

# Montana Do It Yourself Legal Forms: Adult Adoption

**This packet is for the adoption of an adult in Montana. This form may be used for non-commercial purposes only and is freely available at <https://courts.mt.gov/Forms/>.**

## Legal Information vs. Legal Advice

This Adult Adoption packet is *information* only, and it is not legal advice. The law is different in each state. Some information may not be correct outside Montana. The information is not guaranteed to be up to date. The information does not and cannot replace the advice from an attorney.

## The forms in this packet include:

*Before each form, you will find a cover page with brief instructions.*

1. Petition for Adult Adoption
2. Consent of Prospective Adult Adoptee
3. Consent of Prospective Adoptive Parent
4. Consent of Spouse of Prospective Adoptive Parent
5. Order Setting Hearing
6. Adult Adoption Decree

## To better understand adoption in Montana, you should read:

The [Montana Law Help article on Adoption](#).  
[Title 42, Chapter 4, Part 4](#) of the Montana Code Annotated.

## You can find additional help from these resources:

- **The Court Help Program.** The Court Help Program assists people representing themselves in court. There are Court Help centers located throughout the state to assist you on a walk-in basis and remote appointments available if your local Courthouse does not have a Court Help center. Court Help staff are not lawyers and cannot provide legal advice. Staff are informed about the court process and can answer questions as well as review your forms for completeness. To find Court Help services near you, please visit their website (<https://courts.mt.gov/SelfHelp/>) or call 406-444-9300.
- **Montana Legal Services Association (MLSA).** The MLSA provides free civil legal assistance to low-income Montanans. If you qualify, MLSA may be able to connect you with a variety of services. Visit <https://www.mtlsa.org/> or call 1-800-666-6899. The telephone line has limited hours of operation.
- **Montana Law Help website.** Montana Law Help is a website maintained by the MLSA. It has numerous articles to help citizens understand legal tasks and principles.
- **State Law Library of Montana.** The mission of the State Law Library of Montana is to provide legal information and resources, to enhance knowledge of the law and court system, and to facilitate equal access to justice, statewide. The Law Library can be contacted by telephone (406-444-3660) or email ([mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov)).

## **Instructions for Form No. AA 100: Petition for Adult Adoption**

This form is for **starting the process of the adoption of an adult**. It tells the court who the petitioner is, who the adult who wishes to be adopted is, and asks the court to approve the adoption. **You will submit the petition form along with all required consent forms and the order setting hearing in your initial filing.**

Review the form. Fill in the blanks for the court where you are filing your case. Fill in the blanks for the Petitioner and the adult who wishes to be adopted. The clerk will fill in the blank for the case number, then date and sign the form.

This form will need to be **notarized**. Do not sign the form until you are with a Notary Public.

How many copies do you need? **The original and two copies**. File the original with the Court, the Petitioner should keep a copy, and the adult being adopted should keep a copy. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(your phone number)

**Petitioner**

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
(number of district in which your county is located)  
\_\_\_\_\_ COUNTY  
(name of your county)

IN THE MATTER OF THE ADOPTION ) **Cause No.**  
OF: )  
\_\_\_\_\_, )  
 )  
An Adult, )  
by ) **PETITION FOR ADULT ADOPTION**  
 )  
\_\_\_\_\_, )  
 )  
Petitioner. )

COMES NOW the Petitioner, \_\_\_\_\_, and respectfully requests  
to adopt \_\_\_\_\_, an adult. The Petitioner states the following  
information, with supporting information attached:

**1 Your Name, Address, and Age**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (State) (Zip Code)

How long have you lived at this address? \_\_\_\_\_

Your Age: \_\_\_\_\_

**2 Marital Status**

I am currently married to: \_\_\_\_\_  
(Your spouse's name)

We were married in: \_\_\_\_\_  
(City) (State)

on (mm/dd/yyyy): \_\_\_\_\_.

**3 Adoptee Information**

Full Name: \_\_\_\_\_

Birthplace: \_\_\_\_\_  
(City) (State)

Birthdate (mm/dd/yyyy): \_\_\_\_\_

**4 Adoptee Name Change**

The adoptee's name will stay the same.

THEREFORE, the Petitioner respectfully asks this Court to:

1. Enter an Order setting a date and time for a hearing on this Petition.
2. That upon such hearing, the Court grant a final decree of adoption of *(name of adult to be adopted)* \_\_\_\_\_ by Petitioner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

STATE OF MONTANA

County of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath, state that I am the Petitioner herein and that I have read the foregoing petition and know the contents thereof, that the statements are true of my own knowledge, except as to those matters stated on information and belief, and as to those I believe them to be true.

\_\_\_\_\_  
Petitioner

Signed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **Instructions for Form No. AA 200: Consent of Prospective Adult Adoptee**

This form is for **officially telling the court that the prospective adult adoptee consents to the adoption and understands the legal effects of the adoption.** You will submit this consent form along with all other required consent forms, the order setting hearing, and the petition in your initial filing.

Review the form. Fill in the blanks for the court where you are filing your case. Fill in the blanks for the Petitioner and the adult who wishes to be adopted. The clerk will fill in the blank for the case number, then date and sign the form.

This form will need to be **notarized**. Do not sign the form until the Prospective Adult Adoptee is with a Notary Public.

How many copies do you need? **The original and two copies.** File the original with the Court, the Petitioner should keep a copy, and the adult being adopted should keep a copy. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(your phone number)

**Petitioner**

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
(number of district in which your county is located)  
\_\_\_\_\_ COUNTY  
(name of your county)

IN THE MATTER OF THE ADOPTION )  
OF: )

**Cause No.**

\_\_\_\_\_, )

An Adult, )

by )

**CONSENT OF PROSPECTIVE  
ADULT ADOPTEE**

\_\_\_\_\_, )

Petitioner )

I, \_\_\_\_\_ first being duly sworn, state

the following:

1. I wish to be adopted by \_\_\_\_\_.

2. I am \_\_\_ years of age. My current mailing address is \_\_\_\_\_

\_\_\_\_\_.

3. My relationship to my prospective adoptive parent is: \_\_\_\_\_

\_\_\_\_\_.

4. I understand and agree to assume the legal relationship of parent and adult child with \_\_\_\_\_ and to have all the rights and be subject to all the duties of that relationship, including understanding and assuming the consequences that the adoption may have for any right of inheritance, property, or support (Section 42-4-403, MCA).

5. I waive my right to attend and be present at a hearing in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Prospective Adult Adoptee

STATE OF MONTANA

County of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath, state that I am the Prospective Adult Adoptee herein and that I have read the foregoing petition and know the contents thereof, that the statements are true of my own knowledge, except as to those matters stated on information and belief, and as to those I believe them to be true.

\_\_\_\_\_  
Prospective Adult Adoptee

Signed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## **Instructions for Form No. AA 300: Consent of Prospective Adoptive Parent**

This form is for **officially telling the court that the prospective adoptive parent consents to the adoption and understands the legal effects of the adoption.** You will submit this consent form along with all other required consent forms, the order setting hearing, and the petition in your initial filing.

Review the form. Fill in the blanks for the court where you are filing your case. Fill in the blanks for the Petitioner and the adult who wishes to be adopted. The clerk will fill in the blank for the case number, then date and sign the form.

This form will need to be **notarized**. Do not sign the form until the Petitioner is with a Notary Public.

Please note that when you adopt someone, what happens to your property when you die may or may not change. You should be aware of these possible consequences, talk with your family, and plan accordingly.

How many copies do you need? **The original and two copies.** File the original with the Court, the Petitioner should keep a copy, and the adult being adopted should keep a copy. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(your phone number)

**Petitioner**

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
(number of district in which your county is located)  
\_\_\_\_\_ COUNTY  
(name of your county)

IN THE MATTER OF THE ADOPTION ) **Cause No.**  
OF: )  
\_\_\_\_\_ )

by An Adult, )  
\_\_\_\_\_ ) **CONSENT OF PROSPECTIVE**  
Petitioner ) **ADOPTIVE PARENT**

I, \_\_\_\_\_ first being duly sworn, state  
the following:

1. My name is \_\_\_\_\_. My  
mailing address is \_\_\_\_\_.

2. I am over 18 years of age.

3. I wish and consent to adopt \_\_\_\_\_,  
who was born on \_\_\_\_\_ in \_\_\_\_\_.

4. My relationship to the prospective adult adoptee is: \_\_\_\_\_

\_\_\_\_\_.

5. I understand and agree to assume the legal relationship of parent and adult child with \_\_\_\_\_ and to have all the rights and be subject to all the duties of that relationship, including understanding and assuming the consequences that the adoption may have for any right of inheritance, property, or support (Section 42-4-403, MCA).

6. I waive my right to attend and be present at a hearing in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Prospective Adoptive Parent

STATE OF MONTANA

County of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath, state that I am the Prospective Adoptive Parent herein and that I have read the foregoing petition and know the contents thereof, that the statements are true of my own knowledge, except as to those matters stated on information and belief, and as to those I believe them to be true.

\_\_\_\_\_  
Prospective Adoptive Parent

Signed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **Instructions for Form No. AA 400: Consent of Spouse of Prospective Adoptive Parent**

This form is for **officially telling the court that the spouse of the prospective adoptive parent consents to the adoption and understands the legal effects of the adoption.** You will submit this consent form along with all other required consent forms, the order setting hearing, and the petition in your initial filing.

**If the prospective adoptive parent is NOT married, then you do not have to complete this form.**

Review the form. Fill in the blanks for the court where you are filing your case. Fill in the blanks for the spouse of the prospective adoptive parent and the adult who wishes to be adopted. The clerk will fill in the blank for the case number, then date and sign the form.

This form will need to be **notarized**. Do not sign the form until the spouse of the prospective adoptive parent is with a Notary Public.

Please note that when your spouse adopts someone, what happens to their property when they die may or may not change. You should be aware of these possible consequences, talk with your family, and plan accordingly.

How many copies do you need? **The original and two copies.** File the original with the Court, the Petitioner should keep a copy, and the adult being adopted should keep a copy. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(your phone number)

**Petitioner**

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
(number of district in which your county is located)  
\_\_\_\_\_ COUNTY  
(name of your county)

IN THE MATTER OF THE ADOPTION ) **Cause No.**  
OF: )  
\_\_\_\_\_ )

by An Adult, )  
\_\_\_\_\_ ) **CONSENT OF SPOUSE OF**  
Petitioner ) **PROSPECTIVE ADOPTIVE PARENT**

I, \_\_\_\_\_ first being duly sworn, state  
the following:

1. My name is \_\_\_\_\_. My  
mailing address is \_\_\_\_\_.

2. I am over 18 years of age.

3. I am the spouse of \_\_\_\_\_, who wishes  
to adopt \_\_\_\_\_, the  
prospective adult adoptee.

4. My relationship to the prospective adult adoptee is:  
\_\_\_\_\_.

5. I consent to the adoption of \_\_\_\_\_ by

\_\_\_\_\_.

6. I understand and agree to the creation of their parent and adult child relationship and understand and agree that they will have all the rights and be subject to all the duties of that relationship, including that I understand and agree to the consequences that the adoption may have for any right of inheritance, property, or support (Section 42-4-403, MCA).

7. I waive my right to attend and be present at a hearing in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Spouse of Prospective Adoptive Parent

STATE OF MONTANA

County of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath, state that I am the Spouse of the Prospective Adoptive Parent herein and that I have read the foregoing petition and know the contents thereof, that the statements are true of my own knowledge, except as to those matters stated on information and belief, and as to those I believe them to be true.

\_\_\_\_\_  
Spouse of the Prospective Adoptive Parent

Signed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **Instructions for Form No. AA 500: Order Setting Hearing**

This form is for **officially asking the Court to set a hearing date for your petition for adult adoption**. You will submit this order form along with the petition for adult adoption and all required consent forms in your initial filing.

Review the form. Fill in the blanks for the court where you are filing your case. You will fill in the case name information. The clerk will fill in the blank for the case number, then date and sign the form. **The court will be responsible for filing in the date and time of the hearing.**

How many copies do you need? **The original and two copies.** File the original with the Court, the Petitioner should keep a copy, and the adult being adopted should keep a copy. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your street address)

\_\_\_\_\_  
(city, state, zip code)

\_\_\_\_\_  
(your phone number)

**Petitioner**

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
(number of district in which your county is located)  
\_\_\_\_\_ COUNTY  
(name of your county)

IN THE MATTER OF THE ADOPTION ) **Cause No.**  
OF: )  
\_\_\_\_\_, )  
An Adult, )  
by ) **ORDER SETTING HEARING**  
\_\_\_\_\_, )  
Petitioner )

This Court Orders: **Adult Adoption Hearing**

The hearing on the Petition for Adult Adoption filed in this case is set for:

x Date: \_\_\_\_\_

*mm/dd/yyyy*

x Time: \_\_\_\_\_

x Place: \_\_\_\_\_

County Courthouse, *county name*

Date: \_\_\_\_\_

DISTRICT COURT JUDGE



## **Instructions for Form No. AA 600: Adult Adoption Decree**

This form **prepares the adoption decree for the judge**. This might seem odd at first, because this is the court's order, but it is standard practice for people before a court to submit a proposed order and the court to sign it.

Review the form. **You will fill in all the blanks that you can and bring it with you to your hearing. If the judge grants your adult adoption, they will sign the decree after your hearing, and you will file it with the Clerk of Court.**

How many copies do you need? After the judge signs the document and it is filed with the Clerk of Court. You should **make copies for yourself and the adoptive parent**. These documents should be placed in a secure location. If the petitioner is married, you should make an additional copy for the spouse of the prospective adoptive parent.

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT,  
*(number of district in which your county is located)*  
\_\_\_\_\_ COUNTY  
*(name of your county)*

IN THE MATTER OF THE ADOPTION ) **Cause No.**  
OF: )  
\_\_\_\_\_, )  
 )  
An Adult, )  
by ) **ADULT ADOPTION DECREE**  
 )  
\_\_\_\_\_, )  
 )  
Petitioner. )  
,

A Petition for Adult Adoption was filed in this case. A hearing was held on  
(mm/dd/yyyy): \_\_\_\_\_. Based on the evidence, the court finds:

**Findings of Fact:**

**1 Petitioner**

The Petitioner's name is \_\_\_\_\_.

The Petitioner is married to \_\_\_\_\_.

The petitioner is/is not the stepparent of the adoptee.

**2 Adoptee**

The adoptee's name is \_\_\_\_\_.

The adoptee was born in \_\_\_\_\_.

On (mm/dd/yyyy): \_\_\_\_\_.

**3 Adoptee's Name**

The adoptee's name will stay the same.

**4 Birth Certificate**

The adoptee is over the age of 12 and does not request a new birth certificate from the Vital Statistics Bureau.

**5 Parent Child Relationship**

The Petitioner wants to adopt the child and form a parent/child relationship. The Petitioner also wants all the rights and duties that go along with a parent/child relationship.

**6 Notice**

The adoptee and spouse of Petitioner have consented to this adoption. No other party is entitled to receive notice of this Petition.

**Conclusions of Law:**

1. This court has jurisdiction over this adult adoption.
2. The petitioner lives in this county. This court is the proper venue for this adult adoption.

**Order:**

The Court orders that:

1. This final decree of adoption creates a parent/child relationship between the Petitioner and the adoptee. All the rights and duties of a parent/child relationship now exist between the Petitioner and the adoptee.
2. The parent/child relationship for purposes of intestate succession is governed by Montana Code Annotated, Title 72.
3. The parent/child relationship that existed before this adult adoption between the adoptee and the natural mother and natural father will stay the same.
4. The adoptee's name will stay the same.
5. The adoptee is over the age of 12 and Vital Statistics does not need to issue a new birth certificate to the child.

Date: \_\_\_\_\_

\_\_\_\_\_

DISTRICT COURT JUDGE