

November 6, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 20-124**

This All County Letter (ACL) provides requirements and guidance for licensed adoption agency social workers regarding the provision of services to children and families during the Novel Coronavirus (COVID- 19) state of emergency.



**KIM JOHNSON**  
DIRECTOR

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

November 6, 2020

ALL COUNTY LETTER NO. 20-124

**TO:** ALL COUNTY WELFARE DIRECTORS  
ALL FOSTER CARE MANAGERS  
ALL LICENSED ADOPTION AGENCIES  
ALL LICENSED FOSTER FAMILY AGENCIES  
ALL ADOPTION REGIONAL OFFICES  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL ADOPTION FACILITATORS  
CALIFORNIA ASSOCIATION OF ADOPTION AGENCIES

**SUBJECT:** PROVIDES GUIDANCE TO ADOPTION AGENCIES REGARDING  
RELINQUISHMENTS AND ADOPTIVE PLACEMENT SIGNING  
DURING THE COVID-19 STATE OF EMERGENCY

**REFERENCES:** [CALIFORNIA CODE OF REGULATIONS, TITLE 22, DIVISION 2, CHAPTER 3 ADOPTION REGULATIONS](#); [FAMILY CODE 8700](#); [EXECUTIVE ORDER \(EO\) N-75-20](#); [GOVERNOR'S STATE OF EMERGENCY PROCLAMATION, MARCH 4, 2020](#)

The purpose of this letter is to provide guidance to licensed adoption agencies regarding birth parent relinquishments and the process for executing formal adoptive placement agreements during the current COVID-19 state of emergency. While California is actively engaged in efforts to prevent the spread of COVID-19, we also have a critical responsibility to ensure that all families receive optimal services, birth parents are appropriately counseled and advised, and children are placed in safe adoptive homes.

### **BIRTH PARENT RELINQUISHMENTS**

Birth parents receiving adoption services, for the purpose of relinquishing their child, must receive advisement and services in accordance with Family Code section 8700 and Adoption Regulations sections 35127.1 through 35159. In accordance with these laws and regulations, the advisement, counseling, and signing of the relinquishment must be completed in-person. Due to the sensitive, emotional, and permanent nature of

this process, it is imperative that in-person contacts continue for a parent relinquishing their parental rights for the purposes of adoption.

When adoption professionals are conducting in-person advisement, counseling, and signing of the relinquishment, they should comply with the most recent public health guidelines regarding protection from, and prevention of, COVID-19, including the circumstances when the Essential Protective Gear<sup>1</sup> (EPG) is appropriate and necessary. The California Department of Public Health has issued [guidance](#) regarding the most effective methods of preventing the spread of COVID-19. Professionals should ensure that sensitive conversations take place in a protected space, taking into consideration the requirements of physical distancing. Therefore, meeting rooms should be large enough to allow for at least six feet of distance between all persons.

## EXCEPTIONS

Effective August 24, 2020, pursuant to the authority provided by [EO N-75-20](#), forms that need to be signed and witnessed under Family Code sections 8702 and 9203-9205 can be completed and signed via videoconferencing. Agencies are required to present and explain the forms to birth parents, adoptees, and siblings, as they would have in-person, and witness and sign as per the instructions included on each form, while interacting in real time via video. These forms could include the AD 904, AD 908, and the AD 880, among others. Procedures for filing and dissemination of the forms remains unchanged.

Based on the authority provided by [EO N-75-20](#), the requirement for in-person execution of relinquishment for adoption, consent to adoption, waiver of right to further notice of adoption planning, statement of understandings, or waiver of the right to revoke the consent or the relinquishment, may be suspended when, consistent with the guidance issued by the [California Department of Public Health](#), the birth parents are known or reasonably suspected to be infected<sup>2</sup> with COVID-19, or have been advised by a healthcare professional to quarantine due to potential known exposure.

Only video conference contacts will be a sufficient substitute to meet state face-to-face requirements in these circumstances. There are several free video conferencing options available, such as Skype or <https://www.freeconferencecall.com/>. 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 identification card, or showing a valid form of photo identification on the screen.

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<sup>1</sup> Inclusive of required Personal Protective Equipment (PPE), EPG may include, but is not limited to, gloves, face coverings, hand soap, hand sanitizer, and disinfectant.

<sup>2</sup> Consistent with information from the California Department of Public Health information, "reasonably suspected" means the person is showing [symptoms of COVID-19](#), but there are no confirmed test results.

When arranging these interviews, make accommodations for potential technology glitches and delays and discuss the back-up plan should the technology fail. It may also be helpful to do the following:

- 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.
- Check-in frequently with the birth parent to ensure that the technology is still working.
- 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 relinquishing their child for the purposes of 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.

All other requirements, such as witnesses' signatures, timelines, prerequisites to signing, et cetera, remain per adoption statutes and regulations. Agencies must document any and all forms of communication that are used with the birth parents in the case file. Documentation should include the method in which the visit was conducted (e.g. face-to-face, video conferencing, etc.).

## **ADOPTIVE PLACEMENT AGREEMENT AND OTHER ADOPTION SERVICES**

Adoption trainings and orientations, providing documentation, and signing adoptive placement, Adoption Assistance Program (AAP), and adoption finalization paperwork can all be done via post mail, e-mail, and through virtual or online videoconferencing services. For virtual or online videoconferencing, all participants should be reminded of the confidential nature of the conversation. Participants should identify a private space in which to engage in virtual or online videoconferencing in order to ensure that sensitive and/or confidential conversations take place in a protected space. [ACL 20-25](#) addresses post-placement supervision visits with children in adoptive placements and is in alignment with [EO N-71-20](#).

## PREVENTATIVE PRACTICES

When adoption social workers are conducting in person interviews, they should comply with the most recent public health guidelines regarding protection from, and prevention of, COVID-19, including the circumstances when the use of EPG is appropriate and necessary. The California Department of Public Health has issued [guidance](#) regarding the most effective methods of preventing the spread of COVID-19.

- Practice physical distancing – stay six feet away from people when possible in order to accomplish the purpose of the visit.
- Wear the appropriate EPG.
- Adoption social workers<sup>3</sup> may ask the birth parents or prospective adoptive family to wear a mask during an in-person visit, but they cannot require it.
- Frequently wash hands with soap and water for at least 20 seconds. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Avoid touching eyes, nose or mouth.
- Cover your cough or sneeze with a tissue or your elbow or a tissue. Wash hands afterwards. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Follow guidance from public health officials.

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

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

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<sup>3</sup> Please note that public health guidance recommends that children under the age of two or anyone who has trouble breathing or is unable to remove the mask without assistance should not wear face masks or coverings.