# **Adult Adoption**

Adult adoption is a legal procedure in which an older adult adopts a younger adult. Once an adult adoption is complete, the parties assume toward each other a legal parent-child relationship, with all associated rights and responsibilities of such a relationship, including inheritance rights. Adult adoption cannot be used for <a href="mailto:lmmigration">lmmigration</a> (http://www.uscis.gov/adoption/immigration-through-adoption/other-adoption-related-immigration) purposes.

# **Templates and Forms**

- Petition for Adult Adoption Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-adult-adoption-petition-1.rtf)
- Agreement for Adult Adoption Template RTF\_(https://saclaw.org/wp-content/uploads/2023/04/sbs-adult-adoption-agreement.rtf)
- Consent of Spouse of Adoptee Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-adult-adoption-spouse-of-adoptee-1.rtf)
- Consent of Spouse of Adopting Person Template RTF\_(https://saclaw.org/wp-content/uploads/2023/04/sbs-adult-adoption-spouse-of-adopting-person-1.rtf)
- Order Granting Adult Adoption Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-adult-adoption-order.rtf)

Information included in this guide does not apply to independent, agency, international, or stepparent adoptions. Stepparent Adoption forms can be accessed through the Sacramento Superior Court at the following link: Stepparent Adoption Forms (https://www.saccourt.ca.gov/family/adoptions.aspx).

An adult adoption severs all existing parent-child relationships, unless the adopting parent is the adoptee's stepparent. When a stepparent adopts an adult stepchild, the adopting parent's spouse retains his/her parent-child relationship with the adoptee. The procedures for adopting an adult in California are found in the California Family Code (Fam.) §§ 9300-9340

 $\underline{(http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=FAM\&sectionNum=9300.)} \ .$ 

The required documents for an adult adoption are:

- The Adoption Agreement. This document states that the parties agree to assume toward each other the legal relationship of parent and child, and to have all the rights and be subject to all the duties and responsibilities of that relationship.
- The *Petition for Approval of Adoption Agreement*. This is the formal request that the court approve the Adoption Agreement. This document must provide specific details, including the ages of the parties, the nature and length of their relationship, and the reasons the parties are seeking this adoption. Be clear and specific about why the adoption would be in the best interest of the parties.
- The *Order of Adoption*. This is the formal court order granting the adoption. Present this at the adoption hearing for the judge to sign.
- Spousal Consent(s). If either party is married, consent of the spouse(s) is required.

# **Step-by-Step Instructions**

#### 1. Complete the required forms

There is no Judicial Council form for this procedure. Instead, the relevant documents must be typed on 28-line pleading paper. Customizable templates may be downloaded from these links:

- Petition for Approval of Adoption Agreement (https://saclaw.org/resource\_library/adult-adoption/sbs-adult-adoption-petition-2/)
- Adoption Agreement (https://saclaw.org/resource\_library/adult-adoption/sbs-adult-adoption-agreement/)
- Consent of Spouse of Adopted Person (https://saclaw.org/resource\_library/adult-adoption/sbs-adult-adoption-spouse-of-adoptee-2/)
- Consent of Spouse of Adopting Parent (https://saclaw.org/resource\_library/adult-adoption/sbs-adult-adoption-spouse-of-adopting-person-2/)
- Order of Adoption (https://saclaw.org/resource\_library/adult-adoption/sbs-adult-adoption-order/)

Sample filled-in forms with instructions are available at the end of this Guide.

#### 2. Make copies and organize

Make copies for all parties and for the Court. Your *Adoption Agreement* and *Spousal Consents* should be attached to your *Petition* as exhibits.

Exhibits should be separated by a blank piece of pleading paper with their exhibit letter or number typed or written at the bottom of the page.

### 3. Obtain Form VS-44, Court Record of Adoption

Form VS-44, Court Report of Adoption, is required for all types of adoptions. The court completes this form and forwards it to the Office of Vital Records. In many courts, the clerk will provide the form. Otherwise, you may request the form by mail from the California Department of Public Health, Office of Vital Records.

A VS-44 web form is also available online. (https://www.cdph.ca.gov/Programs/PSB/Pages/BirthDeathMarriageCertificates.aspx)

# California Department of Public Health, Office of Vital Records MS 5103 P.O. Box 997410, Sacramento, CA 95899-7410

### 4. File your documents

File your Petition for Approval of Adoption Agreement, including exhibits, along with the blank VS-44. You may

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file in the county where either party resides.

The clerk will stamp "endorsed filed" on your *Petition* including all copies, assign your case number, and set a hearing date.

The court does not impose a filing fee for adoption papers, but you will have to pay \$20, which is forwarded to the Registrar of Vital Statistics for preparing and maintaining the official records <a href="California Health & Safety">Code § 103730 (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=HSC&sectionNum=103730.)</a>.

#### Where Do I File in Sacramento?

William R. Ridgeway Family Relations Courthouse 3341 Power Inn Road Sacramento, CA 95826

**NOTE:** If the adoptee is a developmentally disabled adult, you must give a 30-day notice of the hearing to the director of the regional center for the developmentally disabled. The center will file a written report with the court regarding the suitability of the adoption. Fam. § 9327

(http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=FAM&sectionNum=9327.) .

## 5. Attend the adoption hearing

Bring your *Adoption Agreement* and *Order of Adoption* to your hearing. The Court will ask you the reasons for this adult adoption. Make sure that the statements in your *Petition* are clear and specific and refer to the *Petition* as you speak to the judge. Both parties must be present at the hearing.

#### 6. File your signed order of adoption

After your hearing, file your signed *Order of Adoption*. The clerk can provide you with certified copies of the *Order of Adoption* upon your request.

### 7. Amend your birth certificate

After the adoption is final, the court will mail the VS-44 to the State Office of Vital Records. On this form, you may request an amended birth certificate that reflects this adoption. It may take several months for the Office of Vital Records to process your amendment.

# For help

SH@LL (Self-Help at the Law Library) (https://saclaw.org/services/civil-self-help/) (formerly Civil Self Help Center) 609 9<sup>th</sup> Street, Sacramento CA 95814 (916) 476-2731 (Appointment Request Line)

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Services Provided: SH@LL provides general information and basic assistance to self-represented litigants on a variety of civil legal issues, including name changes. All assistance is provided by telephone. Visit "What we can help with (https://saclaw.org/services/civil-self-help/#canhelp)" for a list of qualifying cases.

*Eligibility:* Must be a Sacramento County resident or have a <u>qualifying case (https://saclaw.org/services/civil-self-help/#who)</u> in the Sacramento County Superior Court.

#### For more information

At the Law Library:

California Forms of Pleading and Practice KFC 1010 .A65 C3 (Ready Reference)

Vol. 2, Chap. 12C, Adoption: Adults and Unmarried Minors.

Electronic Access: On the Law Library's computers, using Lexis Advance.

California Transactions Forms: Family Law KFC 68 .F3

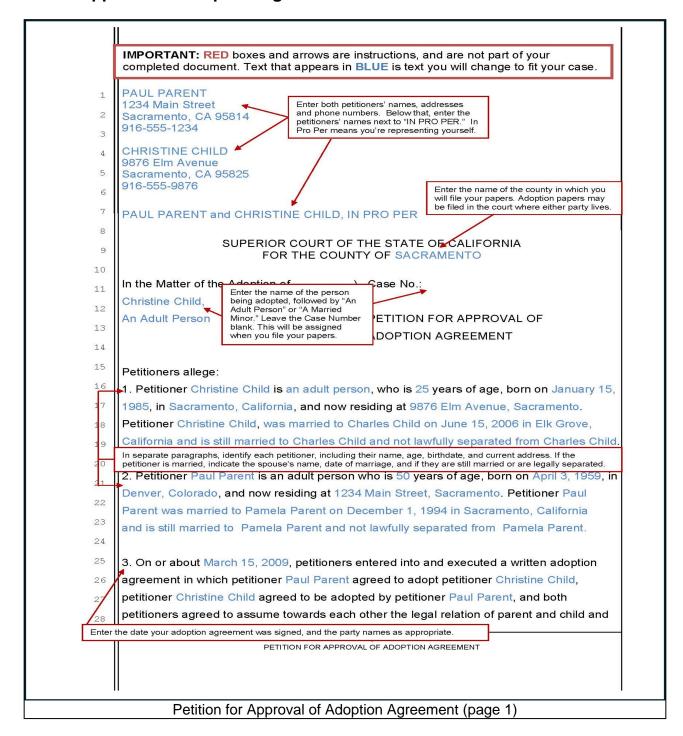
Chap. 6, § III: Adoption of Adult or Unmarried Minor.

Summary of California Law KFC 80 .W57 (Ready Reference) Vol. 10, Parent and Child, §§ 154 – 156.



# **Samples**

#### **Petition for Approval of Adoption Agreement**

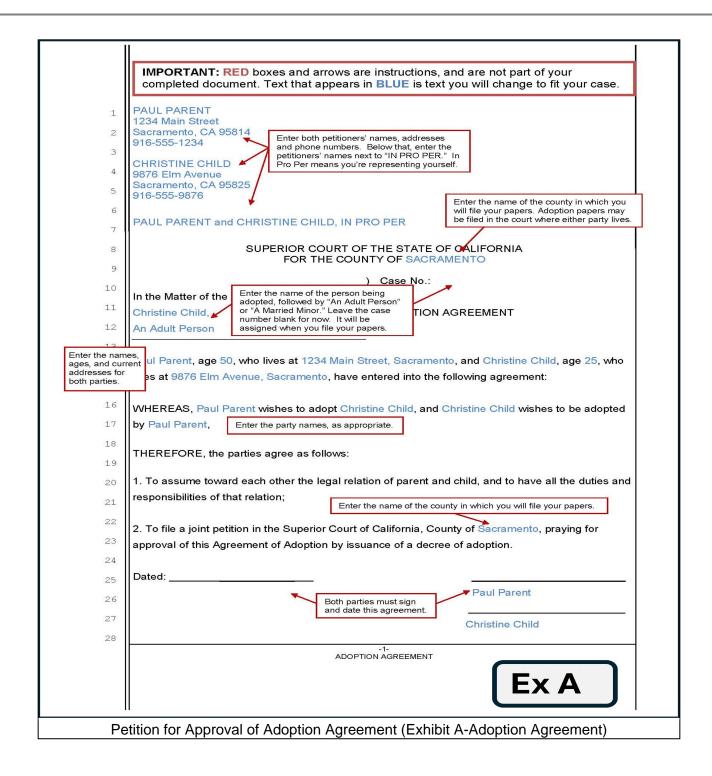


II .
to have all the rights and be subject to all the duties and responsibilities of that relation. A
copy of the Adoption Agreement is attached hereto as Exhibit A and made a part hereof.
3
4. The spouse of Christine Child, Charles Child, has duly consented in writing to the
adoption sought herein. A copy of his/her consent is attached hereto as Exhibit B and made for a part hereof.  If the adoptee is married, spousal consent is required. Enter the names as appropriate to indicate that spousal consent has been obtained. If the adoptee is unmarried, remove this paragraph.
5. The spouse of Paul Parent, Pamela Parent, has duly consented in writing to the adoption
sought herein. A copy of his/her consent is attached hereto as Exhibit C and made a part
hereof If the adopting parent is married, spousal consent is required. Enter the names as appropriate to indicate
that spousal consent has been obtained. If the adopting parent is unmarried, remove this paragraph.
6. Petitioner Paul Parent desires to adopt petitioner Christine Child, and petitioner Christine
Child desires to be so adopted. Enter the names of the petitioners as appropriate, to indicate that both parties desire this adoption.
12 7 Potitioner Christine Child is a standaughter of notitioner Indicate the family relationship between the
7. Petitioner Christine Child is a stepdaughter of petitioner parties, such as stepchild or nephew. If there no family relationship, remove this paragraph
8. Petitioner Paul Parent has known Christine Child for 15 years. Petitioner Christine Child
came to live with petitioner Paul Parent at the age of 10 when her mother married petitioner
and resided in his home until her marriage. No adoption was completed during the
minority of Christine Child because the birth father would not give his consent to the
adoption.
State reasons why this adoption is sought and is in best interests of the parties and the public.
9. The Petitioners seek this adoption in order to establish a legal relationship that exists in
fact, and because it is in their best interests that petitioners have between them the legal
rights and obligations of parent and child, including rights relating to inheritance and duties
of support. This adoption is in the public interest for the same reasons, and particularly
because it will create legal duties of support between the petitioners and thereby reduce the
likelihood of either petitioner becoming a public charge in the future.
24
10. The names and addresses of the living parents and adult children of petitioner Christine
Child are as follows:  List the names and addresses of the adoptee's parents and adult
Father's name and address children. If none, remove this paragraph.
Mother's name and address
-2- PETITION FOR APPROVAL OF ADOPTION AGREEMENT
Petition for Approval of Adoption Agreement (page 2)

If the adopting parent, or the adopting parent's spouse, has previously adopted an adult, enter the name and date of that adoption. If not, remove this paragraph.		
11. Paul Parent has previously adopted Name	11. Paul Parent has previously adopted Name of previous adult adopted person, an adult	
person, on March 26, 2000, at Sacramento, C	alifornia.	
12. Petitioner Christine Child wishes to continu		
the name of New Name). Indicate if the adoptee we the family name of the adopte.	ishes to keep their current name, or take doptive parent.	
WHEREFORE, petitioners pray that the court	permit all persons concerned in this matter to	
attend and be heard, and that the court exami	ne all persons appearing before it as required	
by law, and if satisfied that the best interests o	f the parties and the public	
interest will be promoted by the proposed ado	ption, grant the petition, approve the	
agreement of adoption, and make a decree th	at Christine Child has been duly and legally	
adopted by petitioner Paul Parent.		
	names of the parties as appropriate. es must sign and date this petition.	
Dated:		
	Paul Parent	
VEDIE	Christine Child	
	CATION	
I, Paul Parent, am one of the petitioners in the above-entitled proceeding. I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge,		
except as to those matters which are therein alleged on information and belief, and, as to		
those matters, I believe it to be true.	neged of information and belief, and, as to	
those matters, i believe it to be true.		
I declare under penalty of perjury under the la	ws of the State of California that the foregoing	
is true and correct.		
Dated:		
One party must sign the verification, indicating that the	Paul Parent	
contents of the petition are true and correct.		
PETITION FOR APPROVAL	DE ADODTION AGREEMENT	



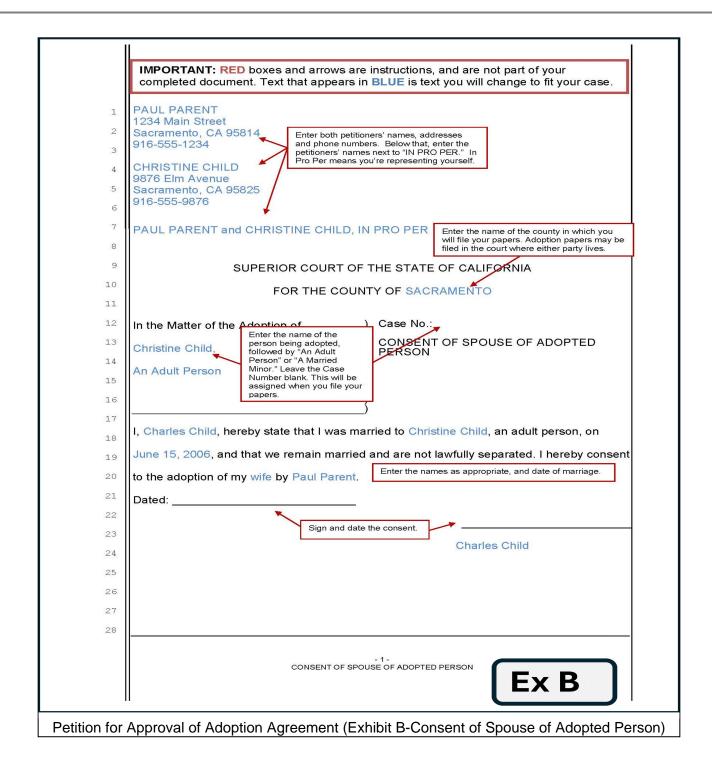




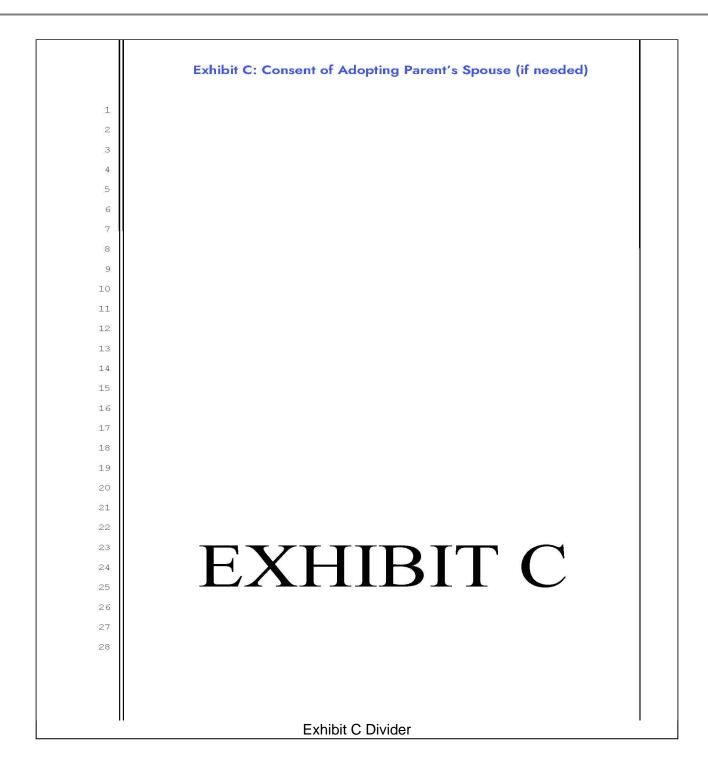




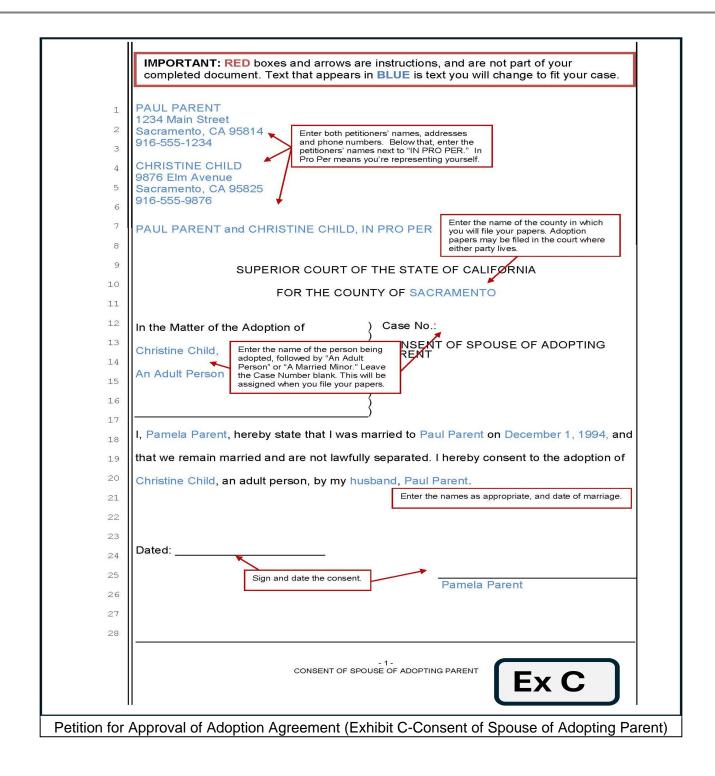




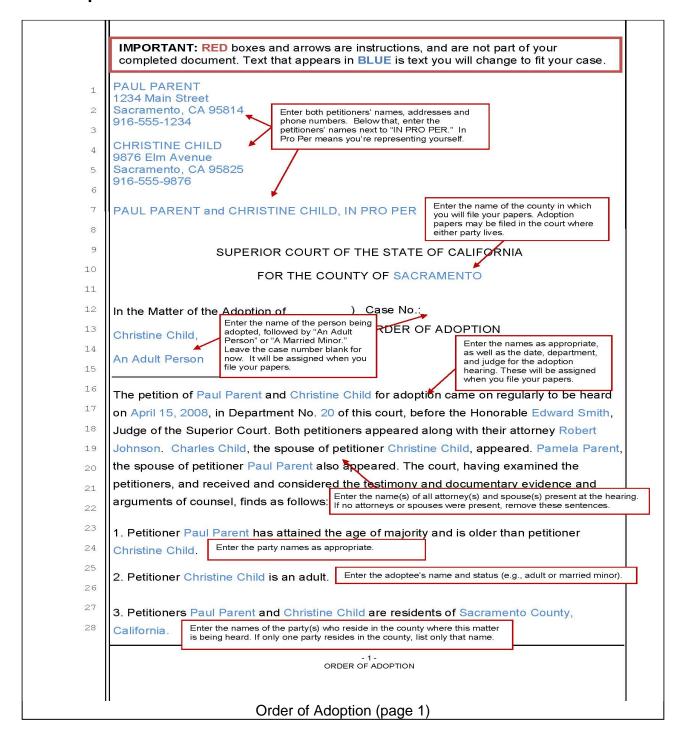








#### **Order of Adoption**





1 2	4. On or about March 15, 2009, petitioners entered into a written agreement by which petitioner Paul Parent agreed to adopt petitioner Christine Child, and the latter agreed to be			
3	adopted by the former, and the petitioners agreed to assume toward each other the relation			
4	of parent and child. Enter the date the Adoption Agreement was signed, and the party names as appropriate.			
5 6 7	5. Charles Child, the spouse of petitioner Christine Child, has consented in writing to the adoption herein.  Enter the names as appropriate. If the party is not married, remove this paragraph.			
	6. Pamela Parent, the spouse of petitioner Paul Parent, has consented in writing to the			
9	adoption herein. Enter the names as appropriate. If the party is not married, remove this paragraph.			
10				
11	7. The court is satisfied and finds that the adoption will be for the best interest of the parties			
12	and in the public interest, and that there is no reason why the petition should not be granted.			
13 14	IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the petition herein be, and it			
15	hereby is, granted and approved and petitioner Christine Child is hereby adopted by			
16	petitioner Paul Parent, and the former shall hereafter be regarded and treated in all respects			
17	as the lawful child of the latter and shall be known as Christine Child-Parent.			
18	Enter the names as appropriate. If the adoptee requested their name be changed, enter the new name in the last sentence.			
19	A new birth certificate shall be issued reflecting the adoption of Christine Child-Parent			
20	identified at birth as Christine Ann Child, (Birth Certificate No. 154256, Sacramento County,			
21	California).  Enter the names and birth certificate information as appropriate. This sentence in the order will help			
22	when asking to issue a new birth certificate with the new name.			
23				
24	Dated:			
25	Judge of the Superior Court			
26	The judge will sign and date this order.			
27				
28				
	- 2 - ORDER OF ADOPTION			
l	Order of Adoption (page 2)			

**Date Created** 03/30/2023