

ADULT ADOPTION

1

To Request an Adult Adoption

Instructions and Forms

Law Library Resource Center

Adult Adoption

Checklist

For purposes of this checklist, “Adoptee” means an adult who is being adopted and “Adopter” means a person who is adopting that adult.

You may use this packet if all the following conditions apply to your situation:

- ✓ The Adoptee or the Adopter resides in the county where the petition is being filed.
- ✓ The Adoptee is at least 18 years of age and not more than 21 years of age,

OR

The Adoptee is a current stepchild, previous stepchild, niece, nephew, cousin, or grandchild of the Adopter,

OR

The Adoptee was a foster child of the Adopter when the Adoptee was a juvenile, and the Adoptee and the Adopter have maintained a continuous familial relationship with each other for five or more years.

- ✓ Both the Adopter and Adoptee consent to the adoption.
- ✓ If the Adopter is married and not legally separated from the Adopter’s spouse, the Adopter’s spouse consents to the adoption.
- ✓ If the Adoptee is married and not legally separated from the Adoptee’s spouse, the Adoptee’s spouse consents to the adoption.

Important Information:

Any name change that results from the adoption will not release the Adoptee from any obligations or liabilities under the Adoptee’s current name.

Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your case or to perform specific tasks can be found on the Law Library Resource Center website.

Law Library Resource Center

Adult Adoption

Table of Contents

This packet contains instructions and forms to file a request to adopt an adult. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures; do not file those pages with the Court!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. On a regular basis, you should verify that you have the most current documents.

Procedures: How to File for an Adult Adoption

Warning: Read all of these instructions in their entirety. Failure to follow these instructions may result in the proposed adoption being delayed and, in some cases, denied.

STEP 1. Complete the form titled Agreement of Adoption and Petition for Decree of Adoption of an Adult, and then make at least 3 copies of the completed document.

STEP 2. If the adult who is being adopted (the “Adoptee”) or the person who is adopting that adult (the “Adopter”) is married, have that person’s spouse complete the form titled Consent to Adult Adoption and Waiver of Notice, and then make at least 3 copies of the completed document.

STEP 3. Fill out the following documents (no additional copies are necessary)

- Adult Adoption Cover Sheet
- Information Sheet to Court Investigator

STEP 4. File Documents with the Clerk of Superior Court:

When and Where: The Clerk of Superior Court is open from 8:00a.m. – 5:00p.m., Monday-Friday. You should go at least two hours before closing time. The Clerk has filing counters at the following Superior Court locations:

Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, AZ 85364

You may file the documents at any of the locations listed above; however, your hearing may be scheduled at a different court facility.

What: Give the Clerk of Superior Court originals of the following documents to file:

- Adult Adoption Cover Sheet,
- Agreement of Adoption and Petition for Decree of Adoption of an Adult, and
- (if applicable) Consent to Adult Adoption and Waiver of Notice

Provide the Clerk with the copies of the Agreement of Adoption and Petition for Decree of Adoption of an Adult and, if applicable, the Consent to Adult Adoption and Waiver of Notice and ask the Clerk to stamp those copies and return them to you (tell the Clerk you would like “conformed copies”).

Fees: When you file the documents, the Clerk of Superior Court will charge you certain fees that are required by Arizona law. You may pay those fees by cash, credit card, or money order. If you cannot afford the fees, you may request a deferral (payment plan) or waiver of the fees. Deferral and waiver applications **and a** list of current fees are available from the Clerk of Superior Court.

Gather Documents Before Obtaining a Hearing Date:

STEP 5.

Before obtaining a hearing date, gather the following documents, which you need to bring with you when you request your hearing date:

- Information Sheet to the Court Investigator (1 original—do not file this document with the Clerk)
- Agreement of Adoption and Petition for Decree of Adoption of an Adult (2 copies)
- (if applicable) Consent to Adult Adoption and Waiver of Notice (2 copies)
- Photocopy (not certified copy) of the Adoptee’s birth certificate (do not file this document with the Clerk).

(Note: You will be required to bring a certified copy of the Adoptee’s birth certificate to your hearing, as stated in STEP 8.)

STEP 6. Obtaining a Hearing Date:

A. Provide all of the documents listed in STEP 5 to the Clerk of Superior Court.

Superior Court will mail you a Notice of Initial Hearing Regarding: Agreement for Adoption and Petition for Decree of Adoption of an Adult (the “Notice of Hearing”). It will contain the date, time, and location of the hearing, as well as the name of the Judicial Officer (judge or commissioner) assigned to your case and instructions as to how any interested person who wishes to object to the proposed adoption may do so. If you would like printed copies of the Notice of Hearing, you may request them when you ask for the hearing date. Do not lose the Notice of Hearing.

STEP 7. Provide Notice of the Hearing:

If the Court requires you to give notice of the hearing to one or more persons, you must do so by sending the person(s) entitled to notice a copy of both the Agreement of Adoption and Petition for Decree of Adoption of an Adult and the Notice of Hearing. Unless the Court tells you differently, you may send those documents to the person by any of the following methods at least 14 calendar days before the hearing date:

- Personal service (using a process server, Sheriff’s deputy, or constable)
- 1st class mail, postage prepaid
- Certified mail, with or without return receipt
- Hand-delivery

After sending the documents, complete the Proof of Notice and file it with the Clerk of Superior Court at least 7 calendar days before the hearing.

STEP 8. Cooperate with the Court Investigator:

Prior to the hearing date, the Court Investigator will contact the Adopter and the Adoptee and, possibly, other persons. The investigator will then file with the Court a written report regarding the welfare, competency, and best interests of the Adopter, the Adoptee, and the public. A.R.S. § 14-8101(D). To avoid any unnecessary delays with your case, be sure to cooperate with the Court Investigator and provide that person with any requested information and documentation.

STEP 9. Attend the Hearing:

NOTE: Arizona law requires that the adult being adopted (Adoptee) and the person adopting that adult (Adopter) must attend the hearing in person. The only exception is that an attorney may appear on behalf of the Adoptee or the Adopter if the Adoptee or Adopter is unable to attend the hearing in person and the attorney has that person's written authorization. A.R.S. § 14-8101(D).

Bring These Documents to Your Hearing:

- 2 copies of Approval of Agreement of Adoption and Decree of Adoption of an Adult for the Judicial Officer to sign. One copy will be filed with the Clerk of Superior Court and the other will be prepared for certification and returned to you.
 - There is a court fee for each certified copy. *
- Government-issued photo identification for the Adopter and Adoptee (e.g., driver license, state-issued identification card, passport, etc.).
- Certified copy of the Adoptee's birth certificate.

Note: If the Court has ordered that the name on the Adoptee's Arizona birth records be changed, you will need to provide the "Office of Vital Records" with a certified copy of the "Approval of Agreement of Adoption and Decree of Adoption of an Adult." You may purchase a new birth certificate at the Office of Vital Records for a fee.

*To obtain a certified copy of your court order you will need to present your Judge-signed copy to the Clerk of Superior Court's filing counter within 48 hours after your hearing. If you need additional copies after that time, you will need to go to the Clerk of Superior Court at 2050 W. 2nd Street, Yuma, AZ 85364.

The State of Arizona Vital Records Office at 1818 W. Adams, Phoenix, AZ. 85007, is only available for mail-in service. Vital Records' general telephone number is 602-364-1300. Please call for another walk-in location. A fee is required for a change to any birth certificate.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY
ADULT ADOPTION COVER SHEET**

Case Number: _____

INFORMATION ABOUT THE ADOPTEE (person to be adopted)

Name: _____ Date of Birth: _____

Mailing Address: _____

Street Address (if different): _____

Telephone (Home): _____ SSN: _____

Telephone (Cellular): _____ Email: _____

Information about adoptee's attorney: ☐ Adoptee is not represented by an attorney, or

Name: _____ BAR # _____

Telephone: _____ Email: _____

INFORMATION ABOUT THE ADOPTER(s) (person adopting the adult)

Name: _____ Date Of Birth: _____

Mailing Address: _____

Street Address (if different): _____

Telephone (Home): _____ SSN: _____

Telephone (Cellular): _____ EMAIL: _____

Information about adopter's attorney: ☐ Adopter is not represented by an attorney, or

Name: _____ BAR # _____

Case Number: _____

Telephone: _____ Email: _____

☐ An interpreter is needed for this language: _____

Person(s) who need interpreter:

Name: _____

Name: _____

Name: _____

STAFF USE ONLY: REASON FEES NOT PAID: ☐ Government Charge ☐ Deferred

Nature of action: place an "X" next to number which describes the nature of the case. Check only one.

209 ADULT ADOPTION

 X 291 Adult Adoption

By signing below, I state to the Court under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Petitioner or Attorney Signature

Notice: Submit this form with new cases only. If there is already a (Yuma County) probate case number and you are filing in an existing Superior Court case in Yuma County, do not submit this form.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

Case Number: _____

Information Sheet to Court Investigator

Instructions to Petitioner: You must complete this form and send it to Probate Administration. This information will assist the Court Investigator in scheduling and conducting an appointment with all parties involved in this Petition. Incomplete or inaccurate information may delay the Court hearing on your Petition.

1. Information about the adoptee (the person to be adopted):

Adoptee's Name: _____ Telephone: _____

Address: _____ Email Address: _____

Place of Birth: _____ Date of Birth: ____ / ____ / ____

Social Security #: ____ - ____ - ____ Gender: ☐ Male ☐ Female

Is the Adoptee married? ☐ Yes ☐ No

If "Yes", write the spouse's name: _____

2. Information about the adopter(s):

	Petitioner	Petitioner's Spouse (Co-Petitioner)
Name:		
Address:		
City, State, Zip		
Home Telephone:		
Work Telephone:		
Email Address:		
Social Security #:	____ - ____ - ____	____ - ____ - ____
Date of Birth:	____ / ____ / ____	____ / ____ / ____
Place of Birth:		

3. INFORMATION ABOUT ADOPTEE'S ATTORNEY (if applicable):

Name:		Phone:	
Address:			
Email			

4. Information about adopter's attorney (if applicable):

Name:		Phone:	
Address:			
Email			

5. Information about the adoptee's biological parents:

	Biological Mother	Biological Father
Name:		
Address:		
City, State, Zip		
Home Telephone:		
Work Telephone:		
Are the biological parents aware of the adoption?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do the biological parents approve of the adoption?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

For Court Use Only:

Date and Time of Hearing: _____

Judicial Officer: _____

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of the Adoption of

Case Number: _____

AGREEMENT OF ADOPTION AND PETITION FOR DECREE OF ADOPTION OF AN ADULT

_____,
(Name of Adoptee) an Adult.

Pursuant to Arizona Revised Statutes section 14-8101, we, the adopting person(s) (the "Adopter(s)") and the person to be adopted (the "Adoptee"), provide the following information under the penalty of perjury:

1. INFORMATION ABOUT THE ADOPTER(S)

Name of Adopter 1: _____

County and State of Residence: _____

Marital Status: ☐ Married ☐ Unmarried

If married, spouse's name: _____

Relationship to the adult to be adopted: _____

(Examples: stepparent, former stepparent, foster parent, uncle/aunt, cousin, grandparent, friend, etc.)

Name of Adopter 2: _____

County and State of Residence: _____

Marital Status: ☐ Married ☐ Unmarried

If married, spouse's name: _____

Relationship to the adult to be adopted: _____

(Examples: stepparent, former stepparent, foster parent, uncle/aunt, cousin, grandparent, friend, etc.)

We are filing this Petition to formalize a family relationship that has existed for _____ years.

2. INFORMATION ABOUT THE ADOPTEE

Name: _____

County of Residence: _____

Marital Status: ☐ Married ☐ Unmarried

If married, spouse's name: _____

3. INFORMATION ABOUT THE ADOPTEE'S BIOLOGICAL PARENTS

Mother's Name: _____

Still Living? ☐ Yes ☐ No

Were Mother's parental rights as to the adoptee ever terminated by court order?

☐ Yes ☐ No

If yes, name of court, case number, and date of that court order:

If living and parental rights were not terminated, Mother's address:

Father's Name: _____

Still Living? ☐ Yes ☐ No

Were Father's parental rights as to the adoptee ever terminated by court order?

☐ Yes ☐ No

If yes, name of court, case number, and date of that court order:

If living and parental rights were not terminated, Father's address:

4. INFORMATION ABOUT THE ADOPTEE'S ADULT CHILDREN

Child 1 Name: _____

Child 1 Address: _____

Child 2 Name: _____

Child 2 Address: _____

Child 3 Name: _____

Child 3 Address: _____

Child 4 Name: _____

Child 4 Address: _____

(If more spaces are required, make an additional copy of this page and attach.)

5. REASON FOR ADOPTION: The parties are requesting this adoption, and believe it is in the best interest of the person seeking to adopt, the adoptee, and the public, because:

6. INFORMATION ABOUT OTHER ADULT ADOPTIONS

(Check one box.)

☐ The Adopter and the Adopter's spouse have never previously adopted another adult.

OR

☐ The Adopter and/or the Adopter's spouse has previously adopted another adult. (If "yes", provide details below.)

Case Number: _____

Name of Adult Adopted: _____

Name of Person Who Adopted That Adult: _____

Place of Adoption (City, State, Country): _____

Name of Adult Adopted: _____

Name of Person Who Adopted That Adult: _____

Place of Adoption (City, State, Country): _____

Name of Adult Adopted: _____

Name of Person Who Adopted That Adult: _____

Place of Adoption (City, State, Country): _____

Name of Adult Adopted: _____

Name of Person Who Adopted That Adult: _____

Place of Adoption (City, State, Country): _____

(If more spaces are required, make an additional copy of this page and attach.)

7. AGREEMENT OF ADOPTION

The Adopter and the Adoptee agree to assume toward each other the legal relation of parent and child and to have all the rights and to be subject to all of the duties and responsibilities of that relation. *See* A.R.S. § 14-8101(B).

REQUESTS TO THE COURT

We ask the Court to do all the following:

1. Make a finding that the proposed adoption will be for the best interests of the Adopter and the Adoptee and is in the public interest.
2. Approve the adoption agreement between the Adopter and Adoptee.
3. Make a Decree of Adoption declaring that the Adoptee is the child of the Adopter.
4. (If desired by the Adoptee. If no name change is desired, leave blank.) Order that the Adoptee's name be changed to the following:

	First	Middle	Last
<input type="checkbox"/>	We ask that the Adoptee's birth records be changed to reflect the new name requested above.		

5. Make any other orders the Court decides are in the best interests of the Adoptor, the Adoptee, and the public.

Dated this _____ day of _____, _____.

Signature of Adopter

Signature of Adoptee

ADOPTER'S OATH OR AFFIRMATION

_____, the above-named Adopter, being duly sworn, deposes, and says:
(Name of Adopter)

I swear or affirm that I am the Adopter in this matter. By signing below, I state to the Court that I have read and understood the contents of this document and that the information provided is true and correct to the best of my knowledge and belief.

(Signature of Adopter)

STATE OF _____

COUNTY OF _____

Subscribed and sworn to (or affirmed) before me this _____ by
(date)

_____.

(Notary seal)

Deputy Clerk of Superior Court or Notary Public

ADOPTEE'S OATH OR AFFIRMATION

_____, the above-named Adoptee, being duly sworn, deposes and says:
(Name of Adoptee)

I swear or affirm that I am the Adoptee in this matter. By signing below, I state to the Court that I have read and understood the contents of this document and that the information provided is true and correct to the best of my knowledge and belief.

(Signature of Adoptee)

STATE OF _____

COUNTY OF _____

Subscribed and sworn to (or affirmed) before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk of Superior Court or Notary Public

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

In the Matter of the Adoption of _____

Case Number: _____

**CONSENT TO ADULT ADOPTION and
WAIVER OF NOTICE**

(Name of Adoptee) an Adult

1. My name, contact information, and relationship are as follows:

Name: _____

Address: _____

Telephone: _____

I am (check only one box):

☐ the Spouse of the Adopter (person seeking to adopt an adult)

☐ the Spouse of the Adoptee (the adult being adopted)

2. I consent to the adoption of:

_____ by _____
(Name of Adoptee – Person to be Adopted) (Name of Adopter – Person Adopting Another)

3. I waive notice of all further proceedings in this matter.

OATH OR AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to (or affirmed) before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk of Superior Court or Notary Public

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of the Adoption of

Case Number: _____

PROOF OF NOTICE

_____,
(Name of Adoptee) an Adult.

Under the penalty of perjury, I, _____, state the following:

1. **Documents Provided:** I provided copies of the following documents to the persons named below. (Check only those that apply.)

☐ Agreement for Adoption and Petition for Decree of Adoption of an Adult

☐ Notice of Initial Hearing Regarding: Agreement for Adoption and Petition for Decree of Adoption of an Adult

2. **To Whom I Gave Notice:** I provided copies of all the documents indicated above to the following persons:

A. **Name of Person:** _____

B. **Relation:** _____

C. **Date Document(s) Were Mailed or Delivered:** _____

D. **Method of Delivery:**(check at least one box and complete the information below as applicable)

☐ **Personal service** (file affidavit of process server or sheriff)

☐ **1st class mail, postage prepaid**

- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Name of Person: _____

B. Relation: _____

C. Date Document(s) Were Mailed or Delivered: _____

D. Method of Delivery: (check at least one box and complete the information below as applicable)

- ☐ **Personal service** (file affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Name of Person: _____

B. Relation: _____

C. Date Document(s) Were Mailed or Delivered: _____

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- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Name of Person: _____

B. Relation: _____

C. Date Document(s) Were Mailed or Delivered: _____

D. Method of Delivery: (check at least one box and complete the information below as applicable)

- ☐ **Personal service** (file affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)

Case Number:_____

☐ **Hand delivery by:** (name) _____

A. Name of Person: _____

B. Relation: _____

C. Date Document(s) Were Mailed or Delivered:_____

D. Method of Delivery: (check at least one box and complete the information below as applicable)

☐ **Personal service** (file affidavit of process server or sheriff)

☐ **1st class mail, postage prepaid**

☐ **Certified mail** (if applicable, attach green return receipt card to this paper)

☐ **Hand delivery by:** (name) _____

OATH OR AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Petitioner's Signature

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of the Adoption of

Case Number: _____

APPROVAL OF AGREEMENT OF ADOPTION AND DECREE OF ADOPTION OF AN ADULT

_____,
(Name of Adoptee) an Adult.

Having read and considered the Agreement of Adoption and Petition for Decree of Adoption of an Adult (the "Petition") and having considered the testimony presented at the hearing on the Petition and the Court Investigator's report,

THE COURT FINDS as follows:

1. Notice of the Initial Hearing on the Petition was given as required by law.
2. Venue in this county is proper.
3. As required by Arizona Revised Statutes ("A.R.S.") section 14-8101(B), the adult person to be adopted (the "Adoptee") and the adult person(s) who wishes to adopt that person (the "Adopter(s)") both have signed an agreement of adoption stating that they agree to assume toward each other the legal relation of parent and child and to have all of the rights and to be subject to all of the duties and responsibilities of that relation.
4. The proposed adoption will be for the best interests of the Adopter(s) and the Adoptee and is in the public interest.
Accordingly, pursuant to A.R.S. section 14-8101(E),

IT IS ORDERED as follows:

1. **APPROVAL OF AGREEMENT OF ADOPTION:** The Court approves the agreement of adoption between the Adopter(s) and the Adoptee.

2. **ADOPTION OF AN ADULT**

_____, hereby is decreed as the parent(s) of
(Name of Adopter(s))

_____, an adult.
(Name of Adoptee)

3. **NAME CHANGE** (check only one box below)

☐ The Adoptee's current legal name shall remain unchanged.

OR

☐ The Adoptee's current legal name of

First Middle Last

Date of Birth: _____
Month Day Year

Place of Birth: _____
City State Nation

IS CHANGED TO:

First Middle Last

4. **AMENDMENT OF BIRTH RECORDS** (check only one box below)

☐ For a person born in the State of Arizona, the Office of Vital Records is ordered to amend the Adoptee's birth record to reflect the adoption (and, if applicable, new name) as ordered above.

OR

☐ For a person born in any other state, to the extent that the agency that maintains birth records in that state is authorized to honor an order of this Court, that agency is requested or ordered to amend its birth records to reflect the adoption (and, if applicable, new name) as ordered above.

5. This Decree does not release the Adoptee from any obligations incurred by, or impair any property rights of, the Adoptee.
6. Other orders: _____

DONE IN OPEN COURT:

Date

Judge/Commissioner/Judge *Pro Tempore*