

Near-Relative Adoption

Information

Unlike non-relative adoptions, near-relative adoptions involve some preexisting biological or legal relationship between the adopting parent and the adoptee. Like all types of adoption, a near-relative adoption creates a legal parent/child relationship with all the rights and responsibilities that would exist if the child had been born to the adopting parent. Near-relative adoptions are treated similarly by the Court as stepparent adoptions and are less involved than "stranger" adoptions due to the preexisting relationship between the adopting parent and the adoptee. Stepparent adoption forms are often used in near-relative adoptions.

Instructions for Near-Relative Adoptions:

You may download a form packet from the above link. Forms are also available at the Probate Court Clerk's Office during normal hours of operation. The first step in a near-relative adoption is to file a Petition to Adopt with the Probate Court. This petition must be completed by the potential adopting parent and signed in front of a notary public. The petition and a Certified Copy of the Child's Birth Certificate must be filed with the Probate Court along with a filing fee. The current filing fee is \$75.00. When all required documentation is complete and filed, a hearing date will be set. The Court will send notice of the hearing to all interested parties.

Before the date of the hearing, several other forms must be completed and certain duties fulfilled. The potential adopting parent must submit to a criminal record check and be fingerprinted at a police station or sheriff's office. There is a \$24.00 fee (Checks are payable to the Vermont Department of Public Safety) attached to the fingerprinting to cover the cost of the FBI fingerprint record check. The FBI processing takes approximately 8-10 weeks. A home-study may also be ordered by the Court to determine the suitability of the adoption conditions.

Before a child can become the legal child of an adopting parent, the parental rights and responsibilities of the biological parents must be dealt with. If the biological parents are agreeable to terminating parental rights, a hearing date can be set for them to officially consent to the adoption. Prior to the hearing the consenting parent must fill out and file with the Court a Statement on Disclosure of Identifying Information and Information About Birth Family form. Consent to adoption and termination of parental rights can be obtained from biological parents by having them fill out and sign a Consent of Parent in the presence of the judge or in the presence of someone approved by the Court to take consent or a notary public. The consenting parent whose rights are to be terminated has a right to legal counsel at the time they sign the consent. If they choose not to exercise this right they must also sign a Waiver of Counsel at the time which they sign the consent. If a biological parent whose rights will be terminated by the adoption will not voluntarily consent, a Petition for Termination of Parental Rights may be filed by the Petitioner and served on the parent. Counsel will be appointed for the objecting party if

he or she is financially unable to afford an attorney. Termination of legal rights is a complex procedure and it is strongly recommended that all parties retain legal counsel.

If the child to be adopted is 14 years old or older, they must sign a Consent of Minor In Adoption form in the presence of the Judge at the final adoption hearing.

If the minor child is under legal guardianship of someone other than his or her biological parents, or has been relinquished to an agency, the legal guardian or the agency must sign a Consent of Guardian or Agency in Adoption form in the presence of the Judge at the final adoption hearing.

In addition to the consents and petitions listed above, 15 VSA § 3-305 requires that additional documents be filed with the Court prior to the hearing. To get the text of the statute please click on the Vermont Statutes link above to download a copy. This information is also available at the Probate Court.