

March 16, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-21

The purpose of this All County Letter is to transmit the newly issued departmental forms and the California Judicial Council Rule of Court for the implementation of [Assembly Bill \(AB\) 677, Chapter 805, Statutes of 2019](#) regarding the requirements for readoption in California for intercountry adoption finalized abroad.



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



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GOVERNOR

March 16, 2021

ALL COUNTY LETTER (ACL) NO. 21-21

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

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

REFERENCE: [FAMILY CODE \(FC\) SECTION 8919](#); [FC SECTION 8919.5](#); [FC SECTION 8904](#); [ACL 09-67](#); [AB 677, CHAPTER 805, STATUTES OF 2019](#); [SENATE BILL \(SB\) 1393, CHAPTER 809, STATUTES OF 2006](#); [CA RULE OF COURT 5.493](#); [ACL 20-118](#)

PURPOSE

The purpose of this ACL is to transmit the newly issued departmental forms and the California Rule of Court for the implementation of [Assembly Bill \(AB\) 677, Chapter 805, Statutes of 2019](#) regarding the requirements for readoption in California for intercountry adoptions finalized abroad.

BACKGROUND

ACL 20-118, issued on October 29, 2020, explained the background and passage of AB 677. AB 677 repealed and added section 8919, added section 8919.5, and amended section 8904 of the Family Code. AB 677 established a process for the readoption of a child native to a foreign country whose adoption was finalized in another country by adoptive parent(s) who are California residents. This ACL outlines the forms to be used, the Rule of Court issued by the California Judicial Council, and the final requirements for implementation.

REQUIREMENTS OF AB 677

Establishing a Record of an Intercountry Adoption Finalized Abroad (FC 8919)

FC section 8919 requires all foreign-born adoptees—adoptions that were finalized outside of the United States—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 child whose adoption was finalized abroad. If the family fails to file the petition within the prescribed time period, or fails to provide a copy of the petition to each adoption agency that provided adoption services, the facilitating adoption agency shall file the petition and any copies of required supporting documents that they have received, 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.

Rule of Court 5.493

California [Rule of Court 5.493](#) allows for an adoption agency to file a request for adoption under California Law if the family fails to do so within the required timeframe. The request must include:

- 1) A signed cover sheet containing the name, date of birth, and date of entry to the United States of the child, the names and address of adoptive parents, and the name and contact information for the adoption agency;
- 2) Blank copies of all forms required to initiate the request for adoption under CA law; and
- 3) Any document required in FC section 8919(a)(1) through (6) that is in the possession of the adoption agency.

Form [AD 934](#) *Cover Sheet For Court Filing For Interountry Readoptions* shall be used as the cover sheet that is required for the court filing.

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 abroad to the Department within 14 calendar days of the adoptee's arrival to California. Form [AD 932](#) *Notice of Entry for Interountry Adoptions* shall be used for this purpose. The AD 932 shall be sent to the Adoptions Services Bureau at:

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

Adoptive Parent Acknowledgment

The Department issued a form that agencies may use to have adoptive parents acknowledge that they have been informed of California laws and responsibilities for the readoption of foreign-born children. This form is [AD 933](#) *California Requirements for Readoption of Children Adopted in Their Country of Origin Through an Intercounty Adoption Statement of Acknowledgment*.

Noticing of the parent, Indian Custodian, and Indian child's tribe (25 U.S.C §1912(a)).

If the adoptive parent, the adoption agency or the court has reason to know the foreign born adoptive child may be an Indian child as defined under 25 U.S.C. §1903(4) notice must be provided to the biological parent(s), Indian Custodian, and the Indian child's tribe(s) within 10 days of the filing of the petition to readopt the child in California. Once readoption proceedings are initiated, all provisions of the Indian Child Welfare Act shall apply to all proceedings to readopt the child in California.

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,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division