

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1282**

Introduced by  
Senator Miranda

AN ACT

AMENDING SECTION 14-8101, ARIZONA REVISED STATUTES; RELATING TO ADULT ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-8101, Arizona Revised Statutes, is amended to  
3 read:

4 14-8101. Adult adoption; agreement; consent of spouse; court  
5 procedure; petition

6 A. Any adult person may adopt EITHER another adult person WHO IS AT  
7 LEAST EIGHTEEN YEARS OF AGE AND NOT MORE THAN TWENTY-ONE YEARS OF AGE AND WHO  
8 CONSENTS TO THE ADOPTION OR ANOTHER ADULT PERSON who is a stepchild, niece,  
9 nephew, cousin or grandchild of the adopting person, by an agreement of  
10 adoption approved by a decree of adoption of the court in the county in which  
11 either the person adopting or the person adopted resides. A foster parent  
12 may adopt an adult who was placed in ~~his~~ THE FOSTER PARENT'S care when the  
13 adult was a juvenile if the foster parent has maintained a continuous  
14 familial relationship with that person for five or more years.

15 B. The agreement of adoption shall be in writing, shall be executed by  
16 the person adopting the person to be adopted and shall state that the parties  
17 agree to assume toward each other the legal relation of parent and child and  
18 to have all of the rights and to be subject to all of the duties and  
19 responsibilities of that relation.

20 C. A married person who is not legally separated from ~~his or her~~ THAT  
21 PERSON'S spouse cannot adopt an adult person without the consent of the  
22 spouse of the adopting person if the spouse is capable of giving the consent.  
23 A married person who is not legally separated from ~~his or her~~ THAT PERSON'S  
24 spouse cannot be adopted without the consent of the spouse of the person to  
25 be adopted if the spouse is capable of giving that consent. Neither the  
26 consent of the natural parent or parents of the person to be adopted, of the  
27 division nor of any other person is required.

28 D. The adopting person and the person to be adopted may file in the  
29 court in the county in which either resides a petition for a decree of  
30 adoption. The court shall assign the case to a division of the superior  
31 court that shall fix a time and place for a hearing on the petition. Both  
32 the person adopting and the person to be adopted shall appear at the hearing  
33 in person. An attorney may appear on behalf of a person who is not able to  
34 appear if the attorney has that person's written authorization. The court  
35 may require notice of the time and place of the hearing to be served on any  
36 other interested persons. Any interested person may appear and object to the  
37 proposed adoption. Before the hearing, a person designated by the court  
38 shall submit a written report concerning information that person gathers by  
39 observation or investigation regarding the welfare, competency and best  
40 interests of the parties and the public. The court in its discretion may  
41 require additional investigation if it finds that the welfare of the proposed  
42 adoptee will be served or if additional information is necessary to make an  
43 appropriate decision regarding the adoption.

1           E. At the hearing the court shall examine the parties or the attorney  
2 of any party who is not present. If the court determines that the adoption  
3 will be for the best interests of the parties and in the public interest, the  
4 court shall approve the agreement of adoption and make a decree of adoption  
5 declaring that the person adopted is the child of the adopting person. If  
6 the court determines that the adoption is not in the best interests of the  
7 parties and the public interest, the court shall deny the petition for  
8 adoption.

9           F. The petition for adoption shall state:

10           1. The length and nature of the relationship between the person  
11 seeking to adopt and the proposed adoptee.

12           2. The degree of kinship, if any.

13           3. The reason the adoption is sought, together with a statement as to  
14 why the adoption would be in the best interests of the person seeking to  
15 adopt, the proposed adoptee and the public.

16           4. The names and addresses of any living parents or adult children of  
17 the proposed adoptee.

18           5. Whether the person seeking to adopt or ~~his or her~~ THAT PERSON'S  
19 spouse has previously adopted any other adult person and, if so, the name of  
20 the person with the date and place of the adoption.

21           G. In determining whether or not the adoption of any person is in the  
22 public interest or the best interests of the persons seeking the adoption,  
23 the court may consider evidence without regard to the rules of evidence.