

## **ADOPTION**

#### A GUIDE TO ADOPTION IN THE FAMILY COURT

#### FAMILY COURT OF THE STATE OF DELAWARE

http://courts.delaware.gov/family

# What is adoption?

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## Who can seek to Adopt?

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 <u>jointly</u> seeking to adopt <u>and</u> who are <u>NOT</u> legally separated, living apart from each other, and/or divorced.

## What is the 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.

### How does adoption effect 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.

### What is the relationship between Termination of Parental Rights and Adoption?

An adoption petition may be filed simultaneously with a Petition for Termination of Parental Rights if both are 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 <u>and</u> also the **Petitioner** in a **Petition for TPR**. In this situation, you will file the Petition for Adoption <u>at the same time</u> 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 <u>at the same</u> time you file a Petition for Adoption.

For more information about Adoption, please see the Adoption Instruction Packet. This packet is available in the Self-Help/Resource Centers and online at http://courts.delaware.gov/family.

For more information about Termination of Parental Rights, please see the Termination of Parental Rights Instruction Packet and "Frequently Asked Questions about Termination of Parental Rights". Both are available in the Self-Help/Resource Centers and online at http://courts.delaware.gov/family.