

INSTRUCTIONS

Stepparent Adoption (Uncontested)

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need

- *Petition for Stepparent Adoption* (ADO202);
- *Consent of Parent to Adoption by Stepparent and Waiver of Notice of Adoption Hearing* (ADO203);
- *Consent to Adoption by Child Aged 14 or Older* (ADO204) – only when a child is 14 years old or older;
- Request to Waive Postplacement Assessment Forms:
 - *Ex Parte Motion to Waive Postplacement Assessment* (ADO208);
 - *Affidavit in Support of Motion to Waive Postplacement Assessment* (ADO209); and
 - *Proposed Order Waiving Postplacement Assessment* (ADO211);
- *Affidavit in Place of Postplacement Assessment Report* (ADO210);
- Request to Waive One-Year Residency Forms:
 - *Ex Parte Motion to Waive One-Year Residency Requirement* (ADO205);
 - *Affidavit in Support of Motion to Waive One-Year Residency Requirement* (ADO206);
 - *Proposed Order Waiving One-Year Residency Requirement* (ADO207);
- *Communication and Contact Agreement and Order* (ADO212); and

- Proposed *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption* (ADO213).

Most forms are available online at <https://mncourts.gov/GetForms.aspx?c=1#subcat2>.

Consent by Non-Petitioning Parent

Before a child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give **written consent** to the child’s adoption or that parent’s parental rights must be terminated by the Court if they have not already been terminated (see form ADO203).



These stepparent adoption forms can be used only in cases where the non-petitioning parent voluntarily consents to the child’s adoption or where that parent’s rights to the child have already been terminated. You **CANNOT** use these forms if the non-petitioning parent refuses to consent to the stepparent adoption. If the non-petitioning parent refuses to consent to the adoption, you will need to [consult a lawyer](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

Indian Child Welfare Act (ICWA)

Adoptions involving an Indian child (a child who a member or eligible for membership in an Indian tribe) are more complex than adoptions involving non-Indian children. You **CANNOT** use these forms if the child to be adopted is an Indian child. Instead, you should [consult a lawyer](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) to ensure that all of the legal requirements for adopting an Indian child are met.

Consent by Child Aged 14 or Older

If the child to be adopted 14 years old or older, that child must sign a written consent to the adoption (see form ADO204).

Other Important Information

- If your child is the subject of a child in need of protection or services (CHIPS) proceeding, the Court may not be able to immediately decide your request for stepparent adoption.
- Court personnel and the county attorney’s office **CANNOT** help you fill out these forms.
- You should [talk to a lawyer](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) if you don’t know how to answer the questions in these forms (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).
- The Judicial Officer expects every person who appears in court without a lawyer to know and to follow the law. If you act as your own lawyer, you must do what a lawyer would do. See the [“Representing Yourself in Court”](https://mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx) Help Topic (mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx).

Introduction

This Introduction summarizes general information about stepparent adoptions.

Legal Consequences of Stepparent Adoption

When a stepparent adopts a child, there are legal consequences to the child, to the child's birth parents, and to the adopting parents. Following is a brief summary of some of the key consequences, but you should [contact an attorney](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) to learn about all of the consequences:

- Adoption by a stepparent does not change the legal relationship between the child and the child's birth parent who is married to the adopting stepparent.
- The non-petitioning parent whose parental rights are terminated by the stepparent adoption will have no rights over the child or the child's property, will have no future child support obligation, and will no longer have parental custody or parenting time rights regarding the child unless a communication and contact agreement is signed by the parties as part of the adoption proceedings.
- When the adoption is finalized, the child becomes the legal child of the stepparent, and the stepparent becomes the legal parent to the child, with all of the rights, responsibilities, and duties as if the child was the stepparent's child by birth.
- As a result of the adoption, the child shall inherit from the adoptive parent the same as though the child was born to the parent.
- The adoption of a child whose birth parent or parents are enrolled in an Indian tribe shall not change the child's enrollment in that tribe.

Venue (Location) for Adoption Proceeding

Stepparent adoptions must be filed in the county where the stepparent resides. However, if the child is under the guardianship of the Commissioner of Human Services, the stepparent adoption must be filed in the county where the termination of parental rights proceeding is filed. Upon request, the Court may change the venue to another county.

Child's Consent to Adoption

If the child to be adopted is 14 years old or older, the child must give written consent to the adoption. See court form ADO204 – *Consent to Adoption by Child Aged 14 or Older*.

Parent's Consent to Adoption

Before any child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give written consent to the child's adoption or that parent's parental rights must be terminated by the Court if they have not already

been terminated. You cannot use these forms if the non-petitioning parent refuses to consent to the adoption. See court form ADO203 – *Consent of Parent to Adoption by Stepparent*.

Communication and Contact Agreement

Even though the child’s non-petitioning parent has consented to the child’s adoption, that parent may still contact or communicate with the child if all parties agree in writing and if that agreement is filed with and approved by the Court as part of the adoption proceeding. See court form ADO212 – *Communication and Contact Agreement and Order*.

Stepparent One-Year Residency in Minnesota

A stepparent who has resided in Minnesota for one year or longer may petition to adopt children in Minnesota. Upon request, the Court may reduce the one-year residency requirement to 30 days whenever it appears to be in the best interests of the child. The forms to ask for waiver of the one-year residency requirement are:

- Ex Parte Motion to Waive One-Year Residency Requirement (ADO205);
- Affidavit in Support of Motion to Waive One-Year Residency Requirement (ADO206); and
- Proposed Order Waiving One-Year Residency Requirement (ADO207).

Biological Parent Social and Medical History

In a stepparent adoption, the birth parent is not required to provide the stepparent with the social and medical history of the birth family.

Adoption Study

An adoption study is not required in stepparent adoptions.

Postplacement Assessment

Upon the filing of the stepparent adoption petition, if a child-placing agency is not involved in the adoption, the Court must immediately refer the petition to the local social services agency in the county where the prospective adoptive parent lives to conduct a postplacement assessment and file a report with the Court within 90 days of the agency’s receipt of the petition. The petitioners must pay the cost of the postplacement assessment.

The assessment must evaluate the child’s environment, the petitioners’ home, the child’s health and well-being in the prospective adoptive home, whether the child’s cultural and ethnic practices are being met, whether the adoptive placement meets the needs of the child, and must include a background study, including fingerprint check, of all individuals in the home age 13 or older. The assessment report must make a recommendation as to whether the adoption should be granted.

The petitioners may ask the Court to waive the postplacement assessment and report. The forms to request waiver of the postplacement assessment must be completed and filed with the court (ADO208, ADO209, ADO211).

Some Courts waive the postplacement assessment and report and instead require the Petitioners to submit an *Affidavit in Place of Postplacement Assessment Report* (ADO210).

Even if the postplacement assessment and report is waived by the Court, the Court must still order the county social services agency to conduct a background study, including fingerprint check, for all persons in the home age 13 or older.

Background Study

Upon the filing of a petition for stepparent adoption, if a child-placing agency is not involved in the adoption, the Court must refer the petition to the local social services agency in the county where the prospective adoptive parent lives so that the agency may conduct a background study, including fingerprint check, regarding all persons in the home age 13 or older. The background study and fingerprint check cannot be waived.

Minnesota Fathers' Adoption Registry Search

In stepparent adoptions, the agency responsible for the background study must also request a search of the Minnesota Fathers' Adoption Registry to determine whether a putative father is registered in relation to the child to be adopted. Proof of the search must be filed with the Court before the adoption may be granted.

Child's Birth Certificate

You will need to file with the Court a certified copy of the birth certificate of each child to be adopted.

INSTRUCTIONS

Step 1

Fill Out the *Petition for Stepparent Adoption (ADO202)*

FILL OUT THE TOP PART OF THE *PETITION FOR STEPPARENT ADOPTION* FORM (ADO202)

(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services, it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Petition for Stepparent Adoption* form)

1. Include the dates of birth for the parent and stepparent.
2. Print the date the Petitioners (parent and stepparent) were married, and the county and state in which the marriage took place.
3. Print the Petitioners’ (parent and stepparent) current address.
4. Print the date the Petitioners (parent and stepparent) began living in Minnesota and check the correct box as to whether the length of time in Minnesota has been at least one year or less than one year and the Petitioner is filing a request to waive the residency requirement and reduce it to 30 days.
5. List the current full name of each child to be adopted, along with the child’s current age, date of birth, county and state of birth, name of birth mother, and name of birth father.
6. If the child(ren) owns any real estate, savings or bank accounts, bonds, securities or other personal property (other than clothing or personal effects of low market value), make a list of that property and attach that list as the last page of the *Petition for Stepparent Adoption*.
7. Obtain a certified copy of the birth certificate for each child and mail or bring it to the Court along with this *Petition* (see Step 10).

8. If the child is an Indian child, special laws apply to the child's adoption. Check whether the child is or is not an Indian child and, if the child is an Indian child, check whether the Indian Child Welfare Act (ICWA) does or does not apply.

If the child is an Indian child, you must stop because you CANNOT use these forms for an adoption of an Indian child.

9. Do not write anything in question 9.
10. Do not write anything in question 10.
11. Do not write anything in question 11.
12. Print the name of the non-petitioning parent.
13. Check the box if the local social services agency has requested a search of the Fathers' Adoption Registry and the results of the search are located in the court file.
14. Print the name and address of each of the persons listed in the category column.
15. Do not write anything in question 15.
16. Check one of the two boxes.
17. Check one of the two boxes.
18. Do not write anything in question 18.
19. Do not write anything in question 19.
20. Do not print anything in question 20.
21. Print each child's current name and the new name you want each child to have after the adoption is finalized.
22. Place a check mark next to each of the items you are including with the petition you are filing with the court.

Signature Block

Each Petitioner needs to date and sign the *Petition for Stepparent Adoption* and print the county and state they are in when they signed it.

When you sign the form, you are signing under penalty of perjury. This means that you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

Step 2

Obtain Signed *Consent of Parent to Adoption (ADO203)* from Child's Parent

Before a child may be adopted by a stepparent, the child must be available to be adopted. This means that the non-petitioning parent, if one exists, must give written consent to the child's adoption or that parent's parental rights must be terminated by the Court if they have not already been terminated. These forms can be used only in cases where the non-petitioning parent consents to the stepparent adoption. You CANNOT use these forms if the non-petitioning parent refuses to consent to the stepparent adoption.

FILL OUT THE TOP PART OF THE *CONSENT OF PARENT TO ADOPTION AND WAIVER OF NOTICE OF ADOPTION HEARING FORM (ADO203)*

(this is known as "the caption")

Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.

On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.

On the first line print the name of the non-petitioning parent who is being asked to consent to the stepparent adoption.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Consent of Parent to Adoption* form)

1. Print the date of birth, age, and address of the non-petitioning parent who is being asked to consent to the stepparent adoption.
2. Print the name of the child(ren) to be adopted and their date of birth, check the box whether the child is male or female, and print the city and state in which the child was born.
3. Print the name of the stepparent proposing to adopt the child.
4. Do not write anything in question 4.
5. Do not write anything in question 5.
6. Print the name and address of the courthouse where the adoption proceeding is taking place.
7. Do not write anything in question 7.

GIVE THE *CONSENT OF PARENT TO ADOPTION AND WAIVER OF NOTICE OF ADOPTION HEARING FORM* TO THE NON-PETITIONING PARENT TO SIGN.

IMPORANT: The non-petitioning parent **MUST** sign the consent form in the presence of two competent witnesses.

Once the other parent has signed the form, retrieve the original signed form (you must give a copy of the signed form to the non-petitioning parent if requested).

Once the form has been signed, keep the original until Step 10.

Step 3

Obtained Signed *Consent to Adoption by Child Aged 14 or Older (ADO204)*

If the child to be adopted is aged 14 or older, that child must consent to the adoption. You will need one consent form for each child aged 14 or older. You may skip this Step and go to Step 4 if the child to be adopted is under age 14.

FILL OUT THE TOP PART OF THE *CONSENT TO ADOPTION BY CHILD AGED 14 OR OLDER FORM (ADO204)*

(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.
- On the first line print the name of the child aged 14 or older who is being asked to consent to the stepparent adoption.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Consent to Adoption* form)

1. Print the date of birth, age, and address of the child who is being asked to consent to the stepparent adoption.
2. Print the name of the stepparent who is adopting the child.

GIVE THE *CONSENT TO ADOPTION BY CHILD AGED 14 OR OLDER FORM* TO THE CHILD TO SIGN.

IMPORANT: The child **MUST** sign the consent form in the presence of two competent witnesses.

- Once the child has signed the form, retrieve the original signed form (you must give a copy of the signed form to the child if requested).
- Once the form has been signed, keep the original until Step 10.

Step 4

If necessary, fill out the forms to ask the Court to waive the one-year residency requirement:

Motion to Waive One-Year Residency Requirement (ADO205)

Affidavit in Support of Motion to Waive One-Year Residency Requirement (ADO206)

Order Waiving One-Year Residency Requirement (ADO207)

If you do not intend to ask the Court to waive the one-year residency requirement, you may skip this step and go to Step 5.

A stepparent who has resided in Minnesota for one year or more may petition to adopt one or more children. Upon request, the one-year residency requirement may be reduced to 30 days by the Court whenever it appears to be in the best interest of the child.

If you have not lived in Minnesota for at least one year and you want to have the one-year residency requirement waived and reduced to 30 days, you will need to fill out three documents:

- *Ex parte Motion to Waive One-Year Residency Requirement (ADO205)*;
- *Affidavit in Support of Motion to Waive One-Year Residency Requirement (ADO206)*; and
- *Order Waiving One-Year Residency Requirement (ADO207)*.

MOTION

FILL OUT THE TOP PART OF THE *EX PARTE MOTION TO WAIVE ONE-YEAR RESIDENCY REQUIREMENT FORM (ADO205)*

(this is known as "the case caption")

Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.

On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.

Sign and date the *Motion to Waive One-Year Residency Requirement*.

AFFIDAVIT

FILL OUT THE TOP PART OF THE *AFFIDAVIT IN SUPPORT EX PARTE MOTION TO WAIVE ONE-YEAR RESIDENCY REQUIREMENT FORM (ADO206)*

(this is known as "the case caption")

Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.

On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the Affidavit form)

1. Do not write anything in question 1.
2. Print the date the Petitioners were married and the date the child began living with the Stepparent.
3. Print the name of each child and the child’s date of birth.
4. Do not write anything in question 4.
5. Do not write anything in question 5.

SIGNATURE BLOCK

Each Petitioner needs to date and sign the *Affidavit in Support of Ex Parte Motion to Waive the One-Year Residency Requirement* and print the county and state they are in when they signed it.

When you sign the form, you are signing under penalty of perjury. This means that you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

ORDER

FILL OUT THE TOP PART OF THE *ORDER WAIVING ONE-YEAR RESIDENCY REQUIREMENT FORM (ADO207)*

(this is known as "the case caption")

Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.

On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

Leave the rest of the form blank – the judicial officer will fill in the rest of the information.

Keep the original until Step 10.

Step 5

If necessary, fill out the forms to ask the Court to waive the postplacement assessment and report:

Motion to Waive Postplacement Assessment (ADO208)
Affidavit in Support of Motion to Waive Postplacement Assessment (ADO209)
Order Waiving One-Year Residency Requirement (ADO211)

If you do not intend to ask the Court to waive the Postplacement Assessment, you may skip this step and go to Step 6.

- Upon the filing of the stepparent adoption petition, the Court must immediately refer the petition to the local social services agency in the county where the prospective adoptive parent lives to conduct a postplacement assessment and file a report with the Court within 90 days of the agency's receipt of the petition. The petitioner must pay the cost of the postplacement assessment. The assessment must evaluate the child's environment, the home of the petitioners, the health and well-being of the child in the prospective adoptive home, whether the child's cultural and ethnic practices are being met, whether the adoptive placement meets the needs of the child, and must include a background study, including fingerprint check, of all adults in the home age 13 or older. The assessment report must make a recommendation as to whether the adoption should be granted.
- The petitioners in a stepparent adoption may ask the Court to waive the postplacement assessment and report.
- Even if the postplacement assessment and report is waived by the Court, the Court must still order the county social services agency to conduct a background study, including fingerprint check, for all persons in the home aged 13 or older.
- If the postplacement assessment and report is waived by the Court, the judicial officer may instead require the petitioners to complete an affidavit regarding the length of marriage, criminal background information, and other important information.

If you want to have the postplacement assessment waived, you will need to fill out three documents:

- *Ex Parte Motion to Waive Postplacement Assessment (ADO208)*;
- *Affidavit in Support of Motion to Waive Postplacement Assessment (ADO209)*; and
- *Order Waiving Postplacement Assessment (ADO211)*.

MOTION

FILL OUT THE TOP PART OF THE *EX PARTE MOTION TO WAIVE POSTPLACEMENT ASSESSMENT* FORM (ADO208)

(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of

Human Services it is the county where the termination of parental rights proceeding is taking place.

- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- In the third paragraph, print the name of the county where the adoption is taking place.
- Sign and date the *Ex Parte Motion to Waive the Postplacement Assessment*.

AFFIDAVIT

FILL OUT THE TOP PART OF THE *AFFIDAVIT IN SUPPORT MOTION TO WAIVE POSTPLACEMENT ASSESSMENT FORM (ADO209)*

(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.
- Print the name of the county where the adoption is taking place.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Affidavit* form)

1. Do not write anything in question 1.
2. Do not write anything in question 2.
3. Print the date the Petitioners were married and the date the child began living with the Stepparent.
4. Print the name and date of birth of each child being adopted.
5. Do not write anything in question 5.
6. Do not write anything in question 6.
7. Do not write anything in question 7.
8. List each Petitioner’s occupation.
9. Check the box to show whether you own or rent your home and list the Petitioners’ address.
10. Check the box if the Petitioners have listed each other as beneficiaries on their life insurance policies and have wills leaving their estates to the survivor.

11. Do not write anything in question 11.
12. Do not write anything in question 12.
13. Do not write anything in question 13.
14. Do not write anything in question 14.
15. Do not write anything in question.

SIGNATURE BLOCK

Each Petitioner needs to date and sign the *Affidavit in Support of Motion to Waive the Postplacement Assessment* and print the county and state they are in when they signed it.

When you sign the form, you are signing under penalty of perjury. This means that you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

ORDER

FILL OUT THE TOP PART OF THE *ORDER WAIVING POSTPLACEMENT ASSESSMENT FORM (ADO211)*
(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Order* form)

1. Do not write anything in question 1.
2. Print the name of the county in which the adoption is taking place.
3. Do not write anything in question 3.
4. Do not write anything in question 4.

Leave the rest of the order blank for the judicial officer to fill in the date and sign.

Keep the original until Step 10.

Step 6

Fill Out the *Communication and Contact Agreement* Form (ADO212) (if you and the non-petitioning parent agree that the non-petitioning parent should have contact with the child after the adoption)

If you do not intend to enter into a communication and contact agreement with the other parent, you may skip this step and go to Step 7.

Even though the child's non-petitioning birth parent has consented to the child's adoption (which normally stops all contact with the child), that parent may still contact or communicate with the child if all parties agree in writing, and if that agreement is filed with the Court as part of the adoption proceeding.

FILL OUT THE TOP PART OF THE *COMMUNICATION AND CONTACT AGREEMENT* FORM (ADO212)
(this is known as "the case caption")

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.
- Under "In Re the Petition of," on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked "To Adopt," write in the full name(s) of the child(ren) to be adopted.

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the *Communication and Contact Agreement* form):

1. Print the name of the parent who is filing the stepparent adoption petition, the name of the stepparent, the name of the non-petitioning parent who is consenting to the adoption, the name of each child, whether each child is male or female, and the date of each child's birth.
2. Do not write anything in question 2.
3. Do not write anything in question 3.
4. Do not write anything in question 4.
5. Do not write anything in question 5.
6. State the date the child began living with the adoptive parents.
7. Do not write anything in question 7.
8. Do not write anything in question 8.
9. Do not write anything in question 9.

10. For question 10:

- a. Print the addresses and phone numbers of the birth mother, birth father, adoptive mother, and adoptive father.
- b. Fill in the information about when you want the adoptive parents are to provide to the birth parent receive photos and letters.
- c. Do not write anything in question 10c.
- d. Fill in how often you want the adoptive parents and birth parents to have meetings with each other.
- e. Do not write anything in question 10e.
- f. Do not write anything in question 10f.
- g. Do not write anything in question 10g.

11. Do not write anything in question 11.

SIGNATURE BLOCK

Each person (parent, stepparent, and non-petitioning parent) needs to date and sign the *Affidavit in Support of Motion to Waive the Postplacement Assessment* and print the county and state they are in when they signed it.

When you sign the form, you are signing under penalty of perjury. This means that you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

Once the form has been signed, keep the original until Step 10.

Step 7

Fill Out the Proposed *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption Form (ADO213)*

Complete one order form for each child to be adopted.

FILL OUT THE TOP PART OF THE FORM

(this is known as “the case caption”)

- Fill in the name of the county where the adoption is going to take place – this is the county where the stepparent resides or, if the child is under the guardianship of the Commissioner of Human Services it is the county where the termination of parental rights proceeding is taking place.

- Under “In Re the Petition of,” on the first line write the name of the Petitioner/Parent and on the second line write in the name of the Petitioner/Stepparent.
- On the line marked “To Adopt,” write in the full name of the child to be adopted (remember, you need to complete a separate order for each child to be adopted).

FILL OUT THE REST OF THE FORM

(instructions that follow are numbered the same as the questions on the form):

1. Print the name of the parent and the name of the stepparent.
2. Print the parent’s birth date and the stepparent’s birth date.
3. Print the date the parent and stepparent were married and the location of the marriage.
4. Print the current address of the parent and stepparent and check the correct box as to whether the parent and stepparent have or have not lived in Minnesota for at least one year.
5. Print the child’s name, the child’s date of birth, the city and state of the child’s birth, the name of the child’s birth mother, and the name of the child’s birth father.
6. Do not write anything in question 6.
7. Check the correct box regarding whether the child is or is not an Indian child and whether the Indian Child Welfare Act does or does not apply.
8. Print the date of the petitioners’ marriage.
9. Do not write anything in question 9.
10. Do not write anything in question 10.
11. Print the date the non-petitioning parent signed the consent to adopt.
12. Print the date any child aged 14 or older signed the consent to adopt.
13. Do not write anything in question 13.
14. Do not write anything in question 14.
15. Do not write anything in question 15.
16. Do not write anything in question 16.
17. Check the correct box about whether you have or have not signed a communication and contact agreement.
18. Do not write anything in question 18.
19. Do not write anything in question 19.
20. Print the child’s current full name and the name you want the child to have after the adoption is finalized.

Keep the original until Step 10.

Step 8
Gather the documents that must be included with your *Petition for Stepparent Adoption*

You **must** have or obtain the following documents so you can provide them to the Court at the same time as you file your *Petition for Stepparent Adoption* in Step 10:

- Original *Petition for Stepparent Adoption*.
- A certified copy of the birth certificate of each child to be adopted.
- The original signed consent of the non-petitioning parent or a certified copy of an order terminating that parent's rights to the child(ren).
- The original signed consent of each child to be adopted if the child is age 14 or older.
- Proof that the Minnesota Fathers' Adoption Registry has been searched – this can be obtained from the county social services agency that conducted the background check.

You **may**, but are not required, to prepare the following documents so you can provide them to the Court at the same time as you file your *Petition for Stepparent Adoption* in Step 10:

- If you decide to ask the judicial officer to waive the Postplacement Assessment:
 - *Ex Parte Motion to Waive Postplacement Assessment and Report*,
 - *Affidavit in Support of Motion to Waive Postplacement Assessment*, and
 - *Order Waiving Postplacement Assessment*.
- If you decide to ask the judicial officer to waive the one-year residency requirement:
 - *Ex Parte Motion to Waive One-Year Residency Requirement*,
 - *Affidavit in Support of Motion to Waive One-Year Residency Requirement*, and
 - *Order Waiving One-Year Residency Requirement*.
- A copy of any signed Communication and Contact Agreement, if there is an agreement.
- List of child(ren)'s personal property if such property is of more than nominal value.

Step 9
Make Copies of Documents and Forms

- Make one copy of each of the documents and forms listed under Step 8.

- Keep the **copies** for yourself (make sure to bring your copies with you to court on the day of your adoption hearing – see Step 11).
- You will file the **originals** of each document with Court Administration following the instructions at Step 10.

Step 10
File the Forms with the Court
Pay the Filing Fee
Obtain Date, Time, and Location of Adoption Hearing from Court Administration

The following original documents must be filed with the Court before the Court can set the date for the adoption hearing:

- The **original** *Petition for Stepparent Adoption*;
- The **original** parent’s consent to adoption.
- The **original** child’s consent to adoption, if the child being adopted is age 14 or older.
- The **original** proof that the Minnesota Fathers’ Adoption Registry has been searched.
- The **original** *Ex Parte Motion to Waive Postplacement Assessment and Report, Affidavit in Support of Motion to Waive Postplacement Assessment, and Order Waiving Postplacement Assessment*, if you decide to ask the judicial officer to waive this assessment.
- The **original** *Ex Parte Motion to Waive One-Year Residency Requirement, Affidavit in Support of Motion to Waive One-Year Residency Requirement, and Order Waiving One-Year Residency Requirement*, if you decide to ask the judicial officer to reduce the residency requirement.
- The **original** Communication and Contact Agreement if there is one.
- The required filing fee (Court Administration office can tell you the correct amount).

HOW TO FILE

At the Courthouse:

- File the original forms with court administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at www.mncourts.gov/Find-Courts.aspx.

Electronic Filing (eFiling) through the eFS System:

- The eFS System allows you to eFile your forms. Information about eFiling is on the MN Judicial Branch website at www.mncourts.gov/eFile under the “eFile and eServe Training” tab.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See Minn. Gen. R. Prac. 14.01(b)(5)(i) (https://www.revisor.mn.gov/court_rules/gp/id/14/).

Once all of the papers are filed, ask Court Administration to let you know the date, time, and location of the final adoption hearing.

Step 11 Appear in Court

Arrive on time. For your hearing, plan to arrive at least 15 minutes before your court time.

Bring your copies of all the papers you filed with the court.

Bring the child(ren) to be adopted to the hearing.

The hearing is very formal. You are expected to know and follow the court rules of procedure. You should be respectful to the other party and to everyone in the courtroom. Do not interrupt the judicial officer or other party. Answer any questions from the judicial officer honestly. Direct all your comments to the judicial officer, not the other parties who may be present.

Courts operate by rules and laws that may not necessarily make sense to you. If you choose to represent yourself, the court rules say that **you are responsible for knowing the law and rules, just like an attorney.** The judicial officer cannot give you special consideration or help because you are not a lawyer.

What Happens at the Court Hearing? At the hearing the judicial officer will review your Petition for Stepparent Adoption and ask you many of the same questions that are in that Petition to be certain that your answers have not changed. At the end of the hearing the judicial officer will issue a decision either granting or denying or request to adopt the child(ren).

Step 12 After the Court Hearing

Following the hearing, the judicial officer will issue the written order granting or denying the adoption petition. If the petition is granted, the judicial officer will also issue an adoption decree.

You will need to obtain a certified copy of the *Findings of Fact, Conclusions of Law, and Adoption Decree* so that you can obtain a new birth certificate for the child(ren).

Instructions for obtaining a new birth certificate are located on the website for the Department of Health: <http://www.health.state.mn.us/divs/chs/osr/birth.html>.