

## 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
- ▮ Stepparent/domestic partner adoptions
- ▮ Intercountry adoptions
- ▮ Stepparent/domestic partner confirmation of parentage

Page 4 also has information about open adoptions and special requirements for the adoption of Indian (Native American) children.

## Stepparent/Domestic Partner Adoptions






If you wish to adopt the child of your spouse or domestic partner, you may be eligible for a stepparent adoption. There are two types of stepparent adoptions. Answer these questions to figure out which process is right for you:

- à Were you in a union with the child's legal parent **at the time the child was born** and are you **still in a union** with the legal parent? (A "union" means a marriage, a California registered domestic partnership, or a registered domestic partnership or civil union from another state that is legally equivalent to a marriage.)
- à Did your **spouse or domestic partner give birth to the child** or was the child born through a **gestational surrogacy process** brought about by one or both of you?


If you answered "No" to **either** question, complete 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	<i>Adoption Request</i>	This tells the judge about you and the child you are adopting.
 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.
 ADOPT-215	<i>Adoption Order</i>	The judge signs this form if your adoption is approved.
 ICWA-010(A)	<i>Indian Child Inquiry Attachment</i>	This lets the judge know that you have asked whether the child may be an Indian child.
 ICWA-020	<i>Parental Notification of Indian Status</i>	One form is required for each birth parent. This shows that the child's parents have been asked about potential Indian status.

#### Additional Forms for Stepparent Adoption to Confirm Parentage

 ADOPT-205 (or an equivalent declaration)	<i>Declaration Confirming Parentage in Stepparent Adoption</i>	This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage. See above for more information on this type of adoption. Both the birth parent and the adopting parent must complete a separate declaration.
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- OR -

 ADOPT-206 (or an equivalent declaration)	<i>Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy</i>	This tells the court how you conceived your child and whether there are any other parents. Only use this if you are seeking a stepparent adoption to confirm parentage because the child was conceived through a gestational surrogate and was born outside of California, and the state where the child was born only allowed one intended parent to be named as a legal parent on the child's birth certificate.
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**2 Take your forms to court**

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

**3 The social worker writes a report**

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

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

Bring:

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

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

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

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

**1 Fill out court forms**

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

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

**2 Take your forms to court**

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

**3 The social worker writes a report**

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

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

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

## **Intercountry Adoptions**

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

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

### **1 Fill out court forms**

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

### **2 Postadoption or postplacement visits and reports**

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

### **3 Attach documentation**

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

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

### **4 Take your forms to court**

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

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

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

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

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

## **Inquiry and Notice Under the Indian Child Welfare Act**

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

- Q *Adoption of Indian Child* (form ADOPT-220); and
- Q *Parent of Indian Child Agrees to End Parental Rights* (form ADOPT-225).

If this is a tribal customary adoption, a copy of the tribal customary adoption order must be attached to the petition and the order.

## **“Open” Adoption**

If you want your child to have contact with their birth family, use *Contact After Adoption Agreement* (form ADOPT-310) to describe the kind of contact the birth family will have with your child. Fill out this form and bring it to your hearing.