

STATEMENT OF UNDERSTANDING INDEPENDENT ADOPTIONS PROGRAM

You will be consenting to the adoption of your child by signing the Consent to Adoption form. Consenting means you agree to the permanent placement of your child with the petitioner(s) to raise as his/her/their own. When the adoption petition is granted, you will no longer have any rights as a parent to your child.

Before you sign this form and the Consent to Adoption form, read each of the attached statements in consultation with the agency or California Department of Social Services' representative.

Be sure to ask questions about any statement you do not understand. Consenting to the adoption of your child is an extremely important decision. You should know all the facts and consequences before making your decision.

Instructions On How To Complete This Statement Of Understanding:

BEFORE YOU SIGN THIS STATEMENT OF UNDERSTANDING AND THE CONSENT TO ADOPTION FORM (AD 859) or (AD 860), READ BOTH VERY CAREFULLY WITH THE AGENCY REPRESENTATIVE. BE SURE TO ASK QUESTIONS ABOUT ANYTHING YOU DO NOT UNDERSTAND.

- 1. Complete this Statement of Understanding only after you have carefully thought about the permanent placement of your child and you are sure that you want your child adopted by the petitioner(s) and raised by him/her/them.*
- 2. Read each of the statements in this document very carefully. If you do not understand a statement, ask the agency representative to explain it to you until you completely understand.*
- 3. If you understand and agree with a statement, put your initials on the line next to the number of that statement.*
- 4. If you do not agree, or if you do not understand a statement after the agency representative's explanation, do not initial the line. Ask for more help and time in making your decision.*
- 5. If you have initialed all the lines, sign your name on page 6 of this form. Since you are the parent of a child who is or may be an Indian child, you must sign this Statement of Understanding before a Judge of the Superior Court in California or if signed outside the State of California, a Judge of an equivalent state court.*
- 6. You will receive a copy of this Statement of Understanding and the Consent to Adoption form (AD 859) or (AD 860) when it has been completed.*

**THIS FORM MUST BE USED WITH ONE OF THE FOLLOWING CONSENT FORMS:
AD 859 or AD 860**

STATEMENT OF UNDERSTANDING
Parent Who Did Not Give Physical Custody of the
INDIAN Child to the Petitioner(s)

_____ 1. I have carefully considered the reasons for consenting to the adoption of

_____ by _____.

NAME OF CHILD

NAME(S) OF THE PETITIONER(S)

RIGHTS UNDER THE INDIAN CHILD WELFARE ACT (ICWA)

My Child:

- Has been confirmed as covered under the ICWA.
- Has not been confirmed as covered under the ICWA, but may be covered. Therefore, I am being advised of these rights. I understand that until my child is confirmed as covered under the ICWA, the rights described below in number 2 and 3 do not apply. Complete number 4 as well.

_____ 2. I understand because my child is or may be an Indian child, that the requirements of the ICWA will apply to the signing of my consent to adoption form and the adoption of my child.

If Known, Name of Child's Tribe: _____

If Known, Tribal Membership or Enrollment Number: _____

_____ 3. I understand that in a case of a child who has been confirmed as covered under the ICWA the following rights apply:

_____ a. According to the ICWA, the best place for my child to live if he/she cannot be with me would be with a member of his/her extended family. If that is not possible, the next choice would be with other members of my child's tribe. If placement with the tribe is not possible, the third choice would be with another Indian family.

If I do not wish to follow any of these placement choices, I must tell the court so that the court can consider my views in the final decision on where my child will be placed.

_____ b. If I should change my mind about the adoption after signing the consent to adoption form, I may withdraw the consent to adoption form before the adoption is granted by the court. However, the only way I may regain custody of the child is if I request the right to physical custody of the child in court. I probably will need a lawyer to help me do this.

_____ c. I will be told immediately if my child's other parent asks to take back his/her consent to adoption and of any court proceedings because he/she is asking to take back the consent to adoption. I understand I must keep the adoption agency informed of my current address if I want to receive this notice.

_____ d. The child's Indian tribe has a right to be noticed and participate in the adoption proceedings.

- _____ e. If any agency or person goes to court to take away the parental rights of my child's other parent, my child's tribe will be noticed and may participate in the proceedings.
- _____ f. The adoption agency has to tell me if the adoption is set-aside or the adoptive parent(s) agree(s) to the ending of his/her/their rights as a parent(s) to my child. I know that the notice will be given to me in writing. I understand I must keep the adoption agency informed of my current address if I want to receive this notice.
- _____ g. If my child's tribe has a tribal court, as defined by ICWA, or other administrative body that is able to hear child proceedings, I, my child's other parent, or the tribe may ask the court to have all court proceedings about my child moved to the tribe. This will not take place if I, the other parent, or the tribe does not want it to, or if the court finds good reason not to move the proceedings.
- _____ h. The adoption agency may release information about the adoption only when:
- (1) My child reaches 18 years of age and asks the court that granted the adoption for information about my tribal affiliation and any other information needed to protect any tribal rights, including entitlement to enrollment that he/she may have.
 - (2) The Secretary of the Interior has asked for the information.
 - (a) I understand if I want to stay unknown, I must file a paper with the court asking that information about me not be released.
 - (b) I understand even though the ICWA requires the Secretary of the Interior to make sure the information on the adoption of my child stays confidential, tribes do not always keep this information confidential if they find out about the adoption.
 - (3) My child is over 18 years of age, his/her adoptive parent(s), or tribe asks the Secretary of the Interior to release information to enroll my child in the tribe or to decide if my child has any rights or benefits from the tribe.
 - (a) I understand if I have filed a paper with the court asking that information about me not be given out, the Secretary of the Interior will certify that my child may be enrolled in the tribe instead of giving out the information.
- _____ i. The adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood for my child and may enroll my child in his/her tribe or register him/her for any Bureau of Indian Affairs' benefits that he/she may be able to get.
- _____ j. The clerk of the Superior Court must provide a copy of the final decree of adoption, along with information about myself, tribal information, biological parent, adoptive parent and the adoption agency to the Secretary of Interior.
- _____ k. I may ask the court to stop any action ending my rights as a parent if the action did not follow the ICWA.
- _____ l. I must sign the consent to adoption form before a Judge of the Superior Court in California or if signed outside the State of California, a Judge of an equivalent state court.

**TO BE COMPLETED BY THE BIRTH PARENT WHOSE CHILD HAS NOT BEEN CONFIRMED
AS COVERED UNDER THE ICWA**

- _____ 4. **BIRTH PARENT WILL ONLY INITIAL THE BELOW STATEMENT IF** the child has not been confirmed as covered under the ICWA.
- _____ a. I understand that if my child is later determined NOT to be subject to the ICWA, then the below rights described in (1)-(3) will apply to my child and the above rights described in numbers 2 and 3 will not apply to my child.
- _____ (1) I understand the consent to adoption form will automatically become an irrevocable consent to adoption when the 30-day period has ended or when I sign a Waiver of the Right to Revoke Consent (AD 929), whichever occurs first. The first day of the 30-day period is the day the consent to adoption form is signed.
- _____ (2) If I change my mind after I sign the consent to adoption form, I must sign and deliver to the California Department of Social Services or to the delegated county adoption agency, whichever is investigating the proposed adoption, a written statement revoking the consent and requesting that the child be returned to me. I may not revoke the consent after the 30-day period has ended or after I signed a Waiver of the Right to Revoke Consent (AD 929), whichever occurs first. The first day of the 30-day period is the day the consent to adoption form is signed.
- _____ (3) After the consent to adoption form becomes irrevocable, I may attempt to gain custody of the child only if the petitioner(s) agree(s) to withdraw his/her/their petition for adoption or if the court denies the adoption petition. However, the only way I may regain custody of the child is if I request the right to custody of the child in court. I probably will need a lawyer to help me do this.
- _____ b. I understand that if this child is later confirmed as covered under the ICWA, then the investigating agency will notify me. I understand I must keep the agency informed of my current address. I understand that rights described in numbers 2 and 3, including the right to withdraw the consent before the adoption is granted by the court, will apply.
- _____ 5. I understand if I do not wish to have my child adopted by the petitioner(s), I should not sign this form or the consent to adoption form.
- _____ 6. I understand if I do not consent to the adoption, I may sign a Refusal to Give Consent to Adoption form (AD 20) or write a letter to the adoption agency and the adoption agency will report to the court that I do not want my child to be adopted by the petitioner(s).
- _____ 7. I understand if I do not sign the consent to adoption form, I may request the right to physical custody of the child in court. I probably will need a lawyer to help me do this.
- _____ 8. I understand I have the right to look for a lawyer to help me in the independent adoption process and that the petitioner(s) may be required to pay the cost, up to \$500 unless the petitioner(s) and I agree to a higher amount, of such legal counsel.

- _____ 9. I understand if I am not sure I want my child adopted, there are other places the agency can refer me to that could help me with family, health, money, and other problems.
- _____ 10. I understand I may talk about my plan of adoption for my child with other professional people, my family, and friends.
- _____ 11. I understand I will remain legally responsible for my child until the adoption is granted by the court. If the adoption is withdrawn, dismissed or denied, the agency will notify me and may request that I make other plans for the child. I understand I must keep the agency informed of my current address.
- _____ 12. I understand if I ask the agency which investigates the proposed adoption for information at any future time, the agency must give me all known information about the status of my child's adoption, including the approximate date the adoption was completed and, if the adoption was not completed or was vacated, for any reason, whether adoptive placement of my child is again being considered.
- _____ 13. I understand after my child's adoption has been granted in court, all inheritance rights from any blood relatives will end unless they have made arrangements in his/her/their will or in a trust which specifically includes my child. My child will legally inherit from his/her adoptive parent(s). However, my child may still be able to get benefits from his/her tribe or Bureau of Indian Affairs' services if he/she is an Indian.
- _____ 14. I understand the adoption agency may release identifying information from the adoption case record only when:
- _____ a. It has been requested by certain agencies as named in law because the information is needed to help my child;
 - _____ b. My child, when he/she is an adult, and I have signed forms agreeing to the release of identifying information so that contact can be arranged;
 - _____ c. My child has reached 21 years of age, asks for my identity and I have agreed in writing to the release of my identity and most current address in the adoption agency's record;
 - _____ d. My child has reached 21 years of age and has indicated in writing that I may have his/her adopted name and most current address as indicated in the adoption agency's records, and I have asked for this information; or
 - _____ e. My child is under 21 years of age and the adoption agency has found that the release of my identity and most current address as indicated in the agency's record is justified according to law.
- _____ 15. I understand I will be able, at any time, to add information about myself to the record of the agency that investigates the independent adoption.
- _____ 16. I understand the court may, after considering a request, release identifying information from the court's adoption file.

- _____ 17. I understand if I think I was deliberately not told the truth about consenting to the adoption of my child, I have three years after the date the adoption was completed, or within 90 days of discovery of the fraud, whichever is earlier, to ask the court to set-aside the adoption of my child.
- _____ 18. I understand I will no longer be my child's legal parent once the adoption is granted in court. This means that:
- _____ a. I will no longer be responsible for the care of my child;
- _____ b. The petitioner(s) will be the parent(s) and will be legally responsible for caring for my child;
- _____ c. I will no longer have any right to the custody, services or earnings of my child; and
- _____ d. I will not be able to reclaim my child.
- _____ 19. I have received enough information about the petitioner(s) and about my child's adjustment in the petitioner(s) family, and I wish to proceed with signing the consent to adoption form.
- _____ 20. I have carefully thought about the reasons for keeping or consenting to the adoption of my child. I have decided that consenting to the adoption of my child by the petitioner(s) is in the best interest of my child. I have read and understand this Statement of Understanding and the consent to adoption forms. I do not need any more help or time to make my decision. I have decided to consent to the adoption of my child by the petitioner(s) and I am signing this freely and willingly.

I, _____, mother/father of _____,	
NAME OF CONSENTING PARENT	NAME OF CHILD
understand and agree to the statements I have initialed above.	
SIGNATURE OF CONSENTING PARENT	DATE

SECTION A
Complete SECTION A and C if signed in California

I, _____, an authorized official of
NAME OF AUTHORIZED AGENCY OFFICIAL
 _____ have witnessed the signing of this Statement
NAME OF AGENCY
 of Understanding by _____ on _____.
NAME OF CONSENTING PARENT DATE

SIGNATURE OF AUTHORIZED AGENCY OFFICIAL

TITLE

FULL ADDRESS

TELEPHONE NUMBER

SECTION B
Complete SECTION B and C if signed outside of California

I, _____, an authorized official of
NAME OF AUTHORIZED AGENCY OFFICIAL
 _____, an organization licensed or otherwise
NAME OF AGENCY
 approved to provide adoption services under the laws of _____, have witnessed the signing of
STATE
 this Statement of Understanding by _____ on _____.
NAME OF CONSENTING PARENT DATE

SIGNATURE OF AUTHORIZED AGENCY OFFICIAL

TITLE

FULL ADDRESS

TELEPHONE NUMBER

SECTION C - CERTIFICATE OF THE COURT
Complete if signed in or out of California

The parent of this child to whom the ICWA does apply or may apply, and the authorized agency official, whose signatures are affixed above, appeared in my presence on _____. This Statement of Understanding has been given at least ten (10) days after the birth of the child. The terms and consequences of the voluntary signing of the consent to adoption and this Statement of Understanding have been fully explained in English, or translated in a language understood by the parent, including the right to withdraw the consent prior to the final decree of adoption if the child is confirmed to be covered under the ICWA.

SIGNATURE OF SUPERIOR COURT JUDGE

DATE

NAME OF SUPERIOR COURT JUDGE

NAME OF COURT OF JURISDICTION