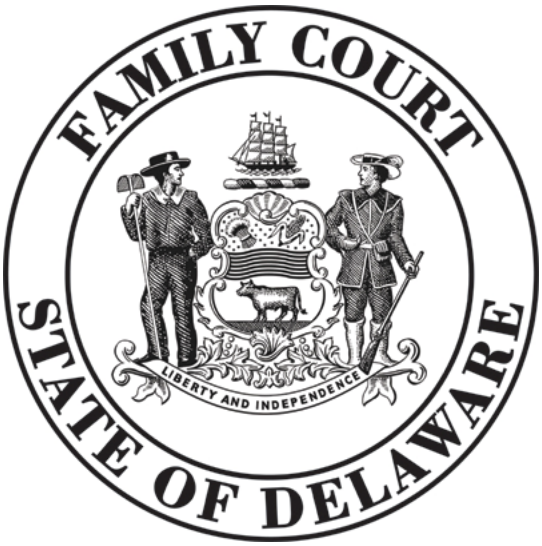
ADOPTION INSTRUCTION PACKET



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ADOPTION OF A MINOR INSTRUCTION PACKET

It is recommended that you use this packet only if you are:

- The step-parent of the child you are seeking to adopt; **OR**
- The child's blood relative:
  - Who petitioned for the termination of parental rights with respect to the child; **AND**
  - The Department of Family Services was not party to the Petition to Terminate Parental Rights and did not remove the child from the home or place the child in foster case based on neglect, dependency or abuse.

This packet assumes that you have already completed the Termination of Parental Rights process, OR that you are filing a Termination of Parental Rights Petition at the same time as an Adoption Petition. Please see the Termination of Parental Rights Instruction Packet for more information on the Termination of Parental Rights process.

You must meet the following requirements to adopt a child in Delaware:

- You are at least 21 years old; **AND**
- You are a Delaware resident; **AND**
- You are either:
  - An unmarried person; **OR**
  - A husband and wife jointly seeking to adopt; **AND**
- You are seeking to gain parental rights over a child (i.e. become the parent of the child); **AND**

- The person who currently has parental rights over the child is willing to consent to the adoption or consent to a termination of their parental rights.
- You are prepared to pay the various fees
  - The adoption process is very expensive. Fees include, but are not limited to, (1) court filing costs, (2) cost for preparation of a social study and report, and (3) cost for publication, if necessary. You should expect that costs for the TPR/Adoption process will exceed $1,000.

HOW TO USE THE PACKET

This packet contains general information about the process of filing a Petition for Adoption, basic instructions on how to complete the Court forms you must file, and samples of the completed Court forms.

You should read the instructions and sample forms carefully **before** filling out any forms. All of the forms must be neatly filled out by hand in ink or typed. **ONLY FILE THE FORMS INCLUDED IN THE BLANK FORMS PACKET.** The sample forms included in this Instruction Packet are simply to help you understand how to fill out the real forms in the Forms Packet. Do not file the sample forms.

YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE. For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to be sure that you know what you are supposed to do and when.

Please look for the shaded written instructions and the following symbols throughout the packet. They will help guide you.

READ THIS SECTION CAREFULLY

THIS DOCUMENT MUST BE FILED

FILL IN THE BLANKS OR WRITE INFORMATION HERE

YOU DO NOT HAVE TO TAKE THESE STEPS NOW

TIPS AND REMINDERS …

- ✓ Make sure to read any **Answers to Frequently Asked Questions** on Adoption. These are located in the Resource Centers in each courthouse. They will help you to better understand the adoption process.

- ✓ Remember that just because you fill out the forms correctly does not necessarily mean that the Court will give you (grant) what you want. It is up to *you* at the court hearing to prove why the Court should give you what you want.

- ✓ Representing yourself may take a lot of time, may be difficult and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. **If at any point throughout the Court process you are not sure about representing yourself, you should talk to an attorney.**

- ✓ Please remember that **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE.** Should you have a question about what options you have or what you should do, you should talk to an attorney. Just because you talk to an attorney does not necessarily mean that you must hire that attorney to represent you. Ask the attorney if he/she is willing to meet with you and answer your questions without having to hire that attorney for full representation. Before you meet with the attorney, ask what fees may be involved for such limited services.

- ✓ If you would like assistance finding an attorney, you can call the **Lawyer Referral Service** in New Castle County, 302-478-8850, and in Kent and Sussex Counties, 1-800-773-0606. (You may call the same

telephone numbers and ask for the **Legal Help Link** to find out if you qualify for free legal assistance.) You also can refer to the **Attorney Roster** that is located at the Family Court Resource Centers. The Attorney Roster is a listing of some of the attorneys who practice family law in Delaware and includes information about how to contact the attorneys and what fees the attorneys charge.

- ✓ Always bring your photo identification with you (such as your driver's license, or a state-issued photo identification card) whenever you get a Court form notarized.

- ✓ **THERE IS A LOT OF PAPER IN A COURT CASE AND HAVING THE COURT MAKE YOU COPIES CAN BE VERY EXPENSIVE**.

PLEASE READ AND REMEMBER THESE IMPORTANT TIPS

REMEMBER

- **Keep a copy of every document and court paper.**
- **Keep all notes, documents and court papers together and organized in a folder with the most recent papers on top.**
- **Bring the folder with your papers with you every time you go to Court.**
- **When you file a document with the Court, bring the required number of copies of each paper and an extra copy for you to have "clocked-in." Keep the clocked-in copy in your folder so you have proof of the time and date you filed each document. You may make copies at the Resource and Self-Help Centers but there is a small fee.**
- **When you complete a document or form for filing with the Court, always include the full case name and file and petition numbers (if there are any).**
- **When you must mail something, we suggest that you use regular mail AND "certified mail, return receipt requested" so that you have proof that the other party received the envelope. If you cannot afford to pay for "certified mail" we suggest you get a "certificate of mailing" at the post office to prove that you mailed the envelope to the other party. You may purchase stamped envelopes at the Resource and Self-Help Centers and the Court will mail your Court papers for you by regular mail. You are responsible for certified mailing.**

ADOPTION

The Definition of Adoption

The intent of an adoption is to legally and permanently create a new relationship between a minor child and a new parent(s). The law about Adoption is found within Chapter 9 of Title 13 of the Delaware Code.

Who Can Seek to Adopt (i.e. who can Petition for Adoption)?

A Petition for Adoption may be filed in the State of Delaware if you are:

- Over 21 years old; AND
- A Delaware resident; AND
  - An unmarried person; **OR**
  - A husband and wife jointly seeking to adopt and who are NOT legally separated, living apart from each other, and/or divorced.

Effect of Adoption

Upon the issuance of the decree of adoption, the adopted child shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if he or she had been born to the adopting parent or parents.

Upon the issuance of a decree of adoption, the adopted child shall no longer be considered the child of his or her birth parents and shall no longer be entitled to any of the rights or privileges or subject to any of the duties or obligations of a child with respect to the birth parent.

When a child who is adopted by a stepparent, his or her relationship to the birth parent who is married to the stepparent shall not be altered by reason of the adoption.

The Effect of Adoption on Inheritance

Upon the issuance of a decree of adoption, the adopted child shall lose all rights of inheritance from the natural parent(s) and their relatives. The child shall, however, gain the right to inherit from the adoptive parent(s) and their relatives. The natural parents may still dispose of their property to the child by will.

The Relationship between Termination of Parental Rights and Adoption

This Adoption Instruction Packet ***may*** be used **WITH** the TPR Instruction Packet when a Petition for TPR is filed by a blood relative of the child sought to be adopted. Examples of when the TPR process and the adoption process go hand-in-hand include the following situations:

- You are a **blood relative** of the child you seek to adopt and also the **Petitioner** in a **Petition for TPR**. In this situation, you will file the Petition for Adoption **at the same time** you file the Petition for TPR; **OR**
- You are the **stepparent** of the child you seek to adopt and your **spouse, who is the child's parent,** is the **Petitioner** in a **Petition for TPR**. In this situation, your spouse will file the Petition for TPR **at the same time** you file a Petition for Adoption.

This Adoption Instruction Packet ***may*** be used by **itself** and ***NOT*** be used with the TPR Instruction Packet when there is no need for TPR. An example of a situation where there is no need for TPR is when you are the **stepparent** of the child you seek to adopt and your spouse (who is the child's parent) is the only living parent because the other parent is deceased. Accordingly, there would be no need to terminate the deceased parent's parental rights and only a Petition for Adoption would be necessary.

THE ADOPTION PROCESS

The Petitioner starts the adoption process by filing a Petition for adoption and other relevant documents with the Court.
(Section 1)

↓

Social Study and Report must be completed.
(Section 2)

↓

Court hearing before a Judge (if necessary).
(Section 3)

↓

The Judge issues an order either granting or denying Adoption

SECTION 1

STARTING THE ADOPTION PROCESS

To File for Adoption, the following requirements must be met:

- ❑ You are seeking to gain parental rights over a minor child; **AND**
- ❑ You are at least 21 years of age; **AND**
- ❑ You are the step-parent or blood relative of the child; **AND**
- ❑ The person or agency that currently has parental rights over the child is willing to consent to the adoption or consent to a termination of their parental rights.

You **MUST** file the **ORIGINAL** of each form below with the Court.

- ➢ Make a copy of each completed form for your records.
- ➢ Have your set of copies "clocked-in" for your file. Having a paper "clocked-in" means that the Court will stamp on the copy the time and date you filed your papers. Your clocked-in copy will serve as proof of the time and date you filed the paper.

Petition for Adoption form. (*file the original and one copy*).

- ➢ Sample Form can be found on pages 20-21.
- ➢ Only a **step-parent or blood relative** of the child may petition the Court for adoption.
- ➢ On the Petition for Adoption, you must name the person or persons legally qualified to consent to the adoption. The following people may be person(s) legally qualified to consent to the adoption:
  - The natural parent(s) of the child;

- Any guardian of the child or the person with whom the child is living;
- And the organization having custody of the child (for example, the Division of Family Services).

If you fail to notify any of the necessary parties, your petition may be deficient and you may have to start the process over.

- You must sign your Petition for Adoption in the presence of a notary public or authorized Court staff.

Custody Separate Statement form. (*file the original*).

- Sample form can be found on pages 22-24.
- The Custody Separate Statement explains to the Court a child's past and present living arrangements, so that the Court can determine if it has authority to decide your Petition for Adoption.

Information Sheet form. (*file the original*).

- Sample form can be found on pages 25-26.
- This form provides the Court with general information about the parties that allows the Court to adequately notify the parties about upcoming proceedings and to maintain up-to-date records.

Affidavit of Expenses form. (*file the original*).

- Sample form can be found on page 27.
- This form states the amount of service fee charged to you and/or paid by you and/or paid by you in the adoption process and states that no third party, other than the licensed adoption agency, assisted you in finding the child you are seeking to adopt.
- This form must be notarized by a notary public

Order of Reference for Adoption form. (*file the original and one copy*).

- Sample forms can be found on page 28.
- The Order of Reference is a form that includes the information about the agency chosen and an order for the judge to sign.
- On the Order of Reference you will list the name of the licensed child-placing agency that you have selected to complete the Social Study and Report.
- Once you have completed this form and submitted it to the court, along with all other forms, a judge must sign it. The Clerk will then forward the Order to the agency. The agency can then begin preparing the social study and report.
- You **MUST** pay the licensed child-placing agency to complete the Social Study and Report. This is not a court fee and cannot be waived by the court. You are responsible for the entire cost of preparing the Social Study and Report.
- The Social Study and Report can be very expensive so you might want to find out how much different agencies charge before deciding which one to use.
- For more information on the Social Study and Report, please see Section 2.

Certified Copy of Child's Birth Certificate

- You must contact the Office of Vital Statistics, or its equivalent, in the state where the child was born to obtain the birth certificate.
- The birth certificate must be a *certified* copy.

Final Order of Adoption form. (*file the original*).

- Sample form can be found on page 29.
- This form is used by the Court to grant or deny your Petition for Adoption.

BELOW ARE OPTIONAL FORMS

ONLY file the following forms if the situation applies to you.

If you are a stepparent seeking to adopt a stepchild, file:

Affidavit of consent of Natural Parent whose Spouse is Petitioning for Adoption form. (*file the original and one copy*).

- Sample form may be found on page 30.
- This form must be completed and signed by the natural parent, whose spouse (the child's stepparent) is seeking to adopt. This form states that the natural parent consents to their spouse's adoption of the child.

Certified Copy of Marriage certificate. (*file the certified copy only*).

- You **MUST** file a **certified copy** of your marriage certificate. A certified copy will bear an embossed seal or watermark signifying that it is an official copy. You may **NOT** file a photocopy of an original copy.
- A certified copy of your marriage certificate is available from the Division of Public Health and Vital Statistics in the state or jurisdiction where you were married. You **CANNOT** obtain a copy of your marriage certificate at Family Court.

If the Child you are Seeking to Adopt is 14 years of age or older, file:

Affidavit of Consent of Child Over 14 Years of Age (*file the original and one copy for each Respondent*).

- Sample form may be found on page 33.
- This form indicates that the child which is to be adopted and is over the age of 14, consents to the adoption.

BE SPECIFIC WHEN COMPLETING THE FORMS and make sure that you attach all additional documents as indicated in the petition. When you complete a form, write in blue or black ink **AND** write neatly.

File the forms at the Family Court **in the County where the child currently lives or the county in which a parent of the child currently lives**. If the child does not currently live in Delaware, you should talk to an attorney before filing to make sure the Delaware Family Court is the right Court to hear your case and to find out in which state and county you should file.

- In Kent and Sussex Counties you may file your papers at the Resource Centers on the first floor of the Family Court buildings.
- In New Castle County, you may file your papers at Family Court Intake on Lower Level 1 of the New Castle County Courthouse.
- If you file your papers by mail, the addresses for each courthouse are available on the Family Court website. The Court does **NOT** accept filings that are faxed or e-mailed.

A filing fee is charged for each petition that is filed. The filing fee can be paid by cash, credit card, debit card, check or money order made payable to "Family Court". If you are filing by mail, you may only pay by check or money

order. **FAMILY COURT WILL NOT ACCEPT YOUR PAPERS WITHOUT THE FILING FEE**. There are additional costs if you must publish notice of this action.

YOU SHOULD BEGIN SECTION 2 ONCE YOU HAVE FILED THE FORMS IN SECTION 1.

Form 150
(Rev. 2/08)

Fill in child(ren)'s name(s)

The Family Court of the State of Delaware

Check the county in which you are filing.

In and For ☐ New Castle ☒ Kent ☐ Sussex County

PETITION FOR ADOPTION

In the Matter of: Douglas A. Harding

Petitioner

Name: Anne C. Smith	Name: Scott R. Smith
Street Address: 101 Oak Street	Street Address: 101 Oak Street
Apt. or P.O. Box Number: Apt. #123	Apt. or P.O. Box Number: Apt. #123
City: Dover State: DE Zip Code: 19901	City: Dover State: DE Zip Code: 19901
Home Phone: (302) 555-1111 Work Phone: (302) 555-9999	Home Phone: (302) 555-1111 Work Phone: (302) 555-5555
Relationship to Child(ren): Maternal Aunt	Relationship to Child(ren): Maternal Uncle
Attorney Name and Phone Number (*if any*): n/a	Attorney Name and Phone Number (*if any*): n/a
Street Address:	Street Address:
Apt. or P.O. Box Number:	Apt. or P.O. Box Number:
City: State: Zip Code:	City: State: Zip Code:
Marital Status: ☒Married ☐Single	Marital Status: ☒Married ☐Single

File Number
CK04-0211

IN THE INTEREST OF THE FOLLOWING CHILD(REN): (Complete the table below for each child which petitioner seeks to adopt. Attach additional sheets if necessary.)

Child's Name	Petitioner's Relationship to Child	Child's Date of Birth	Child's Place of Birth (City, State)	Child's Gender (Check One)
Douglas A. Harding	Aunt/Uncle	10/14/1991	Newark, DE	☒Male ☐Female
				☐Male ☐Female
				☐Male ☐Female

1. Name of the person, persons, or organization legally qualified to consent to the adoption:

Write down the names of the person(s) who currently have parental rights of the

Person or Organization	Address	Date of Child's Placement in Adoptive Home ***OR…***	If Child is Being Adopted by Stepparent; Date of Marriage between stepparent and natural parent
Michelle Jones	123 State Street, Dover, DE 19901	11/1/2006	
Steven Harding	123 Main Street, Dover, DE 19901	11/1/2006	

2. The child(ren) will assume the following name(s) upon adoption:

Insert what the child's name will be after the adoption.

Douglas A. Smith

3. Is child being brought into this State from another state or country for adoption in this state? ☐Yes ☒No
   ☐ If YES, I have attached proof of compliance with the Interstate Compact for the Placement of Children in the form of written approval from the Delaware Division of Services for Children, Youth and Family Services.

4. I have attached the **birth certificate** of the child, **not** the certificate of live birth.

5. I have attached the mandatory **Affidavit of Expenses**.

6. Is the child being adopted 14 years of age or over? ☒Yes ☐No
   ☒If YES, I have attached an **Affidavit of Consent of Child 14 years of Age or Older**.

7. Has the person(s) legally qualified to consent to the adoption consented to this Petition for Adoption?
   ☒If YES, I have attached either or both of the following:
   ☒ **Affidavit of Consent of Natural Parent whose Spouse is Petitioning for Adoption**
   ☒ **Consent to Termination and Transfer of Parental Rights**

WHEREFORE, Petitioner(s) seeks to adopt the above-named minor child(ren).

STOP Sign in the presence of a notary.

Anne C. Smith	Scott R. Smith
Petitioner/Petitioner's Attorney	Petitioner 2, *if any*
4/4/2008	4/4/2008
Date	Date
Sworn to and subscribed before me this 4th day of April 2008	Sworn to and subscribed before me this 4th day of April 2008
Donna King	Donna King
Notary Public or Clerk of Court	Notary Public or Clerk of Court

AFFIDAVIT OF TRUTH

I, Anne Smith/Scott Smith, state the [illegible] Adoption is true and correct to the best of my knowledge.

STOP Sign in the presence of a notary.

Anne Smith Scott Smith
Affiant

Sworn to subscribed before me this 4th day of April, 2008

Donna King
Notary Public or Clerk of Court

Form 346
(Rev. 6/05)

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

CUSTODY SEPARATE STATEMENT IN COMPLIANCE WITH TITLE 13, SECTION 1928 OF THE DELAWARE CODE

Petitioner	Respondent	File No.:
Anne C. Smith, Scott R. Smith	Michelle Jones, Steven Harding	

1. What type of petition are you filing? Petition for Adoption

2. Who is the child(ren) named in your petition? (Please provide full name and date of birth)

Doug A. Smith 10/14/91

3. Have all the children listed above continually resided with one another? ☒ Yes ☐ No
   If you answered "No," the children have not continually resided with one another, please complete a Custody Separate Statement for each child.

4. Where is the child(ren) living as of today's date?

Street Address	City	State	Zip Code
101 Oak Street, Apt. #123	Dover	DE	19901

Name of person(s) child(ren) is living with	Relationship to child(ren)
Anne C. Smith, Scott R. Smith	Aunt and Uncle

5. During the past five years, where have the child(ren) lived? *List addresses from the most recent to the oldest beginning with the address where the child(ren) currently lives. If the child(ren) is under the age of five years old end with the first address where the child lived.*

Address where child(ren) currently resides	City	State	Zip Code
101 Oak Street, Apt. #123	Dover	DE	19901

Date child(ren) lived there	Name of person(s) child(ren) is living with	Relationship to child(ren)
12/1/2005-present	Anne C. Smith, Scott R. Smith	Aunt and Uncle

Person's current address	City	State	Zip Code
same as above			

Address where the child(ren) lived before that.	City	State	Zip Code
490 Pine Street	Wilmington	DE	19899

Date child(ren) lived there	Name of person(s) child(ren) is living with	Relationship to child(ren)
8/10/2002-11/31/2005	Michelle Jones and Steven Harding	Parents

Person's current address	City	State	Zip Code
490 Pine Street	Wilmington	DE	19899

Address where the child(ren) lived before that.	City	State	Zip Code
6160 Beachfront Drive	Virginia Beach	VA	23464

Date child(ren) lived there	Name of person(s) child(ren) is living with	Relationship to child(ren)
Birth to 8/10/2002	Michelle Jones and Steven Harding	Parents

Person's current address	City	State	Zip Code
Same as above			

6. Check **ONE** and complete as directed.

☒ I have not been involved in any other court action for custody and/or visitation of this child(ren).
☐ I have been involved in another court action for custody and/or visitation of this child(ren). *If you check this box, complete the information below. Attach additional sheets if necessary.*

TYPE OF ACTION (custody, visitation or modification)	**PERSON** who filed action	**STATE** action was filed in	**COURT** where the action was filed

DATE action was filed	**CASE NUMBER**	**RESULT** of action	**DATE OF ORDER**

TYPE OF ACTION (custody, visitation or modification)	**PERSON** who filed action	**STATE** action was filed in	**COURT** where the action was filed

DATE action was filed	**CASE NUMBER**	**RESULT** of action	**DATE OF ORDER**

7. Check **ONE** and complete as directed.

☐ I do not know of any other court action such as, Protection From Abuse, Termination of Parental Rights, Guardianship, Adoption or Paternity involving myself, the other party or the child(ren) that could affect this petition.
☒ I, the other party or the child(ren) have been and/or are currently involved in another court action such as, Protection From Abuse, Termination of Parental Rights, Guardianship or Adoption, that could affect this petition. *If you check this box, complete the information below. Attach additional sheets if necessary.*

TYPE OF ACTION (PFA, TPR, Guardianship, Adoption)	**PERSON** who filed action	**STATE** action was filed in	**COURT** where the action was filed
PFA	Anne C. Smith	DE	Family Court

DATE action was filed	**CASE NUMBER**
12/31/04	CK04-12111

TYPE OF ACTION (PFA, TPR, Guardianship, Adoption)	**PERSON** who filed action	**STATE** action was filed in	**COURT** where the action was filed

DATE action was filed	**CASE NUMBER**

8. Check **ONE** and complete as directed.

☒ No one other than the parties have physical custody, legal custody or visitation rights with the child(ren).

☐ A person(s) other than the parties have physical custody, legal custody or visitation rights with the child(ren). *If you check this box, complete the information below. Attach additional sheets if necessary.*

Name of person(s) child(ren) is living with	Relationship to child(ren)		
Address of person(s) where child(ren) reside	City	State	Zip Code

Name of person(s) child(ren) is living with	Relationship to child(ren)		
Address of person(s) where child(ren) reside	City	State	Zip Code

SWORN TO AND SUBSCRIBED

before me this date,

STOP

Sign in the presence of a notary.

Anne C. Smith, Scott R. Smith

Petitioner

December 15, 2005

STOP

Signed by notary or court staff.

Donna King

Notary Public

Form 240
Rev (3/03)

The Family Court of the State of Delaware

Fill in the date you file the form

INFORMATION SHEET - **PLEASE PRINT**

Date: __December 15, 2005 _____File No. : _____

Please fill in A to K pertaining to you the Applicant (Petitioner).

Each Petitioner must complete a separate form

A. Name: __Anne C. Smith

B. Address: __101 Oak Street, Apartment #123

Dover, Delaware 19901

C. Phone: Home: __(302) 555-1111_____ Work: . __(302) 555-9999

D. Employer & Work Address: ABC Child Care Center, 500 Pine Street, Dover, Delaware 19904

Hours/Shift: 7:30 to 4:30 Monday-Friday

E. Social Security No.: 111-22-3333 F. Date of Birth: 2/3/64

G. Description: Sex: __F_____ Race: __white____ Height: __5'4"__ Weight: _135 lbs_ Hair: __blond_ Eyes: _brown__

Marks/Scars/Tattoos: __none

H. Type of Vehicle operated by you: 1998 Honda Accord

I. Driver's License: __DE 7654_____ J. Your relationship to the Defendant/Respondent: __spouse
State and Number

K. Attorney: __none

If you are filing for Custody, Visitation, Support or Petition for Protection from Abuse please fill out the information needed below in reference to the child(ren) who are involved..

Children (Custody/Visitation/Support/Petition for Protection from Abuse)

Name	Relationship	Sex	Date of Birth
Doug A. Smith	Nephew	Male	10 / 14 / 91
			/ /
			/ /
			/ /
			/ /
			/ /

Form 240
Rev (3/03)

Please fill in L to X pertaining to the Defendant/Respondent..(For additional respondents use additional sheets)

L. Defendant/Respondent is a: (Check One) **X ADULT** **ف JUVENILE**

M. Name: Michelle Jones

You must complete a separate form for each Respondent

N. Address: 490 Pine Street
Wilmington, Delaware 19899

O. Phone: Home: (302) 555-9876 Work: (302) 555-3434

P. Employer and Work Address: XYZ Corporation, 67 Walnut Avenue, Newark, Delaware 19867

Hours/Shift: 9 am -5pm, Monday-Friday

Q. Social Security No.: 787-98-6767 R. Date of Birth: 7/13/65

S. Description: Sex: F Race: white Height: 5'4" Weight: 190 lbs Hair: black Eyes: brown

Marks/Scars/Tattoos: tattoo of a heart on right shoulder

T. Drivers License No.: DE93765 U. Type of vehicle operated by Defendant/Respondent 99 Trailblazer

V. Parent's Name (if a Juvenile):

W. Time when Respondent is usually home: 7pm-6:30 am, Monday-Friday and Mornings on the weekends

List places where the Respondent spends time other than at home or at work.

X. Any additional information about Respondent that may aid the process server in locating him/her to serve this petition:
If you are unable to locate the Respondent at his place of residence or his place of employment, she spends a lot of time at brother's house which is located at 775 Spruce Lane, Newark, DE 19867.

Write directions to each address list on this form to make sure that the process serve can locate the Respondent.

DIRECTIONS TO RESPONDENT'S RESIDENCE

Home: Go west on 8th Street until you reach Pine Street. Turn right and go 3 and a half blocks. The Respondent's house is on the right and is white with blue shutters.

Work: Take I-95 towards Baltimore. Get off at Exit 10 and take your first right onto Cherry Drive. Go about a mile and a half. Turn left onto Walnut Ave. XYZ Corporation is on your left.

Brother: Go two blocks past Respondent's home to 10th Street. Turn left and go one block to Spruce Lane. Turn right. It is the second house on the right. The house is green.

Form 156
(Rev. 03/08)

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

Fill in the name of the child to be adopted

In the Ma of:
Douglas A. Harding

10/14/1991 (D.O.B)

File No.: CK04-0211

Petitioner

ADOPTION AFFIDAVIT OF EXPENSES

I, Anne C. Smith, attest that I have paid the $50 filing fee to Family Court for the filing of this Adoption Petition. I have not paid any other fees as of yet. I, Anne C. Smith, further attest that no intermediary assisted in locating this child.

Sign in the presence of a notary.

4/4/2008
Date

Anne C. Smith
Petitioner

Sworn to subscribed before me this 4th day of April, 2008

Donna King
Clerk of Court/Notary Public

Form 155
(Rev. 03/08)

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex

Check the county in which you are filing.

Fill in child(ren)'s name(s)

In the Matter of:

Douglas A. Harding

10/14/1991 (D.O.B)

File No.: CK04-0211

ADOPTION ORDER OF REFERENCE

Having considered the request of the movant, Anne C. Smith

IT IS SO ORDERED, this date: _____

Leave blank for the hearing officer to fill in

The foregoing Petition for Adoption having been presented to the Cou
Petition has been properly filed;

It is ordered that the Catholic Charities
perform a Social Study and submit a report to the Court as required by

Fill in Name of agency you have chosen to do the social study and report

_____
Judge/Commissioner

Leave blank for judge to sign

Form 155
(Rev. 03/08)

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Fill in the name of the child to be adopted

In the Matter of:

Douglas A. Harding

10/14/1991 (D.O.B)

☒Male ☐Female

File No.: Ck04-0211

Below filled in by Hearing Officer

FINAL ORDER OF ADOPTION

And now, this _____day of _____ 2008, it appearing that _____ has petitioned the Court to be allowed to adopt as his/her/their own child, _____ born on _____.

The records indicate that all statutory requirements have been met;

An investigation has been conducted pursuant to an Order of Reference signed by this Judge.

The Court is satisfied as to the fitness of Petitioner(s) to maintain, care for and educate the child(ren) and child's or children's best interest will be promoted by the proposed Adoption.

It is ordered that _____ shall be the child(ren) of _____for all legal Intents and purposes, and the child or children shall henceforth be known as_____ _____.

_____
Judge

Form 158
(Rev. 03/08)

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Fill in the name and birth date of the child to be adopted

Check the county in which you are filing

In the Matter of:

Douglas A. Harding

10/14/1991 (D.O.B)

File No.: Ck04-0211

AFFIDAVIT OF CONSENT OF NATURAL PARENT WHOSE SPOUSE IS PETITIONING FOR ADOPTION

Consenting Party

I, Anne Smith, hereby give my consent for Scott Smith to adopt my child Douglas Smith.

Sign in presence of notary

4/4/2008
Date

Anne Smith
Consenting Party

Sworn to subscribed before me this 4th day of April, 2008

Donna King
Clerk of Court/Notary Public

Form 159
(Rev. 03/08)

Fill in name of child to be adopted

Check the county in which you are filing.

amily Court of the State of De

n and For ☐ New Castle ☒ Kent ☐ Sussex County

In the Matter o

Douglas Harding

10/14/1991 (D.O.B)

File No.: CK04-0211

Consenting Party - child 14 or older

AFFIDAVIT O ONSENT OF CHILD 14 YEARS OF AGE or OLDER

I, Douglas Harding, hereby give my consent for Anne C. Smith and Scott R. Smith to adopt me. I am 14 years of age or older.

Sign in presence of notary

4/4/2008 — Date

Douglas Harding — Consenting Party

Below filled out by notary

Sworn to subscribed before me this 4th day of April, 2008

Donna King
Mediator/Notary Public

Section 2

SOCIAL STUDY AND REPORT

For Adoption, a Social Study and Report is Mandatory.

A Social Study and Report is a report that provides detailed information about you and the child which will **help the Court determine whether parental rights should be transferred to you**. A worker from a child placement agency will talk to all of the people involved with the case including you, the child's parents and the child. The worker will then write a report and submit it to the Court. The report will include information about the following:

- The child and the child's background;
- You and your home where the child will be living;
- The child's physical and mental condition;
- The suitability of the placement;
- Whether all of the requirements under Delaware law have been met; **AND**
- The agency's recommendation regarding whether the termination of parental rights should be granted.

Because the Social Study and Report must contain a lot of information, the worker investigating and preparing the report will probably need to get some information from you. The worker will likely ask you for the **names of people** that he/she can speak with to find out more information about **you**, the **child** and the **child's situation**. Furthermore, the worker may want to **visit your home**

and see the environment where the child will be living. The worker may also ask you to provide him/her with **documents and papers** that are needed to prepare the report. It is **VERY** important that you cooperate with the worker and comply with his/her requests to the best of your ability. Remember, that the information in the report will guide the Court when deciding whether to transfer parental rights.

YOU must **select** a licensed child-placing agency to do the Social Report and Study. A list of child-placing agencies is available in the Family Court Resource Centers located in each courthouse. You select the agency by filing the Order of Reference form described in Section 1, page 12.

SECTION 3 WILL BEGIN NEXT.

Section 3

HEARING WITH A JUDGE

In general, the Court does NOT require an Adoption Hearing in cases where:

- The parents have consented to the termination of his/her parental rights over the child and a transfer of parental rights over such child to you: OR
- A stepparent is adopting a stepchild whose biological parent is deceased and the living parent (spouse) consents to the adoption.

A Petition for Adoption can be granted by the Court based upon the Petition and accompanying affidavits and Social Report submitted by the licensed adoption agency. However, if a parent is contesting the termination of his/her parental rights over a child and transfer of parental rights over such child to you, then a TPR/Adoption Hearing will be necessary.

If a hearing is necessary, the Court will schedule the hearing and send all parties a notice of the date and time of the hearing. If a hearing is required, it will usually combine the Termination of Parental Rights and Adoption proceedings. Therefore, the remainder of the packet will refer to Termination of Parental Rights/Adoption. For more information on Termination of Parental Rights, please see the Termination of Parental Rights Instruction Packet.

If you cannot attend the scheduled hearing, you must file the following form:

Motion for Continuance *(file one original and mail one copy to the Respondent).*

- Sample form may be found on page 41.
- If, once you receive your Notice, you cannot attend the scheduled Termination of Parental Rights Hearing, you must contact the Court **IMMEDIATELY** by filing a **Motion for Continuance.** **DO NOT** call the Court. On this Motion, you must state **very specific reasons** why you cannot attend the hearing. You must have a legal and unavoidable reason for needing to reschedule the hearing. You cannot request a continuance simply because it is not convenient for you to attend the hearing on the scheduled day. Before you file the Motion for Continuance, you must contact each of the Respondent(s) regarding the continuance and then **tell the Court in your motion how the Respondent(s) feels about the continuance**. Because the law is very strict when it comes to rescheduling, these Motions are not always granted.
- You will be notified by the Court if your Motion for Continuance has been granted. **UNLESS THE COURT GRANTS YOU A CONTINUANCE, YOU MUST APPEAR AT COURT THE DAY OF YOUR SCHEDULED HEARING**. If you fail to appear at your hearing, the Court can dismiss your petition or enter an order granting the Respondent(s) everything that he/she wants.

THE DAY OF THE HEARING

- If the Respondent(s) has not filed an answer or otherwise appeared in the adoption matter, complete the following form and bring it to Court with you on the day of your hearing.

  Affidavit of Non-Military Service form.

  - Sample from may be found on page 42.
  - **ONLY** complete this form if the Respondent(s) is **NOT** in the military and has not filed an answer or otherwise appeared in this Termination of Parental Rights matter.
  - If there is more than one Respondent, you must complete a separate form for each person.

The Court Hearing is a trial in front of a Judge. At the Court Hearing, you and the Respondent(s) will each be given an opportunity to tell your sides of the case and ask witnesses questions. During the Court Hearing, the Judge expects you to follow a certain procedure. It is important that you are familiar with this procedure so that you know what you are allowed to do, when you are allowed to talk, and how to tell your side of the story**.**

Family Court has developed **Court Hearing Procedure Information** that explains generally what the Court Hearing procedure is and should answer many of the questions you have about the procedure. This information can be found in the Resource Centers in each courthouse and on the Family Court website.

Unless the parent(s) consent to the adoption, it is up to **YOU** at the hearing to prove the following:

- The grounds for Termination of Parental Rights are met. These grounds are explained in the Termination of Parental Rights packet. Review that information before the hearing, so that you are prepared to present your case to the Court.
- It is in the best interests of the child to terminate parental rights and have you adopt the child. The Court will consider the following 8 factors in determining what is in the best interests of the child:

- The wishes of the child's parents as to his/her custody and living arrangements;
- The wishes of the child as to his/her custody and living arrangements;
- The interaction of the child with his/her parents, brothers and sisters, grandparents and any people living in the child's home or affecting the child's best interest;
- The child's adjustment to his/her home, school and community;
- The mental and physical health of all individuals involved;
- How well each parent has in the past and currently satisfies their parental rights and responsibilities with respect to their children;
- Evidence of domestic violence; and
- The criminal history of any party or other resident of a household, including guilty pleas, pleas of no contest and criminal convictions.

After both sides have presented all of their evidence, one of two things can happen. The Judge can **announce his/her decision** at the end of the hearing, in which case you will leave the Courthouse knowing the outcome of your Petition. **OR**, the Judge can **reserve decision**. When the Judge reserves decision, he/she considers all of the information presented during the hearing and issues a written order explaining the why the termination of parental rights

and adoption was granted or denied. Regardless of how the Judge issues the order, you should receive a copy of the Judge's decision, or Court Order, in the mail.

SECTION 4 WILL BEGIN AFTER THE SAMPLE FORMS FOR SECTION 3.

Form 191
(Rev. 6/05)

The Family Court of the State of Delaw

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

MOTION FOR Continuance

Fill in the title of the motion that you are filing.

Petitioner	*Respondent*	
Name: Anne C. Smith	Name: Michelle Jones	File Number: CK04-12111
Street Address: 101 Oak Street	Street Address: 490 Pine Street	
Apt. or P.O. Box Number: Apt. # 123	Apt. or P.O. Box Number:	Petition Number:
City: Dover State: DE Zip Code: 19901	City: Wilmington State: DE Zip Code: 19899	
Social Security Number: 111-22-333 Date of Birth: 2/3/64	Social Security Number: 787-98	
Attorney Name and Phone Number: n/a	Attorney Name: n/a	

Fill in the type of hearing that is scheduled. This information appears on the Notice of Hearing you received in the mail.

A PROCEEDING involving Adoption having [illegible] in this Court,

Movant hereby moves the Court for a continuance and, in support thereof, alleges the following facts:

Explain what you would like the court to order.

The Respondent's daughter, Ashley Jones, has suffered from severe tonsillitis. She is scheduled for surgery on January 25, 2006, the date of the parties' guardianship hearing. I request that the Court grant a continuance so that I can be with my daughter during surgery. I have contacted all Petitioners and they are in agreement that a continuance should be granted.

Describe in detail for the Court why it should grant your motion. Tell the Court how the other party feels about your request.

SWORN TO AND SUBSCRIBED
before me this date,

Sign in the presence of a notary.

December 15, 2005

Michelle Jones
Movant/Attorney

Donna King
Notary Public/Clerk of Court

Signed by notary or court staff.

I, the Movant, affirm that a true and correct copy of this Motion was placed in the U.S. Mail on this date 12/15/2005 [illegible] ey at the address listed on the petition, being Anne C. Smith, first class postage pre-paid.

Fill in the Respondent's name and the date that you mailed him/her a copy of the motion.

SWORN TO AND SUBSCRIBED
before me this date,

Sign in the presence of a notary.

December 15, 2005

Michelle Jones
Movant/Attorney

Donna King
Notary Public/Clerk of Court

Signed by notary or court staff.

Form 405

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

Petitioner	Respondent	
Name: Anne C. Smith	Name: Michelle Jones	File Number: CK04-12111
Street Address: 101 Oak Street	Street Address: 490 Pine Street	
Apt. or P.O. Box Number: Apt. #123	Apt. or P.O. Box Number:	Petition Number:
City: Dover State: DE Zip Code: 19901	City: Wilmington State: DE Zip Code: 19899	
Social Security Number: 111-22-3333 Date of Birth: 2/3/64	Social Security Number: 787-98-6767 Date of Birth: 7/13/65	
y Name and Phone Number: n/a	Attorney Name and Phone Number: n/a	

Fill in the county where you are filing,

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF DELAWARE)
) ss.
Kent COUNTY)

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date, January 6, 2008, personally appeared Before me, a Notary Public for the State of Delaware in the County declared above, Anne C. Smith, ("Affiant"), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Petitioner in the above captioned civil proceeding;
2. That Respondent is not in the military service of the United States of America; and
3. That Affiant has made this Affidavit pursuant to the provisions of § 200 of the Act of Congress entitled "Servicemembers Civil Relief Act of 1940" (50 U.S.C. App. 521) approved October 17, 1940.

STOP

Sign in the presence of a notary or court staff on the day of your hearing.

→ *Anne C. Smith*
Petitioner

SWORN TO AND SUBSCRIBED before me this date, *January 6, 2008*

STOP

Signed by notary or court staff.

Donna King
Notary Public or Clerk of Court

Section 4

APPEAL

RIGHT OF APPEAL

If you believe the Court's decision was wrong based on what happened at the Court Hearing, you only have **30 DAYS AFTER** the **Order** was docketed **to file** an **Appeal** with the Supreme Court. An appeal does **NOT** grant you a new trial and it does **NOT** grant you a chance to re-argue your case. It only asks the Supreme Court to examine the record and decide if the Judge applied the law correctly to the facts presented at the hearing.

If you want to file an Appeal, we strongly recommend you speak to an attorney. Just because you disagree with the Judge's decision does not necessarily mean you have one of the legal grounds to file an Appeal. Appeals can be very expensive and an attorney can help you decide whether filing an Appeal is advisable.

Upon the expiration of 6 months from the date of the entry of the decree of adoption, any irregularities in the proceeding shall be deemed cured and the validity of the adoption decree shall not be subject to attack.