

# **Manual of Policies and Procedures**

# **ADOPTION USERS MANUAL**



**STATE OF CALIFORNIA  
HEALTH AND HUMAN SERVICES AGENCY  
DEPARTMENT OF SOCIAL SERVICES**

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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).

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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.

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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."

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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."

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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."

**HANDBOOK BEGINS HERE**

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.

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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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**HANDBOOK BEGINS HERE**

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

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**HANDBOOK ENDS HERE**

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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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**HANDBOOK BEGINS HERE**

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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- (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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- 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**

<b>35009</b>	<b>DISSEMINATION OF INFORMATION REGARDING AAP ELIGIBLE CHILDREN, AAP, AND REIMBURSEMENT OF NONRECURRING ADOPTION EXPENSES</b>	<b>35009</b>
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- (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).

<b>35011</b>	<b>RECRUITMENT OF ADOPTIVE APPLICANTS</b>	<b>35011</b>
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- (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).

<b>35015</b>	<b>RECRUITMENT EFFORTS FOR CHILDREN WHO HAVE BEEN FREED FOR ADOPTION</b>	<b>35015</b>
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- (a) The agency's efforts to recruit adoptive parents for children whom the agency is placing for adoption shall include:
- (1) Contact with other public and private adoption agencies.
  - (2) Presentation of information regarding the child on television and/or other media outreach programs, if appropriate.
  - (3) Presentation of information concerning the child at exchange meetings of agencies.
  - (4) Participation in the state photo-listing album of children as appropriate.
  - (5) Contact with parent groups regarding specific children.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8711.5, Family 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>35017</b>	<b>REQUIREMENTS FOR PHOTO-LISTING CHILDREN WHO HAVE BEEN FREED FOR ADOPTION</b>	<b>35017</b>
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- (a) The agency shall register with the Department's photo-listing service each child who has been freed for adoption and whose case plan goal is adoption.
- (b) In order to register the child, the agency shall submit the following to the Department:
- (1) Two recent photographs of the child which are:

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- (A) Black and white photographs are preferred because they reproduce more clearly than color photographs, but if not available, color is acceptable;

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**35017****REQUIREMENTS FOR PHOTO-LISTING CHILDREN  
WHO HAVE BEEN FREED FOR ADOPTION (Continued)****35017**

- (B) Head-to-chest close-ups;
- (C) No smaller than 3-1/2 inches by 3-1/3 inches in dimension;
- (D) Taken no more than six months prior to registration.

## (2) A description of each child being registered.

(A) The description shall be typewritten in the "Description of Child" section, on the AD 909.

(B) The completed "Description of Child" section on the AD 909 shall be no less than four concise paragraphs which contain, but are not limited to, the following:

## 1. Include in the first paragraph:

- a. the child's date of birth;
- b. the child's religious preference: if no preference, indicate "NONE";
- c. whether the child is a member of a sibling group;
- d. the child's ethnicity: if a child is of a mixed background, identify the ethnicities, such as, but not limited to, Black/White, Hispanic/Asian, etc.

## 2. Include in the second paragraph some positive statements about the child's personality, outside or special interests, achievements, and aspirations.

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- a. A personalized statement from the child on the kind of family environment he or she would prefer or just a statement in general from the child is encouraged, but is not a prerequisite to register.

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- 3. Include in the third paragraph a summary of the child's medical, educational, psychological, and behavioral problems, if any, and measures that are being taken to decrease or eliminate those problems.

<b>35017</b>	<b>REQUIREMENTS FOR PHOTO-LISTING CHILDREN WHO HAVE BEEN FREED FOR ADOPTION (Continued)</b>	<b>35017</b>
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- 4. Include in the fourth paragraph:
  - a. placement restrictions, such as, but not limited to, geographic, which may sever ties between relatives or significant others;
  - b. information as to whether the child would benefit from ongoing contact with birth parents, siblings, and other relatives;
  - c. the type of family sought, one or two parents, and the characteristics they should possess;
  - d. the desired position of the child in the prospective adoptive family; and
  - e. whether the child is eligible for AAP benefits.
  
- (c) Licensed adoption agencies shall send a recent photograph and description of each child to the photo-listing service within 15 working days of the time the child is legally freed for adoption.
  - (1) The 15-working-day time period shall commence on the first working day following the date on which the AD 4333 is signed by the Department.
  - (2) When an appeal has been filed challenging the initial court decision of termination of parental rights, the child shall not be photo-listed during the appeal process.
    - (A) After appeal, the child shall be registered with the photo-listing service within 15 working days after the court's final order of termination of parental rights.
      - 1. Registration shall conform to Sections 35017(a) and (b).
  
- (d) When adoption is the case plan goal for a child, the agency may photo-list that child prior to the child's becoming legally freed for adoption.
  - (1) Consent to register the child shall be obtained by the agency from the birth parent(s), legal guardian, or the court.
    - (A) Once consent has been obtained, the child shall be registered within 15 working days.

<b>35017</b>	<b>REQUIREMENTS FOR PHOTO-LISTING CHILDREN WHO HAVE BEEN FREED FOR ADOPTION (Continued)</b>	<b>35017</b>
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- (e) The agency shall defer a child's registration when the child's foster parent(s) or other identified persons have applied to adopt the child and are meeting the adoption agency's requests for required documentation as specified at Section 35195(a) and are cooperating in the completion of a homestudy pursuant to Section 35189(a).
- (f) Registration shall be deferred no longer than six months from the date the child was legally freed unless documentation is included in the case file which substantiates the need for further deferral resulting from delays not within the control of the prospective adoptive parents.
- (g) A child who is 12 years of age, or older, and does not consent to be adopted, shall be deferred from the photo-listing service.
  - (1) If a child 12 years of age, or older, consents to his or her adoption, subsequent to an initial decision not to consent to his or her adoption, the agency shall register the child within 15 working days following the child's consent.
- (h) The Department shall list the child in the photo-listing book within 30 working days following receipt of the items enumerated in Sections 35017(a)(1)(B) through (D), and 35017(a)(2)(A) and (B)1 through 4.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8707(a), 8714.5 and 8714.7, Family Code. Reference: Section 8707, Family Code.

<b>35019</b>	<b>NOTIFICATION OF CHANGES IN PHOTO-LISTING STATUS AND UPDATING PHOTO-LISTING INFORMATION</b>	<b>35019</b>
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- (a) The agency shall notify the photo-listing service, by telephone, of any adoptive placements or of any significant changes in the child's photo listing status within two working days of that change.
- (b) Significant change means:
  - (1) The child's case plan goal is revised to other than adoption;
  - (2) The child has reached the age of 12 and will not consent to be adopted;
  - (3) There is a change in the child's physical, mental or behavioral state; or
  - (4) The child dies.

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**HANDBOOK BEGINS HERE**

- (1) The Department will reflect the change in a child's photo-listing status in the photo listing system within 30 working days of receipt of the change(s) from the agency.
- (2) When a significant change necessitates deletion of a description and picture of a child from the photo-listing service, the Department will issue to all subscribers of the service, a revised insert stamped "REMOVED" OR "PLACED", as appropriate across the narrative description.

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- (c) The agency shall submit to the Department, within 15 working days following a one-year period in which a child is registered with the photo-listing service, an updated photograph and description of each child registered with the photo-listing service.
  - (1) The photograph shall comply with the requirements set forth in Sections 35017(a)(1)(B) through (D).
  - (2) The description of the child shall comply with the requirements set forth in Sections 35017(a)(2)(A) and (B)1 through 4.
- (d) The Department shall review, semi-annually, the photo-listing status of all legally freed children whose case plan goal is adoption, including those who are registered with the photo-listing service and those whose registrations have been deferred.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8707, Family Code. Reference: Section 8707, Family Code.

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**SUBCHAPTER 2 GENERAL REQUIREMENTS**

**Article 3. Staffing Requirements**

**35021 COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES 35021**

- (a) The agency shall comply with Title 22, California Code of Regulations, Division 6, Chapter 9, Articles 1 and 2.

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**HANDBOOK BEGINS HERE**

- (1) The sections of the California Code of Regulations which are relevant to the recruitment and maintenance of the agency's staff read as follows:

**"89140 GENERAL PERSONNEL REQUIREMENTS 89140**

The number of staff shall be adequate for the scope of the homefinding or adoption agency's services.

**89143 PROFESSIONAL STAFF QUALIFICATION - HOMEFINDING AND ADOPTION AGENCIES 89143**

Staff members shall be qualified for their responsibilities by education, training, experience, personality, and health.

**89146 EXECUTIVE DIRECTOR QUALIFICATIONS - PRIVATE HOMEFINDING AND ADOPTION AGENCIES 89146**

- (a) The executive director shall have professional training in the field of child or family welfare, or have demonstrated ability and leadership through experience as an executive in the field of child or family welfare.
- (b) When the function of the agency requires it, the executive director shall be qualified for the additional duties he may have to assume, such as supervision of casework services.

**89149 EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES - PRIVATE AND PUBLIC HOMEFINDING AND ADOPTION AGENCIES 89149**

- (a) Private and Public Agencies. The executive director shall be responsible for the operation of the agency and shall be held accountable for it. He may delegate his authority but not his responsibility.

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**HANDBOOK CONTINUES**

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<b>35021</b>	<b>COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES (Continued)</b>	<b>35021</b>
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**HANDBOOK CONTINUES**

<b>89149</b>	<b>EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES - PRIVATE AND PUBLIC HOMEFINDING AND ADOPTION AGENCIES (Continued)</b>	<b>89149</b>
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- (b) Private Agencies. The duties of the executive director shall include:
- (1) Appointing and dismissing staff, and working closely with the personnel committee of the Board.
  - (2) Attending all regular Board meetings and committee meetings of the Board, making reports concerning agency activities, and interpreting recognized standards of out-of-home care and adoption services to the Board.
  - (3) Holding regular staff meetings to discuss plans and policies.
  - (4) Organizing and carrying out a program of staff development for all staff members, and arranging for attendance of staff at social work conferences and other meetings which assist in professional growth and effectiveness.
  - (5) Carrying out a homefinding and placement program or an adoptive program in conformity with recognized standards.
  - (6) Providing leadership and stimulation in community planning for child and family welfare.
- (c) Public Agencies. The duties of the executive director shall include all responsibilities listed for the executive director of a private agency where applicable.

<b>89152</b>	<b>SUPERVISORY PERSONNEL</b>	<b>89152</b>
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- (a) Responsibility. Each supervisory employee in an adoption or homefinding agency shall be responsible for the performance of assigned staff.
- (b) Qualification Requirements. Supervisory employees shall have the following qualifications.

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**HANDBOOK CONTINUES**

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<b>35021</b>	<b>COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES (Continued)</b>	<b>35021</b>
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**HANDBOOK CONTINUES**

<b>89152</b>	<b>SUPERVISORY PERSONNEL (Continued)</b>	<b>89152</b>
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- (1) Public Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be either:
  - (A) Possession of a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis, and three years of full-time social work employment; or
  - (B) One year of experience as a Social Service Practitioner II or two years of experience as a Social Service Practitioner I, or their equivalent, in a California county welfare department.
  
- (2) Private Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be possession of a master's degree from an accredited graduate school of social work or completion of all work toward the degree except the thesis, and either:
  - (A) Three years of full-time social work employment in the field of family or child welfare; or
  - (B) Two years of full-time social work employment in a licensed homefinding or adoption agency.
  
- (3) Optional Requirement -- Homefinding Agency. In a public or private homefinding agency, a master's degree in behavioral science from an accredited graduate school as the only requirement for supervisory personnel may be authorized by the Department if the agency has Department approved in-service training and staff development programs for staff not possessing formal social work training.

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**HANDBOOK CONTINUES**

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**35021 COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING35021**  
**OF ADOPTION AGENCIES (Continued)**

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**HANDBOOK CONTINUES**

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**89155 SOCIAL WORK PERSONNEL 89155**

- (a) Social workers shall be employed to provide the social services in the agency's homefinding or adoption program.
- (b) Except as otherwise provided, the minimum educational requirement for social worker shall be a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis. There shall be no waiver of this requirement as a condition of initial licensure. Waivers of the graduate education may be authorized by the Department if the agency has demonstrated a substantial and consistent effort to recruit and retain an adequate number of social workers with graduate training, and a selective certification or hiring plan is in effect whereby social workers possessing the qualifications shall be employed first.
- (c) **Optional Requirements - Public Agencies.** Upon approval of waiver and except as provided in this section, the Department may authorize a public homefinding or adoption agency to use one or more of the following optional qualification requirements in the order given:
  - (1) Graduation from college, and either:
    - (A) One year of experience as a Social Service Worker II, or its equivalent, in a California county welfare department; or
    - (B) Two years of social work experience in a public welfare agency; one year of graduate education which was completed as part of the candidacy for a master's degree in social work may be substituted for one year of the required experience.
  - (2) Graduation from college with a major in social welfare; or graduation from college with a major other than social welfare and either:
    - (A) One year of experience in a public or private agency performing duties comparable to a Social Service Worker I. One year of graduate study which was completed as part of the candidacy for a master's degree in social work may be substituted for the required experience; or

**HANDBOOK CONTINUES**

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<b>35021</b>	<b>COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES (Continued)</b>	<b>35021</b>
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**HANDBOOK CONTINUES**

<b>89155</b>	<b>SOCIAL WORK PERSONNEL (Continued)</b>	<b>89155</b>
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- (B) One year of experience as a Social Service Worker I, or its equivalent, in a California county welfare department. Completion of a Department approved in-service training course or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience.
- (d) Optional Requirements - Private Agencies. Upon approval of waiver, and except as provided in this section, the Department may authorize a private homefinding or adoption agency to use the optional requirement of graduation from college and two years of social work experience in a social service agency. One year of graduate education in social work, or completion of an undergraduate major in social welfare may be substituted for one year of the required experience. Completion of a Department approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience. In all cases, however, a minimum of one year of experience shall be required under these substitution patterns.
- (e) Additional Optional Requirement -- Public and Private Homefinding Agency. In a homefinding agency, the Department may authorize the provision of social services by a person with a baccalaureate degree in a behavioral science from an accredited college or university, provided that direct supervision is given by a social worker meeting the requirements contained in Section 89152 of these regulations.
- (f) Additional Waiver Option for Both Public and Private Adoption or Homefinding Agencies. Graduation from college as the only requirement for social work personnel may be authorized if the agency has Department approved in-service training and staff development programs for staff recruited at this level.

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**HANDBOOK CONTINUES**

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<b>35021</b>	<b>COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES (Continued)</b>	<b>35021</b>
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**HANDBOOK CONTINUES**

<b>89158</b>	<b>NUMBER OF STAFF</b>	<b>89158</b>
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Professional and clerical staff shall be sufficient in number to perform the functions of the homefinding or adoption agency.

<b>89161</b>	<b>PERSONNEL POLICIES</b>	<b>89161</b>
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- (a) In addition to the general requirements there shall be written personnel policies for homefinding and adoption agencies which include, but are not limited to the following:
- (1) Employment and tenure of staff shall be based solely on competence.
  - (2) Copies of all regulatory material needed in the performance of their functions shall be available.
  - (3) Staff shall be appropriately used through the development of a staffing plan based on all classifications used and showing the functions of each classification. The plan shall show the way aides and volunteers are to be used and to whom they are responsible.
  - (4) Personnel policies, salaries and working conditions shall be such as to attract and hold competent, well-qualified staff.
  - (5) Regular in-service training shall be provided."

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16100, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

**SUBCHAPTER 2 GENERAL REQUIREMENTS**

**Article 4.** (Repealed by Manual Letter No. AD-99-01, effective 5/3/99)

**35023 INFORMATION AND AUTHORIZATION 35023**

Section title repealed and subsections renumbered to Section 35092 by Manual Letter No. AD-98-01, effective 8/1/98.

**35025 IDENTIFICATION OF PARENTS - AGENCY ADOPTIONS 35025**

Renumbered to Section 35129(a)(5) by Manual Letter No. AD-98-01, effective 8/1/98.

**35027 IDENTIFICATION OF PARENTS - INDEPENDENT ADOPTIONS 35027**

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

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**SUBCHAPTER 2 GENERAL REQUIREMENTS**

**Article 5.** (Repealed by Manual Letter No. AD-99-01, effective 5/3/99)

**35029 INDEPENDENT ADOPTIONS 35029**

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

**35031 AGENCY ADOPTIONS 35031**

Various sections repealed and others renumbered to Sections 35128 and 35129 by Manual Letter No. AD-98-01, effective 8/1/98.

**35033 NOTICE - INDEPENDENT AND AGENCY ADOPTIONS 35033**

Repealed by Manual Letter No. AD-99-01, effective 5/3/99.

**35035 FILING OF DOCUMENTS - AGENCY ADOPTIONS 35035**

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

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