

November 6, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-123

This All County Letter (ACL) provides the California Department of Social Services Regional Offices, delegated county adoption agencies, licensed adoption agencies, and adoption service providers updated guidance regarding in-person advisements and signing in the Independent Adoption Program during the declared Novel Coronavirus (COVID-19) State of Emergency.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

November 6, 2020

ALL COUNTY LETTER NO. 20-123

TO: ALL CDSS ADOPTION REGIONAL OFFICES
ALL DELEGATED COUNTY ADOPTION AGENCIES
ALL ADOPTION SERVICES PROVIDERS
ALL LICENSED ADOPTION AGENCIES

SUBJECT: IN-PERSON ADVISEMENT AND SIGNINGS IN THE
INDEPENDENT ADOPTION PROGRAM DURING THE NOVEL
CORONAVIRUS (COVID-19) CALIFORNIA STATE OF
EMERGENCY

REFERENCE: [TITLE 22, DIVISION 2, CHAPTER 3 ADOPTION PROGRAM
REGULATIONS; FAMILY CODE SECTIONS 8800 ET. SEQ.; ALL
COUNTY LETTER \(ACL\) 20-56; ACL 20-92, EXECUTIVE ORDER
\(EO\) N-75-20, EO N-53-20, EO N-68-20, EO N-69-20, EO N-71-20;
GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY,
MARCH 4, 2020](#)

The purpose of this letter is to provide guidance regarding an exception to in-person advisements and the signing of an adoption placement agreement or consent to adoption for birth parent(s) who test positive for COVID-19. This flexibility is in addition to statewide waivers and flexibilities provided in [ACL 20-56](#) and [ACL 20-92](#) for the COVID-19 State of Emergency.

ADOPTION PLACEMENT AGREEMENT/CONSENT TO ADOPTION

Family Code sections [8801.3](#) and [8801.5](#) and California Adoptions Regulation section [35094.2](#), require an Adoption Service Provider (ASP) to conduct face-to-face advisements and witness birth parent(s) signing the adoption placement agreement.

Further, Family Code section [8808](#) states that the department or a delegated county adoption agency must interview all persons who are consenting to the adoption of their child. The Department or delegated county adoption agency must also witness, in-person, the signing of the consent to adoption.

WAIVER OF THE RIGHT TO REVOKE CONSENT

Family Code section [8814.5](#) requires a representative of the department, a delegated county adoption agency, or ASP to witness the signing of the waiver of the right to revoke consent. This form may not be signed until an interview has been completed by the department or a delegated county adoption agency or, in cases where an ASP is witnessing the signing, the interview shall be conducted by the independent legal counsel for the birth parent.

EXCEPTIONS

Pursuant to the authority in the Governor's August 24, 2020 [EO N-75-20](#), this ACL provides two exceptions to these statutory requirements:

- 1) When a birth parent has tested positive for COVID-19, then video conferencing may be used instead of face-to-face advisements/interviews and/or in-person witnessing of the signing of the adoption placement agreement, consent to adoption, or waiver of the right to revoke consent.
- 2) When a birth parent is reasonably suspected to be infected with COVID-19. Consistent with guidance issued by the [California Department of Public Health](#), for purposes of this ACL, "reasonably suspected" means the person is showing [symptoms of COVID-19](#) but there are no confirmed test results.

In these circumstances, the "Video Conferencing Guidelines" section of this ACL should be followed. The video conference must satisfy all requirements that a face-to-face meeting would entail.

The Department, delegated county adoption agency or ASP shall ensure that all the required forms have been sent to the birth parent prior to the advisement or witnessing of the signing of the required documents. The Department, delegated county adoption agency or ASP should date the form with the date the signing was witnessed.

The Department, delegated county adoption agency, or ASP must document in the case file any and all forms of communication that is used with the birth parents. Documentation must include the method in which the visit was conducted (e.g. face-to-face, video conferencing).

VIDEO CONFERENCING GUIDELINES

When in-person contacts are not possible because the birth parent meets one of the exceptions, and video conferencing is being utilized as an alternate means to ensure the health and safety of the individuals involved, the guidelines in this section should be utilized. There are several free video conferencing options available, such as Skype or

<https://www.freeconferencecall.com/>. When arranging video conferencing, make accommodations for potential technology glitches and delays, and discuss the back-up plan should the technology fail.

The identity of the birth parent must be verified prior to the interview, which may be done via the birth parent providing a scan of a driver's license, passport, or state ID card, or showing a valid form of photo ID on the screen.

Additional Techniques

Before the video conferencing:

- Talk through the format and structure of the meeting with the birth parent. Describe how the meeting will proceed while video conferencing.
- Consider the birth parent(s)' familiarity with the technology you are going to use, e.g., video conference, and provide information and support as needed.
- Remind everyone participating about confidentiality and that the conversation is private.
- Work with the birth parent to identify a private space at their home, etc. for a video conferencing meeting, and ensure that sensitive and/or confidential conversations take place in a protected space.

During the video conferencing:

- Check-in frequently with the birth parent to ensure that the technology is still working.

Additional techniques during the interview:

- For advisements, the department, delegated county adoption agency or ASP must ensure the birth parent is clearly visible in the video.
- Ask and assess if the birth parent is alone in the room and determine the birth parent(s)' ability to understand the nature, content, and effect of signing the adoption placement agreement or consent to adoption.
- For witnessing the signing of the documents, the birth parent should be clearly visible, ensuring that the signing of the document is properly witnessed.

If you have any questions or need additional guidance regarding the information in this ACL, contact the Adoption Services Bureau via e-mail at IAP@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division