

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 74
SENATE BILL 1236

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
8 who consents to the adoption or another adult person who is a **CURRENT OR**
9 **PREVIOUS** stepchild, ~~OR~~ **A** niece, nephew, cousin or grandchild of the
10 adopting person, by an agreement of adoption approved by a decree of
11 adoption of the court in the county in which either the person adopting or
12 the person adopted resides. A foster parent may adopt an adult who was
13 placed in the foster parent's care when the adult was a juvenile if the
14 foster parent has maintained a continuous familial relationship with that
15 person for five or more years.

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

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

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

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

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

18 5. Whether the person seeking to adopt or that person's spouse has
19 previously adopted any other adult person and, if so, the name of the
20 person with the date and place of the adoption.

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

25 Sec. 2. Emergency

26 This act is an emergency measure that is necessary to preserve the
27 public peace, health or safety and is operative immediately as provided by
28 law.

APPROVED BY THE GOVERNOR JUNE 5, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 5, 2020.