

DEPARTMENT OF SOCIAL SERVICES

August 25, 1999

ALL-COUNTY INFORMATION NOTICE I-61-99

TO: All County Adoption Agency Supervisors
All Licensed Private Adoption Agencies
All CDSS Adoptions District Offices
All CDSS Community Care Licensing Offices

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: ASSEMBLY BILL 1544 REGULATIONS TRAINING:
FOLLOW-UP QUESTIONS AND ANSWERS

During Fall of 1998, the California Department of Social Services, Adoptions Branch held several training seminars for licensed public and private adoption agencies to review recent changes in the Adoption Program Regulations (APR) at Title 22 California Code of Regulations Section 35000 et seq. Participants submitted written questions to the Department which addressed statutes, regulations, policy and procedures regarding the provision of adoption services.

This All-County Information Notice (ACIN) will address the following topics:

1. Applicant Assessments, Supervision of Adoptive Placements, Finalization of Adoptions and Additional Adoptions by Previously Approved Applicants.
2. Adoptions of Persons Age 18 or Older Who As Minors Were Juvenile Court Dependents.
3. Issues Pertaining to Minor Birth Parents.
4. Legally Freeing a Child for Adoptive Placement and Revocation and Rescission of Relinquishments.
5. Kinship Adoption Agreements, Relative Adoptions, and Cooperation between Public and Private Adoption Agencies.

As you review this ACIN, please refer to the relevant sections of the APR, Family Code and Welfare & Institutions Code for further information.

If you have additional questions or comments, please contact Marta Irvin at (916) 445-2803 or e-mail at Marta.Irvin@dss.ca.gov or FAX at (916) 445-9125.

Original Signed by Del Sayles-Owen
On 8/25/99

DEL SAYLES-OWEN
Acting Deputy Director
Children & Family Services

Applicant Assessments, Supervision of Adoptive Placements, Finalization of Adoptions and Additional Adoptions by Previously Approved Applicants

1.1 What are the changes in the home study regulations?

The Adoption Program Regulations (APR), at Title 22 California Code of Regulations (CCR) Section 35000 et seq., now refer to the home study as an “assessment of the adoptive applicant.” The following sections in the APR provide the requirements for conducting this assessment:

Section 35180	Written Assessment of the Adoptive Applicant and Documentation
Section 35181	Full Assessment of the Adoptive Applicant
Section 35183	Abbreviated Assessment of the Adoptive Applicant
Section 35183.1	Updating an Existing Assessment of the Adoptive Applicant
Section 35184	Criminal Background Check of Applicants

Agencies may now complete an abbreviated assessment in specific situations. Agencies may substitute a health questionnaire completed by the applicant for the medical report if the applicant is the current caregiver or a relative of the child to be adopted. Agencies must also provide information on the option to negotiate a kinship adoption agreement for post-adoption contact when the applicant is a relative.

1.2 At what age may someone apply to adopt?

Family Code Sections 8600 and 8601(a) require the adoptive applicant to be at least 18 years old and at least 10 years older than the child to be adopted. However, if it is in the best interest of the parties and the public, the court may approve an adoption by a stepparent, sibling, aunt, uncle, or first cousin without regard to the ages of the child and the prospective adoptive parents.

Although there is no maximum age for an adoptive applicant, age should be considered on a case by case basis as to whether the applicant meets the needs of the child and whether the adoption is in the best interests of the child.

1.3 Why does the Department require physical examinations for applicants with limited financial resources?

A physical exam for applicants is no longer a requirement for all applicants. Agencies may now substitute a health questionnaire completed by the applicant for the medical report if the applicant is the current caregiver and a licensed foster parent or a relative as described in the APR Section 35181(b)(9)(C) for a full assessment and Section 35183(c)(6)(C) for an abbreviated assessment.

1.4 How do you conduct an applicant assessment update?

When an applicant meets the criteria described in the APR Section 35183.1, any public or private licensed adoption agency may update the existing applicant assessment by following the regulations for an abbreviated assessment as described in the APR Section 35183(d) through (f).

The agency updating an applicant's assessment must have a copy of the initial assessment to review, discuss with the applicant any significant changes, and obtain current information and verifications as indicated in regulations. The agency must obtain a current medical exam or health questionnaire and a current criminal record check.

If the applicant previously adopted a child, the update should include information related to the adjustments the family made to incorporate the child into the family. If the child required specialized services, the update must describe how the applicant has worked with service providers in obtaining these services. If the previously adopted child had any siblings, the update should address whether or not any post-adoption contact was facilitated between the adopted child and his or her siblings.

1.5 The adoptive applicant is married; however, the whereabouts of the adoptive applicant's spouse are unknown. The adoptive applicant does not desire a legal separation or divorce. How should we proceed to finalize the adoption?

A person who is married cannot adopt without the consent of his or her spouse. There are no exemptions in statute or regulations pertaining to this situation. Specifically, Family Code Section 8603 states, "A married person, not lawfully separated from the person's spouse, may not adopt a child without the consent of the spouse, provided that the spouse is capable of giving that consent". (Emphasis added)

One option for the adoptive applicant is to be appointed the legal guardian of a child who is a juvenile court dependent. A relative who becomes the legal guardian of the child may be eligible to receive a Kinship Guardianship Assistance Payment (Kin-Gap) and MediCal benefits for the child.

Kin-Gap will be available for relative guardianships established on or after January 1, 2000. For more information about Kin-Gap, please contact the Foster Care Policy Bureau at (916) 445-0813.

1.6 A married couple has an approved assessment. The adoptive placement has been made, but before the final report to the court is submitted, they separate. They want to pursue adoption of the child already placed in the home. May they proceed as a couple or must one person adopt as a single parent?

Since in the eventuality of a divorce there could be custody, support, and maintenance implications, the adoptive applicants may want to discuss this issue with a family law

attorney before making a decision regarding how to finalize the adoption.

Before the divorce is final, as long as the adoption agency is in agreement and includes relevant information regarding the current separation in the final court report, the couple may pursue adoption as a couple or one spouse may pursue adoption as a single parent with the consent of the other spouse.

After the divorce is final, the adoption must be by a single parent. In this case, the adoption agency must update the adoptive applicant assessment and the adoptive placement agreement to reflect the changes and address this situation in the final court report on the adoption.

1.7 A newborn child is released from the hospital and placed directly into the prospective adoptive parents' home. Does this placement have to be a foster care placement until the child is free for adoptive placement?

If the child is relinquished by one birth parent to a licensed public or private adoption agency (i.e., not intended for independent adoption), the prospective adoptive parents' home must meet the requirements for a foster care placement until the child is free for adoptive placement pursuant to APR Section 35128(c) and (e). This placement is subject to the requirements of Title 22 CCR Division 6 -, Chapter 7.5 -, Foster Family Homes, and regulation is the responsibility of the county foster care licensing agency or the Department's Community Care Licensing Division.

1.8 A birth mother signs a relinquishment, and the baby goes home with the adoptive family immediately following the birth. The birth father's parental rights are intact until terminated by a court. When does the placement switch from a foster care placement to an adoptive placement? In total, how many post-placement visits are required?

The adoption agency must obtain the required acknowledgment from the Department for the birth mother's relinquishment.

If there is an identified presumed father, the adoption agency may proceed with an adoptive placement only when his parental rights have been terminated, either by his signing a relinquishment and the Department's issuance of the required acknowledgment or by court order.

If there is an identified alleged father, the adoption agency may proceed with an adoptive placement if he signs either a Waiver of Further Notice (AD 590) or a Denial of Paternity (AD 588) and the Department has issued the required acknowledgment. It is important to note that neither of these actions terminates his parental rights to the child as such rights will be terminated only when the court issues the decree of adoption or when a separate court action is taken to terminate his parental rights. The agency may also proceed with an adoptive placement if an action under Family Code Section 7662 to terminate his parental rights has been filed with the court and the agency administrator approves the proposed

adoptive placement.

On the day the adoptive placement agreement is signed, the foster care placement becomes an adoptive placement. Adoptive placements are subject to a six-month supervisory period with four required visits as described in the APR Section 35203(c) and (d). This supervisory period may be shortened by one month for each month the child was in a foster care placement with the prospective adoptive parents and the placement was supervised by the agency. The required visits may be reduced to two visits when the child has been the foster child of the prospective adoptive parents for less than six months under the supervision of the agency as described in the APR Section 35203(d)(1)(D)1.

1.9 At what point may a family apply for additional adoptions? Does the first adoption have to be finalized?

Neither statute nor regulation specifies the length of time that must elapse before a family may apply for another adoption. Adoption agencies may choose to require that an initial adoption in progress be finalized or have some specified time period elapse before another adoptive placement may be considered, as a safeguard against subjecting children to potential disrupted placements.

If a sibling of the child previously placed in the home becomes available before the finalization of the adoption, the sibling may be placed in the same home for adoption. In this instance, the agency will update the existing family assessment following the format for an abbreviated assessment described in the APR Section 35183(d)(e) and (f) to indicate the placement of the second child. Any issues concerning the appropriateness of this placement should be addressed in the update.

1.10 What is required to finalize any additional adoptions?

The requirements in statute and regulation to finalize an adoption are the same for a first adoption and all additional adoptions. After the completion of the required supervisory period for each proposed adoption, the prospective adoptive parent must file an adoption petition in the appropriate court. The adoption agency must complete a report to the court for each adoption petition as described in the APR Section 35211 and the petitioners must set the matter for finalization on the court's calendar.

Applicants who have completed a previous adoption in California within the last five years are eligible for an abbreviated assessment as described in the APR Section 35183(a)(3). If during the applicant's previous adoption, the placement was supervised by an agency, the subsequent adoptive placement potentially is eligible for a reduction of the supervisory period and the number of visits as described in the APR Section 35203(c)(1) and (d)(1)(A).

1.11 A previous adoption finalized within the last five years had been supervised by an agency for six months. May the period of supervision for a second adoption be waived? How many months of supervision are required? May the number of visits be reduced?

The requirement for a period of supervision of an adoptive placement is not waivable.

Prospective adoptive parents who meet the criteria described in the APR Section 35203(c)(1) and (d)(1)(A) are eligible to have the adoption agency reduce the supervisory period of the adoptive placement and the number of visits. In the situation of applicants who have completed an adoption in California during the last five years and the placement was supervised by an agency, the minimum number of visits required is the one visit conducted in the home during a reduced supervisory period.

For situations qualifying for reduced supervisory period and visits, it is left to the professional discretion of the agency staff to determine how long they will supervise an adoptive placement and the number of visits they will have with the applicants. The extent of the supervisory period also depends on the timeliness of the filing of the adoption petition, the completion of the final court report on the adoption petition, and the scheduling of the case on the court calendar for finalization.

1.12 What will be required for applicants who previously completed an independent adoption and now want to pursue an agency adoption?

Applicants who completed a prior adoption in California (agency, independent, or intercountry) within the last five years and the prior written approved assessment is available to the agency currently working with the family on an adoption are eligible for an abbreviated assessment as described in the APR Section 35183.

Applicants who previously completed an independent adoption and now are completing an agency adoption will be subject to the full six-month supervisory period of the adoptive placement and the required four visits as described in the APR Section 35203.

An agency must follow all the procedures as described in the APR Sections 35197 through 35213 that pertain to placement, supervision, and finalization of adoptions.

1.13 Since assessments of adoptive applicants are valid for three years, are agencies required to complete yearly updates for the purpose of foster care regulations governing certification of foster parents?

Assessments of adoptive applicants may not be used to meet the criteria for annual renewals of foster parent certification. Conversely, annual recertification of a foster parent license does not maintain the currency of an adoption assessment. Assessments of adoptive applicants are performed to obtain approval for adoptive placements.

Before an adoptive placement, the agency staff may complete an update at any time if in their professional discretion there are significant changes in the applicant's circumstances which warrant such an update. The timeframes and applicant criteria established for updating these assessments are described in the APR Section 35183.1(c)(1)(B) through (D).

Adoptions of Persons Age 18 or Older Who as Minors were Juvenile Court Dependents

2. **May a juvenile court dependent who is age 18 or older be adopted through a public adoption agency by his or her current caretakers?**

May a public adoption agency finalize an adoption of a juvenile court dependent, who is age 18 or older, if the adoptive placement was made before the child reached the age of majority? May the public adoption agency assist in finalizing the adoption if the court so permits?

A person who is age 18 or older is an adult. Adults, whether or not they were juvenile court dependents as minors, may be adopted by their current adult caretakers or any other adult by completing an “adult adoption” in the superior court pursuant to Family Code Sections 9300 through 9328. These statutes are also applicable to individuals who want to adopt a married minor. There are no procedures in the Adoption Program Regulations applicable to the adoption of adults or married minors.

Whether a public adoption agency may assist in the finalization of an adult adoption is a matter of internal county policy and workload considerations. The Department neither regulates nor provides funding for adult adoptions.

Issues Pertaining to Minor Birth Parents

3. Which regulations apply to a juvenile court dependent who lives in a group home and is a pregnant minor wanting to relinquish her child?

A minor birth parent who is a juvenile court dependent is treated in the same manner as any other birth parent for purposes of adoption. The status of a juvenile court dependent does not restrict the minor's ability to either relinquish for adoption or consent to an adoption of his or her child. However, agencies are cautioned to inform the court of adoption planning services being provided to a dependent of the court and to work with the court to resolve any issues or concerns the court may raise regarding a proposed relinquishment.

A birth mother who is a minor may sign a Relinquishment, an Independent Adoption Placement Agreement or a Consent for the adoption of her child. As stated in Family Code Sections 8700(b) and 8814(d), the relinquishment or the consent is not invalid because she is a minor. The birth mother who decides to sign a relinquishment has the option to name the prospective adoptive parents by signing a designated relinquishment.

If there is any concern regarding the birth parent's ability to understand the content and effect of signing either a relinquishment or a consent, the agency must obtain an evaluation of the parent's competency from a psychiatrist or clinical psychologist before accepting the relinquishment or consent. Please refer to the APR Sections 35097 through 35107 applicable to independent adoptions and Sections 35135 through 35137 applicable to relinquishment adoptions.

If the minor birth mother's newborn child is not also adjudged a juvenile court dependent, the agency would follow the procedures described in the APR Section 35129.1.

If the minor birth mother's newborn child is adjudged a juvenile court dependent, the agency would follow the procedures described in the APR Section 35129.2.

Before accepting a relinquishment for a child who is a juvenile court dependent, the agency should inform the county child welfare agency and the juvenile court of the prospective relinquishment. Within five court days of accepting the relinquishment for a child who is a juvenile court dependent, the agency must notify the juvenile court, the child's attorney, and the relinquishing parent's attorney.

If the minor birth mother desires to complete an independent adoption, she may sign an Independent Adoption Placement Agreement (AD 924). If the minor birth mother selects a non-relative for the adoptive placement, she must receive pre-placement advisement provided by an adoption service provider before signing the AD 924. A directory of Department-certified adoption service providers is available by contacting the Adoptions Branch at (916) 323-0467. The procedures for independent adoptions are at the APR Sections 35079 through 35126.

Legally Freeing a Child for Adoptive Placement and Revocation and Rescission of Relinquishments

4.1 Should relinquishments be given priority over court-ordered terminations of parental rights?

Termination of parental rights may be accomplished either by court order or by a signed relinquishment filed with and acknowledged by the Department. Both actions terminate an individual's legal parental rights and responsibilities with regard to the child and free the child for adoption. Relinquishment, however, allows the birth parents to participate in the adoption planning for their child in a non-adversarial manner.

- 4.2 (A) Adoption agencies are required to notify the court, the child's attorney and the relinquishing parent's attorney when they have accepted a relinquishment of a child who is a juvenile court dependent. Is the relinquishment valid when it is signed by the parent or when the California Department of Social Services files and acknowledges the relinquishment?**
- (B) Do the parental rights to a child who is a juvenile court dependent have to be terminated through a Welfare & Institutions Code Section 366.26 hearing?**

It is important to note that accepting a relinquishment from a parent of a juvenile court dependent does not alter the terms of the dependency. The juvenile court continues its involvement in making decisions for the child. The court has the prerogative to determine whether and when to dismiss the dependency and thereby remove itself from the process of planning the child's future.

It is good practice for adoption agencies to contact the court and the county child welfare agency (if it is a different agency from the agency providing adoption-planning services) before accepting a relinquishment of a juvenile court dependent. Early contact between the agencies will avoid misunderstandings and resolve potential issues and concerns surrounding adoption-planning services.

- (A)** The licensed public or private adoption agency is required to provide written notification to all the parties as described in the Adoption Program Regulations (APR) Section 35129.2(b)(1)(B) within five court days of its acceptance of a signed relinquishment from a relinquishing parent of a child who is a juvenile court dependent. The issue of whether the relinquishment has been acknowledged by the Department is not pertinent to the requirement to provide this notice.
- (B)** The relinquishment terminates the parental rights of the relinquishing parent when it has been filed with the Department and the acknowledgment has been issued. Since a relinquishment has the same effect as a court-ordered termination, there is no need to set a court hearing pursuant to Welfare & Institutions Code Section 366.26. to terminate rights of the relinquishing parent. However, the parental rights of any other individuals with a potential legal claim to the child must be addressed and appropriately terminated.

- 4.3 (A) Who may take a relinquishment from a parent who is out of the agency's licensed territory? Who may complete assessments of prospective adoptive applicants who reside outside of the agency's licensed territory?**
- (B) If the child is a dependent of County A, may the worker go into County B where the relinquishing parent resides and take his or her relinquishment?**
- (C) What relinquishment forms should be used and who should complete the forms?**
- (A) A representative of a licensed public or private adoption agency under the scope of its license to provide services in that specific county may, in response to a request from another licensed adoption agency, take the relinquishment and complete the assessment of a prospective adoptive applicant. The agencies may also share the responsibilities for meeting all the requirements for the adoptive placement and for the completion of the adoption by executing a cooperative arrangement between them as described in the APR Section 35197(e) through (g).
- (B) County A must make a request to County B for services, do a cooperative placement, or obtain a waiver from the Community Care Licensing Division regarding the geographical service area under the scope of its license to take the relinquishment in County B.
- (C) The forms currently in use for this purpose are:
- (1) AD 503 - Relinquishment - Out of County - Birth Mother and /or Presumed Father.
 - (2) AD 583 - Relinquishment - Out of County - Presumed Father Denies He is the Birth Father.
 - (3) AD 586 - Relinquishment - Out of County - Alleged Natural Father in California.

4.4 Is there a regulation stating that the acknowledgment must be received before the adoptive placement?

Yes, the APR Section 35128(b) prohibits an adoptive placement of a child until the parental rights of all living persons who have a potential legal claim to the child have been terminated and documentation has been filed with and acknowledged by the Department, unless otherwise provided by law.

- 4.5 (A) Do parents maintain parental rights to the child until the California Department of Social Services files the signed relinquishment and issues an acknowledgment?**
- (B) Are parental rights to the child terminated on the date requested for filing or the date of acknowledgment?**

(C) What are the time frames for revocation? Is it deceptive to tell the birth mother she has 24 hours to change her mind?

- (A) A birth parent who signs either a standard or designated relinquishment surrenders custody, control, and any responsibility for the care and support of his or her child and to the Department or a licensed public or private adoption agency.
- (B) The relinquishment as authorized by Family Code Section 8700 has no effect on the relinquishing parent's parental rights to the child until a certified copy is filed with and acknowledged by the Department.

The APR Section 35000(f)(3) defines "Filing of the Relinquishment Form" as "the department's receipt and acknowledgment of a certified copy of a relinquishment form that has been signed, witnessed, and dated." The APR Section 35000(a)(2) defines "Acknowledgment" as "notice from the department of the filing of a relinquishment or Notice of Action in lieu of relinquishment that a child is free for adoptive placement."

The Department, as the agency responsible for ensuring the documents submitted are legally correct, reviews them and, if appropriate, the relinquishment is filed and an acknowledgment issued. All County Information Notice No. I-31-98 describes the Department's process to review relinquishments and issue acknowledgments. On average, it takes eight working days (not including mailing days) for this process. The Department is revising the forms (AD 90 and AD 551A) used in the relinquishment process to eliminate confusion between the receipt, filing and acknowledgment dates. In exceptional circumstances, provision may be made for expedited processing of relinquishment documents and telephone confirmation of acknowledgment before mailing. The Department is also participating in a pilot project to develop procedures that will facilitate handling of virtually all relinquishment acknowledgment processing by facsimile transmittal (fax) in the future.

- (C) A relinquishing parent may change his or her mind and revoke a signed relinquishment at any time before the Department's filing and acknowledging the relinquishment. It is incorrect to inform a birth mother that she has only 24 hours to change her mind and revoke her relinquishment. Please refer to the APR Sections 35153 through 35159 for relinquishment revocation procedures and advise relinquishing parents accordingly.

After a standard relinquishment has been filed with and acknowledged by the Department, it is final and may be rescinded only by the relinquishing parent with the agreement of the adoption agency that accepted the relinquishment.

If the relinquishing parent signed a designated relinquishment and the child is not placed with the designated individuals, the adoption agency must mail a notice to the relinquishing parent that he or she has 30 days in which to take action. Please refer to the APR Sections 35167 through 35170 for rescission procedures and

advise relinquishing parents accordingly.

4.6 May an adoptive placement as specified under the APR Section 35199(b)(1) be made if a birth mother and presumed father have had their rights terminated by court order?

An adoption agency may make an adoptive placement if the requirements of the APR Section 35128(e) have been met in so far as (1) the mother's and any identified fathers' parental rights have been terminated by court order and (2) any alleged natural father has signed a waiver of further notice of the adoption proceedings or a denial of paternity. The documents must be filed with and acknowledged by the Department, or court action on a petition filed under Family Code Section 7662 pending.

4.7 Is Family Code Section 7662 still necessary in view of the wording on the current waiver form?

The revised form for waiver of further notice (AD 590) is not affected by provisions of Family Code Section 7662.

When an alleged natural father signs a waiver of further notice (AD 590) or a denial of paternity (AD 588 or Judicial Council form JV 505 Statement 1), any parental rights he may have are not terminated. His parental rights are addressed by court order terminating parental rights or by a court order of adoption.

4.8 How do you correct the relinquishment process when a non-designating relinquishment and an identifying Statement of Understanding (SOU) or vice versa, have been signed? What if the relinquishing parents reside outside the United States?

The Department will not issue an acknowledgment for the documents in these circumstances since they reflect substantial procedural errors in the administering of the relinquishment and render the subsequent adoption at risk of legal challenge.

The following response assumes the relinquishing parent intended to designate an adoptive parent for the child. In the case of a non-designating relinquishment and an identifying SOU, the relinquishment document must be revoked pursuant to the APR Section 35153, and a new relinquishment document designating the adoptive parent must be signed. If the signing of the designated relinquishment form occurs more than 14 calendar days after the signing of the identifying SOU, the SOU also must be re-administered pursuant to the APR Section 35149(a)(4)(A).

The following response assumes the relinquishing parent did not intend to designate an adoptive parent for the child. In a case of a designating relinquishment and a non-identifying SOU, since the SOU must be signed by the parent before signing the relinquishment form pursuant to the APR Section 35149(4), both forms must be re-administered. The agency should revoke the designated relinquishment document

pursuant to the APR Section 35153. A new SOU document not identifying the adoptive parent must be signed, and a new relinquishment document not designating the adoptive parent must be signed.

If the relinquishing parents are residing outside the United States, they may sign the appropriate SOU and relinquishment document in the presence of specified public officials pursuant to Civil Code Section 1183 and as described in the APR Section 35149(a)(3)(C)1. If they enter the United States, the adoption agency may follow the requirements of taking the relinquishment, either inside or outside of California, pursuant to requirements of California law.

Kinship Adoption Agreement, Relative Adoptions, and Cooperation between Public and Private Adoption Agencies

- 5.1 (A) Who may sign a kinship adoption agreement? Do kinship adoption agreements apply to private agency adoptions? Do kinship adoption agreements apply to adoptions of newborn children?**
- (B) Are there any limitations in kinship adoption agreements? May birth parents have unmonitored visits? How does a kinship adoption agreement apply to the child's extended birth family?**
- (C) Will a kinship adoption agreement be judicially enforced?**

Kinship Adoption Agreements are described in the Adoption Program Regulations (APR) Sections 35000(k)(1), 35179.1 and 35209 and Family Code Sections 8714.5 and 8714.7.

- (A) Although licensed public and private adoption agencies are not parties to a Kinship Adoption Agreement, agencies may assist in the mediation and development of these agreements. The parties to the Kinship Adoption Agreement may also call on other professional mediation services to negotiate the terms of the agreement.

Kinship Adoption Agreements are an option for intra-familial adoptions. They are to be used in facilitating adoptions by relatives of children who are already in the dependency system or who are at risk of entering the dependency system. A licensed private adoption agency by completing an applicant assessment of a relative caregiver may work with a licensed public adoption agency in the development of a Kinship Adoption Agreement.

This type of agreement could be mediated for the adoption of a newborn child who was detained or made a juvenile court dependent. A birth parent may decide to participate in the adoption planning for his or her child by signing a relinquishment designating a relative as the prospective adoptive parent. (See Welfare & Institutions Code Sections 358.1(e) and 361(b).)

- (B) Kinship Adoption Agreements provide for post-adoption contact among the parties to the adoption and are limited to the sharing of information about the child, visitation and future contact between the child, birth parents, siblings, and other birth relatives. The terms and conditions of this contact will be determined by the parties to the Kinship Adoption Agreement. There are no statutory or regulatory restrictions as long as the terms do not compromise the safety of the child. The licensed public or private adoption agency that assumes the responsibility for completing the court report as described in the APR Section 35211 must review the Kinship Adoption Agreement to ensure it is in the best interest of the child and must include a statement in the report recommending for or against approval of the agreement.

- (C) Kinship Adoption Agreements are enforceable by the court that granted the adoption as indicated on the “Order of Adoption” (Judicial Council form Adopt-215).

5.2 Who conducts the early assessment of relatives?

The early assessment of relatives will be conducted by county child welfare agencies pursuant to Welfare & Institutions Code Sections 309(d), 319, 361.3 and 361.4. Standards and guidelines, entitled “Model Assessment of Relative Homes,” to be used for this purpose were developed by the Department and issued on March 1, 1999, via All-County Information Notice No. I-18-99. These guidelines are based on the “Best Practices Guidelines” issued by the Department via All-County Information Notice No. I-78-98. This model is a family-centered and strength-based approach which incorporates identification of needs and planning for services early in the process. It furthers the objective of establishing safe, stable, appropriate and permanent families that promote a child’s healthy social, emotional, physical and cognitive development.

The Department is planning to provide training sessions on the “Model Relative Assessment Guidelines” during 1999. To obtain more information on these sessions, contact the Foster Care Policy Bureau at (916) 445-0813.

5.3 Private agencies charge fees and public agencies generally do not. How are fees to be considered when the private and public agencies are working together in a relative adoption?

Licensed private adoption agencies working in partnerships to complete assessments of adoptive applicants, supervise adoptive placements, and finalize adoptions of children who are eligible for Adoption Assistance Program (AAP) benefits may apply for compensation for costs up to \$3,500 per child under the Private Adoption Agency Reimbursement Program (PAARP). The procedures for participation in PAARP are described in the APR Sections 35067 through 35077. Agencies that choose to participate in this program must file Vendor Data Record form (STD 204). Contact the Adoptions Policy Bureau at (916) 323-0467 to obtain this form.

5.4 May a licensed public adoption agency contract for the purchase of adoption services from an out-of-state private agency and when it cannot otherwise place the child?

As a result of the enactment of Chapter 1056, Statutes of 1998 (AB 2773), Welfare & Institutions Code Section 16100 now allows licensed public adoption agencies to contract for adoption services from any out-of-state licensed adoption agency to facilitate adoptive placements. The procedures for the Interstate Compact on the Placement of Children are described in the APR Sections 35400 through 35409 and are to be followed when they are applicable.

The Department and the County Welfare Directors Association have convened a task

force to develop guidelines for obtaining and paying for out-of-state adoption services.