

ASSEMBLY BILL

No. 1701

Introduced by Assembly Member Patterson

February 13, 2014

An act to amend Section 8603 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1701, as introduced, Patterson. Family law: adoption.

Existing law provides for the adoption of unmarried minors. Existing law prohibits a married person, not lawfully separated from the person's spouse, from adopting a child without the consent of the spouse if the spouse is capable of giving that consent.

This bill would additionally provide that the consent of the spouse shall not establish any parental rights or responsibilities on the part of the consenting spouse unless he or she has been approved to adopt the child, has consented to adopt the child in a writing signed before, and filed with, the court, and is named in the final decree as an adoptive parent of the child.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8603 of the Family Code is amended to
2 read:
3 8603. (a) A married person, not lawfully separated from the
4 person's spouse, ~~may~~ *shall* not adopt a child without the consent

1 of the spouse, provided that the spouse is capable of giving that
2 consent.

3 *(b) The consent of the spouse shall not establish any parental*
4 *rights or responsibilities on the part of the consenting spouse*
5 *unless he or she has been approved to adopt the child, has*
6 *consented to adopt the child in a writing signed before, and filed*
7 *with, the court, and is named in the final decree as an adoptive*
8 *parent.*

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