

**SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS****Article 6 Accepting the Statement of Understanding****35151 ACCEPTING THE STATEMENT OF UNDERSTANDING****35151**

(a) The agency shall accept the parent's Statement of Understanding as follows:

- (1) For parents of children who come within the provisions of the ICWA, additional requirements shall be followed in accordance with Subchapter 8, Articles 4 and 5.

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- (A) In order to answer any questions the parent may have, the agency may want to review the Statement of Understanding with the parent before he or she signs it in court.

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- (2) The agency shall obtain the parent's signature on the Statement of Understanding after he or she has:

- (A) Indicated his or her understanding of the relinquishment process by reading and initialing each explanatory statement on the Statement of Understanding form.

- (B) Indicated his or her preference regarding options for the filing of the relinquishment form.

- (3) The Statement of Understanding shall be signed:

- (A) In the presence of the agency representative and two witnesses if signed in California.

1. The witnesses shall be at least 18 years of age.

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2. Because the agency representative is a party to the relinquishment, he or she may not be one of the witnesses.

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- (B) In the presence of an authorized child welfare services agency representative or before a notary public, if signed out-of-state pursuant to Family Code Section 8700(c).

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1. Family Code Section 8700(c), states:

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**HANDBOOK CONTINUES**

- "(c) If a relinquishing parent resides outside this state and the child is being cared for and is or will be placed for adoption by the department or a licensed adoption agency, he or she may relinquish the child to the department or agency by a written statement signed by the relinquishing parent before a notary on a form prescribed by the department, and previously signed by an authorized official of the department or agency, which signifies the willingness of the department or agency to accept the relinquishment."
2. In obtaining an out-of-state relinquishment, the agency should refer the parent to an authorized or accredited adoption agency in the parent's own state.
  3. The use of a reader or translator by the out-of-state agency should be verified by the out-of-state agency.

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- (C) Pursuant to the provisions of Civil Code Section 1183, if signed outside of the United States.

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1. Civil Code Section 1183 states:  
  
The proof or acknowledgment of an instrument may be made without the United States, before any of the following:  
  
"(a) A minister, commissioner, or charge d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made.  
  
"(b) A consul, vice consul, or consular agent of the United States, resident in the country where the proof or acknowledgment is made.  
  
"(c) A judge of a court of record of the country where the proof or acknowledgment is made.  
  
"(d) Commissioners appointed by the Governor or Secretary of State for that purpose.

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"(e) A notary public.

"If the proof or acknowledgment is made before a notary public, the signature of the notary public shall be proved or acknowledged (1) before a judge of a court of record of the country where the proof or acknowledgment is made, or (2) by any American diplomatic officer, consul general, consul, vice consul, or consular agent, or (3) by an apostille (certification) affixed to the instrument pursuant to the terms of The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents."

2. One Statement of Understanding may be signed by the parent for the relinquishment of more than one child if the status of the parent-child relationship is the same for all children relinquished; e.g., the parent has physical custody of all the children he or she relinquishes or a father is the presumed father of all the children he relinquishes.

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**HANDBOOK ENDS HERE**

- (4) The agency shall give the parent the option of waiting a maximum of 14 calendar days before signing the relinquishment document.
  - (A) The agency shall complete a new Statement of Understanding if the maximum of 14 calendar days has elapsed and the parent desires to sign the relinquishment document.
- (5) After the agency representative signs the Statement of Understanding, the representative shall give the parent a copy of the signed form.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 1183, Civil Code and Section 8700(c), Family Code; and 25 USC Sections 1903(1) and 1913.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA 35152.1**

(a) (Reserved)

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**HANDBOOK BEGINS HERE**

(a) Refer to Section 35152.2 for the Statement of Understanding for the parent whose child is subject to the ICWA.

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(b) In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following:

(1) For a 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:

(A) (Reserved)

(B) (Reserved)

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**HANDBOOK BEGINS HERE**

(A) Refer to Section 35129.1(b) for required advisement to be provided by the agency to this category of mother and presumed father.

1. Presumed fathers who deny paternity have the same rights and responsibilities as any other category of presumed father and must be treated accordingly.

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**HANDBOOK ENDS HERE**

(B) The parent has the right to seek legal counsel to assist in the relinquishment process and the agency can refer the parent to public legal assistance in the community.

(C) The agency shall tell the parent its plan for the adoption of the child.

(D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends.

**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

- (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child.
- (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (G) The parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters if uncertain about relinquishing the child.
1. The agency will make a referral to the appropriate resource.
- (H) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency.
1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

- (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:

**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

1. The child is to be adopted by birth relatives, and
  2. The court approves the agreement.
- (K) The parent who chooses not to relinquish the child may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them, and consenting to their adoption of the child.
- (L) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.
- (M) Relinquishment terminates the parent's responsibility for the care of the child.
- (N) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.
- (O) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department and the agency will return the child to his or her custody.
1. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.
  2. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
  3. If return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency.
    - a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.

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4. See Subchapter 5, Article 7 regarding revocation procedures.

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**HANDBOOK ENDS HERE**

- (P) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152(b)(1)(I)2., may be rescinded only if the agency agrees.

<b>35152.1</b>	<b>STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued)</b>	<b>35152.1</b>
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1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision.
2. If the decision is to rescind, the rights and responsibilities as the child's parent continue unless terminated by other legal action.
  - a. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.

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3. See Subchapter 5, Article 9 regarding rescission procedures.

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**HANDBOOK ENDS HERE**

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- (Q) If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code Section 8700(h).

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**HANDBOOK BEGINS HERE**

1. For this Statement of Understanding, this provision applies only to children who are juvenile court dependents living with at least one parent who is receiving Family Maintenance Services.
2. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

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**HANDBOOK ENDS HERE**

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- (R) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.

1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

- (S) After the child has been legally adopted, the agency may not return the child to the parent.
- (T) The agency may not release any identifying information about the parent unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
  2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

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**HANDBOOK ENDS HERE**

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3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35053(b)(1).

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**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

- (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
  - (V) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
  - (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
  - (X) The AD 885 is the Statement of Understanding for a mother or 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 and who is not subject to the provisions of the ICWA.
- (2) For an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:
- (A) (Reserved)

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**HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.1(c) for required advisement to be provided by the agency to alleged natural fathers.

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**HANDBOOK ENDS HERE**

- (B) He has the right to seek legal counsel to assist him in the relinquishment process and the agency can refer him to public legal assistance in the community.
- (C) He has been told why he is considered to be the alleged natural father of the child and he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition to establish the father and child relationship.
- (D) The agency shall tell him its plan is for the adoption of the child.
- (E) He may talk about the plan to relinquish the child with other professionals and with family and friends.
- (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

- (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (H) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency.
1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

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- (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
- (1) The child is to be adopted by birth relatives, and
  - (2) The court approves the agreement.
- (J) The relinquishment terminates his rights to the custody, services, and earnings of the child.
- (K) Relinquishment terminates his responsibility for the care of the child.
- (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

<b>35152.1</b>	<b>STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued)</b>	<b>35152.1</b>
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- (M) If he does not relinquish the child to the adoption agency, the agency may petition the court to terminate his parental rights.
  - 1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.
- (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department.
  - 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.

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**HANDBOOK BEGINS HERE**

- 2. See Subchapter 5, Article 7 regarding revocation procedures.

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**HANDBOOK ENDS HERE**

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- (O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(2)(H)2., may be rescinded only if the agency agrees.
  - 1. If the decision is to not rescind, the agency shall inform him in writing of the reasons for its decision.
  - 2. If the decision is to rescind, he will have to establish the father and child relationship in court if he wishes to parent the child.

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**HANDBOOK BEGINS HERE**

- 3. See Subchapter 5, Article 9 for rescission procedures.

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**HANDBOOK ENDS HERE**

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- (P) If the child is a dependent of the juvenile court or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code Section 8700(h).

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

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**HANDBOOK BEGINS HERE**

1. For this Statement of Understanding, this provision only applies to children who are juvenile court dependents living with at least one parent who is receiving Family Maintenance Services.
2. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

**HANDBOOK ENDS HERE**

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- (Q) The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.
- (R) After the child has been legally adopted, the agency may not return the child.
- (S) The agency may not release any identifying information about him unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
  2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or

**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

**HANDBOOK ENDS HERE**

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**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parents of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203, is located at Section 35053(b)(1).

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**HANDBOOK ENDS HERE**

- (T) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (U) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (V) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (W) He may take court action to establish the father and child relationship and request the right to physical custody of the child.

**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

1. He has the right to seek legal counsel to assist in establishing the father and child relationship and in obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community.
- (X) If he is successful in establishing the father and child relationship and obtaining the right to physical custody of the child, he may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.
  1. The agency will make a referral to the appropriate resource.
- (Y) If he establishes the father and child relationship in court and obtains the right to physical custody of the child and chooses not to relinquish the child to the agency he may arrange for the child's adoption independently by choosing adoptive parents, placing the child with them and consenting to their adoption of the child.
- (Z) If he has established the father and child relationship and has been granted the right to physical custody of the child in court, the agency shall give him the child pursuant to the court order.
  1. Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days.
  2. If the return of the child will place the child in imminent danger of neglect, cruelty, depravity, or physical abuse the agency shall make an immediate referral to the county's children's protective services.
    - a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency.
- (AA) The AD 885C is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.
- (3) For a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:
  - (A) (Reserved)

35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)

35152.1

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- (A) Refer to Section 35129.2(a) for required advisement to be provided by the agency to this category of mother and presumed father.
1. Presumed fathers who deny paternity have the same rights and responsibilities as any other category of presumed father and must be treated accordingly.

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**HANDBOOK ENDS HERE**

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- (B) The parent has the right to seek legal counsel to assist in the relinquishment process from the attorney representing him or her in the dependency case.
- (C) The agency shall tell the parent its plan for the adoption of the child.
- (D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends.
- (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child.
- (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (G) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (H) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency.
1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

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- a. The content of Subdivisions (e), (f), and (g) of the Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

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- (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
1. The child is to be adopted by birth relatives, and
  2. The court approves the agreement.
- (J) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.
- (K) Relinquishment terminates the parent's responsibility for the care of the child.
- (L) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.
- (M) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department.
1. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
  2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.
- a. The agency shall immediately notify the county welfare department.

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3. See Subchapter 5, Article 7 regarding revocation procedures.

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**HANDBOOK ENDS HERE**

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**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

- (N) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(3)(H)2., may be rescinded only if the agency agrees.
1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision.
  2. If the decision is to rescind, the child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.
    - a. The agency shall immediately notify the county welfare department.

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**HANDBOOK BEGINS HERE**

3. See Subchapter 5, Article 9 for rescission procedures.

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**HANDBOOK ENDS HERE**

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- (O) The agency is required to follow the notice requirements of Family Code Section 8700(h).

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**HANDBOOK BEGINS HERE**

1. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

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**HANDBOOK ENDS HERE**

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- (P) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1**

- (Q) After the child has been legally adopted, the agency **may not** return the child to the parent.
- (R) The agency **may not** release any identifying information about the parent unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or
  2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

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3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203 is located at Section 35053(b)(1).

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## 35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1

- (S) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (T) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (U) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (V) If the parent does not want his or her child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his or her attorney regarding steps to take to regain custody of the child.
1. If the parent is successful in regaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.
  2. A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption.
- (W) If the child is living with a legal guardian and the parent does not have an attorney appointed by the juvenile court, the adoption agency shall refer the parent to public assistance in the community.
- (X) If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency shall refer the parent to community services which may assist him or her with financial, employment, educational, housing, temporary child care and health care needs.
- (Y) The AD 885A is the Statement of Understanding for a mother or presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.
- (4) For an 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:

**35152.1****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS NOT SUBJECT TO THE ICWA (Continued)****35152.1****HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.2(b) for required advisement to be provided by the agency to alleged natural fathers.

**HANDBOOK ENDS HERE**

- (B) He has the right to seek legal counsel to assist him in the relinquishment process.
1. If he has a court appointed attorney representing him in the juvenile court proceedings, that attorney may be able to assist him in the relinquishment process.
  2. If he does not have attorney representation, the agency can refer him to public legal assistance in the community.
- (C) He has been told why he is considered to be the alleged natural father of the child and that he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition in the juvenile court to establish the father and child relationship.
- (D) The agency shall tell him its plan for the adoption of the child.
- (E) He may talk about the plan to relinquish the child with other professionals and with family and friends.
- (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (H) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency.
1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

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- (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
  - (1) The child is to be adopted by birth relatives, and
  - (2) The court approves the agreement.
- (J) Relinquishment terminates his rights to the custody, services, and earnings of the child.
- (K) Relinquishment terminates his responsibility for the care of the child.
- (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his adoptive family.
- (M) If he does not relinquish the child to the adoption agency, the juvenile court may terminate his parental rights.
  1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.
- (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department.

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.
2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.
  - a. The agency shall immediately notify the county welfare department.

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**HANDBOOK BEGINS HERE**

3. See Subchapter 5, Article 7 regarding revocation procedures.

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**HANDBOOK ENDS HERE**

(O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(4)(H)2., may be rescinded only if the agency agrees.

1. If the decision is not to rescind, the agency shall inform him in writing of the reasons for its decision.
2. If the decision is to rescind, he will have to establish the father and child relationship in juvenile court if he wishes to parent the child.
  - a. The agency shall immediately notify the county welfare department.

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**HANDBOOK BEGINS HERE**

3. See Subchapter 5, Article 9 regarding rescission procedures.

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**HANDBOOK ENDS HERE**

(P) The agency is required to follow the notice requirements of Family Code Section 8700(h).

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

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**HANDBOOK BEGINS HERE**

1. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

**HANDBOOK ENDS HERE**

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- (Q) The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.
- (R) After the child has been legally adopted, the agency may not return the child.
- (S) The agency may not release any identifying information about the parent unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or
  2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or

**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

**HANDBOOK ENDS HERE**

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3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203 is located at Section 35053(b)(1).

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**HANDBOOK ENDS HERE**

- (T) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (U) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (V) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (W) If he does not want his child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his attorney regarding steps to take to regain custody of the child.
  1. If he is successful in gaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.



**35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS NOT SUBJECT TO THE ICWA (Continued) 35152.1**

2. A parent who has gained custody of a child who is a dependent of the court may, after gaining custody, voluntarily place the child for an agency or an independent adoption.
  3. If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs.
- (X) The AD 885D is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621 and 9202, Family Code. Reference: Sections 3010, 7500, 7501, 7601, 7602, 7610, 7611, 7612, 7630, 7631, 7632, 7633, 7634, 7660, 7661, 7662, 7663, 7664, 7665, 8600, 8601, 8604, 8605, 8606, 8607, 8608, 8616, 8617, 8618, 8700, 8701, 8702, 8703, 8704, 8706, 8707, 8708, 8709, 8714.7, 9201, 9202, 9203, 9204, 9205, and 9206, Family Code; and Sections 1798.24(r) and (s), Civil Code; Section 621, Evidence Code; Sections 6408 and 6408.5, Probate Code; and Sections 316.2 and 16507.5, Welfare and Institutions Code.

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA 35152.2**

- (a) (Reserved)

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**HANDBOOK BEGINS HERE**

- (a) Refer to Section 35152.1 for the Statement of Understanding for the parent whose child is not subject to the ICWA.

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**HANDBOOK ENDS HERE**

- (b) In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following:

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (1) For a 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 and who is subject to the provisions of the ICWA:
- (A) (Reserved)

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**HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.1(b) for required advisement to be provided by the agency to this category of mother and presumed father.
1. Presumed fathers who deny paternity have the same rights and responsibilities as any other category of presumed father and must be treated accordingly.

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**HANDBOOK ENDS HERE**

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- (B) The parent has the right to seek legal counsel to assist in the relinquishment process and the agency can refer the parent to public legal assistance in the community.
- (C) Because the child has been determined to be an Indian child, the requirements of the ICWA will apply to the taking of the relinquishment and the adoption of the child.
- (D) The agency shall tell the parent its plan for the adoption of the child.
- (E) The parent may talk about the plan to relinquish the child with other professionals and with family and friends.
- (F) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child.
- (G) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (H) The parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters if uncertain about relinquishing the child.

35152.2

**STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)**

35152.2

1. The agency will make a referral to the appropriate resource.
- (I) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (J) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency.
  1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

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- (K) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
  1. The child is to be adopted by birth relatives, and
  2. The court approves the agreement.
- (L) The parent who chooses not to relinquish the child may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them, and consenting to their adoption of the child.
- (M) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.
- (N) Relinquishment terminates the parent's responsibility for the care of the child.

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (O) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

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**HANDBOOK BEGINS HERE**

- 1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his or her status as an Indian are unaffected. See Subchapter 8.

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**HANDBOOK ENDS HERE**

- (P) The relinquishment document shall be signed before a judge of the Superior Court in California, or before a court of competent jurisdiction if signed outside the state.
- (Q) If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code Section 8700(h).

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**HANDBOOK BEGINS HERE**

- 1. For this Statement of Understanding, this provision only applies to children who are juvenile court dependents living with at least one parent who is receiving Family Maintenance Services.
- 2. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

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**HANDBOOK ENDS HERE**

- (R) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.

- 1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (S) After the child has been legally adopted the agency may not return the child to the parent.
- (T) The agency may not release any identifying information about the parent unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
  2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

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**HANDBOOK ENDS HERE**

3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203, is located at Section 35053(b)(1).

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**HANDBOOK ENDS HERE**

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

- (U) Information regarding the adoption may be released as follows:
1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his or her tribal relationship.
  2. The court granting the adoption will release to the Secretary of the Interior information concerning the adoption and the child, the adoptive parents, the birth parents, and the agency having information concerning the adoptive placement. The parent who desires anonymity must file an affidavit requesting anonymity with the court. The ICWA requires the Secretary of the Interior to ensure confidentiality will be maintained; however, tribes do not always maintain confidentiality if they know of the adoption.
  3. At the request of the adopted child over age 18, the adoptive parents or the Indian tribe, the Secretary of the Interior will release the information provided by the court to the extent necessary to enroll the adopted person in the tribe or to determine any rights or benefits associated with tribal membership. If the parent submitted an affidavit to the court requesting anonymity, the Secretary will certify, where information warrants, that the child is entitled to enrollment rather than release the information.
  4. Upon request of the Bureau of Indian Affairs or an adopted child who has reached age 18, the department will make a copy of all documents pertaining to the degree of Indian blood and tribal enrollment available to the requestor.
- (V) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (W) There is a required order of placement preference as follows:
1. Someone from the child's extended family,
  2. Someone from the child's tribe, or
  3. Placement with another Indian family.

35152.2

**STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)**

35152.2

- (X) The placement preference may be modified only by the tribe or the court.
1. The parent may request the court to modify the order of placement preference.
- (Y) The parent shall be permitted to revoke or rescind the relinquishment during any holding period at any time before the adoption is granted by the court.

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**HANDBOOK BEGINS HERE**

1. See Section 35369(a)(3) regarding revocation and rescission of a relinquishment.

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**HANDBOOK ENDS HERE**

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- (Z) Upon the request of a parent who gave physical custody of the child to the agency to revoke or rescind his or her relinquishment, the agency will return the child to his or her custody.
1. Under normal circumstances the child will be given to the parent within three working days and in no case shall it require more than seven calendar days.
    - a. If there is a question about which parent has the right to the physical custody of the child, the agency shall initiate court action to determine which parent has a right to the physical custody of the child.
  2. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
  3. If the return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency.
    - a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency.
- (AA) The parent will be notified if any other parent revokes or rescinds his or her relinquishment and of any court proceedings resulting from the revocation or rescission.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

1. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (BB) If there is court action to terminate parental rights, the agency shall notify the child's tribe and the tribe may intervene in the proceedings.
- (CC) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (DD) Upon petition of either parent or the child's tribe, court proceedings to terminate parental rights will be transferred to the jurisdiction of the tribal court, provided:
1. The child's tribe has a court with jurisdiction to hear child custody proceedings,
  2. The California court finds no good cause not to transfer the proceeding to the Indian tribe,
  3. No other parent objects, and
  4. The tribe does not decline the transfer.
- (EE) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian Blood for the child, to enroll the child in his or her tribe or to register him or her for any Bureau of Indian Affairs' benefits which he or she may be eligible.
- (FF) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (GG) The parent may petition the court to invalidate any action terminating parental rights if the termination procedures did not comply with the ICWA.
- (HH) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.



**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (II) The AD 899 is the Statement of Understanding for a 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, and who is subject to the provisions of the ICWA.
- (2) For an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, and who is subject to the provisions of the ICWA through the mother's tribe:
- (A) (Reserved)

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**HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.1(c) for required advisement to be provided by the agency to this category of parent.

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**HANDBOOK ENDS HERE**

- (B) He has the right to seek legal counsel to assist him in the relinquishment process and the agency can refer him to public legal assistance in the community.
- (C) Because the child has been determined to be an Indian child, the requirements of the ICWA will apply to the taking of the relinquishment and the adoption of the child.
- (D) He has been told why he is considered to be the alleged natural father of the child and he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment or file a petition to establish the father and child relationship.
- (E) The agency shall tell him its plan for the adoption of the child.
- (F) He may talk about the plan to relinquish the child with other professionals and with family and friends.
- (G) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (H) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

- (I) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency.
1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

- (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
1. The child is to be adopted by birth relatives, and
  2. The court approves the agreement.
- (K) The relinquishment terminates his rights to the custody, services, and earnings of the child.
- (L) Relinquishment terminates his responsibility for the care of the child.
- (M) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

<b>35152.2</b>	STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued)	<b>35152.2</b>
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**HANDBOOK BEGINS HERE**

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his or her status as an Indian are unaffected. See Subchapter 8.

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**HANDBOOK ENDS HERE**

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(N) He shall be permitted to revoke or rescind the relinquishment during any holding period and at any time before the adoption is granted by the court.

1. (Reserved)

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**HANDBOOK BEGINS HERE**

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1. See Section 35369(a)(3) regarding revocation and rescission of a relinquishment.

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**HANDBOOK ENDS HERE**

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2. His rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.

(O) If he does not relinquish the child to the adoption agency, the agency may petition the court to terminate his parental rights.

1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.

(P) The relinquishment document shall be signed before a judge of the Superior Court in California, or before a court of competent jurisdiction if signed outside the state.

(Q) If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code Section 8700(h).

<b>35152.2</b>	<b>STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued)</b>	<b>35152.2</b>
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**HANDBOOK BEGINS HERE**

1. For this Statement of Understanding, this provision only applies to children who are juvenile court dependents living with at least one parent who is receiving Family Maintenance Services.
2. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

**HANDBOOK ENDS HERE**

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- (R) The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.
- (S) After the child has been legally adopted, the agency may not return the child.
- (T) The agency may not release any identifying information about him unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
  2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or

**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

**HANDBOOK ENDS HERE**

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**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203, is located at Section 35053(b)(1).

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**HANDBOOK ENDS HERE**

(U) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his or her tribal relationship.
2. The court granting the adoption will release to the Secretary of the Interior information concerning the adoption and the child, the adoptive parents, the birth parents, and the agency having information concerning the adoptive placement. The parent who desires anonymity must file an affidavit requesting anonymity with the court. The ICWA requires the Secretary of the Interior to ensure confidentiality will be maintained; however, tribes do not always maintain confidentiality if they know of the adoption.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

3. At the request of the adopted child over age 18, the adoptive parents or the Indian tribe, the Secretary of the Interior will release the information provided by the court to the extent necessary to enroll the adopted person in the tribe or to determine any rights or benefits associated with tribal membership. If the parent submitted an affidavit to the court requesting anonymity, the Secretary will certify, where information warrants, that the child is entitled to enrollment rather than release the information.
  4. Upon request of the Bureau of Indian Affairs or an adopted child who has reached age 18, the department will make a copy of all documents pertaining to the degree of Indian blood and tribal enrollment available to the requestor.
- (V) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (W) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (X) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (Y) He may take court action to establish the father and child relationship and request custody of the child.
1. He has the right to seek legal counsel to assist in establishing the father and child relationship and obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community.
- (Z) If he is successful in establishing the father and child relationship and obtaining the right to physical custody of the child, he may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.
1. The agency will make a referral to the appropriate resource.

35152.2

**STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)**

35152.2

- (AA) If he establishes the father and child relationship in court and obtains the right to physical custody of the child and chooses not to relinquish the child to the agency he may arrange for the child's adoption independently by choosing adoptive parents, placing the child with them and consenting to their adoption of the child.
- (BB) If he has established the father and child relationship and has been granted the right to physical custody of the child in court, the agency shall give him the child pursuant to the court order.
1. Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days.
  2. If the return of the child will place the child in imminent danger of neglect, cruelty, depravity or physical abuse the agency shall make an immediate referral to the county's children's protective services.
    - a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.
- (CC) There is a required order of placement preference as follows:
1. Someone from the child's extended family,
  2. Someone from the child's tribe, or
  3. Placement with another Indian family.
- (DD) The placement preference may be modified only by the tribe or the court.
1. The parent may request the court to modify the order of placement preference.
- (EE) Upon the request of a parent who gave physical custody of the child to the agency to revoke or rescind his or her relinquishment, the agency will return the child to his or her custody.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

1. Under normal circumstances the child will be given to the parent within three working days and in no case shall the return of the child require more than seven calendar days.
  2. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
  3. If return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency.
    - a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.
- (FF) If a relinquishment for adoption is revoked or rescinded by a parent who has been denied the right to physical custody of the child by a court order, the agency shall:
1. Initiate court action to determine whether the parent has a right to physical custody of the child.
  2. Notify any other parents whose relinquishment has been filed by the department of the revocation or rescission of the relinquishment and of any planned court proceedings, resulting from the request.
- (GG) If there is a court action to terminate parental rights of a parent, the agency shall notify the child's tribe and the tribe may intervene in the proceedings.
- (HH) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (II) Upon petition of either parent or the child's tribe, court proceedings to terminate parental rights will be transferred to the jurisdiction of the tribal court, provided:
1. The child's tribe has a court with jurisdiction to hear child custody proceedings,



**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

2. The California court finds no good cause not to transfer the proceeding to the Indian tribe,
  3. No other parent objects, and
  4. The tribe does not decline the transfer.
- (JJ) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian blood for the child, to enroll the child in his or her tribe or to register him or her for any Bureau of Indian Affairs' benefits which he or she may be eligible.
- (KK) The parent may petition the court to invalidate any action terminating parental rights if termination procedures did not comply with the ICWA.
- (LL) The AD 899C is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is subject to the provisions of the ICWA through the mother's tribe.
- (3) For a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is subject to the provisions of the ICWA:
- (A) (Reserved)

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**HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.2(a) for required advisement to be provided by the agency to this category of mother and presumed father.
1. Presumed fathers who deny paternity have the same rights and responsibilities as any other category of presumed father and must be treated accordingly.

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**HANDBOOK ENDS HERE**

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA** (Continued)**35152.2**

- (B) The parent has the right to seek legal counsel to assist in the relinquishment process from the attorney representing him or her in the dependency case.
- (C) The agency shall tell the parent its plan for the adoption of the child.
- (D) Because the child has been determined to be an Indian child, the requirements of the ICWA will apply to the taking of the relinquishment and the adoption of the child.
- (E) The parent may talk about the plan to relinquish the child with other professionals and with family and friends.
- (F) Even if the presumed father states orally or in writing that he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child.
- (G) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (H) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency.
1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
1. The child is to be adopted by birth relatives, and
  2. The court approves the agreement.
- (K) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.
- (L) Relinquishment terminates the parent's responsibility for the care of the child.
- (M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

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**HANDBOOK BEGINS HERE**

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his or her status as an Indian are unaffected. See Subchapter 8.

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**HANDBOOK ENDS HERE**

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- (N) The relinquishment document shall be signed before a judge of the Superior Court in California, or before a court of competent jurisdiction if signed outside the state.
- (O) The agency is required to follow the notice requirements of Family Code Section 8700(h).

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**HANDBOOK BEGINS HERE**

1. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

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**HANDBOOK ENDS HERE**

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**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

- (P) The parent shall be permitted to revoke or rescind the relinquishment during any holding period and at any time before the adoption is granted by the court.
1. (Reserved)

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**HANDBOOK BEGINS HERE**

1. See Section 35369(a)(3) regarding revocation and rescission of a relinquishment.

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**HANDBOOK ENDS HERE**

2. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
  3. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.
    - a. The agency shall immediately notify the county welfare department.
- (Q) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.
- (R) After the child has been legally adopted, the agency may not return the child to the parent.
- (S) The agency may not release any identifying information about the parent unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
  2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2****HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

**HANDBOOK ENDS HERE**

3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203, is located at Section 35053(b)(1).

**HANDBOOK ENDS HERE**

(T) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his or her tribal relationship.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

2. The court granting the adoption will release to the Secretary of the Interior information concerning the adoption and the child, the adoptive parents, the birth parents, and the agency having information concerning the adoptive placement. The parent who desires anonymity must file an affidavit requesting anonymity with the court. The ICWA requires the Secretary of the Interior to ensure confidentiality will be maintained; however, tribes do not always maintain confidentiality if they know of the adoption.
  3. At the request of the adopted child over age 18, the adoptive parents or the Indian tribe, the Secretary of the Interior will release the information provided by the court to the extent necessary to enroll the adopted person in the tribe or to determine any rights or benefits associated with tribal membership. If the parent submitted an affidavit to the court requesting anonymity, the Secretary will certify, where information warrants, that the child is entitled to enrollment rather than release the information.
  4. Upon request of the Bureau of Indian Affairs or an adopted child who has reached age 18, the department will make a copy of all documents pertaining to the degree of Indian blood and tribal enrollment available to the requestor.
- (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (V) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (X) If the parent does not want his or her child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his or her attorney regarding steps to take to regain custody of the child.
1. If the parent is successful in regaining physical custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.
  2. A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption.

## 35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2

- (Y) There is a required order of placement preference as follows:
1. Someone from the child's extended family,
  2. Someone from the child's tribe, or
  3. Placement with another Indian family.
- (Z) The placement preference may be modified only by the tribe or the court.
1. The parent may request the court to modify the order of placement preference.
- (AA) If a relinquishment for adoption is revoked or rescinded by a parent, the agency shall:
1. Notify any other parents whose relinquishment has been filed by the department of the revocation or rescission of the relinquishment and of any planned court proceedings resulting from the request.
    - a. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (BB) If there is a court action to terminate parental rights, the agency shall notify the child's tribe and the tribe may intervene in the proceedings.
- (CC) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (DD) Upon petition of either parent or the child's tribe, court proceedings to terminate parental rights will be transferred to the jurisdiction of the tribal court, provided:
1. The child's tribe has a court with jurisdiction to hear child custody proceedings,
  2. The California court finds no good cause not to transfer the proceeding to the Indian tribe,
  3. No other parent objects, and
  4. The tribe does not decline the transfer.

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (EE) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian Blood for the child, to enroll the child in his or her tribe to register him or her for any Bureau of Indian Affairs' benefits which he or she may be eligible.
- (FF) The parent may petition the court to invalidate any action terminating parental rights if termination procedures did not comply with the ICWA.
- (GG) If the child is living with a legal guardian and the parent does not have an attorney appointed by the juvenile court, the adoption agency can refer the parent to public legal assistance in the community.
- (HH) If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs.
- (II) The AD 899D is the Statement of Understanding for a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is subject to the provisions of the ICWA.
- (4) For an 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 and who is subject to the provisions of the ICWA through the mother's tribe:

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**HANDBOOK BEGINS HERE**

- (A) Refer to Section 35129.2(b) for required advisement to be provided by the agency to this category of parent.

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**HANDBOOK ENDS HERE**

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- (B) He has the right to seek legal counsel to assist him in the relinquishment process.
1. If he has a court appointed attorney representing him in the juvenile court proceedings, that attorney may be able to assist him in the relinquishment process.
  2. If he does not have attorney representation, the agency can refer him to public legal assistance in the community.
- (C) Because the child has been determined to be an Indian child, the requirements of the ICWA will apply to the taking of the relinquishment and the adoption of the child.



35152.2

**STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA** (Continued)

35152.2

- (D) He has been told why he is considered to be the alleged natural father of the child and he may deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment or file a petition in the juvenile court to establish the father and child relationship.
- (E) The agency shall tell him its plan for the adoption of the child.
- (F) He may talk about the plan to relinquish the child with other professionals and with family and friends.
- (G) Relinquishment means the parent who relinquishes will no longer be the child's legal parent.
- (H) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.
- (I) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency.
1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.
  2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (e), (f), and (g) of Family Code Section 8700.

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**HANDBOOK BEGINS HERE**

- a. The content of Subdivisions (e), (f), and (g) of Family Code Section 8700 is located at Section 35167(b)(1).

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**HANDBOOK ENDS HERE**

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- (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, may enter into an enforceable written agreement to permit continuing contact between the birth relatives, including the birth parent or parents, and the child if:
1. The child is to be adopted by birth relatives, and

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

2. The court approves the agreement.
- (K) The relinquishment terminates his rights to the custody, services, and earnings of the child.
- (L) Relinquishment terminates his responsibility for the care of the child.
- (M) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

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**HANDBOOK BEGINS HERE**

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his or her status as an Indian are unaffected. See Subchapter 8.

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**HANDBOOK ENDS HERE**

- (N) He shall be permitted to revoke or rescind the relinquishment during any holding period and at any time before the adoption is granted by the court.

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**HANDBOOK BEGINS HERE**

1. See Section 35369(a)(3) regarding revocation and rescission of a relinquishment.

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**HANDBOOK ENDS HERE**

2. His rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.
- (O) If he does not relinquish the child to the adoption agency, the juvenile court may terminate his parental rights.
1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.
- (P) The relinquishment document shall be signed before a judge of the Superior Court in California, or before a court of competent jurisdiction if signed outside the state.

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued) 35152.2**

- (Q) The agency is required to follow the notice requirements of Family Code Section 8700(h).

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**HANDBOOK BEGINS HERE**

1. The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

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**HANDBOOK ENDS HERE**

- (R) The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.
- (S) After the child has been legally adopted, the agency may not return the child.
- (T) The agency may not release any identifying information about him unless:
1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or
2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9204 is located at Section 35065.1(a)(1)(A).

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**HANDBOOK ENDS HERE**

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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**HANDBOOK BEGINS HERE**

- a. The content of Family Code Section 9203, is located at Section 35053(b)(1).

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**HANDBOOK ENDS HERE**

(U) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his or her tribal relationship.
2. The court granting the adoption will release to the Secretary of the Interior information concerning the adoption and the child, the adoptive parents, the birth parents, and the agency having information concerning the adoptive placement. The parent who desires anonymity must file an affidavit requesting anonymity with the court. The ICWA requires the Secretary of the Interior to ensure confidentiality will be maintained; however, tribes do not always maintain confidentiality if they know of the adoption.

35152.2

**STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA** (Continued)

35152.2

3. At the request of the adopted child over age 18, the adoptive parents or the Indian tribe, the Secretary of the Interior will release the information provided by the court to the extent necessary to enroll the adopted person in the tribe or to determine any rights or benefits associated with tribal membership. If the parent submitted an affidavit to the court requesting anonymity, the Secretary will certify, where information warrants, that the child is entitled to enrollment rather than release the information.
  4. Upon request of the Bureau of Indian Affairs or an adopted child who has reached age 18, the department will make a copy of all documents pertaining to the degree of Indian blood and tribal enrollment available to the requestor.
- (V) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.
- (W) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.
- (X) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.
- (Y) If he does not want his child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his attorney regarding steps to take to regain custody of the child.
1. If he is successful in gaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.
  2. A parent who has gained custody of a child who is a dependent of the court may, after gaining custody, voluntarily place the child for an agency or an independent adoption.
  3. If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs.

**35152.2****STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE  
CHILD IS SUBJECT TO THE ICWA (Continued)****35152.2**

- (Z) There is a required order of placement preference as follows:
1. Someone from the child's extended family,
  2. Someone from the child's tribe, or
  3. Placement with another Indian family.
- (AA) The placement preference may be modified only by the tribe or the court.
1. The parent may request the court to modify the order of placement preference.
- (BB) If there is a court action to terminate parental rights of a parent, the agency shall notify the child's tribe and the tribe may intervene in the proceedings.
- (CC) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his or her name and address current with the agency so notice may be given.
- (DD) If a relinquishment for adoption is revoked or rescinded by a parent, the agency shall notify any other parents whose relinquishment has been filed by the department of the revocation or rescission and of any planned court proceedings resulting from the request.
1. The parent is responsible for keeping his or her name and address current with the agency so notice can be given.
- (EE) Upon petition of either parent or the child's tribe, court proceedings to terminate parental rights will be transferred to the jurisdiction of the tribal court, provided:
1. The child's tribe has a court with jurisdiction to hear child custody proceedings,
  2. The California court finds no good cause not to transfer the proceeding to the Indian tribe.
  3. No other parent objects, and
  4. The tribe does not decline the transfer.

<b>35152.2</b>	<b>STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS SUBJECT TO THE ICWA (Continued)</b>	<b>35152.2</b>
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- (FF) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian blood for the child, to enroll the child in his or her tribe or to register him or her for any Bureau of Indian Affairs' benefits which he or she may be eligible.
  
- (GG) The parent may petition the court to invalidate any action terminating parental rights if termination procedures did not comply with the ICWA.
  
- (HH) The AD 899D is the Statement of Understanding for an 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 and who is subject to the provisions of the ICWA through the mother's tribe.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621 and 9292, Family Code. Reference: Sections 3010, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 8600, 8601, 8604, 8605, 8606, 8608, 8616, 8617, 8618, 8619, 8700, 8701, 8702, 8704, 8706, 8708, 8714.7, 9100, 9201, 9202, 9203, 9204, 9205, and 9206, Family Code; Sections 1798.24(r) and (s), Civil Code; Sections 6408 and 6408.5, Probate Code; Section 621, Evidence Code; Sections 316.2 and 16507.5, Welfare and Institutions Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, and 1917.