



Stepparent adoption in California

The most common adoption we file, from the first question to the new birth certificate, in plain language.

Current as of September 2026 · General information for families in California, not legal advice.

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Is this the right route?

A stepparent adoption lets the spouse or registered domestic partner of a child's parent become the child's legal parent. Once it is granted, you have every right and duty of a parent. The child's other birth parent loses theirs, including the duty to pay child support in the future. Support that is already owed stays owed.

It is permanent. If what you mainly need is the ability to sign school forms or consent to medical care, there may be a lighter option, and we will tell you if one fits better.

- You must be married to, or in a registered domestic partnership with, the child's parent.
- You must usually be at least 10 years older than the child, although the court can waive this where it is in everyone's best interest ([Cal. Fam. Code § 8601](#)).
- Your spouse or partner keeps all of their rights. They do not adopt their own child; they join in the request.
- A child who is 12 or older must consent ([Cal. Fam. Code § 8602](#)).

The other parent's consent

This is the question that shapes everything else. There are four common situations.

The other parent agrees

They sign a consent in front of an official the law allows: in California, a county clerk, probation officer, qualified court investigator or county welfare department staff member; outside California, usually a notary ([Cal. Fam. Code § 9003](#)). A consent ends their parental rights once the adoption is granted, so they should understand it fully. They may want their own lawyer. We cannot advise them, because we act for you.

The other parent has stepped away

Where one parent has custody and the other has, for a year, wilfully failed both to communicate with the child and to pay for the child's care when able to do so, California does not require that parent's consent ([Cal. Fam. Code § 8604](#)). The court still requires evidence and proper notice to that parent, so we build the record carefully: payment histories, messages and, if the parent cannot be found, a documented search.

The other parent objects

A contested case is possible but harder. The court can end a parent's rights on grounds such as abandonment ([Cal. Fam. Code § 7822](#)), and the facts must be proved by clear and convincing evidence ([Cal. Fam. Code § 7821](#)). We give you a candid view of your evidence before you spend money on a dispute.

The other parent has died

A certified death certificate usually settles this point.

Native American children. If the child is or may be a member of, or eligible for membership in, a federally recognised tribe, federal and California law add protections for the parent and the tribe, including stricter rules on consent. Tell us early about any possible tribal connection.

Step by step

- 1. Consultation and documents.** We confirm this is the right route, work out the consent question and help you collect documents. Our adoption document checklist lists them.
- 2. Filing.** We file the Adoption Request (ADOPT-200) with the Superior Court in the county where you live, together with the other parent's consent or the papers explaining why consent is not needed.
- 3. The investigation.** The court usually has a county investigator or another qualified professional look into the family. Expect an interview with you, your spouse or partner and, depending on age, the child, plus a criminal record check. A full home study is not required unless the court orders one ([Cal. Fam. Code § 9001](#)). Where the child was born during your marriage or domestic partnership, the investigation is usually not needed at all ([Cal. Fam. Code § 9000.5](#)). The county may charge a fee for the investigation ([Cal. Fam. Code § 9002](#)).
- 4. Notice.** Anyone entitled to notice, including a parent whose consent is not needed, must be properly served. Getting this right protects the adoption from being challenged later.
- 5. The hearing.** You, your spouse or partner and the child attend. You sign the Adoption Agreement (ADOPT-210) in front of the judge, a child aged 12 or over gives consent, and the judge signs the Adoption Order (ADOPT-215). Our guide to finalisation explains the day.
- 6. The new birth certificate.** After the order, the adoption is reported to the state registrar, who issues a new birth certificate naming you as a parent. For a child born outside California, the birth state issues it.

How long it takes

Most of the time goes on two things: settling the consent question and waiting for the investigation. An agreed case with complete paperwork moves fastest. A case where the other parent must be found,

served or opposed takes longer, sometimes much longer. We give you a written estimate for your own case at the first consultation and update it as things move.

What it costs

- Our fee, agreed in writing before any work starts.
- The court's filing fee.
- The county's investigation fee, if an investigation is ordered.
- Certified copies of the order and the fee for the new birth certificate.
- Service costs, or publication costs if the other parent cannot be found.

If you cannot afford court fees, you can ask the court to waive them.

Common questions

Does the child's name have to change?

No. The Adoption Request lets you choose a new name or keep the current one.

Will the child lose touch with the other side of the family?

Not necessarily. Legal ties end, but relationships do not have to. A written Contact After Adoption Agreement (ADOPT-310), approved by the court, can set out contact with birth relatives ([Cal. Fam. Code § 8616.5](#)).

What if we separate later?

The adoption stands. You remain the child's parent, with the same rights and duties as any parent, including support.

We are a same-sex couple and our child was born during our marriage. Should we adopt?

Many couples do, to make sure their parentage is recognised everywhere, including in other states and abroad. California has a streamlined process for this situation ([Cal. Fam. Code § 9000.5](#)).

Sources

- [Cal. Fam. Code § 7821](#)
- [Cal. Fam. Code § 7822](#)
- [Cal. Fam. Code § 8601](#)
- [Cal. Fam. Code § 8602](#)
- [Cal. Fam. Code § 8604](#)
- [Cal. Fam. Code § 8616.5](#)
- [Cal. Fam. Code § 9000.5](#)
- [Cal. Fam. Code § 9001](#)
- [Cal. Fam. Code § 9002](#)
- [Cal. Fam. Code § 9003](#)
- [California Courts Self-Help Guide: Adoptions](#)

This is general information about California law as of September 2026. It is not legal advice, and reading it does not create an attorney–client relationship. The law changes and every family's situation is different, so please get advice about your own circumstances before acting on it.