

INSTRUCTIONS FOR SECOND PARENT ADOPTION

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION

- ◆ The Petitioner must be 21 years of age or older, unless a minor has permission by the Court to file the Petition.
- ◆ Any child legally available for adoption per §19-5-203, C.R.S., under 18 years of age residing in the state at the time the Petition for Adoption is filed or under the jurisdiction of a court in Colorado for at least 6 months may be adopted. Any person between the ages of 18 and 21 may be adopted as a child upon approval of the Court.
- ◆ Your case should be filed in the county where you reside or where the placement agency is located.
- ◆ “Legally available for adoption” means one of the following: a Court has terminated the parent-child legal relationship or a Court has approved voluntary relinquishment of the parent-child legal relationship.
- ◆ The prospective adoptive parent must complete both state and federal fingerprint-based criminal history record checks.
- ◆ The prospective adoptive parent must complete a TRAILS background check from the Department of Human Services. The individual inquiry form and current fee information is available on their website.
- ◆ The prospective adoptive parent must provide a statement informing the Court if they have been convicted of a felony or misdemeanor in one of the following areas:
 - child abuse or neglect.
 - spousal abuse.
 - any crime against a child.
 - any crime, the underlying factual basis of which has been found by the Court to include an act of Domestic Violence.
 - violation of a Protection/Restraining Order.
 - any crime involving violence, rape, sexual assault, or homicide.
 - any felony involving physical assault or battery.
 - any felony involving drugs within the past five years, at a minimum.
- ◆ A person convicted of a felony offense that involves child abuse, a crime of violence, or a felony offense involving unlawful sexual behavior **shall not be allowed** to adopt a child.
- ◆ If the fingerprint-based criminal history record check reveals a felony or misdemeanor conviction, the Court will review the type of conviction and determine if it meets the requirements as outlined in 19-5-207(2.5)(a.5)(III) where the court **may allow** the party to adopt the child.
- ◆ The child must not be the subject of a pending dependency and neglect proceeding.
- ◆ For additional information, please review §§19-5-200.2. – 19-5-212 of the Colorado Revised Statutes.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Petition: Document officially commences the Adoption process.
- ☒ Petitioner: The person or persons filing a Petition for Adoption.
- ☒ Respondent: The person who files a response to the Petition for Second Parent Adoption.
- ☒ Service of Process: The Petition is to be served on any party in interest in the Adoption.
- ☒ Return Date: The date by which the Respondent must file his/her answer (listed on the Summons).
- ☒ May: In legal terms, “may” is defined as “optional” or “can”.
- ☒ Shall: In legal terms, “shall” is defined as “required”.

If you do not understand this information, please contact an attorney

FEES

The filing fee is \$ 167.00 for each adoption. However, if the Petitioner is seeking to adopt more than one child, and the circumstances/availability for the children to be adopted are the same (e.g. the children are available for the adoption due to the death of the primary caretaker, e.g. biological parent) then only an additional \$3.00 Vital Stats fee is required for each additional child the Petitioner is seeking to adopt. The Court will determine when circumstances exist for children to qualify under one adoption or separate adoptions such that more than one \$ 167.00 filing fee is required. See Step 3 for completing appropriate forms for each child.

If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- | | |
|--|--|
| <input type="checkbox"/> Response | \$192.00 |
| <input type="checkbox"/> Cost of Fingerprints | (See fingerprinting information in Step 1) |
| <input type="checkbox"/> Fingerprint-based Criminal History Check | (See fingerprinting information in Step 1) |
| <input type="checkbox"/> Service Fees | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Copy of Documents | \$.75 per page |
| <input type="checkbox"/> Certification Fee | \$ 20.00 |
| <input type="checkbox"/> TRAILS Background Check | (Payable to Colorado Department of Human Services) |
| <input type="checkbox"/> Report of Adoption (one per child required) | Payable to the Bureau of Vital Records upon billing |

FORMS

To access a form online go to www.courts.state.co.us and **click on the “Forms” tab**. The packet/forms are available in PDF or WORD by selecting **“Adoption – Second Parent”**. You may complete a form online or you print it and type or print legibly in black ink. **You may need all or some of these forms. Read these instructions carefully to determine what forms you may need.**

- | | |
|----------------------------------|--|
| <input type="checkbox"/> JDF 454 | Verified Statement of Fees Charged |
| <input type="checkbox"/> JDF 504 | Petition for Second Parent Adoption |
| <input type="checkbox"/> JDF 508 | Consent to Adoption – Sole Legal Parent |
| <input type="checkbox"/> JDF 511 | Consent to Adoption - Child Over 12 Years of Age |
| <input type="checkbox"/> JDF 514 | Notice of Hearing |
| <input type="checkbox"/> JDF 523 | Final Decree of Second Parent Adoption |

STEPS TO FILING YOUR CASE

Step 1: Complete the required fingerprint-based criminal history record checks.

The prospective adoptive parent must submit a fingerprint-based criminal history record check from the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) at the time the case is filed. Please follow these steps:

- Law enforcement agencies are no longer required to provide fingerprinting for civil cases. Some law enforcement agencies will refer you to Colorado Application Background Services (CABS). Below is a link to the Colorado Bureau of Investigations website which includes information and instructions sorted by category: <https://www.colorado.gov/pacific/cbi/employment-background-checks>

- The criminal history results must be conducted within 90 days prior to the filing of the Petition.** For
- If you have a felony conviction recorded in Colorado or any other state, and you know that it is inaccurate, it is your responsibility to obtain the disposition information from the court where such action occurred as identified in the CBI and FBI reports.
- You are also responsible for providing certified copies of any criminal dispositions that are not reflected in the Colorado Bureau of Investigations or Federal Bureau of Investigation records and any other dispositions which are unknown, by contacting the agency where such actions occurred.**

Step 2: Complete TRAILS Background Check.

Information to complete this background check can be found at the Colorado Department Human Services (CDHS) website. The fee for this background check is payable to CDHS. This is not a court JDF form. Please use the following link to access information about obtaining a TRAILS background check.

[Trails Background Check](#)

Step 3: Complete appropriate adoption forms.

Please refer to the list of required forms above to determine which forms must be submitted when filing your case based on your individual circumstances. The caption below needs to be completed on all adoption JDF forms submitted to the Court.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Petition of: _____ (Name of person seeking to adopt) For the Adoption of a Child Attorney or Party Without Attorney (Name and Address): _____ Print your name and address here if you are representing yourself. Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Case Number: _____ Division Courtroom	_____ _____
NAME OF FORM	

Petition for Second Parent Adoption (JDF 504):

If more than one child is being adopted, you will be required to prepare a separate petition for each child. Each child being adopted will have his or her own case for confidentially purposes. A \$167.00 filing fee for each adoption is required. However, if the Petitioner is seeking to adopt more than one child, and the circumstances/availability for the children to be adopted are the same (e.g. the children are available for the adoption due to the death of the primary caretaker, e.g. biological parent) then only an additional \$3.00 Vital Stats Fee is required for each additional child the Petitioner is seeking to adopt. In this situation, only one filing fee is required plus the additional Vital Stats Fee for each additional child. For example, if adopting two children under this situation, a filing fee plus one vital stats fee is required; if adopting three children under this situation, a filing fee plus two vital stats fees is required, the petitions must be filed on the same day.

- Please complete all sections on this form.
- Attach the fingerprint based FBI and the CBI criminal history checks to the Petition and identify as Exhibit A. **Make sure that the fingerprint-based criminal history record checks are conducted within 90 days prior to the filing of the Petition.**
- Attach TRAILS Background check and label as Attachment B.
- Verified Statement of Fees Charged (JDF 454):**
 The Petition is to be accompanied by a Statement of Fees disclosing any and all fees, costs, or expenses charged or to be charged by any person or agency in connection with the adoption.

- Notice of Hearing (JDF 514):**
 - Please complete the caption only on this form.
 - Provide pre-addressed stamped envelopes for you and the sole legal parent. For the sole legal parent use their last known address.

- Consent to Adoption - Sole Legal Parent (JDF 508):**
 - Please complete all sections on this form.

- Consent to Adoption - Child Over Twelve Years of Age (JDF 511):**
 - Complete this form only** if the child is 12 years of age or older, as his/her consent is required.

Step 4: File documents with the Court.

Check with the Court to determine if they require all completed forms at the time of filing and if they have any additional filing requirements.

- You have completed all background checks as mentioned in Step 1 and 2.
- You have completed the appropriate forms mentioned in Step 3 based on your individual circumstances and have completed the forms identified in Step 5. **Some courts may want you to keep the forms referenced in Step 5 and to bring to the Court at the time of the hearing.**
- Pay the appropriate filing fee.
- Be sure to provide the appropriate number of pre-addressed stamped envelopes with the Court.

Step 5: Be prepared for your Adoption Hearing. You may need to file additional forms.

Submit the following forms to the Clerk prior to the hearing, unless submitted to the Court at the time of filing. The documents will be signed at the end of the hearing.

- Final Decree of Second Parent Adoption (JDF 523).** *(Original and 3 copies for each child)*
 - Complete caption only on this form.
 - a. Original is for the file.
 - b. One to be certified for the adopting parent.
 - c. One certified copy goes to Vital Records Section of the Colorado Department of Public Health and Environment for purposes of obtaining a new birth certificate.
 - d. One for the attorney of record. (if applicable)
 - e. Additional certified copies of the Decree.

- Report of Adoption/Obtaining a Birth Certificate.** This is not a court JDF form. Please use the following link to access the Report of Adoption.
<https://drive.google.com/file/d/1NvAbhhFr-2aiUM2g9DIkrRbBe7jxE6n2/view?usp=sharing>

After the Judge or Magistrate signs the Final Decree of Adoption, complete the **Report of Adoption**.

- You or your attorney will need to prepare a document, called the **Report of Adoption**. Complete items 1 through 10. Section 6 should be completed by the attorney, if applicable. Once you complete the form online, print two copies for submission to the Court.
- The Court will certify the bottom portion of the form and send the Report of Adoption to the Office of the State Registrar of Vital Statistics within one week from issuing the Final Decree of Adoption.
- New Requirement to obtain a Birth Certificate.** The Office of the State Registrar will contact you or your attorney within 4 – 6 weeks from the receipt of the Court order in their office.

- You or your attorney will need to complete the application provided by the Vital Records Division with a photocopy of your driver's license, state identification card, passport, or other State or Federally issued ID card (legal representatives must provide proof of client relationship).
- The Vital Records Office will not issue a birth certificate without the fee and a photocopy of one of the forms of ID mentioned above. If you have an attorney listed in section 6 on the Report of Adoption, the notification will be forwarded to the attorney.**
- One Report of Adoption is required for each child. **If the child was born in the State of Colorado or born out of the United States**, the Vital Records Office will send Notification and an Application for a Certified Copy of a Birth Certificate to your attorney. If no attorney is listed on the Report of Adoption the Notification and Application will be sent to you. **The Court will not be accepting payments for the Colorado Vital Records Office.**
- If the child was born in another state, please determine what the cost is to obtain a birth certificate in that state. Make a check or money order payable to that state in the amount of the cost to obtain a birth certificate. Please access the link (on page 7 of these instructions) to the National Center for Health Statistics Website to obtain information about obtaining birth certificates.

Helpful Hints when completing the Report of Adoption:

- Check the Report of Adoption carefully.
- The Vital Records Section will not accept the report if there are mistakes, cross-outs, or white-out entries.
- The information on the Report of Adoption in sections 8 – 10 **must agree** with what is on child's current birth certificate.

Preparation of Birth Certificate - If your child was born in Colorado or a foreign country:

The birth certificate will be prepared and issued by the Colorado Department of Public Health and Environment. It takes anywhere from 4 - 6 weeks to prepare a birth certificate in Colorado. It is important that you supply a current address on the Report of Adoption to prevent any delay in getting the Notification and Application for a certified copy of a Birth Certificate to you.

If there are any problems in getting the birth certificate prepared, you will need to contact the Vital Records Section of the Colorado Department of Public Health and Environment directly. Contact information is listed below:

Vital Records/Adoption Specialist
 Colorado Department of Public Health and Environment
 4300 Cherry Creek Drive South HSVRD-DM-A1
 Denver, Colorado 80246-1530
 (303) 692-2227
 Link to Website: <http://www.cdphe.state.co.us/certs/adoption.html>

Preparation of Birth Certificate - If your child was born in another state:

The Colorado Vital Records section will send the Report of Adoption to the appropriate state. You will need to contact the Vital Records Office in the appropriate state where the child was born to find out the procedure and cost for obtaining a birth certificate. Each state has different laws, regulations, and fees. Please check with them to determine how long it will take to receive a birth certificate from any other state.

You may check the link to the National Center for Health Statistics Website to obtain information about obtaining birth certificates from each state.
<http://www.cdc.gov/nchs/howto/w2w/w2welcom.htm>

When you receive your certificate please check it over carefully!

Be sure that names, dates, and ages are correct. If there is a mistake caused by the documentation you supplied, you will need to fill out an **Amended Report of Adoption**, which will have to be signed by the Court and then sent to the Colorado Department of Public Health and Environment for correction and re-issuance of another birth certificate. **There is a fee charged by the Vital Records Office for this process.** You will need to contact the Colorado Department of Public Health and Environment for their fee schedule and exchange policy.