

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 30, 1995

ALL-COUNTY INFORMATION NOTICE NO. I-51-95

TO: ALL COUNTY WELFARE DIRECTORS
 ALL PUBLIC AND PRIVATE ADOPTION
 AGENCIES
 CDSS ADOPTION DISTRICT OFFICES

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order or Settlement
 Agreement
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

SUBJECT: DISCLOSURE OF IDENTITY OF BIRTH PARENTS AND ARRANGEMENT FOR CONTACT
 BETWEEN ADULT ADOPTEE AND BIRTH PARENTS

REFERENCE: Family Code sections 9203 and 9204
 Title 22 California Code of Regulations (CCR) sections 35049, 35053,
 35057, 35151, 35094.3, and 35121.

Adoption agencies frequently ask the Department to explain the difference between the requirements of Family Code sections 9203 and 9204. Although each of these two statutes deals with voluntary post-adoption contact between birth parents and adult adoptees, each statute establishes a separate procedure and each statute stands alone. We believe that agencies will have less difficulty implementing the provisions of these two statutes if they are considered separately without attempts to harmonize them.

Family Code section 9203(a)(1) requires that adoption agencies release the name and address of an adoptee's birth parent to the adoptee when (1) the birth parent whose name is being released has agreed to have his or her name disclosed and (2) the requesting adoptee is twenty-one years of age or older. This statute applies only to birth parents who signed a relinquishment or consent on or after January 1, 1984. The Department has developed a form, the Adoptions Information Act Statement (AD 908), which birth parents must use to authorize the release of their names and addresses to the adoptee. This form must be presented to birth parents at the time they sign a relinquishment or consent to adoption. (See Title 22 CCR sections 35151(a)(3), 35094.3(a)(8), and 35121(a)(3).) Because it will be several years before a significant number of adoptees are eligible to obtain information under this statute, the Department has not developed the form which adoptees will use to request the birth parents' names and addresses. This procedure is regulated by Title 22 CCR Sections 35053(b) and 35057 and the statutes noted above.

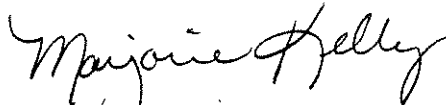
Family Code section 9204 allows an adoption agency to arrange for contact between an adult adoptee and his or her birth parent when both the adoptee and the birth parent have consented in writing to the contact. This statute applies to

all adoptions. Prior to 1992, the statute (which then was Civil Code section 229.50) required that the adoptive parent of the adult adoptee also consent to the contact. This latter requirement was removed by Assembly Bill 1896 (Frizzelle), Chapter 135, Statutes of 1991. The Department has developed a form, Consent to Contact (AD 904), which adoptees and birth parents must use to consent to the arrangement for contact. Neither the department nor a licensed adoption agency may solicit, directly or indirectly, the signing of the Consent to Contact. This procedure is regulated by Title 22 CCR section 35049(b)(3).

Each of these two procedures stands alone. Both procedures apply to birth parents who signed a relinquishment or consent on or after January 1, 1984. Thus, if the birth parent and the adult adoptee both sign Consent to Contact forms, the agency would arrange contact between them. If the adoptee, after he or she became twenty-one years of age, requested the birth parent's name and address and the birth parent had signed an Adoptions Information Act Statement authorizing the release of his or her name, the agency would release that information. The statute gives no direction as to what agencies should do if the birth parent and adoptee had both completed both procedures. We assume that the agency would explain the two procedures to the adult adoptee who would then ask the agency to follow one procedure or the other.

Only the second procedure (Family Code section 9204) applies to birth parents who signed a relinquishment or consent on or before January 1, 1984, or whose parental rights were involuntarily terminated.

If you have any question regarding this matter, please contact Joseph Magruder, Adoptions Policy Consultant, at (916) 323-0524 (ATSS 473-0524).



MARJORIE KELLY
Deputy Director
Children and Family Services Division

cc: CWDA