

INSTRUCTIONS

Adult Adoption

Forms you may need for your Adult Adoption case:

- *Petition for Adult Adoption* (ADO702);
- *Consent of Adult to Adult Adoption* (ADO703);
- *Adoptee's List of Assets* (ADO704);
- *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption* (ADO705);
- *Felon Name Change Notice* (ADO706);
- *Criminal History Check Release* (ADO707); and
- Certified copy of Adult Adoptee's birth certificate.

What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. File your forms (electronically, by mail, or at the courthouse), and pay the filing fee (or ask for a fee waiver if you can't afford the filing fee).
3. Appear at the hearing.

Each "step" is described in more detail below.

Important Notices and Resources

These forms and instructions can only be used for petitioning (asking for) the adoption of an emancipated (when an adult's parent or guardian is no longer responsible to provide them with a home or financially support them) adult person.

1. The adult being adopted must be fully competent (having the necessary ability, knowledge, or skill to do something successfully), must not be considered a vulnerable adult (someone who is or may be, for any reason, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation), and must sign a consent form (where the Adult Adoptee gives permission to be adopted).
2. The petitioner (the person wanting to adopt the adult) must be a Minnesota resident and must have lived in Minnesota for at least one year before filing the adoption petition.

Have a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp .
- Call the MN Courts Self Help Center at (651) 435-6535

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information about Adult Adoption

The information contained in this document is not intended as legal advice but as a general guide to explain the legal process. **If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.**

What is Adult Adoption?

An Adult Adoption is the adoption of a person who is 18 years old or older. Minn. Stat. § 259.241 (<https://www.revisor.mn.gov/statutes/?id=259.241>) states that any adult person may be adopted regardless of where they live. A person who has been a Minnesota resident for one year or more may ask the court to adopt an adult by following the steps in these Instructions. An adoption petition should be filed in the county where the petitioner (the person asking to adopt the adult) lives.

Do you have all the information you need to fill out the forms?

The *Petition for Adult Adoption* form (ADO702) asks for the following information:

- For each petitioner: full name, address, age, and if married, the date and place of marriage; and for each adult adoptee: full name, address, date of birth, and state and county where born.
- The description and value of any real or personal property owned by each adult adoptee.
- You may use one petition for multiple adoptees, if the adoptees have the same biological parents. If the adoptees do not have the same biological parent(s), you may need to file separate petitions.
- The county where the case will be filed.

Step 1

Fill Out Petition (ADO702)

FILL OUT THE TOP PART OF THE *PETITION FOR ADULT ADOPTION* FORM (this is known as "the case caption"):

<p>State of Minnesota</p> <p>County A</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: _____</p> <p>Case Type: Adoption</p>
<p>In Re the Petition of:</p> <p>C</p> <p>_____ Petitioner (First, Middle, Last)</p>	
<p>To Adopt:</p> <p>D</p> <p>_____ Adult Adoptee (First, Middle, Last)</p>	

**Petition for
Adult Adoption**

- A. Fill in the name of the county where the adoption is going to take place; this is the county where the petitioner resides.
- B. Fill in the Judicial District. The court file number will be blank for now, and entered by court administration at the time of filing.
- C. Under “In Re the Petition of,” on the first line, fill in the name of the petitioner(s).
- D. On the line marked “To Adopt,” fill in the full name(s) of the adult(s) to be adopted.

FILL OUT THE REMAINDER OF THE PETITION:

PETITIONER

1. Name and Address of Petitioner:

Full Name: **1** _____

Address: _____

City/State/Zip: _____

County: _____

2. Date of birth: **2** _____ Age: _____

3. Length of time Petitioner has lived in Minnesota: **3** _____, which is at least 1 year as required by Minn. Stat. § 259.22, subd. 1.

4. Petitioner is married / is not married.

If married:

Spouse’s full name: **4** _____

Date of marriage: _____

Place where married: _____

NOTE: If married, the spouse must sign this petition.

1. Fill in the petitioner’s full name; including first, middle, and last name. Fill in the petitioner’s street address; including city/state/zip, and county.
2. Fill in the petitioner’s date of birth and age.
3. Fill in the length of time the petitioner has lived in Minnesota.
4. If the petitioner is married, fill in their spouse’s full name, date of birth, and the date and place of marriage. If the petitioner is not married, check the box that says “is not married.”

ADULT ADOPTEE	
Petitioner wants to adopt the following adult:	
5. Name and Address of Adult Adoptee	
Full Name: 5 _____	
Address: _____	
City/State/Zip: _____	
County: _____	
6. Date of birth: 6 _____ Age: _____	
7. The birth parents of the adult adoptee are:	
Full Name of Birth Mother: 7 _____ . The Birth Mother	
(check one) <input type="checkbox"/> is / <input type="checkbox"/> is not petitioning for this adoption.	
Full Name of Birth Father: _____ . The Birth Father	
(check one) <input type="checkbox"/> is / <input type="checkbox"/> is not petitioning for this adoption.	

5. Fill in the full name of the adult adoptee. Fill in the adult adoptee’s street address; including city/state/zip, and county.
6. Fill in the date of birth and age of the adult adoptee.
7. Fill in the full name of the adult adoptee’s birth mother, and check whether the birth mother is one of the petitioners for this adoption. Fill in the full name of the adult adoptee’s birth father, and check whether the birth father is one of the petitioners for this adoption.

CONSENT

8-10. The adult to be adopted must be competent to give consent, and cannot be a vulnerable adult. The petition must include a consent form from the adult adoptee (ADO703). The consent

form must be reviewed and signed by the adult adoptee, and include the signatures of two witnesses. See instructions below.

Review the statements acknowledging that an order for adoption will create a parent-child relationship between the petitioner and adult adoptee. The parent-child relationship will give the adoptee the right to inherit from the petitioner, and terminate the parental rights of the biological parent, unless a birth parent is the spouse of the petitioning stepparent. If you have questions about this you should speak with an attorney.

ADULT ADOPTEE'S ASSETS

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ADULT ADOPTEE'S ASSETS

11. The adult adoptee owns no real or personal property other than clothing and personal effects of minimal value,

OR

The adult adoptee owns real or personal property, other than clothing and personal effects, of substantial value, as shown on the *Adoptee's List of Assets*, included with this *Petition*.

11. Check whether the adult adoptee does not own real or personal property other than clothing and personal effects of minimal value, or, if the adult adoptee does own real or personal property of substantial value, check the box and **include a list of those assets on the Adoptee's List of Assets form (ADO704)**.

12-13. Review the statement requesting a parent and child relationship be established between the petitioner and the adult adoptee, and that the court issue a decree of adoption of the adult adoptee by Petitioner.

NAME CHANGE

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14. Change of Name.

Adult adoptee is not asking to change their name.

OR

Adult adoptee asks for their name to be changed as follows:

From: _____ (*adult's current name*)

To: _____ (*adult's new name*)

14. If the adult adoptee is not asking the court to change their name, check the first box that says “Adult adoptee is not asking to change their name.” If the adult adoptee is asking the court to change their name as a part of the adoption, check the second box and fill in the adult adoptee’s current full name and what their name will be changed to.

IMPORTANT: Criminal History Check

Minn. Stat. § 259.11 requires the Court to determine whether any person asking to have their name changed has a criminal history in Minnesota or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the required fee to the Bureau of Criminal Apprehension.

In order to do this, each adult adoptee included in the petition must complete a *Criminal History Check Release* form (ADO707). A criminal history check will then be made on the adult adoptee. **If the adult adoptee has a criminal history, both the adult adoptee whose name is changed and the Court shall report the change within 10 days of receiving a copy of the order by mailing a copy of the order granting the adult adoption to:**

Attention: CRIS Section
Bureau of Criminal Apprehension
1430 Maryland Avenue East St. Paul, MN 55106

Adult Adoptee Name Change Request by a Person Convicted of a Felony:

If an adult adoptee is requesting their name be changed on the *Petition for Adult Adoption* and the adult adoptee has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the adult adoptee shall serve the *Felon Name Change Notice* (ADO706) form regarding the *Petition for Adult Adoption* on the prosecuting authority that obtained the conviction. If the conviction is from another state or federal jurisdiction, notice must also be served on the Minnesota Attorney General at:

1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101.

Proof of service must be filed with the court as part of the name change request (https://www.mncourts.gov/mncourtsgov/media/CourtForms/SOP104_Current.pdf?ext=.pdf). The prosecuting authority has 30 days to object to the name change request.

What happens if the prosecutor or attorney general objects?

The person asking for the name change can contest the objection by filing a motion with the court. The law requires the judicial officer to deny the name change request, unless the person asking for the name change can prove, by clear and convincing evidence, that the request is:

- not based upon an intent to defraud or mislead;
- is made in good faith;
- will not cause injury to a person; and

- will not compromise public safety; **or**
- that failure to allow the name change would infringe on a constitutional right of the person asking for the name change.

Read Minn. Stat. § 259.13, Subds.1-6 to see all the requirements in the law. The court does not have forms or instructions for a motion to contest the objection. You should get help from an attorney if you want to contest the objection of the prosecutor or attorney general.

COLLECT THE DOCUMENTS NEEDED FOR THE NEXT STEPS:

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15. Included with this *Petition for Adult Adoption*, or otherwise filed with the Court file, are the following documents (*check all that apply*):

- A certified copy of the adult adoptee’s birth certificate.
- Original signed *Adult Adoption Consent* form.
- Proposed Order* for each adult being adopted.
- Adoptee List of Assets* form.
- Signed *Felon Name Change Notice* form.
- Signed *Criminal History Check Release* form.

15. Be sure the documents listed are included with the petition. The petition must include a certified copy of the adult adoptee’s birth certificate, the original signed *Adult Adoption Consent* form, and the *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption* form for each adult being adopted. If applicable, you may also need the *Adoptee List of Assets*, the *Felon Name Change* form, and the *Criminal History Check Release* form.

Step 2

Get Signed *Consent of Adult to Adult Adoption* form from Adult Adoptee (ADO703)

<p>State of Minnesota</p> <p>County A</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: _____</p> <p>Case Type: Adoption</p>
<p>In Re the Petition of:</p> <p>C</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>Petitioner (First, Middle, Last)</p>	
<p>To Adopt:</p> <p>D</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>Adult Adoptee (First, Middle, Last)</p>	

**Consent of Adult
to Adult Adoption**

Fill out the top part of the *Consent of Adult to Adult Adoption* form (this is known as the “case caption”).

- A. Fill in the name of the county where the adoption is going to take place – this is the county where the petitioner lives.
- B. Fill in the judicial district.
- C. Under “In Re the Petition of” on the first line, fill in the name of the petitioner.
- D. On the line marked “To Adopt,” fill in the full name of the adult adoptee to be adopted.

<p>My name is E _____, and I am the Adult Adoptee in this case.</p> <p>My date of birth is: _____ Age: _____</p> <p>My address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>County: _____</p>

E. Fill in the date of birth, age, and address of the adult who is consenting to the adoption.

FILL OUT THE REST OF THE FORM

1. The adult adoptee must read the statement carefully. The adoptee must be competent, and must not be a vulnerable adult.

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2. Name change:

I request my name be legally changed to:

_____.

(First, Middle, Last)

A Criminal History Check Release (ADO707) will be filed with the Petition. If the Felon Name Change Notice (ADO706) is needed, an Affidavit of Service will also be filed.

OR

I do not request a name change.

2. If the adult adoptee is requesting a name change, check the first box and fill in the full name that the adult adoptee's name will be changed to. If the adult adoptee is not requesting a name change, check the second box that says "I do not request a name change."

3-4. The adult adoptee must read these statements carefully. The adoptee must also understand that signing the consent form shows that they agree to establish a parent-child relationship between themselves and the petitioner, and to terminate the parent-child and/or sibling relationship with their biological parents and siblings.

DO NOT SIGN AND DATE THE CONSENT FORMS UNTIL YOU ARE IN FRONT OF TWO COMPETENT WITNESSES.

When you have filled out the consent form, the adult adoptee must sign the form in front of two competent witnesses.

Once the adult adoptee has signed the form, have them give you the original signed form. You must give a copy of the signed form to the adult adoptee if they ask for it.

Step 3

Sign the Forms

Carefully read the "Verification and Acknowledgement" on the last page of each of the forms. By signing your name, you are telling the court that you have read and understand each document, that you are telling the truth, and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court can order you to pay money.

Step 4

Gather the Documents that Must Be Submitted with Your Petition for Adult Adoption

You must give the following documents to the court when you file your *Petition for Adult Adoption*:

- Original signed *Petition for Adult Adoption*;
- A certified copy of the birth certificate of the adult to be adopted, which you can get from the Minnesota Department of Health (<https://www.health.state.mn.us/people/vitalrecords/birth.html>);
- The original signed *Consent of Adult to Adult Adoption* for each adult being adopted; and
- The *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption* form.

Depending on your situation, you may also need these additional documents:

- Adoptee's List of Assets*;
- Felon Name Change Notice*; and
- Criminal History Check Release*.

Step 5

Make Copies of Documents and Forms

Make copies of each of the documents and forms listed under Step 4. Each party to the case (yourself and the adult adoptee) will need a copy of the completed forms. Provide a copy to each party for their records (make sure to bring your copies with you to court on the day of your adoption hearing). You will file the **originals** of each document with Court Administrator as explained in Step 6.

Step 6

File the Forms with the Court, Pay the Filing Fee, and Schedule the Adoption Hearing

The following original documents must be filed with the court before a date can be set for the adoption hearing:

- The **original** signed *Petition for Adult Adoption*;
- The **original** signed *Adult Adoption Consent*;
- The *Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree of Adoption*;
- A certified copy of the birth certificate of the adult to be adopted; and
- If applicable, the *Adoptee List of Assets*;
- The *Felon Name Change Notice*; and
- The *Criminal History Check Release*.

There is a filing fee due when you file. You can find county court filing fee information at <https://mncourts.gov/Help-Topics/Court-Fees.aspx>. You can make checks payable to “District Court Administrator.”

If you cannot afford to pay the filing fee, you can ask for a fee waiver by completing the forms in the *Request for Fee Waiver* packet of forms. You can find the forms packet at <https://www.mncourts.gov/GetForms.aspx?c=19&p=69>. If a judicial officer does not fully grant the fee waiver, then you must pay the filing fee before Court Administration can process your forms.

Once the petition has been filed, you will get a *Notice of Case Filing*. Once you file all of the required documents, the court will send you a *Notice of Hearing* telling you about your hearing date and how the hearing will be conducted (remotely or in person).

Step 7

Appear in Court

Plan to arrive at least 15 minutes before your scheduled court hearing. All parties on the petition (Petitioner and adult adoptee) should attend the hearing. If your hearing is going to be held remotely, see the “Remote Hearings” Help Topic online at <https://mncourts.gov/Remote-Hearings.aspx>.

The hearing is very formal. You are expected to know and follow the court rules of procedure. You should be respectful to the other party and to everyone in the courtroom. Do not interrupt the judicial officer or other party. Answer any questions from the judicial officer honestly. Direct all your comments to the judicial officer, not the other parties who may be present.

Courts operate by rules and laws that may not necessarily make sense to you. If you choose to represent yourself, the court rules say that **you are responsible for knowing the law and rules, just like an attorney**. The judicial officer cannot give you special consideration or help because you are not a lawyer.

At the hearing, the judicial officer (Judicial officer or Referee) will review your *Petition for Adult Adoption* and ask you many of the same questions that are in the Petition to be certain that your answers have not changed. At the end of the hearing the judicial officer will either issue a decision or will take the matter under advisement and issue a decision at a later time.

Step 8

After the Hearing

Following the hearing, the judicial officer will issue a written order granting or denying the adoption petition. If the petition is granted, the judicial officer will also issue an adoption decree.

You will need to get a certified copy of the *Findings of Fact, Conclusions of Law, and Adoption Decree* from Court Administration so the adult adoptee can obtain a new birth certificate, if desired. Instructions for getting a new birth certificate are located on the website for the Department of Health at <http://www.health.state.mn.us/divs/chs/osr/birth.html> .