

# Marital Status of Applicants

(Revised 04/07/23)

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## Forms

The following forms are referenced in this file:

- [ADOPT-210](#) Adoption Agreement
- [FL-180](#) Judgement of Dissolution Legal Separation or Nullity

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## Policy

The County of San Diego does not discriminate against adoption applicants on the basis of marital status. Therefore, two applicants who jointly apply to adopt a child(ren) are not required to be legally married to adopt as a couple. However, applicants must be co-parenting and living in the same residence.

Married couples, non-married couples, legally separated spouses living in the same residence, two related adults, and single applicants can be approved to adopt a child or children through San Diego County Adoptions.

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## Assessing the Relationship of the Applicants

When two applicants are applying to adopt a child they must demonstrate a stable relationship as assessed by the Resource Family Approval (RFA) SW with ongoing assessment by the child's adoption SW. This applies to married and non-married applicants.

While conducting the RFA the RFA SW will:

1. Assess the couple's marital/relationship history and current status utilizing interviews and supporting documentation.
  2. Utilize the RFA process to assess and document the stability of the marriage/relationship.
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**Divorced or Legally Separated**

When an applicant is adopting as a single parent and in the process of a legal separation or divorce and the case has not progressed to a final judgment on the FL-180, the spouse of the applicant must sign the ADOPT-210 for the adoption to finalize.

Any divorce or legal separation must be final before an adoption is finalized. The child's adoption SW will retain a copy of the judgment (FL-180) showing legal separation or divorce in the applicant's file. Copies of any previous divorce decrees will also be kept in the applicants file.

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**Married Couple with Only One Adopting or Couples Who Are Not Legally Separated**

The spouse who will not adopt must sign section 4 (b) on the AD 210 form to give consent for the adoption.

- The AD 210 must be notarized or witnessed by a San Diego County CWS employee. The adoption SW will document in the applicant file who witnessed the signing of the ADOPT-210.
- The consent will be submitted with the RFA written report at the time of approval and will be included in the file for finalization.

**NOTE:** If a non-adopting spouse cannot be located, the applicant spouse must finalize the legal separation or divorce from the absent spouse or the adoption cannot proceed.

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**PSS Role**

The PSS overseeing the applicant's case shall consult with and request a waiver from an Adoptions Program Manager for any unique circumstances that do not meet the requirements as explained in this policy.

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**References**

- CDSS Manual-CCL Sec. 89002(a)
  - CDSS ACL 99-100
  - CDSS Manual – 35011(2)
  - FAM Section 8603
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**Alignment with SET**

This policy supports SET [Value 2](#) and the agency practice to keep safety, permanency, and well-being of the child/youth at the forefront. It also supports SET [Value 3](#) and the guiding principle to hold a sense of urgency when seeking permanency for children, as well as the agency practice to value the most permanent option for the child/youth.

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