
POLK COUNTY CIRCUIT COURT STEP-PARENT ADOPTION GUIDELINE

Jenell L. Anderson
POLK COUNTY REGISTER IN PROBATE
1005 W. Main Street
Balsam Lake, WI 54810
BALSAM LAKE, WI 54810

OFFICE HOURS:
MONDAY – FRIDAY
8:30 AM – 4:30 PM

PHONE: 715-485-9238

Email: Jenell.Anderson@wicourts.gov

NOTE: This Guideline is provided only as a public service and is ***NOT*** meant to be legal advice. Persons having questions should contact an attorney; the Probate Office staff ***cannot*** give legal advice or complete the forms for you.

Important Notice: Petitioner is responsible to contract and arrange for a step-parent screening with an adoption agency licensed to provide the required Single Interview Screening. All costs associated with the screening are the responsibility of the petitioner. Polk County does not pay for these services. See the list of agencies on the page attached or at the following link: www.dcf.wisconsin.gov/files/cwlicensing

Before you can proceed: You must have already gone through the process of terminating the biological parent's rights, or be in the process thereof in order to proceed with a step-parent adoption. If the other parent is deceased, the termination process is not required. See below under "Prior to Court Hearing" for required documentation.

TO INITIATE THE STEP-PARENT ADOPTION proceeding, complete and file the following documents with the Register in Probate Office:

- JC-1645 Petition for Minor Child Adoption (to be completed by the step-parent seeking to adopt the child)
- JC-1646 Consent to Adoption by the birth parent not terminating parental rights
- JC-1646 Consent to Adoption by the child, IF over 14 years of age
- Birth Certificate of the minor child
- JC-1643 Order for Hearing and Screening. Petitioner must complete top portion, including the name, address and phone number of the State Licensed Investigating Adoption Agency.

When the above documents are filed with the court, a judge will be assigned to the case and a hearing date will be set. If the termination of parental rights has been filed in Polk County, the step-parent adoption will be assigned to the same judge. Copies of the Petition for Adoption and Order for Hearing and Screening will be provided to the petitioner and the adoption agency.

The adoption agency will be ordered by the court to conduct a single-interview screening and file a written report with the court 10 days prior to the hearing. The agency should provide a copy of their report to the petitioner prior to the hearing as well.

****An appointment is recommended when you are ready to file your papers. Please call the Register in Probate Office at 715.485.9238 to set up an appointment. You may mail in your paperwork if you prefer.***

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PRIOR TO THE COURT HEARING complete and file the following documents with the Register in Probate Office:

- JC-1647 Proposed Order on Petition for Minor Child Adoption
- Certified copy of Order Concerning Termination of Parental Rights of the biological parent. If there is no termination process because the biological parent is deceased, a certified copy of the death certificate must be filed.
- Verify with the Probate Office that the Agency's step-parent screening report has been filed.
- Original Report of Adoption (available from the Register in Probate office or adoption agency).
 - The Report of Adoption is a statistical form used to generate the new birth certificate once the adoption has been granted.
 - The petitioner will be required to pay a fee to the State Vital Records office to amend the birth record when reporting the adoption of the child and receive certified copies of the new birth record.
 - Bring a check payable to the appropriate State Vital Records office to remit payment along with the Report of Adoption. We cannot accept cash or credit cards for this payment. It must be made by check or money order. Fees vary by State and can be determined by the hearing date if information is provided to the Probate Office. The Report of Adoption cannot be filed without the proper fee. If the Report is not sent in, the State will not be able to record the adoption, and the birth records will not be changed.
 - The Register in Probate will mail the original Report of Adoption and your check to the Vital Records office.

AFTER HEARING petitioner will receive a copy of the Order on Petition for Minor Child Adoption. A certified copy of the Order can be provided to petitioner upon payment of the \$4.00 certification and copy fee. A certified copy of the Order will be required for the Social Security Administration to make the name change to the child's Social Security record.

ADDITIONAL INFORMATION:

Resources: Information on the adoption process is provided by the Wisconsin Department of Children and Families at the following website: www.dcf.wisconsin.gov/adoption.

Forms: All court forms listed on this guideline are included in the packet and can be found at www.wicourts.gov

Legal Assistance: For legal assistance and information, visit the Wisconsin Court System Self-Help Center at www.wicourts.gov/services/public/selfhelp/index.htm

Creating a Legal Family Through Stepparent Adoption

When a stepparent wishes to adopt a stepchild, it's normally because that person already has a parental relationship with the child. In some instances, the stepparent is the only mother or father the child has ever known. Very often they already share a home, as well as parenting responsibilities with the child's other parent.

The stepparent may feel and act as a parent and often are surprised to find out that legal steps must be taken for an adoption to take place. However, stepparent adoption is much less complex than other types of adoption.

The Basic Steps for Stepfamily Adoption

You can adopt as a stepparent if you're currently married to the birth parent of the child, and if the other birth parent's rights are terminated (or can be terminated). The following are the steps you'll need to complete.

1. **Contact an adoption competent attorney.** Most counties in Wisconsin require you to have an attorney for certain aspects of the process, like the termination of parental rights, which is explained later. For a list of attorneys, [visit our website.](#)

2. **Contact a licensed adoption agency.** Not all private adoption agencies do stepparent adoptions, so you may need to call and inquire. For a list of the agencies that are licensed by the state of Wisconsin go to our website at www.wiadopt.org.

The agency you select will be responsible for conducting a study of the stepparent, which is called the investigation. (This is similar to



a "home study" in other types of adoptions.) This includes: interviews, background checks, letters of reference and psychological evaluations. This will also include an inspection of the home where the child is or will be living.

3. **Petition the court for termination of parental rights of the birth parent.**

A stepparent cannot adopt a child unless the rights of the birth father or birth mother have been terminated first. This happens by filing a petition with your county's circuit court and having a judge terminate the rights.

A person's parental rights may be terminated voluntarily if he or she willingly chooses, or involuntarily if the court determines that his or her rights should be taken away.

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If a birth parent is contesting the stepparent adoption, you will need an attorney. If a judge doesn't find that there is abuse or neglect then a person's parental rights cannot be terminated and the stepparent adoption cannot occur. In situations like these, you can consider an adult adoption once your child is 18. For more information, [go to our tip sheet on adult adoptions](#).

If the non custodial birth parent is deceased, his or her rights don't need to be terminated.

4. Petition the court to adopt the child.

Once the investigation is approved, then a stepparent can petition the court to adopt the child. This petition will include the investigation results. If the court receives all the necessary information and believes that the adoption is in the best interest of the child, then the adoption will be granted. An order of adoption will be created, or a document that states that the stepparent is now the legal parent of the child and will assume all the responsibilities as such. This order can also involve a name change if the child and parent wish.

Helping the Process Go Smoothly

The time and price of completing a stepparent adoption will vary based on your family's circumstances. Your agency and or

attorney can help you determine both the fees and length of time required. Here are some helpful hints from a private agency that include things you can do to help the process go smoothly:

- Submit the paperwork that your agency needs to complete your investigation.
- Have your home ready for the inspection. Your agency can advise you what this entails, but it generally includes things like safety checks and compliance with building codes.
- Be patient—it can be frustrating to wait for background checks, references and court dates.

Benefits of Stepparent Adoption

The formation of a legal

family is the biggest benefit of stepparent adoption. The stepparent makes a commitment not only to his or her spouse, but also to the child. This often provides security for your child and solidifies his or her place within the family. Additionally, the adoptive stepparent assumes all rights and responsibilities of a birth parent. Benefits include:

- Your child would be eligible to receive inheritance in the event of death.
- Your child will receive a new birth certificate, with the stepparent's name.
- You can make medical decisions for your child.

"I never think about being adopted, he has just always been my dad"

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- Adoption often helps solidify the child's identity within the extended family.
- You'll have the ability to change your child's last name during the adoption, which may create additional feelings of inclusion.
- Adoption can create equality between siblings.

One Wisconsin dad says, "He was already mine. It was just a matter of paperwork."

And a Wisconsin son who was adopted says, "I never think about being adopted, he has just always been my Dad."

Is Stepparent Adoption Right for Our Family?

While stepparent adoption has many benefits, it may not be for every family. It's a decision you make based on the best interests of your child and other family members. If stepparent adoption is something that your family is considering, talk about changes that this would have on the current family situation. Here are some questions to help guide this discussion:

- What are the wishes of the child?

- Would this change the day-to-day living arrangements for the child?
- Would the child choose to change their surname? What are the benefits or limitations of that choice?
- How would stepparent adoption impact the relationship with the birth parent whom would have their rights terminated?

Bringing your family together through stepparent adoption is a wonderful way to create bonds within the family. Talking with all the members of your family and completing the steps in this tip sheet can help you achieve your goal of deciding to become the legal parent of your step child.

Please contact us at 414-475-1246 or info@coalitionforcyf.org for more information.



Resources

Wisconsin Department of Children and Families

<https://dcf.wisconsin.gov/adoption/become>

Child Welfare Information Gateway

https://www.childwelfare.gov/pubpdfs/f_step.pdf

Stepparent Adoption: A Resource Book

By Tim O'Hanlon, Ph.D.

Special thanks to Steve Hayes of Grady, Hayes, Neary, LLC Attorneys at Law and Diane Boheen of Lutheran Counseling and Family Services for technical advice.

Adoption Agencies Licensed by the State of Wisconsin

The agencies listed offer different programs and service and are located in different areas of the state.

<p>Adoption Avenues □ ○ ◆ ★ = 4465 Milton Avenue, Suite 104 Janesville, WI 53546 (877) 347-7650 608-563-4488 www.adoptionave.com</p>	<p>Adoption Choice Inc. (Glendale) □ ○ ◆ ★ = 500 Silver Spring Drive Suite K235 Glendale, WI 53217 414-276-3262 www.adoptionchoiceinc.org</p>	<p>Adoption Choice Inc. (Green Bay) □ ○ ◆ ★ = 926 Willard Drive, Suite 124 Green Bay, WI 54304 920-499-2787 www.adoptionchoiceinc.org</p>
<p>Adoption Choice Inc (Madison) □ ○ ◆ ★ = 700 Rayovac Drive, Suite 115 Madison, WI 53711 608-244-7805 www.adoptionchoiceinc.org</p>	<p>Adoption Option Wisconsin ! 6306 W. Locust Street Milwaukee, WI 53210 414-828-2549 www.adoptionoptionwi.com</p>	<p>Adoption Services Inc. (Appleton) □ ○ ◆ ★ = 2439 S. Oneida St. Appleton, WI 54915 920-735-6750 www.adoptionchoiceservicesinc.com</p>
<p>Adoption Services Inc. (Glendale) □ ○ ◆ ★ = 5215 N. Ironwood Drive, Ste 201 Glendale, WI 53217 414-332-1800 or 888-686-0443 www.adoptionchoiceservicesinc.com</p>	<p>Adoption Services Inc. (Waukesha) □ ○ ◆ ★ = 2727 N. Grandview Blvd, Suite 114 Waukesha, WI 53188 262-513-0443 or 888-686-0443 www.adoptionchoiceservicesinc.com</p>	<p>Adoptions of Wisconsin, LLC. □ ◆ ★ = 450 S. Yellowstone Dr. Madison, WI 53719 608-821-8220 or 866-236-7894 http://adoptionsofwisconsin.com</p>
<p>Bethany Christian Services of Wisconsin (Fond Du Lac) □ ○ ◆ ★ 101 Wisconsin American Drive Suite 400 Fond du Lac, WI 54937 920-923-6577 or 800-238-4269 www.bethany.org/fond-du-lac</p>	<p>Bethany Christian Services of Wisconsin (Milwaukee/Waukesha) □ ○ ◆ ★ N14 W23755 Stone Ridge Dr. Suite 265 Waukesha, WI 53188 - 1147 262-547-6557 or 800-238-4269 www.bethany.org/waukesha</p>	<p>Catholic Charities of the Archdiocese of Milwaukee □ ◆ ★ 2021 N. 60th St Milwaukee, WI 53205 414-771-2881 www.ccmke.org</p>
<p>Catholic Charities Diocese of Green Bay □ ○ ◆ ★ 1825 Riverside Dr. Green Bay, WI 54301 920-272-8234 1-877-500-3580 x8234 www.newcatholiccharities.org</p>	<p>Catholic Charities of the Diocese of La Crosse (Eau Claire) □ ○ ◆ ★ 448 N. Dewey St. Eau Claire, WI 54703 715-832-6644 www.cclse.org</p>	<p>Catholic Charities of the Diocese of La Crosse (La Crosse) □ ○ ◆ ★ 3710 East Avenue South Lacrosse, WI 54601 608-782-0710 or 888-212-4357 www.cclse.org <i>Hague Accredited</i></p>
<p>Catholic Charities of the Diocese of La Crosse (La Crosse Downtown) □ ○ ◆ ★ 413 3rd Street South Lacrosse, WI 54601 608-519-8060 or 888-212-4357 www.cclse.org <i>Hague Accredited</i></p>	<p>Catholic Charities of the Diocese of La Crosse (Wausau) □ ○ ◆ ★ 540 South 3rd Avenue Wausau, WI 54401 715-849-3311 or 888-212-4357 www.cclse.org</p>	<p>Children's Home Society & Family Services of Minnesota ○ = 1231 Pearl Street Prescott, WI 54021 651-646-7771 or 800-952-9302 www.chsfs.org</p>
<p>Evangelical Child and Family Agency □ ○ ★ 1617 S. 124th St. New Berlin, WI 53151 262-789-1881 or 800-686-3232 www.ecfawisc.org</p>	<p>EVOLVE Adoption and Family Services (Stillwater, MN) □ ○ ◆ ★ = 5850 Omaha Avenue North Stillwater, MN 55082 952-831-5757 or 651-439-2446 www.evolvedservices.org</p>	<p>Hillcrest Family Services (Platteville) □ ○ ◆ = 5 W. Mineral Street Platteville, WI 53818 563-583-6431 or 877-437-8634 www.hillcrest-fs.org</p>
<p>Lutheran Counseling and Family Services □ ○ ◆ ★ 3800 N Mayfair Rd. Wauwatosa, WI 53222 414-536-8333 or 800-291-4513 www.lcfswi.org</p>	<p>Lutheran Social Services (Appleton) □ ○ ◆ ★ 3003A N. Richmond Appleton, WI 54911 920-730-1326 www.lsswis.org</p>	<p>Lutheran Social Services (Baraboo) □ ○ ◆ ★ 727 8th Street Baraboo, WI 53913 608-355-4103 www.lsswis.org</p>

Lutheran Social Services (Beaver Dam) □ ○ ❖ ★ 809 Park Avenue Beaver Dam, WI 53916 920-887-3172 www.lsswis.org	Lutheran Social Services (Eau Claire) □ ○ ❖ ★ 120 South Barstow Avenue Eau Claire, WI 54701 877-967-5577 www.lsswis.org	Lutheran Social Services (Janesville) □ ○ ❖ ★ 612 N. Randall Avenue, Suite A Janesville, WI 53545 608-752-7660 x5110 www.lsswis.org
Lutheran Social Services (La Crosse) □ ○ ❖ ★ 2307 South Ave., Suite 213 Lacrosse, WI 54601 608-788-5090 www.lsswis.org	Lutheran Social Services (Madison) □ ○ ❖ ★ 6314 Odana Rd. Madison, WI 53719 608-277-0610 www.lsswis.org	Lutheran Social Services (Marquette, MI) □ ○ ❖ ★ 1029 N Third St. Marquette, MI 49855 877-994-8344 www.lsswis.org
Lutheran Social Services (Milwaukee) □ ○ ❖ ★ 6737 W. Washington St, Suite 2275 West Allis, WI 53214 414-246-2300 www.lsswis.org <i>Hague Accredited</i>	Lutheran Social Services (Wittenberg-Homme) □ ○ ❖ ★ W18105 Hemlock Road Wittenberg, WI 54499 715-253-2116 www.lsswis.org	Lutheran Social Services (Wausau) □ ○ ❖ ★ 115 N 6th St. Wausau, WI 54403 715-849-3344 www.lsswis.org
World Association for Children and Parents □ ○ ❖ = 4818 S 76 th St Suite 125 Greenfield, WI 53220 262-377-7700 www.wacap.org <i>Hague Accredited</i>		

Key:

- Domestic Infant/Independent Adoptions
- International Adoption
- ❖ Relative/Step Parent Adoption
- ★ Birth Parent Counseling
- = Accepting LGBT & single parent
- ! Home Studies ONLY

This information is provided by:

Coalition for Children, Youth & Families
6682 W Greenfield Ave., Suite 310
Milwaukee, WI 53214
www.coalitionforcyf.org
414-475-1246 or 800-762-8063

International Adoptions may have adoptive parent age restrictions. Requirements are different for each country.

Hague Accredited listings are based on agencies that are listed at: http://adoption.state.gov/hague_convention.php

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE MATTER OF THE ADOPTION OF

Petition for Minor Child Adoption

Name _____

Case No. _____

Date of Birth _____

UNDER OATH:

I petition the court for an Order for Adoption of this person, and state:

- 1. I am
[] a relative of the child by blood.
[] the child's step parent.
[] a proposed adoptive parent with whom the child has been placed.

My address is _____
My telephone number is _____

- [] 2. The parental rights of Parent 1 [Name] _____
[] were terminated and a certified copy of the Order Terminating Parental Rights is attached.
[] will be terminated on _____ in _____ court.
[] Other: _____

- [] 3. The parental rights of Parent 2 [Name] _____
[] were terminated and a certified copy of the Order Terminating Parental Rights is attached.
[] will be terminated on _____ in _____ court.
[] Other: _____

- [] 4. The guardian is _____ and the
[] consent is attached.
[] consent will be provided prior to the hearing.

5. The child has lived in my home since _____

6. The adoption is in the best interests of the child.

- [] 7. The child's name should be changed to [First] _____ [Middle] _____ [Last] _____

8. The child [] is [] is not [] may be subject to the federal Indian Child Welfare Act.
Tribe/address: _____

State of _____

County of _____

Subscribed and sworn to before me on _____

Notary Public/Court Official

Name Printed or Typed

My commission/term expires: _____

Petitioner

Name Printed or Typed

Signature of Petitioner

Name Printed or Typed

Date

DISTRIBUTION:

- 1. Court
2. Interested Persons

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE MATTER OF THE ADOPTION OF

Name

Consent to Adoption

Date of Birth

Case No. _____

UNDER OATH:

I consent to this adoption.

State of _____

County of _____

Subscribed and sworn to before me on _____

Signature

Notary Public/Court Official

Name Printed or Typed

Name Printed or Typed

Date

My commission/term expires: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE MATTER OF THE ADOPTION OF

**Order for Hearing and Screening
(Stepparent Adoption)**

Name _____

Case No. _____

Date of Birth _____

A Petition for adoption of this person has been filed by [Name] _____.

THE COURT ORDERS:

1. Agency name: _____
Agency address: _____
Agency phone: _____
shall conduct a single-interview screening and file a report with the court by [Date] _____.
2. The hearing shall be held on [Date] _____, at [Time] _____,
at [Location] _____.
3. Petitioner shall give notice of the hearing by mailing a copy of this order to interested persons.

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

Name of Attorney	
Address	
Telephone Number	Bar Number

DISTRIBUTION:

1. Court
2. Person conducting screening

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

Order on Petition for Minor Child Adoption

Name _____

Case No. _____

Date of Birth _____

THE COURT FINDS:

1. The petitioner(s), [Name(s)] _____, is/are
 a relative(s).
 a stepparent(s).
 the proposed adoptive parent(s) with whom the minor child was placed.
2. The minor child has lived with the petitioner(s) since [Date] _____.
3. The guardian does does not consent to this adoption.
4. The recommendation and written report of [Agency] _____ was filed.
5. The minor child is suitable for adoption. The petitioner is a fit and proper person of reputable standing in the community with the ability to maintain and support this minor child. The adoption is in the best interests of the minor child.
6. All legal requirements concerning this adoption readoption were met.
7. The adoptive parent(s) has requested that the birth certificate not be changed.
8. The provisions of the Indian Child Welfare Act do not apply. An inquiry has been made on the record to each participant in this proceeding as to whether the participant knows or has reason to know that the minor child is an Indian child. *[For an Indian child, use the Indian Child Welfare Act version (IW-1647).]*

THE COURT ORDERS:

The Petition for Adoption is

1. granted.
- A. The name of this minor child shall be changed to _____.
- B. The birth certificate for this minor child shall shall not be changed.
2. denied for the following reason(s): _____.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

1. Court
2. Adoptive Parent(s)

CONFIDENTIAL COURT RECORD