

SENATE THIRD READING
SB 450 (Menjivar)
As Amended August 28, 2025
Majority vote

SUMMARY

Clarifies that California courts have jurisdiction over petitions for adoption of minors born in California if there is no underlying proceeding to make the minor available for adoption or, if there is such a proceeding, California has jurisdiction over it.

Major Provisions

- 1) Requires petitioners in an independent adoption to be responsible for providing additional documentation necessary for the department or delegated county adoption agency to complete the independent adoption investigation if the home study report is not substantially commensurate with California standards or is otherwise missing required information.
- 2) Clarifies that California state courts have jurisdiction over a proceeding for the adoption of a minor if the minor was born in this state and either of the following apply:
 - a) A proceeding to free the minor from the custody and control of one or both parents is not required to make the minor available for adoption;
 - b) The proceeding to free the minor from the custody and control of one or both parents to make the minor available for adoption is being brought in this state.
- 3) Requires an adoption order to include the names of the adoptive parent or parents and that any existing parent who will maintain their parental rights after the finalization of the adoption. Clarifies that a failure to include an existing parent or parents on the adoption order in compliance with this provision shall not be construed to terminate the parental rights and responsibilities otherwise maintained under existing law by an existing parent or parents.

COMMENTS

In 2014, AB 2344 (Ammiano), Chapter 636, Statutes of 2014 streamlined the procedure for stepparent adoptions, also referred to as confirmatory adoptions. These adoptions provide a facilitated process for a stepparent to become a minor's legal parent, and avoids extensive investigation, home study, and heightened cost requirements otherwise imposed by adoption proceedings. In 2019, AB 1373 (Patterson), Chapter 192, Statutes of 2019 clarified that the streamlined confirmatory adoption procedure was also available for children born during a marriage or domestic partnership through a gestational surrogacy process with one or both spouses or partners. While the confirmatory adoption process is available and provides potential benefit to a wide array of families, it has a particular value to the LGBTQ+ community whose members have an extensive history of families denied equal legal status and parental rights.

There are three primary statutory schemes within the Family Code that work in tandem to govern the procedures for interstate adoptions in California. Family Code Section 9210 *et seq.*, addressing potential conflict of laws, governs proceedings for the adoption of an unmarried minor and lays out when there are sufficient ties to the state for a California court to exercise jurisdiction over the matter. The Uniform Child Custody Jurisdiction and Enforcement Act

(UCCJEA) is a model law that provides guidelines to address interstate custody disputes. (Family Code Section 3400 *et seq.*) Finally, California is a signatory to the Interstate Compact on the Placement of Children (ICPC) which regulates the adoption proceedings for minors placed for adoption by their birth parent without the involvement of a state agency such as a county welfare agency or the department of social services. The ICPC imposes heightened screening procedures and requires interstate collaboration to ensure that each proposed placement is appropriate and safe for the child. (Family Code Section 7900 *et seq.*)

Family Code Section 9210 explicitly grants California courts jurisdiction over adoption proceedings in specified scenarios that permits children and their adoptive parents to avail themselves of this State's adoption scheme, even if they live outside of California, so long as they fall under one or more of the categories identified. However, the statute appears silent on whether California courts have jurisdiction over interstate confirmatory adoptions or other forms of stepparent or domestic partner adoptions when the child was born in California and either no proceeding is necessary to make the child available for adoption or where California has jurisdiction over the underlying proceeding to terminate parental rights to make the child eligible for adoption.

This bill seeks to explicitly state that California courts additionally have jurisdiction in proceedings where the child is born in California and either 1) a legal proceeding is not required to make the minor available for adoption, or 2) the proceeding to make the child available for adoption is being brought in California. Additionally, this bill requires an adoption order to include the names of the adoptive parent or parents, as well as any existing parent at the time of the adoption that will maintain their parental rights after the finalization of the adoption.

The proposal put forth by this bill does not appear to conflict with either the UCCJEA or the ICPC. The expansion of Family Code Section 9210 as proposed by the bill does not undermine the UCCJEA and does not grant California courts jurisdiction over interstate adoptions if the underlying proceeding to terminate parental rights is being heard in another state, even if the child was born in California. As discussed above, the ICPC applies only to circumstances in which a birth parent opts to place their child for adoption with an adoption agency. Because the adoptions considered by this bill involve situations in which one parent remains the child's legal parent, the ICPC does not intersect with the current proposal.

According to the Author

Over the past several years, legal protections for the LGBTQ+ community have come increasingly under threat due to a wave of legislative attacks, court decisions, and executive orders. As a result, many LGBTQ+ parents are experiencing heightened legal uncertainty and fear for their families. SB 450 guarantees California remains a safe haven for the LGBTQ+ community and families by ensuring that LGBTQ+ parents in other states can access California courts to protect their parentage rights as long as their child was born in California through adoption proceedings.

Arguments in Support

This bill is sponsored by Equality California, the Academy of California Adoption Lawyers (ACAL), and Our Family. It is further supported by a number of affinity organizations, LGBTQIA+ advocacy groups, and civil rights advocacy organizations. It is also supported by 19 individuals. Equality California submits the following in support of the measure:

A court-ordered adoption decree provides the most secure legal protection for LGBTQ+ families, as it holds more legal weight than a birth certificate alone. The United States Constitution mandates that all states recognize valid court judgments, ensuring that adoption decrees issued in California will be upheld nationwide. If, for whatever reason, the family chooses to relocate to another state, an adoption decree assures that the parents' legal relationship with their child will be upheld, even in states that may be less supportive of LGBTQ+ families.

Over the past several years, legal protections for LGBTQ+ families have come increasingly under threat due to a wave of legislative attacks, court decisions, and executive orders that have rolled back protections for LGBTQ+ people at both the state and federal levels. In 2022, the U.S. Supreme Court's decision in *Dobbs v. Jackson* overturned the constitutional right to an abortion, calling into question previous court decisions, including same-sex couples' freedom to marry established in 2015 under *Obergefell v. Hodges*. As a result, many LGBTQ+ parents across the country are experiencing heightened legal uncertainty and fear.

Currently, only eight states, including California, offer streamlined confirmatory adoptions. This streamlined process applies in instances where the spouse or partner gives birth to the child during the marriage or domestic partnership, and exempts confirmatory adoptions from a home investigation or home study, certain costs, and an adoption hearing, unless a court specifically orders otherwise. However, under existing law, it has not been clear whether LGBTQ+ parents whose children were born in California can access this process if they do not reside in the state at the time of filing. This lack of clarity has left some families in legal limbo, unable to obtain the court-ordered protections they need.

SB 450 will amend California Family Code Section 9210 to clarify and reaffirm California's longstanding jurisdiction for adoption proceedings where the child is born in California, including confirmatory adoptions, and including in cases where the families no longer live in California or never lived in California. To avoid conflicts of laws, or litigation in multiple jurisdictions, access to California courts for this purpose will be limited to cases where there is no requirement for an involuntary termination of parental rights or the action to terminate parental rights is being brought in this state.

By reaffirming California's jurisdiction over confirmatory adoptions for children born in the state, this bill upholds California's commitment to protecting all families.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no significant state costs. Judicial Council reports minor and absorbable costs to the courts to schedule and conduct adoption proceedings and to update forms.

VOTES**SENATE FLOOR: 28-8-4**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto, Strickland

ABS, ABST OR NV: Limón, Niello, Reyes, Valladares

ASM JUDICIARY: 9-2-1

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Dixon, Sanchez

ABS, ABST OR NV: Macedo

ASM APPROPRIATIONS: 10-2-3

YES: Wicks, Arambula, Calderon, Nguyen, Elhawary, Aguiar-Curry, Hart, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon

ABS, ABST OR NV: Mark González, Ta, Tangipa

UPDATED

VERSION: August 28, 2025

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

FN: 0001282