

# Arizona Stepparent Adoption

In Arizona, the person filing for the stepparent adoption is referred to as the “Petitioner” and the absent parent is referred to as the “Defendant”. The petitioning stepparent will file the legal adoption documents. This will start the adoption process. An uncontested adoption means that the other parent is not going to file additional documents with the court objecting to the adoption.

Most of the stepparent adoptions have one of the following circumstances:

- The absent natural parent is deceased.
- The absent parent has abandoned the child or children, by failing to maintain a meaningful relationship with the child(ren), and failing to provide financial support for the child(ren). In many situations, the absent parent’s whereabouts are unknown.
- The absent parent believes that the adoption is in the child’s best interest, and agrees to sign a consent to the adoption.

Please note that if the other parent has regular contact with the child and pays child support, you will not be able to complete a stepparent adoption in Arizona unless the other parent is willing to sign a consent to the adoption.

## **Where to file your stepparent adoption documents:**

The documents are filed with the Juvenile Division of the Superior Court in the county where you and the child reside. Furthermore, the stepparent has to be legally married to the stepchild’s birth or legal parent for at least one year and the stepparent has to have lived with the stepchild for at least six months. When the stepparent adoption is finalized by the Court, your adopted **child will receive a new birth certificate**, showing the new parent listed on the birth certificate, and also showing the child’s new name.

Prior to filing your Petition for Adoption with the Circuit Court in your county, you must have been a bona fide resident of the state of Arizona for six months prior to the filing of the petition, which residency must be stated in the petition and proved at the final hearing (Drivers License, etc.). If both parties currently reside in the state, then there is no time period required.

## **Grounds for the termination of parental rights:**

The grounds which typically justify the termination of parental rights in a stepparent adoption involve abandonment, failure to support the child, imprisonment, certain abuse, and other grounds. The grounds for the termination of parental rights are different for each state, but all states accept the grounds of abandonment and lack of support, and some states include other grounds.

In Arizona, the adoption is a two-step process. The first step is the termination of parental rights pursuant to ARS 8-533 (B)(1-7), and then once parental rights of the absent parent have been terminated, the court will proceed with the adoption. There are several grounds available for the termination of parental rights, but the most commonly used grounds are as follows:

- The minor child is at least 6 months of age, and the parent has abandoned the child by failing to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare, and/or the parent has failed to provide support for the child pursuant to the parent's ability to pay or a child support order.
- Mental illness on the part of the parent such that the parent is unable to discharge the parental responsibilities towards the child, or a history of chronic abuse of dangerous drugs, controlled substances or alcohol, and there is are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period.
- The natural father failed to file a paternity action within thirty days of completion of service of notice prescribed in A.R.S section 8-106(G).
- The parent has neglected or willfully abused the child.

It is not required to terminate parental rights of a parent who is deceased.

### **Visitation by grandparents or the absent parent:**

Most states do not have any provisions for the visitation rights of the parent losing parental rights, or the grandparents associated with that parent. The State of Arizona will recognize agreements for visitation by the parent losing their parental rights, but this is typically up to the discretion of the adopting parents.

### **Court filing fees:**

Arizona does not charge a filing fee for stepparent adoption cases.

### **Serving the absent parent:**

In many stepparent adoptions, the absent parent may be willing to sign a consent form which consents to the termination of their parental rights and consents to the adoption. If the absent parent is willing to sign a consent this will make the process a little easier because the court will know from the beginning that all parties agree to the stepparent adoption. Many stepparents don't know the whereabouts of the other parent, or the other parent has such a disinterest that he/she just won't sign any documents. In this situation, you will file the adoption documents and then serve the absent parent by one of the following options:

**1. Whereabouts of the other parent are UNKNOWN:** If you are unable to locate the absent parent after a diligent search, then you can serve the parent by publication. This means that a notice is published in a local legal publication. Typically publication is once a week for 4 weeks. The publication fee for the newspaper averages around \$85, but varies depending on where you live. Upon the filing of the Affidavit, the clerk shall direct that service of notice be made by publication in a newspaper of general circulation in the county in which the complaint is filed.

**2. If you know the whereabouts of the other parent, but that parent won't sign due to disinterest, you can have that parent served by the Sheriff's department or a private process server. This can be done even if the other parent is incarcerated in jail or a federal prison.**

## **When the Biological Parent Won't Consent:**

If the other biological parent will not consent to the step-parent adoption, a severance can be accomplished by asking the court to terminate his or her rights. A biological parent's rights may be terminated to allow for step-parent adoption (or even for the sake of termination alone) when there is:

- Abandonment
- Prolonged Parental Absence
- Long-Term Imprisonment
- Physical Abuse
- Sexual Abuse
- Neglect
- Mental Illness
- Alcohol or Drug Addiction

The United States Supreme Court has held that parents have a Constitutional right to parent their biological children. Because of this, terminating an unwilling parent's rights can be very difficult to accomplish.

## **For information about specific adoption services offered in each region contact:**

### **Pima County**

Dawn Glavin  
520-318-4882, x1555  
[DGlavin@ArizonasChildren.org](mailto:DGlavin@ArizonasChildren.org)

### **Yavapai, Coconino, Navajo and Apache Counties**

Lisa Sahady  
928-443-1991, ext. 2401  
[LSahady@ArizonasChildren.org](mailto:LSahady@ArizonasChildren.org)

### **Cochise, Santa Cruz, Graham, Greenlee Counties**

Jessica Wells  
520.224-9108 x 1895  
[JWells@ArizonasChildren.org](mailto:JWells@ArizonasChildren.org)

### **Yuma, La Paz and Mohave Counties**

Nancy Felix  
928-344-8800 ext. 137  
[NFelix@ArizonasChildren.org](mailto:NFelix@ArizonasChildren.org)

### **Maricopa County**

Heidi Kilian  
602-253-1620, ext. 2661  
[HKilian@ArizonasChildren.org](mailto:HKilian@ArizonasChildren.org)

### **Gila and Pinal Counties**

Janeen Neal  
520-423-8434 x2511  
[JNeal@ArizonasChildren.org](mailto:JNeal@ArizonasChildren.org)