

July 25, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-63

This All County Letter is to address Assembly Bill 2495, Chapter 159, Statutes of 2022, effective January 1, 2023, its changes to some adoption statutes and its application for child welfare agencies, public and private adoption agencies, and Title IV-E Agreement Tribes.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

July 25, 2023

ALL COUNTY LETTER NO. 23-63

TO: ALL COUNTY CHILD WELFARE DEPARTMENTS
ALL COUNTY CHILD WELFARE PROGRAM MANAGERS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY PROBATION PROGRAM MANAGERS
ALL FOSTER CARE MANAGERS
ALL JUDICIAL COUNCIL STAFF
ALL FEDERALLY RECOGNIZED TRIBES
ALL LICENSED ADOPTION AGENCIES
ALL CDSS ADOPTION REGIONAL OFFICES
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL LICENSED FOSTER FAMILY AGENCIES

SUBJECT: ASSEMBLY BILL 2495 (CHAPTER 159, STATUTES OF 2022)
ADDRESSING ADOPTION CODES, AMONGST OTHER CODES
IMPACTED BY THIS LEGISLATION

REFERENCE: [ASSEMBLY BILL 2495 \(CHAPTER 159, STATUTES OF 2022\)](#);
[FAMILY CODE 7613](#); [FAMILY CODE 8600.5](#); [FAMILY CODE 8609.5](#); [FAMILY CODES 8713](#); [FAMILY CODE 8714](#); [FAMILY CODES 8802](#); [FAMILY CODE 8803](#); [FAMILY CODES 8910](#);
[FAMILY CODE 8912](#); [FAMILY CODE 9000](#); AND [FAMILY CODE 9324](#)

PURPOSE

The purpose of this All County Letter (ACL) is to provide an overview to all child welfare agencies, probation departments, public and private adoption agencies, and Title IV-E Agreement Tribes of certain provisions of Assembly Bill (AB) 2495, chaptered August 22, 2022 (Chapter 159, Statutes of 2022), and effective January 1, 2023.

This letter will address amendments to Family Code (FC) sections [8609.5](#), [8713](#), [8714](#), [8802](#), [8803](#), [8910](#), and [8912](#) that impact agency, independent, and intercountry adoptions in California.

The AB 2495 also amended FC sections 7613 (surrogacy law), 9000 (stepparent adoption), and 9324 (adult adoption), which will not be discussed within this letter, as these provisions are outside the scope of the Department's oversight. Lastly, AB 2495 added the term "request" when addressing the filing of the Judicial Council Adopt 200 form. This wording "adoption request" reflects the proper title of the Adopt 200 form. Throughout AB 2495, the wording adoption "petition" and/or adoption "request" are used interchangeably in various codes. In describing the changes brought about by the passage of AB 2495, this ACL will reflect the same terms for the Adopt 200 form interchangeably in each section as it appears in the bill.

Family Code section 8609.5 – Adoption Definitions

- The word "readoption" was added to [FC section 8609.5](#) when filing the adoption request for a nondependent minor. "Readoption" for the purposes of this provision means a child who is being adopted again due to the child's previous adoption disrupting and/or set aside, or the death of adoptive parent(s). Further, [FC section 8609.5\(c\)](#) added and now states that, an adoption request can be filed in the county in which an office of the agency that is filing the petition for adoption is located.
- It should be noted that per [FC section 8600.5](#), Tribal Customary Adoption as defined by [Welfare and Institution Code \(WIC\) WIC 366.24](#) for court dependent Indian children does not apply to this part of the Family Code.

Family Code section 8714 – Agency Adoptions

- Language has been expanded related to who can be involved in postadoption contact agreements in accordance with [FC section 8616.5](#). Previously, [FC section 8714](#) limited postadoption contact agreements to be created between adoptive petitioner(s) and birthparent(s) only. The FC section 8714 now allows additional birth relatives, including birth parent(s) or any siblings, an Indian Tribe, and the adoptive parents to be involved and included in the postadoption contact agreements when appropriate, which align with FC section 8616.5. When a Tribe is involved, they shall regularly be invited to join in postadoption contact agreements.

Family Code section 8802 – Independent Adoptions

- Changes to [FC section 8802](#) impacts who can file a petition (also referred to as an "adoption request" as indicated on the Adoption 200 form) in an independent adoption. Additionally, language changes were made, and provisions within FC section 8802 were reordered and moved.
- The [FC section 8802](#) was amended to indicate that all persons seeking to file an adoption request for an independent adoption must be an adult. Further, if the

child has been placed with an adult for adoption, a copy of the adoption placement agreement needs to be attached to the petition to verify that this child was indeed placed with the adult and the agreement was signed.

- Two provisions of [FC section 8802](#) are now consolidated into one provision. Specifically, in an independent adoption, a guardian who was nominated by a parent for a purpose other than adoption and for a specified time period, or if the guardianship was established pursuant to [WIC 360](#), may file an adoption request without waiting the required three years, but only if parental rights have already been terminated.
- The [FC Section 8802\(a\)\(6\)](#) was added to this section, which allows an adoption request to be filed by a person named in a court order terminating parental rights as the child's legal guardian or prospective adoptive parent.

Family Code sections 8714, 8802, and 8912 – Agency, Independent and Intercountry Adoptions

- This bill made amendments with similar language changes in three different adoption FC sections: [8714](#), [8802](#), and [8912](#) (intercountry adoptions). One amendment adds the child's birth name to the Adoption Order (Adopt 215 form). Another amendment removes the requirement that a postadoption contact agreement be attached to the petition when the petition is filed in court. The responsibility for implementing these amendments and processes regarding the Adopt 215 form are to be determined and implemented by the Judicial Council.

Family Code sections 8713, 8803, and 8910 – Agency, Independent and Intercountry Adoptions

- The [FC sections 8713](#) (agency adoptions), [8803](#) (independent adoptions), and [8910](#) (intercountry adoptions) were also amended by AB 2495. All three of these FCs included small, yet significant, language changes related to the adoption process and concealment of a child from certain entities involved in the child's case. Prior language did not allow a child to be concealed within the county in which the adoption petition was filed. New language added by AB 2495 now states that the child cannot be concealed from the agency investigating the adoption or from the court who has jurisdiction of the child.
- Prior to the passage of AB 2495, removal of a child pending adoption from the "county in which the adoption proceeding was occurring" was not allowed without first obtaining permission from the court. Current law now requires that removal of a child pending adoption from the "county of the petitioner's residence" is not allowed without first obtaining permission from the court.

- An exception to the above statutory changes states that a child cannot be gone for more than 30 days from the county of the petitioner's residence at the time of placement, unless there has been a denial of the petition, or the court has prohibited the removal of the child.

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 email apu@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division