

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT SPR20-17

**Title**

Family Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions

**Action Requested**

Review and submit comments by Tuesday, June 9, 2020

**Proposed Rules, Forms, Standards, or Statutes**

Adopt Cal. Rules of Court, rule 5.493; approve form ADOPT-206; revise forms ADOPT-050-INFO, ADOPT-200, ADOPT-210, and ADOPT-215

**Proposed Effective Date**

January 1, 2021

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**Proposed by**

Family and Juvenile Law Advisory Committee

Hon. Jerilyn Borack, Cochair  
Hon. Mark Juhas, Cochair

### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes the adoption of a new rule of court and revisions to a chapter title in title 5 of the California Rules of Court, in addition to amendments to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also proposes amendments to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020.

### Background

#### Intercountry adoptions

During federal fiscal year 2018, the U.S. Department of State adoptions statistics indicated that 269 children were adopted from foreign countries and brought to California to live with their adoptive families.<sup>1</sup> Of these 269 adoptions, 244 had their adoptions finalized in the foreign

<sup>1</sup> U.S. Department of State, Bureau of Consular Affairs, Adoption Statistics, 2018, [https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt\\_ref/adoption-statistics1.html?wcmode=disabled](https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-statistics1.html?wcmode=disabled).

country and 25 entered the United States with the intention of finalizing their adoption in this country.<sup>2</sup> With the enactment of the Child Citizenship Act of 2000,<sup>3</sup> the federal government authorized automatic U.S. citizenship for adoptees in certain cases of intercountry adoption, depending on the child's country of origin and age at adoption, whether the adoption was finalized in the child's country of origin, and the visa the child used to enter the United States. If a child does not acquire automatic U.S. citizenship pursuant to the Child Citizenship Act, the federal government requires readoption under state law for purposes of pursuing U.S. citizenship. Prior to the enactment of AB 677, California law mandated readoption under state law for children whose adoption was finalized abroad only when required by the Department of State for U.S. citizenship purposes.<sup>4</sup>

As of January 1, 2020, when an adoption has been finalized in a foreign country, California adoptive parents are required under Family Code section 8919 to file a request for adoption under state law within the earlier of 60 days from the child's entry to the United States or by the child's 16th birthday. Parents are also required to provide a copy of the petition to each adoption agency that provided services to the parents. If the adoptive parents fail to timely file the request for adoption or provide copies to the adoption agency or agencies who provided the adoption services, the adoption agency must, within 90 days of the entry of the child to the United States, initiate the filing with the court and provide a "file-marked copy" of the petition to the adoptive parent and any other adoption agency that provided adoption services, within five business days of filing. The purpose of AB 677 is to ensure that U.S. citizenship is pursued and obtained for children whose adoptions are finalized abroad and to protect adopted children against human trafficking.

### **Adoptions required in certain cases of gestational surrogacy**

The current "stepparent adoption" process contemplates two possible scenarios. The first scenario is the traditional definition of stepparent adoption—when a person marries or enters into a registered domestic partnership with the legal parent of a child after the child is born and seeks to become a legal parent of the child. This process requires a home study and is contained in Family Code sections 9000 through 9007. The second scenario arising under stepparent adoption is a process to confirm parentage when the "stepparent" or person seeking the adoption was married to or in a registered domestic partnership with the birth parent when the child was born. The process allowing for confirmation of parentage was enacted with the Modern Family Act of 2014 (Assem. Bill 2344 (Ammiano); Stats. 2014, ch. 636) and is contained in Family Code section 9000.5. Confirmation of parentage does not require a home study.

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<sup>2</sup> U.S. Department of State, Bureau of Consular Affairs, *2018 Annual Report on Intercountry Adoption* (Mar. 2019) <https://travel.state.gov/content/dam/NEWadoptionassets/pdfs/Tab%201%20Annual%20Report%20on%20Intercountry%20Adoptions.pdf>.

<sup>3</sup> 106 Pub.L. 395 (Oct. 30, 2000) 114 Stat. 1631, [www.congress.gov/106/plaws/publ395/PLAW-106publ395.pdf](http://www.congress.gov/106/plaws/publ395/PLAW-106publ395.pdf).

<sup>4</sup> Readoption under California law was and is still required when a child enters the United States prior to finalization of the adoption, is *placed* with a California adoptive family, and the adoption is finalized in this state. (Fam. Code, § 8911.)

California law also contemplates two types of gestational surrogates: “traditional” surrogates, in which the surrogate’s own egg is inseminated with the sperm of the intended parent; and “gestational carriers,” who are implanted with a fertilized embryo and do not contribute any genetic material to the child. (Fam. Code, § 7960(f)). Under legislation enacted in 2016 (Assem. Bill 2349 (Chiu); Stats. 2016, ch. 385), intended parents who have entered into a surrogacy agreement with a gestational carrier who resides outside the state of California are authorized to pursue a pre-birth order of parentage and may file an action in California to establish parentage of the child under the Uniform Parentage Act, as enacted in California. (Fam. Code, §§ 7600–7730.) However, some states still prohibit a parent with no genetic ties to the child from establishing parentage under that state’s version of the Uniform Parentage Act and require the parent to pursue adoption in order to be listed on the child’s birth certificate.

The purpose of AB 1373 was to expand the process allowing intended parents to “confirm parentage” in those cases in which **all** of the following apply:

- The intended parents reside in California;
- The intended parents together entered into a surrogacy agreement with a gestational carrier residing out of state;
- The child’s birth was registered in another state;
- The laws of that other state allowed for only one of the two intended parents to be listed on the child’s birth certificate;
- The intended parents were married or in a registered domestic partnership when the child was born and remain in that union; and
- The parent who was not able to establish parentage in another state now seeks to adopt the child in order to be listed on the child’s birth certificate.

### **Gender identification questions**

California’s Gender Recognition Act (Sen. Bill 179, Stats. 2017, ch. 853) contains findings and declarations regarding the fundamentally personal nature of gender identification and the need for options on state-issued identification documents to ensure that gender is accurately reflected. In addition to streamlining processes for name change and gender recognition, the act establishes *nonbinary* as a new option for gender recognition, making California one of only five states in the nation and the District of Columbia to recognize a third gender category.

As requested by the Judicial Council’s Rules Committee, the Family and Juvenile Law Advisory Committee indicated on its annual agenda that it would “revise all gendered terms or gender identity questions to conform to legislative changes providing for nonbinary gender identity as those forms are subject to revision for any other purpose including implementation of statutory changes.”<sup>5</sup>

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<sup>5</sup> Judicial Council of Cal., Family and Juvenile Law Advisory Committee, Annual Agenda—2020 (approved Oct. 28, 2019), [www.courts.ca.gov/documents/famjuv-annual.pdf](http://www.courts.ca.gov/documents/famjuv-annual.pdf).

Best practices for the identification and removal or revision of gender identification questions on Judicial Council forms dictate that the gender identification questions should be asked only when necessary to effectuate the purpose of the form, which includes a statutory requirement to ascertain sex or gender. If it is determined that the question is required, it may need to be revised in order to be legally compliant, use clear and respectful language, and elicit data that satisfies the needs of the form consumer.

The current *Adoption Request* (form ADOPT-200) contains a field in item 4b in which the form user can check a box next to “Boy” or “Girl.” There are five Family Code provisions applicable to adoptions—intercountry, stepparent, agency, and independent adoptions—which require that the petition state the sex of the child.<sup>6</sup> Therefore, this item has been reformulated to “Sex of this child” and to include all three gender categories, as follows:

b. Sex of this child     Female     Male     Nonbinary

### **Indian Child Welfare Act content and questions**

In 2016, the federal government finalized comprehensive regulations and issued updated guidelines to implement the Indian Child Welfare Act (ICWA).<sup>7</sup> In 2017, the Attorney General’s ICWA Compliance Task Force made recommendations on the implementation of ICWA in California,<sup>8</sup> and in 2018, state legislative changes impacted the ICWA provisions contained in the Welfare and Institutions Code.<sup>9</sup> It was determined that in some areas, federal guidelines were inconsistent with existing California law and practice, thus necessitating a recent proposal to update title 5 of the California Rules of Court and a variety of ICWA and juvenile law forms, which went into effect on January 1, 2020. Specifically, the proposal clarified the application of the standards “reason to believe” and “reason to know” whether a child is an Indian child, and the requirement to conduct additional inquiry.

The current form ADOPT-200 asks whether the child “may have Indian ancestry.” Because this question is part of the required inquiry, but is not the sole determinant as to whether additional

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<sup>6</sup> Intercountry adoptions: “The petition shall state the child’s sex and date of birth” (Fam. Code, § 8912(b)); Stepparent adoptions: “The petition shall state the child’s sex and date of birth and the name the child had before adoption” (Fam. Code, § 9000(c)); Agency adoptions: “The petition shall state the child’s sex and date of birth” (Fam. Code, §§ 8714(d), 8714.5(e)); Independent adoptions: “The petition shall state the child’s sex and date of birth and the name the child had before adoption” (Fam. Code, § 8802(c)).

<sup>7</sup> See 25 C.F.R. § 23 (2020), [www.ecfr.gov/cgi-bin/retrieveECFR?gp=&r=PART&n=25y1.0.1.4.13](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&r=PART&n=25y1.0.1.4.13); U.S. Department of the Interior, Bureau of Indian Affairs, *Guidelines for Implementing the Indian Child Welfare Act* (Dec. 2016), [www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf](http://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf).

<sup>8</sup> *California ICWA Compliance Task Force: Report to the California Attorney General’s Bureau of Children’s Justice* (2017), [www.caltribalfamilies.org/wp-content/uploads/2019/06/ICWAComplianceTaskForceFinalReport2017-1.pdf](http://www.caltribalfamilies.org/wp-content/uploads/2019/06/ICWAComplianceTaskForceFinalReport2017-1.pdf).

<sup>9</sup> Assem. Bill 3176 (Waldron; Stats. 2018, ch. 833), [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB3176](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176).

inquiry is required and whether there is reason to know that a child is an Indian child, this section is proposed to be amended to come into compliance with current federal regulations.

## The Proposal

The committee proposes the following:

1. Revise the title of chapter 3 in division 2 of title 5 of the California Rules of Court to allow for the inclusion of additional rules of court related to intercountry adoptions.
2. Adopt rule 5.493 setting forth the responsibilities of adoptive parents, adoption agencies, and the courts with regard to the filing of a request for adoption under California law of a child whose adoption was finalized in another country.
3. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy.
4. Revise *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy. Both the gender identification question and the item addressing responsibilities under ICWA on form ADOPT-200 are proposed for revision.
5. Approve *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy* (form ADOPT-206), which is a slightly modified version of *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205), an optional attachment used to confirm parentage.

Each of these proposed revisions and the proposed new rule and form are detailed below.

### Revision to chapter title

The committee proposes to change the title of chapter 3 in division 2 of title 5 from “Adoptions under the Hague Adoption Convention” to “Intercountry Adoptions.” All existing rules of court addressing adoptions under the rules of the convention would remain as is, but the more general title for this section will allow for the inclusion of new rule 5.493 related to intercountry adoptions.

### Rule 5.493

The committee proposes to add new rule 5.493, which sets forth the requirements contained in Family Code sections 8912 and 8919 with respect to the readoption of children born in foreign countries whose adoptions were finalized abroad. Specifically, the proposed rule contains the new statutory requirement to request adoption under California law of a child whose adoption was finalized in a foreign country, the responsibility of agencies to initiate a petition when a

parent fails to make a timely request, and the responsibilities of courts to notify the Department of Social Services at their Sacramento office upon the filing of a petition for adoption.

#### **Form ADOPT-050-INFO, How to Adopt a Child in California**

The information sheet for adoptions is proposed to be amended to accommodate changes in the law from both bills and the changes to ICWA implementation language. Form ADOPT-050-INFO is an information sheet that provides instructions on the various forms required to be filled out in order to adopt a child in California and includes information regarding stepparent adoptions; confirmation of parentage; adoption of an Indian child; independent, agency, and intercountry adoptions; and open adoptions.

The proposed substantive amendments to this form are as follows:

- Change “In California there are several kinds of adoption. This form includes instructions for:” to “In California there are several kinds of adoption. This information sheet provides steps for the following types:”
- Under “General Information on Adoptions,” change the adoption categories to “Independent or agency adoptions in the United States,” “Intercountry adoptions,” “Stepparent/domestic partner adoptions,” and “Stepparent/domestic partner confirmation of parentage.” Add the sentence “Page 4 also has information about open adoptions and special requirements for the adoption of Indian children.”
- Under “Stepparent/Domestic Partner Adoptions,” change the first question to “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.”
  - Combine the existing two questions into one: “Was the adopting parent in a union with the child’s legal parent **at the time the child was born** and is the adopting parent **still in a union** with the legal parent?”
  - Add a question: “Did the adopting parent’s **spouse or partner give birth to the child** or did the **adopting parent enter into a gestational surrogacy agreement** as an intended parent with the legal parent of the child?”
- Insert horizontal dashed lines and the statement “Additional Forms for Stepparent Adoption to Confirm Parentage” to clarify the two processes.
- Add a reference to new proposed form ADOPT-206, a description indicating when this optional form applies, and a reference to the application of the parentage confirmation process to certain types of gestational surrogacy.
- Change the section title “Independent, Agency, or International Adoptions” to “Independent or Agency Adoptions in the United States.”

- Add new section “Intercountry Adoptions.” This section incorporates the changes to the law enacted by AB 677 on intercountry adoptions.
- Add new section “Inquiry and Notice Under the Indian Child Welfare Act” along with detailed requirements pursuant to recent federal regulatory and state legislative changes.
- Change the section title “Adopting an Indian Child” to “Adoption of an Indian Child.”
- Under the section title “‘Open’ Adoption,” change the text to “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.”

The proposed plain language amendments to this form are:

- Delete “(page X)” after each type of adoption covered in the INFO sheet.
- Consolidate the definition of “union” into a single sentence, shrink font and remove italics.
- Change icons next to questions.
- Remove Yes/No options after the questions.
- Remove periods after each numbered action item.
- Under “Adoption of an Indian Child,” change the text to “If you are adopting an Indian child, fill out and bring to court the following additional forms.”

The additional language proposed here would add two pages to this form, making it a four-page information sheet.

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

All items: Bold headings for all items, rename some for consistency and remove punctuation marks like periods and colons. Changed font of headings to Arial throughout. In some cases, change Yes/No questions to statements with a check box to indicate that the statement applies to the adoption request. The caption was amended to include additional code provisions contemplated in the form.

#### ***Item 1***

- Change “Your name(s) (*adopting parent(s)*)” to the heading “Adopting parent(s)” to reduce the number of parentheses and italics and because the item asks for more than names.
- Add “Name” to items 1a and 1b.

## **Item 2**

- Add heading “County of filing.” Change “I/We filed this Adoption Request in this court because it is in the county (check all that apply):” to “This Adoption Request is filed in this court because (check all that apply).”
- Reword each option by removing “where” from the beginning and adding “in this county.”
- Move the Hearing Date box directly under the Case Number box to allow all item 3 options to display on the same page.

## **Item 3**

- Indent the joinder questions under the “Agency” option, allowing the form user to select only one type of adoption.
- Under the “Intercountry” option, move “This adoption may be subject to the Hague Adoption Convention (form ADOPT-216 must be filed with this request)” to renumbered item 13, “Intercountry adoption questions,” and add the joinder options.
- Change the “Stepparent” option to “Stepparent adoption.” Convert the text under that item to an option that reads “Stepparent adoption to confirm parentage.” Replace the instruction text with “See form ADOPT-050-INFO to determine whether you are eligible for the stepparent adoption to confirm parentage process.”

## **Item 4**

- In item 4b, delete the options “Boy” and “Girl” and substitute “Sex” followed by the options “Female,” “Male,” and “Nonbinary.” This makes the form language consistent with the Gender Recognition Act of 2017 (SB 179), while remaining in compliance with various adoption statutes requiring the collection of information on “sex” on the petition.
- Add new item 4h to collect information from former item 13 regarding the conception of the child through assisted reproduction.
- Add new item 4i, “The child is a dependent of the court,” and add juvenile case number and county fields. Former item 7 would be deleted.

## **Item 5**

- Convert the instruction into a heading.

## **Item 6**

- Move former item 9 regarding birth parents to item 6.
- Add the heading “Birth parents.”
- Combine questions, with a single line for parents’ names.

## **Item 7**

- Add the heading “Legal guardian.”
- Change the instruction to “If yes, attach Letters of Guardianship and fill out below),” remove italics, and place on the same line as the Yes/No question.
- Put items 7a through 7c in two columns.

**Item 8**

- Add the heading “Inquiry and notice under the Indian Child Welfare Act.”
- Rework the questions and information relative to inquiry and notice under ICWA based on recent statutory changes to title 5 of the California Rules of Court and Welfare and Institutions Code.

**Item 9**

- Add new heading “Adoption of an Indian child” (this mirrors the same heading on form ADOPT-050-INFO).
- Add item 9a allowing the form user to indicate that this is an adoption of an Indian child and instructing the user to fill out two additional forms.
- Add item 9b (formerly item 10c) allowing the user to indicate that this is a tribal customary adoption.

**Item 10**

- Add new heading “Agency adoption questions” to signal that only those who are pursuing an agency adoption need to answer the questions.
- Move former item 10c to item 9, “Adoption of an Indian child.”
- Move former item 10d to item 13, “Intercountry adoption questions.”

**Item 11**

- Add new heading “Independent adoption questions” and retain items 11a through 11d.

**Item 12**

- Add new heading “Stepparent adoption and confirmation of parentage questions.”
- Amend item 12c to state “The adopting parent married or entered into a registered domestic partnership with the legal parent” instead of referring to “the adopting parents.”
- Amend item 12d to add a check box to indicate whether proposed new form ADOPT-206 is attached.
- Add item 12f to account for the possibility of adding a third parent without termination of either existing parent’s rights, using the stepparent adoption process.

**Item 13**

- Add new heading “Intercountry adoption questions.”
- Add item 13a (former item 3) containing the statement regarding the Hague Adoption Convention.
- Add item 13b (former item 10d) but change to “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.” The Yes/No options will be removed from this question, so it will only be checked when applicable.
- Pursuant to AB 667, add item 13c to ask the date the child entered the United States and provide a cross-reference to form ADOPT-050-INFO for a list of documents to attach to the adoption request for an intercountry adoption finalized in another country.

**Item 15:** Add new heading “Consent for adoption.”

**Item 17:** Add new heading “Requests to court.”

**Item 18:** Change “he or she must sign here” to “the lawyer must sign here.”

**Adoption Agreement (form ADOPT-210)**

This form is typically signed in front of a judge at the hearing. Minor changes to items 1 and 2 were made to conform to plain language changes in form ADOPT-200. The caption was amended to include additional code provisions contemplated in the form.

**Item 1**

- Change “Your name(s) (*adopting parent(s)*)” to the heading “Adopting parent(s)” to reduce the number of parentheses and italics and because the item asks for more than names.
- Add “Name” to items 1a and 1b.

**Item 2**

- Add the heading “Information about the child.”
- Correct the typo in the instruction heading so that it reads “Signing this form.”
- Change the third bulleted item to add “or established parentage over a child born through gestational surrogacy.”

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

This form requires only minor amendments to align with legislative changes.

**Item 1**

- Change “Your name(s) (*adopting parent(s)*)” to the heading “Adopting parent(s)” to reduce the number of parentheses and italics and because the item asks for more than names.
- Add “Name” to items 1a and 1b.

**Item 2:** Add the heading “Information about the child.”

**Item 4**

- In the final check box, change the instruction to read “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 with the legal parent at the time the child was born.”

**Item 12:** Delete the term “independent” to allow for the possibility of a traditional stepparent adoption involving an additional parent, pursuant to this option on form ADOPT-200 (new item 12f).

***Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy (form ADOPT-206)***

This proposed new form is an adaptation of existing form ADOPT-205, which is designed for optional use in a stepparent parentage confirmation process. The title includes the term “Gestational Surrogacy” to indicate that the form may be used in a case in which AB 1373 would apply. The rest of the form was modified by removing the term “birth parent” and replacing it with “parent who established parentage through a gestational surrogacy process” or, in some contexts, “legal parent.” In item 4, the words “outside the state of California” were added to the statement about the child’s birth. Because this is a different application of the confirmation of parentage process and the terms are long and unwieldy, the committee proposes this separate optional attachment for these very specific cases.

**Alternatives Considered**

One alternative would have been to fully examine and reconsider the contents and organization of form ADOPT-200, which encompasses most of the various avenues for adopting a child in California, including independent, agency, intercountry, and stepparent adoptions. Creating separate form sets for intercountry adoptions or stepparent adoptions to confirm parentage may serve to clarify all of the various processes. Ultimately, the committee determined that the overall number of intercountry adoptions statewide each year did not justify the staff and committee time that would have been required to undertake a complete overhaul of these forms. Likewise, for the forms that are impacted by the legislation adding a new category of stepparent adoptions, a very narrow group of adoptive parents are impacted by the changes, so it was determined that for this proposal, the most important task is to ensure compliance of the forms and the process with current law, and the most efficient way to do this is through minor amendments to the existing forms.

**Fiscal and Operational Impacts**

Court personnel may need training to understand their responsibilities when an international adoption agency initiates an adoption request under the new law. Courts that maintain paper versions of the forms will incur the costs of replacing old forms with the revised forms. Because there are amendments to forms ADOPT-210 and ADOPT-215, both of which have been translated into Spanish, the Judicial Council will incur costs in updating these translated versions should the forms ultimately be amended 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?
- Do the rule and forms accurately reflect the processes established in legislation?

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 three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.493, at pages 13-15
2. Forms ADOPT-050-INFO, ADOPT-200, ADOPT-206, ADOPT-210, and ADOPT-215, at pages 16–31
3. Link A: Assembly Bill 677  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB677](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB677)
4. Link B: Assembly Bill 1373  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1373](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1373)

Rule 5.493 of the California Rules of Court would be adopted, effective January 1, 2021, to read:

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 Intercountry**  
6                   **Adoptions**  
7  
8

9                   **Rules 5.490–5.492 \* \* \***  
10

11                  **Rule 5.493. Requirement to request adoption under California law of a child born in**  
12                  **a foreign country when the adoption is finalized in the foreign country (Fam.**  
13                  **Code, §§ 8912, 8919)**  
14

15                  **(a) Responsibility to file request**  
16

- 17                 (1) A resident of California who has finalized an intercountry adoption in a  
18                 foreign country must:  
19  
20                 (A) File a request to readopt the child in California within the earlier of 60  
21                 days from the adoptee's entry into the United States or the adoptee's  
22                 16th birthday; and  
23  
24                 (B) Provide a copy of the adoption request to each adoption agency that  
25                 provided the adoption services to the adoptive parent.  
26  
27                 (2) If the adopting parent fails to timely file a request to readopt the child under  
28                 California law, the adoption agency that facilitated the adoption must:  
29  
30                 (A) File the request within 90 days of the child's entry into the United  
31                 States; and  
32  
33                 (B) Provide a file-marked copy of the request to the adoptive parent and to  
34                 any other adoption agency that provided services to the adoptive parent  
35                 within five business days of filing.  
36  
37                 (3) If an adoption agency files a request in accordance with (2), the adoptive  
38                 parent or parents will be liable to the adoption agency for all costs and fees  
39                 incurred as a result of good faith actions taken by the adoption agency to  
40                 fulfill the requirement set forth in this rule.  
41

1       **(b) Contents of request**

- 2
- 3       (1) A request to adopt under California law a child born in a foreign country  
4       whose adoption was finalized in a foreign country must include all of the  
5       following:
- 6
- 7           (A) A certified or otherwise official copy of the foreign decree, order, or  
8           certification of adoption that reflects finalization of the adoption in the  
9           foreign country;
- 10
- 11          (B) A certified or otherwise official copy of the child's foreign birth  
12          certificate;
- 13
- 14          (C) A certified translation of all documents described in this subdivision  
15          that are not written in English;
- 16
- 17          (C) Proof that the child was granted lawful entry into the United States as  
18          an immediate relative of the adoptive parent or parents;
- 19
- 20          (D) A report from at least one postplacement home visit by an intercountry  
21          adoption agency or a contractor of that agency licensed to provide  
22          intercountry adoption services in the state of California; and
- 23
- 24          (E) A copy of the home student report previously completed for the  
25          international finalized adoption by an adoption agency authorized to  
26          provide intercountry adoption services, in accordance with Family  
27          Code section 8900.
- 28
- 29       (2) If an adoption agency initiates a request in accordance with (a)(2), the filing  
30       must consist of the following:
- 31
- 32           (A) A signed cover sheet containing the name, date of birth, and date of  
33           entry to California of the child, the names and address of adoptive  
34           parents, and the name and contact information for the adoption agency;
- 35
- 36           (B) Blank copies of all forms required to initiate the request for adoption  
37           under California law; and
- 38
- 39           (C) Any document required in (b)(1) that is in the possession of the  
40           adoption agency.
- 41
- 42

1      **(c) Clerk's notice of request and order**

- 2
- 3      (1) When a request for adoption under California law of a child whose adoption  
4      was finalized in a foreign country is filed, the court clerk must immediately  
5      notify the California Department of Social Services in Sacramento in writing  
6      of the pendency of the proceeding and of any subsequent action taken.
- 7
- 8      (2) If a request for adoption under California law is initiated under (a)(2), the  
9      clerk of the court must file-stamp the request to allow the adoption agency to  
10     fulfill its obligations under (a)(2)(B).
- 11
- 12     (3) Within 10 business days of an order granting a request for adoption under  
13     California law, the clerk of the court must submit to the State Registrar the  
14     order granting the request.
- 15

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 California Court's Online Self-Help Center 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
- Intercountry adoptions
- Stepparent/domestic partner 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:

- Was the adopting parent in a union with the child's legal parent **at the time the child was born** and is the adopting parent **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 the adopting parent's **spouse or partner give birth to the child** or did the **adopting parent enter into a gestational surrogacy agreement** as an intended parent with the legal parent of the child?

If you answered "No" to either question, complete items 1 through 4 below for a stepparent/domestic partner adoption.

If you answered "Yes" to both questions, complete items 1 and 2, only, for a stepparent adoption to confirm parentage.

**1 Fill out court forms**

- ADOPT-200      *Adoption Request*  
 ADOPT-210      *Adoption Agreement*

This tells the judge about you and the child you are adopting.

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.

- ADOPT-215      *Adoption Order*  
 ICWA-010(A)      *Indian Child Inquiry Attachment*  
 ICWA-020      *Parental Notification of Indian Status*

The judge signs this form if your adoption is approved.

This lets the judge know that you have asked whether the child may have Indian ancestry.

This shows that the child's parents have been asked about Indian ancestry.

Additional Forms for Stepparent Adoption to Confirm Parentage

- ADOPT-205 (or an equivalent declaration)      *Declaration Confirming Parentage in Stepparent Adoption*

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-

- ADOPT-206 (or an equivalent declaration)      *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy*

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 when you have used a gestational carrier, the child was born outside of California, and the state where the child was born only allowed one intended parent to be named 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.

## 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.

## 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 have Indian ancestry.   |
| <input type="checkbox"/> ICWA-020    | <i>Parental Notification of Indian Status</i> | This proves that the child's parents have been asked about Indian ancestry.  |

## 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 4 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 arrival 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 have Indian ancestry.   |
| <input type="checkbox"/> ICWA-020    | <i>Parental Notification of Indian Status</i> | This proves that the child's parents have been asked about Indian ancestry.  |

### 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
- 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 adopting parent(s) must ask specific questions of the child and other people in the child's life in order to determine whether the child may be an Indian child. They must make the inquiry required under law and attach *Indian Child Inquiry Attachment (ICWA-010(A))* to their *Adoption Request*. For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- The adopting parent(s) must attach a completed version of *Parental Notification of Indian Status* (form [ICWA-020](#)) OR make a good faith attempt 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.
- 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
- Parent of Indian Child Agrees to End Parental Rights*, form ADOPT-225

If you are adopting through a tribal customary adoption:

- Attach a copy of the tribal customary adoption order to *Adoption Request*, form ADOPT-200
- Attach a copy of the tribal customary adoption order to *Adoption Order*, form ADOPT-215

## “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.

Clerk stamps date here when form is filed.

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

**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, e-mail address, and State Bar number):  
\_\_\_\_\_  
\_\_\_\_\_

**DRAFT  
NOT APPROVED BY THE  
JUDICIAL COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**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 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.

(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

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

Tribal customary adoption (attach tribal customary adoption order)

Independent:  Relative  Nonrelative  Additional Parent(s)

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

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

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.

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** (fill out ONLY for independent, 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 adopting parent(s) have made the inquiry required under law and attach *Indian Child Inquiry Attachment* (form [ICWA-010\(A\)](#)). For more information about the duty of inquiry, see form [ICWA-005-INFO](#).
- 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.
- 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.

**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.  Yes  No
- b. All persons with parental rights agree that the child should be placed for adoption by the California Department of Social Services or a county adoption agency or a licensed adoption agency (Fam. Code, § 8700) and have signed a relinquishment form approved by the California Department of Social Services, and the time to revoke the relinquishment has expired or been waived.  Yes  No

*If no, list the name and relationship to child of each person who has not signed the relinquishment form or whose time to revoke the relinquishment has not expired or been waived:*

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

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

**(12) 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. I understand that the person I choose must be a licensed clinical social worker, a licensed marriage and family therapist, or work for a licensed private adoption agency. I will pay this person or agency directly.
  - I would like the court to choose someone to do an investigation. I understand that the court can charge me money for this investigation.
- f.  This is a stepparent adoption involving an additional parent:  All persons with existing parental rights agree to this adoption and will maintain their existing parental rights.  An agreement waiving termination of parental rights, signed by both the existing parent(s) and the adopting parent(s) is attached.

**(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*.

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

**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  presumed father is not necessary because (*check the applicable reasons under Fam. Code, § 8606*):

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

- b.  A court ended the parental rights of:

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

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

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

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to child: \_\_\_\_\_ on (date): \_\_\_\_\_

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

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

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

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

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

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

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

- f.  The child has been abandoned as follows:

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

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

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

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

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

- (15)** 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 Family Code section 8601(b);
- b. Will treat the child as his or her own;
- c. Will support and care for the child;
- d. Has a suitable home for the child; *and*
- e. Agrees to adopt the child.

## **(17) 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 (Fam. Code, § 8601.5):  
\_\_\_\_\_  
\_\_\_\_\_

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

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

- (18)** If a lawyer is representing you in this case, 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).

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

**NOT APPROVED BY THE  
JUDICIAL COUNCIL**

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

**Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy** This form is attached to [Form ADOPT-200, Adoption Request](#).

This optional form may be attached to the form ADOPT-200 if the adopting parent was married to or in a state-registered domestic partnership with the parent who established parentage through a gestational surrogacy process. You may instead attach a declaration in another format containing substantially the same information. The legal parent through surrogacy and the adopting parent must complete separate declarations.

**1** I (write your name) \_\_\_\_\_ declare as follows:

**2** Relationship between the legal parent and the adopting parent seeking to confirm parentage (check one):

- a.  I am the parent of a child born through a gestational surrogacy process. Only my parentage was established through the Uniform Parentage Act or another proceeding related to the surrogacy. Before the birth of the child, I married or entered into a state-registered domestic partnership (including a domestic partnership or civil union from out-of-state that is legally equivalent to a marriage) with the adopting parent who is seeking to confirm parentage, (name) \_\_\_\_\_, and we remain in that union.
- b.  I am the adopting parent seeking to confirm parentage. I married or entered into a state-registered domestic partnership with the parent whose parentage has been established for a child born through a gestational surrogacy process, (name) \_\_\_\_\_, and we remain in that union.

**3** We were married/registered as domestic partners on (date you entered into your earliest union) \_\_\_\_\_, before our child was born. A copy of our marriage certificate, registered domestic partner certificate, or certificate of out-of-state domestic partnership or civil union is attached.

**4** Our child (name of child to be adopted) \_\_\_\_\_ was born on (date) \_\_\_\_\_ outside of the state of California. A copy of our child's birth certificate is attached.

**5**  Our child was conceived through assisted reproduction in compliance with Family Code section 7613 as described below. (Describe how your child was conceived and whether you used a known or unknown donor. A letter from your sperm bank or a written donor agreement verifying conception by assisted reproduction should be attached. If you used a known donor without a sperm bank or written donor agreement, you should seek legal advice before submitting this form.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

**Case Number:**

Your name:

- 6**  If there are any other persons who are or may be the child's parents, describe these persons' relationship to the child, including their names, the ways in which these persons act as parents to the child, and whether these persons consent to the adoption: \_\_\_\_\_

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

Date:

[View Details](#) | [Edit](#) | [Delete](#)

---

*Type or print your name*

---

---

*Sign name*

Clerk stamps date here when form is filed.

**1 Adopting parent(s)**

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

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

Address (skip this if you have a lawyer): \_\_\_\_\_

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

Telephone number: \_\_\_\_\_

Lawyer (if any) (name, address, telephone numbers, e-mail address, and State Bar number):  
\_\_\_\_\_  
\_\_\_\_\_**2 Information about the child**

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

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

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

***Signing this form:***

- Adoptions usually require a hearing where most signatures on this form must be completed in front of a judge.
- Item 4b may be signed before the hearing.
- If this is a stepparent adoption to confirm parentage involving a spouse or registered domestic partner who gave birth to the child or established parentage over a child born through gestational surrogacy during the union, usually no hearing is required and you may sign this form in front of a proper witness. See item 8a for instructions on having your signature properly witnessed. If the court orders a hearing in this case, you must sign this form at the hearing in front of the judge.
- All other signatures must be signed at a hearing, in front of a judge, unless waived by the judge for good cause.

- 3** I am the child listed in **2** and I agree to the adoption. (Not required in the case of a tribal customary adoption under Welf. & Inst. Code, § 366.24.)

Date: \_\_\_\_\_  
 Type or print your name

►  
 Signature of child (child must sign if 12 or older;  
 optional if child is under 12)

- 4** If there is 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 born to me, including the right to inherit my estate.

Date: \_\_\_\_\_  
 Type or print your name

►  
 Signature of adopting parent



**DRAFT**  
**NOT APPROVED BY THE**  
**JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

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

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

- b. I am married to, or am the registered domestic partner of, the adopting parent listed in ①, and I am not a party to this adoption. I agree to his or her adoption of the child.

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

*Type or print your name**Signature of spouse or registered domestic partner  
(may be signed before hearing)*

**5** If there are two adopting parents, read and sign below.

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

- Be adopted and treated as our legal child (Fam. Code, § 8612(b)) and
- Have the same rights as a natural child born to us, including the right to inherit our estate.

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

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

*Type or print your name**Signature of adopting parent*

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

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

*Type or print your name**Signature of adopting parent*

**6** If this is a tribal customary adoption, read and sign below.

I/we are the adopting parents listed in ①, and I/we agree that the child will:

- Be adopted and treated as my/our legal child (Fam. Code, § 8612(b)) and
- Have the same rights and duties stated in the tribal customary adoption order dated \_\_\_\_\_ (copy attached).

If two adopting parents, we agree to the other parent's adoption of the child.

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

*Type or print your name**Signature of adopting parent*

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

*Type or print your name**Signature of adopting parent*

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

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

*Type or print your name**Signature of legal parent*

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

**8 Executed (check one):**

- a.  This form was signed outside of a hearing. (*Select this option only for a stepparent adoption involving a spouse or partner who gave birth to the child during the union, where the court did not order a hearing for good cause.*)

(1)  This form was signed in California.

This form was signed in front of the following type of witness (check one):

Notary public (*the notary acknowledgment is attached*)

Court clerk

Probation officer

Qualified court investigator

Authorized representative of a licensed adoption agency

County welfare department staff member

(2)  This form was signed outside of California.

This form was signed in front of the following type of witness (check one):

Notary public (*the notary acknowledgment is attached*)

Other person authorized to perform notarial acts (*proof of notarization is attached*)

Authorized representative of an adoption agency that is licensed in the state or country where this form was signed

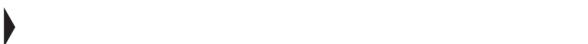
(3) Witness information

This form was signed in: (county) \_\_\_\_\_ (state) \_\_\_\_\_ (country) \_\_\_\_\_

Name of witness: \_\_\_\_\_

Agency witness works for (if applicable): \_\_\_\_\_

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

Witness signature: 

- b.  This form was signed at a hearing in front of a judicial officer. (*The judge will date and sign the form below.*)

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

*Judge (or Judicial Officer)*

# ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

**DRAFT  
NOT APPROVED BY THE  
JUDICIAL COUNCIL**

**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, e-mail address, and State Bar number): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2 Information about the child**

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 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. \_\_\_\_\_

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.

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 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.



**Case Number:**

Your name:

- 6** The judge has reviewed the report and other documents and evidence and finds that each adopting parent:

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