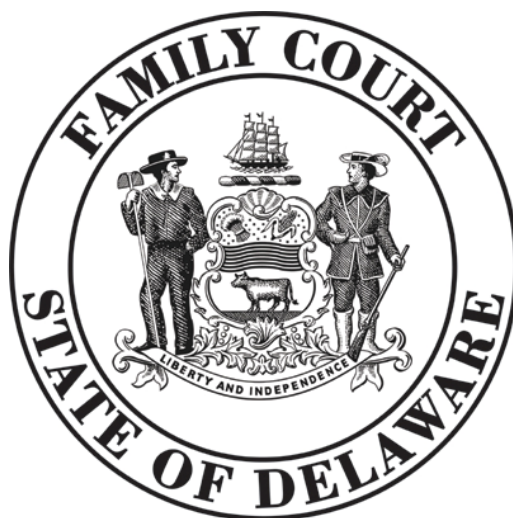


# ADOPTION INSTRUCTION PACKET



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

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# ADOPTION OF A MINOR INSTRUCTION PACKET

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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 care 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 or a person with whom a child has been placed for adoption under Section 904 of Title 13; **AND**
- ❑ You are either:
  - ❑ An unmarried person; **OR**
  - ❑ A divorced or legally separated person petitioning individually; **OR**
  - ❑ A married couple jointly seeking to adopt who are NOT legally separated or living apart from each other; **OR**
  - ❑ A non-married couple petitioning jointly, provided that you are cohabiting; **AND**

Cohabiting means when a person regularly resides with an adult of the same or opposite sex, and they hold themselves out as a couple.

- 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 examples and are simply provided 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 or 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, or to see if you qualify for free legal assistance, you can visit the Delaware Volunteer Legal Services website at <https://delegalhelplink.org>.

- ✓ 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***

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- **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:

- You are at least 21 years old; AND
- You are a Delaware resident or a person with whom a child has been placed for adoption under Section 904 of Title 13; AND
- You are either:
  - An unmarried person; OR
  - A divorced or legally separated person petitioning individually; OR
  - A married couple jointly seeking to adopt who are NOT legally separated or living apart from each other; OR
  - A non-married couple petitioning jointly, provided that you are cohabiting

Cohabiting means when a person regularly resides with an adult of the same or opposite sex, and they hold themselves out as a couple.



## **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 16-17.
- 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 18-20.
- 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 21-22.
- 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 23.
- 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 24.
- 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 25.
- 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 26.
- 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 27.
- 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.

**FILING BY EMAIL**

You may also file your petition and required forms by email. The required forms are those referenced beginning on page 10 in this packet.

To file by email, you must send the petition and required forms to:

FC\_CDN\_TPR\_Adoption@delaware.gov.

For more information on filing by email, please review the Civil Filing by Email FAQ:

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

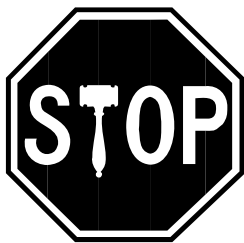


A filing fee is charged for each petition that is filed. **If filing in person**, the filing fee can be paid in cash, by credit card, by check or by money order made payable to “Family Court.” **If you are filing by email**, you may only pay by credit card. Family Court staff will call you for credit card information. It is important that you include your phone number in the email communication to the Court. Your petition will not be considered filed until the filing fee is paid. If you are unable to pay by credit card, you may file by mail enclosing a check or money order with your petition. **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.

**Can the fee sometimes be waived?**

You may be able to have the filing fees waived by the Court if your financial situation makes it difficult for you to pay the costs. If you are indigent, fill out an Affidavit in support of Application to Proceed In Forma Pauperis (fee waiver). Form 257P. This is a detailed financial information form, which requires supporting documentation of your financial situation.



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

# The Family Court of the State of Delaware

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

In and For  New Castle  Kent  Sussex County

Check the county in which you are filing.

## PETITION FOR ADOPTION

In the Matter of: Douglas A. Harding

### Petitioner

Name <u>Anne C. Smith</u>			Name <u>Scott R. Smith</u>			File Number <u>CK04-0211</u>
Street Address <u>101 Oak Street</u>			Street Address <u>101 Oak Street</u>			
Apt. or P.O. Box Number <u>Apt. #123</u>			Apt. or P.O. Box Number <u>Apt. #123</u>			
City <u>Dover</u>	State <u>DE</u>	Zip Code <u>19901</u>	City <u>Dover</u>	State <u>DE</u>	Zip Code <u>19901</u>	
Home Phone <u>(302) 555-1111</u>	Work Phone <u>(302) 555-9999</u>		Home Phone <u>(302) 555-1111</u>	Work Phone <u>(302) 555-5555</u>		
Relationship to Child(ren) <u>Maternal Aunt</u>			Relationship to Child(ren) <u>Maternal Uncle</u>			
Attorney Name and Phone Number (if any) <u>n/a</u>			Attorney Name and Phone Number (if any) <u>n/a</u>			
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: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single			Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single			

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)
<u>Douglas A. Harding</u>	<u>Aunt/Uncle</u>	<u>10/14/1991</u>	<u>Newark, DE</u>	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female

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

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
<u>Michelle Jones</u>	<u>123 State Street, Dover, DE 19901</u>	<u>11/1/2006</u>	
<u>Steven Harding</u>	<u>123 Main Street, Dover, DE 19901</u>	<u>11/1/2006</u>	

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

Douglas A. Smith

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

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).

Anne C. Smith  Sign in the presence of a notary. Scott R. Smith  
Petitioner/Petitioner's Attorney Petitioner 2, if any

4/4/2008  
Date

4/4/2008  
Date

Sworn to and subscribed before me this 4<sup>th</sup> day of April 2008


Sworn to and subscribed before me this 4<sup>th</sup> day of April 2008

Donna King  
Notary Public or Clerk of Court

Donna King  
Notary Public or Clerk of Court

**AFFIDAVIT OF TRUTH**

I, Anne Smith/Scott Smith, state the information in this Petition for Adoption is true and correct to the best of my knowledge.

 Sign in the presence of a notary.  
Anne Smith Scott Smith  
Affiant

Sworn to subscribed before me this 4<sup>th</sup> day of April, 2008

Donna King  
Notary Public or Clerk of Court

# 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

*Petitioner*

*v. Respondent*



<i>Name</i> Anne C. Smith	<i>Name</i> John D. Smith	<b>File Number</b> CK04-1211
------------------------------	------------------------------	---------------------------------



1. What type of petition are you filing? FILL IN PETITION TYPE (E.g. Petition for Custody)



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

Child's Name	Date of Birth (mm/dd/yyyy)	Place of Birth (City, State)
Doug A. Smith	10/15/2010	Dover, DE
Mary J. Smith	4/22/2013	Dover, DE



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.**

<b>CURRENT ADDRESS</b>	<i>Address where child(ren) <u>currently reside(s)</u></i>			<i>Date(s) Child(ren) lived here</i>		
	<b>** If the address where the child(ren) currently resides is a confidential address in Family Court, DO NOT provide the address on this form. Instead, please mark the fields as CONFIDENTIAL.</b>			1/28/2016 to present		
	<i>Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>	
	101 Oak Street, Apt 123		Dover	DE	19901	
	<i>People living in the household with the child(ren):</i>			<i>Date of Birth</i>	<i>Relationship to child(ren):</i>	
Anne C. Smith			12/26/1985	Mother		
Mary A. White			4/28/1959	Grandmother		



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

<b>PRIOR ADDRESS</b>	<i>Address where child(ren) previously resided</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>
	10 Clayton Street		New Castle	DE	19720
	<i>Date(s) child(ren) lived there</i>	<i>Name of person(s) child(ren) lived with</i>		<i>Relationship to child(ren)</i>	
2/14/2014 to 1/27/2016		Anne C. Smith & Mary A. White		Mother and Grandmother	
<b>PRIOR ADDRESS</b>	<i>Address where child(ren) previously resided</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>
	490 Pine Street		Wilmington	DE	19899
	<i>Date(s) child(ren) lived there</i>	<i>Name of person(s) child(ren) lived with</i>		<i>Relationship to child(ren)</i>	
10/1/2010 to 2/14/2014		John V. Smith and Anne C. Smith		Father Mother	
<i>Person's current address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	
Unknown (John Smith) 101 Oak Street, Apt 123		Dover	DE	19901	

<b>PRIOR ADDRESS</b>	Address where child(ren) previously resided		City	State	Zip Code
	Date(s) child(ren) lived there to	Name of person(s) child(ren) lived with	Relationship to child(ren)		
	Person's current address		City	State	Zip Code
<b>PRIOR ADDRESS</b>	Address where child(ren) previously resided		City	State	Zip Code
	Date(s) child(ren) lived there to	Name of person(s) child(ren) lived with	Relationship to child(ren)		
	Person's current address		City	State	Zip Code



5. 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.

<b>PERSON 1</b>	Name of person(s) with physical custody, legal custody or visitation		Relationship to child(ren)		
	Person's current address	City	State	Zip Code	
<b>PERSON 2</b>	Name of person(s) with physical custody, legal custody or visitation		Relationship to child(ren)		
	Person's current address	City	State	Zip Code	



6. Select all that apply 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.

<b>ACTION 1</b>	Type of Action (e.g. Custody, Visitation, Other)	Person (who filed the action)		State
	Visitation	John V. Smith		DE
	Court	Case Number	Date Filed	
	Family Court	CK16-1122	10/2/2016	
	Result	Date of Order		
	Visitation granted	12/15/2016		
<b>ACTION 2</b>	Type of Action (e.g. Custody, Visitation, Other)	Person (who filed the action)		State
	Court	Case Number	Date Filed	
	Result	Date of Order		
<b>ACTION 3</b>	Type of Action (e.g. Custody, Visitation, Other)	Person (who filed the action)		State
	Court	Case Number	Date Filed	
	Result	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.*

<b>ACTION 1</b>	Type of Action (e.g. PFA, TPR, Guardianship, Other)	Person (who filed the action)		State
	PFA	Anne C. Smith		DE
	Court	Case Number	Date Filed	
	Family Court	CK04-12111	8/11/2017	
<b>ACTION 2</b>	Type of Action(e.g. PFA, TPR, Guardianship, Other)	Person (who filed the action)		State
	Court	Case Number	Date Filed	



Sign in the presence of a notary or court staff.



Anne C. Smith  
Petitioner

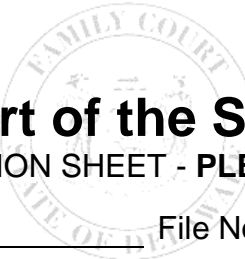
Sworn to and subscribed before me this 18<sup>th</sup> day of September, 2017.



Signed by notary or court staff.



Donna King  
Clerk of Court/Notary Public



# The Family Court of the State of Delaware

## INFORMATION SHEET - PLEASE PRINT

The date you file the form

Date: 12/13/17

File No.: CN-9999

Enter the file number if you know it, if not, leave blank

Please fill in A to M pertaining to you the Applicant/Petitioner. (For additional petitioners use additional sheets)  
PLEASE PRINT CLEARLY

A. Name: Anne C. Smith  
 B. Address: 101 Oak Street, Apt. 123  
 City/State/Zip: Dover, DE 19901

Each Petitioner must complete a separate form. Complete all information on the form.

C. Phone – Home: 302-555-1111 Work: 302-555-9999 Cell: 302-999-8888

D. Email Address: Anne.C.Smith@example.com

I authorize ← If you check this box, you are authorizing the Court to send you notices by email. You will not receive notices in regular mail. address.\* instead of to my mailing address.\*

\*Please note that if you checked the email authorization box, all orders in your pending civil cases in Family Court will be sent in an encrypted email via Egress to the email address provided and will not be mailed to your physical address. For information on how to receive encrypted emails through Egress, please visit <https://judicial.state.de.us/courtdox/Download.aspx?id=94888&court=readonly>.

E. Employer & Address: ABC Child Care Center  
500 Pine Street  
Dover, DE 19904

Hours/Shift Monday - Friday 7:00am - 5:00pm

F. Social Security No.: 000-00-000 G. Date of Birth: 2/3/1986

H. Place of Birth (City & State): Wilmington, DE

I. Sex: F Race: BR Height: 5ft 9 Weight: 130 Hair: Brown Eyes: Blue

Marks/Scars/Tattoos: N/A

J. Type of motor vehicle operated by you: Honda Accord

K. Driver's License No.: 1234567 State of Issue: DE Expiration Date: 2/3/2020

L. Your relationship to the Defendant/Respondent: Sister

M. Attorney: N/A

Please fill out the information below in reference to the child(ren) who are involved.

### Children

Name	Relationship	Sex	Race	D.O.B.	SSN	Birthplace City & State
<u>Douglas Harding</u>	<u>Nephew</u>	<u>M</u>	<u>White</u>	<u>10/14/2012</u>	<u>987-65-4321</u>	<u>Newark, DE</u>



**Please fill in N to AC pertaining to the Defendant/Respondent. (For additional respondents use additional sheets)**

N. Defendant/Respondent is a: (Check One)  **ADULT**  **JUVENILE**

O. Name: Michelle Jones

P. Address: 6 Walnut Street - APT D  
 City/State/Zip: Newark, DE 19711

Q. Phone – Home: N/A Work: NA Cell: 302-222-3333

R. Email Address: MichelleJones@example.com

S. Employer & Address: N/A

Hours/Shift N/A

T. Social Security No.: Unknown U. Date of Birth: 5/1/1989

V. Place of Birth (City & State): Wilm., DE

W. Relationship to Child:  Not Applicable  Mother  Father  Relative  Non-Relative  
 Other (Please Describe): \_\_\_\_\_

X. Sex: F Race: BR Height: 5 ft Weight: 130 Hair: Brown Eyes: Brown

Marks/Scars/Tattoos: Hello Kitty Tattoo upper right arm

Y. Driver's License State & No.: Unknown Z. Type of vehicle operated by Defendant/Respondent: Ford - Pickup

AA. Parent's Name (if a juvenile): N/A

AB. Time when Respondent is usually home: Unknown

**You must complete a separate form for each Defendant/Respondent.**

**AC. Additional information about Respondent that may aid the process server in locating him/her to serve petition:**

If you are unable to locate the respondent at her residence, she spends a lot of time with her boyfriend at 775 Spruce Street in Middletown, DE 19765

**List places where the Respondent spends time other than at home. The more information the better.**

**DIRECTIONS TO RESPONDENT'S RESIDENCE**

Home: West on Talbot, right on Walnut, brown apartment building #6, APT D  
 Boyfriend: 896 So to 301, turn left, to Spruce. White house on left.

**Write directions to each address listed on this form to make sure that the process server can locate the Respondent.**

# 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



File No.: CK04-0211

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

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

Anne C. Smith

Date

Petitioner

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

Donna King

Clerk of Court/Notary Public

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex

Check the county in which you are filing.

In the Matter of:

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

Douglas A. Harding



File No.: CK04-0211

10/14/1991

(D.O.B)

## ADOPTION ORDER OF REFERENCE

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



IT IS SO ORDERED, this date:

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

Leave blank for the hearing officer to fill in



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

Leave blank for judge to sign

Judge/Commissioner

# The Family Court of the State of Delaware

Fill in the name of the child to be adopted

and For  New Castle  Kent  Sussex County

*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

# The Family Court of the State of Delaware

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

In and For  New Castle  Kent  Sussex County

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 Harding.

Sign in presence of notary



4/4/2008

Anne Smith

Date

Consenting Party

Sworn to subscribed before me this 4<sup>th</sup> day of April, 2008

Donna King

Clerk of Court/Notary Public

Fill in name of child to be adopted

# Family Court of the State of Delaware

Check the county in which you are filing.

and For  New Castle  Kent  Sussex County

In the Matter of

Douglas Harding



File No.: CK04-0211

10/14/1991

(D.O.B)

Consenting Party - child 14 or older

## AFFIDAVIT OF CONSENT 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 4<sup>th</sup> 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 form 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.**

# The Family Court of the State of Delaware

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		
Street Address	101 Oak Street		
Apt. or P.O. Box Number	Apt. # 123		
City	State	Zip Code	
Dover	DE	19901	
Social Security Number	Date of Birth		
111-22-333	2/3/64		
Attorney Name and Phone Number	n/a		

Name	Michelle Jones		
Street Address	490 Pine Street		
Apt. or P.O. Box Number			
City	State	Zip Code	
Wilmington	DE	19899	
Social Security Number	Date of Birth		
787-98			
Attorney Name and Phone Number	n/a		

File Number
CK04-12111
Petition Number

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 been filed 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,

December 15, 2005



Sign in the presence of a notary.



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 by Anne C. Smith 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,

December 15, 2005



Sign in the presence of a notary.



Michelle Jones  
Movant/Attorney

Donna King

Notary Public/Clerk of Court



Signed by notary or court staff.

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

Fill in the county where you are filing,

## AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF DELAWARE )

Kent COUNTY )

SS. )

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 § 3931 of the Servicemembers Civil Relief Act (50 U.S.C.A. § 3931).



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



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.