

Stepparent Adoption

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Forms

This file references the following forms:

- [ADOPT -200](#) Adoption Request
- [ADOPT-205](#) Declaration Confirming Parentage in Stepparent Adoptions
- [ADOPT-210](#) Adoption Agreement
- [ADOPT-215](#) Adoption Order
- [ADOPT-220](#) Adoption of Indian Child
- [ADOPT-050](#) How to Adopt a Child in California
- [INFO](#)
- [ADOPT -310](#) Post Adoption Contact Agreement
- 02-176 Stepparent Adoption Checklist
- 02-86 Stepparent Adoption Initial Letter
- 02-87 Stepparent Adoption Approval Letter
- 02-88 Stepparent Adoption Finalization Letter
- [ICWA-010 \(A\)](#) Indian Child Inquiry Attachment
- [ICWA-020](#) Parental Notification of Indian Status
- [JUV-243](#) Petition to Terminate Parental Rights of the Father (TROF)
- [JUV-245](#) Freedom From Custody and Control Petition (FFCC)

Introduction

When a stepparent or domestic partner petitions the Juvenile Court to adopt the child of their spouse, they can request the court to assign the County of San Diego Stepparent Adoption unit to complete an investigation or the Petitioner can choose to have another qualified person or agency complete the investigation for the adoption.

Policy

The Stepparent Adoption SW is responsible for completing an assessment on a birth parent and their stepparent/domestic partner when the family has entered a petition for adoption. The SW will determine the stability of the marriage/domestic partnership and the relationship between the petitioner and the child. The SW is also responsible for discussing adoption specific issues with the family and ensuring that any child 12 or older is willing to consent to the adoption.

**Juvenile Court
Forms**

Stepparents or domestic partners file all forms listed below with the Juvenile Court.

They include:

- Adopt-200
- Adopt-210
- Adopt-215
- Adopt-220
- ICWA-010 (A)
- ICWA-020
- Adopt-205 (or and equivalent declaration) if applicable

They can be obtained online at www.courts.ca.gov or at the Court Business Office at either of the following two locations:

Central	North County
2851 Meadow Lark Drive (2nd Floor) San Diego, CA 92123 (858) 634-1671	325 South Melrose (1st Floor) Vista, CA 92081 (760) 201-8720
8:30 am – 4:00 pm. (Monday - Friday)	8:30 am – 4:00 pm (Monday - Friday)

Procedures

The following outlines the steps to be followed:

Step	Who	Action
1	Petitioner	Obtain and complete the forms: <ul style="list-style-type: none">• Adopt-200• Adopt-210• Adopt-215• Adopt-220• ICWA-010 (A)• ICWA-020• Adopt-205 (or and equivalent declaration), if applicable

Procedures
(cont.)

Step	Who	Action
2	Petitioner	<p>Prior to a case being opened and assigned to a Stepparent SW, the petitioner:</p> <ul style="list-style-type: none"> • Takes completed forms to the Court Clerk at either of the two locations listed above. The Clerk will provide the petitioner with a copy of the petition and instruct them to deliver it to HHS Stepparent Adoption Unit to complete the investigation. • Pays fee within 30 days of HHS receiving the petition. Payment can be made directly to HHS via check, money order, or cashier's check. • All adults in the home, with the exception of the biological custodial parent, complete a mandatory Livescan. • Files an Petition to Terminate Parental Rights and Application for Freedom From Custody and Control) (FFCC) , obtains a consent Adopt210, or provides a certified death certificate if applicable, for the non-custodial birth parent. <p>NOTE: All petitions will be held with clerical staff until the fee is paid and all forms are received.</p>
3	SW	<p>Once the case is assigned:</p> <ul style="list-style-type: none"> • Sends the stepparent adoption initial letter (02-86) letter to the family advising them of the next steps. • Interviews each party individually, including: <ul style="list-style-type: none"> ○ the petitioner ○ birth parent ○ minor to be adopted <p>NOTE: Interviews may be conducted in the office and are not required to be in the petitioner's home. Family Code section 9001 states "The report in a stepparent adoption case shall not require a home study unless so ordered by the court upon request of an investigator or interested person, or on the court's own motion. 'Home study' as used in this section means a physical investigation of the premises where the child is residing."</p> <ul style="list-style-type: none"> • Submits the court report with recommendations to the court.

**Procedures
(cont.)**

Step	Who	Action
4	Clerical	Stepparent Adoption clerk will send a letter (02-87) to the petitioner indicating that the report has been submitted to Court and instructions for obtaining a court date.
5	SW	If the family has requested a formal agreement for contact with a biological parent, the stepparent SW may review the AD310 with the petitioner and the family can file it with the Court.
6	Petitioner, Spouse, and Child	Arrive to court along with the child being adopted. Any child being adopted must be present at this court date. NOTE: If a child is age 12 or older, they will need to sign their consent before the Court.

Application for Freedom from Custody and Control (FFCC)/ Petition to Terminate Parental Rights)/ AD604B petition

In order to complete an assessment for a stepparent adoption, the SW is responsible for attempting to notice the non-custodial parent. The SW is responsible for making inquiries of the custodial parent as to the identity and whereabouts of the other parent.

When it is necessary to terminate the parental rights of a non-custodial parent, it is the responsibility of the petitioner to file the appropriate action in court.

Family Code 7663 states: *In an effort to identify all alleged fathers and presumed parents, the court shall cause inquiry to be made of the mother and any other appropriate person and the inquiry shall include all of the following:*

- Whether the mother was married at the time of conception of the child or at any time thereafter.
- Whether the mother was cohabiting with a man at the time of conception or birth of the child.
- Whether the mother has received support payments or promises of support with respect to the child or in connection with the pregnancy.
- Whether any person has formally or informally acknowledged or declared possible parentage of the child.
- The names and whereabouts, if known, of every person presumed or alleged to be the parent of the child, and the efforts made to give notice of the proposed adoption to each person identified.

The agency that completes the inquiry will file a written report of the findings with the court.

A request for termination of parental rights may be accomplished through filing a Petition for Termination of Parental Rights, an Application for Freedom from Full Custody and Control (FFCC), or an AD604 B petition.

Application for Freedom from Custody and Control (FFCC)/ Petition to Terminate Parental Rights)/ AD604B petition (cont.)

If a petition for termination of parental rights of one parent is needed and...	Then...
The other parent is an alleged parent	The petitioner will file the TROF petition and the assigned SW complete a separate TROF report.
The other parent is a presumed parent	<ul style="list-style-type: none"> • A SW from the stepparent adoption program will interview both parents and the child to determine if the situation meets the family code (section 7660-7671) criteria for grounds to terminate the rights of that parent. • If the situation does meet the criteria, the petitioner will file a FFCC petition.
The custodial parent meets the criteria of family code AD604 (b) and indicates this on the Adopt 200 petition	The stepparent SW will complete the adoption assessment. An SW from the stepparent adoption unit will interview the petitioner, the custodial parent, and the child and make a recommendation to the court on the adoption petition.

NOTE: A copy of any action filed by the petitioner to terminate rights of another parent must be submitted with all other required forms before an SW will be assigned to complete the Stepparent Adoption assessment.

References

Family Code 7660-7671, 7822 9001

Alignment with SET

This policy supports SET [Value 3](#) and the guiding principle to hold a sense of urgency when seeking permanency for children, as well as the agency practice to value the most permanent option for the child/youth.