
UNFINISHED BUSINESS

Bill No: SB 450
Author: Menjivar (D), et al.
Amended: 8/28/25
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 4/1/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NO VOTE RECORDED: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

SENATE FLOOR: 28-8, 5/29/25

AYES: 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

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto,
Strickland

NO VOTE RECORDED: Limón, Niello, Reyes, Valladares

ASSEMBLY FLOOR: 50-9, 9/10/25 – Roll call vote not available

SUBJECT: Adoption

SOURCE: Academy of California Adoption-Assisted Reproduction Technology
Lawyers
Equality California
Our Family Coalition

DIGEST: This bill adds clarity to California adoption laws, including (1) the necessary contents of an adoption order; (2) the petitioners' obligation to provide information needed to complete an investigation into a proposed independent adoption; and (3) in what circumstances a state court has jurisdiction over adoption proceedings.

Assembly Amendments clarified the bill's jurisdictional language; added requirements relating to the content of an adoption order; and clarified that, when an out-of-state home study for an independent adoption does not satisfy California requirements, the petitioners are responsible for providing the additional documentation or information necessary to complete the independent adoption investigation.

ANALYSIS:

Existing law:

- 1) Establishes procedures and requirements for the adoption of an unmarried minor. (Fam. Code, div. 13, pt. 2, §§ 8600 et seq.)
- 2) Requires the State Department of Social Services (DSS) or a delegated county adoption agency to investigate a proposed independent adoption, as specified; if the petitioner is a resident of a state other than California, an updated and current home study report, conducted and approved by a licensed adoption agency or other authorized resource in the state in which the petitioner resides, shall be reviewed and endorsed by CDSS or delegated county agency if the standards and criteria established for a home study report in the other state are substantially commensurate with the home study standards and criteria adopted in California adoption regulations. (Fam. Code, § 8807.)
- 3) Provides that a court of this state has jurisdiction over a proceeding for the adoption of a minor under 1) if any of the following applies:
 - a) Immediately before commencement of the proceeding, the minor lived in this state with a parent, a guardian, a prospective adoptive parent, or another person acting as parent, for at least six consecutive months, excluding periods of absence; or for a child under six months of age, lived in this state with any of those individuals from soon after birth and there is available in this state substantial evidence concerning the minor's present or future care.
 - b) Immediately before the commencement of the proceeding, the prospective adoptive parent lived in this state for at least six consecutive months,

excluding periods of temporary absence, and there is available in this state substantial evidence concerning the minor's present or future care.

- c) The agency that placed the minor for adoption is located in this state, and specified conditions apply.
 - d) The minor and the prospective adoptive parent are physically present in this state and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to, or threatened with, mistreatment or abuse or is otherwise neglected.
 - e) It appears that no other state would have jurisdiction under requirements substantially in accordance with a)-d), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to hear a petition for adoption of the minor, and there is available in this state substantial evidence concerning the minor's present or future care. (Fam. Code, § 9210(a).)
- 4) Provides that a court of this state may not exercise jurisdiction over a proceeding for adoption of a minor if, at the time the petition for adoption is filed, a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with 2), unless the proceeding is stayed by the court of another state because this state is a more appropriate forum or for another reason. (Fam. Code, § 9210(b).)
- 5) Provides that a court of this state may not exercise jurisdiction over a proceeding for adoption of the minor when a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, unless both of the following apply:
- a) The requirements for modifying an order of a court of another state under 1) are met, the court of another state does not have jurisdiction over a proceeding for adoption, or the court of another state has declined to assume jurisdiction over a proceeding for adoption; and
 - b) The court of this state has jurisdiction over the proceeding for adoption. (Fam. Code, § 9210(c).)
- 6) Provides that, for purposes of 3) and 4), "a court of another state" includes, in the case of an Indian child, a tribal court having and exercising jurisdiction over a custody proceeding involving the Indian child. (Fam. Code, § 9210(d).)

- 7) Provides that the jurisdictional requirements in 2)-5) apply to interstate adoptions if the prospective adoptive parents reside outside of California. (Fam. Code, § 9212.)
- 8) Establishes a streamlined procedure through which a stepparent or domestic partner may adopt their partner's child when the child was born to the partner during the marriage and the child was born through a gestational surrogacy process brought about by one or both partners (known as "confirmatory adoption"). (Fam. Code, § 9000.)
- 9) Establishes the Interstate Compact on Placement of Children (ICPC), which sets forth the procedures that must be followed by the child's home state and the receiving state in interstate adoption and placement proceedings for the placement of a child with an adoptive parent or parents, or in a group or treatment facility. (Fam. Code, div. 12, pt. 5, §§ 7900 et seq.)
- 10) Establishes the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which establishes when a state court has jurisdiction over a child for purposes of determining the custody of the child, including a proceeding to terminate parental rights. (Fam. Code, div. 8, pt. 3, §§ 3400 et seq.)

This bill:

- 1) Provides that, notwithstanding any other law, an adoption order for the adoption of an unmarried minor shall include the names of the adoptive parent or parents and any existing parent or parents who will maintain their parental rights after the finalization of adoption; and that a failure to include an existing parent or parents on the adoption order shall not be construed to terminate the parental rights and responsibilities otherwise maintained under existing law by an existing parent or parents.
- 2) Provides that, when a petitioner for adoption is located out-of-state and the home study conducted by the out-of-state resource is not substantially commensurate with California standards or is otherwise missing required information, the petitioners shall be responsible for providing any additional documentation or information necessary for DSS or the delegated agency to complete the independent adoption investigation.
- 3) Clarifies that a court of this state has jurisdiction over a proceeding for the adoption of an unmarried minor when the minor was born in this state and either of the following applies:

- 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; or
 - 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.
- 4) Provides that 1) does not limit jurisdiction over an adoption proceeding that is otherwise permitted under the ICPC.

Comments

Current law, spread out over a number of statutory regimes, establishes when California courts have jurisdiction over an interstate adoption, i.e., an adoption when not all of the parties involved are California residents. According to practitioners, however, there is a potential lack of statutory clarity over whether California has jurisdiction over certain types of adoption proceedings when the child was born in the state: (1) adoption proceedings that do not require a proceeding to make the minor available for adoption, and (2) adoption proceedings where the legal proceeding to make the child available for adoption is being brought in this state. Although, as a matter of practice, California courts routinely exercise jurisdiction over these cases, the potential statutory ambiguity could become more problematic as other states, and the federal government, grow increasingly hostile toward LGBTQ parents; if California does not have jurisdiction over these cases, it might be impossible for loving parents to complete their adoption proceedings in any other state.

This bill is intended to eliminate the potential ambiguity by clarifying that California has jurisdiction over adoption cases when the child was born in the state and there is either no need for a proceeding to make the child available for adoption or that proceeding is also being brought in the state. The bill expressly states that this clarification does not disturb existing requirements for assessing the fitness of interstate adoptions, thereby ensuring that placements will be adequately screened before they are approved by the court. This clarification should provide extra security for adoptive parents whose adoptive child was born in California. The bill also adds clarifying language relating to the necessary contents of an adoption order and the petitioners' obligation to provide information necessary to complete an investigation into a proposed independent adoption.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, this bill presents “[n]o significant state costs. Judicial Council reports minor and absorbable costs to the courts to schedule and conduct adoption proceedings and to update forms.”

SUPPORT: (Verified 9/8/25)

Academy of California Adoption-Assisted Reproduction Technology Lawyers (co-source)

Equality California (co-source)

Our Family Coalition (co-source)

Alice B. Toklas LGBTQ Democratic Club

Alliance for TransYouth Rights

Asian Americans Advancing Justice Southern California

California Alliance of Child and Family Services

California Legislative LGBTQ Caucus

CalPride

CalPride Sierras

CalPride Stanislaus

CalPride Valle Central

CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO

Courage California

Disability Rights California

GUSD Parents

Long Beach Forward

Los Angeles LGBT Center

Oasis Legal Services

Our Family Coalition

PFLAG Los Angeles

PFLAG Oakland-East Bay

PFLAG Sacramento

PFLAG San Jose/Peninsula

Rainbow Families Action Bay Area

Sacramento LGBT Community Center

San Francisco AIDS Foundation

The TransLatin@ Coalition

TransFamily Support Services

Viet Rainbow of Orange County

OPPOSITION: (Verified 9/8/25)

None received

ARGUMENTS IN SUPPORT: According to the Academy of California Adoption-Assisted Reproduction Technology Lawyers:

As a practical matter, California courts have long adjudicated independent adoption cases for California-born children whose adoptive parents reside out of state, as long as these cases have been handled in accordance with the Interstate Compact on the Placement of Children (ICPC). Nothing in this bill would change this long-standing practice. However, there has been less certainty about whether California courts have jurisdiction to adjudicate stepparent adoptions (which don't fall within the ICPC), where the child was born here but does not live here.

In the current political climate, where many states are considering rolling back protections offered to LGBTQ+ parents and their children, this lack of clarity has raised a concern about the potential fate of children of same sex couples whose parents may reside in states that won't allow a second parent adoption to confirm and secure the child's relationship with both parents. As family formation attorneys, we believe it is critically important to make California's jurisdiction over these adoptions clear; otherwise, these children could end up in limbo, with the parent-child relationships upon which they rely for care and support put at risk. Currently, only 8 states including California offer streamlined confirmatory adoptions. These adoptions are essential because they provide legal recognition of parentage without requiring home studies, certain costs or unnecessary legal barriers. It is in California's interest to provide the greatest possible level of protection for California-born children.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
9/10/25 14:41:15

**** END ****