

ADOPTING A STEPCCHILD

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Adoption is the process by which two individuals create a parent-child relationship recognized by law. With a stepparent adoption, a child is legally adopted by the spouse of one birthparent. Once the stepparent adoption is finalized, the spouse becomes the child's legal parent. The stepparent adoption process is regulated by the state and as such, the process and requirements vary by state. In order to complete a stepparent adoption in North Carolina, you will need to provide the court with several documents including two copies of your marriage license, all divorce decrees of involved parties, and the child's birth certificate. Should any additional documents be required, be prepared to file at least two copies.

Stepparent adoption requires the termination of the other birth parent's parental rights. The parent whose rights are to be terminated may voluntarily consent to such termination. If consent cannot be obtained voluntarily, the process becomes more complicated and it is highly recommended that you consult an attorney. Before the actual adoption process involving the child and spouse of the birthparent can occur, the parental rights of the parent who will not voluntarily consent to the adoption will need to be terminated by the court. After the court terminates the parental rights, the next step is to begin the actual stepparent adoption process by completing and filing the forms referenced below. In North Carolina, if the stepchild is 12 or more years of age, he or she must consent to the adoption. The process also provides the opportunity to change the child's legal name. Once the stepparent adoption is finalized by the court, the state will issue a new birth certificate indicating the child's new legal name. The new legal parent will also be listed on the birth certificate.

In North Carolina, the forms to file a stepparent adoption are available online via the North Carolina Department of Health and Human Services. Their website is <http://info.dhhs.state.nc.us/>. Once at the site, click on forms, and then click Division of Social Services. Forms must be complete, correct, and notarized before you can file with the Court. Each form requires more than one copy, so be sure you have the correct number of forms before you try to file. You will have the option to complete the forms online. If you choose to hand-write the information, make sure your writing is legible. Do not sign any forms requiring a notary stamp until you are in the presence of a notary as they are required to witness you signing the documents. You will produce several copies of these forms, and each copy will require an original notary stamp, not a photocopy of a notarized document. The forms are also available in Spanish. In many cases, a home study will be required before the adoption is finalized.

If you choose to file these forms on your own, it is important to note you are acting as your own attorney. The staff of the Clerk's Office will not be able to give you legal advice as they are limited to assisting with procedural matters concerning the adoption process only.

If you have questions, please contact the XVIII Airborne Corps and Fort Bragg Legal Assistance Office at 910-396-0396 or 6113. The office is located on the first floor of the soldier support center in Wing D. The Legal Assistance Office is open Monday, Tuesday, and Friday

from 0900-1630, on Wednesday from 1300-1630, and on Thursday from 0730-1630. All family law issues, including adoption, are handled on Thursdays only. For more information please visit our website at

<http://www.bragg.army.mil/DIRECTORATES/OSJA/Pages/LegalAssistance.aspx>.