

# Frequently Asked Questions about Adoptions

## What is adoption?

- Adoption is the legal process where birth parents' rights are terminated and permanently awarded to adoptive parents. When a child is adopted, the adopting parents assume all the rights and responsibilities for the child. A birth parent cannot reappear one day and try to reclaim parental rights of the child.

## How is adoption different from legal custody or guardianship?

- When a child is adopted, this ends all of the birth parents' rights and responsibilities. A birth parent cannot just reappear one day and try to reclaim the child.
- Guardianship does not sever the rights and responsibilities of the birth parents, but means that a caregiver is responsible for the care and custody of the child.
- Legal custody is different than guardianship in that it may be easier to receive government services from the state if you are a guardian rather than a legal custodian.

## Who can adopt a child?

- Any person over the age of 21 can adopt a child and persons under the age of 21 who get special permission from the court. If married, spouses must file jointly for adoption. If you are single, you can adopt on your own.

## Can I adopt my step-child?

- A child can be adopted by a step-parent if the custodial parent agrees and the non-custodial parent has either:
  - Abandoned the child for a year or more,
  - Failed to provide reasonable support for the child, such as failing to pay child support, or
  - Consents to the adoption. **C.R.S. §19-5-203(d)(I) and (II)**

## I have been caring for a family member, can I adopt them?

- Yes, if you are a grandparent, brother, sister, one-half sibling, aunt, uncle or first cousin of the child to be adopted and the child has lived with you for one year or more. Such a relative will want to petition the court for a "Kinship Adoption." **C.R.S. §19-5-203(j)**.

## I have legal custody or guardianship over a child, can I adopt them?

- A non-family member can petition the court to adopt a child they are caring for if:
  - The birth parents have abandoned the child for one year or more, or
  - The birth parents have failed to provide reasonable support for the child, such as failing to pay child support, for one year or more.
  - The non-family member must have legal custody over the child established either through an Allocation of Parental Responsibilities (APR) or Guardianship case. The non-family member will petition the court for a "Custodial Adoption." **C.R.S. §19-5-203(k)**.

## What if I have a criminal history?

- A person convicted of a felony in the following areas will **not** be allowed to adopt:
  - Child abuse or neglect
  - Spousal abuse
  - Any crime against a child, including, but not limited to, child pornography
  - Any crime of domestic violence

- Violation of a protection order
- Any crime involving violence, rape, sexual assault or homicide
- Any felony physical assault or batter conviction or felony drug-related conviction within the past 5 years. **C.R.S. §19-5-207(2.5)(a) and §19-5-208(5).**
- A person convicted of a misdemeanor in the above areas may be allowed to adopt with court approval. **C.R.S. §19-5-207(2.5)(b)(I).**

**Do I need to complete any background checks?**

- Yes. Persons petitioning the court to adopt a child, and all adults residing in the home, must complete three background checks:
  - Colorado Bureau of Investigation (CBI) background check (\$6.85 online or \$13 in person)
  - FBI Fingerprint Identification (\$18)
  - Colorado Department of Human Services TRAILS background check (\$33)
- Background checks must be conducted within 90 days prior to filing. Petitioner should attach copies of all three background checks to the petition.

**What is a Family Assessment or Home Study?**

- In Colorado, prospective adoptive parents in kinship or custodial adoption cases are required to participate in a family assessment or home study. A social worker from a licensed placement agency will conduct the home study and provide a detailed written report to the court. The purpose of the home study is for the caseworker to visit your home, interview you and educate, prepare and evaluate the adoptive family.
- In kinship and custodial adoption cases, the potential adoptive parents can ask the court to waive the assessment by completing and filing the Motion to Waive the Family Assessment/Home Study (JDF 515) and the Order (JDF 516). C.R.S. §19-5-206(g).

**Where can I find the forms I need to fill out to adopt a child?**

- If you are interested in adopting, the Colorado Judicial Branch website provides information, instructions, and forms for every kind of adoption. Visit [www.courts.state.co.us](http://www.courts.state.co.us) and click on the forms tab, then adoption.

**How do I obtain a new birth certificate for my adopted child?**

- The Colorado Department of Public Health and Environment will prepare and issue the child’s new birth certificate. Their contact information is:

Vital Records/Adoption Specialist  
 Colorado Department of Public Health and Environment  
 4300 Cherry Creek Drive South HSVRD-DM-A1  
 Denver, Colorado 80246-1530  
 (303) 692-2227  
 Link to Website: <http://www.cdphe.state.co.us/certs/adoption.html>

Complete the three following steps to get a new birth certificate.

- Step 1: Complete a Report of Adoption Form found on the Colorado Department of Public Health and Environment website or by clicking on this link: [www.cdphe.state.co.us/certs/adoptreport.pdf](http://www.cdphe.state.co.us/certs/adoptreport.pdf). A report of Adoption must be completed for each child that has been adopted. Fill it out very carefully! This form will be used to create the new birth certificate. A form with cross outs and white out over mistakes will not be accepted.

- Step 2: Submit the original Report of Adoption Form and 2 additional copies to the court on the date of the adoption hearing. The court will certify the Report of Adoption and send it along with a certified copy of the Final Decree to the Colorado Vital Records Division.
- Step 3: Vital Records Division will process a new birth certificate. The Vital Records Division will contact you within 4-6 weeks of the hearing and ask the adoptive parents to:
  - Complete a Vital Records application
  - Provide photo identification of the adopting parents
  - Pay a processing fee (\$20) and a birth certificate fee (\$17.75)

### **Glossary Terms:**

**Adoption:** Adoption is the legal process where birth parents' rights are terminated and permanently awarded to adoptive parents. When a child is adopted, the adopting parents step into the birth parents shoes and assume all the rights and responsibilities for the child.

**Kinship Adoption:** A relative of the minor, and a spouse if married, petition the court to adopt the child. Under Colorado law, a relative is a grandparent, brother, sister, one-half sibling, aunt uncle or first cousin.

**Custodial Adoption:** A non-family member, and their spouse if married, can petition the court to adopt a child if they currently have legal custody (Allocation of Parental Responsibilities established in a domestic or juvenile case) or guardianship (established in Probate Court).

**Step-Parent Adoption:** A child can be adopted by a step-parent when the birth parent that does not live with the child has died, abandoned the child for a year or more, or not provided reasonable support for the child by paying child support. A step-parent can also adopt a child if the birth parent that does not live with the child consents and agrees to relinquish their rights.