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COUNTY OF LOS ANGELES

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CHAPTER SIX
ADOPTION RULES

6.1 AGENCY ADOPTION (Fam. Code, § 8700 *et seq.*)

(a) Filing Petition. An agency adoption case must be filed at the Children's Court, 201 Centre Plaza Drive, Monterey Park, CA 91754-2158, except that uncontested adoption cases may be filed and heard in the district where the petitioner resides. An uncontested adoption is defined as a case where the birth parents have signed a relinquishment, have/will consent to the adoption, or are deceased.

(b) Petition & Supporting Papers. An agency adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2. All adoption forms may be obtained at the court's website www.lasuperiorcourt.org, or from the applicable courthouse.) At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Joinder by Agency. The petitioner must arrange with the agency involved for any necessary joinder.

(d) Report by Agency. The petitioner must provide the agency with the case information in order for the agency to file the necessary reports, documents, and consent (Adoption Form 3) to facilitate the adoption.

(e) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), Adoption Order (Adoption Form 6), and an Adoption Expenses (Adoption Form 7). Agency adoptions are heard at the Children's Court in Department 421, except that an uncontested adoption completion hearing may be heard in another designated courtroom in the Children's Court. Dependency adoptions are heard in the department where the dependency case originated. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.1 [7/1/2011] amended and effective May 17, 2013)

6.2 INDEPENDENT ADOPTION (Fam. Code, § 8800 *et seq.*)

(a) Filing Petition. An independent adoption case must be filed at the Children's Court, except that an uncontested adoption case may be filed in the district where the petitioner resides. An uncontested adoption is defined as a case where the birth parent(s) have signed an Adoption Placement Agreement, have/will consent to the Adoption or are deceased.

(b) Petition & Supporting Papers. An independent adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2). If the petitioner is not related to the minor child being adopted, the Adoption Request must include an attached Adoption Placement Agreement or letters of guardianship. (*See* Fam. Code, § 8802.) At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Reports by Agency. The petitioner must provide the Los Angeles County Department of Children and Family Services Adoption Unit or other designated private agency with the applicable case information in order for the agency to file the necessary report and recommendation with the court. The court will not make an order of adoption until after the report and recommendation have been filed and considered. (*See* Fam. Code, §§ 8807, 8816, 8817, 8821.) The petitioner must pay the applicable fee for the agency's report. (*See* Fam. Code, § 8810.)

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(d) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), Adoption Order (Adoption Form 6), and an Adoption Expenses (Adoption Form 7). Independent adoptions are heard at the Children’s Court in Department 421, except that an uncontested adoption completion hearing may be heard in another designated courtroom in the Children’s Court. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.2 [7/1/2011] amended and effective May 17, 2013)

6.3 STEPPARENT ADOPTION (Fam. Code, § 8000 *et seq.*)

(a) Filing Petition. A stepparent adoption case must be filed at the Children’s Court, except that an uncontested adoption case, as defined in Local Rule 6.2(a), may be filed in the district where the petitioner resides.

(b) Petition & Supporting Papers. A stepparent adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2.) At the Children’s Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Reports by Designated Agency. The petitioner must provide the County Department of Children and Family Services (“DCFS”) Adoption Unit or other designated private agency with the applicable case information in order for the agency to file the necessary report and recommendation with the court. The court will not make an order of adoption until after the report and recommendation have been filed and considered. (*See* Fam. Code, § 9001.) The petitioner must pay the applicable fee for the agency’s report. (*See* Fam. Code, § 9002.)

(d) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), and an Adoption Order (Adoption Form 6). Stepparent adoptions are heard at the Children’s Court in Department 421, except that an uncontested adoption completion hearing may be heard in another designated courtroom in the Children’s Court. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.3 [7/1/2011] amended and effective May 17, 2013)

6.4 ADULT AND MARRIED MINORS ADOPTION (Fam. Code, § 9300 *et seq.*)

(a) Filing Petition. An adult or married minor adoption case must be filed at the Children’s Court, or in the district where the petitioner or proposed adoptee resides.

(b) Petition & Supporting Papers. An adult or married minor adoption case must be commenced by filing a verified Petition and a Family Law Case Cover Sheet (Adoption Forms 8 and 2), along with the Consent of Spouse of Adopting Party (Adoption Form 9), Consent of Spouse of Adoptee (Adoption Form 10), an Agreement of Adoption (Adoption Form 11), a Decree of Adoption (Adoption Form 12), and an Application to Set Hearing (Adoption Form 13). At the Children’s Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Report by Designated Agency. (Fam. Code, § 9325.) No investigation is required, but the court may require DCFS to investigate and make recommendations before the hearing.

(d) Hearing. Upon the filing of a petition for adult or married minor adoption, the clerk shall set the matter for a hearing. Adult and married minor adoptions are heard at the Children’s Court in Department 421, except that an uncontested adoption completion hearing may be heard in another

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designated courtroom in the Children's Court. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.4 [7/1/2011] amended and effective May 17, 2013)

6.5 INTERCOUNTRY ADOPTION (Fam. Code, § 8900 *et seq.*)

(a) Filing Petition. An intercountry adoption case must be filed at the Children's Court.

(b) Petition & Supporting Papers. An intercountry adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2.) At the Children's Court, the papers must be filed in Room 2100.

(c) Joinder by Agency. The petitioner must arrange with the agency involved for any necessary joinder.

(d) Reports by Agency. The petitioner must provide the agency with the case information in order for the agency to file the necessary reports, documents, and consent (Adoption Form 3) to facilitate the adoption. (See Fam. Code, §§ 8902, 8914, 8915.)

(e) Hearing. After the agency report is served and filed, Petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), an Adoption Order (Adoption Form 6), and an Adoption Expense (Adoption Form 7). Intercountry adoptions are heard at the Children's Court in Department 421. The clerk must mail notice of the hearing.

(f) Hague Convention. All applicable Intercountry adoptions must comply with the Hague Convention on Protection of Children and Co-operation Adoption Requirements.

(Rule 6.5 [7/1/2011] amended and effective January 1, 2012)

6.6 PETITION TO DETERMINE PARENT AND CHILD RELATIONSHIP (Fam. Code, §§ 7630 *et seq.*, 7820.)

(a) Petition and Supporting Papers. A man who brings a Petition to Determine a Parent and Child Relationship to determine paternity of a child, and who has reason to believe that the child is in the physical or legal custody of an adoption agency or one or more persons (other than the child's mother) who are prospective adoptive parents, must file the paternity petition in the Children's Court, Room 2100, and serve the pleading on, and give notice of all proceedings to, the adoption agency and prospective adoptive parents. (See Fam. Code, § 7630(e)(2).)

(b) Joinder of Interested Parties. Upon filing a response, or on the court's own motion, the agency and prospective adoptive parents will be joined as parties to the paternity action without the necessity of a motion for joinder. A joined party is not required to pay a fee for participating in the action. (See Fam. Code, § 7630(e)(1).)

(c) Consolidation. The paternity action shall be consolidated with any Petition to Terminate Parental Rights in an adoption proceeding. (See Fam. Code, §§ 7630(d)(1), & 7630(d)(2).) A motion to consolidate may be heard by the family law court in which a paternity action has been filed, or in Department 421 of the Children's Court. The consolidated petitions will be heard in Department 421 of the Children's Court unless the family law court finds by clear and convincing evidence that transferring the petition to the Children's Court would pose a substantial hardship on the petitioner.

(d) Mandatory Stay. The paternity action will be stayed until the final determination of the Petition to Terminate Parental Rights in the adoption. (See Fam. Code, § 7662(c).)

(e) Hearing. The clerk shall set a hearing on a paternity petition that has not been stayed after the petitioner files a request to set the hearing.

(f) Assisted Reproduction Action. A Petition to Determine a Parent and Child Relationship involving a matter where a child has been conceived as a result of assisted reproduction, as defined

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under Family Code section 7606, may be submitted before or after the child's birth as an *ex parte* application if all parties to the action: 1) have been served with the petition; 2) consent to the matter being heard on an *ex parte* basis; 3) consent to the relief sought; and 4) all parties have executed a waiver to issuance of a judgment and/or executed a waiver. The petition must be filed with the clerk of the Children's Court, Adoptions Division or the family law court. The *ex parte* application must be supported by: 1) a stipulation between the parties agreeing to the requested relief; 2) supporting declarations sufficient to support each fact asserted and the relief sought; 3) supporting points and authorities; 4) a signed advisement and waiver of rights form; and 5) a proposed judgment. Upon receipt of the application, the court will either grant the petition without a hearing, or set the matter for hearing. A hearing is required in Department 421 of the Children's Court. The clerk must direct counsel to provide notice of the hearing.

(Rule 6.6 new and effective July 1, 2011)

6.7 PETITION TO TERMINATE PARENTAL RIGHTS IN ADOPTION PROCEEDING (Fam. Code, § 7660 *et seq.*)

(a) Petition and Supporting Papers. A Petition to Determine Parental Rights and Necessity of Consent must be filed in Room 2100, and heard in Department 421, at the Children's Court. (Adoption Form 14.) The Notice of Hearing (Adoption Form 17) must be filed and must specify the date of the hearing consistent with Family Code section 7667. The alleged natural father must be served with the petition and notice of hearing. If the alleged natural father's location is unknown, the petitioner must conduct a due diligence search in the county of the alleged natural father's last known address, and obtain an order from the court dispensing with notice. (Adoption Forms 15 and 16.)

(b) Mandatory Stay. All proceedings affecting a child under Divisions 8 (commencing with Section 3000) to 11 (commencing with Section 6500), inclusive, and Parts 1 (commencing with Section 7500) to 3 (commencing with Section 7600), inclusive, must be stayed pending final determination of the petition to terminate parental rights. (*See* Fam. Code, § 7662(c).) A motion for a stay may be heard in either the court in which the custody, paternity, or guardianship case is filed, or in Department 421 of the Children's Court.

(c) Mandatory Consolidation. Any paternity action filed by an alleged father under Family Code section 7630 must be consolidated with the Petition to Terminate Parental Rights. (Fam. Code, § 7630(d)(2).) A motion to consolidate may be heard in either the family law court in which the paternity action has been filed, or in Department 421 of the Children's Court.

(Rule 6.7 new and effective July 1, 2011)

6.8 PETITION FOR FREEDOM FROM PARENTAL CUSTODY AND CONTROL (Fam. Code, § 7800 *et seq.*)

(a) Petition and Supporting Papers. A Petition for Freedom from Parental Custody and Control (Adoption Form 18) must be filed in Room 2100 at the Children's Court.

(b) Citation. A Citation (Adoption Form 19) must be filed at the time the petition is filed. The citation must specify a date and time of hearing in Department 421 of the Children's Court consistent with Family Code section 7880. The petitioner must serve the Petition and Citation on the parent or parents against whom the Petition for Freedom from Parental Custody and Control is brought. If a parent cannot be located, the petitioner may apply to the court for permission to serve that parent by publication (Adoption Forms 20 and 21). Where there is service of a parent by publication, the petition and citation also must be served on any grandparents, brothers, sisters, uncles, aunts, and first cousins whose relationship and residence is known to the petitioner. (Fam. Code, § 7881.) If service by

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publication is requested, then a military search is required and a certificate/declaration re military service must be filed (Adoption Form 22).

(c) Reports by Designated Agency. When a petition is filed, the clerk shall immediately notify the juvenile probation officer to investigate the child's circumstances and his or her placement in the petitioner's home.

(d) Mandatory Stay. All proceedings affecting a child under Divisions 8 (commencing with Section 3000) to 11 (commencing with Section 6500), inclusive, and Parts 1 (commencing with Section 7500) to 3 (commencing with Section 7600), inclusive, must be stayed pending final determination of the petition to declare the minor free from parental custody and control. (*See* Fam. Code, § 7807.) A motion for a stay may be heard in either the court in which the custody, paternity, or guardianship case is pending or in Department 421 of the Children's Court.

(e) Mandatory Consolidation. Any paternity action filed by an alleged father under Family Code section 7630 must be consolidated with the Petition to Declare the Minor Free from Parental Custody and Control. (Fam. Code, § 7630(d)(2).) A motion to consolidate may be heard in either the family law court in which the paternity action has been filed, or in Department 421 of the Children's Court.

(Rule 6.8 [7/1/2011] amended and effective January 1, 2012)

6.9 MANDATORY CONSOLIDATION OF GUARDIANSHIP AND ADOPTION CASES

(a) Notice. A party to an adoption action who becomes aware that the subject child is also the subject of a guardianship action must immediately provide the court and all other parties with written notice of the guardianship action. The notice must include the caption of the guardianship action and docket number, and must attach a copy of the guardianship petition (whether for a permanent or temporary guardianship) and any letters (whether permanent or temporary) of guardianship.

(b) Mandatory Consolidation. The Guardianship Petition must be consolidated with the Adoption Petition and the consolidated cases shall be heard and decided in the court in which the adoption case is pending. (Fam. Code, §§ 8714(e), 8714.5(f), 9000(d), 8802(d) & Prob. Code, § 1510(h).) A motion to consolidate may be heard in either the family law court in which the guardianship petition is pending or in Department 421 of the Children's Court.

(Rule 6.9 new and effective July 1, 2011)

6.10 PETITION TO TERMINATE PARENTAL RIGHTS IN GUARDIANSHIP (Prob. Code, § 1516.5.)

(a) Petition & Supporting Papers. A Petition for a Child to be Declared Free from the Parental Custody and Control of one or both parents under the provisions of Probate Code section 1516.5 may be brought in a pending adoption or guardianship action, or in a separate action, pursuant to Family Code section 7800 *et seq.*

(b) Investigation. The court will appoint a court investigator or other qualified professional to investigate all pertinent factors. The investigator's findings shall be included in the written report required pursuant to Family Code section 7851.

(c) Parental Rights. The rights of the parent, including the right to notice and counsel, provided in Family Code section 7800 *et seq.*, will apply to the action.

(d) Mandatory Consolidation. The petition must be consolidated with any pending adoption action as required by Probate Code section 1510(h), and will be heard in Department 421 of the Children's Court. A motion to consolidate may be heard in either the family law court in which the adoption action is pending or in Department 421 of the Children's Court.

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(e) Non-Applicability. This rule does not apply to any child who is a dependent of the juvenile court or an Indian child.

(Rule 6.10 new and effective July 1, 2011)

6.11 RELATED ADOPTION CASES

(a) Notice of Related Adoption Cases. Two or more adoption cases which involve the same adopting parent(s) and the same birth parents and concern issues governed by the Family Code are deemed to be related adoption cases. Counsel must inform the court of related adoption cases by filing and serving a notice of related cases in each case or by orally informing the court on the record. The first filed adoption action shall be the lead case.

(Rule 6.11 new and effective July 1, 2011)

6.12 DISCLOSURE OF INFORMATION REGARDING AN ADOPTION (Fam. Code, § 9200 *et seq.*)

The court will not authorize any person to inspect the court documents in an adoption case except in exceptional circumstances. A person filing a request to inspect documents must seek a review in Department 421 of the Children's Court.

(Rule 6.12 new and effective July 1, 2011)

6.13 SETTING ASIDE/VACATING ADOPTION (Fam. Code, § 9100)

(a) Filing Petition. A Petition to Set Aside/Vacate an adoption must be filed in Room 2100 at the Children's Court within 5 years after the entry of the order of adoption. The clerk shall notify the department in Sacramento that the petition has been filed.

(b) Hearing. The department shall file a report with the court within 60 days after the notice. The set aside hearing will take place in Department 421 of the Children's Court. The department shall appear at the hearing for the purpose of representing the adopted child.

(Rule 6.13 new and effective July 1, 2011)

6.14 EMANCIPATION OF MINORS LAW (Fam. Code, § 7001 *et seq.*)

(a) Filing Petition. A Petition for Declaration of Emancipation of a Minor and Notice of Hearing (Adoption Forms 23 and 24) must be filed in Room 2100 at the Children's Court, along with Emancipation of Minor Income and Expense Declaration (Adoption Form 25).

(b) Hearing. The emancipation hearing will take place in Department 421 of the Children's Court (Fam. Code, § 7120).

(Rule 6.14 new and effective July 1, 2011)

6.15 SPECIAL IMMIGRANT JUVENILE STATUS

(a) Jurisdiction. Special Immigrant Juvenile Status ("SIJS") is a classification under federal law that assists children in obtaining lawful permanent residency. The court has jurisdiction under California law to make judicial determinations about the custody and care of juveniles within the meaning of the Immigration and Nationality Act, 8 United States Code section 1101(a)(27)(J), and 8 Code of Federal Regulation section 204.11(a) and (d) (2) (i).

(b) Findings. If a non-dependency adoption case is pending, before a child can apply to the U.S. Citizenship and Immigration Services ("CIS") for SIJS eligibility, Department 421 of the Children's Court must make several findings of fact.

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(c) Hearing. If a non-dependency adoption case is pending, the SIJS motion must be filed in Room 2100 and heard in Department 421 of the Children's Court.

(Rule 6.15 new and effective July 1, 2011)

6.16 EXCUSE FROM COMPLIANCE

(a) Applicability. The court for good cause may waive application of this Chapter in a particular case.

(Rule 6.16 new and effective July 1, 2011)