

# STEPPARENT ADOPTION - STEP BY STEP

## 1. COMPLETE COURT FORMS

The following forms are included in this packet. Most can be completed online. Go to [www.amadorcourt.org](http://www.amadorcourt.org)

- |                                     |             |  |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | Adopt 200   | Adoption Request   |
| <input checked="" type="checkbox"/> | Adopt 210   | Adoption Agreement   |
| <input checked="" type="checkbox"/> | Adopt 215   | Adoption Order   |
| <input checked="" type="checkbox"/> | VS 44       | Court report of Adoption   |
| <input checked="" type="checkbox"/> | ICWA-010(A) | Indian Child Inquiry Attachment  |
| <input checked="" type="checkbox"/> | AD-2        | Consent to Adoption by Parent Retaining Custody  |
| <input checked="" type="checkbox"/> | FCS-203     | Consent to Adoption by Parent In/Out of California giving custody to Husband, Wife or Registered Domestic Partner or Other Parent (or Order of Termination of Parental Rights) |

### Additional Forms for Terminating Parental Rights

(Parental rights must be terminated or consent given prior to the adoption occurring)

- |                                     |         |  |
|-------------------------------------|---------|--|
| <input checked="" type="checkbox"/> | FCS-200 | Petition to Declare Minor Free From Parental Custody and Control of Parent for Stepparent Adoption                 |
| <input checked="" type="checkbox"/> | FCS-201 | Order on Petition to Declare Minor Free From Parental Custody and Control of Parent and Terminate Parental Rights  |
| <input checked="" type="checkbox"/> | FCS-204 | Ex Parte Application for Publication of Citation   |
| <input checked="" type="checkbox"/> | FCS-205 | Order on Ex Parte Application for Publication of Citation  |
| <input checked="" type="checkbox"/> | FCS-206 | Declaration of Due Diligence in Support of Request for an Order of Publication or for Order Dispensing With Notice |
| <input checked="" type="checkbox"/> | FCS-202 | Adoption Citation to Declare Minor Free from Parental Custody and Control of Parent for Stepparent Adoption        |

## 2. TAKE FORMS TO COURT

Take the completed forms (plus 2 additional copies) to the court clerk. The court will charge a filing fee of \$20 per petition and the Court Investigation Fee of \$200.00. The Clerks office is located at 500 Argonaut Lane, Jackson, CA 95642 Mon-Fri 9:30 a.m. to 2:30 p.m. and Fridays 9:30 a.m. to 12:00 p.m.

If you are requesting to terminate the other parent's rights at the same time as you are filing your adoption request, an additional Court Investigation Fee of \$750.00 will be charged.

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## 3. COURT INVESTIGATOR WILL CONTACT YOU

The court clerk will provide your Adoption Request to the court investigator, who will write a report. This report gives important information to the judge about the adopting parents and the child. The court investigator will contact you to set up an appointment. The investigation costs \$200 .



- The court investigator can be contacted at 257-2689.

## 4. GATHER NECESSARY DOCUMENTS

The court investigator will need *certified* copies of the following documents. They can be obtained from the County Clerk-Recorder's Office in the County of the State in which the birth, death or marriage occurred.

- The child/ren's birth certificate;
- Marriage license for Petitioner (stepparent) and his or her spouse (parent retaining custody) *or* Certificate of Domestic Partnership;
- Death certificate of absent parent, if applicable.

In Amador County the Clerk-Recorder's Office is located at 810 Court Street in Jackson. A certified copy of your Certificate of Domestic Partnership can be obtained by making a written request that includes both partners' names to the Secretary of State, Business Programs Division, @ Special Filings, P.O. Box 942877, Sacramento, CA 94277-0001. You will need to send the current fee with your request. The Secretary of State-Domestic Partners Registry may be contacted at (916) 653-3984 or visit their website at <http://www.sos.ca.gov/registries/domestic-partners-registry/forms-fees/>.

The court investigator will also need *certified* copies of the following documents. They can be obtained from the court that entered the order.

- Final Judgments of Dissolution (Divorce decrees) from prior marriages, if any, of either Petitioner or Petitioner's spouse/partner;
  - Any court order awarding custody of the child to Petitioner's spouse/partner (e.g., the minor's natural parent) (This may be contained in the divorce decree.);
  - Any Order Terminating Parental Rights or Order Declaring Minor Free from Parental Custody and Control, if one has been obtained in another court proceeding.
- **If the appropriate documentation is not provided, the court investigator will report to the court that he or she is unable to complete the investigation.**

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## 5. CONSENT OR ENDING PARENTAL RIGHTS

*You will need to obtain the consent of the biological parent who is giving up custody of the child.* The consent must be on a specific form which is contained in this packet. The form is called “Stepparent Adoption – Consent to Adoption by Parent In/Outside California Giving Custody to Husband, Wife or Other Parent”. (FCS-203). There are also forms that can be used by a parent in the Armed Forces. These forms are available at: [cdss.ca.gov/sdssweb/entres/forms](http://cdss.ca.gov/sdssweb/entres/forms).

The court investigator can assist you in obtaining the consent of the parent giving up custody *if* you know where the other parent is and have obtained an agreement that he or she will consent. If the consenting party is in California, it must be signed in front of the Court Investigator, a court clerk, or a notary public.

**If the other parent doesn’t want to sign a consent form, you will have to file a petition to end his or her parental rights. This must occur before the court will hear your adoption petition.**

Figuring out which petition to end parental rights to file can be difficult and following the necessary procedures can be tricky. Neither the court investigator nor the clerks in the Clerk’s Office can give you legal advice on which petition to file. This packet contains the most commonly used forms, but may not be the form you need.

You should talk to a lawyer to make sure you follow the right steps. You might also consult Do Your Own California Adoption: Nolo’s Guide for Stepparents & Domestic Partners by Frank Zagone & Attorney Emily Doskow. It is available at the Public Library, ordered online or from your local bookstore.

## 6. CONSENT OF PARENT RETAINING CUSTODY

You will also need to obtain the consent of the parent who is retaining custody of the child—in other words, Petitioner’s spouse/partner. The parent retaining custody must sign a consent allowing his or her spouse/partner to adopt the child. This form is called “Stepparent Adoption—Consent to Adoption by Parent Retaining Custody.” [Form – AD-2] It must be signed either in front of the Court Investigator, a court clerk, or a notary public.

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## 7. GET A HEARING DATE

Generally speaking, the court will set your adoption hearing approximately 2 months out at the time of filing.

## 8. ATTEND THE HEARING



The stepparent, the custodial parent and the child must go to the Adoption Hearing. Please arrive 20 minutes early. When you get to court, let the bailiff in the courtroom where the hearing is know you are there.

You may bring a camera if you want a photo with you and your child with the judge. You may also bring friends and relatives.

## 9. OBTAIN A NEW BIRTH CERTIFICATE



After the adoption has been approved by the court, you will get a new birth certificate for the child. This process is initiated by the court. The clerk submits the Court Report of Adoption to the Office of Vital Records in Sacramento, which supervises the preparation of the new birth certificate. It takes the Office of Vital Records about 7 months to process the request. A certified copy will be sent to the address listed on the Court Report of Adoption when it is ready. If you don't want to have a new birth certificate established, you can make that request to the Office of Vital Records. The telephone number for the Office of Vital Records is (916) 445-2684.

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THIS FORM IS NOT INTENDED TO BE A COMPLETE STATEMENT OF ALL OF YOUR LEGAL RESPONSIBILITIES, AND IS NOT INTENDED TO SUBSTITUTE FOR LEGAL ADVICE.

The Self Help Center may assist self-represented litigants with Stepparent Adoptions. For more information, go to: [www.amadorcourt.org](http://www.amadorcourt.org) or check with the Clerk's Office at 257-2603. For more general information go to the California Courts self-help website:

[www.courtinfo.ca.gov/selfhelp/family/adoption/stepadoptqna.htm](http://www.courtinfo.ca.gov/selfhelp/family/adoption/stepadoptqna.htm)

