

April 28, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 22-37**

The purpose of this All County Letter is to address the seeming disparity between Family Code section 9203 and 9204. This All County Letter will clarify the intent of both these Family Codes and notify agencies of changes to some adoption forms to reflect this clarity.



**KIM JOHNSON**  
DIRECTOR

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

April 28, 2022

ALL COUNTY LETTER NO. 22-37

TO: ALL COUNTY CHILD WELFARE DIRECTORS  
ALL CDSS ADOPTION REGIONAL OFFICES  
ALL COUNTY ADOPTION AGENCIES  
ALL LICENSED ADOPTION AGENCIES  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: CLARIFICATION OF FORMS RELATED TO FAMILY CODE  
SECTIONS 9203 AND 9204

REFERENCE: [FAMILY CODE SECTION 9203](#); [FAMILY CODE SECTION 9204](#);  
[25 USC 1917](#) and [1951](#); and [FORM AD 902](#)

The purpose of this All County Letter (ACL) is to address the seeming disparity between Family Code sections 9203 and 9204. This ACL will clarify the intent of both Family Code sections and notify agencies of changes to some adoption forms to reflect this clarity. Part of this clarity entails making the AD 904 form obsolete and issuing the newly created form [AD 902](#) Consent for Arranging Contact.

### Background

Historically, there has been confusion as to the implementation of Family Code sections 9203 and 9204 as it relates to disclosure of information between adult adoptees and their birth parent(s). Family Code section 9203 clearly states that when permissions for disclosure of information have been received from both parties, contact information can be shared, whereas Family Code section 9204 speaks to obtaining consent for arranging contact between adult adoptees and their birth parent(s). This is further complicated by the disparity between “adult adoptee” referenced in Family Code section 9204 and the requirements that the adoptee be 21 years of age for the disclosure of information in Family Code section 9203. Additionally, forms AD 904 Consent for Contact and AD 908 Adoption Information Act Statement have inadvertently added to this confusion and are commonly believed to be used interchangeably.

Clarification of Family Code sections 9203 and 9204

Family Code section 9203 governs the law around *disclosing the identity* and address of the adoptee who reaches 21 years of age and the birth parent(s), as long as both parties indicate their consent in writing. The AD 908 is used for this purpose and shall be presented to the birth parent at the time of the relinquishment, consent, or termination of parental rights, to inform the parent of the law allowing the future disclosure of information. The AD 908 shall be used when an adult adoptee, who has reached 21 years of age, consents to the disclosure of their name and address to their birth parent(s). Once both parties have consented in writing, disclosure of identities should occur per Family Code section 9203.

Family Code section 9204 governs the law of consenting to *arranging contact* between an adult adoptee and a birth parent. If an adult adoptee, age 18 years or older, and the birth parent have each filed a written consent with the department, county, or licensed adoption agency, the agency may arrange for contact between these persons. Arranging contact could include arranging a telephone call or a virtual or in-person meeting. The only identifying information that can be released as a part of arranging contact is the last known email address and telephone number, if indicated on the AD 902 Consent for Arranging Contact.

The AD 904 Consent for Contact will be made obsolete at the time of the issuance of this ACL. However, previously completed forms will be kept in adoption files and will serve as the purpose of consent for release of information. If a birth parent or adult adoptee wished to have the agency arrange for contact, the new form, AD 902, will need to be completed.

This ACL does not apply to children and families that fall under ICWA. Cases that fall under ICWA shall follow 25 USC 1917 and 1951 for provisions related to the release of information after the adoption of Indian children.

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

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division