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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 1. Additional Agency Requirements for
Adoption of Children With Indian Heritage**

35353 CDIB AND LINKAGE TO THE ICWA 35353

- (a) In working with children who could be subject to the provisions of the ICWA or be eligible for a CDIB and the birth parents of such children, the additional requirements of Subchapter 8 shall be met.

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- (1) Although the child may not be subject to the provisions of the ICWA, he or she may be able to obtain a CDIB.
- (2) Welfare and probation departments responsible for investigation of stepparent adoptions should work directly with the BIA to determine whether a child of Indian heritage comes within the provisions of the ICWA. The California State Department of Social Services does not transmit information to the BIA in stepparent adoption cases.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 10553, Welfare and Institutions Code; Section 8619, Family Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1920, and 1921.

35355 NON-APPLICABILITY OF ICWA 35355

- | (a) The requirements of the ICWA shall not apply to:
 - | (1) Adoptions in which a final decree of adoption was issued prior to May 8, 1979.
 - | (2) Children who are members of non-federally recognized Indian tribes.
 - | (A) The agency shall submit the AD 4311 to the department as required in Section 35359.

HANDBOOK BEGINS HERE

- | (B) The department will contact the appropriate BIA office for a determination as to whether or not the tribe is federally recognized.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 10553, Welfare and Institutions Code; and 25 USC Section 1923.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 2 Certification of Degree of Indian Blood (CDIB),
Tribal Membership Eligibility, and/or Tribal Enrollment**

35357 **BACKGROUND INFORMATION TO DETERMINE THE APPLICABILITY OF THE ICWA AND TO OBTAIN THE CDIB** **35357**

- (a) The agency shall obtain sufficient information from the parents of a child as follows:
 - (1) If an Independent Adoption, as required by Section 35023.
 - (2) If an Agency Adoption, as required by Section 35129.3
- (b) The agency shall make the following determination for each child:
 - (1) Whether the child meets the definition of an Indian child in accordance with 25 USC Section 1903(4), and
 - (2) Whether a CDIB can be issued.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code; and 25 U.S.C. 1903(4).

35359 **COMPLETING OF THE AD 4311** **35359**

- (a) The agency shall complete all requested information on the AD 4311 to the extent that the information is ascertainable from the birth parents, extended family members, and other sources of information.

HANDBOOK BEGINS HERE

- (1) Examples of other sources of information are foster care case records, previous workers and, provided confidentiality is not breached, extended family and/or tribal members.

HANDBOOK ENDS HERE

- (b) The agency shall complete an AD 4311 when parental rights regarding a child claiming Indian heritage, including unknown tribes, are being involuntarily or voluntarily terminated.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code; and 25 U.S.C. Sections 1911 and 1912.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 3 Background Information

35365 **BACKGROUND INFORMATION ON A CHILD SUBJECT TO THE ICWA** **35365**

- (a) The agency shall attempt to ascertain the following background information:
- (1) Name, address, date, place of birth, and tribal affiliation of the child and of any parent, grandparent, or great-grandparent with Indian heritage.
 - (2) Names and addresses of extended family members.
 - (3) Tribal customs regarding child placement practices.
 - (4) Addresses where tribal governing organizations may be located.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code.

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 4 Information to Parents of a Child With
Indian Heritage Regarding Provision of the ICWA**

35367 **INFORMATION TO THE PARENTS** **35367**

- (a) The agency shall inform the parents of a child with Indian heritage that:
- (1) The provisions of the ICWA shall apply if at least one parent is a member of an Indian tribe as defined at Section 35000(i)(7) and the child is an Indian child as defined at Section 35000(i)(5).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1901 et seq.; and Section 8619, Family Code.

35369 **PROVISIONS OF THE ICWA** **35369**

- (a) The agency shall inform the parents of a child subject to the ICWA of the act's provisions which include:
- (1) The requirement for an order of placement preference.
 - (C) If the parent requests modification of the placement order in an agency adoption, the request shall be brought to the attention of the court for a decision on whether the placement order shall be modified.
 - (D) In an independent adoption, the court shall be advised that the parent has been made aware of the order of placement preference and has made the decision to consent to the adoption by the petitioners.
 - (2) The requirement that the relinquishment or consent must be taken before a judge of the Superior Court.
 - (3) The requirement that the parent may withdraw consent or revoke or rescind relinquishment at any time prior to the entry of the final decree of adoption.
 - (4) The requirement that, in the event the parent who gave physical custody of the child to the agency or petitioners and has not otherwise been deprived of legal custody requests to revoke or rescind the relinquishment or withdraw the consent, or refuses to give consent, the following procedures shall be followed:

35369 **PROVISIONS OF THE ICWA (Continued)** **35369**

- (A) In an independent adoption:
 - 1. If the consent has not been signed and the parent wishes return of the child, the parent rather than the agency will request the petitioners to return the child. If the petitioners refuse, the agency shall immediately file a report with the court and recommend the child's return.
 - 2. If the consent has been signed, the agency shall immediately file a report with the court advising the court of the parent's request and recommending that the child be returned to the parent.

- (B) In an agency adoption:
 - 1. If the parent's request precedes adoptive placement the agency shall rescind the relinquishment and return the child to the parent.
 - 2. If the parent's request follows an adoptive placement, the agency shall immediately notify the adoptive parents and return the child to the parent within an agreed upon time period, which would ordinarily not exceed three working days.
 - (i) In no case shall the return of the child require more than seven calendar days following the parent's request.

- (C) Any other parent whose consent has been taken or whose relinquishment has been filed shall immediately be notified of the request to revoke or rescind the relinquishment or withdraw the consent and shall be notified of any court proceedings resulting from the request.

HANDBOOK BEGINS HERE

- (D) Deprivation of legal custody refers to situations in which the court has ordered the child removed from his or her parent as in a divorce situation or in cases in which the child is made a dependent or ward of the court.

HANDBOOK ENDS HERE

35369 **PROVISIONS OF THE ICWA (Continued)** **35369**

- (5) The requirement that, in the event that the parent who did not give physical custody of the child to the agency or petitioners, or the parent who has been deprived of legal custody, requests revocation or rescission of the relinquishment or withdrawal of the consent, the following procedures shall be followed:
 - (A) In an independent adoption, the agency shall ensure that the petitioners are advised that court proceedings will be necessary to determine whether that parent has a right to physical custody of the child or whether the adoption plan can proceed.
 - (B) In an agency adoption, the agency shall initiate court proceedings which will determine whether that parent has a right to physical custody of the child or whether the adoption plan can proceed.
 - 1. The agency shall ensure that any other parent whose consent has been taken or whose relinquishment has been filed is notified of the request to revoke or rescind the relinquishment or withdraw the consent and notified of any court proceedings resulting from the request.
- (6) The requirement that if the agency or petitioners initiate legal proceedings to involuntarily terminate the parent's rights to the Indian child, the tribe shall be notified and may intervene in the proceedings.
- (7) The requirement that the parent will be notified if the adoption petition is withdrawn, dismissed, or denied or the adoption is set aside.
 - (B) The agency shall inform the parent that he or she must keep his or her name and address current with the agency so that notice can be provided.
 - (C) The agency reporting on the petition that is withdrawn, dismissed, or denied, or on the set aside shall provide written notice to the parent.
- (8) The requirement that upon petition of either parent, the Indian custodian or the Indian child's tribe, all court proceedings with regard to the child shall be transferred to the jurisdiction of the tribal court, providing there is no good cause to the contrary, and neither parent objects to the petition and the tribal court does not decline the transfer.
- (9) The requirements for release of information concerning the adoption and the adopted child's Indian heritage as follows:
 - (A) The adopted child, when he or she reaches age 18, may request and receive information from the court as provided for in 25 U.S.C. 1917.

35369 **PROVISIONS OF THE ICWA (Continued)** **35369**

- (B) That the court which granted the adoption is required by the Act to provide information to the Secretary of the Interior as specified in 25 U.S.C. 1951 and the parent who wishes his or her identity to remain confidential will need to file an affidavit with the court requesting confidentiality.
2. The agency shall request the parent to provide a copy of the affidavit for filing in the adoption case record.
- (C) That although the Secretary of the Interior is required by the Act to insure confidentiality, some Indian tribes, if they know of the adoption, may not maintain confidentiality.
- (D) That upon request the department will make available to authorized personnel from the Bureau of Indian Affairs and the adopted child who has reached age 18 information as specified in Family Code Section 8619.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8619 and 8621, Family Code. Reference: 25 U.S.C. 1901 et seq.

35371 **PROVISIONS FOR SETTING ASIDE THE ADOPTION AND WITHDRAWING CONSENT** **35371**

- (a) The agency shall inform the parents of a child subject to the provisions of the ICWA that within five years of the time a decree of adoption is granted, the parent may petition the court to set aside a decree of adoption upon the grounds that the consent or relinquishment was obtained through fraud or duress pursuant to U.S.C. 1913(d) and Family Code Section 9102.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1913(d).

35373 **INVALIDATION OF PROCEDURES TO TERMINATE PARENTAL RIGHTS** **35373**

- (a) The agency shall inform the parent of a child subject to the provisions of the ICWA that the parent may petition the court to invalidate any action that terminated parental rights if termination procedures did not comply with the ICWA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1911, 1912(a), 913(a), 1913(c), 1913(d), 1914, 1915(a), 1916, 1917, and 1951.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 5 Freeing the Indian Child for Adoption

35375 **VOLUNTARY TERMINATION OF PARENTAL RIGHTS** **35375**

- (a) The agency shall meet the requirements of 25 U.S.C. 1913 in accepting the relinquishment of or consent to adoption of an Indian child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1913.

35377 **INVOLUNTARY TERMINATION OF PARENTAL RIGHTS** **35377**

- (a) The agency shall meet the requirements of 25 U.S.C. 1912 when parental rights to an Indian child are terminated involuntarily.
- (b) The notice required by 25 U.S.C. 1912(a) shall contain the following:
- (1) The names, dates, and places of birth of the Indian child, his parents or Indian custodian.
 - (2) The maiden name of the child's mother.
 - (3) Tribal affiliation of the child and the parents when known.
 - (4) A copy of the petition, complaint or other document by which the proceeding was initiated.
 - (5) The name of the petitioner and the name and address of the petitioner's attorney.
 - (6) A statement of the right of the biological parents or Indian custodians and the Indian child's tribe to intervene in the proceeding.
 - (7) A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them.
 - (8) A statement of the right of the parents or Indian custodians and the Indian child's tribe to have on request, twenty days or such additional time as may be permitted under state law to prepare for the proceedings.
 - (9) The location, mailing address, and telephone number of the court.

35377 **INVOLUNTARY TERMINATION OF PARENTAL RIGHTS (Continued)** **35377**

- (10) A statement of the right of the parents or Indian custodians or the Indian child's tribe to petition the court to transfer the proceedings to the Indian child's tribal court.
 - (11) The potential legal consequences of an adjudication on future custodial rights of the parents or Indian custodian.
 - (12) A statement that since child custody proceedings are usually conducted on a confidential basis, tribal officials should keep confidential the information contained in the notice concerning the particular proceeding and not reveal it to anyone who does not need the information in order to exercise the tribe's right under the ICWA.
- (d) If the parent is an unmarried father who has not acknowledged paternity and whose paternity has not been established, such notice shall not be required.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1912 and 1913 and Guidelines to State Courts, Indian Child Custody Proceedings FR Vol. 44, No. 228, Part III, Nov. 26, 1979.

SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 6. Information Transmitted to Applicants in Agency Adoptions

35379 **INFORMATION TO APPLICANT PRIOR TO PLACEMENT OF AN** **35379**
INDIAN CHILD FOR ADOPTION

- (a) Prior to the placement of an Indian child for adoption, the agency shall inform the applicant of the birth parents' right to:
- (1) Rescind the relinquishment and have the child returned at any time prior to the entry of a final decree of adoption by the court.
 - (2) Petition the court within five years of the granting of the final decree of adoption to set aside a decree of adoption upon the grounds that the relinquishment was obtained through fraud or duress.
 - (3) Petition the court to invalidate any action terminating parental rights if termination procedures did not comply with the ICWA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 9102, Family Code; and 25 U.S.C. 1913(c).

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 7. Placement and Supervision In an Agency Adoption

35381	PLACEMENT AGREEMENT, COMPLIANCE WITH ORDER OF PLACEMENT REFERENCE AND PROCEDURE REGARDING REQUEST TO RESCIND	35381
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- (a) The agency shall:
- (1) Enter into a placement agreement which includes, in addition to the requirements of Section 35207, confirmation that the prospective adoptive parents were advised of the birth parent's rights as specified at Sections 35379(a)(1), (2) and (3).
 - (2) Document in the adoption case record the basis used to comply with the order of placement preference or the reason for any failure to comply. A copy of the court order and documentation establishing good cause to the contrary for failing to comply shall be attached to the AD 558 sent to the department.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 16119, Welfare and Institutions Code; and 25 U.S.C. 1913(c) and 1915(b)(3).

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

**Article 8. Information Transmitted to Petitioners
In an Independent Adoption**

35383 APPLICABILITY OF ICWA TO NON-INDIAN PARENTS, WITHDRAWAL OF CONSENT AND TERMINATION OF PARENTAL RIGHTS IN AN INDEPENDENT ADOPTION 35383

- (a) During the investigation of the adoption petition, the agency shall advise the petitioners that:
- (1) The provisions of the ICWA apply to the non-Indian parent of an Indian child as well as to the Indian parent.
 - (2) The birth parent may withdraw his or her consent and has the right to have the child returned to him or her at any time prior to the issuance of a final decree of adoption.
 - (3) The procedures pursuant to Section 35377 will be followed if it is necessary to terminate parental rights involuntarily.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: 25 U.S.C. 1903(9), 1913(c), and 1912.

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SUBCHAPTER 8 ADOPTION OF CHILDREN WITH INDIAN HERITAGE

Article 9. Information Transmitted to the Adoptee

35385 PROCEDURES FOR TRANSMISSION OF INFORMATION TO THE ADOPTEE 35385

- (a) The department shall, upon the request of an adoptee who has reached 18 years of age:
- (1) Inform the adoptee as to the tribe in which he or she is enrolled, or eligible for enrollment, and his or her degree of Indian blood.
 - (2) Inform the adoptee that the department will forward to the BIA any available information necessary to obtain benefits to which he or she is entitled, including tribal enrollment.
 - (3) Inform the adoptee that if he or she desires additional identifying information, he or she may petition the Superior Court pursuant to Family Code Section 9200 and Health and Safety Code Section 102705.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Sections 8619 and 9200, Family Code; and Section 102705, Health and Safety Code.

35387 TRANSMISSION OF INFORMATION AND DOCUMENTATION REQUESTED BY THE DEPARTMENT 35387

- (a) The agency shall provide to the department, upon request, information and documentation from the agency case record to assist the adoptee in obtaining tribal membership, and/or benefits derived from his or her Indian status, or certification of degree of Indian blood.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code. Reference: Section 8619, Family Code.

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**SUBCHAPTER 9 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN
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Article 1: Definitions and Conditions

35400 DEFINITIONS 35400

Repealed by Manual letter No. AD-95-01, effective 1/1/95

Article 2 Relinquishment Adoptions

35401 CHILDREN LEAVING CALIFORNIA 35401

(a) To initiate a home evaluation:

(1) The California sending agency shall summarize information about the child, complete Sections I, II and III of the ICPC 100A (Rev. 10/91), and:

(A) Forward the following documents to the receiving state's appropriate public authority:

1. Two copies of the child summary, ICPC 100A (Rev. 10/91), and a home study request;
 - (i) An ICPC 100A (Rev. 10/91) must be completed for each child.
2. Two copies of a court order establishing the jurisdiction of the sending agency, or stating that care, custody, and control of the child have been given to a licensed adoption agency because the child is an orphan;
3. Two copies of the AD 4333 (Rev. 6/91), Acknowledgment and Confirmation of Receipt of Relinquishment Documents, establishing that the child is free for adoption, when a Family Code Section 7660, 7661, 7662, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, or 7892 action has been completed or the parent has relinquished the child to a licensed adoption agency. The AD 4333 (Rev. 6/91) shall be signed by a representative of CDSS;
4. Two copies of the AD 512 (Rev. 10/90), Psychosocial and Medical History of Child, or equivalent form. The AD 512 (Rev. 10/90) shall not contain the birth name of the child to be adopted or the name(s) of the birth parent(s). The AD 512 (Rev. 10/90), or equivalent form, shall be signed by the child's adoption worker and the prospective adoptive parent(s) and shall be dated;
5. Two copies of a statement indicating how the child's financial and medical needs will be met while in the preadoptive placement, including the child's eligibility for the Adoption Assistance Program (AAP);

35401 CHILDREN LEAVING CALIFORNIA (Continued) 35401

- 6. Two signed copies of a written authorization for the prospective adoptive parent(s) to secure medical treatment for the child pending adoption;
 - 7. Two copies of background information on the prospective adoptive parent(s), if available, and their relationship to the child; and
 - 8. Two copies of a family assessment if already submitted to the California sending agency by the adoption agency in the receiving state.
- (B) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
- (C) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.

HANDBOOK BEGINS HERE

- (2) The receiving state's appropriate public authority shall return approved or disapproved copies of the ICPC 100A (Rev. 10/91) and the completed home study to the California sending agency.

HANDBOOK ENDS HERE

- (b) To place a child in a home which has been approved in writing by the receiving state:
- (1) The California sending agency shall make the arrangements for and complete the placement directly with the adoption agency in the receiving state.
 - (2) The California sending agency shall complete:
 - (A) The ICPC 100B (Rev. 10/91) and forward two copies to the appropriate public authority in the receiving state; and
 - (B) Two copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- 1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

HANDBOOK ENDS HERE

- (3) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.

35401 CHILDREN LEAVING CALIFORNIA (Continued) 35401

- (c) To place a child when an approved home study by a receiving state's adoption agency has been previously exchanged with the California sending agency:
- (1) The California sending agency shall forward to the appropriate public authority in the receiving state:
 - (A) Four copies of the completed ICPC 100A (Rev. 10/91);
 - 1. An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (B) Two copies of the approved home study and all legal and other pertinent documents not previously submitted to the receiving state.

HANDBOOK BEGINS HERE

- 1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).
- (2) The receiving state's appropriate public authority shall return the ICPC 100A (Rev. 10/91) to the California sending agency indicating approval or disapproval of the placement.

HANDBOOK ENDS HERE

- (3) When the placement has been approved in writing by the receiving state, the California sending agency shall proceed in accordance with Section 35401(b) above.

HANDBOOK BEGINS HERE

- (d) After placement, the receiving state's appropriate public authority shall forward supervisory reports, as indicated on the ICPC 100A (Rev. 10/91), directly to the California sending agency.

HANDBOOK ENDS HERE

- (e) To request continued supervision for those cases in which placement has been made in California and the child and family subsequently move to another party state before the adoption is final:
- (1) The California sending agency shall forward to the appropriate public authority in the receiving state:
 - (A) Four copies of the completed ICPC 100A (Rev. 10/91),
 - 1. An ICPC 100A (Rev. 10/91) must be completed for each child.

35401 CHILDREN LEAVING CALIFORNIA (Continued) 35401

- (B) Two copies of the home study, child study, summary of supervisory reports, and legal and other pertinent documents.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35401(a)(1)(A).

HANDBOOK ENDS HERE

- (2) The California sending agency shall request the receiving state's adoption agency to advise the family of the requirements necessary for completion of the adoption.

HANDBOOK BEGINS HERE

- (3) The receiving state's appropriate public authority shall return copies of the ICPC 100A (Rev. 10/91) to the California sending agency indicating approval or disapproval of the placement.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 7900 and 7903, Family Code.

35403 CHILDREN ENTERING CALIFORNIA 35403

- (a) When a home evaluation request is submitted to a California receiving agency from a sending party state:

- (1) The California receiving agency shall obtain in cooperation with the sending state's appropriate public authority the following documents:

- (A) Copies of the home study request and the ICPC 100A (Rev. 10/91);

1. An ICPC 100A (Rev. 10/91) must be completed for each child.

- (B) Copies of a court order establishing jurisdiction of the sending agency, or stating that care, custody, and control of the child have been given to a licensed adoption agency because the child is an orphan;

35403 CHILDREN ENTERING CALIFORNIA (Continued) 35403

- (C) Copies of a court order terminating parental rights or a relinquishment of the child to an adoption agency, establishing that the child is free for adoption;
 - (D) Copies of the AD 512 (Rev. 10/90), Psychosocial and Medical History of Child, or equivalent form. The AD 512 (Rev. 10/90) shall not contain the birth name of the child to be adopted or the name(s) of the birth parent(s). The AD 512 (Rev. 10/90), or equivalent form, shall be signed by the child's adoption worker and the prospective adoptive parent(s) and shall be dated;
 - (E) Copies of a statement indicating how the child's financial and medical needs will be met while the child is in the preadoptive placement, including the child's eligibility for the Adoption Assistance Program (AAP);
 - (F) Signed copies of written authorization for the prospective adoptive parent(s) to secure medical treatment for the child pending adoption;
 - (G) Copies of background information on the prospective adoptive parent(s), if available, and their relationship to the child.
- (2) The California receiving agency shall complete the home study and forward the home study report directly to the sending state's appropriate public authority.
- (3) The California receiving agency shall state on the ICPC 100A (Rev. 10/91) approval or disapproval of the placement, based upon the home study, and forward the ICPC 100A (Rev. 10/91) to the sending state's appropriate public authority with a copy to the sending agency.
- (b) To place a child in a home which has an approved home study by a California receiving agency:
- (1) The California receiving agency shall make the arrangements for and complete the placement directly with the sending agency.
 - (2) Upon completion of placement, the California receiving agency shall require a completed copy of the ICPC 100B (Rev. 10/91) from the sending state's appropriate public authority.
 - (3) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
- (c) To place a child when an approved home study by a California receiving agency has been previously exchanged with the sending agency:

35403 CHILDREN ENTERING CALIFORNIA (Continued) 35403

- (1) The California receiving agency shall require that the sending state's appropriate public authority shall submit those documents listed at Section 35403(a)(1)(A) through (G).
 - (A) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
 - (B) Repealed by Manual Letter No. AD-91-02, effective 10/1/91.
- (2) The California receiving agency shall return the approved or disapproved ICPC 100A (Rev. 10/91) to the sending state's appropriate public authority.
- (3) When the California receiving agency has received the ICPC 100A (Rev. 10/91) approving placement, the agency shall proceed in accordance with Section 35403(b) above.
- (d) The California receiving agency providing supervision shall forward supervisory reports, as indicated on the ICPC 100A (Rev. 10/91), directly to the sending state's appropriate public authority.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections 7901 and 7903, Family Code.

Article 3 Independent Adoptions

35405 GENERAL 35405

- (a) The following provisions apply to the birth parent(s).
- (1) Only the birth parent(s) may make adoptive placement plans for his or her child.
 - (2) The birth parent(s) is considered the sending agency.
 - (3) The birth parent(s) remains financially responsible for the child until the adoption is made final.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code and Sections 8801(a) and 7901, Family Code.

35407 CHILDREN LEAVING CALIFORNIA 35407

- (a) The California agency [because California is the state where the birth parent(s) lives] shall request the birth parent(s) to submit the ICPC 100A (Rev. 10/91) for forwarding to the receiving state's appropriate public authority (the state where the prospective adoptive parent(s) lives) the following documents:
- (1) Four copies of the completed ICPC 100A (Rev. 10/91).
 - (A) An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (2) Two copies of a family history including, but not limited to, the following:
 - (A) Composition of the family.
 - (B) Marital status of the parents.
 - (C) Age, physical appearance, religion, personality, and mental and physical disabilities.
 - (D) School and employment history.
 - (E) Reason for placement in another state.
 - (F) Medical information on the child (may be submitted after birth).

35407 CHILDREN LEAVING CALIFORNIA (Continued) 35407

- (3) Two copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Family Code Sections 8539 and 8801(b).

HANDBOOK BEGINS HERE

- (A) The content of Family Code Section 8801(b) is located at Section 35000(p)(4)(A).
- (B) The content of Family Code Section 8539 is located at Section 35000(p)(6)(A).

HANDBOOK ENDS HERE

- (4) Two copies of a statement by the birth parent(s) that indicates how the financial and medical needs of the child will be met while the child is in the preadoptive placement.
- (5) Two signed copies of a written authorization for the adoptive parent(s) to secure medical treatment for the child pending adoption.
- (b) The California agency shall notify the birth parent(s) of the receiving state's decision pursuant to receipt and review of the documents in Section 35407(a).
- (c) After the placement request has been approved in writing and the placement made, the California agency shall request the birth parent(s) to complete and forward to the appropriate public authority in the receiving state:
- (A) Four copies of the ICPC 100B (Rev. 10/91).
- (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35407(a).
- (d) Before the child may enter the receiving member state, a preplacement interview shall be held with the prospective adoptive parent(s) by an agency, organization or person designated by the receiving state's appropriate public authority. The interview shall be to assure that the planned placement is not contrary to the interests of the child.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (1) If the child is unborn and placement is planned shortly after birth, the receiving state's appropriate public authority shall be notified of the proposed placement at least 30 days prior to the expected birth to allow time for the preplacement interview.
- (e) Upon receipt of the information required in (a) above and completion of the preplacement interview:
 - (1) The receiving state's appropriate public authority shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the California agency.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the receiving state.

HANDBOOK ENDS HERE

- (f) If prospective adoptive parent(s) moves from California to another member state before an independent adoption is completed, the SDSS Adoptions district office or delegated California adoption agency which has had the responsibility for investigating the independent adoption shall:
 - (1) Send two copies of a summary of information on the child and family history to the receiving state's appropriate public authority, i.e., the state to which they are moving, indicating that four copies of the ICPC 100A (Rev. 10/91) are being submitted by the birth parent(s).
 - (A) The information on the child and the family history shall include, but is not limited to, the following:
 - 1. Composition of the family;
 - 2. Marital status of the parents;
 - 3. Age, physical appearance, religion, personality, and mental and physical disabilities;
 - 4. School and employment history;
 - 5. Reason for placement in other state;
 - 6. Medical information on the child.

35407 CHILDREN LEAVING CALIFORNIA (Continued) 35407

- (2) Request the birth parent(s) to complete and forward to the appropriate authority in the receiving state:
 - (A) Four copies of the ICPC 100B (Rev. 10/91).
 - (B) Three copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- 1. Pertinent documents include those documents listed at Section 35407(a).

HANDBOOK ENDS HERE

- (3) The California agency shall sign and forward the ICPC 100A (Rev. 10/91) to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

- (4) The receiving state's appropriate public authority shall indicate approval or disapproval on the ICPC 100A (Rev. 10/91) and return it to the California agency.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code and Sections 8801 and 7900, Family Code.

35409 CHILDREN ENTERING CALIFORNIA 35409

- (a) The California agency shall request the birth parent(s) to furnish the following information through the appropriate public authority in the sending state to the California agency:
 - (1) Copies of the completed ICPC 100A (Rev. 10/91).
 - (A) An ICPC 100A (Rev. 10/91) must be completed for each child.
 - (2) Copies of a family history including, but not limited to, the following:
 - (A) Composition of the family.

35409 CHILDREN ENTERING CALIFORNIA (Continued) 35409

- (B) Marital status of the parents.
 - (C) Age, physical appearance, religion, personality, and mental and physical disabilities.
 - (D) School and employment history.
 - (E) Reason for placement in another state.
 - (F) Medical information on the child (may be submitted after birth).
- (3) Copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Family Code Sections 8539 and 8801(b).

HANDBOOK BEGINS HERE

- (A) The content of Family Code Section 8801(b) is located at Section 35000(p)(5)(A).
- (B) The content of Family Code Section 8539 is located at Section 35000(p)(6)(A).

HANDBOOK ENDS HERE

- (4) Two copies of a statement by the birth parent(s) that indicates how the financial and medical needs of the child will be met while the child is in the preadoptive placement.
 - (5) Two signed copies of a written authorization for the adoptive parent(s) to secure medical treatment for the child pending adoption.
- (b) Before a child is permitted to enter California, the prospective adoptive parent(s) must:
- (1) Have a preplacement interview completed by a CDSS Adoptions district office or an adoption agency delegated responsibility by the CDSS for making studies and reports to the court on independent adoptions.
 - (A) If the child is unborn and placement is planned shortly after birth, the California agency shall be notified of the proposed placement at least 30 days prior to the expected birth to allow time for the preplacement interview regardless of whether the place of expected birth is within California.

35409 CHILDREN ENTERING CALIFORNIA (Continued) 35409

- (c) Upon receipt of the information required in (a) above and completion of the preplacement interview:
- (1) The California agency shall approve or deny on the ICPC 100A (Rev. 10/91) the request for placement and return it to the sending agency and the sending state's appropriate public authority.
 - (2) The prospective adoptive parent(s) shall be notified of the decision by the California agency.
 - (3) The California agency shall request the birth parent(s) to complete and send through the appropriate public authority in the sending state to the California agency:
 - (A) Copies of the ICPC 100B (Rev. 10/91).
 - (B) Copies of all legal and other pertinent documents not previously submitted to the receiving state's appropriate public authority.

HANDBOOK BEGINS HERE

1. Pertinent documents include those documents listed at Section 35407(a).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; and Sections 7901, 7903, and 8801, Family Code.