

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 28, 2008

ALL COUNTY INFORMATION NOTICE NO. I-11-08

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL PRIVATE ADOPTION AGENCIES

SUBJECT: GOOD STANDING LETTER FOR INTERCOUNTRY ADOPTIONS

The purpose of this notice is to provide clarification on the process to obtain a Good Standing letter for intercountry adoptions. The California Department of Social Services (CDSS), Community Care Licensing Division (CCLD), offers a standard Good Standing letter to those Intercountry adoption agencies that request one. However, CCLD is unable to accommodate individual requests for unique Good Standing letters. An example of the Good Standing letter is attached to this All County Information Notice (ACIN).

To request the Good Standing letter, a private adoption agency should contact the Licensing Program Analyst (LPA) assigned to their agency. The LPA will prepare the Good Standing letter and arrange a time for the signature on the letter. It is the responsibility of the private adoption agency to secure a notary for the signing of the Good Standing letter. The CDSS strongly encourages private agencies to share this notice and the Good Standing letter with their prospective adoptive families to help ensure full disclosure and open communication.

The CDSS also strongly advises private adoption agencies to fully disclose to their prospective adoptive parents the risks associated with intercountry adoptions, particularly the risks associated with completing adoptions in non-Hague Convention countries. The Hague Convention establishes mutually agreed upon procedures and practices for intercountry adoptions. It also establishes safeguards to protect the best interests of children, birth parents, and adoptive parents. Additionally, it provides intercountry recognition of adoptions completed within other Hague Convention countries.

Family Code Section 8900 requires, as a condition of licensure to provide intercountry adoption services, any California private full-service adoption agency and any noncustodial adoption agency to be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations (22 CFR Part 96).

When adoption agencies are facilitating adoptions with non-Hague Convention countries, requests may be made by these countries that may be outside the parameters of California's laws and regulations. As such, the adoption agency and prospective adoptive family may find the CDSS is unable to accommodate these requests, and the adoption may be at risk.

The CDSS fully expects licensed adoption agencies to honor any agreements that they entered into with foreign countries regarding the adoption of foreign children, including the provision of post-placement supervision and post-adoption review and services. The Federal Regulations implementing the Hague Convention on Intercountry Adoption, require accredited agencies to inform a prospective adoptive family in the adoption services contract whether it will or will not provide any post-adoption services. When post-adoption visits or reports are required by the child's country of origin, the agency must include a requirement for such report(s) in the adoption services contract and make good faith efforts to encourage adoptive parents to provide such reports. (22 CFR Section 96.51)

The CDSS has no authority to directly provide intercountry adoption services, or to perform post-adoption services or reports for adoptive parents completing an intercountry adoption. Post-adoption services and post-adoption reports should be addressed in the adoption services contract executed between the California adoption agency licensed to perform intercountry adoptions and the prospective adoptive parent.

If you have any questions regarding this notice, please call the Concurrent Planning Policy Unit at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Acting Deputy Director
Children and Family Services Division

Attachments

DEPARTMENT OF SOCIAL SERVICES

Community Care Licensing Division
Statewide Children's Residential Program
744 P Street, Sacramento, California 95814 ~ MS 19-50



Date

Addressee Information
Addressee Information
Addressee Information
Addressee Information

Dear

SUBJECT: Licensee Name
License #
Address
City, California Zip

Licensee name was licensed by the California Department of Social Services (CDSS) on date as a full service, non-profit, domestic and intercountry adoption agency under Health and Safety Code §1500 et seq. and Title 22 California Code of Regulations (CCR) §89001 et seq. The license is perpetual unless surrendered, forfeited, suspended, or revoked. Licensee name license has not been surrendered, forfeited, suspended, or revoked. Licensed adoption agencies are subject to review by the Community Care Licensing Division (CCLD) of the CDSS. Currently, Licensee name remains in compliance with applicable state statutes and regulations.

Pursuant to California Health and Safety Code, §1500 et seq. and Title 22 CCR §89001 et seq., this adoption agency is licensed and authorized to provide non-custodial services which include, but are not limited to, the following:

- Assisting in the adoption of a child from a foreign country
- Conducting and approving home studies
- Reviewing and endorsing the homestudy of another licensed adoption agency (Family Code §8715(e))
- Reviewing criminal record of applicants for adoption services and the Department of Justice information regarding child abuse complaints
- Approving applicants to become adoptive parents
- Providing re-adoption reports and post-placement counseling
- Performing post-placement supervision of child cooperatively with a full-service adoption agency

Licensee name is authorized to provide only **non-custodial services** regarding children from the organization's name provided there is an agreement in effect between Licensee name and an appropriate entity in the organization's name as required by Family Code §8905.

Senate Bill 703, signed by the Governor on October 13, 2007, amended Family Code section 8900 to require, as a condition of licensure to provide intercountry adoption services, any California private full-service adoption agency and any noncustodial adoption agency to be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

The CDSS fully expects licensed adoption agencies to honor any agreements that they entered into with foreign countries regarding the adoption of foreign children, including the provision of post-placement supervision and post-adoption review and services. The Federal Regulations implementing the Hague Convention on Intercountry Adoption, require accredited agencies to inform the prospective adoptive parent(s) in the adoption services contract whether it will or will not provide any post-adoption services. When post-adoption reports are required by the child's country of origin, the agency must include a requirement for such report(s) in the adoption services contract and make good faith efforts to encourage adoptive parents to provide such reports. The CDSS has no authority to perform post-adoption services or reports for adoptive parents completing an intercountry adoption. Post-adoption services and post-adoption reports should be addressed in the adoption services contract executed between the adoption agency and the prospective adoptive parent.

If this adoption agency should be closed by its board of directors, or the State of California, the CDSS will work with the agency to ensure that all pending cases are transferred to another California licensed adoption agency for completion. The Department will take possession of all records of the adoption agency's closed cases.

Should you need any additional information, please contact our office at (916) 327-8763.

Sincerely,

ROBERT PATE
Program Administrator

c: Adoption Agency

Bc: Statewide Children's Residential Program
Regional Office

Linda Shill, Chief
Permanency Policy Bureau
Children Family Services Division

Example

DEPARTMENT OF SOCIAL SERVICES

Community Care Licensing Division
Statewide Children's Residential Program
744 P Street, Sacramento, California 95814 ~ MS 19-50



Date

Addressee Information

Addressee Information

Addressee Information

Addressee Information

Dear

SUBJECT: Licensee Name
License #
Address
City, California Zip

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Pursuant to California Health and Safety Code, §1500 et seq. and Title 22 CCR §89001 et seq., this adoption agency is licensed and authorized to provide services which include, but are not limited to, the following:

- Conducting and approving home studies
- Reviewing and endorsing the homestudy of another licensed adoption agency (Family Code §8715(e))
- Reviewing criminal record of applicants for adoption services and the Department of Justice information regarding child abuse complaints
- Approving applicants to become adoptive parents
- Placing children for adoption
- Providing re-adoption reports and post-placement counseling
- Performing post-placement supervision of child
- Providing full custodial care of child

Licensee name is authorized to assist or make adoptive placements of children from the organization's name provided there is an agreement in effect between Licensee name and an appropriate entity in the organization's name as required by Family Code §8905.

Senate Bill 703, signed by the Governor on October 13, 2007, amended Family Code section 8900 to require, as a condition of licensure to provide intercountry adoption services, any California private full-service adoption agency and any noncustodial adoption agency to be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

The CDSS fully expects licensed adoption agencies to honor any agreements that they entered into with foreign countries regarding the adoption of foreign children, including the provision of post-placement supervision and post-adoption review and services. The Federal Regulations implementing the Hague Convention on Intercountry Adoption, require accredited agencies to inform the prospective adoptive parent(s) in the adoption services contract whether it will or will not provide any post-adoption services. When post-adoption reports are required by the child's country of origin, the agency must include a requirement for such report(s) in the adoption services contract and make good faith efforts to encourage adoptive parents to provide such reports. The CDSS has no authority to perform post-adoption services or reports for adoptive parents completing an intercountry adoption. Post-adoption services and post-adoption reports should be addressed in the adoption services contract executed between the adoption agency and the prospective adoptive parent.

If this adoption agency should be closed by its board of directors, or the State of California, the CDSS will work with the agency to ensure that all pending cases are transferred to another California licensed adoption agency for completion. The Department will take possession of all records of the adoption agency's closed cases.

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ROBERT PATE
Program Administrator

c: Adoption Agency

Bc: Statewide Children's Residential Program
Regional Office

Linda L. Shill, Chief
Permanency Policy Bureau M.S. 14-66
Children Family Services Division

Example