

October 29, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-118

This All County Letter (ACL) summarizes the requirements of [Assembly Bill \(AB\) 677, Chapter 805, Statutes of 2019](#) regarding the requirements for readoption in California for intercountry adoptions finalized in a foreign country. This ACL describes the new requirements for private agencies that are licensed to provide intercountry adoption services.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

October 29, 2020

ALL COUNTY LETTER NO. 20-118

TO: ALL LICENSED INTERCOUNTRY ADOPTION AGENCIES
ALL ADOPTION REGIONAL OFFICES
CALIFORNIA ASSOCIATION OF ADOPTION AGENCIES
ALL CCLD CHILDREN'S RESIDENTIAL REGIONAL OFFICES

SUBJECT: ASSEMBLY BILL 677, CHAPTER 805, STATUTES OF 2019
INTERCOUNTRY READOPTION REQUIREMENTS

REFERENCE: [FAMILY CODE \(FC\) 8919; FC 8919.5; FC 8904; ACL 09-67; AB 677, CHAPTER 805, STATUTES OF 2019; SENATE BILL \(SB\) 1393, CHAPTER 809, STATUTES OF 2006](#)

BACKGROUND

In 2006, SB 1393 passed amending FC section 8919 to include the requirements that must be met for a readoption order to be issued by a California Superior Court. After the passage of AB 1393, the United States ratified the Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoptions (Hague Convention) on April 1, 2008. The Hague Convention and implementing federal regulations established uniform adoption standards between convention countries. Accordingly, the California Department of Social Services (Department) began certifying that the adoption standards of convention countries met the adoption standards of the State of California if the adoption was finalized after April 1, 2008.

AB 677 repealed and added Section 8919, added Section 8919.5, and amended Section 8904 of the FC. AB 677 also established a process to domesticate foreign adoption decrees and required the State to recognize as full and final a foreign adoption decree if certain criteria are met, effective January 1, 2020.

This ACL outlines the updated requirements and supersedes ACL 09-67.

PURPOSE

The purpose of this letter is to outline the requirements and assist with the implementation of AB 677. This bill requires an adoptive parent—or if an adoptive parent fails to do so—the adoption agency that facilitated the adoption, to file a petition to readopt within specified deadlines to establish a record by which an adoptee can prove the facts of the foreign adoption and obtain a California birth certificate. This bill further requires an adoption agency to report the arrival of an adoptee whose adoption was finalized in a foreign country to the Department within 14 calendar days of arrival into the United States (U.S.), and authorizes the Department to take disciplinary action if the adoption agency fails to report the arrival or fails to file a petition to readopt. Finally, this bill added a provision in which the licensed adoption agency shall provide postadoption services pursuant to any written agreement between the agency and any other person or entity for which the postadoption services have been paid.

REQUIREMENTS OF AB 677

Establishing a Record of a Foreign Adoption (FC 8919)

Prior to the implementation of AB 677, readoption provisions were not required by law. AB 677 and FC 8919 now require all foreign adoptees to be readopted in California. The adoptive family has within the earlier of 60 days upon arrival to the U.S. or by the child's 16th birthday to file a petition with the court to readopt their foreign-born adopted child. The petition shall include:

1. A certified or otherwise official copy of the foreign decree, order, or certification of adoption that reflects finalization of the adoption in the foreign country.
2. A certified or otherwise official copy of the child's foreign birth certificate.
3. A certified translation of all documents described in this subdivision that are not written in English. The court shall accept the certified translation, if any, that was completed abroad for purposes of obtaining the child's visa or passport.
4. Proof that the child was granted lawful entry into the United States as an immediate relative of the adoptive parent or parents.
5. A report from at least one post-adoption home visit by an intercountry adoption agency or a contractor of that agency licensed to provide intercountry adoption services in the State of California.
6. A copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services pursuant to Section 8900.

Should the family fail to file the petition within the earlier of 60 days or the child's 16th birthday, or fail to provide a copy of the petition to each adoption agency that provided adoption services, then the facilitating adoption agency shall file the petition and any

supporting documents required in which the agency has copies of, within 90 days of the child's entry into the U.S. The agency shall provide a file-marked copy of the petition to the adoptive parents and to any other agency that provided services within five (5) business days of filing. The adoptive parent shall be liable to the adoption agency for all costs and fees incurred as a result of good faith actions taken by the agency to fulfill its requirements.

The Department is working to create a form that agencies will use to have adoptive parents acknowledge that they have been informed of California laws and responsibilities for the readoption of foreign-born children.

Importantly, FC 8919 (c) requires the adoption agency to file the petition on behalf of the family if they have failed to do so after 60 days. However, although the ADOPT 200 requires the adoptive parents' signatures for the petition to be filed, the courts currently will not accept the petition. The Judicial Council of California is creating Rule of Court 5.493 to allow the court clerks to file the petition, along with any documents that the agency *may* have. Once the rule of court is formally implemented, the Department will issue a subsequent ACL noticing agencies of these implementation requirements.

Noticing the Department of A Foreign-Born Child's Entry into the U.S. (FC 8919.5)

An intercountry adoption agency that is licensed in California and working with a family that adopted a foreign-born child, shall report the arrival of the adoptee whose adoption was finalized in a foreign country to the Department within 14 calendar days of the adoptee's arrival. The AD 558 shall be used for this purpose until the Department creates a new form for the noticing requirement and adds the child's date of entry to the U.S on to the form. The AD 558 shall be sent to the Adoption Services Bureau at:

California Department of Social Services
744 P Street, M.S. 8-12-31
Sacramento, California 95814

Services to be Provided by all Licensed Adoption Agencies

AB 677 added a provision (d) to FC 8904 requiring that the licensed agency provide postadoption services pursuant to any written agreement between the agency and the person or entity for which the postadoption services have been paid. The intent of the amendment codified the obligation of agencies to agree to and provide postadoption services.

Amendments to Adoption Program Statements

Licensed intercountry adoption agencies are required to update their Adoption Program Statement to reflect acknowledgement of the new provisions, requirements, and potential consequences (for failure to comply) of FC 8919 and 8919.5 to both their families and themselves. Copies of the amended program statement shall be provided to the Adoption Policy Unit (APU) for review within 60 days of the issuance of this ACL letter. The amendments to the program statement should be made in the Intercountry section under Reporting Requirements, Post-Adoption Services, and Court Report subsections. Upon approval of the program statement update, the APU will inform the Adoption Services Bureau and send Community Care Licensing a copy of the approved amended program statement for their records.

Disciplinary Action

If the agency fails to comply with any of the above-mentioned responsibilities required of FC 8919, FC 8919.5 and AB 677, the Department may take corrective action.

If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau, Adoption Policy Unit at (916) 657-1858 or apu@dss.ca.gov.

Sincerely,

GREGORY E. ROSE
Deputy Director
Children and Family Services Division