

## Procedural Guide

0200-513.01

### FINALIZING AN ADOPTION

Date Issued: **04/16/08**

- New Policy Release
- Revision of Existing Procedural Guide 0200-513.01, Finalizing An Adoption dated, 08/23/07.

Revision Made: **NOTE: Current Revisions are Highlighted**

This Procedural Guide has been revised to add instructions to ensure each qualifying undocumented child has received their Permanent Resident Card, also known as a "green card," prior to the finalization of the adoption. Also, additional information was added for when the termination of parental rights order is on appeal.

Cancels: None

#### DEPARTMENTAL VALUES

This policy supports the Departments efforts to ensure child safety, and supports timely legal permanency with family reunification being the first preference followed by adoption and legal guardianship. This Procedural Guide outlines the process for completing the documents needed to finalize an adoption.

#### WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing and cases.

#### OPERATIONAL IMPACT

The adoption finalization process begins during the post-placement supervision period. During this period, the CSW should discuss with the prospective adoptive parent(s) the adjustment of the child, adoptive parent(s) and other family members since the adoptive placement occurred and any other identified areas of concern.

In addition, the CSW shall review with the prospective adoptive parent(s) the plan for sibling contact, Adoption Assistance Program (AAP) benefits, mental health resources,

the requirements for reimbursement of nonrecurring adoption expenses, and the availability of Post-Adoption Services. Welfare and Institutions Code Section 16119(a) requires that the prospective adoptive family be provided with information, in writing, on the availability of AAP benefits, with an explanation of the differences between AAP benefits and foster care payments, and the availability of reimbursement of their nonrecurring adoption expenses incurred in the adoption of an AAP-eligible child at the time they apply to adopt a child and immediately prior to finalization of the adoption decree. In addition, prospective adoptive parent(s) shall be provided information on the availability of mental health services through the Medi-Cal program or other programs.

Preparation of the finalization paperwork shall begin when the CSW has assessed the prospective adoptive family's readiness to move forward, confirmed the prospective adoptive parent(s) and child's willingness to proceed, and determined that the timing will fulfill the mandatory post-placement supervision and visit requirements.

**NOTE:** According to the Adoption & Permanency Resources Division's standard, if the child meets the reduction in post placement visit requirements, the mandatory post placement visit can be conducted the same day of the adoptive placement. See Procedural Guide 0200-509.36, Supervision of Fost-Adopt and Adoptive Placements.

This Procedural Guide instructs CSWs on initiating paperwork to finalize a child's adoption for an agency placement [DCFS has custody of the child and approved the applicant assessment (adoption home study)] and an inter-agency placement [one agency has custody of the child and another agency approved the applicant assessment], and closing the child and applicant cases after the adoption has finalized.

## **Procedures**

### **A. WHEN: AN AGENCY PLACEMENT HAS BEEN MADE AND THE ADOPTION FINALIZATION PROCESS IS INITIATED**

#### **Adoption CSW Responsibilities**

1. During the post-placement visits, review and discuss the following with the prospective adoptive parent(s) and child:
  - a) The adjustment of the child, adoptive parent, and other family members in the home from the time when the adoptive placement occurred. If there are any areas of concern, identify the problems and the case plan to resolve these issues.
  - b) All steps of the finalization process.

- c) The plan for sibling contact, if applicable, including:
- i) Encourage the prospective adoptive parent(s) to make a plan for facilitating post-adoptive sibling contact, if they have not already done so.
  - ii) Explore options for maintaining contact such as weekly phone calls and monthly visits.
  - iii) Provide sibling information except address(es), unless the court has ordered the address disclosure.

**NOTE:** The address of siblings can only be provided by DCFS to sibling's caregiver(s) by court order.

- iv) Inform the prospective adoptive parent(s) that with their consent, the court may include the specific agreed upon provision for post-adoptive contact in the final adoption order.
2. Inform the prospective adoptive parent(s) that they have three options for finalizing their adoption.
- a) Inform the prospective adoptive parent(s) that they can finalize their adoption on their own. This is called "in pro per".
    - i) Explain that they would fill out and file all the adoption paperwork directly to the court.
      - Inform prospective adoptive parent(s) that it costs \$20 per child to file the paperwork.
      - Inform the prospective adoptive parent(s) that they can request an adoption packet by calling the court at (323) 526-6343 or they can request the packet in person at Edmund Edelman's Children's Court, 201 Centre Plaza Drive, Monterey Park, CA 91754, second floor, Room 2100.
    - ii) Inform the prospective adoptive parent(s) that instructions to help fill out the forms are available on VHS tape, DVD, or in written form from the Department.
      - Provide the prospective adoptive parent(s) with these resources or information on how they can get this information.

- iii) Inform the prospective adoptive parent(s) that they would work directly with an Adoption Assistant who will mail the necessary information to them that is needed to complete the forms.
- b) Inform the prospective adoptive parent(s) that they could hire a private attorney of their choice to finalize their adoption.
  - i) Inform the prospective adoptive parent(s) that the attorney would complete the adoption paperwork and file all necessary documents to the court.
  - ii) Inform the prospective adoptive parent(s) that there is a website [www.acal.org](http://www.acal.org) that has a list of Southern California attorneys who are members of the Academy of California Adoption Lawyers, if applicable.
    - Inform the prospective adoptive parent(s) that they can contact the Academy of California Adoption Lawyers at (818) 501-8355, if applicable.
  - iii) Inform the prospective adoptive parent(s) that private attorneys typically charge between \$350 and \$400 for each child being adopted.
- c) Inform the prospective adoptive parent(s) that a pro bono attorney can finalize their adoption.
  - i) Explain that a pro bono attorney is assigned to represent the prospective adoptive family free of charge.
  - iii) Inform the prospective adoptive parent(s) that the attorney would complete the adoption paperwork and file all necessary documents to the court.
  - ii) Inform the prospective adoptive parent(s) that if they want to use a pro bono attorney, CSW will make a referral to have a pro bono attorney assigned to their adoption case.

**NOTE:** Inform the prospective adoptive parent(s) that reimbursement for nonrecurring adoption expenses up to \$400.00 for each child is available to adoptive parents who adopt an AAP-eligible child. See Procedural Guide 0900-517.10, Reimbursement of Non-Recurring Adoption Expenses.

- 3. If the prospective adoptive parent(s) has agreed to a Postadoption Contact Agreement, review the document and determine if it complies with provisions mandated in Family Code 8616.5. See Procedural Guide 0200-513.05, Postadoption Contact Agreements.

4. Provide a copy of the DCFS 5620 and Publication 152.
5. Review the previously signed DCFS/A 402. Review and discuss the negotiated AAP benefit amount. Request the prospective adoptive parent(s) sign the DCFS/A 402. See Procedural Guide 0200-511.05, Initiating Adoption Assistance Program and Medi-Cal Benefits.
6. Provide the prospective adoptive parent(s) with a list of mental health resources in their area.
7. Explain that for the first six months after the adoption is finalized, you will be available to help the adoptive family establish support systems and access services to cope with child-specific issues, if problems arise, and to reassess the need for an increase in the AAP benefit amount, if requested.
8. Explain that after the adoption has been final for six months, the Post-Adoption Services Unit will be available to help with the above-listed issues. This unit will also provide assistance when the adoptive parents, adoptee, or birth parents wish to obtain information from the adoptions case record, or when the adult adoptee and the birth parents want to arrange contact.
9. Review the nonrecurring adoption expense agreement requirements listed on the DCFS/A 217 with the prospective adoptive parent(s). See Procedural Guide 0900-517.10, Reimbursement of Nonrecurring Adoption Expenses for further information.
  - a) Encourage them to complete and sign two copies of the DCFS/A 217, if they have not already done so.
  - b) Remind them to keep their receipts to submit with their claim after the adoption finalizes.
  - c) Keep one copy for the case record and leave one copy with the prospective adoptive parent(s).
10. Document in the Adoption Applicant case file that the child and prospective adoptive parent(s) have been assessed as being ready to move forward with the finalization process, and that they have confirmed their willingness to proceed, if applicable.
  - a) Complete the DCFS/A 137 if the adoptive parent(s) indicate that they are willing to proceed with the adoption and the adoptive placement meets the criteria to shorten the length of time for post placement visits. See Procedural Guide 0200-509.36, Supervision of Fost-Adopt and Adoptive Placements.
11. Document all contacts in the Contact Notebook, if applicable.

**NOTE:** Adoptive applicant(s)' information is confidential and shall be maintained/recorded in the adoption applicant case file only. No identifying and/or personal information about the prospective adoptive applicant/parent(s) shall be entered into CWS/CMS. This includes any discussion with the prospective applicant/parent(s) about his/her/their plan or progress toward adopting the child(ren) and all information obtained as part of the Applicant Adoption Assessment.

**B. WHEN: AN AGENCY PLACEMENT HAS BEEN MADE AND THE CASE IS READY FOR COMPLETIONS**

**NOTE:** It is the goal of the Department to have the adoption case in completions within 7 days of the adoptive placement and no later than 20 days after the adoptive placement.

The DCFS/A 120 should be approved by the SCSW as soon as possible after the adoptive placement, unless there are reasons why the case cannot be submitted to completions (e.g., the case is on appeal or six months of post placement supervision is required etc.). Once the DCFS/A 120 has been approved, the completions documents are given to the Adoption Assistant.

If six months of post placement supervision is required, the case can be submitted to completions after three months. CSW must continue to monitor the placement for the remainder of the six months.

If there is a pending appeal, the case **shall not be submitted** to completions until the appeal process is completed and a final remittitur is received indicating that the termination of parental rights order (TPR) is upheld. **A case with a pending appeal is only submitted into completions if ordered by the Court.** CSW should attach a copy of the Court minute order to the DCFS/A 120 to show that the case has been ordered into completions.

**NOTE:** The Adoption Assistant (AA) will check cases that are submitted to completions on CWS/CMS and contact the Appellate Clerk to verify that TPR is not on appeal. If the case is on appeal, the AA will contact the SCSW and the CSW notifying them of the pending appeal. Finalization of the adoption will not proceed. If the court of appeal upholds/affirms the TPR order, then upon receipt of the remittitur, the case can proceed to finalization. If the court of appeal overturns the TPR order, finalization cannot proceed, even when the remittitur is received. The CSW shall consult with the Adoptions County Counsel on how to proceed.

## Adoption CSW Responsibilities

1. Contact the Regional CSW and/or DCFS Special Immigration Unit regarding an undocumented child's legal residency documents, if applicable.

**NOTE: A case shall not be submitted to completions without verifying that an undocumented child's legal residency has been established. See Procedural Guide 1200-500.85, Special Immigrant Status (SIS).**

- a) If the child's legal residency **has been** established, Proceed to #2.
  - b) If the child's legal residency **has not been** established, inform child's attorney as soon as possible and notify Court at the next hearing or soon as possible (if the case has been ordered into completions and/or needs to finalize by a certain date) that child's adoption cannot finalize until the application process has been completed.
2. Prepare the Completions Packet by using the DCFS/A 120 as a checklist and attaching the following documents:
    - a) Home study Approval Half Sheet
    - b) Adoption Assistance Payment documents (AD 432, AAP 1, DCFS/A 23, DCFS 280 & MC 250, if applicable]
    - c) DCFS/A 97
      - i) Complete a typed copy of the DCFS/A 97 for each child and save the document to the disk provided by the Adoption Assistant. Include the following information, to the extent that it is available.

**NOTE:** Do not include the names or addresses of birth parents or the name the child had before the adoption unless the child is being adopted by relatives and the adopting relative and/or the child who is age 12 years or older requests this information be included in the court report.

- ii) Information about the child obtained from the DCFS/A 395 and AD 512. Review the child's Health and Education Notebook for the above information. Enter all missing information.

- iii) List each unavailable document listed on the AD 512 and the reason it is unavailable.
- iv) Medical and family background information about the birth parents: Enter all missing information in the Health and Education Notebook and in the Adoption Information page of the Client Notebook.
- v) Information about the prospective adoptive parent(s) obtained from their approved applicant assessment (adoption home study). If a DCFS/A 6 has been signed, discuss the reasons for the waiver and enter this information in the Home Study Notebook. Ensure that all other mandatory and demographic information is entered into the Resource Management Notebook, Placement Home and Substitute Care Provider sections.
- vi) Provide a statement about the prospective adoptive parent(s) health and military history the section that states "Summarize other pertinent information..." Also summarize the information evaluated in the adoptive home study regarding the suitability of the home and the adoptive parent(s) ability to support and care for the child.
- vii) Make an assessment and conclusions regarding the prospective adoptive parent(s) ability to provide appropriate parenting and a safe, stable home environment for the child, using the most current criminal record information, if applicable.
  - If a child age 14 or older residing in this home has a record for criminal or violent behavior, include an assessment of the prospective adoptive parent's ability to provide a safe home environment for the adoptive child.
  - Ensure that the above-stated information is entered in the Resource Management Notebook, Placement Home section. Include the child's name and birth date.
- viii) Include the following information regarding the Postadoption Contact Agreement, if applicable.
  - Was the Agreement signed?
  - Was the Agreement in the child's best interest?
  - Was the Agreement entered into voluntarily?
  - A recommendation as to whether the court should grant the Agreement.



viii) Include the specific provisions the family has made for post-adoptive sibling contact if the prospective adoptive parent(s) give their consent.

**NOTE:** This information may not be included without the consent of the prospective adoptive parent(s).

x) Provide the date that AAP benefits were discussed and written information was provided to the prospective adoptive parent(s) about the differences between AAP benefits vs. foster care/legal guardianship benefits.

ix) Review the Client Notebook and the Adoption Placement section. Ensure that all information has been entered. If the adoptive placement has not been entered, contact your Adoption Placement Clerk.

- d) Postadoption Contact Agreement, if applicable
- e) AD 512 and attachments (including DCFS/A 395)
- f) DCFS/A 137, if applicable
- g) Certified copy of child's birth certificate
- h) AD 907
- i) DCFS/A 217
- j) VS 44, one completed and signed, three blank and signed (4 copies)
- k) DCFS/A 6 or death certificate, if applicable
- l) Certified copies of marriage certificate and dissolution of marriage, if applicable

**NOTE:** A valid divorce assumes that the marriage was valid. If attempts to obtain documentation that verifies the dissolution of all prior marriages is unsuccessful, a valid divorce decree will satisfy this requirement for all marriages preceding the last verified divorce.

- m) Criminal record clearances for all persons age 14 or older, except foster children
- n) AD 90

- o) AD 501, if applicable
- p) AD 558, if applicable
- q) AD 551A
- r) AD 4333
- s) FC 7820, if applicable
- t) Minute order terminating parental rights
- u) Current minute order
- v) JC 2, sign with no date
- w) AD 42R
- x) BCII 8302

**NOTE:** On the DCFS/A 120, if the box next to BCII 8302 is checked, the Adoption Assistant will forward a copy of the BCII 8302 to the Department of Justice after the adoption is finalized informing them that subsequent arrest record notification is no longer needed. Do not check the box for the Adoption Assistant to send the BCII 8302 if the applicant(s) is being assessed to adopt another child when the present adoption is finalized.

- y) DCFS/A 119, if applicable
- z) DCFS/A 397

3. Sign the DCFS/A 120 and submit with all attachments to the SCSW.

**NOTE:** If the case is on appeal and has been ordered by Court to go into completions, attach a copy of the minute order to the front of the completions packet.

### **Adoptions SCSW Responsibilities**

1. Review the DCFS/A 120 and attachments.
  - a) If approved, sign and forward to the Adoption Assistant for processing.

**NOTE:** If case is on appeal, submit completions packet to Adoption Assistant with a cover page securely attached stating “ON APPEAL, DO NOT FINALIZE” in big red letters.

b) If not approved, return to the CSW for corrections.

**C. WHEN: AN INTER-AGENCY PLACEMENT HAS BEEN MADE AND THE ADOPTION FINALIZATION PROCESS IS INITIATED**

If there is a pending appeal, the case **shall not be submitted** to completions until the appeal process is completed and a final remittitur is received indicating that the termination of parental rights order (TPR) is upheld. **A case with a pending appeal is only submitted into completions if ordered by the Court.** CSW should attach a copy of the Court minute order to the DCFS/A 120 to show that the case has been ordered into completions.

**Adoptions CSW Responsibilities**

1. If a dependent child is placed with an applicant approved by an outside public or dually licensed private agency:
  - a) Meet with the child and prospective adoptive parent(s) and proceed with steps 1 to 9 in Section A.
    - If, because of distance, a face-to-face meeting is impractical, mail DCFS 5620, Publication 152, DCFS/A 402 and DCFS/A 217 to the family and complete steps 1 to 9 by telephone.
  - b) Ensure that the adoption home study has been created in CWS/CMS and the home study status is “approved/available.”
2. Follow Step 1 in Section B.
3. Prepare the Completions Packet by using the DCFS/A 120 as a checklist and attaching the following documents:

**NOTE:** List the name and address of the public or dually licensed private agency and the name of the agency social worker on the DCFS/A 120.

- a) DCFS/A 171
- b) Certified copy of child’s birth certificate

- c) DCFS/A 217
- d) Minute order terminating parental rights
- e) DCFS/A 97
  - i) Complete the child and birth parent information. See steps 1(c) as outlined in Section B.

**NOTE:** The adoption agency that completed the applicant assessment (adoption home study) is responsible for completing information about the prospective adoptive parent(s) on the DCFS/A 97. The public/dually licensed private agency worker will also print the name of the agency worker who will sign the report. The public/dually licensed private agency worker will e-mail the CSW their completed part of the DCFS/A 97 report.

- ii) Receive the dually licensed private or public agency's part of the DCFS/A 97 and print.
  - iii) Combine information from both reports into one report.
  - iv) Include a copy of agency's e-mailed report in completions packet.
- f) AD 4333
- g) AD 42R
- h) AAP 1
- i) AAP 4
- j) JC 2

**NOTE:** The Adoption Assistant will coordinate the exchange of paperwork needed to finalize the adoption with the public or dually licensed private agency.

- 4. Sign the DCFS/A 120 and submit with all attachments to the SCSW.

**NOTE:** Once the Adoption Assistant prepares the Final Draft of the DCFS/A 97, the private agency worker must contact the Adoption Assistant or CSW if any changes are needed to the report.

5. If an outside agency has placed a child with an applicant approved by DCFS Adoptions Division:
  - a) Meet with the prospective adoptive parent(s), child and agency social worker and proceed with steps 1 to 9 as outlined in Section A.
  - b) Ensure that the home study has been created in CWS/CMS and the home study is “approved/available.”
  - c) Obtain all information about the child, birth parents, and freeing actions from the child’s agency worker, and prepare the DCFS/A 97.

**NOTE:** DCFS is responsible for preparing the DCFS/A 97 unless an agreement with the outside agency states otherwise.

- d) Proceed with steps 1(c) as stated in Section B.

### **Adoptions SCSW Responsibilities**

1. Review the DCFS/A 120 and attachments.
  - a) If approved, sign and forward to the Adoption Assistant for processing.
  - b) If not approved, return to the CSW for corrections.

### **D. WHEN: CLOSING A CASE AFTER THE ADOPTION HAS FINALIZED**

**NOTE:** The responsibilities and specific tasks under Section D may be designated to other Adoption unit members i.e. Unit Clerk, Adoption Assistant and SCSW on an individual unit basis.

### **Adoption Assistant Responsibilities**

1. Upon receipt of the adoption order or notification from the Adoption Finalization Liaison that the adoption has finalized, e-mail the Adoption SCSW and the Adoption CSW alerting them that the case has finalized and that the Adoption CSW

secondary assignment should be end dated on CWS/CMS on later than 3 business days.

2. Upon receipt of the adoption order or notification from the Adoption Finalization Liaison that the adoption has finalized, e-mail the Regional SCSW and the Regional CSW to prepare the case for end dating and closure using the following sample text:

*This electronic notification is being sent to alert you that the case for [Child First Name] [Child Last Name], DOB: 1/1/2000, has had their adoption finalize and is now awaiting the termination of Court jurisdiction. Please prepare the case for end dating and closure over the next 10 days, but do not send the case at this time. A second e-mail will be sent to notify you when court jurisdiction has terminated and to complete the final steps to end date your assignment and for closure by the Adoptions CSW.*

3. Upon receipt of the minute order reflecting termination of court jurisdiction, send a second e-mail to the Regional CSW and SCSW, with a carbon copy to the Adoption SCSW and adoption unit clerk, notifying them to assign the case to the Adoptions SCSW's in-box on later than 3 business days using the following sample text:

*This electronic notification is being sent to alert you that the case for [Child First Name] [Child Last Name], DOB: 1/1/2000, has had their Court jurisdiction ended. Please send the physical case to the Adoptions Division and transfer the primary assignment in CWS/CMS to [Adoptions SCSW's] In-box.*

4. Forward the minute order terminating court jurisdiction to the adoption unit clerk.
5. Within one business day of notification that court jurisdiction has been terminated, input all necessary information in CWS/CMS including the AD42R field information, placement episode termination date, freeing action, adoptive placement, AAP benefit amount, and finalization date.
6. Ensure that there are no future court hearing dates in the Court Hearing Notebook, and the termination of jurisdiction date has been entered.

**NOTE:** If there are any future court dates, the case cannot be closed on CWS/CMS.

### **Adoption CSW Responsibilities**

1. End date the case in CWS/CMS, send to the SCSW for approval.
2. Forward the physical case to the Adoption Unit Clerk.

## Adoption Unit Clerk Responsibilities

1. Upon receipt of the case file from the Regional SCSW , file all necessary documents into the case files using model case format.
2. Combine Adoption case with Regional case.
3. Once the Adoption SCSW has ended the case, prepare the necessary paperwork in order to send the case to storage.

## Adoption SCSW Responsibilities

1. No later than 3 business days of the finalization of the adoption, end date the Adoption CSW secondary assignment.
2. Within two business days of receipt of the physical case to the Adoption Unit Clerk, check the child's case on CWS/CMS and ensure that the CSW has met all mandatory requirements and cleared all future court dates.

a) If approved:

- i) End-date all secondary assignments that are Adoptions-specific or related to the Regional/SPA CSW.

**NOTE:** The secondary assignment to Foster Care Eligibility/Revenue Enhancement Division must not be end-dated until there is a primary assignment, if applicable.

- ii) Make the primary assignment to Foster Care Eligibility/Revenue Enhancement.
  - If AAP and/or medi-cal is not being received for the child, the case can be closed without a primary assignment.
  - End date Foster Care Eligibility/Revenue Enhancement Division secondary assignment.

b) Inform Adoption Unit Clerk that the physical case is ready for storage.

2. If not approved, change the CWS/CMS End Case Approval Status to “Requires Modification” and return to the CSW for corrective action.

**NOTE:** See Procedural Guide 1000-504.60, Case Transfer to and from The Adoption and Permanency Resources Division, for a detailed information.

### APPROVAL LEVELS

| Section | Level          | Approval   |
|---------|----------------|--|
| A.      | None           |  |
| B.      | Adoptions SCSW | DCFS/A 97, DCFS/A 120, DCFS/A 137, JC2                   |
| C.      | Adoptions SCSW | DCFS/A 97, DCFS/A 120, DCFS/A 137, JC2                   |
| D.      | Adoptions SCSW | End date Adoption CSW secondary assignment, Case closure |

### OVERVIEW OF STATUTES/REGULATIONS

**Family Code, Section 8616.5** outlines the provisions for a postadoption contact agreement.

**Family Code, Section 8715** in pertinent part, states that the department may also submit a report in those cases in which a licensed adoption agency is a party or joins in the adoption. If a petition for adoption has been filed with a postadoption contact agreement pursuant to Section 8616.5, the report shall address whether the postadoption contact agreement has been entered into voluntarily, and whether it is in the best interests of the child who is the subject of the petition.

**California Code of Regulations, Title 22, Div 2, Adoptions Manual, Subchapter 5, Section 35184(d)(1)(2)**, states that the agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the adoption. When the adoption has been finalized, denied, or dismissed, the Bureau of Criminal Identification shall be asked to discontinue sending subsequent arrest information about a subject previously fingerprinted for adoption purposes pursuant to Penal Code Section 11105.2(c). If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service active.

**California Code of Regulations, Title 22, Div 2, Adoptions Manual, Subchapter 5, Section 35197(e)(2)** In a cooperative placement (where one agency has custody of the child and another agency completed and approved the assessment of the prospective adoptive parents), both agencies shall share responsibility for meeting all the requirements for the completion of the adoption. The agency that approved the assessment of the prospective adoptive parents shall be responsible for meeting the requirements of the following sections:

(A) Written Application to Adopt, Agency Actions, and Authority for



Disapproval;

- (B) Information to be Provided to an Applicant;
- (C) Written Assessment of the Adoptive Applicant and Documentation and Full Assessment of the Adoptive Applicant, or Abbreviated Assessment of the Adoptive Applicant; Criminal Background Check of Applicants;
- (D) Services Regarding Ethnic and Cultural Differences;
- (E) Supervision of the Adoptive Placement;
- (F) Termination of the Adoptive Placement;
- (G) Completing the Court Report;
- (H) Immediate Filing of the Court Report.

**California Code of Regulations, Title 22, Div 2, Adoptions Manual, Subchapter 5, Section 35211** states that before submitting a report to the court, the agency shall provide written information about the availability of Adoption Assistance Program (AAP) benefits to the prospective adoptive parents.

The agency shall file a report to the court in all cases where the agency has signed an adoptive placement agreement and the prospective adoptive parents have filed an adoption petition.

The report to the court shall be submitted as soon as all requirements are completed but no later than either 180 days after the adoption petition has been filed or the time extended by the court.

If two or more agencies are participating in a cooperative placement, the prospective adoption family's agency shall be responsible for preparing the report to the court unless the agencies mutually agree otherwise.

The agency shall give the petitioners or their attorney a copy of the court report at the time it is filed.

The report to the court shall include, to the extent available, the following information:

- (1) Medical and family background information about the birth parents as required by Section 35195(a).
- (2) Information obtained in the Assessment of the Child as required by Section 35127.1.
- (3) Information obtained in the Assessment of the Applicant as required by Section 35180.

(4) Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child.

(A) The agency shall utilize the most current criminal record information in its preparation of the court report.

**Welfare and Institutions Code Section 16119** in pertinent part states at the time of application for adoption of a child who is potentially eligible for Adoption Assistance benefits is made, and at the time immediately prior to the finalization of the adoption decree, the department or the licensed adoption agency, whichever is appropriate, shall provide the prospective adoptive family with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments."

### LINKS

|                                |   |
|--------------------------------|---|
| <b>California Code</b>         | <a href="http://www.leginfo.ca.gov/calaw.html">http://www.leginfo.ca.gov/calaw.html</a>         |
| <b>Division 31 Regulations</b> | <a href="http://www.cdss.ca.gov/ord/PG309.htm">http://www.cdss.ca.gov/ord/PG309.htm</a>         |
| <b>Title 22 Regulations</b>    | <a href="http://www.dss.cahwnet.gov/ord/PG295.htm">http://www.dss.cahwnet.gov/ord/PG295.htm</a> |

### RELATED POLICIES

**Procedural Guide 0200-509.36**, Supervision of Fost-Adopt and Adoptive Placements  
**Procedural Guide 0200-511.05**, Initiated Adoption Assistance Program and Medi-Cal Benefits

**Procedural Guide 0200-513.05**, Postadoption Contact Agreements

**Procedural Guide 0900-517.10**, Reimbursement of Non-Recurring Adoption Expenses

**Procedural Guide 1200-500.85**, Special Immigrant Status (SIS)

**Concurrent Planning Redesign FYI 05-13**, Case Closure Protocols

**Concurrent Planning Redesign FYI 07-06**, Adoption Children's Social Worker Case Closure Upon Finalization of Adoption – No Deferment Until Termination of Court Jurisdiction and Regional CSW Case Closure Upon Termination of Court Jurisdiction

**FYI 08-05(Rev)**, Establishing Legal Residency Prior To Adoption Finalization and/or Termination of Court Jurisdiction on Other Permanent Plans

### FORM(S) REQUIRED/LOCATION

#### HARD COPY

**Adoptions Referral Fax**

**Birth Certificate for Child** (certified copy)

**Criminal Record Clearances**

**JC 2**, Request for Termination of Jurisdiction

**Marriage, Divorce and Death Certificates** (certified copies)

**AD 42R**, Relinquishment Adoption Program – Individual Case Report

**AD 4333**, Acknowledgement and Confirmation of Receipt of Relinquishment Documents

**BCII 8302**, No Longer Interested Notification  
**DCFS/A 402**, Negotiated Adoption Assistance Program Benefit Agreement  
**DCFS/A 119**, Attorney Authorization Agreement  
**DCFS/A 137**, Request for Reduction in Post-Placement Requirements  
**DCFS/A 397**, Referral for Pro Bono Attorney  
**FC 7820**, Judgment (formerly 232 Judgment)  
Minute Order Terminating Parental Rights  
Postadoption Contact Agreement  
**Publication 152**, Adoption Assistance Program  
**VS 44**, Court Report of Adoption  
**DHS 6155**, Health Insurance Questionnaire

**LA Kids:** **AD 42R**, Relinquishment Adoption Program – Individual Case Report  
**AD 90**, Supporting Information For Issuance of California Department of Social Services Acknowledgement and Confirmation of Receipt of Relinquishment Documents  
**AD 501**, Relinquishment (Birth Mother and/or Presumed Father)  
**AD 512**, Psychosocial and Medical History of Child  
**AD 551A**, Notification of Procedure in Lieu of Signing Relinquishment, Waiver or Denial  
**AD 588**, Denial of Paternity by Alleged Natural Father  
**AD 907**, Adoptive Placement Agreement  
**AD 4320**, Adoption Assistance Program Agreement  
**DCFS 5620**, Adoption vs. Foster Care/Legal Guardianship Responsibilities and Financial Benefits  
**DCFS/A 6**, Consent of Spouse  
**DCFS/A 97**, Final Adoption Report  
**DCFS/A 120**, Finalization Checklist  
**DCFS/A 217**, Reimbursement Agreement for Nonrecurring Adoption Expenses  
**DCFS/A 395**, Assessment of Child for Pre-Placement Conference, Presentation and/or Adoptive Placement

**CWS/CMS:** **AD 512**, Psychosocial and Medical History of Child  
**AD 42R**, Relinquishment Adoption Program – Individual Case Report  
**AD 907**, Adoptive Placement Agreement  
**AD 4320**, Adoption Assistance Program Agreement

**SDM:** None