



DEPARTMENT OF SOCIAL SERVICES

744 P Street, MS 17-18
Sacramento, California 95814

December 5, 1994

ALL-COUNTY LETTER NO. 94-104

<u>REASON FOR THIS TRANSMITTAL</u>	
<input type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order or Settlement Agreement
<input type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS
<input checked="" type="checkbox"/>	Response to Petition to Rescind Underground Regulation

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL CDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: ADOPTIONS BY UNMARRIED COUPLES/LIMITED CONSENT ADOPTIONS

This letter rescinds ACL No. 87-80 (dated June 15, 1987) "Adoptions By Unmarried Couples/Limited Consent Adoptions," which should be discarded.

This letter is in response to a petition to the Department contending that the policy set forth in ACL No. 87-80 is an underground regulation in that it was not adopted pursuant to the requirements of the Administrative Procedures Act (APA). Having reviewed ACL No.87-80 and the APA, the Department has determined that the policy should have been adopted as a regulation.

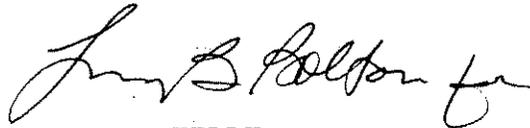
The Department has reevaluated the policy in ACL No. 87-80 concerning adoptions by unmarried couples to determine whether denying applications, withholding consent, or recommending disapproval of the petition in such cases is appropriate to serve the best interest of the child. The Department has concluded that the policy is not appropriate and should be discontinued. The child's best interest is served by providing for his or her health, safety, and emotional well-being through placement in a stable and permanent home. That home may best be one in which there are two parents with the support, both emotional and financial, that they can provide regardless of their marital status.

Effective immediately, licensed adoption agencies and the Department will no longer deny applications, withhold consent to an adoption petition, or recommend disapproval of an adoption petition based solely on the applicants' or petitioners' marital status. Decisions regarding adoptive placements and recommendations regarding adoption petitions will be made on a case-by-case basis according to the best interest of the child. Marital status is but one of the factors to be considered in making a best interest determination.

Similarly, an application or petition for a limited consent adoption, in which a birth parent simultaneously retains parental rights and consents to the adoption of his or her child by an unrelated adult, is to be reviewed on its merits as it concerns the best interest of the child.

In no instance, however, shall licensed adoption agencies or the Department approve an adoption application, consent to the adoption of a child, or recommend approval of an adoption petition when the proposed adoption would result in a child having more than two legal parents.

If you have any questions, please call the Adoptions Policy Bureau at (916) 322-4228 (CALNET 492-4228).



MARJORIE KELLY
Deputy Director
Children and Family Services
Division