

Filing an Adoption For E-filers

Choosing a Case Type

- 1) Choose the adoption case type for any filing related to an adoption.
- 2) If you are filing a Petition for Taking Consent for Adoption only, choose that document type. The associated fee will be \$35. **Do not file this petition under Other Probate.**
- 3) If you are filing a petition for adoption, a petition to determine parental rights, a petition for termination and determination of birth parent's rights, or a registration of foreign adoption, file those documents as a petition in the Adoption case type. The \$360 filing fee will apply only to the first petition filed.
- 4) Documents filed in the Adoption case type are private until sealed by the court. These case types are not displayed on XChange, the courts public case lookup system.
- 5) When filing an adoption or registering a foreign adoption, a Vital Statistics §26-2-25 form must be filed for each child. The forms may be submitted as a single document. There is an \$8.00 charge for each child being adopted.

Entering Parties

In adoption cases, the adoptive parent(s) are the petitioner(s). The child should be entered as a minor party. The minor name will be displayed in the case title as "In the Matter of the Adoption of <Minor's Initials Only>". The birth parents should not be entered as a party. Any person entered as a party will be sent a Notice of Electronic Filing through their attorney.

To be added as counsel to an existing Adoption or Involuntary Commitment case (after case initiation), a Notice of Appearance must be filed on the case. The court will review the Notice of Appearance and take the appropriate action.

Recording Service of Non-parties

Birth parents are not parties to the adoption unless added through the intervenor process. To enter a return of service for birth parents who are not parties to the case, select the "Non-party" option when entering return of service information. A free form text field will be displayed in which you can enter the name of the non-party.