



CDSS

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July 3, 2013

ALL COUNTY LETTER (ACL) NO. 13-06

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY CHIEF PROBATION OFFICERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL TITLE IV-E AGREEMENT TRIBES
 ALL CDSS ADOPTION DISTRICT OFFICES
 ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
 ALL ADOPTION SERVICE PROVIDERS
 ALL INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) COUNTY LIAISONS

SUBJECT: ICPC AND INDEPENDENT ADOPTION AGENCY RESPONSIBILITIES

REFERENCE: ICPC; FAMILY CODE SECTIONS 7900-7913, 8502, 8506, 8515, 8521, 8524, and 8530; 8800-8823; MANUAL OF POLICIES AND PROCEDURES SECTIONS 35400-35409; ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-73-91 (SEPTEMBER 3, 1991); ASSEMBLY BILL (AB) 687 (CHAPTER 462, STATUTES OF 2011)

This ACL provides new ICPC information regarding recently enacted legislation, AB 687, as it relates to licensed private adoption agencies and independent adoptions. AB 687 added Family Code section 7913 effective January 1, 2012.

Interstate Compact on the Placement of Children

Prior to the passage of AB 687, California Department of Social Services (CDSS) district offices, counties, and public and private adoption agencies were able to enter into agreements for the placement of children directly with agencies in other states party to the ICPC. Specifically, licensed private adoption agencies and county adoption agencies were delegated the authority to process ICPC documents (including the signing of the ICPC 100A Request (100A) for agency adoptions. Licensed private

adoption agencies were not, however, delegated the authority to perform ICPC functions for independent adoptions prior to AB 687. Additionally, county adoption agencies not delegated the authority to perform independent adoptions were similarly precluded from performing ICPC functions for independent adoptions.

The following new provisions were added by AB 687

- Family Code section 7913(a) provides that when a full-service licensed private adoption agency has provided adoption-related services to a birth parent or prospective adoptive parent, that agency is delegated the authority to:
 - Determine whether the placement shall or shall not be made under ICPC.
 - Sign the compact forms (100A and 100B Report on Placement Status) documenting the determination and date of placement.
- Family Code section 7913(b) requires that in independent adoptions where the child is entering California, the full-service licensed private adoption agency must do the following prior to making a determination regarding placement and signing the ICPC request:
 - Notify the appropriate CDSS district office or the delegated county adoption agency of the ICPC request; and
 - Verify that the pre-placement interview of the prospective adoptive parent(s) has been completed.

In determining what constitutes a full-service licensed private adoption agency, existing Family Code section 8521 describes a full-service licensed private adoption agency and the type of adoption-related services they are now allowed to provide.

Consistent with best practices, the notification of the ICPC request to the CDSS district office or delegated county adoption agency should be in writing and contain the following information: name and date of birth of child, name and contact information of birth parent(s) and physical address of the prospective adoptive parent(s), name and address of sending agency and the attorney representing the prospective adoptive parents, if applicable. (Note: Private adoption agencies may send a copy of the 100A placement request with the notification letter in lieu of detailing all the information in the letter as most of this information should already be contained in the 100A.)

In addition, private adoption agencies should request written verification that the CDSS district office or the delegated county adoption agency has completed the pre-placement interview. The written verification of the pre-placement interview should be transmitted to the full-service private adoption agency in a secure manner, such as

secure/password protected fax or email, and must include date of interview and prospective adoptive parent(s) name(s).

This legislation does not allow private adoption agencies to carry out ICPC functions for dependent children or children who are the subject of a dependency petition under Welfare and Institutions Code section 300. The process for those children is outlined in ACIN No. I-73-91 which can be accessed at this site:

<http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin91/I-73-91.pdf>.

Please note that CDSS district offices and county adoption agencies that have been delegated the authority to provide independent adoption services in California continue to have the authority to process ICPC documents, including the signing of the 100A form.

Counties and private adoption agencies should also be aware that the Association of Administrators of the ICPC adopted new regulatory requirements which will impact the processing of private/independent adoptions for children placed across state lines. Regulation 12, which became effective October 1, 2012, outlines the ICPC procedures for these types of adoptions. An ACL describing these new regulatory requirements will be forthcoming in the near future.

Additionally, Regulation 5, which took effect July 1, 2012, was amended to require that any person making a recommendation for or against a placement of a child, as evidenced by signing the ICPC 100A form, **can not** be the same person who **conducted** the home study upon which such recommendation is made. The ACL 12-56, dated November 19, 2012, clarifies this requirement.

For copies of the ICPC regulations or additional information about the ICPC, please visit the following web site: <http://icpc.aphsa.org/Home/homenews.asp>. The 100A and 100B forms and their associated instructions can be accessed at the following site: <http://icpc.aphsa.org/Home/resources.asp>.

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Questions regarding the ICPC process should be directed to the Out-of-State Placement Policy Unit, in the Children's Services Operations and Evaluation Branch, at ICPC@dss.ca.gov or (916) 651-8100. For questions related to independent adoption policy, contact the Adoptions Services Bureau at (916) 651-8089. For questions related to the roles and responsibilities of licensed private adoption agencies, please contact the Permanency Policy Bureau at ConcurrentPlanningPolicyUnit@dss.ca.gov or (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division