

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 9, 2007

ALL-COUNTY LETTER NO. 07-02

TO: ALL CDSS ADOPTIONS DISTRICT OFFICES
 ALL ADOPTION SERVICE PROVIDERS
 ALL COUNTY WELFARE DIRECTORS
 ALL PUBLIC/PRIVATE ADOPTION AGENCIES

REASON FOR THIS TRANSMITTAL

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

SUBJECT: DUTIES OF ADOPTION SERVICE PROVIDERS IN THE INDEPENDENT ADOPTIONS PROGRAM

This All-County Letter is intended to clarify that, for purposes of a prospective independent adoption, an Adoption Service Provider (ASP) may not both provide the advisement under Family Code Section 8801.5 and conduct the preplacement evaluation under Family Code Section 8811.5. The California Department of Social Services has become aware that some ASPs are providing the advisement to the birth parent and are also conducting the preplacement evaluation for the prospective adoptive parents.

The relevant State laws supporting this policy are as follows:

- Family Code Section 8801.7(c) provides that no ASP shall have a contractual relationship with prospective adoptive parents or any individual or organization providing services of any type to prospective adoptive parents for which the adoptive parents are paying a fee, except the fees for the advising and counseling of the birth parents.
- Title 22 California Code of Regulations Section 35094.1(b) provides that an ASP shall comply with Family Code Section 8801.7.
- Family Code Section 8811.5(a) provides that a licensed private or public adoption agency may certify prospective adoptive parents by a preplacement evaluation.

An ASP who conducts a preplacement evaluation does so on behalf of a licensed adoption agency, which is accepting a fee from the prospective adoptive parents pursuant to a contractual agreement with them. The ASP in such case is an agent of the licensed adoption agency. Therefore, the ASP may not provide the advisement to the birth parent if the ASP has conducted the preplacement evaluation.

If you have any questions, please contact Myrna Hernandez, Program Consultant, Adoptions Services Bureau, at (916) 651-8103.

Sincerely,

Original Document Signed By:

MARY L. AULT
 Deputy Director
 Children and Family Services Division