

Checklist for Adopting a Minor Stepchild

- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self-Help Center if you need more help:
<http://www.utcourts.gov/selfhelp/contact/>.

(1) Coversheet

- Print your name and address and those of the other parties and lawyers (if known).
- You are not claiming damages, so leave that line blank or print “none.” A jury trial is not permitted in this type of case, so check “no.”
- On page 2, check the box next to “Adoption/Foreign Adoption.” This determines your filing fee.

(2) Petition to Adopt a Minor Stepchild

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner. (Our forms presume the adopting parent and the child’s custodial legal parent are co-petitioners.)
- Print the judicial district number, the county name and the court address in the blank lines.
- Print the adoptee’s name in the space provided. The clerk will assign a case number and judge when you file your documents with the court.
- Paragraph (1): Print the adopting parent’s name and the adoptee’s name in the space provided.
- Paragraph (3): Choose the box or boxes that are true.
- Paragraph (4): Explain why adoption serves the adoptee’s health, safety, welfare and moral climate and will promote the adoptee’s best interests.
- Paragraphs (7) and (8): Choose the box or boxes that are true.
- Paragraph (9): If the adoptee has lived in the adopting parent’s home for less than one year explain why the court should waive the one-year requirement.

- Paragraph (11): Choose the box that is true.
- Paragraph (13): This statement must be true. If it is not, you cannot use these forms and should consult an attorney.
- Paragraphs (14) and (15): Attach the reports.
- Paragraphs (16) – (18): These three people must consent to the adoption and waive their rights or they must be served with notice of the adoption. For each, choose the box that is true.
- Paragraph (19): The adoptee’s guardian, if there is one, has the right to consent only if that authority is expressly stated in the order appointing the guardian. Even if the guardian does not have the right to consent, they still have the right to notice of the adoption. Choose the box that is true.
- Paragraphs (20) and (21): These people do not have the right to consent, but they still have the right to notice of the adoption. Choose the box that is true.
- Paragraph (22): Check all of the boxes and print the adopting parent’s name in the space provided. In the last line, print the adoptee’s name as it will be after the adoption.
- Spousal consent to adopt. Section 78B-6-114 requires that the spouse of the adopting stepparent consent to the adoption. The adopting stepparent’s spouse should read and understand the section following the signature of the co-competitors. After reading and understanding what s/he is consenting to, the adopting stepparent’s spouse should sign the consent.
- Attach any required documents and forms.
- Date and sign the form.
- File the original form with the court.

(3) Consent to Adoption and Waiver of Rights

The Consent to Adoption and Waiver of Rights forms are different for:

- the adoptee (signed and witnessed by a judge or person(s) designated by a judge),
- the adoptee’s birth mother (signed and witnessed by a judge or person(s) designated by a judge),
- the adoptee’s non-custodial father (signed under oath or affirmation before a notary public), and
- the adoptee’s guardian (signed under declaration of perjury).

Be sure to give each person the correct form. Also, there is a different Waiver of Rights form for a person who has only the right to notice and the right to intervene, but not the right to consent. See Section (4).

If a person who must consent is in agreement and cooperating, simply give them the correct form to sign. They should return the signed document to you to file with the adoption petition.

If someone is not willing to consent, they must be served with Notice of Petition to Adopt and Notice of Rights. See our checklist and forms for serving notice.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- Give the form to the person who is consenting to sign and return to you.

(4) Waiver of Rights

The Waiver of Rights form should be served on the adoptee's guardian who does not have the right to consent, the adoptee's custodian, and the adoptee's spouse.

If a person who must waive their rights is in agreement and cooperating, simply give them the correct form to sign. They should return the signed document to you to file with the adoption petition.

If someone is not willing to consent, they must be served with Notice of Petition to Adopt and Notice of Rights. See our checklist and forms for serving notice.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- Give the form to the person who is waiving their rights to sign and return to you.

(5) Report of Adoption

This report contains information about the adoptee and the adopting parent. The Petitioner should complete this form and give it to court staff, who will complete the certification section after the Adoption Decree is signed.

Court staff will send the form to the Office of Vital Records and Statistics. If the adoptee was born in Utah, the Office of Vital Records and Statistics will provide to the child's parents information about how to obtain a new birth certificate. If the adoptee was born in a state other than Utah, the Office of Vital Records and Statistics will send the Report of Adoption to the proper registration authority in the state of birth. To obtain a new birth certificate from another state, the parents should contact that registration authority.

(6) Criminal History Report

This report contains the criminal history of the adopting stepparent. To request this report, complete an Application for Criminal History Record and file it with the Utah Department of Human Services.

(7) Child Abuse History Report

This report contains information about investigations of child abuse, child neglect, and child dependency, against the adopting stepparent. To request this report, complete Child Abuse Central Registry Request and file it with the Division of Child and Family Services.

(8) Report of Paternity Search from the Office of Vital Records and Statistics (if you do not know the identity of the adoptee's father)

If you do not know the identity of the stepchild's father, you must obtain a Report of Paternity Search from the Office of Vital Records and Statistics and file it with the court.

To get the report, the Office of Vital Records and Statistics requires that you first file the petition with the court, have a copy of the petition stamped with the filing date and certified by court staff as a true copy. Then you must personally deliver the date-stamped, certified copy of the petition and show government issued picture identification to the Adoption Specialist with the Office of Vital Records and Statistics. That office will run the paternity search and provide you with a Report of Paternity Search which you must then file with the court before the hearing. The Office of Vital Records and Statistics charges a fee for the report.

(9) Certificate of Readiness

This form tells the court that everything is complete and ready for the hearing. If a person has to be served with Notice of Petition to Adopt and Notice of Rights, the Certificate of readiness cannot be filed until 30 days after the notice was served and the person has not filed a motion to intervene.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- Each item listed must be filed are identified as not required in your case before the adoption hearing can be scheduled.

(10) Adoption Agreement

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.

- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- In the space provided, print the adoptee's name as it will be after the adoption.
- **Do not date or sign the agreement.** You may date and sign the agreement only when the judge is present.

(11) Findings of Fact and Conclusions of Law

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- Complete all of the paragraphs so that they are the same as the corresponding paragraphs in the Petition.
- **Do not date or sign the document.** The judge will review it and sign it.

(12) Adoption Decree

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Print the judicial district number, the county name and the court address in the blank lines.
- Complete the heading exactly as it appears in the Petition.
- On page 2 after "The Court Orders that"
 - Paragraph (1): Print the name of the adopting parent.
 - Paragraph (2): Print the name of the adopting parent.
 - Paragraph (3): Leave blank. The judge will check the appropriate boxes.
 - Paragraph (4): Print the adoptee's name as it will be after the adoption.
- **Do not** complete the rest of the document. The judge will do this.