

STATEMENT OF UNDERSTANDING AGENCY ADOPTIONS PROGRAM

Relinquishing a child means permanently giving the child to the adoption agency so the agency can choose other parent(s) to adopt the child. You permanently give the child to the adoption agency by signing this Statement of Understanding and the Relinquishment Document. You will no longer have any rights as a parent to your child once these documents have been filed with and acknowledged by the California Department of Social Services.

If you are thought to be a presumed father of the child, you should be aware that under the law you have legal rights and responsibilities toward the child even if you deny paternity. You also have a right to look for legal counsel to obtain the right to physical custody of the child. If you want to be a parent to the child, there are services available to help you.

Giving your child to the adoption agency is a very important decision. You should know all the facts about it and weigh its advantages and disadvantages before you make your decision.

Instructions To Complete The Statement Of Understanding:

BEFORE YOU SIGN THIS STATEMENT OF UNDERSTANDING AND THE RELINQUISHMENT DOCUMENT, READ BOTH VERY CAREFULLY WITH YOUR SOCIAL WORKER. BE SURE TO ASK QUESTIONS ABOUT ANYTHING YOU DO NOT UNDERSTAND.

- 1. Complete this Statement of Understanding only after you have carefully thought about giving your child to the adoption agency and you are sure you want your child adopted and raised by prospective adoptive parent(s) selected by the adoption agency.*
- 2. Read each of the statements in this document very carefully. If you do not understand a statement, ask your social worker to explain it to you until you do understand.*
- 3. If you understand and agree with a statement, put your initials in the box next to the number of that statement.*
- 4. If you do not agree, or if you do not understand a statement after your social worker's explanation, do not initial the box. Ask for more help and time in making your decision.*
- 5. If you have initialed all the boxes, sign your name at the end. Two witnesses must be present when you sign your name and they will sign their names after yours. (Witnesses are not necessary if this form is signed outside of California.) Since you are the parent of an Indian child, you must sign this Statement of Understanding before a judge of the Superior Court in California or a judge of another suitable court if signed outside of California.*
- 6. You will receive a copy of this Statement of Understanding and the relinquishment document once it has been completed.*

**This form must be used with one of the following forms:
AD 863, AD 864, AD 866 or AD 867.**

STATEMENT OF UNDERSTANDING

Mother or a Presumed Father of an INDIAN Child Who Is Not Detained, A Juvenile Court Dependent in Out-of-home Care, or a Ward of a Legal Guardian.

Name of Child _____ Date of Birth _____

1. I understand because my child has been determined to be an Indian child the requirements of the Indian Child Welfare Act will apply to the taking of my relinquishment and the adoption of my child.
2. I understand I have the right to look for a lawyer to help me in the relinquishment process and the adoption agency can refer me to public legal help in my community.
3. I understand that the agency is to tell me about its adoption plan for my child.
4. I understand I may talk about my plan to give up my child with other professional people, my family and friends.
5. I understand if I sign this Statement of Understanding and the Relinquishment Document, I will no longer be my child's legal parent once these documents are filed with and acknowledged by the California Department of Social Services. This means:
- A. I shall no longer be responsible for the care of my child; and
- B. I shall no longer have any right to the custody, services or earnings of my child.
6. I understand if I am not sure I want to give up my child, there are other places the agency can refer me to that could help me with family, health, money and other problems.
7. I understand that by signing the relinquishment I am giving my child to the adoption agency.
- A. If I sign a relinquishment that does not name the prospective adoptive parent(s), I am giving up the right to select prospective adoptive parent(s) and the final decision about who adopts my child will be made by the adoption agency, subject to the provisions of the Indian Child Welfare Act.
- I am not naming the prospective adoptive parent(s) for my child.
- B. If I sign a relinquishment that names the prospective adoptive parent(s), I am giving my child to the adoption agency which intends to place my child with the person(s) named on the Relinquishment Document, subject to the provisions of the Indian Child Welfare Act.
- I am naming the following person(s) as the prospective adoptive parent(s):
- _____

If my child is not placed in the home of the named person(s) or my child is removed from the home before the adoption is completed:

1. The agency will send me a notice by certified mail, return receipt requested, within 72 hours of the decision not to place my child for adoption or the decision to remove my child from the home. I must keep the agency informed of my address if I want to receive such a notice.
2. I will have 30 days from the date the notice was mailed to me to either:
 - a. Rescind the relinquishment. The agency will rescind the relinquishment if I deliver, or have delivered by mail or other means, a written request to rescind the relinquishment to the agency before the end of the 30-day period, or
 - b. Take no action. If I take no action during the 30-day period, I will lose my right to rescind the relinquishment and the agency will select adoptive parent(s) for my child, or
 - c. Select another placement for my child. If, during the 30-day period, I select another person(s) with whom my child is to be placed, I will rescind the initial relinquishment and complete a new Relinquishment Document identifying the person(s) with whom I then wish the agency to place my child.

7. C. The placement of my child is also directed by the Indian Child Welfare Act.
1. According to that law, the adoption agency must first try to place my child with someone from his/her extended family. If that is not possible, the second choice would be with someone from his/her tribe. If placement with the tribe is also not possible, the third choice is placement with another Indian family.
 2. I understand the Indian Child Welfare Act lets only the tribe or the court change the placement preference.
 3. I understand if I object to any of these placement choices, I must tell the court. The court will decide whether my placement choices, instead of those required by the Indian Child Welfare Act, will be followed by the adoption agency.
8. I understand that the prospective adoptive parent(s) and the birth relatives, including the birth parents, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parents, and the child if the court approves.
9. I understand if I decide not to give my child to the adoption agency, I can place my child for adoption with parent(s) I find myself and agree only to an adoption of my child by this/these parent(s). This is called an Independent Adoption.
10. I understand after my child's adoption has been granted in court all inheritance rights from any blood relatives will end unless they have made arrangements in their will or in a trust which specifically includes my child. My child will legally inherit from his/her adoptive parent(s). However, my child may still be able to get benefits from his/her tribe or Bureau of Indian Affairs' services because he/she is an Indian.
11. I understand the adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood for my child and enroll my child in his/her tribe or register him/her for any Bureau of Indian Affairs' benefits he/she may be able to get.
12. I understand because I am a parent of an Indian child if I sign this Statement of Understanding and the Relinquishment Document, I can take them back during any holding period referred to in Number 26 below or before the adoption has been approved in court.
- A. If I had physical custody of my child, under normal circumstances the adoption agency must return my child to me within three working days and in no case should it take more than seven calendar days.
 1. If there is a question about which parent has legal custody of the child, the adoption agency will start a court action to decide whether the plan for my child's adoption can continue.
 - B. The rights and responsibilities as my child's parent will continue unless taken away by other legal action.
 - C. If the adoption agency believes returning my child to me would hurt or otherwise harm my child, the agency will make an immediate referral to the county's child protective services agency. The adoption agency will let me know in writing if they do this.
13. I understand because I am the parent of an Indian child I will be notified immediately if my child's other parent asks to take back his/her relinquishment and of any court proceedings because of this.
- A. I understand I must keep the adoption agency informed of my address if I want to be notified.
14. I understand because I am the parent of an Indian child if any agency goes to court to take away the rights as a parent of my child's other parent, my child's tribe will be told and may step into the proceedings.
15. I understand because I am the parent of an Indian child the adoption agency has to tell me if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside. I know the notice will be given to me in writing.
- A. I understand I must keep the adoption agency informed of my address if I want to receive this notice.
16. I understand because I am the parent of an Indian child, if my child's tribe has a tribal court able to hear child proceedings, I, my child's other parent or the tribe may ask the court to have all court proceedings about my child moved to the tribal court. This will not take place if I, the other parent, or if the tribe does not want it to or if the court finds good reason not to move the proceedings.
17. I understand that if the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the adoption agency must provide written notification to the juvenile court, the child's lawyer, and my lawyer, if any, of the relinquishment within five court days.

18. I understand before my child is legally adopted the adoption agency must answer my questions about his/her situation. If I ask for information at any future time, the agency must give me all known information about the status of my child's adoption including whether my child has been placed for adoption, the approximate date the adoption was completed and if the adoption was not completed or was vacated for any reason, whether adoptive placement of my child is again being considered.
- A. I understand I must keep the adoption agency informed of my address if I want to know when my child was placed in an adoptive home and when my child was legally adopted.
19. I understand that after my child has been legally adopted, the adoption agency may not return my child to me.
20. I understand the adoption agency may release identifying information from the adoption case record only when:
- A. It has been requested by certain agencies as named in law because the information is needed to help my child;
- B. My child, when he/she is an adult, and I have signed forms agreeing to the release of identifying information so contact may be arranged;
- C. My child has reached 21 years of age, asks for my identity and I have agreed in writing to the release of my identity and most current address in the adoption agency's record;
- D. My child has reached 21 years of age and has indicated in writing I can have his/her adopted name and most current address as indicated in the adoption agency's record and I have asked for this information; or
- E. My child is under 21 years of age and the adoption agency has found the release of my identity and most current address as indicated in the agency's record is justified according to law.
21. I understand because my child is an Indian the adoption agency can also release information about the adoption only when:
- A. My child reaches 18 years of age and asks the court that granted the adoption for information about my tribal affiliation and any other information needed to protect any tribal rights he/she may have.
- B. The Secretary of the Interior has asked for the information.
1. I understand if I want to stay unknown I must file a paper with the court asking that information about me not be released.
2. I understand even though the Indian Child Welfare Act requires the Secretary of the Interior to make sure information on the adoption of my child stays confidential, tribes do not always keep information confidential if they find out about the adoption.
- C. My child is over 18 years of age, his/her adoptive parent(s) or tribe asks the Secretary of the Interior to release information to enroll my child in the tribe or to decide whether my child has any rights or benefits from the tribe.
1. I understand if I have filed a paper with the court asking information about me not be released, the Secretary of the Interior will certify my child may be enrolled in the tribe instead of releasing the information.
- D. My child when he/she reaches 18 years of age or the Bureau of Indian Affairs asks for a copy of all papers about the degree of Indian blood of my child and tribal enrollment.
22. I understand the court may, after considering a request, release identifying information from the court's adoption file.
23. I understand if I believe I was deliberately not told the truth about giving up my child for adoption, I have three years after the date the adoption was completed to ask the court to set aside the adoption of my child.
24. I understand as the parent of an Indian child I may ask the court to stop any action ending my rights as a parent if the action did not follow the Indian Child Welfare Act.
25. I understand I must sign the relinquishment form before a judge of the Superior Court (or other suitable court if I sign it outside the State of California).

26. I understand I have the following filing choices when I sign this Statement of Understanding and Relinquishment Document:
- A. I may choose to have the adoption agency file my relinquishment form immediately; or
 - B. I may choose to have the adoption agency hold the relinquishment form for up to 30 days so I can think about my decision. I understand my child will not be placed for adoption during any holding period; or
 - C. I may agree with the adoption agency to hold the relinquishment form for more than 30 days if my child must be freed for adoption from any other parent(s). I understand my child will not be placed for adoption during any holding period.

Put a check mark in front of the one statement that says what filing choice you want:

- I want the relinquishment form filed immediately.
- I want the relinquishment form held for _____ days until _____.
- I agree to have the relinquishment form held until my child has been freed for adoption from other parent(s).

27. **Mark the boxes of the statements that apply to you.**

- A. I reside in California;
- I am in California but reside in _____ (NAME OF STATE) (Approved ICPC 100A is attached); or
- I reside outside of California and I am relinquishing the above-named child under California Family Code Section 8700(d), which applies because I have physical custody of my child.

I have had at least two face-to-face interviews with a social worker from the adoption agency on two different days. At the first interview, the adoption agency gave me sample copies of this Statement of Understanding and the Relinquishment Document. The agency may accept my relinquishment at the second or later interview.

The date of my first interview was: _____

The date of my most recent interview was: _____

- B. I reside outside of California and I do not have physical custody of the above named child. I am relinquishing the above-named child under California Family Code Section 8700(c).
- (If the non-custodial parent is relinquishing the child under California Family Code Section 8700(c) and resides outside of California, the agency is only required to attempt to provide services per California Code of Regulations, Title 22 Section 35129(b).)

I have received services from the adoption agency (example-telephone interview). The date my services were provided: _____

I have not received services from the adoption agency.

28. I have carefully thought about the reasons for keeping or giving up my child. I have discussed the adoption plan of my child with the adoption agency, and I have decided giving my child to the agency for adoption is in the best interest of my child. I have read and understand this Statement of Understanding and the Relinquishment Document. I do not need any more help or time to make my decision. I have decided to relinquish my child permanently to _____ (NAME OF AGENCY) for adoption.

I have named the prospective adoptive parent(s)

I have not named the prospective adoptive parent(s)

I, _____ (NAME OF PARENT), mother/father of _____ (NAME OF CHILD), understand and agree to the statements I have initialed above and I am signing this freely and willingly.

(DATE)

(SIGNATURE OF PARENT)

Complete SECTION A if signed in California (must also complete Section C)

SECTION A:

I, _____, an authorized official of
(NAME AND TITLE)

_____, accept this Statement
(NAME OF AGENCY)

of Understanding of _____
(RELINQUISHING PARENT'S NAME)

(DATE)

(SIGNATURE OF AUTHORIZED OFFICIAL)

The foregoing Statement of Understanding was signed on:

_____ by _____ in the presence of:
(DATE) (RELINQUISHING PARENT'S NAME)

(DATE)

(WITNESS NAME)

(WITNESS SIGNATURE)

(DATE)

(WITNESS NAME)

(WITNESS SIGNATURE)

Complete SECTION B if signed out of California (must also complete Section C)

SECTION B:

STATE OF _____)

)

COUNTY OF _____)

On _____ before me, _____,
(TITLE) (NAME OF AUTHORIZED OFFICIAL)

_____ of the _____, an
(NAME OF AGENCY)

organization licensed or otherwise approved to provide adoption services under the laws of _____,
(NAME OF STATE)

personally appeared _____, proved to me on the basis of satisfactory evidence
(NAME OF RELINQUISHING PARENT)

to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(Signature of Authorized Official)

Complete SECTION C if signed in or out of California

SECTION C:

The terms and consequences of the voluntary signing of the relinquishment, including the right to withdraw the relinquishment prior to the signing of the decree of adoption, were fully explained in detail to and understood by the parent of this Indian child. The explanation was given by the agency representative whose signature is affixed above, in my presence, and in a language understood by the parent.

(DATE)

(SIGNATURE OF JUDGE)

(SUPERIOR COURT)