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SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 1 Administration of Public and Private Agencies****35037 FEES**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Section 89137(b) and Family Code Sections 8716, 8810, 8907, and 9203(g).
- (b) Adoption agencies shall collect fees for criminal record clearances pursuant to Family Code Sections 8712(d), 8811(d) and 8908(d).
 - (1) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8901, and 9203(f), Family Code. Reference: Sections 8712(c), 8716, 8810, 8811(c), 8907, 8908(c), and 9203(f), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

35039 MANUAL

- (a) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 2, Chapter 3 to all agency employees who provide adoption services.
- (b) Agencies shall make available a copy of Title 22, California Code of Regulations, Division 6, to all agency employees who provide adoption services.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

35041 REPORTING REQUIREMENTS

- (a) Agencies shall submit the following reports to the department, including but not limited to:
- (1) Reports required for the implementation of the ICWA.
 - (2) Reports required for the implementation of Public Law 96-272 (Title 42, United States Code, Sections 673 and 675), including reports necessary to meet Title IV-B planning requirements.
 - (3) Reports required for the determination of allocations to public adoption agencies.
 - (4) Reports required for the department's evaluation of the efficiency of agencies in placing children for adoption.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections 8621 and 8901, Family Code; and Section 1530, Health and Safety Code. Reference: Section 10852, Welfare and Institutions Code and 25 USC 1915(e).

35043 MATERNITY CARE

- (a) If the licensed public adoption agency uses its adoption program allocation to assist the birth mother with the cost of private medical and/or hospital care the following conditions shall be met:
- (1) The birth mother is financially unable to pay for private medical and/or hospital care.
 - (2) The birth mother is not eligible for Medi-Cal.
 - (3) The use of other public medical resources is not indicated.
- (b) The licensed public adoption agency shall utilize adoption program funds only when no other resource is available.
- (c) The licensed public adoption agency shall determine that the mother is considering adoption at the time of approval for maternity care.

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- (1) For purposes of receiving maternity care, the mother may be married or unmarried.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS

Article 1.1 Unavailability of Verifying Documents

35044 PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS

- (a) When a verifying official document is unavailable, the agency shall request the individual who would have submitted the official document to attempt to obtain a letter from the appropriate United States or foreign official stating that the document is not available and the reason it is not available.

HANDBOOK BEGINS HERE

- (1) Official documents may include, but are not limited, to:
 - (A) Birth Certificate.
 - (B) Marriage Certificate.
 - (C) Divorce Decree.
 - (D) Death Certificate.
- (2) Verification may not be possible due to war, political unrest, fire, or flood in either the United States or a foreign country.
- (3) Appropriate official may include, but is not limited to, recorder, court clerk, coroner, mayor, or local clergy.

HANDBOOK ENDS HERE

- (b) If a letter from the appropriate official is not received within 60 days of the individual's request, the agency shall request the individual's signed and notarized declaration specifying the:
- (1) Type of document not available.
 - (2) Factual information contained on the document.
 - (3) Measures taken to obtain a copy of the document and to obtain a letter from the appropriate United States or foreign official.

35044 PROCEDURES REGARDING UNAVAILABILITY OF DOCUMENTS (Continued)

(4) Certification that includes the following statement:

(A) "I certify under penalty of perjury that the above stated information is a true and accurate accounting."

(c) The agency shall include in the adoption case record:

- (1) Information about the unavailable official document.
- (2) The letter and declaration required by subsections (a) and (b) above, as appropriate.

(d) The agency shall include in the court report:

- (1) Information about the unavailable official document.
- (2) An explanation regarding the unavailability of the letter from the appropriate United States or foreign official.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code. Reference: Sections 8700, 8715, 8806, 8807, 8808, 8814, 8819, and 8914, Family Code.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 2 Content of Case Record****35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT OF CASE RECORD**

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Sections 89179 and 89182.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 1530, Health and Safety Code; Section 1798, Civil Code; and Sections 89179 and 89182, Title 22, California Code of Regulations.

35047 ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS

- (a) In addition to the requirements of Title 22, California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following, as appropriate:
- (1) All documentation pertaining to freeing the child for adoption as required by Subchapter 2, Article 5.
 - (2) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1.
 - (3) All documentation pertaining to the unavailability of verifying documents as required by Section 35044.
 - (4) Copies of the written assessment of the child as required by Subchapter 5, Article 4 and the written assessment of the applicant as required by Subchapter 5, Article 6.
 - (5) A copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement.
 - (6) A copy of the written notice to all parties to a grievance review hearing.

35047 ADDITIONAL REQUIREMENTS FOR ADOPTION CASE RECORDS (Continued)

- (7) A copy of the agency director's decision regarding the grievance review hearing as required by Section 35239(a)(1).
- (8) Copies of all requests for disclosure of information from the adoption case record.
- (9) All documentation of eligibility for the Adoption Assistance Program (AAP) as required by Subchapter 7, Article 2.
- (10) A copy of the signed AD 4320.
- (11) Copies of the following documentation supporting the issuance of the AD 4333:
 - (A) Form AD 90.
 - (B) Form AD 551A.
 - (C) All forms signed by the relinquishing parent which pertain to the relinquishment of the child for adoption including Statements of Understanding.
 - (D) Form AD 588.
 - (E) Form AD 590.
 - (F) Form AD 558.
 - (G) Documentation of action taken in another state to free the child.
 - (H) Form AD 4333.
 - (I) Form AD 4311 and copies of any responses from Bureau of Indian Affairs (BIA) or the child's tribe.
 - (J) Forms AD 165 and 166.
 - (K) Form ICPC 100A, if applicable.
 - (L) Form ICPC 100B, if applicable.

35047 ADDITIONAL REQUIREMENTS FOR ADOPTION CASE RECORDS (Continued)

- (12) Copies of requests for medical background information under Family Code Sections 8706, 8817, or 8909.
- (13) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement under Family Code Sections 8706, 8817, 8909, and 9202.
- (14) Copies of requests for identifying information under Family Code Section 9203.
- (15) Copies of identifying information provided under Family Code Section 9203.
- (16) Copies of waivers of the right to confidentiality of adoption case records under Family Code Section 9204.

HANDBOOK BEGINS HERE

- (A) This form is the AD 904.

HANDBOOK ENDS HERE

- (17) Copies of the birth parent's authorizations for the release of medical background information as required by Section 35023(a).
- (18) Documentation of any attempt to place the child in accordance with the ICWA.
- (19) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside.
- (20) A copy of the Interstate Compact on the Placement of Children (ICPC) acknowledgment/waiver.
- (21) A copy of the receipt signed by the prospective adoptive parent acknowledging receipt of initial and updated medical background information on the child and birth parents.

35047 ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS (Continued)

- (22) Copies of letters of reference regarding the suitability of applicants to be adoptive parents.
 - (A) Documentation of face-to-face interviews with references.

- (23) The fingerprint card(s) (BID-7) returned from the Department of Justice (DOJ), full state criminal record, if any, and the FBI criminal record, if any.

- (24) Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code Section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8612, Family Code. Reference: Sections 1501, 1502, 1503, and 1508, Health and Safety Code; Sections 89179 and 89182, Title 22, California Code of Regulations; and Sections 8706, 8710, 8712, 8811, 8817, 8908, 8909, 9202, 9203, and 9204, Family Code.

SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 3. Procedures for Post-Adoption Services****35049 RELEASING INFORMATION FROM AN ADOPTION CASE RECORD**

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

HANDBOOK ENDS HERE

- (b) An adoption case record is confidential.

HANDBOOK BEGINS HERE

- (1) An adoption case record is established when:

- (A) An agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a court orders termination of parental rights and refers the child for adoption planning.
- (B) An agency accepts the completed and signed adoption application from a prospective adoptive parent or parents.
1. A previously approved assessment of the applicant conducted by a licensed California adoption agency constitutes an adoption case record, even if the prospective adoptive parent has not formally applied to adopt a specific child.
- (C) An agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.

HANDBOOK ENDS HERE

- (c) Information shall be released from an adoption case record as follows:

- (1) To the individual to whom the information pertains pursuant to Civil Code Section 1798.24(a);

35049 RELEASING INFORMATION FROM AN ADOPTION CASE RECORD (Continued)

- (B) Upon written request, the agency shall provide the requestor copies of material he or she submitted to the agency or documents he or she signed during the adoption proceedings.

HANDBOOK BEGINS HERE

1. These documents include the signed relinquishment or consent forms, signed statement of understanding, and signed adoption placement agreement.

HANDBOOK ENDS HERE

- (C) No agency shall include or disclose the identity of the adoptee's birth parent or birth parents in information provided under Civil Code Section 1798.24(a).
- (2) To an adopted person pursuant to Civil Code Section 1798.24(q).
- (3) The child or grandchild of an adopted person pursuant to Civil Code Section 1798.24(r).
- (4) To the juvenile court for the purpose of completing a preliminary assessment of the child's adoptability pursuant to Welfare and Institutions Code Section 366.21(i)(4) of the Welfare and Institutions Code Section 366.22(b)(4).
- (d) If adoption records are subpoenaed, the agency should refer the matter to its legal counsel.

HANDBOOK BEGINS HERE

- (1) The superior court may order the release of certain identifying information from the court's adoption file to the parties of the adoption proceedings pursuant to Family Code Section 9200, or from the adoption case record pursuant to Health and Safety Code Section 102705.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1798.24, Civil Code, Section 8621, Family Code; Sections 10553, 10554, and 10850(d), Welfare and Institutions Code. Reference: Section 10850(d), Welfare and Institutions Code; Section 9204, Family Code; Sections 1798.24(a), (q) and (r), Civil Code; and 25 USC 1901, et seq.; Sections 102625 and 102705, Health and Safety Code.

35050 PROVIDING A MEDICAL REPORT

- (a) The agency shall provide the adoptive parents copies of information received by the agency pursuant to Family Code Section 8702 or 8818 after finalization of the adoption.
- (3) The agency shall transmit the information to the adoptive parents upon its receipt.
- (A) The agency shall delete the names and addresses of all individuals, including the adoptee and the source, prior to releasing the information.
- (B) The agency shall strive for full disclosure of all medical and family background information received from the birth parents.
- (C) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the information received from the birth parents. Emphasis shall be placed on citing verbatim from any reports and evaluations received.
- (D) The agency shall advise the adoptive parents that, upon receipt of the information, the adoptive parents should consult their physician or mental health professional for further evaluation or interpretation, particularly if the information contains material sensitive in subject matter.
1. The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
 2. The agency shall retain a copy of the information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702 and 8818, Family Code.

35051 PROVIDING A MEDICAL REPORT UPON REQUEST

- (a) The agency shall provide a photocopy of the adoptee's medical report required by Family Code Section 9202 and all documents related to the medical report upon the written request of an adoptee who has attained the age of 18, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or an adoptive parent of an adoptee under the age of 18.
- (2) The agency shall delete from the medical report and photocopies of the relevant documents the names and addresses of all individuals, including the adoptee and the source, prior to releasing photocopies of the report, unless the person requesting the report has previously received the information pursuant to Family Code Section 9203.

HANDBOOK BEGINS HERE

- (A) The definition of "medical report" is located at Section 35000(m)(2).

HANDBOOK ENDS HERE

- (3) The agency shall strive for full disclosure of all medical and family background information about the adoptee and his or her birth parents.
- (4) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the original source reports. Emphasis shall be placed on citing verbatim from any reports and evaluations contained in the adoption case record.
- (5) The agency shall advise the requester that, upon receipt of the medical report, the requester should consult his or her physician or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.
- (6) Attachments of original source reports may not be appropriate under certain, limited circumstances. When the identity of other persons, such as former caretakers and other children in the foster home, would be revealed or when the information is not directly related to the adoptee's current or future well-being, only summaries of original source reports shall be released to the requester.
- (b) Subject to the conditions described in Sections 35051(a)(2) through (6), upon receipt, the agency shall transmit to the adult adoptee, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or the adoptive parent of an adoptee under the age of 18 medical information submitted by a birth parent after the release of the medical report pursuant to Section 35051(a).
- (1) The agency shall document in the adoption case record a description of the manner in which the medical information was released and the date on which the information was released.
- (2) The agency shall retain a copy of the medical information in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 9202(a), Family Code. Reference: Sections 9202 and 9203, Family Code; and 25 U.S.C. 1901, et seq.

35053 DISCLOSING INFORMATION TO THE ADOPTEE

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall disclose to the adoptee upon his or her request the name and most current address of a birth parent of an adoptee whose relinquishment for or consent to adoption was signed on or after January 1, 1984, in accordance with the provisions of Family Code Section 9203.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Sections 8621 and 9203, Family Code. Reference: Section 9203, Family Code; and 25 USC 1901 et seq.

35055 DISCLOSING INFORMATION TO THE BIRTH PARENT

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall disclose to a birth parent upon his or her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with Family Code Section 9203.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9203, Family Code; and 25 U.S.C. 1901 et seq.

35057 DISCLOSING IDENTIFYING INFORMATION TO THE ADOPTEE

- (a) The agency shall disclose the identity of a birth parent and his or her most current address upon the request of an adoptive parent of an adoptee under the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, upon finding by the department or agency that a medical necessity or other extraordinary circumstance justifies the disclosure, if the birth parent has given written permission for such disclosure in accordance with Family Code Sections 8702, 8818, and 9203.
- (1) The agency shall not disclose the identity of a birth parent who has indicated that he or she does not wish his or her identity so disclosed.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 8702, 8818, and 9203, Family Code.

35059 STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION AND ACCESS TO CASE RECORDS

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall comply with Family Code Section 9201 and Welfare and Institutions Code Section 10852.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10852, Welfare and Institutions Code; Section 9201, Family Code; and 25 U.S.C. 1901 et seq.

35061 STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL PROPERTY

- (a) The agency shall comply with the provisions of Family Code Section 9206:

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 9206, Family Code.

35063 DISCLOSURE OF INFORMATION TO A SIBLING

- (a) The agency shall release to each sibling who has attained the age of 21 the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Family Code Section 9205.
- (3) Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their biological sibling relationship.
- (A) Verification of the sibling relationship shall include, but not be limited to:
1. Documentation in the agency or another adoption agency's case record;
 2. Documentation in the case record of a county welfare department; or,
 3. Birth certificate of the sibling.
- (4) Before disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee, the agency shall obtain the consent of the adoptee's birth parents and sibling in any case in which the sibling remained in the custody and control of the birth parents until the age of 18 years.
- (A) In those instances in which the sibling and adoptee have only one birth parent in common, only that birth parent's consent is necessary.
- (B) If the sibling remained in the custody and control of only one birth parent until age 18, only that birth parent's consent is necessary.
- (C) The agency shall require of the sibling and birth parent(s) documentation necessary to establish the parent-child relationship before the name and address will be made available for release.
- (D) If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent be waived.
1. A copy of the death certificate, newspaper clipping, or other evidence of a funeral or memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.

35063 DISCLOSURE OF INFORMATION TO A SIBLING (Continued)

- (E) In cases in which the sibling did not remain in the custody and control of his or her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling.
1. Prior to acceptance of such an affidavit, the agency shall inquire of the sibling the circumstances which led to the sibling's not remaining under the custody and control of the adoptee's and sibling's birth parent(s) until the sibling reached age 18. The results of the inquiry shall be documented in the case record.
 2. The affidavit shall be signed before a notary or authorized official of the agency.
- (5) All waivers referred to in this section shall be on the AD 904A.
- (A) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the AD 904A of the necessity to sign the waiver on the AD 904A.

HANDBOOK BEGINS HERE

- (B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code Section 9205(b) as found at Section 35063(a)(1).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 8621 and 9205(d), Family Code; and Section 1530, Health and Safety Code. Reference: Sections 9204 and 9205, Family Code.

35064 POST-ADOPTION CONTACT AGREEMENT

- (a) A post-adoption contact agreement means the ADOPT-310 "Contact After Adoption Agreement" form and attachments to that form, if any.

HANDBOOK BEGINS HERE

- (1) The post-adoption contact agreement is intended to ensure specified contact between the birth parent or parents, other birth relatives, including siblings and half-siblings, or an Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), and the child, after the child has been adopted.
- (2) An attachment to the ADOPT-310 may include but is not limited to:
 - (A) A written statement between specified relatives and the adoptive parent about remaining in contact with the child after adoption and specifying the reasons for continued contact.
 - (B) An explanation of the type of contact with the child after adoption.

HANDBOOK ENDS HERE

- (b) The signed post-adoption contact agreement must be filed in the court in which the adoption petition has been filed prior to the adoption finalization hearing.
- (1) If the petitioner has entered into a post-adoption contact agreement with the birth parent, relative, or tribe prior to the filing of the petition for adoption, the post-adoption contact agreement must be attached to and filed with the petition for adoption.
 - (2) If the post-adoption contact agreement is filed by the prospective adoptive parent or parents separately from the petition for adoption, the prospective adoptive parent or parents shall provide a copy of the post-adoption contact agreement to the department, county adoption agency or the licensed adoption agency.
- (c) When the adoption request includes a proposed post-adoption contact agreement, the department, county adoption agency, or the licensed adoption agency shall review the agreement and any attachments to determine whether all of the following requirements are satisfied:
- (1) The post-adoption contact agreement has been entered into voluntarily by all parties to the agreement and is in the best interests of the child.

35064 POST-ADOPTION CONTACT AGREEMENT (Continued)

- (2) The child has consented to the terms and conditions of the post-adoption contact agreement if the child to be adopted is 12 years of age or older.

HANDBOOK BEGINS HERE

- (A) Regardless of age, a child who is a juvenile court dependent or the subject of a dependency petition shall be represented by an attorney for any post-adoption contact agreement.

HANDBOOK ENDS HERE

- (3) The terms of the post-adoption contact agreement are limited to any of the following:
- (A) Visitation between the child and the birth parent(s).
- (B) Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.
- (C) Future contact between the child or an adoptive parent, or both, and the birth parent(s).
- (D) Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.
- (E) Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

35064 POST-ADOPTION CONTACT AGREEMENT (Continued)

HANDBOOK BEGINS HERE

1. Examples of sharing information include, but are not limited to, any of the following:
 - a. Sharing photos of the child on an agreed upon schedule.
 - b. Sharing verbal information about the child on an agreed upon schedule.
 - c. Sharing written information about the child on an agreed upon schedule.

HANDBOOK ENDS HERE

- (d) (1) The department, county adoption agency, or licensed adoption agency shall advise the parties to the post-adoption contact agreement if any determination made under Sections 35093, 35127.1 or 35283 will cause the agency to recommend that the court not grant the post-adoption contact agreement.
- (2) The department, county adoption agency, or the licensed adoption agency shall include in its report to the court the agency's recommendation as to whether the court should grant the proposed post-adoption contact agreement privileges.
 - (A) If the court does not order the post-adoption contact agreement, the department, county adoption agency, or licensed adoption agency shall notify all parties to the post-adoption contact agreement.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8616.5, 8714.5 and 8715, Family Code; California Rules of the Court, rule 5.451.

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35065 SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF AN ADOPTION

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) Services provided to adoptees, birth parents, and adoptive parents following the finalization of an adoption shall include the following:
- (1) Information about statutory and regulatory requirements regarding the release of information from the adoption case record.

NOTE: Authority cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(r) and (s), Civil Code; Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

35065.1 GENERAL POST-ADOPTION SERVICES PROVIDED BY AGENCIES

- (a) The agency shall arrange for contact between an adult adoptee and his or her birth parent as provided in Family Code Section 9204.
- (1) The agency may release to the adult adoptee and his or her birth parent their respective last known address in the adoption case record.

NOTE: Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 1798.24(b), Civil Code; Sections 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

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SUBCHAPTER 3 ADMINISTRATIVE REQUIREMENTS**Article 4 Private Adoption Agency Reimbursement Program****35067 RESERVED**

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- (a) The Private Adoption Agency Reimbursement Program (PAARP) provides funds to compensate private adoption agencies for costs of placing for adoption and for completing the adoptions of children who are eligible for Adoption Assistance Program (AAP) benefits because of age, membership in a sibling group, medical or psychological problems, adverse parental background or other circumstances that make placement especially difficult. Welfare and Institutions Code Section 16122 requires the Department to compensate private adoption agencies for otherwise unreimbursed costs up to a maximum of \$5,000.00 for services provided during the adoptive placement and subsequent adoption of these children. Private adoption agencies are authorized to claim half of the compensation when the adoptive placement agreement is signed, and the remainder when the adoption petition is granted by the court.

HANDBOOK ENDS HERE**35069 ELIGIBILITY FOR REIMBURSEMENT**

- (a) Agencies that choose to participate in this program shall:
- (1) Have on file with the department a Form STD 204, Vendor Data Record.
 - (2) Document that the child is an AAP-eligible child as defined in Section 35000(a)(1).
 - (3) Document that the placement meets the requirements of Section 35327.

NOTE: Authority cited: Sections 10553, 10554, 10850(d), 10852, and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 10850(d), 16120 and 16122, Welfare and Institutions Code; and Sections 1798.24(q) and (r), Civil Code; and Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code.

35071 AGENCY OPERATING COST APPROVAL REQUIREMENTS

Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

35073 CLAIMING PROCEDURES

- (a) Each claim for an adoptive placement of an AAP-eligible child shall consist of the following documents:
- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program"

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- (A) This form may list one or more placements as long as all occurred during the same fiscal year (the year in which the Adoptive Placement Agreement was signed).

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- (2) Three (3) copies of Form AD 558 (8/97) - "Notice of Placement" containing the signatures of representatives of both the child's agency and the family's agency.
 - (3) Three (3) copies of either Form FC-8 (Rev. 6/94) Federal Eligibility Certification for Adoption Assistance Program or Form AAP 4 (3/97) (Combines AAP 4 and FC 9) - "Eligibility Certification Adoption Assistance Program." The Form FC-8 must be accompanied by three (3) copies of a case narrative describing the circumstances qualifying the child for AAP eligibility.
- (b) Each claim for a completed adoption of an AAP eligible child shall consist of the following documents:
- (1) Six (6) copies of Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program."

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- (A) This form may list one or more completed adoptions as long as all occurred during the same fiscal year (the year in which the adoption petition was granted by the court).

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- (2) Three (3) copies of Form AAP 4 (3/97) - "Eligibility Certification Adoption Assistance Program" or three (3) copies of both the Form FC-8 (6/94) - "Federal Eligibility Certification for Adoption Assistance Program" and the case narrative describing the circumstances qualifying the child for AAP eligibility."
- (3) One (1) copy of the "Order/Decree Of Adoption."

35073 CLAIMING PROCEDURES (Continued)

- (4) Three (3) copies completed by both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (c) Claims for completed adoptions, for which the agency claimed and was paid half the allowable total compensation at the time of the adoptive placement, shall consist of the following documents:
- (1) Form AD 830 (9/97) - "Summary Claim For Reimbursement Private Adoption Agency Reimbursement Program" - Six (6) copies of Form AD 830, displaying in the appropriate columns the amount of PAARP compensation previously paid to the agency and the amount of the balance of the compensation, and five (5) copies of the Form AD 830 that was returned with the letter informing the agency that the claim for half compensation had been approved by the Department.
 - (2) One (1) copy of "Order/Decree of Adoption."
 - (3) Three (3) copies completed by persons in both the child's agency and the family's agency of Form AD 42R (7/95) (EFFECTIVE 11/95) - "Relinquishment Adoption Program - Individual Case Report."
- (d) A cooperative placement shall be regarded as a single placement.
- (1) When two or more private agencies participate in the adoptive placement or completed adoption of an AAP-eligible child, each agency shall:
 - (A) Submit a claim for the agency's total costs for the placement or completed adoption;
 - (B) Note that the placement or completed adoption was cooperative;
 - (C) Identify the cooperating agency.
 - (2) Participating agencies shall be reimbursed in accordance with the percentage each agency contributes to the total cost of the placement or completed adoption. Processing of cooperative placement claims shall commence upon receipt of all participating agencies' claims for the placement or completed adoption.

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- (A) Example: An AAP-eligible child is placed by two private agencies. Agency A submits a claim for \$2,500 and Agency B submits a claim for \$3,000, resulting in a total cost of \$5,500 for the placement. Agency A is credited with 45% of the placement; Agency B is credited with 55%.

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35073 CLAIMING PROCEDURES (Continued)

- (e) When siblings are placed together, the private agency shall submit a claim pursuant to Section 35073(a) for each child.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122, Welfare and Institutions Code.

35075 REIMBURSEMENT CEILING

- (a) Reimbursement to a private agency shall be limited to an amount not to exceed the sum of \$3,500 for each completed adoption.
- (b) Claims shall be limited to a private agency's actual costs per placement or completed adoption, less any funds promised or received from any source.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 16122(b), Welfare and Institutions Code.

35077 RECORDS RETENTION AND TIME LIMITATIONS FOR CLAIMING

- (a) Accounting records of private agency costs and hours shall be maintained pursuant to the requirements of CDSS regulations Section 11-402.312.
- (b) All accounting records of private agency costs and hours shall be retained pursuant to the requirements of CDSS regulations Section 11-402.313.
- (c) Time Limitations for Claiming:
- (1) Claims shall be submitted pursuant to the requirements of Government Code Section 16304.1 and 45 CFR, Part 95, Subpart A.

NOTE: Authority cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 10853, Welfare and Institutions Code; Section 16304.1, Government Code; and 45 CFR, Part 95, Subpart A.