

Independent Adoptions

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Forms

This policy references the following forms:

- [ADOPT-200](#) Adoption Request
- [ADOPT 210](#) Adoption Agreement
- [ADOPT 215](#) Adoption Order
- [ADOPT 220](#) Adoption of Indian Child
- [ADOPT 230](#) Adoption Expenses
- [ICWA- 010 \(A\)](#) Indian Child Inquiry
- [ICWA – 020](#) Parental Notification of Indian Status
- [JUV- 243](#) Petition to Terminate Parental Rights
- [JUV-245](#) Petition for Freedom From Parent Custody and Control
- [AD42I](#) Independent Adoptions Program – Individual Case Report
- 02-185 Independent Adoption Medical Self Report
- 02-186 Independent Adoption Petitioner Checklist

Forms (cont.)

- 02-188 Independent Adoption Checklist for petitioners with approved home study– In California or out of state (ICPC)
 - [AD590](#) Waiver of Right to Further Notice of Adoption Planning (Alleged Father In or Out of California)
 - [AD590A](#) Waiver of Right to Further Notice of Adoption Planning (Presumed Father In or Out of California)
 - [AD588](#) Denial of Paternity by Alleged Father – In or Out of California
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Introduction

The County of San Diego, Health and Human Services Agency (HHSA) is designated by the California Department of Social Services (CDSS) as an adoption agency.

An independent adoption is an adoption in which the birth parent(s) selects the family for the child and places the child directly with the selected family. The selection by the birth parent(s) is based on their personal knowledge of the prospective adoptive family.

A child must be residing in the home of the petitioner prior to the filing of the adoption petition. Children may be placed directly by the birth parent via an adoption facilitator or private facilitator. Children also may be living with the petitioners under a probate guardianship and/or petitioners are related to the minor and have been caring for the minor through parental consent or parental abandonment, incarceration, death, etc.

Independent adoptions can be completed between the birth parents and relatives or non-relatives. The independent adoption SW works closely with a birth parent and a prospective adoptive family to facilitate the independent adoption process. While the County of San Diego Independent Adoption unit is not involved in the initial placement of children, they are responsible for facilitating the independent adoptions process upon receipt of a petition for adoption.

Policy

The County of San Diego, as a CDSS delegated county agency, is required by law to investigate the adoptive family home and circumstances of placement to determine whether the child is a proper subject for adoption and whether or not the prospective adoptive family will enable the child to develop to their best potential. For independent adoptions, the agency must complete the investigation and submit a report to the court with recommendations regarding the adoption within 180 days of the filing of the adoption petition and receipt of the first half of the adoption fee from the petitioner. Any circumstance, including a petitioner's inability to provide timely documentation or prolonged court hearings may delay the 180-day deadline and will be discussed with the PSS.

Policy (cont.)

An Independent Adoption SW will work with the birth parents on advisement and consent documents when they are relatives or guardians only. Translation of any legal document in an Independent Adoption will be completed by the State of California, (CDSS) or the family may hire a translator. If the family cannot afford a translator, the SW will make a referral for a professional translator.

The SW may not advise or sign consent documents with persons who are not relatives or legal guardians of the minor.

In the Independent Adoption Program if you are adopting an unrelated minor you must obtain the services of an Adoption Service Provider (ASP.) To obtain a copy of certified ASP list click here "[Registry of California Adoption Services Providers](#)". If you are unrelated to the minor but have had guardianship for at least one year, you will not need the services of an ASP.

When the petitioner is not a relative or guardian of the child, the birth parent must have been advised by an Adoption Service Provider and have signed the appropriate placement agreements. In these cases, the SW completes all tasks related to independent adoption after the initial placement agreement is signed and the initial adoption petition has been filed with the court and received by HHSA.

Anyone may file a petition to adopt a child if the person adopting is at least 10 years older than the child.

If the child is 12 years old or older, you must have the child's consent to adopt.

The child must be residing in the home of the petitioner prior to the filing of the adoption petition. If the child has no legal status in the home, there is no time requirement for length of residency. If a non- relative legal guardian is filing to adopt, the child must reside in the home under a legal guardianship for at least one year.

Filing a Petition

The petitioner(s) (Prospective Adoptive Parents) must file forms in Court to initiate the Independent Adoption process for a child residing in their home.

An Independent Adoption requires that the legal parent(s) either consent to the adoption or the petitioners must file a Petition to Terminate Parental Rights (TPR) or Petition for Freedom from Parent Custody and Control (FFPCC). If a legal parent is deceased, the petitioner must be able to provide a certified death certificate.

**Filing a Petition
(cont.)**

All forms can be obtained online at www.courts.ca.gov or at the Court Business Office at either of the following locations:

Central Juvenile Court
2851 Meadowlark Drive (2nd Floor, Adoptions Business Office)
San Diego, CA 92123

North County Juvenile Court
325 South Melrose
Vista, CA 92081

The petitioners must file the following forms with the Juvenile Court:

- Adoption Request (ADOPT-200)
- Adoption Agreement (ADOPT -210)
- Adoption Order (ADOPT- 215)
- Adoption of Indian Child (ADOPT -220)
- Adoption Expenses (ADOPT-230)
- ICWA- 010 (A)
- ICWA – 020

Once the Independent Adoption Petition (ADOPT 200) is filed with the court, the petitioner will send a copy of the petition and 50 percent of the fee to:

County of San Diego, HHSA
Independent Adoptions
8911 Balboa Avenue
San Diego, CA 92123

The court advises the family that they must immediately send the filed petition to HHSA to begin the investigation. The investigation cannot begin until HHSA has received the conformed Adoption petition, (adopt 200), and half the adoption fee, paid by the petitioner.

Fees

Fees are assessed in all Independent Adoptions, the following are important to note regarding fees:

- The fee for all Independent Adoption investigations is non-refundable.
 - Request for fee waivers will no longer be accepted.
 - The fee may be reduced in some cases, where the prospective adoptive parent(s) is in the lower income category, according to the income limits published by the Department of Housing and Community Development at <http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html> and making the required payment would be detrimental to the welfare of an adopted child.
-

Fees (cont.)

- In no case will the fee be reduced to less than \$500.
- The PSS for the Independent Adoption Program must assess and approve the fee reduction.
- The remaining 50 percent of the fee shall be paid no later than the date determined by CDSS or the delegated county adoption agency. The CDSS or delegated county adoption agency cannot file the final court report until the remainder of the fee is paid.

Fees must be made via cashier's check or money order, payable to County of San Diego Health and Human Services Agency.

Independent Adoption fees are as follows:

If the adoptive family....	Then the Fee is...
is requesting an investigation of an Independent Adoption petition	\$4,500.00
has a completed, valid pre-placement evaluation that is less than one year old and meets the requirements of Family Code Section 8811.5 which states: <ul style="list-style-type: none">• A licensed private or public adoption agency of the state of the petitioners' residency may certify prospective adoptive parents by a preplacement evaluation that contains a finding that an individual is suited to be an adoptive parent.• The preplacement evaluation shall include an investigation pursuant to standards included in the regulations governing independent adoption investigations established by the department. Fees for the investigation shall be commensurate with those fees charged for a comparable investigation conducted by the department or by a delegated licensed county adoption agency.	\$1,550.00

Fees (cont.)

If the adoptive family....	Then the Fee is...
<ul style="list-style-type: none">The preplacement evaluation, whether it is conducted for the purpose of initially certifying prospective adoptive parents or for renewing that certification, shall be completed no more than one year prior to the signing of an adoption placement agreement. The cost for renewal of that certification shall be in proportion to the extent of the work required to prepare the renewal that is attributable to changes in family circumstances.	
<p>Has a completed, valid private agency adoption home study that is less than two years old at the time of the filing of the petition.</p> <p>NOTE: Resource Family Approval (RFA) assessments are not considered home studies and cannot be used for independent adoptions.</p>	\$1,550.00

NOTE: If the petitioner is using a pre-placement evaluation or home study, it must have been completed and approved prior to the birth parent signing the Adoption Placement Agreement. Private agencies either conduct a pre-placement evaluation or a home study. A pre-placement evaluation is valid for one year and a home study is valid for two years.

Eligibility

A person must meet one of the below criteria, as authorized by Family Code Section 8609.5 to file an adoption petition:

- An adult who is related to the child or the child's half sibling by blood or affinity, including all relatives whose status is preceded by the words "step", "great", "great-great", or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.
 - A person named in the will of a deceased parent as an intended adoptive parent where the child has no other parent.
 - A person with whom a child has been placed for adoption.
-

Eligibility (cont.)

- A legal guardian who has been the child's legal guardian for more than one year:
OR
 - If the child is alleged to have been abandoned pursuant to Section 7822, a legal guardian who has been the child's legal guardian for more than six months. The legal guardian may file a petition pursuant to Section 7822 in the same court and concurrently with a petition under this section.
 - If the parent nominated the guardian for a purpose other than adoption for a specified time period, or if the guardianship was established pursuant to Section 360 of the Welfare and Institutions Code, the guardianship will have been in existence for not less than three years.
 - A person with whom a child has been placed for adoption by the birth parent, after being advised by an Adoption Service Provider. If the child has been placed for adoption, a copy of the adoptive placement agreement shall be attached to the petition
-

Initial Case Assignment

When the petition is received, the PSS must review the request and determine if all the required documents are included prior to assigning the case.

An Adoption Service Provider (ASP) must provide a packet of information when the petitioner is a not a relative or legal guardian to the child.

- An Adoption Service Provider Packet should include the following:
 - Independent Adoption Placement Agreement Transmittal (AD93)
 - Statement of Understanding (AD 926 for Non-Indian child and AD927 for Indian Child)
 - Independent Adoption Placement Agreement (AD 924 for non-Indian child or AD 925 for Indian child)
 - Adoption Information Act Statement (AD 908)
 - Information about the Birth Mother (AD 67)
 - Information about the Birth Father (AD 67A) –birth mother completes if birth father is not available
 - Declaration of Mother (AD 880)
 - Indian Child Inquiry Attachment (ICWA – 010 A)
 - Parental Notification of Indian Status (ICWA – 020)
 - Signed Authorizations for Release of Information (AD 100)
 - If required, the following documents must be attached to the paperwork:
 - Reports of any examinations of the birth parent's competency to sign the adoption paperwork.
 - Waiver of Right to Revoke Consent (AD 929)
-

**Initial Case
Assignment
(cont.)**

The PSS will use the following table to determine the information needed before assigning a case.

If the petitioners...	Then...
are non-relatives and reside in the County of San Diego,	<p>Verify that the birth mother and birth father (if applicable) have been advised by an Adoption Service Provider (ASP) and that the documents are signed with the ASP no sooner than 10 days from the date of the advisement.</p> <p>The ASP packet must be attached prior to assigning the case for investigation.</p>
are non-relatives and reside in California, but out of the County of San Diego	<p>the ASP packet must be attached. Then it must be determined how the home visits will be completed.</p> <p>The following options are available:</p> <ol style="list-style-type: none">1. San Diego SW completes the initial home visit in the neighboring county. The family completes their second interview in the San Diego CWS office.2. Request the CDSS Regional Office to complete the initial home visit and the Environmental Safety Checklist (AD 9). Then have the petitioners come to San Diego County to be interviewed. <p>NOTE: If the petitioners are unable or unwilling to participate in the interview process in San Diego County, the PSS may determine that the Independent Adoption Program is unable to accept the case.</p>

**Initial Case
Assignment
(cont.)**

The PSS will use the following table to determine the information needed before assigning a case

If the petitioners...	Then...
are non-relatives and reside outside of the State of California	<p>an Interstate Compact on the Placement of Children (ICPC) must be requested and the ASP packet must be attached.</p> <p>The family can contact the Independent Adoption program prior to filing their petition (when they are in San Diego County for the birth of the minor) and they will be given a live scan form to complete while in San Diego County. This can be completed prior to filing the petition.</p> <p>If they are unable to complete the live scan in San Diego County, they must have their fingerprints completed with the State of California, Department of Justice (hard card).</p>
Legal Guardian	Review documents provided with petition to ensure the guardianship was made through Probate Court and that it has been in place for more than one year.
Relative	Review documents to show if petitioners are relatives (as defined by: adult who is related to the child or the child's half sibling by blood or affinity, including all relatives whose status is preceded by the words "step," "great," "great-great," or "grand," or the spouse of any of these persons), even if the marriage was terminated by death or dissolution.

**Initial Case
Assignment
(cont.)**

Once it is determined that all the initial required documents are included in the request, the following procedures will be completed to assign a case to an Independent Adoption SW.

Step	Who	Action												
1	PSS	<p>Review Adopt-200 (Adoption Request).</p> <p>Once it is determined that all the required documents have been submitted, assign the case and document the case assignment information in the Independent Adoptions Log.</p>												
2	Legal Services Assistant (LSA)	<p>If half the fee for the Independent Adoption has not been received, send the introduction letter with fee information to the petitioner.</p> <p>Compile the Independent Adoptions packet, in an addressed envelope and provide it in the case file to the assigned SW.</p> <p>Notify the SW when the first half of the fee is received so that they can send the initial Independent Adoption packet to the petitioner.</p> <p>If half the fee for the Independent Adoption has been received, LSA Clerk will send initial Independent Adoptions packet:</p> <table><tr><th>With Valid Home Study</th><th>No Home Study or Pre-placement Approval</th></tr><tr><td>Opening/Introductory Letter</td><td>Opening/Introductory Letter</td></tr><tr><td>Civil Rights pamphlet</td><td>Civil Rights pamphlet</td></tr><tr><td>Fingerprinting/Live Scan Information</td><td>Fingerprinting/Live Scan Information</td></tr><tr><td>Fingerprinting Letter to Regional Clerks</td><td>Fingerprinting Letter to Regional Clerks</td></tr><tr><td>Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)</td><td>Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)</td></tr></table>	With Valid Home Study	No Home Study or Pre-placement Approval	Opening/Introductory Letter	Opening/Introductory Letter	Civil Rights pamphlet	Civil Rights pamphlet	Fingerprinting/Live Scan Information	Fingerprinting/Live Scan Information	Fingerprinting Letter to Regional Clerks	Fingerprinting Letter to Regional Clerks	Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)	Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)
With Valid Home Study	No Home Study or Pre-placement Approval													
Opening/Introductory Letter	Opening/Introductory Letter													
Civil Rights pamphlet	Civil Rights pamphlet													
Fingerprinting/Live Scan Information	Fingerprinting/Live Scan Information													
Fingerprinting Letter to Regional Clerks	Fingerprinting Letter to Regional Clerks													
Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)	Live Scan Forms (for all adults 18 and over in the home, excluding birth parents)													

**Initial Case
Assignment
(cont.)**

Once it is determined that all the initial required documents are included in the request, the following procedures will be completed to assign a case to an Independent Adoption SW.

Step	Who	Action	
2 (cont.)	Legal Services Assistant (LSA)	With Valid Home Study	No Home Study or Pre-placement Approval
		Independent Adoption Checklist for Petitioners with home study	Independent Adoption Checklist for Petitioners
		ADM 36 - Medical Report Regarding Child to Be Adopted	ADM 36 – Medical Report Regarding Child to Be Adopted
		AD 9 – Independent Adoption Questionnaire	AD 9 - Independent Adoption Questionnaire
			AD 918 – Family Assessment Questionnaire II (one for each petitioner)
			AD 4324 – Adoption Questionnaire I (one for each petitioner)
			AD 524 – Physician’s Examination of Adoption Applicant/Petitioner (one for each petitioner)
			Autobiography Instructions
			Adopting Parents Own Report on Health(for each petitioner)
			Authorization for Employer (for each petitioner)

Initial Case Assignment (cont.)

Once it is determined that all the initial required documents are included in the request, the following procedures will be completed to assign a case to an Independent Adoption SW.

Step	Who	Action
2 (cont.)	Legal Services Assistant (LSA)	<p>If the birth mother and birth father's addresses are provided in the initial request, send an introduction letter to the birth parents, providing the contact information for the assigned SW.</p> <p>If the petitioner has an attorney, send an introduction letter to the attorney, providing the contact information for the assigned SW.</p>

Social Work Responsibilities

The Independent Adoption Social worker is responsible for:

- Completing all interviews, including petitioners, children and birth parents
 - Completing the adoption assessment
 - Submitting the Independent Adoption Report to the court
 - Completing consents for adoption with Relative/Guardian petitioners
 - Verification of all necessary documents
 - All case management tasks
 - Closing the Independent Adoption case after finalization
-

Contact Requirements for the Independent Adoption SW

When a petitioner(s) does not have a home study or pre-assessment evaluation the Independent Adoption SW will:

- Conduct at least one interview in the home of the petitioners as soon as possible and no later than thirty business days after the receipt of an endorsed copy of the adoption petition (and half the fee has been paid).
 - Conduct BOTH separate interviews with each petitioner, if there is more than one petitioner AND conduct a joint interview with the petitioners, if there is more than one petitioner.
 - Conduct interviews with all other adults living in the home and have contact with all children who live in the petitioner's home.
 - Make another contact with the petitioners if the court report is submitted more than three months after the last contact with the petitioners.
-

**Contact
Requirements
for the
Independent
Adoption SW
(cont.)**

If a petitioner does have an approved home study or pre assessment evaluation, the agency will conduct at least one interview in the home no later than 45 business days from receipt of the filed petition and payment.

**SW Initial Case
Review**

Upon assignment, the Independent Adoption SW must review the adoption case file and complete the following:

If the Independent Adoption file shows...	Then...
that no fee has been received after 60 days of filing of the petition,	Send a dismissal letter to the family informing them that they have 30 days to pay the first half of the fee or a request will be made to have the adoption petition dismissed.
the whereabouts of any birth parent is unknown and parent was last known to be living in the United States	Submit a parent search request to the Parent Search Clerk form 04-52.
the whereabouts of any birth parent is unknowns and the parent was last known to be living in another country	Submit the International Liaison Office Request via email to the International Liaison's office.

SW Procedures

Once this initial information is collected, the Independent Adoption SW will complete the following steps.

Step	Procedure
1	<p>When the petitioner is a relative and or legal guardian of the child and has provided contact information for the birth parents, the SW will call the birth parent(s) to discuss the adoption and obtain information regarding:</p> <ul style="list-style-type: none">• the child's background (birth history, medical history, developmental history, behavioral health, education, cultural background, connections to biological family and all other pertinent information)• birth parent's reasons for choosing adoption• the birth parents general feelings about the adoption

**SW Procedures
(cont.)**

Once this initial information is collected, the Independent Adoption SW will complete the following steps:

Step	Procedure
2	<p>Send a letter to the birth parents detailing their legal options in the adoption case with regard to consenting or contesting the adoption.</p> <p>Once it is determined that a parent is consenting to the adoption, continue with the following procedures.</p> <p>A birth parent who is a minor has the same right to consent to the adoption of their child, as any parent who is an adult.</p> <p>If it is determined that a parent is contesting the adoption, the petitioner must be advised that they will need to file a petition to terminate the parental rights of the birth parent and continue with Procedures for Parents Contesting an Independent Adoption.</p>
3	<p>Determine if the birth parent has the ability to understand the nature, content, and effect of signing a consent to adoption.</p> <p>If SW observes or has knowledge of the parent's history or current condition which indicates that they may not have the ability to understand the content, nature and effect of signing a consent to adoption, the birth parent will need to be evaluated by a licensed physician or licensed clinical psychologist (they must have these credentials). The birth parent must utilize a private psychologist or medical provider. SW must verify and document credentials.</p> <p>The evaluation must be completed in order to determine if the parent has the ability to understand the nature, content, and effect of signing the consent to adoption.</p> <p>The need for an evaluation is indicated, but not limited to the following circumstances:</p> <ul style="list-style-type: none">• The birth parent is receiving SSI/SSP based on mental illness or developmental disability.• The birth parent has received psychiatric treatment and/or medication for mental illness within the past two years. <p>The Agency will need written documentation with the date and results of the evaluation.</p>

**SW Procedures
(cont.)**

Once this initial information is collected, the Independent Adoption SW will complete the following steps:

Step	Procedure				
3 (cont.)	<p>The consent cannot be signed until the Agency has received a letter indicating that the parent has the capacity to sign adoption paperwork.</p> <p>If there are no concerns with the biological parent(s) mental health or developmental abilities, this section does not apply and you may proceed with completing the consent documents.</p> <p>The birth parent must sign the Consent documents no later than 30 days after the evaluation is completed (Adoption Program Regulations 35094.3 and 35097).</p>				
4	<p>Complete a review of the live scan results, medical exams provided by the petitioners physician, as well as the home study questionnaires provided in the initial packet in order to obtain background information on the petitioners including:</p> <ul style="list-style-type: none"> • criminal history, • medical history • psychosocial history • inquire about any CWS history, including any investigations and removal history involving the petitioners. If there is a CWS history, the petitioner must provide all copies of CWS records. The Independent Adoption SW will not search the CWS history in CWS/CMS. <p>SW must ensure that the live scan results, physician exam and general psychosocial information, including CWS records if applicable, have been completed prior to filling out the Statement of Understanding used during the adoption consent process. All of this must be completed prior to arranging the in person interview and completion of consents with the birth parents.</p>				
5	<p>Arrange an in-person interview with the birth parent. Follow the below table to determine arrangements for the in-person interview:</p> <table border="1"> <tr> <th>If the birth parent resides...</th><th>Then...</th></tr> <tr> <td>outside the County of San Diego, but in the State of California</td><td>request from the CDSS Regional Office a service request for assistance in completing the in-person interview and witness of consent documents with the birth parent.</td></tr> </table>	If the birth parent resides...	Then...	outside the County of San Diego, but in the State of California	request from the CDSS Regional Office a service request for assistance in completing the in-person interview and witness of consent documents with the birth parent.
If the birth parent resides...	Then...				
outside the County of San Diego, but in the State of California	request from the CDSS Regional Office a service request for assistance in completing the in-person interview and witness of consent documents with the birth parent.				

**SW Procedures
(cont.)**

Once this initial information is collected, the Independent Adoption SW will complete the following steps:

Step	Procedure	
5 (cont.)	If the birth parent resides...	Then...
	outside the State of California, but in the United States,	conduct all interviews with the birth parent via telephone or video conference. Send the packet of information for birth parent to review and sign in front of either an authorized adoption agency able to provide these services in a timely manner or in front of a notary.
	outside the United States,	<p>the SW will conduct all interviews with the birth parent via telephone or video conference. Send the packet of information for birth parent to review and sign in accordance with the CIVIL CODE SECTION 1183:</p> <p>The proof or acknowledgment may be made without the United States, before any of the following:</p> <ul style="list-style-type: none"> • A minister, commissioner, or chargé d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made. • A consul, vice consul, or consular agent of the United States, resident in the country where the proof or acknowledgment is made. • A judge of a court of record of the country where the proof or acknowledgment is made. • Commissioners appointed by the Governor or Secretary of State for that purpose. • A notary public. <p>If the proof or acknowledgment is made before a notary public, the signature of the notary public will be proved or acknowledged:</p>

**SW Procedures
(cont.)**

Once this initial information is collected, the Independent Adoption SW will complete the following steps:

Step	Procedure	
5 (cont.)	If the birth parent resides...	Then...
	outside the United States, (cont.)	(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.
6	<p>Determine that the birth parent voluntarily chose to place their child with the petitioners for the purpose of adoption. If the Agency determines the birth parent has not demonstrated substantially correct knowledge of all elements of personal knowledge regarding the petitioners, a consent cannot be taken since an independent adoptive placement, as defined by law, has not occurred.</p> <p>NOTE: From Family Code 8801 (b) "Personal knowledge" as used in this section includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal names, ages, religion, race or ethnicity, length of current marriage and number of previous marriages, employment, whether other children or adults reside in their home, whether there are other children who do not reside in their home and the child support obligation for these children and any failure to meet these obligations, any health conditions curtailing their normal daily activities or reducing their normal life expectancies, any convictions for crimes other than minor traffic violations, any removals of children from their care due to child abuse or neglect, and their general area of residence or, upon request, their address</p>	

**SW Procedures
(cont.)**

Once this initial information is collected, the Independent Adoption SW will complete the following steps:

Step	Procedure
6 (cont.)	<p>The following documents must be reviewed with the birth mother and/or birth father to obtain consent to the adoption:</p> <ul style="list-style-type: none">• Statement of Understanding – Petitioner must complete all “Personal Knowledge” section that pertains to their medical and criminal history• Consent for Adoption (AD 1A)• Adoption Information Act Statement (AD 908)• Information about the Birth Mother (AD 67)• Information about the Birth Father (AD 67A)• Declaration of Mother (AD 880)• Authorizations for Release of Information (AD 100) <p>If required, the following documents must be attached to the paperwork:</p> <ul style="list-style-type: none">• Reports of any examinations of the birth parent’s competency to sign the adoption paperwork.• Waiver of Right to Revoke Consent (AD 929)• Verification of the birth mothers marriages and dissolutions of marriages if needed for determining birth father rights. <p>A birth father may prefer to sign a Waiver of Right to Further Notice of Adoption Planning or Denial of Paternity by Alleged Father. This form can be signed in lieu of the above stated adoption consent documents for the birth father. This may be preferred for fathers who deny they are the father or who have not been involved in the child’s life or adoption planning.</p>

**Procedures for
Parents
Contesting an
Independent
Adoption**

The adoption cannot proceed unless the birth parent consents to the adoption or their rights are terminated via the Court by means of the appropriate petition. If a parent is contesting an Independent Adoption, the following procedures should be followed:

If the birth parent does not want the child placed for adoption and...	Then...
<p>has already signed an Independent Adoption Placement Agreement or Consent to Adoption or Waiver of Right to Revoke consent</p> <p>AND</p> <p>It is within their agreed revocation timeframe.</p>	<p>the birth mother must contact HHSA and provide a written statement to revoke consent made on the AD 928 form or by any other written statement. The minor must be returned to them immediately. If there is concern for the safety of the minor returning to the birth parent then a CWS hotline referral must be made.</p> <p>NOTE: The revocation timeframe is agreed upon in the waiver to revoke consent or the independent adoption agreement.</p>
<p>has already signed an Independent Adoption Placement Agreement or Consent to Adoption or Waiver of Right to Revoke consent</p> <p>AND</p> <p>the timeframe has passed to reclaim the minor,</p>	<p>the birth parent must notice the Court immediately. The birth parent may request a special hearing.</p>
<p>the birth parent has not signed any adoption documents,</p>	<p>the birth parent must immediately contact the Court. They can request a Special Hearing and request an attorney be appointed.</p>
<p>there is already a petition filed to terminate the birth parents' rights</p>	<p>the birth parent must immediately contact the Court informing the Court that they are contesting and make themselves available at the Court hearing. This information is also provided to the Court by the SW in their report for the TPR or FFCC.</p>

**Procedures for
Parents
Contesting an
Independent
Adoption (cont.)**

If the birth parent does not want the child placed for adoption and...	Then...
there is no petition filed to terminate the birth parents' rights	the birth parent must immediately contact the Court. They can request a Special Hearing and request an attorney be appointed. The SW may also submit an Informational Report and request a Special Hearing if there are concerns regarding the manner in which the minor was placed.

**Petitions to
Terminate
Parental Rights**

When it is necessary to terminate the parental rights of a birth parent who has not provided consent to the adoption or they have not signed a placement agreement, it is the responsibility of the petitioner to file the appropriate action in court.

A request for termination of parental rights may be accomplished through filing a Petition for Termination of Parental Rights (TPR) or a Petition for Freedom from Parental Custody and Control (FFPCC). The Adoption Agency will investigate the petition and provide a report to the Court.

If a petition for termination of parental rights of one parent is needed and...	Then
The birth father is an alleged parent	The petitioner will file the TR petition and the assigned SW complete a separate TR report.
The birth mother has not signed a consent Or The birth father is a presumed parent	<ul style="list-style-type: none">• The petitioner will file an FFCC.• A second SW from the adoption program will interview the birth parents, child, and petitioners to determine if the situation meets the family code (section 7660-7671) criteria for grounds to terminate the rights of that parent. The SW will complete a separate FFCC report.

Completing the Assessment of the Petitioner(s)

If a petitioner(s) does not have a home study or pre-placement evaluation, the following procedures will be followed:

Step	Who	Description
1	Petitioner	<p>In order for the Agency to conduct the adoption assessment, the petitioner(s) must provide the following items to the Agency:</p> <ul style="list-style-type: none"> • A certified copy of the birth certificate of the minor • A certified copy of the marriage certificate, if applicable • Death certificates of former spouses, if applicable • Verification of termination of all prior marriages, if applicable • Death certificates of the birth parent, if applicable • Verification of income or financial stability • School reports for all children in the home • Adam Walsh clearances for any petitioner that has resided outside the State of California in the past 5 years • CWS history provided by the petitioner, if applicable (Petitioner must request the history from the legal services unit) <p>NOTE: The SW is prohibited from looking up the petitioners in CWS/CMS. All CWS history must be provided by the petitioners through the legal services unit. If the petitioners are unwilling to provide their CWS history, the SW may request an 827 petition through the Court to review their records.</p> <p>The petitioner must also return the following documents that were provided by the SW for completion:</p> <ul style="list-style-type: none"> • Live scan completed for all adults in the home • ADM 36- Medical Report Regarding Child to be Adopted • AD 9- Independent Adoption Questionnaire (including receipt of all personal references)

Completing the Assessment of the Petitioner(s) (cont.)

If a petitioner(s) does not have a home study or pre-placement evaluation, the following procedures will be followed:

Step	Who	Description
1 (cont.)	Petitioner	<ul style="list-style-type: none"> AD918- Family Assessment Questionnaire II from each petitioner AD 4324 Adoption Questionnaire I from each petitioner Autobiography for each petitioner AD 524 Physician's Examination of Adoption Applicant/Petitioner (one for each petitioner)
2	SW	<p>Review all information provided by the petitioners.</p> <p>Arrange an interview with the petitioners to obtain: biopsychosocial history, medical history, criminal history, etc. of the petitioners.</p> <p>Request any additional documents that are needed to make a thorough assessment of the petitioners. This can include, but is not limited to:</p> <ul style="list-style-type: none"> police reports letters from mental health provider letters from treatment providers <p>Complete a safety and grounds inspection of the home of the petitioners.</p> <ul style="list-style-type: none"> This must be completed in the home where they will be living when they finalize their adoption. If, during the course of the adoption, the petitioners move to another home, a new home assessment must be completed. If the petitioners move out of state, prior to the finalization of their adoption case, the petitioners must get permission from the Court, as well as ICPC and comply with all ICPC regulations. The child may not be removed from the county for more than 30 days unless the petitioners obtain permission for the removal from the Court, providing notice to the Agency in case there are objections (Family Code 8803).

Limited Consent Adoption

Depending on their status (see above sections), relative or non-relative, they will sign the documents with either the Adoption Service Provider or the Independent Adoption SW.

In a Limited Consent Adoption, the birth parent does not give up any legal rights to their child. They also remain listed on the birth certificate. A VS-44 is used to request a new birth certificate, in which the petitioner is added as a parent, alongside the birth parent or legal parent.

ICWA and Independent Adoption

If the child is determined to be an Indian child, the requirements of the Indian Child Welfare Act (ICWA) will apply to the taking of the consent and the adoption of the child. Indian children must be placed in the least restrictive setting and consistent with the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or maintains social and cultural ties. Unless there is good cause to the contrary, or the child's tribe establishes a different order or preference by resolution, the adoptive placement preference for Indian children is:

According to the ICWA, the order of preference for the best place for the child to live if they cannot be with the parent would be:
1. a member of the child's extended family;
2. other members or citizens of the Indian child's tribe;
3. other Indian families, including families of unwed individuals; or
4. other permanent placement approved by the tribe.

If the parent does not wish to follow any of these placement choices, he or she must tell the court on the record or in writing. The court must make the final decision as to whether there is good cause to deviate from the ICWA placement preferences.

In all ICWA cases, the consent to adoption will be signed before a judge of the Superior Court in California, or before a court of competent jurisdiction if signed outside the state.

The ICWA noticing packet is completed by ASP, Attorney or SW if there is no ASP or Attorney.

NOTE: This is the same ICWA noticing packet used by PPAU.

If the parent should change their mind about the adoption after signing the consent to adoption, the parent may withdraw the consent before the adoption is granted by the court and the child will be returned to the parent.

**ICWA and
Independent
Adoption (cont.)**

If there is court action to terminate parental rights, the agency will notify the child's tribe and the tribe may intervene in the proceedings.

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.

**Foreign Born
Children**

All County Letter 20-69 ([ACL 20-69](#)) outlines all specific policies in place regarding the use of California's Independent Adoption Program (IAP) when adopting foreign-born children.

ACL 20-69 states that the CDSS and delegated county adoption agencies (Alameda, Los Angeles, and San Diego) will recommend a denial on any independent adoption petition seeking to adopt a foreign-born child, except in certain limited circumstances.

Most adoption petitions involving a foreign-born child are statutorily defined as intercountry adoptions. As a result, CDSS or a delegated county adoption agency lacks the authority and necessary credentials to investigate or conduct an intercountry adoption using the IAP. Thus, the intercountry adoption process is the proper channel for proposed adoptions of foreign-born children.

In summary, the limited exceptions that may allow a foreign-born child to be adopted through California's IAP are (Both exceptions are explained in detail in (ALL COUNTY LETTER NO. 20-69):

1. If the petitioner(s) can provide documentation from United States Citizen and Immigration Services (USCIS) demonstrating that the child's immigration status has been adjusted to Lawful Permanent Resident (LPR) status or that the child has otherwise ascertained United States (U.S.) citizenship. This will most commonly apply to a foreign-born child, whether born in a Convention or non-Convention country, who has received Special Immigrant Juvenile (SIJ) Status; or,
2. If the petitioner(s) are either U.S. citizens or LPRs, and can show that the Hague Adoption Convention does not apply. This may be demonstrated by submitting an official letter from the Central Authority of the child's Country Of Origin (COO), i.e. country of birth, even if the child is already present in the U.S.,

**Foreign Born
Children (cont.)**

In summary, the limited exceptions that may allow a foreign-born child to be adopted through California's IAP are (Both exceptions are explained in detail in (ALL COUNTY LETTER NO. 20-69):

2 (cont.). stating that the child is no longer considered a habitual resident of the Convention country or that the Central Authority does not issue such statements; or where the petitioner(s) satisfy the evidentiary requirements contained in [USCIS Policy PM 602-0095](#) showing that the Hague Adoption Convention does not apply.

NOTE: Petitioner(s) must be informed that adoption and citizenship are two separate and distinct processes. Moreover, adoption does not guarantee citizenship, which is solely decided by USCIS.

There may be specific military circumstances in which the IAP may be used if the minor lives with a proposed U.S. military adoption petitioner.

Denials

An Independent Adoption SW can deny the approval of an adoption based on, but not limited to, any of the following:

- Criminal history that may impact the safety and well-being of a child (same standards used in RFA evaluations)
- Building and grounds/ home safety, as determined by the Independent Adoption SW
- CWS history, assessed by Independent Adoption SW
- Any current CWS activity, a petition may not be approved with current CWS activity, regardless of status. The evaluation may resume once a referral is closed.
- Any safety concerns – SW may need to refer to the Child Abuse Hotline in these situations.

If a petition for Independent Adoption is denied and the petitioner is not in agreement with the denial, the petitioner(s) must request a special hearing for a grievance through the court system. The Judge will make a final determination at that special hearing.

**Final
Independent
Adoption Court
Report**

Once an investigation has been completed, the Independent Adoption SW will compile all the information into a court report to submit to the court and follow the below outlined steps:

Step	Who	Description
1	SW	<p>Consult with PSS to determine the correct type of court report to submit. Independent Adoption reports can include:</p> <ul style="list-style-type: none"> • Relative • Non Relative • Guardian • Limited Consent • Additional Parent Adoption <p>Compile all information from Independent Adoption investigation and submit the court report to PSS for review</p>
2	PSS	Review court report, determine that the report is complete and thorough. If a consultation is necessary, meet with the SW to discuss the court report. Return court report to SW with requests for edits.
3	SW	Complete all edits and submit court report to PSS for final approval/signatures.
4	PSS	Complete final review of court report, return to SW with final signature once report is fully approved.
5	SW	Submit final copy of court report to adoption LSA so that they may submit it to court
6	LSA	<p>Submit the court report to court with a copy of:</p> <ul style="list-style-type: none"> • VS44, signed by petitioners <p>And if applicable:</p> <ul style="list-style-type: none"> • Original signature, Adoption Placement Agreement • Original signature, Statement of Understanding • Consent to Adoption • Waiver of Right to Further Notice of Adoption Planning • Waiver of Right to Revoke Consent • Limited Consent Adoption Addendums

**Final
Independent
Adoption Court
Report (cont.)**

Once an investigation has been completed, the Independent Adoption SW will compile all the information into a court report to submit to the court and follow the below outlined steps:

Who	Step	Description
6 (cont.)	LSA	Send one copy to the petitioner or the petitioner's attorney if they have one. Submit a copy to SW for the Independent Adoption file. Send a letter to petitioner or attorney informing them to contact the court for next steps.

**Adoption
Assistance
Program (AAP)
for Independent
Adoptions**

The majority of children adopted through the Independent Adoption program do not qualify for AAP. The adoption SW will review the qualifications and have the petitioners sign the AAP 5. Children should be assessed for AAP Eligibility by completing the following steps:

Who	Step	Description
PSW	1	Determine if the minor qualifies for Adoption Assistance Program: 1. Minor was receiving AAP benefits from a prior adoption that was dissolved, due to the termination of the adoptive parental rights or the death of an adoptive parent. -or- 2. Minor has met all medical or disability eligibility requirements for federal SSI benefits (you must have the letter from SSI). If minor qualifies, proceed to step 2. Only proceed to step 2 after the Adoption Report has been submitted to the Court and is pending finalization. Family cannot finalize until AAP is already approved and they are receiving payments.
SW	2	Email clerical assigned, to request FC8. Send minor's birth certificate and SSI letter (if applicable) with email request.
SW	3	Upon receipt of FC8, send via email with AAP Request Form, to Adoption clerical, to request AAP documents. Determine the payment. This will include the AAP basic rate (Special Care Rate has to be approved by AAP worker separately than our request).

Adoption Assistance Program (AAP) for Independent Adoptions (cont.)

Who	Step	Description
SW	4	<p>Upon receipt of the packet, schedule a time to meet in person with the petitioners to review and sign all documents. (Refer to Sample AAP Packet)</p> <p>The start date of AAP will be the date of the adoption finalization (if known in advance) or the first day of the month following the finalization hearing.</p>
SW	5	<p>Immediately send completed AAP packet to AAP PSS, Include the following:</p> <ul style="list-style-type: none"> • AD-2 Supervisor's AAP Checklist, along with all AAP forms • The criminal history section of the Adoption Assessment Report • A copy of the AD200 • A copy of the minor's birth certificate

Closing an Independent Adoption Case

Once Court orders are received that the adoption petition has been granted, dismissed, or denied, the Agency may close the case.

The following tasks must be completed when closing the Independent Adoption case.
<ul style="list-style-type: none"> • File all documents in the case file.
<ul style="list-style-type: none"> • If the adoption has been dismissed, verify with the Court that all petitions have been dismissed (i.e. TR petitions, FFPCC)
<ul style="list-style-type: none"> • Verify that the AD42i has been uploaded to the DSS State website.
<ul style="list-style-type: none"> • Verify that the Court orders are all present.
<ul style="list-style-type: none"> • Write a closing summary of date adoption finalized and name of minor following the adoption.
<ul style="list-style-type: none"> • Provide the case file to the LSS Clerk.
<ul style="list-style-type: none"> • LSS clerk will send the file to the State of CA. Independent Adoption records are all held by the State at: CDSS 744 P Street, M.S. 8-12-31 Sacramento, CA 95814

Alignment with SET

This policy supports SET [Value 3](#) and the guiding principle to hold a sense of urgency when seeking permanency for children, as well as the agency practice to value the most permanent option for the child/youth.

References

CDSS [ACL-20-69](#)
Family Code 8800-8823

NOTE: Authority cited: Section 8621, Family Code; Sections 10553 and 16118, Welfare and Institutions Code. Reference: Sections 7663, 8502, 8801.3, 8801.5, 8801.7, 8802, 8817, and 8818, Family Code.
