

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

**REASON FOR THIS TRANSMITTAL**

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

March 20, 2008

ALL COUNTY LETTER NO. 08-09

TO: ALL COUNTY WELFARE DIRECTORS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
CDSS ADOPTIONS DISTRICT OFFICES
ADOPTION SERVICE PROVIDERS

SUBJECT: SENATE BILL (SB) 1758; CALIFORNIA ADOPTION FACILITATORS
REGISTRY

This All County Letter (ACL) provides information and instructions regarding SB 1758 (Chapter 754, Statutes of 2006), which amended Sections 8632, 8636, and 8638, repealed Section 8635, and added Section 8632.5 to the Family Code.

An Adoption Facilitator is an independent business entity that is in the business of matching prospective adoptive parents with birth parent(s) who have decided to place their child for adoption. An Adoption Facilitator's only legitimate service is to arrange contact between the birth parent and the prospective adoptive parent(s). Following that contact, all further key actions to proceed with an adoption are performed by the birth parent and the prospective adoptive parent(s) and/or their attorney in an independent adoption, or a licensed public or private adoption agency in an agency adoption. Adoption Facilitators must inform potential clients that they are not a licensed adoption agency.

Provisions of SB 1758

California statute requires all adoption facilitators that operate independently from a licensed public or private adoption agency or an adoption attorney in California, to register with the California Department of Social Services (CDSS).

To become a registered adoption facilitator, the following requirements must be met:

- Must possess a business license in the appropriate jurisdiction.
- Must post a surety bond in the amount of \$25,000. If there is a recovery from the bond, the bond must be replenished or a new bond filed if the former bond cannot be replenished before the facilitator may conduct further business. The facilitator will be required to notify the CDSS in writing within 30 days when a surety bond is renewed.
- Must have completed two years of college courses, with at least half of the units and hours focusing on social work or a related field.
- Must have a minimum of three years experience employed by a public or private adoption agency, a registered adoption facilitator, or an adoption attorney who acts as an adoption facilitator.
- Must undergo a criminal background check.

The statute does allow for the education/experience requirements to be waived if the facilitator has over five years of work experience providing direct adoption services, and has not been found liable of malfeasance in connection with providing adoption services.

A non-refundable application fee of \$250.00 is required and does not ensure registration. A check or money order must be made payable to the California Department of Social Services. A renewal fee of \$250.00 must be paid annually. The facilitator will receive a notice of the upcoming renewal.

Application Under SB 1758

The Facilitator Registry application process is conducted in two phases. **Phase I** consists of completing an application form and submitting it with the following supporting documentation:

- A copy of government issued identification (e.g. driver's license or passport).
- A copy of their business license.
- A copy of their current surety bond.
- Proof of education (school transcripts).
- Proof of experience/employment history.
- LIC 508A – Criminal Record Statement.
- \$250.00 non-refundable application fee.

If the facilitator is requesting a waiver of education/experience requirements, he/she should provide the following additional information:

- Proof of five years of work experience providing direct adoption services.
- Three letters of support from any of the following:
 - A licensed public or private adoption agency;
 - A member of the Academy of California Adoption Lawyers; or,
 - The CDSS

Phase II of the process commences when the facilitator receives a conditional approval letter from the CDSS. A Live Scan form with instructions will be included with the conditional approval letter. The Live Scan fee will be paid by the facilitator.

Based on the results of the criminal background check, the registration application will be approved or disapproved. The applicant will be notified in writing of this determination.

If the application is approved, the name and information of the facilitator will be included on the CDSS Adoption Facilitator Registry website at the next revision cycle. The posting of updated information on the registry will occur every 30 days. The Adoption Facilitator Registry is located on the CDSS Internet Web, at www.childsworld.ca.gov (Click on CFSD Adoption on the left side of the site screen, then click on the Registry of Adoption Facilitators).

Registered adoption facilitators may also register staff members as “trainees.” Trainees may provide services, under the direct supervision of the registered adoption facilitator, without meeting both the educational and experiential requirements. Trainees must undergo a criminal background check. After the criminal background check is cleared, the trainee will receive an approval letter and their name will be added to the registry.

To obtain an application for the Adoption Facilitator Registry, interested parties should call the CDSS at (916) 651-8135 or e-mail cindy.borg-minasian@dss.ca.gov.

Facilitators who operate in California without being approved for inclusion in the Adoption Facilitator Registry will be subject to civil penalties.

The CDSS will accept and compile complaints against specific adoption facilitators and will provide public access to those complaints. The CDSS will investigate complaints which concern the education, experience, and bond requirements of adoption facilitators. Substantiated complaints will be posted on the registry by specific facilitator. Complaints that allege criminal activity will be evaluated by CDSS and referred to the appropriate law enforcement agencies.

Adoption facilitators are **prohibited** from the following:

- Posting in any advertisement, specific information about particular minor children who are available for adoptive placement.
- Selecting the adoptive placement.
- Assuming care and control of a child, even momentarily, during the transfer of the child's custody from the birth parent to the prospective adoptive parent(s).
- Using a photo listing to advertise minor children available for adoptive placement.
- Misleading any person into believing or implying by any document, including any form of advertising or by oral communications, that the adoption facilitator is a licensed adoption agency.

Regulation and Allocation Information

Appropriate changes to the adoptions program regulations are being developed at this time. Those proposed regulations must follow the formal public hearing process.

If you have any questions, please contact Cindy Borg-Minasian, Adoptions Consultant, Adoptions Services Bureau, at (916) 651-8135.

Sincerely,



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

c: CWDA