

January 27, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-10

This letter is to provide information regarding the changes to Family Code section 8700(i) which changed the requirement of how a licensed private adoption agency accepts a relinquishment of a dependent child.



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

January 27, 2022

ALL COUNTY LETTER NO. 22-10

TO: ALL CDSS ADOPTION REGIONAL OFFICE MANAGERS
ALL LICENSED ADOPTION AGENCIES
ALL COUNTY ADOPTION PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS

SUBJECT: REQUIREMENTS FOR LICENSED PRIVATE ADOPTION
AGENCIES ACCEPTING A RELINQUISHMENT OF A
DEPENDENT CHILD

REFERENCE: [FAMILY CODE SECTION 8700](#); [ASSEMBLY BILL 1701, STATUTES OF 2014, CHAPTER 763](#); [WELFARE AND INSTITUTION CODE 361](#); AND [TITLE 22, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, ADOPTION REGULATIONS](#)

PURPOSE

The purpose of this All County Letter (ACL) is to provide notice to all public child welfare agencies and all licensed private adoption agencies regarding the requirements and procedures for accepting a relinquishment of a dependent child for the purpose of adoption.

BACKGROUND

For a child who is a dependent of the juvenile court, or is the subject of a petition to declare them a dependent child of the juvenile court, Family Code (FC) section 8700 outlines a procedure for accepting a relinquishment to the department, county adoption agency, or a licensed private adoption agency for the purpose of adoption. Prior to the passage of Assembly Bill (AB) 1701 (Statutes of 2014, Ch. 763), the department, county adoption agency, or licensed private adoption agency accepting the relinquishment was required to provide written notice of the relinquishment, within five court days, to the court that has jurisdiction of the child, the child's attorney, and the relinquishing parent's attorney (if any).

IMPLEMENTATION TODAY

Today, per FC section 8700(i), a relinquishment accepted by a private agency shall have no effect until the court approves of the relinquishment. A parent may sign a relinquishment of a child who is described in [Welfare and Institutions Code \(WIC\) section 361\(b\)\(1\)](#), and the parent shall be advised in writing, that the relinquishment shall have no effect and will not be filed with, or acknowledged by, the department unless the court approves the relinquishment per section 361(b)(3) of the WIC. The licensed private adoption agency accepting the relinquishment shall ensure that a request to approve the relinquishment is filed or allow another party, or that party's counsel, to file with the court within 10 court days of accepting the relinquishment per WIC section 361(b). If the court issues an order approving the relinquishment, the licensed private adoption agency shall file the relinquishment and the order with the department. If the court denies the relinquishment, the licensed private adoption agency shall void the relinquishment and inform the parent.

While the procedures for licensed private adoption agencies have changed, the procedures for the department and counties have not. Voluntary relinquishments accepted by the department or county adoption agency shall comply with FC section 8700 and, within five court days of accepting the relinquishment, shall file written notice of that fact with the court and all parties to the case and their counsel, per WIC section 361(b)(2).

Department Regulations and Issued Forms

Please note that the department is in the process of updating and amending the Adoption Regulations to reflect the changes made to FC with the passage of AB 1701.

The department has updated four forms to reflect the changes made to FC 8700(i). These forms include:

- [AD 885A \(11/21\) – Statement of Understanding – Parent or a Presumed Parent of a Child Who Is Detained, a Juvenile Court Dependent in Out-of-Home Care, or The Ward of a Legal Guardian](#)
- [AD 885D \(11/21\) – Statement of Understanding – Alleged Parent of the Child Who is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian](#)
- [AD 899A \(11/21\) – Statement of Understanding – Parent or a Presumed Parent of an Indian Child Who is Detained, a Juvenile Court Dependent in Out-of-home Care, or the Ward of a Legal Guardian](#)
- [AD 899D \(11/21\) – Statement of Understanding – Alleged Parent of an Indian Child Who is Detained, a Juvenile Court Dependent in Out-of-home Care, or the Ward of a Legal Guardian](#)

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If you have any questions or need additional guidance regarding the information in this letter, contact the Adoption Policy Unit at (916) 651-8089 or at apu@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division