

Attorney Name
Address
Phone Number

MONTANA [DISTRICT NUMBER] JUDICIAL DISTRICT COURT,
[COUNTY NAME] COUNTY

IN THE MATTER OF THE ADOPTION)	Cause No.
OF [NAME OF MINOR CHILD],)	
)	
A minor child,)	DECREE OF
)	STEPPARENT ADOPTION
by)	
)	
[NAME OF PETITIONER],)	
)	
Petitioner.)	

THE ABOVE ADOPTION CAME BEFORE this Court on _____, 20__ (date).
Petitioner appeared with (his/her) attorney, _____ (attorney's name). [NAME OF
NATURAL MOTHER/FATHER], the natural parent, and [NAME OF MINOR CHILD] also
appeared.

FINDINGS OF FACT

1. Petitioner [NAME OF PETITIONER] is married to [NAME OF NATURAL MOTHER/FATHER], the natural parent of [NAME OF MINOR CHILD], and the parties reside together as a family in [CITY], MT, and have so resided for the 60 days preceding the filing of the petition for adoption. Petitioner [NAME OF PETITIONER] is therefore a stepparent of [NAME OF MINOR CHILD]. (§§ 42-4-301, 302(1)(a), 42-5-109(2), (3) and (4), MCA)

2. [NAME OF MINOR CHILD] is currently known as [NAME OF MINOR CHILD], and was born in [PLACE OF BIRTH], on [DATE OF BIRTH]. (§ 42-5-109(1), (7), MCA)

3. The natural father, [NAME OF RELINQUISHING PARENT], executed an Affidavit of Waiver of All Parental Rights, Relinquishment of Child, and Consent to Adoption in which he waived notice of this hearing, relinquished his parental rights, and consented to the adoption of [NAME OF MINOR CHILD] by Petitioner. (§ 42-5-106(1)(b) and (c), MCA)

4. [NAME OF NATURAL MOTHER/FATHER], the natural parent of [NAME OF MINOR CHILD], has filed a written Consent to [NAME OF MINOR CHILD]'s Adoption by [ADOPTIVE PARENT], reserving to her/himself all rights as a natural parent. (§ 42-5-106(1)(c), MCA)

5. Petitioner desires to adopt [NAME OF MINOR CHILD] as his own child, in all respects establishing the relationship of parent and child between petitioner and [NAME OF MINOR CHILD]. Petitioner also desires to have the rights and be subject to all the duties of that relationship.

6. Petitioner requests that the name of the child be changed from [NAME OF MINOR CHILD] to [NEW NAME OF MINOR CHILD].

7. [NAME OF MINOR CHILD] has no property whatsoever.

8. Petitioner requests that the pre- and post-placement evaluations of this adoption be waived. (§ 42-4-309, MCA)

CONCLUSIONS OF LAW

1. This Court has jurisdiction over this adoption.

2. Venue is proper in this Court, as both petitioner and [NAME OF MINOR CHILD] reside in [COUNTY NAME] County.

3. It is in the best interests of [NAME OF MINOR CHILD] for the parental rights of the natural father, [NAME OF RELINQUISHING PARENT], to be terminated and the adoption of [NAME OF MINOR CHILD] by petitioner to be ordered. (§ 42-5-109(4), MCA)

4. It is in the best interests of [NAME OF MINOR CHILD] for her natural mother/father, [NAME OF NATURAL MOTHER/FATHER], to retain all her rights as the natural parent of [NAME OF MINOR CHILD]. (§ 42-5-109(9), MCA)

5. Because petitioner is the stepparent of [NAME OF MINOR CHILD], it is in the best interests of [NAME OF MINOR CHILD] that the six-month post placement evaluation period and the post placement evaluation in this matter be waived. (§ 42-4-309, MCA)

ORDER & DECREE

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The parental rights of the natural parent, [NAME OF RELINQUISHING PARENT], are terminated. [NAME OF RELINQUISHING PARENT] and his kindred are relieved of all parental responsibilities for [NAME OF MINOR CHILD] and have no rights over [NAME OF MINOR CHILD], (§ 42-5-202(1)(b), MCA), except as provided in (§ 42-4-311, MCA) (existing court order for visitation or communication by individual related to adoptee through either

Decree of Stepparent Adoption

parent, and right of adoptee or descendant to inheritance or intestate succession from or through adoptee's former parent) and (§ 42-4- 312, MCA) (former parent still owes child support arrearages unless party to whom owed waives in writing).

2. This final decree of adoption is entered establishing the relationship of parent and child between petitioner and [NAME OF MINOR CHILD]. All the rights, duties, and other legal consequences of the relationship of parent and child hereafter exist between [NAME OF MINOR CHILD] and petitioner and the kindred of petitioner. (§ 42-5-202(1)(a), MCA)

3. The relationship of parent and child for the purposes of intestate succession is governed by Title 72, MCA. (§ 42-5-202(3), MCA)

4. [NAME OF NATURAL MOTHER/FATHER] and [NAME OF MINOR CHILD] shall maintain the same relationship of parent and child as existed prior to this adoption. (§ 42-4-311(2)(a), MCA)

5. The six-month post-placement evaluation period and post-placement evaluation of this adoption are waived. (§ 42-4-309, MCA)

6. The child was born in [STATE OF BIRTH] and is under the age of twelve. The Vital Statistics Bureau shall issue a new birth certificate for the child. (Statute says only if child born in Montana. § 42-5-109(6), MCA)

7. The name of the minor child is changed to [NEW NAME OF MINOR CHILD] and the child shall be known as [NEW NAME OF MINOR CHILD]. (§ 42-5-109(5), MCA)

Dated _____, 20__.

District Court Judge