

May 18, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-56

This All County Letter (ACL) will provide updated requirements and guidance for the California Department of Social Services Regional Offices, delegated county adoption agencies, licensed adoption agencies, and adoption service providers regarding the provision of independent adoption services to children and families during the Novel Coronavirus (COVID-19) state of emergency.



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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

May 18, 2020

ALL COUNTY LETTER NO. 20-56

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

SUBJECT: PROVIDING INDEPENDENT ADOPTION PROGRAM SERVICES
DURING THE COVID-19 CALIFORNIA STATE OF EMERGENCY

REFERENCE: [TITLE 22, DIVISION 2, CHAPTER 3 ADOPTION PROGRAM REGULATIONS](#); [FAMILY CODE SECTIONS 8800 ET. SEQ.](#); [EXECUTIVE ORDER N-53-20](#); [GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, MARCH 4, 2020](#)

The purpose of this letter is to provide California Department of Social Services (CDSS) Adoption Regional Offices (ROs), delegated county adoption agencies, licensed adoption agencies, and Adoption Service Providers (ASP) guidance on how to operate and provide services through the Independent Adoption Program during the COVID-19 state of emergency. While the State is actively engaged in efforts to prevent the spread of COVID-19, we also have a critical responsibility for the overall health, safety, and well-being of children.

Pursuant to the authority in the Governor's April 17, 2020 [Executive Order N-53-20](#) (EO N-53-20), CDSS is announcing the following statewide waivers and flexibilities for certain Independent Adoption Program requirements. All guidelines and policies set forth in this ACL are effective immediately upon release of this ACL and continue in force through June 30, 2020, at which time all prior statutory, regulatory, and written guidance requirements modified herein shall be reinstated, unless these waivers or flexibilities are extended.

SAFETY GUIDELINES FOR IN-PERSON CONTACT

Pre-screening Telephonic Calls

Before conducting a face-to-face meeting, the ASP or agency representative should conduct a pre-screening telephone call with the birth parent(s) or petitioner(s). However, if contacting the person by telephone in advance of a face-to-face meeting is not appropriate or feasible, the same pre-screening questions should instead be used before the meeting begins. The following script is suggested for pre-screening purposes:

“To protect public health, we are asking you to answer ‘yes’ or ‘no’ to a few questions, so that we can provide appropriate services to you and your family.

- Has anyone in your home tested positive for COVID-19 in the past 14 days?
- In the past 14 days have you, your children, and/or anyone else in your household had a cough or shortness of breath/difficulty breathing, or [at least two](#) of any of the following symptoms?
 - Fever
 - Headache
 - Sore throat
 - Muscle pain
 - Repeated shaking with chills
 - Chills
 - New loss of taste or smell
- Have you, your children, and/or anyone in your household had close contact with a person who tested positive for COVID-19 with a laboratory-confirmed testing in the last 14 days?”

If individual or collective answers of “yes” are indicative of potential COVID-19 symptoms and/or exposure based upon current [public health guidance](#), the birth parent(s) or petitioner(s) should be encouraged to contact their doctor and let them know about the symptoms and/or exposure. The ASP or agency representative should follow [public health guidance](#), including the use of [PPE as appropriate](#), when conducting necessary meetings with someone whose symptoms are indicative of COVID-19. If the meeting is not necessary, the ASP or agency representative may postpone the meeting to ensure everyone’s health, safety, and well-being.

If the answers to the above questions are “no,” you may arrange the necessary face-to-face meeting in accordance with [public health guidance](#).

COVID-19 Prevention Actions and Use of Personal Protective Equipment (PPE)

The California Department of Public Health (CDPH) has issued guidance ([CDPH Guidance Page](#)) regarding the most effective methods of preventing the spread of COVID-19, including basic precautions, such as hand-washing for 20 seconds. CDPH has also determined that PPE should only be used by healthy individuals in specific circumstances, e.g., when caregivers are in prolonged close contact with someone with a suspected or confirmed COVID-19 infection ([PPE Guidance](#)). Please contact your local Office of Emergency Services for PPE needs.

Public health guidelines for interactions prolonged, close interactions with birth parent(s) or petitioner(s) include the use of PPE if an individual is suspected of having or does have a confirmed case of COVID-19, consistent with public health guidance.

The [Center for Disease Control \(CDC\) guidance](#) recommends actions workers can take to help keep illness from spreading at work, at home, and in our communities. These best practices should be implemented during all in-person interactions to prevent the spread of COVID-19 and as safeguards for staff. CDC's recommendations include that an individual:

- Ensure a private space to allow for the discussion of sensitive and/or confidential information.
- Ensure that meeting places are large enough to allow for at least six feet of distance between all individuals.
- Avoid touching surfaces in the meeting area as much as possible. Otherwise, use a tissue or appropriate hand coverings to touch a surface.
- Avoid shaking hands or engaging in other forms of physical greetings. Before and after each in-person contact, clean and sanitize by washing hands with soap and warm water or using hand sanitizer or sanitizing wipes.
- Ensure extra pens or other supplies are on hand to give to the birth parent(s) or petitioner(s) so that these items do not need to be returned. Also ensure the pens are already placed on the table and inform them that they have been sanitized.
- When available, use hand sanitizer or antibacterial wipes and wipe down anything before and immediately after they are brought into a home or meeting area, such as chairs, table surfaces, and writing instruments. Avoid bringing any unnecessary items into the meeting area.
- When meeting in the home of the birth parent(s) or petitioner(s), the ASP, adoptions specialist or social workers should inquire about removing their shoes before entering the home.
- After each in-person contact, remove and wash clothes as soon as possible.

NO CHANGES TO THE CURRENT ADOPTION PLACEMENT AGREEMENT AND CONSENT TO ADOPTION REQUIREMENTS

Because of the significant, sensitive, and permanent nature of the adoptive placement and consent processes, it is imperative that in-person contact with birth parent(s) continue. During the interviews and meetings for the consents and advisements, birth parent(s) are counseled on alternatives and resources for keeping their child, informed of the different types of adoption, and review the consenting documents. Additionally, in-person contact enables the adoption professional to engage with parent(s) in a more personal manner, and to help accurately assess their ability to understand the content and nature of the life-long impact of consenting to the adoption of their child. Currently, competency evaluation requirements remain the same.

Adoptions Program Regulation sections [35094.3\(a\)\(4\)\(A\)](#), 35097, and [35101](#) continue to require an evaluation when a parent's history and/or current condition indicate that the parent may not have the ability to understand the content, nature, and effect of signing the adoption placement agreement or consent to adoption. In these situations, an evaluation of the parent's ability to understand the nature, content, and effect of signing an adoption placement agreement or consent to adoption is required by a licensed physician or a licensed clinical psychologist.

Alternative communication methods are not allowed under Family Code section [8801.5](#) and California Adoptions Regulation section [35094.2](#), requiring an ASP to advise any birth parent of their rights in a face-to-face meeting at least 10 days prior (Family Code section [8801.3](#)) to signing the adoption placement agreement. Family Code section [8801.3](#) also requires the ASP to physically witness, in person, the birth parent and petitioner(s) signing the adoption placement agreement. This face-to-face requirement includes cases that fall under the provisions of the Interstate Compact on the Placement of Children (ICPC).

Further, Family Code Section [8808](#) requires an agency representative of a RO or a delegated county adoption agency to interview, in person, all persons who are consenting to the adoption of their child. The agency representative must also witness, in person, the signing of the consent to adoption. These requirements have not changed.

In the event that a birth mother must stay in the hospital for more than five days after the birth of the child due to medical necessity, the signing of the adoption placement agreement may occur in a hospital pursuant to Family Code section [8801.3\(b\)\(2\)](#). Although it may be challenging to coordinate during the COVID-19 crisis period, it remains essential for the ASP to be physically present for the signing of the adoption placement agreement.

Waiver of the Right to Revoke Consent

An ASP, or representative of the RO or delegated county adoption agency, should not witness or give any corresponding interviews on the waiver of the right to revoke consent via alternate means (i.e., videoconference or telephonically), due to the sensitive nature of this subject matter.

During the current state of emergency related to COVID-19, public health recommendations and directives such as physical distancing should be followed. Accordingly, the safety guidelines described in the “Safety Guidelines for In-Person Contact” section on pages two and three of this ACL are recommended before any in-person, face-to-face meeting occurs.

FILING OF ADOPTION PLACEMENT AGREEMENT AND ADOPTION REQUEST FORM ADOPT-200

When the prospective adoptive parent is unable to file the adoption placement agreement with the adoption request form (ADOPT-200) as required by Family Code section [8802](#) because of court closures ([court updates](#)), pursuant to [EO N-53-20](#), they may now file it as soon as courts are reopened.

If a prospective adoptive parent is unable to file an ADOPT-200 because of court closures or other limitations, they may submit a copy of the ADOPT-200 they intend to file with the court, along with 50 percent of the adoption investigation fee, if applicable, directly to CDSS or the delegated county adoption agency. Upon receipt, CDSS or the delegated county adoption agency can begin the investigation, to the extent possible. Once the courts are reopened and the ADOPT-200 is filed with the court, the petitioner(s) must submit to CDSS or the delegated county adoption agency a file-stamped copy of the adoption request. All mandatory requirements, such as criminal background checks, will still be required for the finalization of the adoption investigation.

INVESTIGATION FEES

Family Code section [8810](#) states that when a petition is filed, either a \$4,500 or \$1,550 fee will be paid to CDSS or delegated county adoption agency. Family Code section [8807](#) requires that 50 percent of that fee must be paid before the commencement of the 180-day timeline CDSS or the delegated county adoption agency has to complete the report to the court. During the current state of emergency, however, based on the authority provided in [Executive Order N-53-20](#), CDSS or delegated county adoption agency may begin the investigation without submission of the fee. The full amount of the applicable fee must be collected prior to submitting the final report to the court.

VISITS IN THE HOME OF THE PETITIONER(S)

Adoption Regulation section [35083\(a\)](#) states that an interview in the home of the petitioner(s) must be completed within 30 days of receiving the petition. These interviews are still required. However, pursuant to [EO N-53-20](#), when a state of emergency prohibits or strongly discourages face-to-face contact for a public health reason or other similar individual health concerns, these obligatory interviews may be conducted via video conferencing. Whether an interview should occur in-person is a case-specific decision that must be made based on the assessment of the adoption specialist or social worker, considering all available information.

When it is determined by the adoption specialist or social worker that a face-to-face visit is not necessary, an alternative method of contact may be used. Video conferencing is recommended as the first option for communication with the child and family. During the video conference, the adoptions specialist or social worker should ensure that the prospective adoptive child is included in the video conference contact to best assess the child's safety. The protocol outlined under the "Video Conferencing Guidelines" section on pages three and four of this ACL should be followed. Furthermore, if the adoption specialists or social workers are not having in-person contact, they should ensure that they have sufficient video and/or telephone contact, as appropriate, with the children and families to adequately assess the child's safety and well-being, and to assist the family in addressing their child(s)' needs.

This alternative is a temporary measure that is intended to ensure the safety of the child until California's stay-at-home order is lifted. Once the order is lifted, the required in-home interviews will need to resume.

For ICPC cases, the Safe and Timely Home Study Report must be completed in 60 calendar days or less. An in-person, face-to-face home study assessment is required to determine the safety of the child being placed. If the placement decision is delayed because the study was not completed within 60 days, the reason for the delay shall be documented. [Interstate Compact on the Placement of Children, Regulation No. 2, 7 \(a-b\)](#).

INTERVIEWING PETITIONER(S) WITHIN 45 DAYS

Family Code section [8808](#) states CDSS or the delegated county adoption agency must interview the petitioner(s) within 45 working days, excluding legal holidays, after CDSS or the delegated county adoption agency receives 50 percent of the investigation fee together with a file-stamped copy of the adoption petition.

Alternatively, during the current state of emergency, CDSS or the delegated county adoption agency may interview the petitioner(s) via video conferencing. This should be conducted utilizing the protocol outlined under the "Video Conferencing Guidelines" section on page eight of this ACL. The receipt of a file-stamped copy of the adoption petition, or a copy of the ADOPT-200 that will be filed, is required. However, as explained in this ACL, the investigation may commence without immediate remittance of 50 percent of the fee.

VIDEO CONFERENCING GUIDELINES

When in-person contacts are not possible because of the current public health concerns, and in circumstances where video conferencing is being allowed as an alternate means to ensure the health and safety of the individuals involved, the guidelines in this section should be utilized. Video conferencing has several free 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.

Additional Techniques

Before the video conferencing:

- Talk through the format and structure of the meeting with the petitioner(s). Describe how the meeting will proceed while video conferencing.
- Consider the petitioner(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 petitioner(s) to identify a private space at their home, or another location 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 petitioner(s) to ensure that the technology is still working.

COURT REPORT SUBMISSION WITHIN 180 DAYS

Family Code section [8807](#) states CDSS or the delegated county adoption agency shall complete an investigation of a proposed independent adoption within 180 days of receiving 50 percent of the fee. After the full balance of the fee is paid, they must

submit to the court a full report with a recommendation regarding the granting of the petition.

However, many California courts are currently closed or limiting their operations because of the COVID-19 state of emergency ([court updates](#)). As a result, CDSS or the delegated county adoption agency may not be able to finalize its investigation or submit these full reports to the court within the required timeframe. Therefore, pursuant to [EO N-53-20](#), this 180-day time period for required report submission is being temporarily suspended. It will resume when the state of emergency is lifted and further notice from the Department is provided.

DOCUMENTATION

ROs and delegated county adoption agencies should document any and all forms of communication that is used with the child and petitioner(s) in the case file. Documentation should include the method in which the visit was conducted (e.g. face-to-face, video conferencing, etc.). If future visits are anticipated, it may be beneficial to plan accordingly, if video conferencing will be needed.

If you have any questions or need additional guidance regarding the information in this ACL, please e-mail CFSD@dss.ca.gov.

Sincerely,

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: All Academy of California Adoption Lawyers