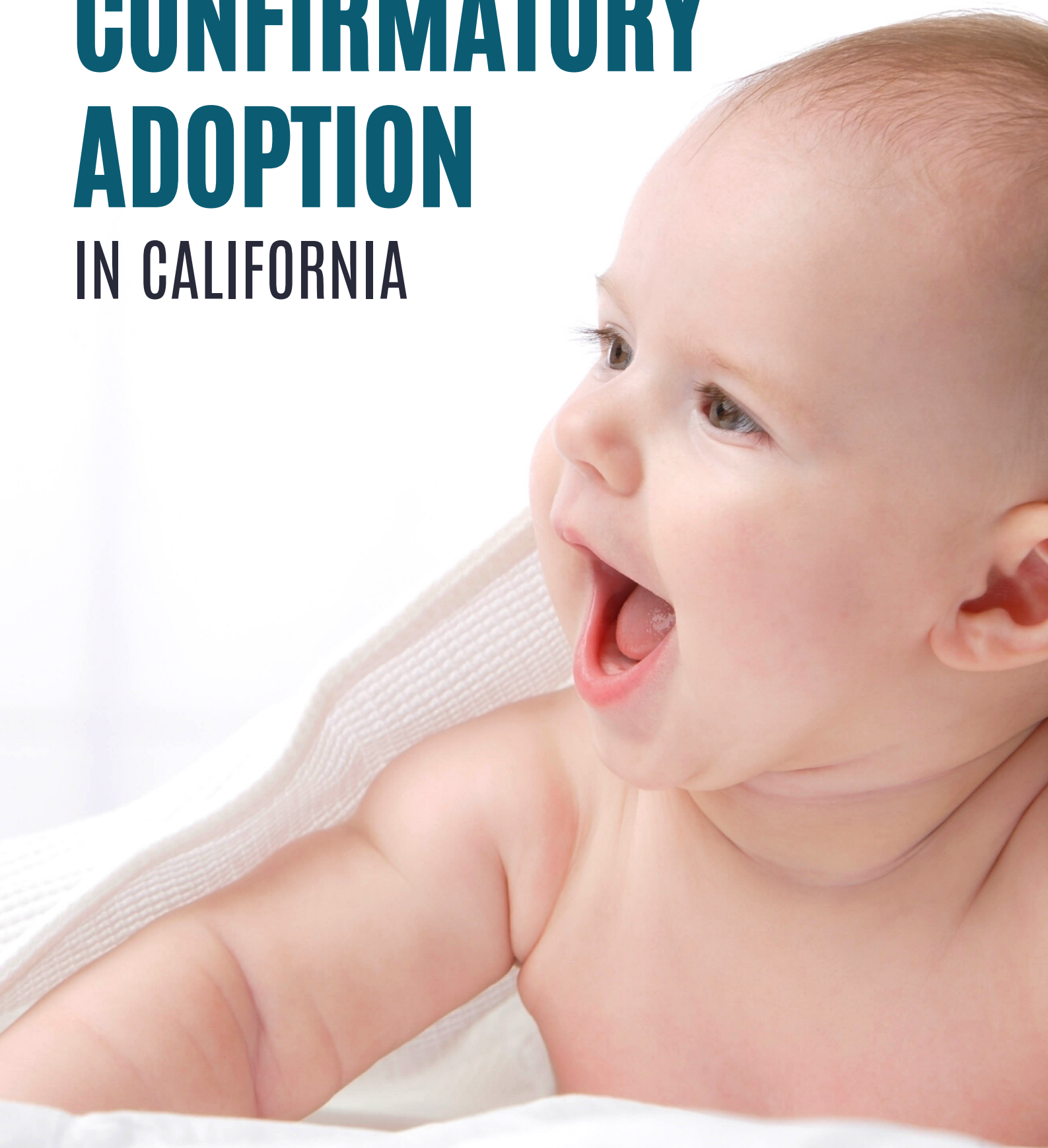


WHAT YOU NEED TO KNOW ABOUT
**CONFIRMATORY
ADOPTION**
IN CALIFORNIA



If you're part of a same-sex couple who has built your family through assisted reproductive technology, you will want to make sure all your rights to your children are protected, whether you are the child's biological parent or not. To do that in California you need to go through a process typically referred to as confirmatory adoption.



This allows you to adopt your child formally, giving you all the rights and responsibilities that come with the parental relationship. Stepparents and second parents (those who are parenting a non-biological child as part of an unmarried couple) also go through this process. Here's how it works, and what you should know about its importance for you and your children's future.

What Does Confirmatory Adoption Involve?

In California, even if you're married and listed on the birth certificate, you still need an adoption order if you're a non-biological or non-gestational parent, unless you have a judgment of parentage which serves as a final judgment. The simplified adoption process offered by the state is designed for these types of situations. Don't put it off, because being on the birth certificate doesn't necessarily mean you're considered a parent by law.

For a confirmatory adoption, you generally need to file paperwork with the court. It's a simple process, though, provided that the couple was married at the time of the child's birth, is still married when the adoption paperwork is filed, and the other parent gave birth to the child. Not only is it less stressful, but it's also less expensive and time-consuming.

You'll file papers for what's legally considered a stepparent adoption, and you can have it granted without the typical requirements of a background check, court hearing, or home investigation. If the judge feels there's a good reason, however, you can still be asked to go through these additional steps. Most of the time, the adoption will just be granted.

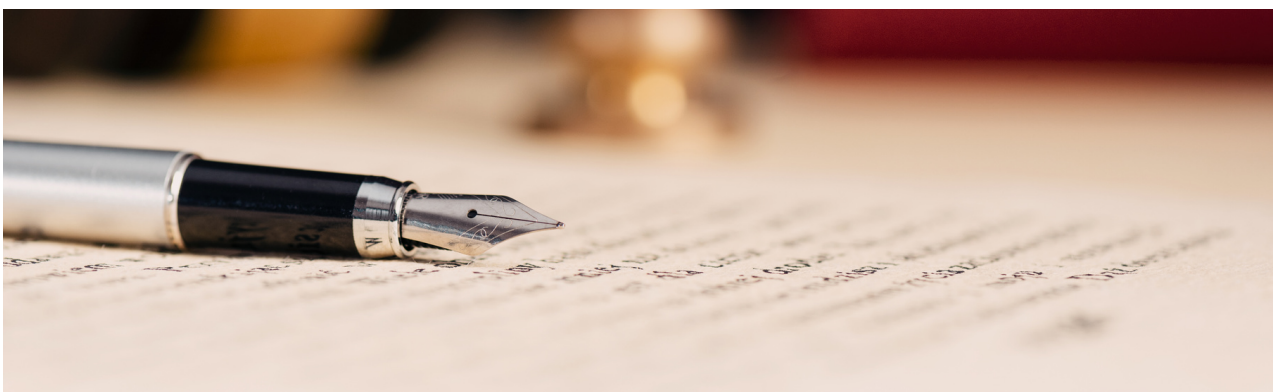
The court offers a form you can fill out to get the process started, along with instructions on the information you'll need. If you don't have an attorney to help you, most courts have a facilitator who can look at the forms to see if they're filled out correctly. They can't give you legal advice, but they can address any completion issues that could delay the process for you.

Talking with an attorney is a good idea if it's affordable for you. Even though the process is streamlined and more simplified than the original adoption requirements, it's still complicated, and the paperwork has to be handled correctly. There are a few instances when you should talk with an attorney, such as:

- When there is a biological father in the picture, especially if he is in the military or doesn't live in California
- When the court requests a home investigation or other additional requirements
- When one parent or a known donor is a member of an American Tribal Nation
- When there is another parent who wants to maintain contact with the child after adoption
- When there is a parent whose rights will be terminated by the adoption and/or who doesn't consent to the adoption

These are all situations that make a confirmatory adoption more complicated, so it's very important to seek out legal counsel in these instances. That can protect you and the children, and also reduce the stress and expense of the process by handling it correctly right from the start.

Some non-biological and non-gestational parents don't want to go through the process of adoption because of the costs or the stress of it, but it's very important that you don't miss out on important rights and legal protections. A confirmatory adoption is generally always worth what it takes to get it completed, so you can have the same rights to your children as their biological parent does.



Why Do You Need to Consider Confirmatory Adoption?

You don't want to risk not having the rights you should have to your child, simply because you and your partner used IVF or another method to have a child you aren't biologically related to or did not give birth to. California has a lot of protections in place for non-biological and non-gestational parents who haven't taken the step of adopting their children.

However, many states don't feel the same way, especially when it comes to same-sex relationships and marriage equality. If you want to travel safely or move out of the state at any point, you will still need the adoption process. That's true even if every state has full marriage equality, because the legal relationship between you and your child is important.

Every state now offers confirmatory adoption, but many couples misunderstand why they're needed. They assume that having the gestational and non-gestational parent listed on the birth certificate is enough. However, a birth certificate is for administrative records and information. It doesn't legally establish who the child's parents are. Some couples also believe that no one will ever question their parental rights, so they don't worry about it. If they put their child in school, though, or the child needs medical care, those are times when they may need legal parenting proof that a birth certificate won't meet.

Time and expense are also often a deterrent because they think the process will be too difficult or don't want to spend the money for it. While that's understandable, it's also putting them and their children at risk because they don't have a legal parenting relationship. Confirmatory adoption is necessary for the protection of the parents and the children in same-sex relationships where the family was built through the use of assisted reproductive technology.

Access to Important Benefits

Any state and federal benefits, as well as inheritance rights, require a parent-child relationship to be legally recognized. Medical care and other critical decisions also require this relationship, which won't be recognized without the confirmatory adoption. Some states have different criteria than others when it comes to how they determine a legal parent.



Adoption is recognized as legal parentage in every state, though, so you and your children will be protected wherever you travel or relocate to in the future. Having a legally secure relationship with both parents is the best thing to protect the rights of children, and can help you and your partner have more peace of mind.

It's also possible that the legality of same-sex relationships will be questioned in the future, given that there are some political opinions and leanings in that direction. If some states reject same-sex marriages, for example, or if there is an action taken on a federal level, you could lose many of the rights you have to your non-biological children.

With adoption, though, you can't lose those rights even if your marriage is rendered invalid. Once you've adopted the children, they are legally considered your children. The status of your marriage to their other parent doesn't change that. While it's unlikely that these kinds of issues will arise, it's not an impossibility, and it's something you will want to protect against.

Parental Rights During Custody Cases

If you and your partner decide to part company, or you and your spouse divorce, you'll want parental rights for the sake of custody, as well. All too often, the rights of the non-biological or non-gestational parent are challenged during a custody case because they didn't take the step of adopting their children. Even with your name on the birth certificate, that challenge can be a problem.

You don't want to risk losing custody of your children because of something that can easily be avoided. If there is a birth announcement, Mother's Day cards, and other "exhibits" that show the children's relationship with their biological or gestational parent, those things may be used against you during custody cases, as well. You want to make sure your legal rights are protected.

Even if you ultimately have a good outcome in your custody case, you want to make sure it doesn't become a long battle that can take its toll on you, your spouse, and your children. In some cases, you might also be denied contact with your children for some time, so you want to make sure you reduce the chances of that happening by adopting them and having strong legal rights.

No one should ever use a lack of biological or gestational connection in a custody battle, to gain an upper hand. But it can and does happen, and it's very important to avoid it if possible. If your parental rights haven't been confirmed through adoption, many states still

allow the biological or gestational parent to make a challenge against your legal standing. Don't let that be part of your potential future.

Confirmatory Adoption Creates Peace of Mind

Not only does confirmatory adoption make it easier for you to assert legal rights to your children in a custody case, and get them medical care and benefits, but this kind of adoption also means more peace of mind. You'll know you can freely travel with your children and, if you relocate, you'll still have all the rights you had in California. That's a great way to feel more confident as a parent, so you can focus on all the joy that raising your children brings to your life.



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