various means available to dispense with consent.
- In item 15(b), formerly item 15, the following statement has been added under the “Name” lines: “*Enter the date of the court order ending parental rights and attach a copy of the order.*” There have been complaints that it is unclear what date is needed and that the termination of parental rights must be completed before the adoption can be granted, leading to extra work for social workers having to contact petitioners to make needed corrections.
- Item 15(e) (formerly item 17) now clarifies that the operative statute is stated in the conjunctive: “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.” This proposed change clarifies that consent can be dispensed with where for one year or more there has been a failure to communicate **and** a failure to pay for the child’s care, support, and education when able to do so. (Fam. Code, § 8604(b).) Second, item 15(f) is a new statement on dispensing with consent under the provisions of Family Code section 7822(a), related to proof of abandonment.
- Under item 15(g) (formerly item 18) a new section tracks the language of Family Code section 8604(a), which dispenses with the need for consent from a presumed father when

he did not become a presumed father “before the mother’s relinquishment or consent became irrevocable or the mother’s rights were terminated.” (Fam. Code, § 8604(a).)

- A check box has been added under item 17 (formerly item 21) following the first check box, with the text: “I/We ask the court to date its order approving the adoption as of an earlier date (*date*): _____ for the following reason(s):

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

This responds to the new legislation adding section 8601.5 to the Family Code, which allows for a nunc pro tunc adoption order in certain circumstances. The legislation notes that the request for a nunc pro tunc order should be stated in the request or attached as an amendment.

- A statutorily mandated statement in compliance with AB 792 will be added to the form as soon as it is available, probably in mid-January.

Adoption Order (form ADOPT-215). Proposed changes to this form include the following:

- Under item 1, “Street address” was conformed to proper AOC style.
- Under item 2, “Place of birth” was amended to add “*(if known)*.” and the line following was removed, leaving the city, state, and country lines below. This responds to comments that the line following “Place of birth” confused people who thought the name of the hospital or the address of the birth parents was required. This clarifies that the place of birth, if known, is simply the city, state, and country.
- Under item 7, the language of sub item “a” was modified to read: “Is at least 10 years older than the child or meets the criteria in Fam. Code, § 8601(b),” which allows for adoption by a relative in appropriate cases where the age difference might be less than 10 years.
- Under item 8, the language of the first check box has been modified as follows: “This case is an adoption by a relative petitioned under Family Code section 8714.5.” This further clarifies that “relative” is not a type of adoption, but an adoption by a relative is filed as an independent or agency adoption request.
- Under item 9, the section was corrected where a number was wrong.
- Under item 12, a section has been added to acknowledge and incorporate the *Verification of Compliance with Hague Adoption Convention Attachment* (form ADOPT-216) findings.
- Under item 13, a check box following the last paragraph has been added, to read: “The judge believes it will serve public policy and the best interest of the child to make this order effective as of (*date*): _____ and grants the request of the adopting parent or parents for the court to use that date on this order.” This change brings the form into compliance with Family Code section 8601.5, which allows for a nunc pro tunc order in certain circumstances.

Alternatives Considered

The committee considered proposing a separate form to request a nunc pro nunc order of adoption because the new statute, Family Code section 8601.5(b), requires that “[t]he request for nunc pro tunc entry of order shall be stated in the adoption request or an amendment thereto, and shall set forth specific facts in support thereof.” The committee, however, decided that simple amendments to the *Adoption Request* and the *Adoption Order* would alleviate the need for a new form.

The committee also considered a range of requested changes to a variety of adoption forms that had been submitted over a number of years, but limited its proposed changes to the two forms affected by the new legislation, again in the interest of efficiency and avoiding all but the most pressing changes.

And finally, the committee took comments before including proposals to bring applicable forms into compliance with the Hague Convention on Adoption, which became effective in the United States in 2008, because it believed that it needed to hear from practitioners about what, if anything, was actually needed in the way of form revisions and/or new rules to ensure compliance.

Implementation Requirements, Costs, and Operational Impacts

The committee does not anticipate that this proposal will result in any costs to the branch other than the one-time cost of revising the forms. Nor does the committee anticipate any requirements for implementation or fiscal and operational impacts on the courts.

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?

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

- Will the proposal provide cost savings? If so please quantify.
- What are the implementation requirements 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 2 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

Proposed rule 5.405 is attached at pages 9–13

Proposed form ADOPT-216 is attached at pages 14–15

Proposed revised form ADOPT-200 (*Adoption Request*) is attached at pages 16–20.

Proposed revised form ADOPT-215 (*Adoption Order*) is attached at pages 21–22.

Assembly Bill 687 is available at this link:

www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0651-0700/ab_687_bill_20111004_chaptered.pdf

Assembly Bill 1757 is available at this link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1757&search_keywords=

Assembly Bill 792 is available at this link:

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0751-0800/ab_792_bill_20120930_chaptered.html

The Hague Adoption Convention is available at this link:

http://www.hcch.net/index_en.php?act=conventions.text&cid=69

1 Title 5. Family and Juvenile Rules

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

4
5 Chapter 3. Adoptions under the Hague Adoption Convention

6
7
8 **Rule 5.405. Adoptions of United States citizens by residents of foreign**
9 **countries that are signatories to the Hague Adoption Convention**

10
11 **(a) Purpose**

12
13 The rules in this chapter are adopted to provide practice and procedure for
14 adoptions conducted under the Hague Adoption Convention and under
15 California statutory provisions concerning these adoptions.

16
17 **(b) Authority**

18
19 These rules are adopted under Family Code sections 8900 through 8925.

20
21 **(c) Applicability of rule**

22
23 This rule applies to any adoption of a child resident in the United States by
24 an individual or individuals residing in a convention country, as defined in
25 Family Code section 8900.5(f), if, in connection with the adoption, the child
26 has moved or will move between the United States and the convention
27 country

28
29 **(d) Adoption request**

30
31 (1) The Adoption Request (form ADOPT-200 must allege specific facts
32 about the applicability of the Hague Adoption Convention and whether
33 the petitioner(s) is seeking a California adoption, will be petitioning for
34 a Hague Certificate of Adoption, or will be seeking a Hague
35 Declaration of Custody.

36
37 (2) The court must determine whether the Hague Adoption Convention
38 applies in the country where the child is residing or will be residing for
39 purposes of the adoption.

1
2 **(e) Evidence required to verify compliance with the Hague Adoption**
3 **Convention**
4

5 If the Hague Adoption Convention applies to the case, and the court is asked
6 to issue findings and an order supporting a request for the U.S. Department
7 of State to issue a Hague Certificate of Adoption or a Hague Declaration of
8 Custody for the adoption placement, the court must receive sufficient
9 evidence to conclude that the child is eligible for adoption, and find that the
10 placement is in the best interest of the child. The court must receive evidence
11 of all of the following:
12

- 13 (1) The adoption agency or provider is accredited by the Council on
14 Accreditation, is supervised by an accredited primary provider, or is
15 acting as an exempted provider as defined in Family Code section
16 8900.5(g), to provide intercountry adoption services for Hague cases;
17
18 (2) A child background study has been completed in accordance with the
19 regulations governing Hague adoptions;
20
21 (3) The child is eligible for adoption under California law;
22
23 (4) The adoption agency or provider has made reasonable efforts to place
24 the child in the United States, but was unable to do so, or an exception
25 to this requirement applies to the case;
26
27 (5) The agency has determined that the placement is in the child’s best
28 interest;
29
30 (6) A home study on the petitioner(s) has been completed, which includes:
31
32 (A) Information on the petitioner(s), such as identity, eligibility and
33 suitability to adopt, background, family and medical history,
34 social environment, reasons for adoption, ability to undertake an
35 intercountry adoption, and an assessment of their ability to care
36 for the child;
37
38 (B) Confirmation that a competent authority has determined that the
39 petitioner(s) are eligible and suited to adopt and has ensured that
40 the petitioner(s) have been counseled as necessary; and
41
42 (C) The results of criminal background checks;
43

- 1 (7) The designated Hague Adoption Convention authority of the adoptive
2 family's country of residence has declared that the child will be
3 permitted to enter and reside permanently in the receiving country, and
4 has consented to the adoption;
5
6 (8) All appropriate consents have been obtained in accordance with the
7 following standards:
8
9 (A) Counseling was provided to any biological or legal parent
10 consenting to the adoption;
11
12 (B) Biological or legal parents were informed of the legal effect of
13 adoption;
14
15 (C) Such consent was freely given without inducement by
16 compensation;
17
18 (D) Such consent was not subsequently withdrawn; and
19
20 (E) Consents were taken only after the birth of the child;
21
22 (9) As appropriate in light of the child's age and maturity, the child has
23 been counseled and informed of the effects of the adoption and the
24 child's views have been considered. If the child's consent is required,
25 the child has also been counseled and informed of the effects of
26 granting consent and has freely given consent expressed or evidenced
27 in writing in the required legal form without any inducement by
28 compensation of any kind;
29
30 (10) The adoption agency or provider has committed to taking all steps to
31 ensure the secure transfer of the child, including obtaining permission
32 for the child to leave the United States;
33
34 (11) The adoption agency or provider has agreed to keep the receiving
35 country's designated Hague Adoption Convention authority informed
36 about the status of the case;
37
38 (12) The petitioner(s) have agreed to accept custody of the child for
39 purposes of adoption;
40
41 (13) The adoption agency or provider demonstrates that any contact between
42 the birth family and the adoptive family complies with applicable state

1 law and Hague regulations governing timing of such communications;
2 and

3
4 (14) The agency certifies that no one is deriving improper financial gain
5 from the adoption and describes the financial arrangement with the
6 prospective adoptive family.

7
8 **(f) Court findings required to support the application for a Hague**
9 **Certificate of Adoption or Hague Declaration of Custody**

10
11 The court must make findings relating to the application for a Hague
12 Certificate of Adoption or Hague Declaration of Custody from the
13 Department of State. To meet the requirements for the certificate or
14 declaration, the findings must include that:

- 15
16 (1) The adoption is in the child’s best interest;
17
18 (2) The substantive regulatory requirements set forth in 22 Code of Federal
19 Regulations sections 97.3(a) through (k) have been met; and
20
21 (3) The adoption services provider meets the requirements of 22 Code of
22 Federal Regulations Part 96.

23
24 **(g) Court findings to verify that all Hague Adoption Convention**
25 **requirements have been met**

26
27 If the court is satisfied that all Hague Adoption Convention requirements
28 have been met, the court must make findings of fact and order the following:

- 29
30 (1) The child is eligible for adoption;
31
32 (2) The grant of custody with respect to the proposed adoption is in the
33 child’s best interest; and
34
35 (3) The court grants custody of the child to the named family for purposes
36 of adoption, as applicable.

37
38 **(h) Petitioner(s) intent to finalize adoption**

39
40 If the adoption is not finalized in California, a petition for a Hague
41 Certificate of Adoption or Hague Declaration of Custody must state specific
42 facts that the petitioner(s) intend to finalize in their country of residence or

1 that they will return to California after any required post-placement
2 supervisory period to finalize the adoption in a superior court of California.
3
4

5 **Advisory Committee Comment**
6

7 The Hague Adoption Convention (HAC) is a treaty that entered into force with respect to the
8 United States on April 1, 2008. The HAC strengthens protections for children, birth parents, and
9 prospective adoptive parents and establishes internationally agreed-upon rules and procedures for
10 adoptions between countries that have a treaty relationship under the HAC. It provides a
11 framework for member countries to work together to ensure that children are provided with
12 permanent, loving homes; that adoptions take place in the best interest of a child; and that the
13 abduction, sale, or traffic of children is prevented. This rule expands procedurally on Family
14 Code sections 8900 through 8925, which address intercountry adoptions, by specifying the
15 findings and evidence set forth in 22 Code of Federal Regulations section 97.3, that are required
16 by a state court when the HAC applies to an adoption.
17
18

(Attach to Form ADOPT-215, Adoption Order, in cases proceeding under the Hague Adoption Convention.)

The court finds as follows:

- All parental rights have been terminated and the child has been declared free from the custody and control of the his or her parents; thus the child is adoptable. (*Convention article 4(a).*)
- By clear and convincing evidence an intercountry adoption is in the best interest of the child. (*Convention article 4(b).*)
- The adoption services provider meets the requirements of 22 CFR Part 96.

The court verifies that the agency has met the substantive regulatory requirements of 22 CFR 97.3(a)–(k) in the following categories:

- Preparation of child background study (*Convention article 16(a) & 22 CFR 97.3(a)*);
- Transmission of child data to foreign authorized entity (*Convention article 16(2) & 22 CFR 97.3(b)*);
- Reasonable efforts to find domestic placement (*Convention article 4(b) & 22 CFR 97.3(c)*);
- Preparation and transmission of home study (*Convention article 15 & 22 CFR 97.3(d)*);
- Authorization for the child to enter the receiving country (*Convention article 5 & CFR 97.3(e)*);
- Consent to the adoption/custody by foreign authorized entity _____ (*Name of entity*) (*Convention article 17 & 22 CFR 97.3(f)*);
- Guardian/parent counseling and consent (*specify*): _____ (*Convention Article 4(d) & 22 CFR 97.3(g)*);
- Child counseling and consent (*if applicable*) (*specify*): _____ (*22 CFR 97.3(h)*);
- The agency and the central authority of the receiving country, as defined in Family Code section 8900.5(c), _____ (*name of receiving country*), _____ (*name of central authority*), have both signed Placement Adoption Papers (*22 CFR 97.3(i)*);
- The agency has taken all steps to ensure the secure transfer of the child, including obtaining permission for the child to leave the United States (*Convention article 18, 19 & 22 CFR 97.3(i)*);
- The agency has taken all steps to keep the central authority of the receiving country informed about the adoption process, as well as the progress of the placement if a probationary period is required (*Convention article 20 & 22 CFR 97.3(i)*);
- Proper observance of the “no-contact” rule, if applicable (*CFR 97.3(j)*);
- That no improper financial gain was derived (*CFR 97.3(k)*).

Clerk stamps date here when form is filed.

Draft
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Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:



Case Number:

Your name: _____

The court grants

Final adoption order

Final custody decree

Date: _____

Judge (or Judicial Officer)

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.

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Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

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

a. _____

b. _____

Relationship to child: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer (if any): (Name, address, telephone numbers, and State Bar number):

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

- Where the adopting parent(s) reside;
- Where the child was born or resides at the time of filing;
- Where an office of the agency that placed the child for adoption is located;
- Where an office of the department or public adoption agency that is investigating the petition is located;
- Where a placing birth parent or parents resided when the adoptive placement agreement, consent, or relinquishment was signed;
- Where a placing birth parent or parents resided when the petition was filed;
- Where the child was freed for adoption.

3 Type of adoption (check one):

- Agency (name): _____
 - Relative Nonrelative
- Joinder has been filed. Joinder will be filed. Joinder is being filed at the same time as with this Adoption Request.
- Tribal customary adoption (attach tribal customary adoption order)
- Independent
 - Relative Nonrelative
- International (name of agency): _____
- Stepparent

4 Information about the child:

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



Your name: _____

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

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

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

8 Child may have Indian ancestry: Yes No
a. Whether you answered "Yes" or "No," you must fill out and attach Forms ICWA-010(A), Indian Child Inquiry Attachment, and ICWA-020, Parental Notification of Indian Status.
b. If you answered "Yes," you must also fill out and attach Form ADOPT-220, Adoption of Indian Child.

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

10 **If this is an agency adoption**
a. I/We have received information about the Adoption Assistance Program, the Regional Center, mental health services available through Medi-Cal or other programs, and federal and state tax credits that might be available.
 Yes No
b. All persons with parental rights agree that the child should be placed for adoption by the California Department of Social Services or a licensed adoption agency (Fam. Code, § 8700) and have signed a relinquishment form approved by the California Department of Social Services and the time to revoke the relinquishment has expired or been waived. Yes No (If no, list the name and relationship to child of each person who has not signed the relinquishment form or whose time to revoke the relinquishment has not expired or been waived): _____
c. This is a tribal customary adoption under Welfare and Institutions Code section 366.24. Parental rights have been modified under and in accordance with the attached tribal customary adoption order, and the child has been ordered placed for adoption. Yes No
d. This is an adoption conducted under the requirements of the Hague Adoption Convention and the child will be moving or has already moved with the adopting parent(s) to another Hague Convention member court at the conclusion of this adoption. Yes No If yes, child will be moving or has moved to _____ (name of county) and adopting parent(s): Seeks a California adoption Will be petitioning for a Hague Certificate of Adoption, or Will be seeking a Hague Declaration of Custody.

11 **If this is an independent adoption**
a. A copy of the Independent Adoptive Placement Agreement from the California Department of Social Services is attached. (This is required in most independent adoptions; see Fam. Code, § 8802.) Yes No

(To be completed by the clerk of the superior court if a hearing date is available.)
Hearing is set for:
Hearing Date → Date: _____
Time: _____
Dept.: _____ Room: _____
Name and address of court if different from page 1:

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

Your name: _____

b. All persons with parental rights agree to the adoption and have signed the Independent Adoptive Placement Agreement or consent on the appropriate California Department of Social Services form. Yes No
(If no, list the name and relationship to child of each person who has not signed the agreement form):

c. I/We will file promptly with the department or delegated county adoption agency the information required by the department in the investigation of the proposed adoption. Yes No

12 If this is a stepparent adoption

a. The birth parent (name): _____ has signed a consent will sign a consent

b. The birth parent (name): _____ has signed a consent will sign a consent

c. The adopting parents were married on **or** The domestic partnership was registered on (date): _____. *(For court use only. This does not affect social worker's recommendation. There is no waiting period.)*

13 There is no presumed or biological father because the child was conceived by artificial insemination using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)

14 Contact after adoption

Form ADOPT-310, *Contact After Adoption Agreement*, is attached will not be used

will be filed at least 30 days before the adoption hearing is undecided at this time

This is a tribal customary adoption. Postadoption contact is governed by the attached tribal customary adoption order.

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

a. The consent of the birth mother birth father presumed father is not necessary because
(check the applicable reasons under Fam. Code, § 8606):

(1) The birth parent has been judicially deprived of the custody and control of the child.

(2) The birth 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 birth parent has deserted the child without providing information to identify the child.

(4) The birth parent has relinquished the child under Fam. Code, § 8700.

(5) The birth parent has relinquished the child for adoption to a licensed or authorized child-placing agency in another jurisdiction.

b. A court ended the parental rights of:

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

(Enter the date of the court order ending parental rights and attach a copy of the order.)

c. The child is the subject of a tribal customary adoption order under Welf. & Inst. Code, § 366.24, which has modified the parental rights of:

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

(Attach a copy of the order.)



Case Number: _____

Your name: _____

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

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

e. Each of the following persons with parental rights has not contacted the child and has not paid for the child's care, support, and education for one year or more when able to do so. (Fam. Code, § 8604(b).)

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

Name: _____ Relationship to child: _____ on (date): _____

f. The child has been abandoned as follows:

(1) The child has been left by the child's parent or parents with no way to identify the child.

(2) The child has been left in the custody of another person by both parents or the sole parent for six months without providing for the child's support, or without communication from the parent or parents, with the intent to abandon the child.

(3) One parent has left the child in the care and custody of the other parent for one year or longer without providing for the child's support or without communication from the parent, with the intent to abandon the child.

(See Fam. Code, § 7822(a).)

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

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

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

16 Suitability for adoption

Each adopting parent:

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

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

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

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

Case Number: _____

Your name: _____

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 Welf. & Inst. Code, § 366.24.

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

Date: _____ *Type or print your name*  _____
Signature of attorney 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

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

Draft
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

1 Your name (*adopting parent*):
a. _____
b. _____
Relationship to child: _____
Street address: _____
City: _____ State: _____ Zip: _____
Daytime telephone number: (____) _____
Lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

2 Child's name after adoption:
First Name: _____
Middle Name: _____
Last Name: _____
Date of birth: _____ Age: _____
Place of birth (*if known*): _____
City: _____ State: _____ Country: _____

3 Name of adoption agency (*if any*): _____

4 Hearing date: _____
Dept.: _____ Div.: _____ Rm.: _____ Judicial Officer: _____
Clerk's office telephone number: (____) _____

5 People present at the hearing:
 Adopting parents Lawyer for adopting parents
 Child Child's lawyer
 Parent keeping parental rights: _____
 Other people present (*list each name and relationship to child*):
a. _____
b. _____

If there are more names, attach a sheet of paper, write "ADOPT-215, Item 5" at the top, and list the additional names and each person's relationship to child.

Judge will fill out section below.

6 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. This is a tribal customary adoption and the child's consent is not required.

7 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 Fam. Code, § 8601(b)
b. Will treat the child as his or her own
c. Will support and care for the child
d. Has a suitable home for the child *and*
e. Agrees to adopt the child



Your name: _____

- 8 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. (Fam. Code, § 8714.5(g).)
 The child's name before adoption was:
 First Name: _____ Middle Name: _____ Last Name: _____
- 9 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 14 below.
- 10 The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
 As submitted As amended on ADOPT-310
- 11 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.
- 12 This is an adoption under the Hague Adoption Convention. Form ADOPT-216, *Verification of Compliance with Hague Adoption Convention Attachment* is attached and fully incorporated into this order.
- 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 make this order effective as of (date): _____ and grants the request of the adopting parent or parents to use that date on this order.

Date: _____
 (Actual date) _____ 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:

- ADOPT-200, *Adoption Request* ADOPT-220, *Adoption of Indian Child*
 ADOPT-215, *Adoption Order* 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 by U.S. mail, with full postage, from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy