

## WHAT IS ADOPTION?

Adoption is a judicial proceeding that transfers all the rights and responsibilities of a natural (biological) parent, if known, to an adoptive parent.

## WHAT ARE THE DIFFERENT TYPES OF ADOPTION?

There are four main types of adoption:

1. Agency
2. Direct Placement
3. Adult Adoption
4. Stepparent/Relative

## WHAT IS AGENCY ADOPTION?

An agency adoption is an adoption in which the birth parents transfers their legal right to allow the child to be adopted to the State of Minnesota or a private licensed adoption agency.

## WHAT IS DIRECT PLACEMENT ADOPTION?

Direct placement adoptions are also known as independent adoptions. In this type of adoption, legal involvement begins before the child is born or, minimally, before the child is placed with the adoptive family.

## WHAT IS AN ADULT ADOPTION?

An adult adoption is similar to a stepparent/relative adoption that the adoptee is over the age of 18.

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# MINNESOTA ADOPTION



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## **WHAT IS STEPPARENT/ RELATIVE ADOPTION?**

The most common form of adoption is adoption of children by stepparents whereby the adopting stepparent is willing to assume financial and legal responsibility for his/her spouse's child or children and to release the non-custodial parent of parental responsibilities, including child support.

## **WHAT ARE THE RESIDENCY REQUIREMENTS FOR AN ADOPTION?**

There is a one-year residency requirement for petitioners (proposed adoptive parents). This requirement may be waived if the petitioner is a relative.

## **WHO MUST CONSENT TO AN ADOPTION?**

**Agency Approval:** The Commissioner of Human Services, the Commissioner's agent, or a licensed child placement agency, must approve the placement of the child unless:

- the child is over 14.
- the petitioner is a relative or
- another state lawfully placed the child under its laws, or the child was legally placed through the direct adoption process.

**Birth Parents/Guardians:** Unless the parental rights of the child's birth parents have been terminated, the child's birth parent(s) must consent to the adoption.

**In stepparent adoptions**, both parents must consent, including the parent who had custody of the child.

**If a child over the age of 14** is up for adoption, the *child* must consent to the proceedings *and* the child's parent(s) or guardian(s) must consent to the adoption.

**In an adult adoption**, an adoptee over the age of 18 must sign a consent in front of two witnesses and a notary public. No parental consents are needed in an adult adoption.

**Special rules** apply to certain forms of adoption, such as those involving an Indian child or those where the birth parent resides outside of Minnesota or is in the military.

## **WHAT IF THE NATURAL PARENT REFUSES TO GIVE CONSENT?**

If consent of a parent cannot be obtained, a Petition for Termination of Parental Rights must be filed and a court hearing will take place to determine the issue.

## **CAN THE NAME OF THE ADOPTEE BE CHANGED AS A PART OF THE ADOPTION PROCEEDINGS?**

Yes, the name of the adoptee can be changed as part of the adoption proceedings.

## **WHAT IS THE PROCESS?**

An adoption is typically started with the filing of a Petition for Adoption in the county of the Petitioner's residence. The Petition must be accompanied by the appropriate parental consent forms (if applicable), other required documents and the court filing fees. Background studies will be conducted on the proposed adoptive parents by the appropriate agency. Assuming the proposed adoptive parent is deemed to be acceptable, and all other legal requirements are met, a final adoption hearing take place to finalize the adoption.

## **WHO SHOULD ATTEND AN ADOPTION HEARING?**

Both the Petitioner and the adoptee must attend the hearing. Since an adoption is the start of a new family, family members and friends are encouraged to attend. If the parties wish to bring still/video cameras into the courtroom, they should request permission from the court administrator prior to doing so.

## **WHAT ARE THE EXPECTED COSTS?**

In addition to the attorney's fees, costs may include the court filing fee; birth certificate registration/amendment fees; home study fees and other associated fees. If it is necessary to bring an action to terminate parental rights, additional costs will be incurred.