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Handbook Package # 0614-06

CDSS MANUAL LETTER NO. AD-14-01

TO: HOLDERS OF THE ADOPTION USERS MANUAL

**Handbook Package #0614-06**

**Effective 9/1/14**

**Sections 35000, 35001, 35011, 35013, 35015, 35037, 35045, 35047, 35049, 35050, 35053, 35055, 35059, 35061, 35063, 35065.1, 35077, 35079, 35085, 35087, 35089, 35092, 35093, 35094.1, 35094.2 and 35094.3**

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG612.htm>.

This manual letter includes updated sections that before now, included handbook sections that directly quoted statutory state and federal language. Those handbook sections were out of date due to the many statutory changes that have occurred since they were last updated. Deleting outdated statutory language will ensure that the most current statutory language is being reviewed instead of relying on statutory quotes that could be outdated due to imminent annual changes in the law.

Since these changes are nonsubstantive in nature, a public hearing was not held.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Adoption User's Manual regulation changes was AD-11-01.

Page(s)

Replace(s) Page(s)

2 through 30  
64 through 116

2 through 45  
64 through 140

Attachments

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**SUBCHAPTER 1 ADOPTION PROGRAM TERMINOLOGY****35000****DEFINITIONS****35000**

- (a) (1) "AAP-Eligible Child" means a child who meets the eligibility criteria defined in Welfare and Institutions Code Section 16120.
- (2) "Acknowledgment" means notice from the department of the filing of relinquishment(s) or Notice of Action in lieu of relinquishment that a child is free for adoptive placement.
- (3) "Adoption Abroad" means the adoption of a foreign-born child by a United States citizen or a lawful permanent resident alien of the United States completed in foreign courts under the laws of the foreign country.
- (4) "Adoption Assistance Program (AAP)" means a program of financial and/or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care.
- (5) "Adoption Service Provider (ASP)" means an agency or individual adoption service provider as defined at Family Code Section 8502.
- (6) "Adoptive Parent" means adoptive parent as defined at Family Code Section 8503.
- (7) "Agency" means a licensed California public or private adoption agency, or the department's adoption district offices.
- (8) "Agency Adoption" means agency adoption as defined at Family Code Section 8506.
- (9) "Alleged Natural Father" means an identified or unidentified male who:
- (A) could be or claims to be the father of the child, and
- (B) does not meet the definition of a presumed father.
- (10) "Applicant" means applicant as defined at Family Code Section 8509.
- (11) "Appropriate Public Authority" means, for the purpose of the ICPC, the state's Interstate Compact Administrator.
- (b) (1) "BIA" means the Bureau of Indian Affairs.
- (2) "Birth Parent" means birth parent as defined at Family Code Section 8512.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (c) (1) "California Agency" means, for the purpose of the ICPC, a CDSS Adoptions district office or a licensed public or private adoption agency.
- (2) "California Children's Services" means that program authorized by the California Department of Health Services pursuant to Health and Safety Code Section 251.5 which provides treatment, diagnostic, and therapeutic services for eligible children under age twenty-one who have handicapping conditions as specified at Title 17, California Administrative Code, 29001.
- (3) "CDSS" means the California Department of Social Services or department.
- (4) "California Preadoption Requirements - Adoption Abroad" means assessment of applicant as required by Subchapter 6, Article 3.
- (5) "California Preadoption Requirements - Adoption of a Foreign-Born Child in California" means:
- (A) assessment of applicant as required by Subchapter 6, Article 3
  - (B) assessment of the child as required by Subchapter 6, Article 4
  - (C) obtain documentation from the foreign agency that the child is legally free for adoption
  - (D) determination that the child's needs can be met by placement with the prospective adoptive parent, and
  - (E) availability of post-placement supervision.
- (6) "CDIB" means Certificate of Degree of Indian Blood.
- (7) "Concurrent Services Planning" means a written child welfare services case plan which identifies the child's permanency alternative and the services necessary to achieve it if the parents fail to reunify with the child.
- (8) "Consent to Adoption" means the voluntary written agreement by the birth parent with a specified person to the adoption of the child.
- (A) An Independent Adoption Placement Agreement is a type of consent to adoption.
- (9) "County" means the income maintenance division in each county welfare department responsible for federal and state eligibility determination and payment of AAP benefits.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (d) (1) "Days" means calendar days unless otherwise specified.
- (2) "Delegated County Adoption Agency" means delegated county adoption agency as defined at Family Code Section 8515.
- (3) "Department" means department as defined at Family Code Section 8518.
- (4) "Disruption in Placement" means the termination of an adoptive placement prior to the issuance of a final decree of adoption.
- (e) Reserved
- (f) (1) "FBI Criminal Record" means the "FBI identification record" as specified in Title 28, Code of Federal Regulations (CFR) Section 16.31.
- (2) "Filing a Petition" means the submission of an adoption petition to the clerk of the court having jurisdiction and the clerk's acceptance and endorsement of the petition in the county where the petitioner resides.
- (A) In an agency adoption, where the child is a dependent of the juvenile court, the petition may be filed either in the county where the petitioner resides or in the county where the child was legally freed for adoption.
1. If the petitioner is a relative of the child and has entered into a kinship adoption agreement pursuant to Family Code Section 8714.7, a copy of the kinship adoption agreement shall be attached to the petition as required by Family Code Section 8714.5(d).
- (B) In an independent adoption, where the child has been placed for adoption with a person other than a relative, as defined at Section 35000(r)(6), a copy of the Independent Adoption Placement Agreement shall be attached to the petition as required by Family Code Section 8802.
- (3) "Filing of the Relinquishment Form" means the department's receipt and acknowledgement of a certified copy of a relinquishment form that has been signed, witnessed, and dated pursuant to Articles 1 and 2 of Subchapter 5 of these regulations.
- (4) "Final Decree of Adoption" means a court order granting the completion of the adoption.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (5) "Fiscal Year" means the state fiscal year. The state fiscal year begins July 1 and ends June 30 of the following year.
- (6) "Foreign Agency" means the foreign government, organization, or agent authorized under the laws of the foreign country to provide adoption services.
- (7) "Foreign Guardianship" means care, custody, control, and financial responsibility for the foreign-born child given to a United States citizen or a lawful permanent resident alien of the United States by the government of the child's native country.
- (8) "Foster Family Agency" means any organization engaged in recruiting, certifying, training, and providing professional support to, foster parents, or in finding homes or other places for temporary placement of children who require that level of care as an alternative to a group home.
- (9) "Foster Family Home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. A foster family home may also be authorized to provide care for more than six children for the purposes of keeping siblings together provided that the conditions of Health and Safety Code Section 1505.2 are met.
- (10) "Freed for Adoptive Placement" means eligibility of the child to be placed for adoption by: relinquishment for adoption, consent of adoption, court order for termination of parental rights, denial of paternity, or waiver of further notice of court proceedings.
- (11) "Full-Service Adoption Agency" means full-service adoption agency as defined at Family Code Section 8521.
- (12) "Full State Criminal Record" means the "State summary criminal history information" as specified in Penal Code Section 11105(a)(2).
- (g) (1) "Grievance" means a written complaint about any procedures, actions, or determinations made by an agency before the filing of an adoption petition.
- (2) "Grievance Review Agent" means a person or panel designated by the director of the agency to conduct the grievance review and render a recommended decision to the director of the agency.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (3) "Grievance Review Hearing" means a session conducted by a grievance review agent which is recorded and attended by the parties who submitted the written request for the review, their authorized representatives, and any witnesses who intend to testify.
- (4) "Guardianship" means the court appointment of a guardian for the person or estate of a child, or both, as deemed necessary or convenient, pursuant to Probate Code Section 1500 et seq., or Welfare and Institutions Code Section 366.26.
  - (A) A guardian is a person who upon court appointment has the legal authority and responsibility to care for a child. A guardian may be a relative of the child.
- (h) (1) "Holding Period" means the time period agreed to by the agency and the relinquishing parent between the signing of the relinquishment for adoption and the receipt of a certified copy of the relinquishment by the department.
- (i) (1) "ICPC" means Interstate Compact on the Placement of Children.
- (2) "ICWA" means Indian Child Welfare Act.
- (3) "Independent Adoption" means independent adoption as defined at Family Code Section 8524.
- (4) "Indian Child Welfare Act (ICWA)" means the federal Indian Child Welfare Act of 1978 as codified at Title 25, United States Code, Section 1901, et. seq.
- (5) "Indian" means a person as defined at Section 1903(3) of the ICWA.
- (6) "Indian Child" means a child as defined at Section 1903(4) of the ICWA.
- (7) "Indian Child's Extended Family Member" means extended family member as defined at Section 1903(2) of the ICWA.
- (8) "Indian Child's Tribe" means the child's tribe as defined at Section 1903(5) of the ICWA.
- (9) "Indian Custodian" means an Indian person as defined at Section 1903(6) of the ICWA.
- (10) "Indian Tribal Court" means a court as defined at Section 1903(12) of the ICWA.
- (11) "Indian Tribe" means Indian tribe as defined at Section 1903(8) of the ICWA.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (12) "INS" means the Immigration and Naturalization Services agency within the United States Department of Justice charged with administering the immigration and naturalization laws of the United States.
- (13) "Intercountry Adoption" means intercountry adoption as defined at Family Code Section 8527.
  - (B) For the purpose of intercountry adoption, "child" means a foreign-born, unmarried, unemancipated person under the age of sixteen years.
  - (C) Intercountry adoption includes two components:
    - 1. Adoption in California, whereby the family arranges for the foreign-born child to travel to California and completes the adoption of the child under the laws of California's Intercountry Adoptions Program.
      - a. The family may or may not have obtained foreign guardianship of the child under the laws of the child's native country.
        - (i) Only agencies licensed to provide full-service adoption services under the Intercountry Adoptions Program may assist families to complete this process.
    - 2. Adoption Abroad, whereby the family completes the adoption of the foreign-born child under the laws of the child's native country before the child travels to California.
      - a. The family may readopt the child in California.
        - (i) Agencies licensed to provide full-service adoption services or noncustodial adoption services under the Intercountry Adoptions Program may assist families to complete this process.
- (j) Reserved
- (k) (1) "Kinship Adoption Agreement" means a written agreement among a child's birth and adopting relatives pursuant to Family Code Section 8714.7.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (l) (1) "Licensed Adoption Agency" means licensed adoption agency as defined at Family Code Section 8530.
  
- (m) (1) "Medical or Mental Health Professional" means a physician and surgeon, a clinical psychologist, a licensed clinical social worker, a person employed as a social worker by a county, or a marriage, family, and child counselor.
  
- (2) "Medical Report" means the completed AD 512, which specifies the information about the child's medical and family background and any attached documents that are provided to the prospective adoptive parents.
  
- (A) The AD 512 and the documents attached to the AD 512 shall contain the following information about the child and his or her birth parents:
  - 1. All known medical background about the child's birth parents;
  - 2. All known diagnostic information about the child, including medical reports, psychological evaluations, if applicable, and scholastic information, if he or she is age appropriate;
  - 3. All known information about the child's development prior to placement with the prospective adoptive parents and during the time the child was seen by the adoption case worker while in the prospective adoptive parents' home;
  - 4. All known information about the child's family life;
  - 5. Copies of the nonconfidential section (Part II) of the AD 67 and the AD 67A when completed by the birth parent;
  - 6. Medical reports from the child's prenatal physician and the physician who delivered the child, or from the hospital in which the child was born, if available; and,
  - 7. Photocopies of all original source reports on the child's and his or her birth parents' medical and family backgrounds obtained during the agency's investigation of the child.
  - 8. The written assessment of the child made by the agency as required by Section 35127.1.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (n) (1) "Noncustodial Adoption Agency" means noncustodial adoption agency as defined at Family Code Section 8533.
- (2) "Nonrecurring Adoption Expenses" means reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs, which are not incurred in violation of State or Federal law, and which have not been reimbursed from other sources or other funds.
- "Other expenses which are directly related to the legal adoption of a child with special needs' means the costs of the adoption incurred by or on behalf of the parents and for which parents carry the ultimate liability for payment. Such costs may include the adoption study, including health and psychological examinations, supervision of the placement prior to adoption, transportation and the reasonable costs of lodging and food for the child and/or the adoptive parents when necessary to complete the placement or adoption process."
- (o) Reserved
- (p) (1) "Parent" means a birth parent or adoptive parent of a child.
- (2) "Parent of an Indian Child" means a parent as defined at Section 1903(9) of the ICWA.
- (3) "Parties to Grievance Review" means the applicant or prospective adoptive parent requesting the review and the representative of the agency responsible for the action.
- (4) "Party State" means, for the purpose of the ICPC, a state which is a member of the Interstate Compact on the Placement of Children.
- (5) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.
- (6) "Personal Knowledge" means personal knowledge as defined at Family Code Section 8801(b).
1. Substantially correct means accurate in the agency's judgment.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (7) "Petitioner" means a prospective adoptive parent who has filed an adoption petition with the superior court pursuant to Family Code Section 8802 for an independent adoption or pursuant to Family Code Section 8714 for an agency adoption.
- (8) "Place for Adoption" means, for the purpose of an agency adoption, the agency's placement of a child who has been freed for adoption placement either by relinquishment to the agency or by court order.
- (9) "Place for Adoption" means, for the purpose of an independent adoption, the placement of a child by a birth parent who, based on his or her personal knowledge, selected the prospective adoptive parents for the child and, if required, completed and signed the AD 924.
- (10) "Placement" means, for the purpose of the ICPC, the arrangement for the care of a child in a family that has been studied and approved for adoption or has had a preplacement interview completed by a licensed adoption agency.
- (11) "Presumed Father" means a father as defined at Family Code Section 7611.
- (12) "Prospective Adoptive Parent" means prospective adoptive parent as defined at Family Code Section 8542.
- (q) Reserved
- (r) (1) "Reassessment" means the process by which the agency and the adoptive parent determine whether there are any changes in either the child's needs or the adoptive parent's circumstances which affect duration of and/or amount of adoption assistance payments.
- (2) "Receiving Agency in the Independent Adoptions Program" means, for the purpose of the ICPC, the person(s) who is designated to receive a child from another party state with the intention of filing a petition to adopt that child.
- (3) "Receiving Agency in the Relinquishment Adoptions Program" means, for the purpose of the ICPC, a licensed adoption agency or CDSS Adoptions district office that is designated to receive any child from another party state for the purpose of adoption.
- (4) "Relative" means, for the purpose of an agency adoption with a kinship adoption agreement, an adopting relative as defined at Family Code Section 8714.7(c).

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (5) "Relative" means, for the purpose of an independent adoption, an adopting relative as defined in Family Code Section 8802(a)(1).
- (6) "Relinquishment Form" means a relinquishment document as described in Section 35145 and a Statement of Understanding as described in Section 35152.1 or 35152.2.
- (7) "Relinquishment of a Child" means the action of a parent who signs a relinquishment form in which he or she surrenders custody, control and any responsibility for the care and support of the child to the department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (8) "Rescission" means an action taken by mutual agreement between the relinquishing parent and the agency which accepted the relinquishment, to nullify the relinquishment after it has been filed.
- (9) "Resident of a County in California" means a person who makes his or her home in a county in California.
- (10) "Responsible Public Agency" means the department or licensed public adoption agency responsible for determining Adoption Assistance Program eligibility and initial and subsequent payment amounts as specified in Section 35325(c).
- (11) "Revocation" means an action taken by the parent who has signed a relinquishment, to nullify the relinquishment before it has been filed.
- (s) (1) "Secretary" means Secretary of the Interior as defined at Title 25 United States Code, Section 1903(11).
- (2) "Sending Agency in the Independent Adoptions Program" means, for the purpose of the ICPC, the birth parent(s) who sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.
- (3) "Sending Agency in the Relinquishment Adoptions Program" means, for the purpose of the ICPC, a licensed adoption agency or CDSS Adoptions district office that sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.
- (4) "Sending State in the Independent Adoptions Program" means, for the purpose of the ICPC, the state of residence of the birth parent placing a child for adoption in California. The child being placed is deemed to have been brought into California from the sending state regardless of the child's place of birth, including California.

<b>35000</b>	<b>DEFINITIONS (Continued)</b>	<b>35000</b>
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- (5) "Set Aside" means the legal process by which adoptive parents can secure the dismissal of the decree of adoption.
- (6) "Sibling" means a brother or sister of an adoptee who was born to the same birth parent or parents of the adoptee.
- (7) "Special Needs Child" means special needs child as defined at Family Code Section 8545.
- (8) "Statewide Median Income" means the California median income as projected and adjusted for family size by the United States Department of Housing and Urban Development (HUD).
- (t) Reserved
- (u) Reserved
- (v) Reserved
- (w) (1) "Waiver" means the action taken by the department eliminating the need for the report required of the department when the agency is a party to or has joined in the petition for adoption.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10553, 10554, and 16118, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 10800, 16000, 16100, 16115, 16118, 16119, 16120, 16120.1 and 16121, Welfare and Institutions Code; Sections 3014, 6500, 7002, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, 7892, 7893, 8502, 8503, 8506, 8509, 8512, 8515, 8518, 8521, 8524, 8527, 8530, 8533, 8539, 8542, 8545, 8600, 8706, 8714, 8714.7, 8801(b), 8802, 8817, 8909, and 9202, Family Code; Section 1502, Health and Safety Code; Sections 1502(a)(9) and (10), and 13290, Government Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), and (12); 42 USC 673 and 675; Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31; and 45 CFR 1356.41(i).

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<b>35001</b>	<b>DEFINITIONS - FORMS</b>	<b>35001</b>
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The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 2, Subdivision 4, Chapter 3 (Adoption Program Regulations).

- (a) (1) "AAP 1" (9/09) means the form entitled, "Request for Adoption Assistance Program Benefit."
- (2) "AAP 2" (7/11) means the form entitled, "Payment Instructions - Adoption Assistance Program."
- (3) "AAP 3" (7/11) means the form entitled, "Reassessment Information - Adoption Assistance Program."
- (4) "AAP 4" (11/11) means the form entitled, "Eligibility Certification - Adoption Assistance Program."
- (5) "AAP 6" (11/11) means the form entitled, "Adoption Assistance Program - Negotiated Benefit Amount and Approval and Form Instructions."
- (6) "AAP 8" (11/11) means the form entitled, "Adoption Assistance Program - Nonrecurring Adoption Expenses Agreement."
- (7) "AD 1A" (1/95) means the form entitled, "Consent to Adoption by Parent(s) in California."
- (8) "AD 1C" (1/95) means the form entitled, "Consent to Adoption by Parent(s) Outside California."
- (9) "AD 1F" (1/95) means the form entitled, "Consent to Adoption by Parent(s) Outside California in Armed Forces."
- (10) "AD 20" (2/93) means the form entitled, "Refusal to Give Consent to Adoption."
- (11) "AD 20B" (4/92) means the form entitled, "Refusal to Give Consent to Adoption by Alleged Natural Father".
- (12) "AD 42 I" (7/95) means the form entitled, "Independent Adoption Program - Individual Case Report."
- (13) "AD 42 ICA" (7/95) means the form entitled, "Intercountry Adoption Program - Individual Case Report."
- (14) "AD 42R" (7/95) means the form entitled, "Relinquishment Adoption Program - Individual Case Report."
- (15) "AD 67" (6/95) means the form entitled, "Information About the Birth Mother."
- (16) "AD 67A" (6/95) means the form entitled, "Information About the Birth Father."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (17) "AD 90" (1/94) means the form entitled, "Supporting Information for Issuance of Department of Social Services Acknowledgment."
- (18) "AD 100" (12/93) means the form entitled, "Authorization for Release of Information."
- (19) "AD 165" (1/95) means the form entitled, "Consent to Adoption by Parent in California When Legal Father Denies He is the Natural Father."
- (20) "AD 166" (1/95) means the form entitled, "Consent to Adoption by Father Outside California."
- (21) "AD 501 ENG/SP" (12/91) means the form entitled, "Relinquishment (Birth Mother and/or Presumed Father)."
- (22) "AD 501A ENG/SP" (12/91) means the form entitled, "Relinquishment (Out of State)."
- (23) "AD 503 ENG/SP" (12/91) means the form entitled, "Relinquishment - Out of County (Birth Mother and/or Presumed Father)."
- (24) "AD 504" (12/91) means the form entitled, "Relinquishment - Out of State - in-Armed Forces."
- (25) "AD 508" (3/82) means the form entitled, "Rescission Request/Rescission of Relinquishment."
- (26) "AD 512" (7/98) means the form entitled, "Psychosocial and Medical History of Child."
- (27) "AD 551A" (3/94) means the form entitled, "Notification of Procedure in Lieu of Signing Relinquishment Waiver or Denial."
- (28) "AD 558" (8/97) means the form entitled, "Notice of Placement."
- (29) "AD 580" (6/97) means the form entitled, "Notice of Removal of Child from Adoptive Home."
- (30) "AD 583 ENG/SP" (6/95) means the form entitled, "Relinquishment - Out of County (Presumed Father Denies He is the Birth Father)."
- (31) "AD 584 ENG/SP" (8/95) means the form entitled, "Relinquishment - Out of State (Presumed Father Denies He is the Birth Father)."
- (32) "AD 585 ENG/SP" (8/95) means the form entitled, "Relinquishment (Presumed Father Denies He is the Birth Father)."
- (33) "AD 586 ENG/SP" (6/97) means the form entitled, "Relinquishment - In or Out of County (Alleged Natural Father in California)."
- (34) "AD 588 ENG/SP" (6/98) means the form entitled, "Denial of Paternity by Alleged Natural Father - In or Out of California."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (35) "AD 590 ENG/SP" (6/98) means the form entitled, "Waiver of Right to Further Notice of Adoption Planning (Alleged Natural Father In or Out of California)."
- (36) "AD 591 ENG/SP" (12/91) means the form entitled, "Relinquishment (Alleged Natural Father) Out of State or Country."
- (37) "AD 593" (12/91) means the form entitled, "Relinquishment (Alleged Natural Father) Outside of California in Armed Forces."
- (38) "AD 594" (1/95) means the form entitled, "Consent to Adoption by Alleged Natural Father."
- (39) "AD 824" (5/97) means the form entitled, "Consent and Joinder" for agency adoptions.
- (40) "AD 830" (9/97) means the form entitled, "Summary Claim for Reimbursement Private Adoption Agency Reimbursement Program."
- (41) "AD 831" (7/87) means the form entitled, "Private Adoption Agency Cost Justification for Adoptive Placement."
- (42) "AD 842" (1/95) means the form entitled, "Consent to Adoptive Placement by Alleged Natural Father (Outside California in Armed Forces)."
- (43) "AD 859" (1/95) means the form entitled, "Consent to Adoption of Indian Child by Parent(s) in or out of California."
- (44) "AD 860" (1/95) means the form entitled, "Consent to Adoption of Indian Child by Presumed Father in or out of California."
- (45) "AD 861" (6/95) means the form entitled, "Consent to Adoption of Indian Child by Alleged Natural Father (In or Outside of California)."
- (46) "AD 862" (12/91) means the form entitled, "Relinquishment of Indian Child by Alleged Natural Father - Out of State or Country."
- (47) "AD 863" (12/91) means the form entitled, "Relinquishment of Indian Child - Out of State."
- (48) "AD 864" (1/92) means the form entitled, "Relinquishment of Indian Child (Birth Mother and/or Presumed Father)."
- (49) "AD 865" (1/92) means the form entitled, "Relinquishment of Indian Child (Birth Mother and/or Presumed Father) Out of County."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (50) "AD 866" (8/95) means the form entitled, "Relinquishment of Indian Child (Presumed Father Denies He is the Birth Father)."
- (51) "AD 867" (6/95) means the form entitled, "Relinquishment of Indian Child (Presumed Father Denies He is the Birth Father) Out of State."
- (52) "AD 868" (1/92) means the form entitled, "Relinquishment of Indian Child (Alleged Natural Father in California) In/Out of County."
- (53) "AD 873" (7/95) means the form entitled, "Relinquishment of Indian Child (Presumed Father Denies He is Birth Father) Out of County."
- (54) "AD 880" (7/98) means the form entitled, "Declaration of Mother."
- (55) "AD 885" (7/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Mother or a Presumed Father of the Child Who Is Not Detained, Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (56) "AD 885A" (9/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Mother or a Presumed Father of a Child Who Is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (57) "AD 885C" (7/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Mother or a Presumed Father of the Child Who Is Not Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (58) "AD 885D" (7/98) means the form entitled, "Statement of Understanding - Agency Adoptions Program (Alleged Natural Father of the Child Who is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (59) "AD 887" (3/97) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Parent Who Gave Physical Custody of the Child to the Adoptive Parents)."
- (60) "AD 887A" (3/97) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Parent Who Did Not Give Physical Custody of the Child to the Adoptive Parents)."
- (61) "AD 887B" (3/97) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Alleged Natural Father)."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (62) "AD 899" (7/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Mother or a Presumed Father of the Indian Child Who Is Not Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a legal Guardian)."
- (63) "AD 899A" (7/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Mother or a Presumed Father of the Indian Child Who Is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (64) "AD 899C" (7/98) means the form entitled, "Statement of Understanding -Agency Adoptions Program (Alleged Natural Father of the Indian Child Who is Not Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (65) "AD 899D" (7/98) means the form entitled, "Statement of Understanding - Agency Adoptions Program (Alleged Natural Father of the Indian Child Who Is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian)."
- (66) "AD 900" (1/95) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Parent Who Gave Physical Custody of the Indian Child to the Adoptive Parents)."
- (67) "AD 900A" (1/95) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Parent Who Did Not Give Physical Custody of the Indian Child to the Adoptive Parents)."
- (68) "AD 900B" (1/95) means the form entitled, "Statement of Understanding -Independent Adoptions Program (Alleged Natural Father of Indian Child)."
- (69) "AD 904" (2/94) means the form entitled, "Consent for Contact."
- (70) "AD 904A" (1/94) means the form entitled, "Waiver of Rights to Confidentiality of Adoption Records for Siblings."
- (71) "AD 907" (5/94) means the form entitled, "Adoptive Placement Agreement."
- (72) "AD 908 Eng/Sp" (1/98) means the form entitled, "Adoptions Information Act Statement."
- (73) "AD 909" (8/88) means the form entitled, "Photolisting Data Sheet."
- (74) "AD 920 ENG/SP" (2/93) means the form entitled, "Relinquishment - In or Out of County (Alleged Natural Father in California) - Parent Identifying Adopting Parent(s)."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (75) "AD 921 ENG/SP" (1/93) means the form entitled, "Relinquishment (Birth Mother and/or Presumed Father) - Parent Identifying Adopting Parent(s)."
- (76) "AD 922 ENG/SP" (3/97) means the form entitled, "Relinquishment Addendum for Parent Identifying Adopting Parent(s)."
- (77) "AD 924" (3/95) means the form entitled, "Independent Adoption Placement Agreement."
- (78) "AD 925" (1/95) means the form entitled, "Independent Adoption Placement Agreement - Indian Child."
- (79) "AD 926" (3/97) means the form entitled, "Statement of Understanding -Independent Adoption Program (Parent Who Signs Independent Adoption Placement Agreement)."
- (80) "AD 927" (1/95) means the form entitled, "Statement of Understanding -Independent Adoption Program (Parent of Indian Child Who Signs Independent Adoption Placement Agreement)."
- (81) "AD 928" (3/97) means the form entitled, "Revocation of Consent -Independent Adoption Program."
- (82) "AD 929" (5/97) means the form entitled, "Waiver of Right to Revoke Consent - Independent Adoption Program."
- (83) "AD 930" (1/95) means the form entitled, "Independent Adoption Placement Agreement Transmittal."
- (84) "AD 4310" (1/93) means the form entitled, "Adoption Programs Notice Required by Information Practices Act."
- (85) "AD 4311" (1/98) means the form entitled, "Information on American Indian Child (Adoption Program)."
- (86) "AD 4317" (3/82) means the form entitled, "Revocation of Relinquishment."
- (87) "AD 4320" (11/11) means the form entitled, "Adoption Assistance Program Agreement."
- (88) "AD 4333" (6/96) means the form entitled, "Acknowledgement and Confirmation of Receipt of Relinquishment Documents."
- (89) "AD 4336" (4/97) means the form entitled, "Consent to Adoption by Presumed Father in Armed Forces - Outside of California, Denies He is Natural Father."

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AD, AAP, and ICPC forms are available through the Department's website at:

[www.cdss.ca.gov](http://www.cdss.ca.gov)

For translated forms that are not listed on the Department's website contact the Child Youth and Permanency Branch Forms Coordinator for Agency Adoption forms at (916) 657-1858. Email address: Concurrent Planning Policy [Unit@dss.ca.gov](mailto:Unit@dss.ca.gov). For Independent Adoption forms contact the Children's Services Operations and Evaluation Branch Forms Coordinators at (916) 651-8089.

**HANDBOOK ENDS HERE**

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- (b) (1) "BID 7-A" (5/90) means the fingerprint card.
- (c) Reserved
- (d) (1) "DHS 6155" (10/90) means the form entitled "Health Insurance Questionnaire."
- (e) Reserved
- (f) (1) Reserved
- (2) Reserved

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (3) "FC 3" (2/92) means the form entitled, "Determination of Federal AFDC-FC Eligibility."
- (4) Reserved
- (5) Reserved
- (6) Reserved
- (7) Reserved
- (8) "FC 8" (7/11) means the form entitled, "Federal Eligibility Certification for Adoption Assistance Program."
- (9) Reserved
- (10) "FC 10" (8/09) means the form entitled, "Income and Property Checklist for Federal Eligibility Determination - Adoption Assistance Program."
  
- (g) Reserved
- (h) Reserved
- (i)
  - (1) "ICPC 100A" (10/91) means the form entitled, "Interstate Compact Application Request to Place Child."
  - (2) "ICPC 100B" (7/92) means the form entitled, "Interstate Compact Report on Child's Placement Status."
  - (3) "I-600" (5/83) means the form entitled, "Petition to Classify Orphan as an Immediate Relative."

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For the I-600 form, contact the Department of Immigration and Naturalization Service.

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- (j) Judicial Council Forms to Finalize Adoptions
  - (1) "Adopt-200" (1/99) means the form entitled, "Petition for Adoption."
  - (2) "Adopt-210" (1/99) means the form entitled, "Petitioner Consent and Agreement to Adoption."

<b>35001</b>	<b>DEFINITIONS - FORMS (Continued)</b>	<b>35001</b>
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- (3) "Adopt-215" (1/99) means the form entitled, "Order of Adoption."
- (4) "Adopt-220" (1/99) means the form entitled, "Attachment to Petition for Adoption - Adoption of an Indian Child."
- (5) "Adopt-230" (1/99) means the form entitled, "Accounting Report - Adoptions."
- (6) "Adopt-310" (1/99) means the form entitled, "Kinship Adoption Agreement."
- (7) "JV-505" (1/99) means the form entitled, "Statement Regarding Paternity" (Juvenile Dependency).

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**HANDBOOK BEGINS HERE**

For the Judicial Council of California Approved Forms, contact the Superior Court Clerk's Office in the appropriate county.

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**HANDBOOK ENDS HERE**

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- (k) Reserved
- (l) Reserved
- (m) Reserved
- (n) Reserved
- (o) Reserved
- (p) Reserved
- (q) Reserved
- (r) Reserved
- (s) Reserved
- (t) Reserved
- (u) Reserved
- (v) (1) "VS 44" (1/91) means the form entitled, "Court Report of Adoption."

**HANDBOOK BEGINS HERE**

DHS 6155 and VS 44 forms are available through Department of Health Services at the following address:

Office of Vital Records  
304 S Street  
Sacramento, CA 95814

Telephone Nubmer is (916) 324-6001

Orders may also be sent by FAX to (916) 227-8417.

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- (w) Reserved
  
- (x) Reserved
  
- (y) Reserved
  
- (z) Reserved

NOTE: Authority cited: Sections 10553, 10554, 16118, and 16120 Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 16105, 16118, and 16120.05, Welfare and Institutions Code; Sections 8500 et seq., 8600 et seq., 8700 et seq., 8800 et seq., 8900 et seq., 9100 et seq., and 9200 et seq., Family Code.

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**SUBCHAPTER 2 GENERAL REQUIREMENTS****Article 1. Correction, Alteration, Translation****35002 INITIALING THE RELINQUISHMENT OR CONSENT FORM 35002**

- (a) The relinquishment or consent form shall not be corrected or altered unless the correction or alteration is initialed by:
- (1) The parent who signed the form.
  - (2) The reader or translator, if one was used.
  - (3) The authorized representative of the agency.
  - (4) The witnesses to the relinquishment.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621 Family Code. Reference: Sections 8700 and 8806, Family Code.

**35003 RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO CANNOT READ ENGLISH OR CANNOT READ ANY LANGUAGE 35003**

- (a) If the parent signing the relinquishment, consent, or statement of understanding form cannot read English but does read his or her native language, the agency or adoption service provider shall:
- (1) Provide all relinquishment, consent, or statement of understanding forms written in the parent's native language.
    - (A) The agency or adoption service provider shall contact the department's Adoptions Branch Forms Coordinator to obtain a copy of the appropriate forms translated into the parent's native language.

<b>35003</b>	<b>RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO CANNOT READ ENGLISH OR CANNOT READ ANY LANGUAGE</b> (Continued)	<b>35003</b>
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1. If a relinquishment, consent, or statement of understanding form is not available in the parent's native language, the department's Adoption Branch Forms Coordinator will arrange for the translation of the forms into the parent's native language.
  
- (B) The parent who signs the relinquishment or consent and statement of understanding in his or her native language is not required to sign the English version of these forms.

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**HANDBOOK ENDS HERE**

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- (2) Provide for the written translation of the forms into the parent's native language when such forms cannot be obtained from the department within a reasonable time.
  - (A) The agency or adoption service provider shall permit the parent to provide the translator.
    1. The agency or adoption service provider shall inform the parent that forms shall be translated by a certified translator who shall:
      - a. Attach the English version of the form to the translated form, and
      - b. Include a signed statement attesting to the accuracy of the translation.
    2. The agency or the adoption service provider shall submit the translated forms to the department's Adoption Branch Forms Coordinator to determine the accuracy of the translation before using the forms.
  - (B) If the parent cannot provide a translator, the agency shall provide a translator.
    1. An employee of the agency may translate the forms in writing if he or she:
      - a. Is a certified translator.
        - (i) The translator shall attach the English version of the form to the translated form, and

<b>35003</b>	<b>RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO CANNOT READ ENGLISH OR CANNOT READ ANY LANGUAGE</b>	<b>35003</b>
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(Continued)

- (ii) Include a signed statement attesting to the accuracy of the translation.
  - b. Is not responsible for the provision of any adoption services to the relinquishing or consenting parent or the prospective adoptive parents.
  - 2. The agency shall submit the translated forms to the department's Adoption Branch Forms Coordinator to determine the accuracy of the translation before using the forms.
- (b) If the parent signing the relinquishment, consent, or statement of understanding form cannot read any language, the agency or adoption service provider shall:
- (1) Provide for the reading of all forms to the parent in a language understood by the parent.
    - (A) If the parent does not understand English, the forms shall be translated into the parent's native language before the reading.

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**HANDBOOK BEGINS HERE**

- 1. Refer to Sections 35003(a)(1) and (2) for the process to obtain a written translation of the forms before the parent signs the forms.

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- (2) Permit the parent to provide the reader.
- (3) Provide the reader if the parent cannot provide the reader.
  - (A) If the reader is an employee of the agency, he or she shall not be responsible for providing adoption services to the relinquishing or consenting parent or the prospective adoptive parents.
- (4) Record on audio or video tape the reading of the forms to the parent.
- (5) Obtain a statement, signed by the reader, attesting that the forms were accurately read.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8700 and 8806, Family Code.

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<b>35005</b>	<b>ADOPTIONS PROGRAM REGULATIONS GENERAL REQUIREMENTS</b>	<b>Regulations</b>
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<b>35005</b>	<b>RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO CANNOT READ</b>	<b>35005</b>
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Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

<b>35007</b>	<b>RECORDING OF READING OF FORMS</b>	<b>35007</b>
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Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

**SUBCHAPTER 2 GENERAL REQUIREMENTS**

**Article 2 Recruitment-Agency Adoptions**

**35009 DISSEMINATION OF INFORMATION REGARDING AAP ELIGIBLE CHILDREN, AAP, AND REIMBURSEMENT OF NONRECURRING ADOPTION EXPENSES 35009**

- (a) The agency shall inform the public regarding:
- (1) The need for adoptive parents for AAP-eligible children.
  - (2) AAP.
  - (3) Reimbursement for nonrecurring adoption expenses.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 8708, 8709, 8710, and 8711 Family Code; Sections 16115.5, 16119 and 16120, Welfare and Institutions Code; and 45 CFR 1356.40 and 45 CFR 1356.41(e)(1).

**35011 RECRUITMENT OF ADOPTIVE APPLICANTS 35011**

- (a) The agency shall recruit applicants who will meet the needs of children whom the agency is placing for adoption.
- (1) In recruiting applicants, the agency shall follow the requirements of Family Code Sections 8708, 8709, 8710, and 8711.
  - (2) The agency shall inform the unmarried applicant that the ability to adopt is not limited by the applicant's marital status.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; Sections 8621 and 8711.5, Family Code; and Section 1530, Health and Safety Code. Reference: Sections 8708, 8709, 8710, and 8711, Family Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1355.40.

<b>35013</b>	<b>PROVISION OF INFORMATION REGARDING THE ADOPTION OF AN AAP-ELIGIBLE CHILD</b>	<b>35013</b>
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- (a) The agency shall inform applicants regarding the availability of:
- (1) AAP-eligible children in need of adoptive parents;
  - (2) Supportive services to assist the adoptive parent in meeting the AAP-eligible child's needs;
  - (3) AAP payments for AAP-eligible children;
    - (A) The agency shall inform the applicant for the adoption of the AAP-eligible child that the ability to adopt is not limited by the applicant's income or lack of income and that there is no test of the applicant's financial means as a prerequisite for adoption.
    - (B) The agency shall inform the applicant for the adoption of the AAP-eligible child that availability of AAP support for group home care and residential treatment is limited.
    - (C) The agency shall inform the applicant for adoption of an AAP-eligible child of the provisions of Welfare and Institutions Code Section 16120(h).
  - (4) Medi-Cal for AAP-eligible children; and
  - (5) Reimbursement for nonrecurring adoption expenses incurred in the adoption of an AAP-eligible child.
    - (A) The agency shall inform the applicant for the adoption of an AAP-eligible child that the ability to receive this reimbursement is not limited by the applicant's income and that there is no test of the applicant's financial means as a prerequisite for this reimbursement.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 16115.5, 16119, 16120, and 16120.1, Welfare and Institutions Code; 45 CFR 1356.40; and 45 CFR 1356.41(e)(1).

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**SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**

**Article 1 Administration of Public and Private Agencies**

**35037      FEES      35037**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Section 89137(b) and Family Code Sections 8716, 8810, 8907, and 9203(g).
- (b) Adoption agencies shall collect fees for criminal record clearances pursuant to Family Code Sections 8712(c), 8811(c) and 8908(c).
  - (4) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8901, and 9203(g), Family Code. Reference: Sections 8712(c), 8716, 8810, 8811(c), 8907, 8908(c), and 9203(g), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

**35039      MANUAL      35039**

- (a) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 2, Chapter 3 to all agency employees who provide adoption services.
- (b) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 6, to all agency employees who provide adoption services.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

<b>35041</b>	<b>REPORTING REQUIREMENTS</b>	<b>35041</b>
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- (a) Agencies shall submit the following reports to the department, including but not limited to:
- (1) Reports required for the implementation of the ICWA.
  - (2) Reports required for the implementation of Public Law 96-272 (Title 42, United States Code, Sections 673 and 675), including reports necessary to meet Title IV-B planning requirements.
  - (3) Reports required for the determination of allocations to public adoption agencies.
  - (4) Reports required for the department's evaluation of the efficiency of agencies in placing children for adoption.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Section 10852, Welfare and Institutions Code and 25 USC 1915(e).

<b>35043</b>	<b>MATERNITY CARE</b>	<b>35043</b>
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- (a) If the licensed public adoption agency uses its adoption program allocation to assist the birth mother with the cost of private medical and/or hospital care the following conditions shall be met:
- (1) The birth mother is financially unable to pay for private medical and/or hospital care.
  - (2) The birth mother is not eligible for Medi-Cal.
  - (3) The use of other public medical resources is not indicated.
- (b) The licensed public adoption agency shall utilize adoption program funds only when no other resource is available.
- (c) The licensed public adoption agency shall determine that the mother is considering adoption at the time of approval for maternity care.

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**HANDBOOK BEGINS HERE**

- (1) For purposes of receiving maternity care, the mother may be married or unmarried.

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**HANDBOOK ENDS HERE**

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

**SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**

**Article 1.1 Unavailability of Verifying Documents**

**35044      PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS      35044**

- (a) When a verifying official document is unavailable, the agency shall request the individual who would have submitted the official document to attempt to obtain a letter from the appropriate United States or foreign official stating that the document is not available and the reason it is not available.

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- (1) Official documents may include, but are not limited, to:
  - (A) Birth Certificate.
  - (B) Marriage Certificate.
  - (C) Divorce Decree.
  - (D) Death Certificate.
- (2) Verification may not be possible due to war, political unrest, fire, or flood in either the United States or a foreign country.
- (3) Appropriate official may include, but is not limited to, recorder, court clerk, coroner, mayor, or local clergy.

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**HANDBOOK ENDS HERE**

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- (b) If a letter from the appropriate official is not received within 60 days of the individual's request, the agency shall request the individual's signed and notarized declaration specifying the:
- (1) Type of document not available.
  - (2) Factual information contained on the document.
  - (3) Measures taken to obtain a copy of the document and to obtain a letter from the appropriate United States or foreign official.

<b>35044</b>	<b>PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS</b>	<b>35044</b>
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(Continued)

- (4) Certification that includes the following statement:
  - (A) "I certify under penalty of perjury that the above stated information is a true and accurate accounting."
- (c) The agency shall include in the adoption case record:
  - (1) Information about the unavailable official document.
  - (2) The letter and declaration required by subsections (a) and (b) above, as appropriate.
- (d) The agency shall include in the court report:
  - (1) Information about the unavailable official document.
  - (2) An explanation regarding the unavailability of the letter from the appropriate United States or foreign official.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8700, 8715, 8806, 8807, 8808, 8814, 8819, and 8914, Family Code.

**SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**

**Article 2 Content of Case Record**

**35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT OF CASE RECORD 35045**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Sections 89179 and 89182.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 1530, Health and Safety Code; Section 1798, Civil Code; and Sections 89179 and 89182, Title 22, California Code of Regulations.

**35047 ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS 35047**

- (a) In addition to the requirements of Title 22, California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following, as appropriate:
- (1) All documentation pertaining to freeing the child for adoption as required by Subchapter 2, Article 5.
  - (2) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1.
  - (3) All documentation pertaining to the unavailability of verifying documents as required by Section 35044.
  - (4) Copies of the written assessment of the child as required by Subchapter 5, Article 4 and the written assessment of the applicant as required by Subchapter 5, Article 6.
  - (5) A copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement.
  - (6) A copy of the written notice to all parties to a grievance review hearing.

**35047 ADDITIONAL REQUIREMENTS FOR ADOPTION CASE RECORDS 35047**  
(Continued)

- (7) A copy of the agency director's decision regarding the grievance review hearing as required by Section 35239(a)(1).
- (8) Copies of all requests for disclosure of information from the adoption case record.
- (9) All documentation of eligibility for the Adoption Assistance Program (AAP) as required by Subchapter 7, Article 2.
- (10) A copy of the signed AD 4320.
- (11) Copies of the following documentation supporting the issuance of the AD 4333:
  - (A) Form AD 90.
  - (B) Form AD 551A.
  - (C) All forms signed by the relinquishing parent which pertain to the relinquishment of the child for adoption including Statements of Understanding.
  - (D) Form AD 588.
  - (E) Form AD 590.
  - (F) Form AD 558.
  - (G) Documentation of action taken in another state to free the child.
  - (H) Form AD 4333.
  - (I) Form AD 4311 and copies of any responses from Bureau of Indian Affairs (BIA) or the child's tribe.
  - (J) Forms AD 165 and 166.
  - (K) Form ICPC 100A, if applicable.
  - (L) Form ICPC 100B, if applicable.

<b>35047</b>	<b>ADDITIONAL REQUIREMENTS FOR ADOPTION CASE RECORDS</b>	<b>35047</b>
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(Continued)

- (12) Copies of requests for medical background information under Family Code Sections 8706, 8817, or 8909.
- (13) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement under Family Code Sections 8706, 8817, 8909, and 9202.
- (14) Copies of requests for identifying information under Family Code Section 9203.
- (15) Copies of identifying information provided under Family Code Section 9203.
- (16) Copies of waivers of the right to confidentiality of adoption case records under Family Code Section 9204.

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**HANDBOOK BEGINS HERE**

- (A) This form is the AD 904.

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**HANDBOOK ENDS HERE**

- (17) Copies of the birth parent's authorizations for the release of medical background information as required by Section 35023(a).
- (18) Documentation of any attempt to place the child in accordance with the ICWA.
- (19) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside.
- (20) A copy of the Interstate Compact on the Placement of Children (ICPC) acknowledgment/waiver.
- (21) A copy of the receipt signed by the prospective adoptive parent acknowledging receipt of initial and updated medical background information on the child and birth parents.

<b>35047</b>	<b>ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS</b>	<b>35047</b>
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(Continued)

- (22) Copies of letters of reference regarding the suitability of applicants to be adoptive parents.
  - (A) Documentation of face-to-face interviews with references.
- (23) The fingerprint card(s) (BID-7) returned from the Department of Justice (DOJ), full state criminal record, if any, and the FBI criminal record, if any.
- (24) Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code Section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8612, Family Code. Reference: Sections 1501, 1502, 1503, and 1508, Health and Safety Code; Sections 89179 and 89182, Title 22, California Code of Regulations; and Sections 8706, 8710, 8712, 8811, 8817, 8908, 8909, 9202, 9203, and 9204, Family Code.

**SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS****Article 3. Procedures for Post-Adoption Services****35049 RELEASING INFORMATION FROM AN ADOPTION CASE RECORD 35049**

- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

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- (b) An adoption case record is confidential.

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- (1) An adoption case record is established when:

- (A) An agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a court orders termination of parental rights and refers the child for adoption planning.
- (B) An agency accepts the completed and signed adoption application from a prospective adoptive parent or parents.
1. A previously approved assessment of the applicant conducted by a licensed California adoption agency constitutes an adoption case record, even if the prospective adoptive parent has not formally applied to adopt a specific child.
- (C) An agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.

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**HANDBOOK ENDS HERE**

- (c) Information shall be released from an adoption case record as follows:

- (1) To the individual to whom the information pertains pursuant to Civil Code Section 1798.24(a);

<b>35049</b>	<b>RELEASING INFORMATION FROM AN ADOPTION CASE RECORD</b>	<b>35049</b>
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(Continued)

- (B) Upon written request, the agency shall provide the requestor copies of material he or she submitted to the agency or documents he or she signed during the adoption proceedings.

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**HANDBOOK BEGINS HERE**

1. These documents include the signed relinquishment or consent forms, signed statement of understanding, and signed adoption placement agreement.

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**HANDBOOK ENDS HERE**

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- (C) No agency shall include or disclose the identity of the adoptee's birth parent or birth parents in information provided under Civil Code Section 1798.24(a).
- (2) To an adopted person pursuant to Civil Code Section 1798.24(q).
- (3) The child or grandchild of an adopted person pursuant to Civil Code Section 1798.24(r).
- (4) To the juvenile court for the purpose of completing a preliminary assessment of the child's adoptability pursuant to Welfare and Institutions Code Section 366.21(i)(4) of the Welfare and Institutions Code Section 366.22(b)(4).
- (d) If adoption records are subpoenaed, the agency should refer the matter to its legal counsel.

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**HANDBOOK BEGINS HERE**

- (1) The superior court may order the release of certain identifying information from the court's adoption file to the parties of the adoption proceedings pursuant to Family Code Section 9200, or from the adoption case record pursuant to Health and Safety Code Section 102705.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1798.24, Civil Code, Section 8621, Family Code; Sections 10553, 10554, and 10850(d), Welfare and Institutions Code. Reference: Section 10850(d), Welfare and Institutions Code; Section 9204, Family Code; Sections 1798.24(a), (q) and (r), Civil Code; and 25 USC 1901, et seq.; Sections 102625 and 102705, Health and Safety Code.

<b>35050</b>	<b>PROVIDING A MEDICAL REPORT</b>	<b>35050</b>
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- (a) The agency shall provide the adoptive parents copies of information received by the agency pursuant to Family Code Section 8702 or 8818 after finalization of the adoption.
  - (3) The agency shall transmit the information to the adoptive parents upon its receipt.
    - (A) The agency shall delete the names and addresses of all individuals, including the adoptee and the source, prior to releasing the information.
    - (B) The agency shall strive for full disclosure of all medical and family background information received from the birth parents.
    - (C) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the information received from the birth parents. Emphasis shall be placed on citing verbatim from any reports and evaluations received.
    - (D) The agency shall advise the adoptive parents that, upon receipt of the information, the adoptive parents should consult their physician or mental health professional for further evaluation or interpretation, particularly if the information contains material sensitive in subject matter.
      - 1. The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
      - 2. The agency shall retain a copy of the information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702 and 8818, Family Code.

**35051 PROVIDING A MEDICAL REPORT UPON REQUEST****35051**

- (a) The agency shall provide a photocopy of the adoptee's medical report required by Family Code Section 9202 and all documents related to the medical report upon the written request of an adoptee who has attained the age of 18, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or an adoptive parent of an adoptee under the age of 18.
- (2) The agency shall delete from the medical report and photocopies of the relevant documents the names and addresses of all individuals, including the adoptee and the source, prior to releasing photocopies of the report, unless the person requesting the report has previously received the information pursuant to Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- (A) The definition of "medical report" is located at Section 35000(m)(2).

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- (3) The agency shall strive for full disclosure of all medical and family background information about the adoptee and his or her birth parents.
- (4) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the original source reports. Emphasis shall be placed on citing verbatim from any reports and evaluations contained in the adoption case record.
- (5) The agency shall advise the requester that, upon receipt of the medical report, the requester should consult his or her physician or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.
- (6) Attachments of original source reports may not be appropriate under certain, limited circumstances. When the identity of other persons, such as former caretakers and other children in the foster home, would be revealed or when the information is not directly related to the adoptee's current or future well-being, only summaries of original source reports shall be released to the requester.
- (b) Subject to the conditions described in Sections 35051(a)(2) through (6), upon receipt, the agency shall transmit to the adult adoptee, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or the adoptive parent of an adoptee under the age of 18 medical information submitted by a birth parent after the release of the medical report pursuant to Section 35051(a).
- (1) The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
- (2) The agency shall retain a copy of the medical information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 9202(a), Family Code. Reference: Sections 9202 and 9203, Family Code; and 25 U.S.C. 1901, et seq.

<b>35053</b>	<b>DISCLOSING INFORMATION TO THE ADOPTEE</b>	<b>35053</b>
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- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

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- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

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**HANDBOOK ENDS HERE**

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- (b) The agency shall disclose to the adoptee upon his or her request the name and most current address of a birth parent of an adoptee whose relinquishment for or consent to adoption was signed on or after January 1, 1984, in accordance with the provisions of Family Code Section 9203.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Sections 8621 and 9203, Family Code. Reference: Section 9203, Family Code; and 25 USC 1901 et seq.

<b>35055</b>	<b>DISCLOSING INFORMATION TO THE BIRTH PARENT</b>	<b>35055</b>
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- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

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- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

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- (b) The agency shall disclose to a birth parent upon his or her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with Family Code Section 9203.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9203, Family Code; and 25 U.S.C. 1901 et seq.

**35057** **DISCLOSING IDENTIFYING INFORMATION TO THE ADOPTEE** **35057**

- (a) The agency shall disclose the identity of a birth parent and his or her most current address upon the request of an adoptive parent of an adoptee under the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, upon finding by the department or agency that a medical necessity or other extraordinary circumstance justifies the disclosure, if the birth parent has given written permission for such disclosure in accordance with Family Code Sections 8702, 8818, and 9203.
- (1) The agency shall not disclose the identity of a birth parent who has indicated that he or she does not wish his or her identity so disclosed.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702, 8818, and 9203, Family Code.

**35059** **STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION** **35059**  
**AND ACCESS TO CASE RECORDS**

- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

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**HANDBOOK ENDS HERE**

- (b) The agency shall comply with Family Code Section 9201 and Welfare and Institutions Code Section 10852.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10852, Welfare and Institutions Code; Section 9201, Family Code; and 25 U.S.C. 1901 et seq.

**35061** **STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL** **35061**  
**PROPERTY**

- (a) The agency shall comply with the provisions of Family Code Section 9206:

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9206, Family Code.

**35063 DISCLOSURE OF INFORMATION TO A SIBLING****35063**

- (a) The agency shall release to each sibling who has attained the age of 21 the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Family Code Section 9205.
- (3) Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their biological sibling relationship.
- (A) Verification of the sibling relationship shall include, but not be limited to:
1. Documentation in the agency or another adoption agency's case record;
  2. Documentation in the case record of a county welfare department; or,
  3. Birth certificate of the sibling.
- (4) Before disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee, the agency shall obtain the consent of the adoptee's birth parents and sibling in any case in which the sibling remained in the custody and control of the birth parents until the age of 18 years.
- (A) In those instances in which the sibling and adoptee have only one birth parent in common, only that birth parent's consent is necessary.
- (B) If the sibling remained in the custody and control of only one birth parent until age 18, only that birth parent's consent is necessary.
- (C) The agency shall require of the sibling and birth parent(s) documentation necessary to establish the parent-child relationship before the name and address will be made available for release.
- (D) If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent be waived.
1. A copy of the death certificate, newspaper clipping, or other evidence of a funeral or memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.

**35063****DISCLOSURE OF INFORMATION TO A SIBLING****35063**

(Continued)

- (E) In cases in which the sibling did not remain in the custody and control of his or her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling.
1. Prior to acceptance of such an affidavit, the agency shall inquire of the sibling the circumstances which led to the sibling's not remaining under the custody and control of the adoptee's and sibling's birth parent(s) until the sibling reached age 18. The results of the inquiry shall be documented in the case record.
  2. The affidavit shall be signed before a notary or authorized official of the agency.
- (5) All waivers referred to in this section shall be on the AD 904A.
- (A) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the AD 904A of the necessity to sign the waiver on the AD 904A.

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- (B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code Section 9205(b) as found at Section 35063(a)(1).

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 8621 and 9205(d), Family Code; and Section 1530, Health and Safety Code. Reference: Sections 9204 and 9205, Family Code.

<b>35065</b>	<b>SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF AN ADOPTION</b>	<b>35065</b>
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- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

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**HANDBOOK ENDS HERE**

- (b) Services provided to adoptees, birth parents, and adoptive parents following the finalization of an adoption shall include the following:

- (1) Information about statutory and regulatory requirements regarding the release of information from the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(r) and (s), Civil Code; Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

<b>35065.1</b>	<b>GENERAL POST-ADOPTION SERVICES PROVIDED BY AGENCIES</b>	<b>35065.1</b>
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- (a) The agency shall arrange for contact between an adult adoptee and his or her birth parent as provided in Family Code Section 9204.

- (1) The agency may release to the adult adoptee and his or her birth parent their respective last known address in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(b), Civil Code; Sections 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

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**SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**

**Article 4 Private Adoption Agency Reimbursement Program**

**35067      RESERVED      35067**

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- (a) The Private Adoption Agency Reimbursement Program (PAARP) provides funds to compensate private adoption agencies for costs of placing for adoption and for completing the adoptions of children who are eligible for Adoption Assistance Program (AAP) benefits because of age, membership in a sibling group, medical or psychological problems, adverse parental background or other circumstances that make placement especially difficult. Welfare and Institutions Code Section 16122 requires the Department to compensate private adoption agencies for otherwise unreimbursed costs up to a maximum of \$5,000.00 for services provided during the adoptive placement and subsequent adoption of these children. Private adoption agencies are authorized to claim half of the compensation when the adoptive placement agreement is signed, and the remainder when the adoption petition is granted by the court.

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**35069      ELIGIBILITY FOR REIMBURSEMENT      35069**

- (a) Agencies that choose to participate in this program shall:
- (1) Have on file with the department a Form STD 204, Vendor Data Record.
  - (2) Document that the child is an AAP-eligible child as defined in Section 35000(a)(1).
  - (3) Document that the placement meets the requirements of Section 35327.

NOTE: Authority cited: Sections 10553, 10554, 10850(d), 10852, and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 10850(d), 16120 and 16122, Welfare and Institutions Code; and Sections 1798.24(q) and (r), Civil Code; and Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code.

**35071      AGENCY OPERATING COST APPROVAL REQUIREMENTS      35071**

Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

**35073 CLAIMING PROCEDURES****35073**

- (a) Each claim for an adoptive placement of an AAP-eligible child shall consist of the following documents:
- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program"

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**HANDBOOK BEGINS HERE**

- (A) This form may list one or more placements as long as all occurred during the same fiscal year (the year in which the Adoptive Placement Agreement was signed).

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- (2) Three (3) copies of Form AD 558 (8/97) - "Notice of Placement" containing the signatures of representatives of both the child's agency and the family's agency.
  - (3) Three (3) copies of either Form FC-8 (Rev. 6/94) Federal Eligibility Certification for Adoption Assistance Program or Form AAP 4 (3/97) (Combines AAP 4 and FC 9) - "Eligibility Certification Adoption Assistance Program." The Form FC-8 must be accompanied by three (3) copies of a case narrative describing the circumstances qualifying the child for AAP eligibility.
- (b) Each claim for a completed adoption of an AAP eligible child shall consist of the following documents:
- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program."

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**HANDBOOK BEGINS HERE**

- (A) This form may list one or more completed adoptions as long as all occurred during the same fiscal year (the year in which the adoption petition was granted by the court).

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- (2) Three (3) copies of Form AAP 4 (3/97) - "Eligibility Certification Adoption Assistance Program" or three (3) copies of both the Form FC-8 (6/94) - "Federal Eligibility Certification for Adoption Assistance Program" and the case narrative describing the circumstances qualifying the child for AAP eligibility."
- (3) One (1) copy of the "Order/Decree Of Adoption."

<b>35073</b>	<b>CLAIMING PROCEDURES</b> (Continued)	<b>35073</b>
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- (4) Three (3) copies completed by both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (c) Claims for completed adoptions, for which the agency claimed and was paid half the allowable total compensation at the time of the adoptive placement, shall consist of the following documents:
  - (1) Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program" - Six (6) copies of Form AD 830, displaying in the appropriate columns the amount of PAARP compensation previously paid to the agency and the amount of the balance of the compensation, and five (5) copies of the Form AD 830 that was returned with the letter informing the agency that the claim for half compensation had been approved by the Department.
  - (2) One (1) copy of "Order/Decree of Adoption."
  - (3) Three (3) copies completed by persons in both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (d) A cooperative placement shall be regarded as a single placement.
  - (1) When two or more private agencies participate in the adoptive placement or completed adoption of an AAP-eligible child, each agency shall:
    - (A) Submit a claim for the agency's total costs for the placement or completed adoption;
    - (B) Note that the placement or completed adoption was cooperative;
    - (C) Identify the cooperating agency.
  - (2) Participating agencies shall be reimbursed in accordance with the percentage each agency contributes to the total cost of the placement or completed adoption. Processing of cooperative placement claims shall commence upon receipt of all participating agencies' claims for the placement or completed adoption.

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- (A) Example: An AAP-eligible child is placed by two private agencies. Agency A submits a claim for \$2,500 and Agency B submits a claim for \$3,000, resulting in a total cost of \$5,500 for the placement. Agency A is credited with 45% of the placement; Agency B is credited with 55%.

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<b>35073</b>	<b>CLAIMING PROCEDURES</b> (Continued)	<b>35073</b>
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- (e) When siblings are placed together, the private agency shall submit a claim pursuant to Section 35073(a) for each child.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122, Welfare and Institutions Code.

<b>35075</b>	<b>REIMBURSEMENT CEILING</b>	<b>35075</b>
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- (a) Reimbursement to a private agency shall be limited to an amount not to exceed the sum of \$3,500 for each completed adoption.
- (b) Claims shall be limited to a private agency's actual costs per placement or completed adoption, less any funds promised or received from any source.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122(b), Welfare and Institutions Code.

<b>35077</b>	<b>RECORDS RETENTION AND TIME LIMITATIONS FOR CLAIMING</b>	<b>35077</b>
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- (a) Accounting records of private agency costs and hours shall be maintained pursuant to the requirements of CDSS regulations Section 11-402.312.
- (b) All accounting records of private agency costs and hours shall be retained pursuant to the requirements of CDSS regulations Section 11-402.313.
- (c) Time Limitations for Claiming:
- (1) Claims shall be submitted pursuant to the requirements of Government Code Section 16304.1 and 45 CFR, Part 95, Subpart A.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10853, Welfare and Institutions Code; Section 16304.1, Government Code; and 45 CFR, Part 95, Subpart A.

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**SUBCHAPTER 4 PROCEDURES FOR INDEPENDENT ADOPTIONS**

**Article 1 Agency Responsibility**

**35079      INVESTIGATION OF PETITION      35079**

- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

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**HANDBOOK ENDS HERE**

- (b) In an independent adoption, the agency shall investigate the adoption after the petition has been filed and file a court report recommending whether to grant the petition to adopt in accordance with Family Code Sections 8539, 8801(b), 8806, 8807, and 8808.
- (c) In the event that two separate agencies receive copies of petitions to adopt the same child, the agencies shall:
- (1) Exchange information on the two petitions, and
  - (2) Determine which of the petitioners will best meet the needs of the child, and
  - (3) Report to the court.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 8621, Family Code. Reference: Sections 8539, 8801(b), 8806, 8807, and 8808 Family Code; and 25 USC 1901 et seq.

**35081      ASSESSMENT OF PETITIONERS      35081**

- (a) The agency shall assess the adoptive petitioners to determine their suitability as adoptive parents.
- (1) The agency shall initiate the assessment immediately upon receipt of an endorsed copy of the adoption petition.
  - (2) The assessment shall be documented in the adoption case record.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 8621, Family Code. Reference: Sections 8806, 8807, and 8808, Family Code.

**35083** **ASSESSMENT INTERVIEWS** **35083**

- (a) The agency shall conduct interviews as necessary to make the assessment.
- (1) The agency shall conduct at least one interview in the home of the petitioners as soon as possible and no later than thirty days after the receipt of an endorsed copy of the adoption petition.
  - (2) The agency shall conduct separate interviews with each petitioner, if there is more than one petitioner.
  - (3) The agency shall conduct a joint interview with the petitioners, if there is more than one petitioner.
  - (4) The agency shall conduct interviews with all other adults and have contact with all children who live in the petitioner's home.
  - (5) The agency shall make another contact with the petitioners if the court report is submitted more than three months after the last contact with the petitioners.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Section 8621, Family Code. Reference: Sections 8806, 8807, and 8808, Family Code.

**35085** **INFORMATION TO PETITIONERS** **35085**

- (a) (Reserved)
- (b) The agency shall discuss the following information with the petitioners:
- (1) Approximate time it may take to complete each stage of the adoption process.
  - (2) Statutory and regulatory requirements for adoption including confidentiality of adoption records.
  - (3) The provisions of Family Code Section 8803 and Penal Code Section 280 regarding the concealment of a child.

<b>35085</b>	<b>INFORMATION TO PETITIONERS</b> (Continued)	<b>35085</b>
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- (4) The agency shall inform the petitioners of the law's requirement to file a report with the court on all expenditures paid by them or on their behalf in connection with the birth, placement, and adoption of the child in accordance with Family Code Section 8610.
  
- (5) The agency shall inform the petitioners of the provisions of Family Code Section 8818.

NOTE: Authority Cited: Section 8621, Family Code; Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 10439, Health and Safety Code. Reference: Sections 1798.24(r) and 1798.24(s), Civil Code; Sections 8610, 8803, 8818, 9204, 9205, and 9206, Family Code; and 25 USC 1901 et seq.

<b>35087</b>	<b>DOCUMENTATION TO FACILITATE ASSESSMENT</b>	<b>35087</b>
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- (a) The agency shall obtain the following documentation for all petitioners to facilitate the assessment:
  - (1) Authorization for the release of medical and employment information on the petitioner.
  - (2) Authorization for release of financial information, if necessary.
  - (3) Report of medical examination on the petitioner.
    - (A) The medical report shall be signed by a licensed physician or a nurse practitioner practicing under a licensed physician.
    - (B) The medical examination required by this section shall have been conducted no earlier than six months prior to the filing of the petition.
    - (C) The agency shall waive the medical report when the petitioners are members of a religious sect, denomination, or organization which, in accordance with its creeds or tenets, relies on faith and prayer for healing.
  - (4) School reports for all school age children residing in the home of the petitioner.
  - (5) For each adult residing in the home of the petitioner, a certificate that the individual is free from communicable tuberculosis.





**35087 DOCUMENTATION TO FACILITATE ASSESSMENT (Continued) 35087**

- (B) The agency shall submit one set of fingerprints for each petitioner requiring an FBI criminal record clearance to the DOJ.

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**HANDBOOK BEGINS HERE**

1. This set of fingerprints is separate from the set submitted to the DOJ for the DOJ full state criminal record.
2. Refer to Section 35087(a)(7)(B) for related information.

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**HANDBOOK ENDS HERE**

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- (C) The agency shall require new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions.

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 8806, 8807, 8808, and 8811, Family Code.

**35089 OBTAINING IDENTIFYING INFORMATION AND EVALUATING PETITIONERS DURING ASSESSMENT 35089**

- (a) The assessment of the petitioner shall include:
- (1) The following identifying information on the petitioner and any children and adults residing in the home:
    - (A) Name, date of birth and sex.
    - (B) Current address and telephone number.
    - (C) Blood relationship to child, if any.
    - (D) Race and ethnic background information.
    - (E) Religion.
    - (F) Current employment information.

**35089 OBTAINING IDENTIFYING INFORMATION AND EVALUATING PETITIONERS DURING ASSESSMENT (Continued) 35089**

- (G) Verification of marital status, if relevant.
    - 1. Verification of termination of all prior marriages.
      - (i) When verification of the dissolution of any marriage of a petitioner is not possible, a marriage prior to a verified divorce decree shall be assumed to have been validly dissolved. A valid divorce presupposes that the marriage was valid.
  - (H) Personal and/or biological relationship of the petitioner to other individuals residing in the petitioners home.
- (2) Evaluation of the following for the petitioner and any children and adults residing in the home:
- (A) General characteristics.

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**HANDBOOK BEGINS HERE**

- 1. General characteristics may include:
  - (a) The manner in which the petitioner has dealt with difficult or stressful life situations.
  - (b) Relationships within the petitioner's family.
  - (c) Ability to assume responsibility for the care, guidance, and protection of a child.
  - (d) Emotional flexibility and stability.
  - (e) Self-esteem.
  - (f) Coping ability.
  - (g) The manner in which normal hazards and risks are accepted.
  - (h) Motivation for adoption.
  - (i) Ability to have a parent-child relationship and to enjoy a child.
  - (j) Flexibility regarding the petitioner's expectations of a child.

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**HANDBOOK ENDS HERE**

**35089**                      **OBTAINING IDENTIFYING INFORMATION AND EVALUATING**                      **35089**  
**PETITIONERS DURING ASSESSMENT (Continued)**

(B)      Feelings and attitudes which may impact the adoption.

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**HANDBOOK BEGINS HERE**

1.      Feelings and attitudes regarding:
  - (i)      The inability of the petitioner to conceive children when this is a factor in the adoption.
  - (ii)     Children born to unmarried birth parents.
  - (iii)    Sharing the facts surrounding the adoption with the adopted child.
  - (iv)    The possible search by birth parents for the adoptee and the possible search by the adoptee for birth parents.
  - (v)    The ability of the petitioner to accept the adoption as a life-long process.

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**HANDBOOK ENDS HERE**

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(C)      Social background.

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1.      Participation in community activities.
2.      Peer relationships.

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- (D)      Educational background.
- (E)      Financial stability.
- (F)      Work adjustment.
- (G)      Adequacy of housing.

<b>35089</b>	<b>OBTAINING IDENTIFYING INFORMATION AND EVALUATING PETITIONERS DURING ASSESSMENT (Continued)</b>	<b>35089</b>
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**HANDBOOK BEGINS HERE**

1. Evaluation of adequacy of housing may include evaluation of the following conditions:
  - (i) Sanitation.
  - (ii) Safety.
  - (iii) Sleeping accommodations.
  - (iv) Play area.

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**HANDBOOK ENDS HERE**

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(3) Evaluation of:

- (A) The full state criminal record, if any, of the petitioner and if required by Section 35087(a)(8) the FBI criminal record, if any.

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 8806, 8807, 8808, and 8811(b), Family Code; and Section 11105.2, Penal Code.

<b>35091</b>	<b>COMPLETION OF ASSESSMENT AND REPORT TO COURT</b>	<b>35091</b>
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- (a) The agency shall complete the assessment and report to the court with a recommendation within 180 days of the filing of the adoption petition unless an extension of time has been granted by the court.

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 10554, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 8807, Family Code.

**35092** **OBTAINING AND RELEASING INFORMATION ABOUT** **35092**  
**BIRTH PARENTS**

- (a) The agency shall obtain the birth mother's and the birth father's authorization for the release of medical information prior to fulfilling the requirements of Sections 35092(b)(7), (8) and (9).
- (1) If any documentation or oral report indicates that the birth parent may be of Indian ancestry, the agency shall obtain that information required by Section 35357(a).
- (2) Agencies shall use the AD 100 to obtain the birth parents' authorizations for the release of medical information pursuant to this section.
- (A) That agency shall indicate on the AD 100, in the space provided, that the prospective adoptive parents and the agency are authorized to receive the information being sought.
- (3) The AD 100 shall advise the birth parent and the source to whom the authorization is to be sent of the following:
- (A) All nonidentifying information obtained from the source will be given to the prospective adoptive parents prior to the finalization of adoption.
- (B) All nonidentifying information obtained from the source will be given to the adoptive parents of an adoptee under age 18 and to the adult adoptee, upon written request, in post-adoption services.
- (C) No identifying information about either the child or his or her birth parents shall be disclosed to the adopting parents or the adult adoptee unless permitted by law.

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**HANDBOOK BEGINS HERE**

- (4) If it is not possible to obtain the birth mother's or birth father's authorization, the agency may utilize a court order to obtain this information.

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**HANDBOOK ENDS HERE**

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- (5) If the agency receives a report or evaluation that is illegible or the photocopy is unclear, the agency shall return it to the source with a request for a clear, legible copy.





**35093      ASSESSMENT OF CHILD      35093**

- (a) The agency shall assess the child. The assessment shall be in writing and include, but not be limited to, the following information about the child:
- (1) Identification, including the child's sex, age, race, and ethnicity.
  - (2) A complete medical report as defined at Section 35000(m)(2).

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**HANDBOOK BEGINS HERE**

- (A) The agency should ensure that the report on the child's health contains sufficient information to enable the agency to complete the report required by Family Code Section 8817.
- (B) It is advisable that the agency inform the prospective adoptive parents that the child may need further psychological evaluation from a mental health professional if the child's background or health history indicates the need for such an evaluation.

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**HANDBOOK ENDS HERE**

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- (C) The agency shall use the AD 512A when releasing information about the child's medical and family background to the prospective adoptive parents.
- (D) All recommendations or comments made by the agency to the prospective adoptive parents about the child or his or her family background shall be written on the AD 512A and given to the prospective adoptive parents.

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**HANDBOOK BEGINS HERE**

- 1. For further information regarding procedures to use when releasing the AD 512A, agencies should refer to Section 35094.

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**HANDBOOK ENDS HERE**

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- (3) Religion.
- (4) Readiness for adoption and willingness to be adopted, if appropriate.
- (5) Adjustment in the home of the petitioners.
- (6) Other examinations and reports when available.

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 10554, Welfare and Institutions Code; Section 8608(a), Family Code. Reference: Sections 8806, 8807, and 8817, Family Code.

**35094** **WRITTEN REPORT ON ASSESSMENT OF CHILD TO BE** **35094**  
**PROVIDED TO PROSPECTIVE ADOPTIVE PARENTS**

- (a) Prior to finalization of the adoption, the agency shall give the prospective adoptive parents a written medical report in accordance with Family Code Section 8817(c) and the information gathered pursuant to Section 35093, "Assessment of the Child."

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**HANDBOOK BEGINS HERE**

- (1) The definition of "medical report" is located at Section 35000(m)(2).

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**HANDBOOK ENDS HERE**

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- (2) The agency shall use the AD 512A when releasing information about the child's medical and family background.
- (A) The agency shall delete all identifying information prior to releasing the report.
- (3) The agency shall disclose to the prospective adoptive parents all available medical and family background information about the child and his or her birth parents.
- (A) The agency shall photocopy, except as provided in Sections 35094(a)(4)(C), (D) and (E), all available original source reports and evaluations obtained during the adoption investigation of the child and his or her birth parents' medical and family backgrounds.
1. The photocopies shall be attached to the AD 512A.
- (B) The agency shall delete the names and addresses of all individuals, including the child and the source, contained in all reports or evaluations, prior to releasing photocopies.
- (C) The agency shall not interpret or summarize medical terminology or any health condition indicated in the original source reports, except as noted in this section. Emphasis shall be placed on citing verbatim from any report or evaluation contained in the adoption record.
1. When the identity of other persons, such as former caretakers and other children in the foster home, would be revealed or when the information is not directly related to the child's current or future well-being, only summaries of original source reports shall be included on the AD 512A.

**35094**      **WRITTEN REPORT ON ASSESSMENT OF CHILD TO BE PROVIDED TO PROSPECTIVE ADOPTIVE PARENTS**      **35094**  
(Continued)

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**HANDBOOK BEGINS HERE**

- (i) The attachment of photocopied original source reports may not be appropriate under certain, limited circumstances.

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- (D) If a birth parent has received psychiatric or psychological evaluations, the diagnosis of his or her condition shall be given verbatim.
    - 1. The agency shall not release the original report of the evaluation.
  - (E) If a birth parent has received in-patient psychiatric treatment, information concerning his or her diagnosis, response to treatment and prognosis shall be given verbatim.
    - 1. The agency shall not release the original report of the hospitalization.
  - (F) All reports that are photocopied and given to the prospective adoptive parents shall be attached and listed on the AD 512A.
- (5) The agency shall advise the prospective adoptive parents that, upon receipt of the medical report, the prospective adoptive parents should consult their physician or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.
  - (6) The agency shall document in the adoption case record and court report the name of any report, document, or information described in Section 35000(m)(2) that the agency was unable to obtain and the reason(s) that the information was not available.
  - (7) The agency shall identify on the AD 512A the name of any report, document, or information described in Section 35000(m)(2) that was not obtained and the reason(s) that the information is not included.

<b>35094</b>	<b>WRITTEN REPORT ON ASSESSMENT OF CHILD TO BE PROVIDED TO PROSPECTIVE ADOPTIVE PARENTS</b> (Continued)	<b>35094</b>
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- (8) The agency shall obtain the prospective adoptive parents' signatures in the space provided on the AD 512A acknowledging receipt.
  - (A) The agency shall make a copy of the completed AD 512A with the prospective adoptive parents' signatures for the adoption case record.
  
- (b) Prior to the finalization of the adoption, the agency shall transmit to the prospective adoptive parents any medical and family background information about the child and his or her birth parents received after the release of the medical report pursuant to Section 35094(a).
  - (1) The agency shall transmit the information upon its receipt to the prospective adoptive parents.
    - (A) The agency shall delete the names and addresses of all individuals, including the child and the source, prior to releasing the information.
    - (B) The agency shall strive for full disclosure of all medical and family background information about the child and his or her birth parents.
    - (C) The agency shall not interpret or summarize medical terminology or any health conditions indicated. Emphasis shall be placed on citing verbatim from any reports and evaluations received.
    - (D) The agency shall advise the prospective adoptive parents that, upon receipt of the information, the prospective adoptive parents should consult their physician or mental health professional for further evaluation or interpretation, particularly if the information contains material sensitive in subject matter.
      - 1. The agency shall document in the adoption case record a description of the manner in which the information was released and the date on which the information was released.
      - 2. The agency shall retain a copy of the information in the adoption case record.

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 10554, Welfare and Institutions Code; and Section 8608(a), Family Code. Reference: Section 8817(c), Family Code.

**SUBCHAPTER 4 PROCEDURES FOR INDEPENDENT ADOPTIONS****Article 2 Placement for Independent Adoption****35094.1 ADOPTION SERVICE PROVIDER REGISTRATION  
AND DUTY OF CARE****35094.1**

- (a) Prior to acting as an adoption service provider in California, the potentially qualified individual shall register with the Adoptions Branch of the department at Sacramento by providing the following evidence that he or she meets the qualifications specified in Family Code Section 8502. The registration shall be acknowledged by the department.
- (1) The individual shall provide, or cause to be provided, to the department at:
- California Department of Social Services  
Adoptions Branch  
744 P Street, M.S. 19-67  
Sacramento, California 95814
- (A) A copy of the individual's current license as a Licensed Clinical Social Worker.
- (B) An original letter or letters mailed to the department by the adoption agency or agencies with whom the individual worked attesting to the individual's experience and giving specific dates of employment.
- (2) Verification or clarification of the information provided by the individual shall be obtained by the department, if necessary, from the Board of Behavioral Science Examiners and/or the employer(s).
- (3) No individual shall be registered unless he or she possesses the required license and experience.
- (A) If an individual has been registered and the department subsequently determines that he or she in fact lacks the required license and/or experience, registration of the individual shall be terminated.
1. Prior to terminating the registration of an individual adoption service provider, the department shall mail the adoption service provider a written notice of termination and the reason(s) for the termination.





<b>35094.2</b>	<b>PRE-PLACEMENT ADVISEMENT</b> (Continued)	<b>35094.2</b>
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(A) Standard agency (relinquishment) adoption

1. The birth parent transfers his or her rights and responsibilities for the child to an adoption agency by signing a relinquishment of the child to the agency.
  - (i) The birth parent's legal rights and responsibilities for the child end when the relinquishment is filed with the department.
  - (ii) The relinquishment is filed on a date agreed to by the birth parent and the agency.
  - (iii) The birth parent may revoke the relinquishment before it is filed with the department.
  - (iv) The birth parent may not rescind the relinquishment after it is filed with the department unless the adoption agency agrees.
2. The prospective adoptive parents must be assessed and approved by the adoption agency before the child is placed for adoption with the family.
3. The adoption agency, not the birth parent, selects the adoptive parents, and the birth parent usually does not know the identity of the adoptive parents.

(B) Designated agency (relinquishment) adoption

1. These adoptions are the same as standard agency adoptions except that:
  - (i) The birth parent participates in the selection of the adoptive parents,
  - (ii) The birth parent knows the identity of the adopting parents, and
  - (iii) The birth parent also has a right to rescind his or her relinquishment and thus regain his or her parental rights and responsibilities if the child is not placed with the selected family or if the placement disrupts prior to completion of the adoption.

<b>35094.2</b>	<b>PRE-PLACEMENT ADVISEMENT</b>	<b>35094.2</b>
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(Continued)

(C) Independent adoption by relatives

1. The birth parent agrees to the prospective adopting parents' future adoption of the child by signing a consent to the adoption.
  - (i) The birth parent continues to be legally responsible for the child until the adoption is completed.
  - (ii) The consent to the adoption becomes irrevocable 90 days after it is signed unless the birth parent waives the right to revoke the consent before the 90 days expire.
  - (iii) The birth parent may revoke the consent and, if he or she has legal custody, reclaim the child at any time before the consent becomes irrevocable.
    - a. When the consent becomes irrevocable, custody of the child may be regained by the birth parent only if the potential adoptive parents agree to withdraw their petition for adoption or the court denies the petition for adoption.
  - (iv) The consent does not require the prospective adoptive parents to complete the adoption.
2. The prospective adoptive parents are assessed as to their suitability to adopt after the child has begun living with them and they have filed a petition to adopt with the court.
3. The birth parent selects the adoptive parents.
4. The child begins living with the prospective adoptive parents before parental rights have been terminated.

(D) Independent adoption by nonrelatives

1. Each placing birth parent agrees to the prospective adopting parents' future adoption of the child by signing a placement agreement, and any non-placing birth parents agree to the future adoption by signing a consent.
  - (i) The birth parent continues to be legally responsible for the child until the adoption is completed.

**35094.2 PRE-PLACEMENT ADVISEMENT 35094.2**  
(Continued)

- (ii) A placement agreement becomes an irrevocable consent to the adoption 90 days after it is signed unless the birth parent shortens this period by waiving the right to revoke the consent before the 90 days expire.
  - (iii) A consent becomes irrevocable 90 days after it is signed unless the birth parent shortens this period by waiving the right to revoke the consent before the 90 days expire.
    - a. When the placement agreement or consent becomes an irrevocable consent, custody of the child may be regained by the birth parent only if the potential adoptive parents agree to withdraw their petition for adoption or the court denies the petition for adoption.
  - (iv) The birth parent may revoke the placement agreement or consent and, if he or she has legal custody, reclaim the child at any time before the placement agreement or consent becomes an irrevocable consent.
  - (v) The placement agreement or consent does not require the prospective adoptive parents to complete the adoption.
- 2. The prospective adoptive parents are assessed as to their suitability to adopt after the child has begun living with them and they have filed a petition to adopt with the court.
  - 3. The birth parent selects the adoptive parents.
  - 4. The child usually begins living with the prospective adoptive parents when a parent with legal custody has signed an adoptive placement agreement.
- (4) The right to a minimum of three separate counseling sessions, as required by Family Code Section 8801.51.
  - (5) Other rights and responsibilities of the birth parent as outlined on the AD 926 or, if the child is subject to the Indian Child Welfare Act, the AD 927.

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**HANDBOOK BEGINS HERE**

- (A) The Statement of Understanding for the parent whose child is not subject to the Indian Child Welfare Act (ICWA) is described in Section 35095.1, and the Statement of Understanding for the parent whose child is subject to the ICWA is described in Section 35095.2.

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**HANDBOOK ENDS HERE**





**35094.3 INDEPENDENT ADOPTION PLACEMENT AGREEMENT 35094.3**

- (a) Prior to signing the AD 924 or the AD 925, the adoption service provider shall:
- (1) Obtain, document, and share with the prospective adoptive parents information from the birth parent(s) regarding the child's background, the birth parents' reasons for choosing adoption for the child, and the birth parents' attitude toward the proposed adoptive placement.
    - (A) Assist the birth parent in providing medical and family background information by helping him or her complete the AD 67 and the AD 67A forms.
    - (B) Assure that the adopting parents have received copies of the AD 67 and the AD 67A forms completed by the birth parent(s).
  - (2) Determine whether the child is an Indian child prior to witnessing the signing of a placement agreement if any documentation or oral report indicates that either birth parent may be of Indian ancestry.
    - (A) The adoption service provider shall ask the birth parent whether the birth parent or the child's other parent is of Indian ancestry.

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**HANDBOOK BEGINS HERE**

- (B) "Indian Child" is defined at Section 35000(i)(6).
- (C) The process for determining whether the child is an Indian child is found at Section 35357 et seq.

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**HANDBOOK ENDS HERE**

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- (3) Ask the birth mother to identify the child's father or possible fathers.
  - (A) As part of this inquiry, the adoption service provider shall assist the birth mother in completing the AD 880.
- (4) Determine that the birth parent has the ability to understand the nature, content, and effect of signing an adoptive placement agreement.
  - (A) If the adoption service provider's observation or knowledge of the parent's history or current condition indicates that the parent may not have the ability to understand the content, nature, and effect of signing the adoption placement agreement, the adoption service provider shall ask the potential adoptive parents to arrange for an evaluation by a licensed physician or a licensed clinical psychologist of the parent's ability to understand the nature, content, and effect of signing an adoptive placement agreement.

**35094.3 INDEPENDENT ADOPTION PLACEMENT AGREEMENT**  
(Continued)**35094.3**

1. This evaluation shall not be required if the inability is temporary resulting from factors such as stress, lack of sleep, or the use of alcohol or other mind-altering substances. However, the adoption service provider shall not sign the adoption placement agreement until the birth parent is able to understand the content, nature, and effect of the agreement.
2. The need for an evaluation is indicated under, but not limited to, the following circumstances:
  - (i) The birth parent is receiving SSI/SSP based on mental illness or developmental disability.
  - (ii) The birth parent has received psychiatric treatment and/or medication for mental illness or disease within the past two years.
    - a. Counseling related to placement of the child for adoption, the resolution of marital problems or similar decision-making shall not be considered psychiatric treatment for mental illness or disease.
3. The adoption service provider shall obtain a written authorization from the parent for release of the evaluation by the physician or clinical psychologist to the adoption service provider and the department or delegated county adoption agency.
4. The adoption service provider shall sign the placement agreement:
  - (i) Only if the evaluation establishes that the birth parent has the ability to understand the nature, content, and effect of signing a consent to adoption;
  - (ii) No later than 30 days after the evaluation is completed; and
  - (iii) In the case of a birth parent for whom the court has appointed a conservator, only if the order of conservatorship specifically allows the birth parent to consent to the adoption of his or her child.
- (5) Obtain written authorization from the birth parent for the following releases of information concerning the parent and the child:

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- (A) From the adoption service provider to the department or delegated county adoption agency.
  - (B) From the department or delegated county adoption agency to the prospective adoptive parents.
  - (C) From the child's physician(s) to the department or delegated county adoption agency if the child is not being placed at birth.
- (6) Obtain written authorization from the birth mother for the following releases of information concerning the mother and the child:
- (A) From the birth mother's physician(s) to the department or delegated county adoption agency.
  - (B) From the hospital where the birth mother delivered the child, or intends to deliver the child, to the department or delegated county adoption agency.
- (7) Determine that the birth parent is voluntarily choosing to place the child with the prospective adoptive parents for the purpose of adoption pursuant to Family Code Section 8801.
- (B) The adoption service provider shall sign the adoption placement agreement only after he or she determines that the birth parent has substantially correct knowledge of all of the elements of personal knowledge regarding the prospective adoptive parents.
- (8) Present a copy of the AD 908 to the birth parent and give him or her an opportunity to complete and sign the statement.
- (9) Obtain the birth parent's signature on the Statement of Understanding form after the birth parent has affirmed his or her understanding of the placement and consent process by reading and initialing each explanatory statement on the Statement of Understanding form in the presence of the adoption service provider.
- (A) The Statement of Understanding shall be signed on the same day, but prior to the signing of the adoption placement agreement.
- (10) Sign the Statement of Understanding form certifying that the birth parent's signature has been properly witnessed.
- (11) Obtain written verification of the provision of the advisement from the advising adoption service provider, if the adoption service provider signing the adoption placement agreement is not the adoption service provider that provided the advisement.

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- (b) After the conditions specified in Section 35094.2(a) have been met, the adoption service provider shall arrange for the signing of the adoption placement agreement as provided in Family Code Section 8801.3.
- (2) If the child is an Indian child, the placement agreement must be signed in accordance with Section 35375.
- (c) After the Independent Adoption Placement Agreement has been signed by the birth parents, the adoptive parents, and the adoption service provider, the adoption service provider shall:
- (1) Give the birth parent copies of the following signed documents:
- (A) The Independent Adoption Placement Agreement.
  - (B) The Statement of Understanding.
  - (C) The Adoptions Information Act Statement.
  - (D) If requested, any other documents which the birth parent has signed.
- (2) Give the potential adoptive parents a copy of the signed Independent Adoption Placement Agreement.
- (3) Offer to interview the birth parent as provided in Family Code Section 8801.7.
- (4) If a birth parent who has placed a child decides to revoke consent, offer and, if requested, do the following to assist the birth parent in obtaining the return of the child:
- (A) Assist the birth parent in completing the written statement revoking the placement agreement and delivering that statement to the department or delegated county adoption agency.
    - 1. A specific form shall not be required, but the AD 928 may be used for this purpose.
  - (B) Contact the prospective adoptive parents to inform them of the placing parent's decision and to arrange the time and place of the return of the child.
  - (C) Accompany the birth parent when the parent takes custody of the child.

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- (5) Send the department or delegated county adoption agency:
- (A) A completed AD 930.
  - (B) Original signed copies of all documents signed by the birth parent including, but not limited to:
    - 1. The AD 924 or the AD 925.
    - 2. The AD 926 or the AD 927.
    - 3. The AD 908.
    - 4. The AD 67.
    - 5. The AD 67A.
    - 6. The AD 880.
    - 7. The AD 100.
  - (C) The information specified in Section 35094.2(b).
  - (D) Reports of any examinations of the birth parent's competency to sign an adoption placement agreement.
  - (E) Any documents related to the determination of the child's status as an Indian child under the Indian Child Welfare Act.
  - (F) A summary of contacts with the birth parent, including the information obtained pursuant to Section 35094.3(a)(1) and any other information which the adoption service provider believes will assist the department or delegated county adoption agency in its investigation of the proposed adoption.
  - (G) Any request to revoke the adoption placement agreement.

NOTE: Authority cited: Section 8621, Family Code. Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 4992.3, Business and Professions Code; Sections 56.11, 1798.24, Civil Code; Sections 7663, 8801, 8801.3, 8801.5, 8801.7, 8813, 8814.5, 8815, 8817, and 8818, Family Code; 25 USC 1901 et seq.

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