



## **ADULT ADOPTION: Step-by-Step**

**Sacramento County Public Law Library**

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*Disclaimer: This guide is intended as general information only. Your case may have factors requiring different procedures or forms. If you need further assistance, consult a lawyer.*

### **BACKGROUND**

Adult Adoption is a legal procedure in which an adult may adopt another adult. The adopting parent must be older than the adoptee. 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.

Except in stepparent adoptions, an adult adoption severs all other existing parent-child relationships. In a stepparent adoption, the adoptive parent's spouse retains their parent-child relationship with the adoptee.

The procedures for adopting an adult in California are found in Family Code sections 9300-9340. Anyone considering an adult adoption should read these code sections. You can find the Family Code as follows:

- **Deering's California Code Annotated** KFC 30.5 .D4
- **West's Annotated California Codes** KFC 30 .W48
- Online at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

### **PROCEDURE**

#### **Forms required**

*There are no fill-in-the-blanks forms for adult adoptions.* You will need to draft your own pleadings. The documents that you file with the court must contain very specific language. The Law Library has resources that provide models of these documents, which you can use as a guide for drafting your own pleadings. Samples of the required documents, with instructions, are also found at the end of this guide. Customizable samples of these documents can also be downloaded from the library's website at <http://www.saclaw.org/pages/adult-adoption.aspx>.

The required documents for an adult adoption are:

- **The Adoption Agreement**. This states that the parties agree to assume toward each other the legal relationship of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relationship.
- **The Petition**. 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 adoption is being sought. 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 the adopting parent or adoptee is married, consent of the spouse(s) is required.

### **Step-by-step Instructions**

1. Prepare the Adoption Agreement (it does not have to be notarized), Petition, Order of Adoption, and any required Spousal Consents. Make copies for all parties and for the Court.
2. Call the Clerk of the Probate Court to see if form VS-44, Court Report of Adoption, is necessary. If so, the Clerk may provide the form. Otherwise, request the form by mail from the California Department of Public Health, Office of Vital Records, MS 5103 P.O. Box 997410, Sacramento, CA 95899-7410. This form is not available online.
3. File your Petition with the clerk of the Probate Court, along with the blank VS 44, if required. Your Adoption Agreement and Spousal Consents should be attached to your Petition as exhibits. You may file in the county where either the adopting parent or adoptee resides. The clerk will endorse your petition and give you a case number.
4. Pay the filing fees, and ask for a hearing date.  
***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 (Family Code §9327).
5. Attend the adoption hearing. Both parties must be present at the hearing. Bring your Adoption Agreement and Order of Adoption to your hearing. The court will ask you about the reasons for this adult adoption. Make sure that the statements in your Petition are clear and specific, so you can refer to the Petition as you speak to the judge.
6. After your hearing, file your papers with the clerk in the Probate Department. The clerk can provide you certified copies of the Order of Adoption upon your request.
7. After the adoption is final, the probate clerk will mail the VS-44 to the State Registrar at the Department of Health Services. You will receive an amended birth certificate that reflects this adoption. It may take several months for the Department of Health Services to process your amendment.

## FOR MORE INFORMATION

### Encyclopedias and Law Summaries

These titles provide more detail and references to relevant cases and codes.

[California Jurisprudence \(CalJur 3d\)](#). KFC 80 .C35

Vol. 32, *Family Law*, Sections 161,172, 212 and 230 specifically cover Adult Adoption.

**Electronic access:** On the law library computers, using *Westlaw*.

[Witkin Summary of California Law](#). KFC 80 .W57

Vol. 10, *Parent and Child*, Sections 154 through 156.

**Electronic access:** On the law library computers, using *Westlaw*.

### In-Depth Information

Each of these manuals includes detailed text and more samples of the pleadings you will need to draft for your case.

[California Forms of Pleading and Practice Annotated](#). KFC 1010 .A65C3 [FORMS]

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

**Electronic access:** On the law library computers, using the *LexisNexis CD*.

[California Transactions Forms: Family Law](#). KFC 68 .F3 [FORMS]

Chapter 6, Section III: *Adoption of Adult or Unmarried Minor*.

**Electronic access:** On the law library computers, using *Westlaw*.

**IF YOU HAVE QUESTIONS ABOUT THE INFORMATION IN THIS GUIDE,  
PLEASE ASK THE REFERENCE LIBRARIAN FOR ASSISTANCE.**

## Instructions for completing the Adoption Agreement

1	Enter the petitioner's name, address and phone number. The petitioner's name should also be listed next to "IN PRO PER."
2	Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor," as appropriate.
3	Enter the names, ages, and current addresses for each petitioner.
4	Enter the party names, as appropriate.
5	Enter the name of the county in which you will file your papers. Adoption papers may be filed in the court where either party lives.
6	Both parties must sign and date this agreement.

1 YOUR NAME  
2 Street Address  
3 City, State, ZIP  
4 Phone Number (with area code)

5 YOUR NAME, IN PRO PER

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF SACRAMENTO

8 ) Case No.: 12-3-456789-1  
9 In the Matter of the Adoption of )  
10 Christine Child, ) ADOPTION AGREEMENT  
11 An Adult Person )  
12 \_\_\_\_\_ )

13 Paul Parent, age 50, who lives at 1234 Main Street, Sacramento, and Christine  
14 Child, age 25, who lives at 9876 Elm Avenue, Sacramento, have entered into the  
15 following agreement:

16 WHEREAS, Paul Parent wishes to adopt Christine Child, and Christine Child wishes  
17 to be adopted by Paul Parent,

18 THEREFORE, the parties agree as follows:

- 19 1. To assume toward each other the legal relation of parent and child, and to  
20 have all the duties and responsibilities of that relation;  
21 2. To file a joint petition in the Superior Court of California, County of  
22 Sacramento, praying for approval of this Agreement of Adoption by issuance of a  
23 decree of adoption.

24 Dated: \_\_\_\_\_ date signed \_\_\_\_\_.

25 6

26 \_\_\_\_\_  
*signature*

Paul Parent

27 \_\_\_\_\_  
*signature*

28 Christine Child

### Instructions for completing the Spousal Consents

1	Enter the petitioner's name, address and phone number. The petitioner's name should also be listed next to "IN PRO PER."
2	Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor," as appropriate.
3	Enter the names as appropriate, and date of marriage.
4	Sign and date the consent.

1  
1 YOUR NAME  
2 Street Address  
3 City, State, ZIP  
4 Phone Number (with area code)

5 YOUR NAME, IN PRO PER

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF SACRAMENTO

8  
9 In the Matter of the Adoption of ) Case No.: 12-3-456789-1  
10 )  
11 Christine Child, ) CONSENT OF SPOUSE OF ADOPTED  
12 ) PERSON  
13 An Adult Person )  
14 )  
15 )  
16 )  
17 )  
18 )

19 I, Charles Child, hereby state that I was married to Christine Child, an adult  
20 person, on June 15, 2006, and that we remain married and are not lawfully  
21 separated. I hereby consent to the adoption of my wife by Paul Parent.

22 Dated: \_\_\_\_\_ date signed \_\_\_\_\_.

23  
24  
25  
26  
27  
28  
4

\_\_\_\_\_  
*signature*

Charles Child

### Instructions for completing the Spousal Consents

1	Enter the petitioner's name, address and phone number. The petitioner's name should also be listed next to "IN PRO PER."
2	Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor," as appropriate.
3	Enter the names as appropriate, and date of marriage.
4	Sign and date the consent.



1  
1 YOUR NAME  
2 Street Address  
3 City, State, ZIP  
4 Phone Number (with area code)

5 YOUR NAME, IN PRO PER

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF SACRAMENTO

8  
9 In the Matter of the Adoption of ) Case No.: 12-3-456789-1  
10 )  
11 Christine Child, ) CONSENT OF SPOUSE OF ADOPTING  
12 ) PARENT  
13 An Adult Person )  
 )  
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 )  
 )

3 I, Pamela Parent, hereby state that I was married to Paul Parent on December 1,  
14 1994, and that we remain married and are not lawfully separated. I hereby  
15 consent to the adoption of Christine Child, an adult person, by my husband, Paul  
16 Parent.

17  
18 Dated: \_\_\_\_\_ date signed \_\_\_\_\_.

4

\_\_\_\_\_  
*signature*

## Instructions for completing the Petition for Approval of Adoption Agreement, Page 1

1	Enter the petitioner's name, address and phone number. The petitioner's name should also be listed next to "IN PRO PER."
2	Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor," as appropriate.
3	Identify the first petitioner, including their name, age, birthdate, and current address. If this petitioner is married, indicate the spouse's name, date of marriage, and if they are still married or are legally separated.
4	Identify the second petitioner, including their name, age, birthdate, and current address. If this petitioner is married, indicate the spouse's name, date of marriage, and if they are still married or are legally separated.

1 YOUR NAME

2 Street Address

3 City, State, ZIP

4 Phone Number (with area code)

5 YOUR NAME, IN PRO PER

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 FOR THE COUNTY OF SACRAMENTO

8  
9  
10  
11 In the Matter of the Adoption ) Case No.: 12-3-456789-1  
12 of )

13 Christine Child, ) PETITION FOR APPROVAL OF  
14 An Adult Person ) ADOPTION AGREEMENT  
15 )  
16 )

17 Petitioners allege:

18 1. Petitioner Christine Child is an adult person, who is 25 years  
19 of age, born on January 15, 1985, in Sacramento, California, and  
20 now residing at 9876 Elm Avenue, Sacramento. Petitioner Christine  
21 Child, was married to Charles Child on June 15, 2006 in Elk Grove,  
22 California and is still married to Charles Child and not lawfully  
23 separated from Charles Child.

24 2. Petitioner Paul Parent is an adult person who is 50 years of  
25 age, born on April 3, 1959, in Denver, Colorado, and now residing  
26 at 1234 Main Street, Sacramento. Petitioner Paul Parent is married  
27 to Pamela Parent on December 1, 1994 in Sacramento, California  
28

## Instructions for completing the Petition for Approval of Adoption Agreement, Page 2

5	Enter the date your adoption agreement was signed, and the party names as appropriate.
6	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.
7	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.
8	Enter the names of the petitioners as appropriate, to indicate that both parties desire this adoption.
9	Indicate the family relationship between the parties, such as stepchild or nephew. If there is no family relationship, remove this paragraph.
10	Describe the length and nature of the relationship between the parties.

1 and is still married to Pamela Parent and not lawfully separated  
2 from Pamela Parent.

3  
4 3. On or about March 15, 2009, petitioners entered into and  
5 executed a written adoption agreement in which petitioner Paul  
6 Parent agreed to adopt petitioner Christine Child, petitioner  
7 Christine Child agreed to be adopted by petitioner Paul Parent, and  
8 both petitioners agreed to assume towards each other the legal  
9 relation of parent and child and to have all the rights and be  
10 subject to all the duties and responsibilities of that relation. A  
11 copy of the Adoption Agreement is attached hereto as Exhibit A and  
12 made a part hereof.

13  
14 4. The spouse of Christine Child, Charles Child, has duly consented  
15 in writing to the adoption sought herein. A copy of his/her consent  
16 is attached hereto as Exhibit B and made a part hereof.

17  
18 5. The spouse of Paul Parent, Pamela Parent, has duly consented in  
19 writing to the adoption sought herein. A copy of his/her consent is  
20 attached hereto as Exhibit C and made a part hereof.

21  
22 6. Petitioner Paul Parent desires to adopt petitioner Christine  
23 Child, and petitioner Christine Child desires to be so adopted.

24  
25 7. Petitioner Christine Child is a stepdaughter of petitioner Paul  
26 Parent.

27  
28 8. Petitioner Paul Parent has known Christine Child for 15 years.  
29 Petitioner Christine Child came to live with petitioner Paul Parent  
30 at the age of 10 when her mother married petitioner, and resided in  
31 his home until her marriage. No adoption was completed during the

### Instructions for completing the Petition for Approval of Adoption Agreement, Page 3

<p>11</p>	<p>State reasons why this adoption is sought and is in best interests of the parties and the public.</p>
<p>12</p>	<p>List the names and addresses of the adoptee's parents and adult children. If none, remove this paragraph.</p>
<p>13</p>	<p>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.</p>
<p>14</p>	<p>Indicate if the adoptee wishes to keep their current name, or take the family name of the adoptive parent.</p>

1 minority of Christine Child because the birth father would not give  
2 his consent to the adoption.

3  
4 9. The Petitioners seek this adoption in order to establish a legal  
5 relationship that exists in fact, and because it is in their best  
6 interests that petitioners have between them the legal rights and  
7 obligations of parent and child, including rights relating to  
8 inheritance and duties of support. This adoption is in the public  
9 interest for the same reasons, and particularly because it will  
10 create legal duties of support between the petitioners and thereby  
11 reduce the likelihood of either petitioner becoming a public charge  
12 in the future.

13  
14 10. The names and addresses of the living parents and adult  
15 children of petitioner Christine Child are as follows:

16 Father's name and address

17 Mother's name and address

18  
19 11. Paul Parent has previously adopted Name of previous adult  
20 adopted person, an adult person, on March 26, 2000, at Sacramento,  
21 California.

22  
23 12. Petitioner Christine Child wishes to continue to be known by  
24 that name (or be known by the name of New Name).

25 WHEREFORE, petitioners pray that the court permit all persons  
26 concerned in this matter to attend and be heard, and that the court  
27 examine all persons appearing before it as required by law, and if  
28 satisfied that the best interests of the parties and the public

**Instructions for completing the Petition for Approval of Adoption Agreement, Page 4**

15	Enter the names of the parties as appropriate. Both parties must sign and date this petition.
16	One party must sign the verification, indicating that the contents of the petition are true and correct.



1 interest will be promoted by the proposed adoption, grant the  
2 petition, approve the agreement of adoption, and make a decree that  
3 Christine Child has been duly and legally adopted by petitioner  
4 Paul Parent.

5 Dated: \_\_\_\_\_ date signed \_\_\_\_\_.

6 \_\_\_\_\_  
*signature*

7 Paul Parent

8 \_\_\_\_\_  
*signature*

9 Christine Child

10 VERIFICATION

11 I, Paul Parent, am one of the petitioners in the above-entitled  
12 proceeding. I have read the foregoing petition and know the  
13 contents thereof. The same is true of my own knowledge, except as  
14 to those matters which are therein alleged on information and  
15 belief, and, as to those matters, I believe it to be true.

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

18 Dated: \_\_\_\_\_ date signed \_\_\_\_\_.

19 \_\_\_\_\_  
*signature*

20 Paul Parent

21  
22  
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16

## Instructions for completing the Order of Adoption, Page 1

1	Enter the petitioner's name, address and phone number. The petitioner's name should also be listed next to "IN PRO PER."
2	Enter the name of the person being adopted, followed by "An Adult Person" or "A Married Minor," as appropriate.
3	Enter the names as appropriate, as well as the date and department of the adoption hearing.
4	Enter the name(s) of all attorney(s) and spouse(s) present at the hearing. If no attorneys or spouses were present, remove these sentences.
5	Enter the party names as appropriate.
6	Enter the adoptee's name and status.
7	Enter the names of the party(s) who reside in the county where this matter is being heard. If only one party resides in the county, list only that name.
8	Enter the date the Adoption Agreement was signed, and the party names as appropriate.

1  
1 YOUR NAME  
Street Address  
City, State, ZIP  
3 Phone Number (with area code)

4  
5 YOUR NAME, IN PRO PER

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF SACRAMENTO

8 In the Matter of the Adoption of ) Case No.: 12-3-456789-1  
9 Christine Child, )  
2 An Adult Person ) ORDER OF ADOPTION  
11 )  
12 )  
13 )

3 The petition of Paul Parent and Christine Child for adoption came  
15 on regularly to be heard on April 15, 2008, in Department No. 20 of  
this court, before the Honorable Edward Smith, Judge of the  
Superior Court. Both petitioners appeared along with their attorney  
4 Robert Johnson. Charles Child, the spouse of petitioner Christine  
17 Child, appeared. Pamela Parent, the spouse of petitioner Paul  
18 Parent also appeared. The court, having examined the petitioners,  
and received and considered the testimony and documentary evidence  
and arguments of counsel, finds as follows:

19  
5 1. Petitioner Paul Parent has attained the age of majority and is  
older than petitioner Christine Child.

6 2. Petitioner Christine Child is an adult.

7 3. Petitioners Paul Parent and Christine Child are residents of  
Sacramento County, California.

8 4. On or about March 15, 2009, petitioners entered into a written  
26 agreement by which petitioner Paul Parent agreed to adopt  
27 petitioner Christine Child, and the latter agreed to be adopted by  
the former, and the petitioners agreed to assume toward each other  
28 the relation of parent and child;

**Instructions for completing the Order of Adoption, Page 2**

9	Enter the names as appropriate. If the party is not married, remove this paragraph.
10	Enter the names as appropriate. If the party is not married, remove this paragraph.
11	Enter the names as appropriate. If the adoptee requested their name be changed, enter the new name in the last sentence.

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5. Charles Child, the spouse of petitioner Christine Child, has consented in writing to the adoption herein.

6. Pamela Parent, the spouse of petitioner Paul Parent, has consented in writing to the adoption herein.

7. The court is satisfied and finds that the adoption will be for the best interest of the parties and in the public interest, and that there is no reason why the petition should not be granted.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the petition herein be, and it hereby is, granted and approved and petitioner Christine Child is hereby adopted by petitioner Paul Parent, and the former shall hereafter be regarded and treated in all respects as the lawful child of the latter and shall be known as New Name.

Dated: \_\_\_\_\_.

\_\_\_\_\_  
Judge of the Superior Court