

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



August 13, 2007

ALL COUNTY LETTER 07-17

REASON FOR THIS TRANSMITTAL

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

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

SUBJECT: ASSEMBLY BILL 2488; ADOPTION: SIBLING MUTUAL CONSENT
PROGRAM - CONFIDENTIAL INTERMEDIARY

This All County Letter provides information and instruction regarding Assembly Bill (AB) 2488 (Chapter 386, Statutes of 2006), which amended Family Code Section 9205. In addition, it provides information about the updated Waiver of Rights to Confidentiality for Siblings form (AD 904A), and the creation of the Waiver of Rights to Confidentiality for Siblings – Under the Age of 18 form (AD 904B).

Provisions of AB 2488

AB 2488 permits an adopted person greater opportunities to initiate and make contact with siblings. It also permits siblings of an adopted person more opportunity to make contact with the adopted person with whom they have lost contact. Specifically, the bill:

Lowers the age from 21 to 18 years of age at which siblings separated by adoption may submit a waiver form.

Permits siblings under 18 years of age who are separated by adoption to submit a waiver with the consent of their adoptive parent, legal parent, guardian, or the dependency court under specified circumstances.

Expands the definition of "sibling" to include biological, half, and step siblings.

Permits the release of the name, address, and telephone number of a sibling/adopted person who is under the age of 18, but continues to permit release of only the name and address of a sibling/adopted person over 18 years of age.

Permits an adopted person or his or her sibling to petition the court under Family Code Section 9205 to have the California Department of Social Services (CDSS) or the licensed adoption agency that provided adoption services, be appointed as the confidential intermediary if a waiver form has not been filed by each party. The court

must grant the petition unless it finds that it would be detrimental to the adopted person or sibling with whom the contact is sought.

Permits the court to choose an alternate confidential intermediary if the appointment of the responsible adoption agency would create an economic hardship.

Permits the located adult sibling to decline the request for consent. Should this occur, the bill mandates that the confidential intermediary cease further attempts to obtain the consent.

Permits the legal parent or guardian of the located sibling who is under 18 years of age to decline the request for consent. Should this occur, the bill mandates that the confidential intermediary cease further attempts to obtain the consent. In the instance of a sibling who is a dependent of the court, the dependency court may grant or decline the request for consent and submission of a waiver of confidentiality.

Permits CDSS or licensed adoption agency to charge a reasonable fee, not to exceed fifty dollars (\$50), for services required by Family Code Section 9205.

Application of AB 2488

Upon receipt of a sibling waiver form, the agency will determine if the sibling being sought has also submitted a waiver. If so, the agency will provide the names, addresses, and telephone numbers of siblings under the age of 18 years and the names and addresses of siblings aged 18 years and over. If no waiver is on file, the agency will inform the sibling submitting the waiver of such, and will provide the sibling with the name and address of the court where the adoption was finalized. The sibling must attach this letter to the petition form (ADOPT 330), when the sibling petitions the court under Family Code Section 9205 to request that a confidential intermediary be appointed. If the court grants the petition, CDSS or the licensed adoption agency that handled the adoption, will be appointed and will be required to conduct a search for the sibling being sought. AB 2488 also provides for appointment of an alternate confidential intermediary if the court finds the licensed adoption agency is unable to serve due to economic hardship. When the licensed adoption agency responds to the sibling informing him/her that there is no waiver on file, the agency at this time must include in the letter that there is an economic hardship. If the sibling being sought is under the age of 18, the confidential intermediary must obtain written permission from the sibling's legal parent or guardian prior to contacting the sibling. Upon contact, the confidential intermediary will ask the sibling whether he or she would like to complete a waiver form. If so, a waiver form will be sent to him or her. Once the sibling has submitted the waiver and both waivers are on file, the agency will be allowed to provide the parties with the names, addresses, and telephone numbers of siblings under the age of 18 years and the names and addresses of siblings aged 18 and over. If the sibling being sought does not wish

to make contact, the confidential intermediary will cease any further attempts to obtain a waiver and will inform the sibling seeking contact that no contact is desired.

Forms: Waiver of Rights to Confidentiality for Siblings (AD 904A) and Waiver of Rights to Confidentiality for Siblings – Under 18 Years of Age (AD 904B)

The AD 904A was revised to reflect the change in age and eliminates the need for the common parent's consent. The AD 904B was developed for use by adopted persons and siblings who are under 18 years of age. These forms are available on line at www.dss.cahwnet.gov, under "Forms and Publications".

Regulations and Allocation Information

Appropriate changes to the adoptions program regulations are being addressed at this time. In addition, a separate County Fiscal Letter will be issued contingent upon the appropriation of funds in the Annual Budget Act.

If you have any questions, please contact Teresa Rodriguez, Adoptions Consultant, Adoptions Services Bureau, at (916) 651-8095.

Sincerely,

Original Document Signed By:

MARY L. AULT
Deputy Director
Children and Family Services Division

c: CWDA