



A GUIDE TO ADULT ADOPTION

ADULT ADOPTION

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family/>

Family Court Contact Information

New Castle County

Leonard L. Williams
Justice Center
500 N. King Street
Wilmington, DE 19801
302-255-0300

Kent County

Family Courthouse
400 Court Street
Dover, DE 19901
302-672-1000

Sussex County

Family Courthouse
22 The Circle
Georgetown, DE 19947
302-855-7400

All Family Court Forms, FAQs, Filing Instruction Packets, and additional information can be found on the Family Court Website at: <https://courts.delaware.gov/family/>

Who may adopt an adult?

Any person, any husband and wife jointly, or an unmarried couple petitioning jointly provided they are cohabitating (as the term is defined in Section 1512 of Title 13) who wants to adopt any person over the age of 18 may file a Petition for Adoption of an Adult with the Family Court.

Where do I file my petition?

You should file your petition in the county in which the Petitioner(s) or the person to be adopted lives.

What forms do I need to file?

You should file the following forms:

- Form 150A - Petition for Adoption of an Adult
- Form 240 - Information Sheet
- Form 149 - Affidavit of Consent of Petitioner(s) in Adult Adoption
- Form 153 - Affidavit of Consent of Adoptee in Adult Adoption
- Form 164 - Order for Hearing on Petition for Adoption of an Adult
- Form 152A - Final Order of Adult Adoption

You must also file a certified copy of the adoptee's birth certificate.

Do I have to appear in Court?

Yes. After you file the Petition for Adoption of an Adult, you will be scheduled for a Court Hearing. The purpose of this hearing is to make sure that both parties consent to the adoption and understand the effects of the adoption.

After this hearing, the Court may render a decree ordering the issuance of a certificate of adoption.

Does the adoptee have to change their name?

The adoptee is not required to change their name, but if they wish to do so, may indicate that on the Petition for Adoption of an Adult. Ensure that you include the full legal name you are requesting for the adoptee.

Please note that the Court cannot change the gender designation of an adoptee as a result of the adoption. However, both Delaware's Office of Vital Statistics and Department of Motor Vehicles provide a process by which an individual can change their gender designation. Please refer to each agency for additional information.

What are the effects of an Adult Adoption?

Delaware Code provides that upon the issuance of the decree of adoption, all the legal duties, rights, privileges, and obligations that exist between a parent and child now exist between the Petitioner(s) and adoptee(s). These include, but are not limited to, the duty to support and inheritance rights. **Adult adoptees and those seeking to adopt an adult should discuss the collateral legal consequences of adult adoption with an attorney.**

If the adult adoptee was born in Delaware, will Family Court order the Delaware Office of Vital Statistics to change the adult adoptee's birth certificate?

In an adult adoption, the Court does not typically order a change to or removal of birth parents from the birth certificate. If the adult adoptee has a Delaware birth certificate, the only change Family Court will order the Delaware Office of Vital Statistics (OVS) to make is to the adult adoptee's name. This is done once the Court has entered an order changing the adult adoptee's legal name. The adoptee may request a new birth certificate from OVS. There is a fee for the new birth certificate. If an adoptee was born outside of Delaware, the parties may provide a copy of the adoption order and certificate to the applicable out-of-state OVS.

How can I file my petition and related paperwork?

Petitions and papers may be filed at or mailed to the Family Court in each county. Family Court also now accepts petitions and papers by email. To file your petition by email, you must send the petition and all required forms to: FC_CDN_TPR_Adoption@delaware.gov

****Before filing by email, please review the Civil Filing by Email FAQ:**

<https://courts.delaware.gov/family/faqs>