



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-1373 Adoption.** (2019-2020)

SHARE THIS:  

Date Published: 08/30/2019 09:00 PM

**Assembly Bill No. 1373**

**CHAPTER 192**

An act to amend Sections 8617, 9000.5, and 9306 of the Family Code, relating to adoption.

[ Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1373, Patterson. Adoption.

Existing law establishes procedures for stepparent adoptions involving a spouse or partner who gave birth to the child during the marriage or domestic partnership. Among other things, existing law exempts those adoptions from the requirements of a home investigation and a hearing, as well as specified costs, unless the court orders otherwise.

This bill would allow a stepparent adoption in which the child was born during the marriage or domestic partnership through a gestational surrogacy process brought about by one or both spouses or partners to use the same procedure as a stepparent adoption in which one of the spouses or partners gave birth to the child during the marriage or domestic partnership.

Under existing law, the existing parents of an adopted child are, from the time of the adoption, relieved of all parental duties toward, and have no right over, the adopted child, unless the existing parent or parents and the prospective adoptive parent or parents sign a waiver before the finalization of the adoption.

This bill would provide that the waiver provision described above applies to all adoptions except intercountry adoptions, as specified.

Existing law also terminates the parental rights and responsibilities of the birth parent or parents of an adult who is adopted, except that when an adult is adopted by a stepparent, the legal relationship between the adult and the birth parent who is the spouse of the stepparent is not terminated.

This bill would allow an adult who is being adopted to waive the termination of the legal relationship between the adult and an existing parent or parents by signing a waiver before the finalization of the adoption.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 8617 of the Family Code is amended to read:

**8617.** (a) Except as provided in subdivision (b), the existing parent or parents of an adopted child are, from the time of the adoption, relieved of all parental duties towards, and all responsibility for, the adopted child, and have no right over the child.

(b) The termination of the parental duties and responsibilities of the existing parent or parents under subdivision (a) may be waived if both the existing parent or parents and the prospective adoptive parent or parents sign a waiver at any time prior to the finalization of the adoption. The waiver shall be filed with the court.

(c) This section applies to all adoptions except intercountry adoptions governed by Chapter 4 (commencing with Section 8900).

**SEC. 2.** Section 9000.5 of the Family Code is amended to read:

**9000.5.** (a) The procedures provided in this section apply to a stepparent adoption where the child was born during the marriage or domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, and either of the following circumstances applies:

(1) One of the spouses or partners gave birth to the child.

(2) The child was born through a gestational surrogacy process brought about by one or both of the spouses or partners, and the parentage of only one spouse or partner was established pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12) or another parentage proceeding related to the surrogacy.

(b) The following are not required in stepparent adoptions under this section unless otherwise ordered by the court for good cause:

(1) A home investigation pursuant to Section 9001 or a home study.

(2) Costs incurred pursuant to Section 9002.

(3) A hearing pursuant to Section 9007.

(c) For stepparent adoptions filed under this section, the following shall be filed with the petition for adoption:

(1) A copy of the parties' marriage certificate, registered domestic partner certificate, or civil union from another jurisdiction.

(2) A copy of the child's birth certificate.

(3) Declarations by the parent who gave birth, or who caused the birth through gestational surrogacy, and the spouse or partner who is adopting explaining the circumstances of the child's conception in detail sufficient to identify whether there may be other persons with a claim to parentage of the child who is required to be provided notice of, or who must consent to, the adoption.

(d) The court may order a hearing to ascertain whether there are additional persons who must be provided notice of, or who must consent to, the adoption if it appears from the face of the pleadings and the evidence that proper notice or consent have not been provided.

(e) The court shall grant the stepparent adoption under this section upon finding both of the following:

(1) That the parent who gave birth, or who caused the birth through gestational surrogacy, and the spouse or partner who is adopting were married or in a domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, at the time of the child's birth.

(2) Any other person with a claim to parentage of the child who is required to be provided notice of, or who must consent to, the adoption has been noticed or provided consent to the adoption.

**SEC. 3.** Section 9306 of the Family Code is amended to read:

**9306.** (a) Except as provided in subdivisions (b) and (c), the birth parents of a person adopted pursuant to this part are, from the time of the adoption, relieved of all parental duties towards, and all responsibility for, the adopted person, and have no right over the adopted person.

(b) If an adult is adopted by the spouse of a birth parent, the parental rights and responsibilities of that birth parent are not affected by the adoption.

(c) An adult being adopted pursuant to this part may waive the termination of the parental duties and responsibilities of an existing parent or parents under subdivision (a) by signing a waiver at any time prior to the finalization of the adoption. The waiver may be included in the adoption agreement or in a separate writing filed with the court.