

TABLE OF CONTENTS

TITLE 22, DIVISION 2

CHAPTER 3. ADOPTION PROGRAM REGULATIONS

SUBCHAPTER 6. PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 1. General Administrative Requirements for Intercountry Adoptions

	Section
Additional Administrative Requirements for Intercountry Adoptions.....	35241
Written Agreement with Foreign Agency	35243
Submission of Reports	35245
Submission of Information to the Department.....	35247
Requirement for Fee Schedule	35249
Intercountry Adoptions Case Record Requirements.....	35251
Staffing and Post-Adoption Services.....	35253

Article 2. Application for the Placement of a Child for Adoption

ICA Requirement for Written Application	35255
---	-------

Article 3. Assessment of the Applicant

Requirement for Assessment of Applicant	35257
Authority for Disapproval of Applicant	35259
Requirement for Completion of Assessment Process	35261
Intercountry Adoptions Assessment Interview Requirements	35263
Item to be Discussed with Applicant	35265
Information Transmitted to the Applicant During Assessment	35267
Documentation from the Applicant	35269
Criminal Background Checks.....	35270
Identification of the Applicant and Evaluation of Specific Characteristics	35271
Written Notification of Agency's Decision Regarding Placement of a Child	35273

TABLE OF CONTENTS (Continued)

Article 4. Assessment of the Child

	Section
Requirement for Assessment of the Child	35275
Documentation on the Child.....	35277
Documentation from the Foreign Agency Responsible for the Child.....	35279
Documentation of Unavailability of Information	35281
Content of Assessment	35283
Completion of Psychological and Medical History Form.....	35285
Submission and Discussion of Written Assessment	35287

Article 5. Background Information on the Birth Parents

Written Information on the Child's Birth Parents	35289
Information on the Birth Parents from the Foreign Country.....	35291
Documentation of Unavailability of Information	35293
Submission and Acknowledgment of Nonidentifying Information	35295

Article 6. Placement

Procedures for Adoptions to be Completed in California.....	35297
---	-------

Article 7. Supervision of Adoptive Placement

Requirement for Supervision of the Adoptive Placement	35299
Commencement and Termination of Supervision	35301
Exceptions to the Duration of the Supervisory Period.....	35303
Services During the Supervisory Period.....	35305
Home Interview During Supervisory Period	35307

TABLE OF CONTENTS (Continued)**Article 7. Supervision of Adoptive Placement (Continued)**

	Section
Additional Interviews During Supervisory Period.....	35309
Written Evaluation of the Adoptive Placement	35311

Article 8. Intercountry Adoption Court Report

Submission of Court Report	35313
Content of the Court Report	35315
Information to be Excluded from Court Report.....	35317
Immediate Filing of the Court Report	35319
Repealed by Manual Letter No. AD-98-01, effective 8/1/98	35321
Renumbered to Section 35319(d) by Manual Letter No.AD-98-01, effective 8/1/98	35323

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SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 1. General and Administrative Requirements

35241 ADDITIONAL ADMINISTRATIVE REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS 35241

- (a) In addition to meeting the requirement of Section 35039 the agency shall make copies of the following available to all staff:
- (1) Federal statutes and regulations pertaining to intercountry adoptions.
 - (2) Current written information explaining the laws, policies and procedures of any foreign agency.
 - (3) Either copies of or the requirements contained in all written agreements between the agency and any foreign agency as required in Section 35243 below.

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

35243 WRITTEN AGREEMENT WITH FOREIGN AGENCY 35243

- (a) The agency shall have a written agreement with each foreign agency from which the agency places children.
- (1) The written agreement between the agency and the foreign agency shall:
 - (A) Verify that the foreign agency is authorized to place children for intercountry adoption under the laws of the foreign agency's country.
 - (B) Specify the responsibility of the foreign agency for the care of the child including medical care and financial support.
 - (C) Specify the authority and responsibility of the foreign agency in relation to placement, disruptions, finalization of the intercountry adoption or return of the child to his or her native country.
 - (D) Specify that the agency shall notify the foreign agency in writing whenever the adoption cannot be finalized.

35243 **WRITTEN AGREEMENT WITH FOREIGN AGENCY (Continued)** **35243**

- (E) Specify the supervision and reporting requirements of the foreign agency.
- (F) Specify the policies and procedures for the selection of children through the foreign agency.
- (G) Specify responsibility for travel arrangements for the child's transportation from the child's native country to the final California destination.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900 and 8905, Family Code.

35245 **SUBMISSION OF REPORTS** **35245**

- (a) The agency shall submit intercountry reports to the department as required including but not limited to the following:
 - (1) The number of applications pending.
 - (2) the number of completed Assessments of Applicants.
 - (3) The number of pending Assessments of Applicants.
 - (4) The number of adoptions by relatives.
 - (5) The number of homes awaiting placement of a foreign-born child.
 - (6) The number of completed intercountry adoptions.
 - (7) The number of foreign-born children placed by country of origin.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Section 10852, Welfare and Institutions Code; and Section 8900, Family Code.

35247 SUBMISSION OF INFORMATION TO THE DEPARTMENT 35247

- (a) Agencies that provide intercountry adoption services shall submit the following information to the department for each adoptive placement of a foreign-born child:
- (1) Child's birth name and date of birth.
 - (2) Names of adoptive parents.
 - (3) Names of birth parents, if available.
 - (4) Name of foreign agency.
 - (5) Name of agency.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Section 10852, Welfare and Institutions Code; and Section 8900, Family Code.

35249 REQUIREMENT FOR FEE SCHEDULE 35249

- (a) The agency shall establish a fee schedule for intercountry adoption services as required by Family Code Section 8907.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8907 reads as follows:

"The costs incurred by licensed adoption agency pursuant to programs established by this chapter shall be funded by fees charged by the agency for services required by this chapter. The agency's fee schedule is required to be approved by the department initially, and whenever it is altered."

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8900, Family Code. Reference: Sections 8900 and 8907, Family Code.

35251 INTERCOUNTRY ADOPTIONS CASE RECORD REQUIREMENTS 35251

- (a) The agency shall maintain a permanent record for each foreign-born child and/or family for whom the agency provides adoption services.
- (1) In addition to copies of all correspondence case records shall include:
- (A) Copies of all documents received from the foreign agency.
 - (B) Written Assessment of the Child as required by Section 35275 including a copy of the psychological and medical history form as required by Section 35285.
 - (C) Copy of written Background Information on Birth Parents as required by Subchapter 6, Article 5 including medical report on the mother of the child as required by Section 35289(a)(2)(B).
 - (D) Copy of written Assessment of the Applicant as required by Subchapter 6, Article 3 including:
 - 1. Documentation required by Section 35269.
 - 2. Copy of notification of agency's decision regarding the assessment required by Section 35273.
 - (E) Information regarding application, placement and supervision including:
 - 1. Copy of completed application required by Section 35255.
 - 2. Copy of placement agreement required by Section 35297(a)(7).
 - 3. Copy of updated psychological and medical history form and updated assessment of the child required by Sections 35305(a)(3) and (4).
 - 4. Documentation that the agency provided a copy of the updated psychological and medical history form to the prospective adoptive parent as required by Section 35305(a)(3)(A).
 - 5. Documentation to support any reduction in the six-month supervisory period specified in Section 35303.

35251	INTERCOUNTRY ADOPTIONS CASE RECORD REQUIREMENTS	35251
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6. Documentation of all interviews conducted during the supervisory period required by Sections 35307 and 35309 including:
 - (i) Documentation of any area listed in Section 35311(a)(1)(A) through (F) observed by the agency representative that requires modification and a description of the modification required by Section 35305(a)(2).
 7. Copy of written evaluation of the adoptive placement as required by Section 35311.
 8. Copy of all written notices as required by Sections 35235(a)(1) and 35239(a)(1)(A)(3)(i).
- (F) Copies of all court reports submitted by the agency as required by Subchapter 6, Article 8, Section 35313 et seq.
- (G) Copies of all requests for disclosure of information from the adoption case record including:
1. Requests for medically necessary information.
 2. Waivers of confidentiality to allow the agency or department to arrange for contact among the adult adoptee, the birth parent and the adoptive parent.
 3. Requests for disclosure of the name and address of the birth parent.
 4. Requests for a copy of the psychological and medical history form.
- (H) Copy of certification submitted to INS that California Preadoption Requirements have been met.

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

35253	STAFFING AND POST-ADOPTION SERVICES	35253
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- (a) In addition to meeting the requirements of this article, the agency shall meet all applicable requirements in Subchapter 2, Article 3, Section 35021 et seq. and Subchapter 3, Article 3, Section 35049 et seq.

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

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SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 2. Application For the Placement of a Child for Adoption

35255 ICA REQUIREMENT FOR WRITTEN APPLICATION 35255

- (a) The agency shall require a written application prior to making an assessment of any person wishing to adopt a child.

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

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SUBCHAPTER 6. PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 3. Assessment of the Applicant

35257 REQUIREMENT FOR ASSESSMENT OF APPLICANT 35257

- (a) The agency shall make a written assessment of each applicant seeking to adopt children for whom the agency needs adoptive parents in order to determine the applicant's suitability as a prospective adoptive parent.
 - (1) The written assessment shall be the basis for the agency's decision as to whether the applicant will be approved for the adoptive placement of a child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8902, and 8904, Family Code.

35259 AUTHORITY FOR DISAPPROVAL OF APPLICANT 35259

- (a) The agency shall have the authority to make a determination that the applicant shall not be approved for the adoptive placement of a child at any point in the assessment process.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Section 16141, Welfare and Institutions Code; Section 8900, Family Code.

35261 REQUIREMENT FOR COMPLETION OF ASSESSMENT PROCESS 35261

- (a) The agency shall make a determination that the applicant shall be approved for the adoptive placement of a child only after completing the entire assessment process.

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

35263	INTERCOUNTRY ADOPTIONS ASSESSMENT INTERVIEW REQUIREMENTS	35263
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- (a) The agency shall conduct interviews as necessary to make the determination required in Section 35257.
- (1) The agency shall conduct at least one interview in the home of the applicant.
 - (2) The agency shall conduct separate interviews with each applicant if more than one applicant.
 - (3) The agency shall conduct a joint interview with the applicants if there is more than one applicant.
 - (4) The agency shall conduct interviews with all other adults and have contact with all children who live in the applicant's home.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8902, and 8904, Family Code.

35265	ITEMS TO BE DISCUSSED WITH APPLICANT	35265
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- (a) The agency shall discuss the following information with the applicant:
- (1) Approximate time it may take to complete each stage of the intercountry adoption process.
 - (2) Statutory and regulatory requirements for adoption including:
 - (A) INS requirements including readoption, if applicable.
 - (B) Foreign agency requirements.
 - (3) Children available through the agency for adoption.
 - (4) Agency fees including foreign agency fees.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8902, 8904, and 8919, Family Code.

35267	INFORMATION TRANSMITTED TO THE APPLICANT DURING ASSESSMENT	35267
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- (a) The agency shall inform the applicant of the following:
- (1) The policies of a foreign agency may preclude placement of a foreign-born child with certain individuals or families.
 - (2) Availability of a grievance review process in accordance with Subchapter 5, Article 9, Section 35233 et seq.
 - (3) The applicant's responsibility to pay for transportation of the foreign-born child from the child's native country to the child's final destination in California.
 - (4) The applicant's responsibility for the foreign-born child adopted under the laws of the child's native country.
 - (5) If the applicant is going to adopt the foreign-born child under the laws of the child's native country:
 - (A) Readopting the foreign-born child in California when required by INS or petitioning the court for a California birth certificate.
 1. The agency that completed the assessment pursuant to Section 35257 shall provide all agency services to the applicant to assist him or her in completing the adoption in California to include but not limit to completing the required report to the court required by Subchapter 6, Article 8, Section 35313 et seq.
 - (6) The applicant's responsibility pursuant to Family Code Section 8903(b) for the foreign-born child when he or she has received guardianship of the child under the laws of the child's native country.

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

HANDBOOK BEGINS HERE

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

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

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8902, and 8904, Family Code.

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

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

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

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

HANDBOOK BEGINS HERE

See Family Code section 8908

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

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

HANDBOOK ENDS HERE

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

HANDBOOK BEGINS HERE

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

See Health & Safety Code section 1522.1

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35270 **CRIMINAL BACKGROUND CHECKS (Continued)** **35270**

- (c) The Agency shall submit one set of fingerprints (electronically or manually) for each applicant to the DOJ.
 - 1. The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

- (d) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the completion of the adoption.

HANDBOOK BEGINS HERE

The DOJ utilizes form BCIA 8049 for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form and mailing address can be obtained from the DOJ website at:

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

HANDBOOK ENDS HERE

- (e) Pursuant to Penal Code section 11105.2 the agency shall notify the DOJ when the adoption has been finalized, denied, or dismissed to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption.

HANDBOOK BEGINS HERE

The DOJ utilizes form BCIA 8302 for this purpose entitled: "No Longer Interested (NLI) Notification." The form and mailing address can be obtained from the DOJ website at:

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

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

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

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION OF SPECIFIC CHARACTERISTICS 35271

- (a) The assessment of the applicant shall include:
- (1) Obtaining the following identifying information:
 - (A) Name, date of birth and sex.
 - (B) Current address and telephone number.
 - (C) Blood relationship to child, if any.
 - (D) Race and ethnic background information.
 - (E) Religion.
 - (F) Current employment information.
 - (G) Verification of marital status, if relevant.
 - 1. Verification of termination of all prior marriages.
 - (2) Evaluation of:
 - (A) General Characteristics.

HANDBOOK BEGINS HERE

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

HANDBOOK CONTINUES

HANDBOOK CONTINUES

5. Self-esteem.
6. Coping ability.
7. The manner in which normal hazards and risks are accepted.
8. Motivation for adoption.
9. Ability to have a parent-child relationship and to enjoy a child.
10. Flexibility regarding the applicant's expectations of a child.
11. Feelings and attitudes regarding:
 - (i) Inability of the applicant to conceive children when this is a factor in the application.
 - (ii) Birth parents.
 - (iii) Children who have been abused, neglected or abandoned.
 - (iv) Sharing the facts surrounding the adoption with the adopted child including how the applicant plans to teach the child about, identify with and have information about his or her native country.
 - (v) Children who have physical, emotional and/or mental handicaps.

HANDBOOK ENDS HERE

- (B) Social Background.

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

HANDBOOK BEGINS HERE

1. Participation in community activities.
2. Peer relationships.
- (C) Educational background.
- (D) Financial stability.
- (E) Work adjustment.
- (F) Adequacy of housing.
 1. Evaluation of adequacy of housing may include evaluation of the following conditions:
 - (i) Sanitation.
 - (ii) Safety.
 - (iii) Sleeping accommodations.
 - (iv) Play area.

HANDBOOK ENDS HERE

- (G) The full state criminal record of the applicant and the FBI criminal record from the DOJ.

HANDBOOK BEGINS HERE

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

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

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

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

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

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

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SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 4. Assessment of the Child

35275 REQUIREMENT FOR ASSESSMENT OF THE CHILD 35275

- (a) The agency shall make a written assessment of the child as required by Family Code Section 8909.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8909(a) reads as follows:

"(a) An agency may not place a child for adoption unless a written report on the child's medical background and, if available, the medical background of the child's biological parents, so far as ascertainable, has been submitted to the prospective adoptive parents and they have acknowledged in writing the receipt of the report."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35277 DOCUMENTATION ON THE CHILD 35277

- (a) The agency shall obtain documentation on the child to facilitate the assessment, including:
- (1) Identifying information.
 - (2) Medical reports.
 - (3) Psychological evaluations.
 - (4) Scholastic information.
 - (5) Developmental history.
 - (6) Family life history.
 - (7) Certified copy of birth certificate.

35277	DOCUMENTATION ON THE CHILD (Continued)	35277
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- (8) Race and ethnic background.
- (9) Religion.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, 8901, and 8909, Family Code.

35279	DOCUMENTATION FROM THE FOREIGN AGENCY RESPONSIBLE FOR THE CHILD	35279
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- (a) The agency shall obtain the documentation on the foreign-born child from the foreign agency responsible for the child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35281	DOCUMENTATION OF UNAVAILABILITY OF INFORMATION	35281
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- (a) The agency shall document any unavailability of the documentation required by Section 35277 and the reasons for its unavailability.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35283 CONTENT OF ASSESSMENT 35283

- (a) The assessment shall include:
 - (1) Current and anticipated:
 - (A) Psychological functioning.
 - (B) Scholastic functioning.
 - (C) Social functioning.
 - (D) Health status.
 - (2) Identification of any atypical needs of the child that exist currently or will likely exist in the future.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8901, Family Code. Reference: Sections 8608, 8901, and 8909, Family Code.

35285 COMPLETION OF PSYCHOLOGICAL AND MEDICAL HISTORY FORM 35285

- (a) The agency shall complete a psychological and medical history form for the child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35287 SUBMISSION AND DISCUSSION OF WRITTEN ASSESSMENT 35287

- (a) The agency shall submit the written assessment to the prospective adoptive parent and discuss with them the agency's evaluation of the child's current and anticipated functioning as required by Section 35283(a)(2) and Family Code Section 8909 at least 30 days prior to placement of the child in the home.
 - (1) The prospective adoptive parent shall acknowledge in writing receipt of this information.

HANDBOOK BEGINS HERE

(A) Family Code Section 8909 reads as follows:

"(a) An agency may not place a child for adoption unless a written report on the child's medical background and if available, the medical background of the child's biological parents, so far as ascertainable, has been submitted to the prospective adoptive parents and they have acknowledged in writing the receipt of the report.

"(b) The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life."

(B) Agencies that are licensed to complete intercountry adoptions should refer to Section 35211 for additional regulations pertaining to the written report on the assessment of the child that is to be presented to prospective adoptive parents.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, 8901, 8902, and 8909, Family Code.

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS**Article 5 Background Information on the Birth Parents****35289 WRITTEN INFORMATION ON THE CHILD'S BIRTH PARENTS 35289**

- (a) The agency shall obtain the following written information on the child's birth parents:
- (1) Identifying information including:
 - (A) Name.
 - (B) Current address.
 - (C) Date of birth.
 - (D) Sex.
 - (E) Race and ethnic background.
 - (F) Any information required by the foreign agency.
 - (2) Medical background information including:
 - (A) Written medical report signed by a licensed physician.
 - (B) Written medical report on the mother of a child who is less than one year of age signed by the physician who delivered the child or, if not available, from the hospital where the child was born. The report shall include:
 1. Results of the mother's blood test for syphilis.
 2. Information regarding all medication taken by the mother during pregnancy.
 3. Mother's health during pregnancy.
 4. Any complications of pregnancy.
 5. Any complications of delivery.
 - (3) Social history including:
 - (A) Marriages.

35289 WRITTEN INFORMATION ON THE CHILD'S BIRTH PARENTS (Continued) 35289

- (B) Other children.
- (C) Reason for placement.
- (D) Education and employment.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35291 INFORMATION ON THE BIRTH PARENTS FROM THE FOREIGN AGENCY 35291

- (a) The agency shall obtain the information on the birth parents of the foreign-born child from the foreign agency responsible for the child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35293 DOCUMENTATION OF UNAVAILABILITY OF INFORMATION 35293

- (a) The agency shall document any unavailability of the information required by Section 35289 and the reasons for its unavailability.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, and 8909, Family Code.

35295 SUBMISSION AND ACKNOWLEDGMENT OF NONIDENTIFYING INFORMATION 35295

- (a) The agency shall submit the nonidentifying information regarding the birth parents to the prospective adoptive parent 30 days prior to placement of the child in the home.
 - (1) The prospective adoptive parent shall acknowledge in writing the receipt of the report.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, 8902, 8904, and 8909, Family Code.

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS**Article 6. Placement****35297 PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN CALIFORNIA 35297**

- (a) Prior to placement of the child where the adoption will be completed in California, the agency shall:
- (1) Obtain documentation from the foreign agency that the child is legally free for adoption.
 - (2) Determine that the child's needs can be met by placement with the prospective adoptive parent.
 - (A) The child's needs shall be determined by the assessment required by Subchapter 6, Article 4, Section 35275 et seq.
 - (B) The prospective adoptive parent's ability to meet the needs of the particular child shall be determined by a review of the Assessment of the Applicant required by Subchapter 6, Article 3, Section 35257 et seq.
 - (C) The agency shall make the psychological and medical history form required by Section 35285 available to the prospective adoptive parent.
 - (3) Determine that all INS requirements for a foreign-born child have been met.
 - (4) Certify to INS compliance with California Preadoption Requirements.
 - (5) Unless the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country the agency shall discuss the following with the prospective adoptive parent:
 - (A) That the agency shall retain legal custody of the child, supervise the adoptive placement, and routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted.
 1. If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial responsibility for the child, as permitted by Family Code Section 8906, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date.

**35297 PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN
CALIFORNIA (Continued)****35297**

HANDBOOK BEGINS HERE

- (i) Family Code Section 8906 reads as follows:

"Nothing in this chapter may be construed to prohibit the licensed adoption agency from entering into an agreement with the prospective adoptive parents to share or transfer financial responsibility for the child."

HANDBOOK ENDS HERE

- (B) That the child shall not be concealed within the county prior of granting the final decree of adoption.
- (C) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without the prior written consent of the agency.
- (D) That after the adoption petition is filed the child shall not be removed from the county of residence of the prospective adoptive parent for a period exceeding 30 days without the approval of the court until a final decree of adoption is granted.
- (E) That the prospective adoptive parent shall place the child under the care of a licensed physician for routine health care of the child.
- (F) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child and shall obtain prior written consent for all nonemergency surgical and other nonroutine medical treatment for the child.
- (G) That the prospective adoptive parent shall inform the agency regarding any changes in the composition of the adoptive family or place of residence of the family.
- (H) That the adoptive placement may be terminated and the child removed from the prospective adoptive parent's home at the agency's discretion prior to the filing of the petition to adopt.
- (I) That the agency agrees to give seven days written notice to the prospective adoptive parent of its intent to terminate the adoptive placement and remove the child unless the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse.

35297 PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN CALIFORNIA (Continued) 35297

- (J) That after the adoptive petition has been filed the agency must obtain court approval to remove the child.
- (K) That the prospective adoptive parent shall be permitted to terminate the adoptive placement and return the child to the agency at any time prior to the granting of the final decree of adoption.
- (L) That the agency shall determine that all ICPC requirements for an interstate placement have been met as required by Title 22, California Code of Regulations, Section 35397 et seq.
- (M) That the agency has a grievance review procedure and the right of the prospective adoptive parent to file a grievance with the agency if the parent is dissatisfied with any action of the agency at any time before a petition for adoption is filed.
 - 1. The grievance review process shall be in accordance with Subchapter 5, Article 9, Section 35233 et seq.
- (N) That Family Code Section 8911 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 8912 of the Family Code within thirty (30) days of placement.
- (6) When the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country, the agency shall discuss the following with the prospective adoptive parent:
 - (A) That the agency shall routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted.
 - (B) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without notifying the agency in writing.
 - (C) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child.
 - (D) That the agency will notify the local child protective services agency when the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse.
 - (E) Those items contained in Section 35297(a)(5)(B), (D), (E), (G), (J), (M), and (N).

35297 **PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN CALIFORNIA** (Continued) **35297**

- (7) Enter into an adoptive placement agreement with the prospective adoptive parent which agreement shall include:
- (A) General and identifying information as follows:
 - 1. Name and address of prospective adoptive parent.
 - 2. Name, address and telephone number of agency.
 - 3. First name and date of birth of child.
 - 4. Anticipated date of placement.
 - 5. Amount of agency fees, including foreign agency fees.
 - (B) Statements which summarize the information required by Section 35297(a)(5) or (6).
 - (C) A space for acknowledgment of receipt of the prospective adoptive parent of the information required by Section 35297(a)(2)(C).
 - (D) A space for the signature of the prospective adoptive parent and date of signing the adoptive placement agreement.
 - (E) A space for the signature of the agency's representative and date of signing the adoptive placement agreement.
 - 1. The signature and date of signing by a representative of each agency shall be obtained if the placement is a cooperative placement between two agencies.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8902, 8903, 8906, 8910, 8911, and 8919, Family Code.

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 7. Supervision of Adoptive Placement

35299 REQUIREMENT FOR SUPERVISION OF THE ADOPTIVE PLACEMENT 35299

- (a) The agency shall supervise the adoptive placement of the child with the prospective adoptive parent unless the child was adopted abroad.

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

35301 COMMENCEMENT AND TERMINATION OF SUPERVISION 35301

- (a) The agency shall commence supervision of the adoptive placement when the child is placed with the prospective adoptive parent and continue until a final decree of adoption is granted or the child is removed from the home of the prospective adoptive parent.

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

35303 EXCEPTIONS TO THE DURATION OF THE SUPERVISORY PERIOD 35303

- (a) The duration of the supervisory period shall not be less than six months unless:
- (1) The adoptive parent has successfully completed the adoption of another child in California, including an Assessment of the Applicant and supervision by an agency, within the past five years.
 - (2) The adoptive parent is in the military service of the United States or is employed by the American Red Cross and completion of the six-month supervisory period would delay completion of an adoption which the agency has determined should be completed.

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

35305 SERVICES DURING THE SUPERVISORY PERIOD**35305**

- (a) During the supervisory period the agency shall provide the following services as needed to the prospective adoptive parent and to the child to be adopted so that the child may be successfully integrated into the family:
- (1) Liaison between the family and:
 - (A) Schools.
 - (B) Mental health agencies.
 - (C) Physical health agencies.
 - (D) Rehabilitation service agencies.
 - (E) Other community resources.
 - (2) Discussion with the prospective adoptive parent regarding any area listed in Sections 35311(a)(1)(A) through (F) observed by the agency representative that requires modification and a description of the modification required.
 - (3) Update the psychological and medical history form to reflect any additional information revealed during the supervisory period.
 - (A) The agency shall give a copy of the updated psychological and medical history form to the prospective adoptive parent.
 - (B) The agency shall obtain the prospective parent's signature acknowledging receipt of the updated psychological and medical history form.
 - (4) Update the Assessment of the Child to reflect any additional information discovered during the supervisory period.

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

35307 **HOME INTERVIEW DURING SUPERVISORY PERIOD** **35307**

- (a) During the supervisory period the agency shall conduct at least one interview in the home of the prospective adoptive parent with the prospective adoptive parent and the child to be adopted.

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

35309 **ADDITIONAL INTERVIEWS DURING SUPERVISORY PERIOD** **35309**

- (a) The agency shall conduct at least three additional interviews with the prospective adoptive parent unless the duration of the supervisory period has been reduced to less than six months as provided for in Section 35303.

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

35311 **WRITTEN EVALUATION OF THE ADOPTIVE PLACEMENT** **35311**

- (a) The agency shall make a written evaluation of the adoptive placement.
 - (1) The evaluation shall include:
 - (A) The child's physical growth and development, including identification of any abnormalities.
 - (B) The child's general health and physical appearance, including identification of any problem areas.
 - (C) The child's initial and continuing adjustment in the home including:
 - 1. The child's attitude about adoption.
 - 2. The child's attitude about this adoptive placement.
 - 3. The child's relationship with other family members.

35311	WRITTEN EVALUATION OF THE ADOPTIVE PLACEMENT	35311
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(Continued)

- 4. The child's school adjustment.
- 5. The child's social interaction.
- (D) The relationship of the prospective adoptive parent and all other family members with the child.
- (E) The use made of extended family relationships by the prospective adoptive parent.
- (F) The method, consistency and success of discipline used by the prospective adoptive parent.

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

SUBCHAPTER 6 PROCEDURES FOR INTERCOUNTRY ADOPTIONS

Article 8. Intercountry Adoption Court Report

35313 SUBMISSION OF COURT REPORT 35313

- (a) The agency shall make a report to the court in all cases where the child has been placed for adoption by the agency and the prospective adoptive parent has filed a petition for adoption. The court report shall be submitted:
 - (1) Within 180 days after the petition for adoption has been filed, or
 - (2) Within the time period extended by the court.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8914, and 8915, Family Code.

35315 CONTENT OF THE COURT REPORT 35315

- (a) The report shall include:
 - (1) A full report of the Background Information on the Birth Parents as required by Subchapter 6, Article 5, Section 35289 et seq.
 - (2) A full report of the information obtained in the Assessment of the Child as required by Subchapter 6, Article 4, Section 35285 et seq.
 - (3) A full report of the information obtained in the Assessment of the Applicant as required in Article 3, Sections 35269 and 35271.
 - (A) The court report shall include the assessment of the effect of the criminal record on the applicant's ability to provide adequate and proper care and guidance to the child.
 - 1. The agency shall utilize the most up-to-date criminal record information in its preparation of the court report.

35315 **CONTENT OF THE COURT REPORT (Continued)** 35315

HANDBOOK BEGINS HERE

- (i) Article 3, Section 35271(a)(2)(G)1. contains the relevant part of Family Code Section 8908.

HANDBOOK ENDS HERE

- 2. A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the CDSS - Adoptions Branch shall provide written notice to the CDSS at least 20 working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request that the CDSS -Adoptions Branch assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.
- 3. If the CDSS - Adoptions Branch is not able to complete the court report by the time indicated in the private agency notice, the CDSS shall advise the agency prior to the anticipated hearing date so that the hearing date may be postponed.

(4) A copy of the documentation that the child is legally free for adoption.

(5) The agency's recommendation that the petition be granted or denied.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, 8902, 8904, 8908, 8909, 8914, and 8915, Family Code.

35317 **INFORMATION TO BE EXCLUDED FROM COURT REPORT** 35317

(a) The agency shall not include the names and addresses of the birth parents in the court report.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Sections 8608, 8621, and 8901, Family Code. Reference: Sections 8608, 8900, 8909, 8914, and 8915, Family Code.

35319 IMMEDIATE FILING OF THE COURT REPORT 35319

- (a) After the prospective adoptive parents have filed the petition to adopt the child, the agency shall immediately file the court report when any of the following conditions exist:
- (1) There is a serious question concerning the suitability of the petitioners.
 - (2) There is a serious question concerning the care provided the child.
 - (A) If the agency knows or reasonably suspects the petitioners have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "suspected Child Abuse Report" (Form SS 8572 Revised 1/93) pursuant to Penal Code Section 11166(a).

HANDBOOK BEGINS HERE

1. The pertinent part of Penal Code Section 11166(a) is located at Handbook Section 35125.1(a)(1).
2. "Child abuse" is defined at Handbook Section 35125.1(a)(1)(A).
3. "Child care custodian" is defined at Handbook Section 35125.1(a)(10)(B).

HANDBOOK ENDS HERE

- (3) The petitioners indicate a desire to withdraw the adoption petition or move to withdraw the adoption petition.
- (b) The agency shall include in the court report, as appropriate, the following:
- (1) The basis for its concern regarding the suitability of the petitioners or the care of the child.
 - (2) A request to the court for direction regarding the situation giving rise to the agency's concern.
 - (3) A recommendation that the adoption petition be denied.
 - (4) A recommendation that the adoption petition be withdrawn according to the petitioner's wishes.
 - (5) A request that the adoption petition be dismissed if it was filed by persons with whom the agency has not signed an adoptive placement agreement.

35319 IMMEDIATE FILING OF THE COURT REPORT **35319**
(Continued)

- (c) If the agency recommends that the adoption petition be denied or withdrawn, it shall appear at the hearing to represent the child.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8916(a), in pertinent part, states:

"The licensed adoption agency shall file a full report with the court recommending a suitable plan for the child in every case where the petitioners desire to withdraw the adoption petition or where the licensed adoption agency recommends that the adoption petition be denied and shall appear before the court for the purpose of representing the child."

HANDBOOK ENDS HERE

- (d) The agency shall make a copy of its report available to the petitioner's attorney or to the petitioner if he or she is not represented by an attorney.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Sections 8621 and 8901, Family Code. Reference: Sections 8900, 8914, 8915, 8916(a), 8917, and 8918, Family Code; and Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, 11165.7, and 11166, Penal Code.

35321 CONTENT OF FAMILY CODE SECTION 8918 **35321**

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

35323 AVAILABILITY OF COURT REPORT **35323**

Renumbered to Section 35319(d) by Manual Letter No. AD-98-01, effective 8/1/98.