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AB-746 Adoption: stepparent adoption. (2021-2022)

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Assembly Bill No. 746

CHAPTER 199

An act to amend Section 9000.5 of the Family Code, relating to adoption.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 746, Cervantes. Adoption: stepparent 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 clarify that, in stepparent adoptions, the parties are not required to have been married or in a domestic partnership, as specified, for a minimum period of time prior to the adoption being granted. The bill would also prohibit the parties from being required to provide verification of their income or education.

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

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

SECTION 1. 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) (1) The following are not required in stepparent adoptions under this section unless otherwise ordered by the court for good cause:

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

(B) Costs incurred pursuant to Section 9002.

(C) A hearing pursuant to Section 9007.

(2) In stepparent adoptions under this section, the parties shall not be required to have been married or in a domestic partnership, including a registered domestic partnership or civil union from another jurisdiction, for a minimum period of time prior to the adoption being granted or to provide verification of their income or education.

(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 are 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.