



Family Court Contact Information

New Castle County

Leonard L Williams
Justice Center
500 N. King Street
Wilmington, DE 19801
302-255-0300

Kent County

Family Courthouse
400 Court Street
Dover, DE 19901
302-672-1000

Sussex County

Family Courthouse
100 East Market St
Georgetown, DE 19947
302-855-7400

**All Family Court
Forms, FAQs, Filing
Instruction Packets,
and additional
information can be
found on the Family
Court Website at:**
<https://courts.delaware.gov/family>

A GUIDE TO ADOPTION

ADOPTION

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

What is adoption?

The intent of an adoption is to legally and permanently create a new relationship between a minor child and a new parent(s). The law about Adoption is found within Chapter 9 of Title 13 of the Delaware Code.

Who can seek to Adopt?

A Petition for Adoption may be filed in the State of Delaware if you are:

- Over 21 years old; AND
- A Delaware resident or a person with whom a child has been placed for adoption under Section 904 of Title 13; AND
 - An unmarried person; OR
 - A divorced or legally separated person petitioning individually; OR
 - A married couple jointly seeking to adopt who are NOT legally separated or living apart from each other; OR
 - A non-married couple petitioning jointly, provided that they are cohabiting.

What does cohabiting mean?

Cohabiting means when a person regularly resides with an adult of the same or opposite sex, and they hold themselves out as a couple.

What is the effect of adoption?

Upon the issuance of the decree of adoption, the adopted child shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if he or she had been born to the adopting parent or parents.

Upon the issuance of a decree of adoption, the adopted child shall no longer be considered the child of his or her birth parents and shall no longer be entitled to any of the rights or privileges or subject to any of the duties or obligations of a child with respect to the birth parent.

When a child who is adopted by a stepparent, his or her relationship to the birth parent who is married to the stepparent shall not be altered by reason of the adoption.

How does adoption effect inheritance?

Upon the issuance of a decree of adoption, the adopted child shall lose all rights of inheritance from the natural parent(s) and their relatives. The child shall, however, gain the right to inherit from the adoptive parent(s) and their relatives. The natural parents may still dispose of their property to the child by will.

What is the relationship between Termination of Parental Rights and Adoption?

An adoption petition may be filed simultaneously with a Petition for Termination of Parental Rights if both are filed by a blood relative of the child sought to be adopted. Examples of when the TPR process and the adoption process go hand-in-hand include the following situations:

- You are a blood relative of the child you seek to adopt and also the Petitioner in a Petition for TPR. In this situation, you will file the Petition for Adoption at the same time you file the Petition for TPR; **OR**
- You are the stepparent of the child you seek to adopt and your spouse, who is the child's parent, is the Petitioner in a Petition for TPR. In this situation, your spouse will file the Petition for TPR at the same time you file a Petition for Adoption.

How can I file my petition and related paperwork?

Petitions and papers may be filed at or mailed to the Family Court in each county. Family Court also now accepts petitions and papers by email. To file your petition by email, you must send the petition and all required forms to:

FC_CDN_TPR_Adoption@delaware.gov

Please see the below list for the forms that must be filed with your petition. Family Court will serve the other parties your petition.

You may also use FC_CDN_TPR_Adoption@delaware.gov to file with the Court answers, motions, and any other required papers. Although you can file these documents with the Court by email, you must still serve copies of these documents on the other parties personally or by mail.

****Before filing by email, please review the Civil Filing by Email FAQ:** <https://courts.delaware.gov/family/faqs>

Required Forms

- [Petition for Adoption](#) (Form 150)
- [Custody Separate Statement](#) (Form 346)
- [Information Sheet](#) (Form 240)
- [Affidavit of Expense](#) (Form 156)
- [Adoption Order of Reference](#) (Form 110A)
- [Final Order of Adoption](#) (Form 152)

Situational Forms (Please review all forms and scenarios)

- [Affidavit of Consent of Natural Parent](#) (Form 158)
- [Affidavit of Consent of Child Over 14 Years of Age](#) (Form 159)

This form should be filed if the Child you are seeking to adopt is 14 years of age or older

For more information about Adoption, please see the Adoption Instruction Packet. This packet is available in the Self-Help/Resource Centers and online at <https://courts.delaware.gov/family>.

For more information about Termination of Parental Rights, please see the Termination of Parental Rights Instruction Packet and "Frequently Asked Questions about Termination of Parental Rights". Both are available in the Self-Help/Resource Centers and online at <https://courts.delaware.gov/family>.