

STATEMENT OF UNDERSTANDING INDEPENDENT ADOPTIONS PROGRAM

You will be consenting to the adoption of this child by signing the Consent to Adoption (AD 861). Consenting means you agree to the permanent placement of this 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 this 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 this 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 861), 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 this child and you are sure you want this 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 your 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.*
- 6. You will receive a copy of this Statement of Understanding and Consent to Adoption form (AD 861) when it has been completed.*

THIS FORM MUST BE USED WITH CONSENT FORM AD 861

STATEMENT OF UNDERSTANDING

Alleged Father of an INDIAN Child

- _____ 1. I have carefully considered the reasons for consenting to the adoption of _____ by _____.
- NAME OF CHILD
- NAME(S) OF THE PETITIONER(S)
- _____ 2. The adoption agency has told me why they think I am the alleged father of this child and I understand that I may:
- a. File a petition in court to prove that I am the father of this child;
 - b. Deny I am the father;
 - c. Give up my rights to any other notice of the adoption proceedings;
 - d. Sign a consent to the adoption; or
 - e. Take no action.

RIGHTS UNDER THE INDIAN CHILD WELFARE ACT (ICWA)

This 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 this child is confirmed as covered under the ICWA, the rights described below in numbers 3 through 6 do not apply. Complete number 7 as well.

- _____ 3. I understand because this child is or may be an Indian child, the requirements of the ICWA will apply to the adoption of this child.
- If Known, Name of Child's Tribe: _____
- If Known, Tribal Membership or Enrollment Number: _____
- _____ 4. I understand this child is or may be subject to the ICWA and that if I want any rights under this Act I must have a court order declaring that I am this child's father.
- _____ 5. I understand that if this child is subject to the ICWA, that any other legal parent has the right under the ICWA to withdraw consent before the decree of adoption is signed. If the legal parent should change his/her mind about the adoption after signing the consent to adoption form, he/she may withdraw the consent before the adoption is granted by the court and this child will be returned to him/her.
- _____ 6. 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 this child to live if he/she cannot be with a parent would be with a member of his/her extended family. If that is not possible, the next choice would be other members of this child's tribe. If placement with the tribe is not possible, the third choice would be with another Indian family.

- _____ b. 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.
- _____ c. The child's Indian tribe has a right to be noticed and participate in the adoption proceedings.
- _____ d. If any agency or person goes to court to take away the parental rights of this child's other parent, this child's tribe will be noticed and may participate in the proceedings.
- _____ e. 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 parent(s) to this 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.
- _____ f. If this child's tribe has a tribal court, as defined by the ICWA, or other administrative body that is able to hear child proceedings, this child's other parent, or the tribe may ask the court to have all court proceedings about this child moved to the tribe. This will not take place if the other parent, or the tribe does not want it to or if the court finds good reason not to move the proceedings.
- _____ g. Information about the adoption may be released when:
- (1) This child reaches 18 years of age and asks the court that granted the adoption for information about 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 this child stays confidential, tribes do not always keep this information confidential if they find out about the adoption.
 - (3) This 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 this child in the tribe, or to decide if this 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 this child may be enrolled in the tribe instead of giving out the information.
- _____ h. The adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood for this child and may enroll this child in his/her tribe or register him/her for any Bureau of Indian Affairs' benefits that he/she may be able to get.
- _____ i. 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.
- _____ j. As the alleged parent of an Indian child, the legal parent may ask the court to stop any action ending his/her rights as a parent, if the action did not follow the ICWA.

**TO BE COMPLETED BY THE ALLEGED FATHER WHEN THE CHILD HAS NOT BEEN CONFIRMED
AS COVERED UNDER ICWA**

- _____ 7. **ALLEGED FATHER WILL ONLY INITIAL THE BELOW STATEMENTS IF** the child has not been confirmed as covered under ICWA.
- a. I understand that if this child is later determined NOT to be subject to the ICWA, then the below rights described in (1) and (2) will apply to this child and the above rights numbers 3 through 6 will not apply to this child.
- (1) I understand the other legal parent(s) consent to adoption form will automatically become an irrevocable consent to adoption when the 30-day period has ended or after they have 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 by the legal parent.
- (2) After the consent to adoption form becomes irrevocable, the other legal parent(s) may regain 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.
- b. I understand that if this child is later confirmed as covered under the ICWA, then the investigating agency will notify me and the rights described in numbers 3 through 6, will apply. I understand I must keep the agency informed of my current address.

RIGHTS IN EVERY CASE

- _____ 8. I understand that if I do not wish to have my child adopted by the petitioner(s), I should not sign the consent to adoption form and I must establish paternity.
- _____ 9. I understand I have the right to look for a lawyer or that the adoption agency can refer me to public legal help in my community to assist me in any of the following:
- a. To help me in the independent adoption process.
- b. To get a court order that says I am this child's father and gives me physical custody of this child.
- c. To help me argue against the petitioner(s) having my parental rights terminated if I choose not to sign this Statement of Understanding and consent to adoption form.
- _____ 10. I understand if I want to raise this child and I am successful in proving I am the father of this child in court and get physical custody of this child there are:
- a. Temporary arrangements I can make for this child which include child care, placing this child with friends or relatives, or foster care;
- b. Services to help this child and me learn to have a father and child relationship; and
- c. Other agencies that could help me with family, health, money, and other problems.
- _____ 11. I understand I may talk about the plan of adoption for this child with other professional people, my family, and friends.

- _____ 12. 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 Right To Revoke Consent (AD 929), whichever occurs first. The first day of the 30-day period is the day the consent is signed.
- _____ 13. I understand 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. I may not revoke the consent after the 30-day period has ended or after I sign a Waiver of 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. I understand that I am not entitled to custody unless I have a court order that says I am this child's father and gives me custody of this child.
- _____ 14. I understand after the consent to adoption form becomes irrevocable, I may establish paternity of the child in court only if the petitioner(s) agree(s) to withdraw his/her/their petition for adoption or if the court denies the adoption petition.
- _____ 15. I understand if this child is not adopted, the agency will notify me. I understand I must keep the agency informed of my current address.
- _____ 16. 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 this 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 this child is again being considered.
- _____ 17. I understand after this child's adoption has been granted in court, all inheritance rights from any blood relatives will end unless they have made arrangements in their will or in a trust which specifically includes this child. This child will legally inherit from his/her adoptive parent(s). However, this child may still be able to get benefits from his/her tribe or Bureau of Indian Affairs' services if he/she is an Indian.
- _____ 18. 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 this child;
 - b. This 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. This 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. This 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. This 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.
- _____ 19. I understand I will be able, at any time, to add information about myself to the records of the agency that investigates the independent adoption.
- _____ 20. I understand the court may, after considering a request, release identifying information from the court's adoption file.

- _____ 21. I understand if I think I was deliberately not told the truth about having this child adopted, 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 this child.
- _____ 22. I understand I will no longer be considered this child's legal parent once the adoption is granted in court. This means that:
- I will no longer be responsible for the care of this child;
 - The petitioner(s) will be the parent(s) and will be legally responsible for caring for this child;
 - I will no longer have any right to the custody, services, or earnings of this child; and
 - I will not be able to reclaim this child.
- _____ 23. I have carefully thought about the reasons for keeping or having this child adopted. I have decided that having this child adopted by the petitioner(s) is in the best interest of this child. I have read and understand this Statement of Understanding and the consent to adoption form. I do not need any more help or time to make my decision. I have decided to consent to the adoption of this child by the petitioner(s) and I am signing this freely and willingly.

I, _____, alleged father of _____, <small>NAME OF ALLEGED FATHER</small> <small>NAME OF CHILD</small>	
understand and agree to the statements I have initialed above.	
SIGNATURE OF ALLEGED FATHER	DATE
SECTION A Complete if signed in California	
I, _____, an authorized official of _____, <small>NAME OF AUTHORIZED AGENCY OFFICIAL</small> <small>NAME OF AGENCY</small> _____ , have witnessed the signing of this <small>NAME OF ALLEGED FATHER</small> Statement of Understanding by _____ on _____. <small>DATE</small>	
SIGNATURE OF AUTHORIZED AGENCY OFFICIAL	TITLE
FULL ADDRESS	TELEPHONE NUMBER
SECTION B Complete If Signed Outside Of California* ***THIS FORM MUST BE SIGNED BY A NOTARY PUBLIC WHEN SIGNED OUTSIDE OF CALIFORNIA***	
<i>The Notary Public must staple the Acknowledgement document to this form and sign and date below.</i>	
SIGNATURE OF NOTARY	DATE

***If signing outside of the United States, this section must meet the requirements of the California Civil Code Section 1183**