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October 1, 2015

Regulation Package No. 0813-09

CDSS MANUAL LETTER NO. AD-15-02

TO: HOLDERS OF THE ADOPTIONS USERS MANUAL, DIVISION 2

Regulation Package # 0813-09

Effective 10/1/15

Sections 35037, 35181, 35183, 35184, 35269, 35270, 35271, 35273

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

These regulations implement the mandates of Public Law 109-248, known as the Adam Walsh Child Protection and Safety Act of 2006, which amended 42 United States Code sections 670 et seq. effective January 1, 2008. This federal law requires changes to the background and criminal history checks for prospective foster and adoptive parents and all adults residing in the home. This applies to all public and private adoption agencies and California Department of Social Services (CDSS) District Offices. Senate Bill (SB) 703 and Assembly Bill (AB) 2651 implemented the new federal provisions.

SB 703 (Chapter 583, Statutes of 2007) requires all licensed public and private adoption agencies in California to implement federal requirements for additional background checks for caregivers including prospective adoptive parents. SB 703 amended Health & Safety Code sections 1522, 1522.05 and 1522.1 to comply with the Act. The amendments require changes in the review of the criminal and child abuse history prior to foster care licensing or certification, relative approval and adoption home study approval. If any person in the household is 18 years of age or older and has lived in another state in the preceding five years, the department or its designated representative must now check the other state's child abuse and neglect registry to the extent required by federal law prior to granting a license to or otherwise approving, any foster family home, certified family home or person for whom an adoption home study is conducted or who has filed to adopt.

AB 2651 (Chapter 701, Statutes of 2008) amended Family Code sections 8712, 8811 and 8908 pertaining to all licensed public and private adoption agencies in the State of California (including independent and intercountry adoptions). These provisions prohibit the final approval of a prospective adoptive applicant/petitioner or any adult residing in the applicant's home if they have been convicted of specified felony crimes, including felony assault, battery and drug or alcohol offenses.

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 (MPP). The latest prior manual letter containing AD changes was Manual Letter No. AD-15-01.

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Attachment

OC

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 1 Administration of Public and Private Agencies

35037	FEES	35037
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- (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(d), 8811(d) and 8908(d).
 - (1) 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(f), Family Code. Reference: Sections 8712(c), 8716, 8810, 8811(c), 8907, 8908(c), and 9203(f), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

35039	MANUAL	35039
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- (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.

35041	REPORTING REQUIREMENTS	35041
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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).

35043	MATERNITY CARE	35043
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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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- (1) For purposes of receiving maternity care, the mother may be married or unmarried.

HANDBOOK ENDS HERE

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.

35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT (Continued)	35181
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- (12) The results of a screening for any criminal background of the applicant and any other adults residing in the home and, the FBI criminal record, from the DOJ.
- (13) The results of out-of-state child abuse and neglect registry checks for the applicant and any other adult in the household who has lived in another state in the preceding five years.
- (14) Authorization for information from additional sources to be released to the agency, as necessary, to complete the assessment.

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- (A) Examples of some additional sources of information that may be necessary to complete the assessment of the applicant include any of the following:
 - 1. Financial.
 - 2. Medical/psychological.
 - 3. Employment.
 - 4. School records and statements on the general health of any minor children residing in the applicant's home.
 - 5. Juvenile criminal clearance of any minor residing in the home.
 - 6. Criminal record screening.
 - 7. Child abuse index screening.
 - 8. Department of Motor Vehicles check.

HANDBOOK ENDS HERE

- (15) Authorization for the adoption agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption.
- (c) In assessing the adoptive applicant, the agency shall consider the following factors for the applicant, as well as any children or other adults residing in the home:
 - (1) Social history, including the following:
 - (A) Personal characteristics and current functioning.

35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT (Continued)	35181
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- (B) The results of a screening for any criminal record and child abuse index report.
- (2) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:
 - (A) Basic needs.
 - (B) The specified needs of an identified child related to the assessment of the child under Sections 35127.1 and .2.
- (3) The applicant's understanding of the legal and financial rights and responsibilities in adoption.
- (4) Motivation for seeking adoption and the ability and willingness to assume permanent responsibility for the care, guidance and protection of a child through adoption.
- (5) Adequacy of housing.
- (6) Social support system.
- (7) Financial stability.
- (8) General characteristics:

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- (A) Family and marital relationships, if applicable.
 - 1. Feelings and attitudes regarding the inability of the applicant to conceive children when this is a factor in the adoption.
- (B) Parenting practices.
- (C) Ability to help a child accept adoptive status.
- (D) Cultural competence.
- (E) Any other factors that, in the agency's judgment, affect the potential safety and stability of a child placed with the applicant.
 - 1. Feelings and attitudes regarding sexuality if the applicant will consider parenting a child who has a history of sexual abuse.

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35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT	35181
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(Continued)

- (9) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.
- (10) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.
 - (A) Whether the applicant is willing and able to be a permanency planning family.
- (d) If the adoptive applicant is a relative, the agency shall consider both of the following factors:
 - (1) The nature of the relationship the relative has with the birth parent or other extended family members.
 - (2) Whether the relative would like to enter into a kinship adoption agreement and, if so, what kind of post-adoption contact the relative would like to have with the birth parent or other family members.
- (e) If the adoptive applicant is a birth parent of the child to be adopted, the following factor shall also be considered:
 - (1) If the child was a dependent of the juvenile court, whether the conditions which led to the child's removal from the parent still exist.
- (f) The agency shall identify any resources, services or training needed to facilitate the adoptive applicant's ability to meet the needs of the child.

HANDBOOK BEGINS HERE

- (1) An existing full assessment may be updated pursuant to Section 35183.1.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21, 366.22, Welfare and Institutions Code; Family Code; and Adam Walsh Child Protection & Safety Act of 2006, Public Law 109-248.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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- (a) The agency may conduct an abbreviated assessment under any of the following conditions:
 - (1) The applicant is the current caregiver of the child to be adopted, and
 - (A) Is licensed or certified as a foster family home, and
 - (B) Has cared for the child, under the supervision of an adoption or child welfare agency, for at least six months.
 - (2) The applicant is an existing relative caregiver of the child to be adopted who was assessed under Welfare and Institutions Code Section 361.3, and written documentation of the assessment is available to the adoption agency.
 - (3) The applicant has successfully completed a prior agency, independent or intercountry adoption in California within the last five years and both of the following conditions exist:
 - (A) An approved written assessment was made as required by Section 35180 (agency), Section 35081 (independent), or Section 35257 (intercountry).
 - (B) The written assessment document is available to the agency completing the current assessment.

HANDBOOK BEGINS HERE

- (C) An existing abbreviated assessment may be updated pursuant to Section 35183.1.

HANDBOOK ENDS HERE

- (b) The agency shall have at least one face-to-face contact with each applicant for the purpose of interviewing the applicant for the assessment.
 - (1) The contact shall include, at least, all of the following:
 - (A) One interview in the home of the applicant.
 - (B) A separate face-to-face interview with each applicant.
 - (C) A face-to-face interview with all individuals residing in the household, including the child to be adopted.
 - (2) The contact shall include additional interviews as necessary.
- (c) The agency shall obtain the following information from the applicant:

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (1) Identifying information:
 - (A) Full name, including aliases and maiden names.
 - (B) Current address and telephone number.
 - (C) Date of birth.
 - (D) Sex.
- (2) Blood relationship to child, if any.
- (3) Religion, if any.
- (4) The following information only if it is not documented in previous assessments or, in the judgment of the agency, the applicant's circumstances have significantly changed since the previous assessment:
 - (A) Name and address of employer and length of time employed or most recent income tax return if self employed.
 - (B) Marriage certificate, if married, and verification of termination of prior marriages.
 1. Any marriages and dissolutions occurring before a prior California adoption shall be assumed to have been valid at the time of the prior adoption.
 2. When verification of the dissolution of all marriages of the applicants is not possible, the marriages preceding a verified divorce decree shall be assumed to be validly dissolved.

HANDBOOK BEGINS HERE

3. A valid divorce presupposes that the marriage was valid.

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35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (C) Names, dates of birth and location of any minor children of the applicant who are not living in the home of the applicant.
- (5) Names, date of birth, sex and relationship of other individuals in the home.
- (6) Report of a medical examination of each applicant.
 - (A) The report shall be completed by a licensed physician or a nurse practitioner or physician's assistant practicing under a licensed physician.
 - (B) The report shall be completed no more than six months before the date of the application to adopt.
 - (C) The agency may substitute a health questionnaire completed by the applicant for the medical report if both of the following conditions exist:
 - 1. The applicant is the current caregiver or a relative seeking to adopt a specific child, and
 - 2. The completed questionnaire does not, in the agency's judgment, identify indicators requiring further evaluation or report.
 - a. If in the agency's judgment, sufficient additional information is obtained from the physician who has been treating a specific condition identified in the questionnaire, additional medical examination is not necessary.
- (7) A certificate for each adult residing in the home stating that the individual is free from communicable tuberculosis.
- (8) The name of at least one individual to be contacted by the agency for the purpose of obtaining a reference.
- (9) The results of a screening for any criminal background of the applicant and any other adults residing in the home.
- (10) The results of out of state child abuse registry checks for the applicant and any adult in the household who has lived in another state in the preceding five years.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (11) The results of a screening for prior referrals for child abuse or neglect.
 - (12) Authorization for information from additional sources to be released to the agency, as necessary to complete the assessment.
 - (13) Authorization for the agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption, if the applicant is seeking to adopt a child who is not already living in the applicant's home.
 - (14) The name of the agency that completed any prior assessment related to the care of a child as identified in Section 35183(a) and the approximate date the assessment was completed.
 - (A) Authorization for the agency to obtain the prior assessment.
- (d) In assessing the adoptive applicant who meets the requirements for an abbreviated assessment as specified in Section 35183(a), the agency shall consider the following factors for the applicant, as well as for any children or other adults residing in the home:
- (1) Any changes in circumstances since the prior assessment which the agency considers significant and which shall include, at least, all of the following:
 - (A) Marital status.
 - (B) Family constellation.
 - 1. If the applicant adopted previously, the adjustment of the child and family to the adoption.
 - (C) Household membership.
 - (D) Employment and income.
 - (E) Health.
 - (F) Housing.
 - (G) Results of a screening for any criminal record or child abuse index report.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (2) Any factors which, in the agency's judgment, affect the potential safety and stability of a child placed with the applicant.
- (3) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:
 - (A) Basic needs.
 - (B) The specified needs of an identified child related to the assessment of the child under Section 35127.1 and Section 35127.2.
- (4) Understanding of the legal and financial rights and responsibilities of adoption and of the differences inherent in an adoptive parenting relationship.
- (5) If a specific child has been identified, the nature of the relationship with the child who is to be adopted, including the duration and character of the relationship and the motivation for seeking adoption of the child.
- (6) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.
- (7) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.
 - (A) Whether the applicant is willing and able to be a permanency planning family.
- (e) If the adoptive applicant is a relative, the agency shall consider both of the following factors:
 - (1) The nature of the relationship the relative has with the birth parents or other extended family members.
 - (2) Whether the relative would like to enter into a kinship adoption agreement and, if so, the kind of post-adoption contact the relative would like to have with the birth parent or other family members.
- (f) If the applicant is the current caregiver of the child to be adopted, the agency shall consider the following:
 - (1) The adjustment of the child and the family since the child joined the family.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT (Continued)	35183
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- (2) The applicant's understanding of the ability to meet the needs of the child, including any special needs.
- (3) The nature of the relationship or contact, if any, between the applicant and the child's birth parents, any of the child's siblings or half-siblings not residing with the child, or extended family members and plans for any ongoing contact.
- (4) The applicant's understanding of the child's needs and the circumstances which led to the child's out-of-home placement.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

35183.1	UPDATING AN EXISTING ASSESSMENT OF THE ADOPTIVE APPLICANT	35183.1
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- (a) (Reserved)

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- (a) The agency may update an existing assessment which was completed pursuant to Section 35181 or 35183 before placing a child in the applicant's home.
 - (1) An agency other than the agency that completed the existing assessment may complete the update of the applicant's assessment.

HANDBOOK ENDS HERE

- (b) The agency shall obtain authorization from the applicant to obtain the prior assessment.
 - (1) The agency shall include in the updated assessment, the name of the agency that completed the prior assessment and the date the assessment was completed.
- (c) An update to an existing applicant assessment shall be completed in any of the following circumstances:
 - (1) In the agency's judgment, significant changes have occurred in the applicant's circumstances since the completion of the existing assessment which warrant such an update before the placement of a child in the home.

35183.1	UPDATING AN EXISTING ASSESSMENT OF THE ADOPTIVE APPLICANT (Continued)	35183.1
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- (A) Examples of some circumstances which may warrant updating an applicant assessment include the following:
1. Change in marital status.
 2. Significant change in health.
 3. Birth of a child to the applicants.

HANDBOOK ENDS HERE

- (B) Two years have passed since an agency completed the existing applicant assessment and the adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized.
- (C) Two years have passed since an agency completed the existing applicant assessment. The adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized and a second child is being placed for adoption in the home.
- (D) Three years have passed since the existing applicant assessment was completed by an agency and no child, under the supervision of a child welfare or adoption agency, has been placed in the applicant's home during that time.

- (d) The agency shall complete an update of an existing assessment by following the format for an abbreviated assessment at Section 35183(b) and shall include information pursuant to Sections 35183(c) through (f), as necessary.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21, and 366.22, Welfare and Institutions Code.

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS	35184
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- (a) The agency shall complete a criminal record check of all applicants and any other adults residing in the home to obtain the full state and federal criminal record history from the Department of Justice (DOJ) pursuant to Family Code Section 8712. An investigation of the facts regarding prior arrests or convictions may lead to a denial of the adoption home study.

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS (Continued)	35184
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All adoptive applicants and others residing in the home are required to undergo a criminal history background check as a precondition for placement of a child in an agency adoption.

See Family Code section 8712.

HANDBOOK ENDS HERE

- (b) For all other applicants for whom criminal record information is not otherwise available from a state or county licensing agency, the agency shall submit to the DOJ one set of fingerprints for each applicant.
 - (1) The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

- (c) If the applicant or any other person in the household has lived in another state in the preceding five years, the agency shall perform additional child abuse registry checks.

- (d) If the criminal record of an applicant or any other person in the household indicates any conviction or arrest other than a minor traffic violation, the agency shall request the applicant or any other person in the household provide the agency with a copy of a police report for each conviction or arrest, or a letter from a law enforcement agency that the report does not exist. If the law enforcement agency will not release a crime report to the subject, the agency shall order the report. If the report is determined to be unavailable and the applicant submits evidence that the applicant is unable to obtain a letter from a law enforcement agency, the applicant shall submit a written signed statement concerning the circumstances of each conviction or arrest.

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For applicants who are dual amputees, a BCIA 9010 Request For DOJ Name Check form must be filled out. After completing all the requested information on the form, the applicant must take the form to a law enforcement agency. A law enforcement official will verify that the individual cannot be fingerprinted. The form submitted to DOJ must have the original signature of the law enforcement official. Failure to have a law enforcement official verify the individual's inability to provide fingerprint images will result in the applicant agency being notified of DOJ's denial of the request. Once verified and signed by law enforcement, mail this form, along with a Billing Transmittal form (Pre-paid, Billed or Credit Card), to the following address:

California Department of Justice
Bureau of Criminal Information and Analysis
Applicant Response Section
P.O. Box 903417
Sacramento, CA 94203-4170

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Live Scan fingerprints should be taken if the applicant resides in California. If the Live Scan prints are rejected for poor quality prints, the applicant must return to the Live Scan site and have their fingerprints redone with the Live Scan operator referencing the ATI number from the first printing and entering it as the OATI number for the second printing. If the fingerprints reject again on the second printing, DOJ will automatically do a name check for the California response.

For an FBI name check, fill out a Request for Applicant Name Check By the Federal Bureau of Investigation (FBI) form (BCIA 8020) and send it in following the instructions on the form within 75 days from the date of the second rejection notice.

Fingerprint cards (FD-258) should only be used for applicants residing outside of California as well as persons that are physically unable to provide Live Scan prints such as single amputees, persons with disabilities or persons whose print quality is extremely poor. Poor quality prints can still be picked up by a Live Scan device and transmitted, whereas some applicants' prints are so poor that the device will not register the prints. Whenever possible, Live Scan should be used.

For persons with extremely poor print quality that will not register on a Live Scan device, a fingerprint card (FD-258) should be used. The card must have impressions for each fingerprint box on the fingerprint card. If a finger cannot be used, a knuckle smudge will suffice, but the fingerprint card must have the appropriate knuckle smudge for every corresponding finger space on the card. When a fingerprint card is rejected due to poor quality prints, a second fingerprint card will need to be submitted. The second fingerprint card must have the OATI number entered in the space between the "CLASS" and "REF" fields (the OATI would be the ATI number provided on the initial reject response). Once the fingerprint card is rejected a second time, DOJ will automatically do a name check for the California response. For an FBI name check, fill out a Request for Applicant Name Check By the Federal Bureau of Investigation (FBI) form (BCIA 8020) and send it in following the instructions on the form within 75 days from the date of the second rejection notice.

All fingerprint cards (FD-258) must be accompanied with a Billing Transmittal form (Pre-paid, Billed or Credit Card). Send the fingerprint cards (FD-258) and the Billing Transmittal form to the following address:

California Department of Justice
Bureau of Criminal Information and Analysis
Pre-Scan Unit, Room K-111
P.O. Box 903417
Sacramento, CA 94203-4170

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35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS (Continued)	35184
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- (e) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the adoption.
 - (1) Pursuant to Penal Code section 11105.2, the agency shall notify the DOJ when the adoption has been denied, dismissed, or finalized to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption.

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See Penal Code section 11105.2

HANDBOOK ENDS HERE

- (2) If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service.

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The DOJ utilizes the BCIA form 8049 for this purpose entitled: "Contract for Subsequent Arrest Notification Service." The form can be accessed on the DOJ website using the following link:

<http://ag.ca.gov/fingerprints/forms/subarr.pdf>

The DOJ Bureau of Criminal Information and Analysis utilizes form BCIA 8302 entitled, "No Longer Interested (NLI) Notification" to terminate the notification of subsequent arrests.

The form can be accessed on the DOJ website using the following link:

<http://ag.ca.gov/fingerprints/forms/nli.pdf>

HANDBOOK ENDS HERE

- (f) The public or private adoption agency shall obtain the FBI criminal record of the applicant and any other adults residing in the home, from the DOJ.

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS (Continued)	35184
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A public adoption agency may obtain FBI criminal records directly from the DOJ. A private adoption agency may obtain FBI criminal record notification directly from the California Department of Social Services (CDSS) as required by Section 35184(f) regarding any applicant and any other adults residing in the home who have FBI criminal record history. Agencies should submit a new livescan form or one set of fingerprints for each individual to the Department of Justice as follows:

The private adoption agency shall complete the Live Scan form by checking the box for FBI only. The Contributing Agency will be the California Department of Social Services, the ORI number is A1772 and the Mailcode is 09990. The private adoption agency must also enter their Adoption License Facility Number in the OCA field. The results from the FBI only Live Scan fingerprint will be sent to the CDSS who will review the criminal history and verify if it falls under the Adam Walsh Child Protection and Safety Act of 2006. The department will send the private agency the appropriate notice after reviewing the criminal history.

The public or private agency shall utilize the Live Scan form checking both boxes for DOJ and FBI which will enable the agency to get background check results directly from the DOJ.

HANDBOOK ENDS HERE

- (g) The agency shall obtain new sets of electronic fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8712, Family Code; and Section 11105.2, Penal Code; Section 1522.1, Health & Safety Code.

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Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		
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35267 **INFORMATION TRANSMITTED TO THE APPLICANT DURING** **35267**
ASSESSMENT

- (a) The agency shall inform the applicant of the following:
- (1) The policies of a foreign agency may preclude placement of a foreign-born child with certain individuals or families.
 - (2) Availability of a grievance review process in accordance with Subchapter 5, Article 9, Section 35233 et seq.
 - (3) The applicant's responsibility to pay for transportation of the foreign-born child from the child's native country to the child's final destination in California.
 - (4) The applicant's responsibility for the foreign-born child adopted under the laws of the child's native country.
 - (5) If the applicant is going to adopt the foreign-born child under the laws of the child's native country:
 - (A) Readopting the foreign-born child in California when required by INS or petitioning the court for a California birth certificate.
 1. The agency that completed the assessment pursuant to Section 35257 shall provide all agency services to the applicant to assist him or her in completing the adoption in California to include but not limit to completing the required report to the court required by Subchapter 6, Article 8, Section 35313 et seq.
 - (6) The applicant's responsibility pursuant to Family Code Section 8903(b) for the foreign-born child when he or she has received guardianship of the child under the laws of the child's native country.

35267 **INFORMATION TRANSMITTED TO THE APPLICANT DURING** **35267**
ASSESSMENT (Continued)

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(A) Family Code Section 8903(b) reads as follows:

"(b) Notwithstanding subdivision (a), if the child's native country requires and has given full guardianship to the prospective adoptive parents, the prospective adoptive parents shall assume all responsibilities for the child including care, custody, control, and financial support."

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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 8900, 8902, and 8904, Family Code.

35269 **DOCUMENTATION FROM THE APPLICANT** **35269**

- (a) The agency shall obtain the following documentation for all applicants to facilitate the assessment:
- (1) Authorization for the release of medical and employment information on the applicant.
 - (2) Report of medical examination on each applicant.
 - (A) The report shall be signed by a licensed physician.
 - (B) The report shall be completed prior to the placement of a child for adoption but not more than one year prior to the commencement of the assessment.
 - (C) The report shall include a certificate that the individual is free from communicable tuberculosis for each adult residing in the home.
 - (3) School reports for all school-age children residing in the home of the applicant.
 - (4) At least three letters of reference regarding the suitability of the applicant as an adoptive parent.
 - (5) The full state and federal criminal record, from the State Department of Justice.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8900, Family Code. Reference: Sections 8901 and 8908, Family Code.

35270	CRIMINAL BACKGROUND CHECKS	35270
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- (a) A licensed adoption agency shall complete a criminal background check of all applicants and any other adults residing in the home to obtain the full state criminal record from the Department of Justice (DOJ) and FBI pursuant to Family Code section 8908.

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See Family Code section 8908

The California Department of Justice provides an automated service (Live Scan) for criminal history background checks that are required for foreign adoptions. If the applicant cannot be Live Scanned, the DOJ will also accept manual fingerprint submissions. Complete instructions and addresses for obtaining and processing the documentation necessary to complete the state background check may be obtained by accessing the following link on the Department of Justice website:

<http://ag.ca.gov/fingerprints/foreignadoptions.php>

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- (b) If the applicant or any other person in the household has resided outside of California within the preceding five years, the licensed adoption agency must perform additional child abuse registry checks.

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The licensing agency or licensed adoption agency must check all out of state child abuse and neglect registries in addition to the California Child Abuse Central Index (CACI).

See Health & Safety Code section 1522.1

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35270	CRIMINAL BACKGROUND CHECKS (Continued)	35270
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- (f) In the event of subsequent adoptions, the agency shall require new sets of fingerprints and shall make new requests for state criminal records to the DOJ unless the Subsequent Arrest Notification Services is still in effect.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 1530 and 1522.1, Health and Safety Code; Sections 8621 and 8901, Family Code. Reference: Sections 8901 and 8908, Family Code.

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION OF SPECIFIC CHARACTERISTICS 35271

- (a) The assessment of the applicant shall include:
- (1) Obtaining the following identifying information:
 - (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.
 - (G) Verification of marital status, if relevant.
 - 1. Verification of termination of all prior marriages.
 - (2) Evaluation of:
 - (A) General Characteristics.

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- 1. The manner in which the applicant has dealt with difficult or stressful life situations.
- 2. Relationships within the applicant's family.
- 3. Ability to assume responsibility for the care, guidance and protection of a child.
 - (i) Acceptance of a child from a different race or ethnic background.
- 4. Emotional flexibility and stability.

HANDBOOK CONTINUES

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION OF 35271
SPECIFIC CHARACTERISTICS (Continued)

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1. Participation in community activities.
2. Peer relationships.
- (C) Educational background.
- (D) Financial stability.
- (E) Work adjustment.
- (F) Adequacy of housing.
 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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- (G) The full state criminal record of the applicant and the FBI criminal record from the DOJ.

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1. Family Code Section 8908(b) reads as follows:

"(b) The criminal record, if any, shall be taken into consideration when evaluating the prospective adoptive parent, and an assessment of the effects of any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court."

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35271	IDENTIFICATION OF THE APPLICANT AND EVALUATION OF SPECIFIC CHARACTERISTICS (Continued)	35271
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- (3) Compliance with the requirements of the foreign agency that has been selected.

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 8901 and 8908, Family Code.

35273	WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING PLACEMENT OF A CHILD AND GRIEVANCE REVIEW PROCEDURES	35273
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- (a) The agency shall provide the applicant with written notification of its decision regarding the adoptive placement of a child with the applicant.
- (1) The agency shall not approve an application for the adoptive placement of a child until the agency has completed the assessment process as specified in Subchapter 6, Article 3, Section 35257 et seq.
- (2) Written notification of the agency's decision that the applicant is approved for the adoptive placement of a child shall include identification of age, race, gender and characteristics of children considered for placement.
- (3) The agency shall not approve an application for adoptive placement of a child prior to receiving written notification from the CDSS Adoptions Services Bureau that the information contained in an FBI criminal record of an applicant does not preclude an adoptive placement.
- (4) Written notification of the agency's decision not to approve the applicant for the adoptive placement of a child shall include an identification of the factors listed in Section 35269 and Section 35271 which led to the agency's decision.
- (b) The agency shall inform the applicant in writing of the agency's grievance review procedure and the right of the applicant to file a grievance with the agency within 30 days of receipt of the agency's decision.

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 8901 and 8908, Family Code.

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