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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

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Chapter 3@ Adoptions Program Regulations [Renumbered]

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Subchapter 3@ Administrative Requirements

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Article 2@ Content of Case Record

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Section 35047@ Additional Requirements for Adoption Case Records

35047 Additional Requirements for Adoption Case Records

(a)

In addition to the requirements of Title 22, California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following:

(1) In the Independent and Agency Adoption Programs, the case record shall include: (A) All documentation pertaining to freeing the child for adoption including but not limited to the relinquishment, adoption placement agreement or consent to adoption, and any orders terminating parental rights. (B) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1. (C) All documentation pertaining to the unavailability of official documents as required by Section 35044. (D) Copies of all requests for disclosure of information from the adoption case record. (E) All documentation of Adoption Assistance Program (AAP) eligibility requirements as required by Subchapter 7, Article 2. (F) A copy of the signed AD 4320. (G) Copies of requests for medical background information as required by Family Code sections 8706, 8817, or 8909. (H) A written acknowledgment signed by the prospective adoptive parent(s)/petitioner(s) confirming receipt of initial and updated medical background information on the child and birth parent(s). (I) Copies of medical background information transmitted to an adoptee and adoptive

parent at time of placement as required by Family Code sections 8706, 8817, 8909, and 9202. (J) The signed copies of any AD 908 forms and/or the AD 908A form requesting identifying information pursuant to Family Code section 9203. (K) Copies of identifying information provided to the adoptee pursuant to Family Code section 9203. (L) Copies of any signed AD 904 forms allowing for contact information to be released pursuant to Family Code section 9204. (M) Any copies of the signed AD 904A or 904B forms allowing contact with siblings as permitted by Family Code section 9205. (N) If parties have entered into a postadoption contact agreement, a copy of the signed form ADOPT-310 "Contact After Adoption Agreement." (O) If applicable, documentation of any attempt to place the child in accordance with the ICWA placement preferences. (P) Forms ICWA-010(A) and ICWA-020. (Q) If applicable, form ICWA-030 and a copy of the registered or certified mailing, any Court determination, copies of any responses from the tribe(s) and copies of any responses from the Bureau of Indian Affairs. (R) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside. (S) If applicable, form ICPC 100A. (T) If applicable, form ICPC 100B. (U) Copies of letters of reference regarding the suitability of applicant(s)/petitioner(s) to be adoptive parent(s). 1. Documentation of face-to-face interviews with references. (V) A copy of the Department of Justice (DOJ) request form BCIA 8016, the full state and FBI criminal record, if any, and a copy of the Child Abuse Central Index (CACI) Clearance or out-of-state child abuse and neglect check. (W) Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner. (2) In the Independent Adoption Program, the case record shall also include: (A) If applicable, a copy of the preplacement evaluation or

valid private agency adoption home study received from the private adoption agency. (B) Copies of the AD 100 form signed by the birth parent(s) authorizing use and/or disclosure of information. (C) Any school reports for all school-age children. (D) Background information about the birth parent(s) as required by Section 35092(b). (E) Copies of any assessments of the child, as required by Section 35093. (F) A copy of form AD 512. (G) If applicable, a copy of any request for a fee reduction and any supporting documentation submitted. (3) In the Agency Adoption Program, the case record shall also include: (A) Copies of the written assessment of the child as required by Subchapter 5, Article 1 and the written assessment of the applicant as required by Subchapter 5, Article 11. (B) Copies of the birth parent's signed AD 100A form authorizing use and/or disclosure of health information. (C) If applicable, a copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement. (D) If applicable, a copy of the written notice to all parties to a grievance review hearing pursuant to Section 35217. (E) If applicable, a copy of the agency director's decision regarding the grievance review hearing as required by Section 35221. (F) Any copies of documentation supporting the issuance of the AD 4333 form, as required by Section 35165.

(1)

In the Independent and Agency Adoption Programs, the case record shall include: (A) All documentation pertaining to freeing the child for adoption including but not limited to the relinquishment, adoption placement agreement or consent to adoption, and any orders terminating parental rights. (B) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1. (C) All documentation pertaining to the unavailability of official documents as required by

Section 35044. (D) Copies of all requests for disclosure of information from the adoption case record. (E) All documentation of Adoption Assistance Program (AAP) eligibility requirements as required by Subchapter 7, Article 2. (F) A copy of the signed AD 4320. (G) Copies of requests for medical background information as required by Family Code sections 8706, 8817, or 8909. (H) A written acknowledgment signed by the prospective adoptive parent(s)/petitioner(s) confirming receipt of initial and updated medical background information on the child and birth parent(s). (I) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement as required by Family Code sections 8706, 8817, 8909, and 9202. (J) The signed copies of any AD 908 forms and/or the AD 908A form requesting identifying information pursuant to Family Code section 9203. (K) Copies of identifying information provided to the adoptee pursuant to Family Code section 9203. (L) Copies of any signed AD 904 forms allowing for contact information to be released pursuant to Family Code section 9204. (M) Any copies of the signed AD 904A or 904B forms allowing contact with siblings as permitted by Family Code section 9205. (N) If parties have entered into a postadoption contact agreement, a copy of the signed form ADOPT-310 "Contact After Adoption Agreement." (O) If applicable, documentation of any attempt to place the child in accordance with the ICWA placement preferences. (P) Forms ICWA-010(A) and ICWA-020. (Q) If applicable, form ICWA-030 and a copy of the registered or certified mailing, any Court determination, copies of any responses from the tribe(s) and copies of any responses from the Bureau of Indian Affairs. (R) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside. (S) If applicable, form ICPC 100A. (T) If applicable, form ICPC 100B. (U) Copies of letters of reference regarding the suitability of applicant(s)/petitioner(s) to be adoptive parent(s). 1. Documentation of face-to-face interviews with references. (V) A copy of the Department of Justice (DOJ) request form

BCIA 8016, the full state and FBI criminal record, if any, and a copy of the Child Abuse Central Index (CACI) Clearance or out-of-state child abuse and neglect check. (W)
Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

(A)

All documentation pertaining to freeing the child for adoption including but not limited to the relinquishment, adoption placement agreement or consent to adoption, and any orders terminating parental rights.

(B)

All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1.

(C)

All documentation pertaining to the unavailability of official documents as required by Section 35044.

(D)

Copies of all requests for disclosure of information from the adoption case record.

(E)

All documentation of Adoption Assistance Program (AAP) eligibility requirements as required by Subchapter 7, Article 2.

(F)

A copy of the signed AD 4320.

(G)

Copies of requests for medical background information as required by Family Code sections 8706, 8817, or 8909.

(H)

A written acknowledgment signed by the prospective adoptive parent(s)/petitioner(s) confirming receipt of initial and updated medical background information on the child and birth parent(s).

(I)

Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement as required by Family Code sections 8706, 8817, 8909, and 9202.

(J)

The signed copies of any AD 908 forms and/or the AD 908A form requesting identifying information pursuant to Family Code section 9203.

(K)

Copies of identifying information provided to the adoptee pursuant to Family Code section 9203.

(L)

Copies of any signed AD 904 forms allowing for contact information to be released pursuant to Family Code section 9204.

(M)

Any copies of the signed AD 904A or 904B forms allowing contact with siblings as permitted by Family Code section 9205.

(N)

If parties have entered into a postadoption contact agreement, a copy of the signed form ADOPT-310 "Contact After Adoption Agreement."

(O)

If applicable, documentation of any attempt to place the child in accordance with the ICWA placement preferences.

(P)

Forms ICWA-010(A) and ICWA-020.

(Q)

If applicable, form ICWA-030 and a copy of the registered or certified mailing, any Court determination, copies of any responses from the tribe(s) and copies of any responses from the Bureau of Indian Affairs.

(R)

A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside.

(S)

If applicable, form ICPC 100A.

(T)

If applicable, form ICPC 100B.

(U)

Copies of letters of reference regarding the suitability of applicant(s)/petitioner(s) to be adoptive parent(s). 1. Documentation of face-to-face interviews with references.

1.

Documentation of face-to-face interviews with references.

(V)

A copy of the Department of Justice (DOJ) request form BCIA 8016, the full state and FBI criminal record, if any, and a copy of the Child Abuse Central Index (CACI) Clearance or out-of-state child abuse and neglect check.

(W)

Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

(2)

In the Independent Adoption Program, the case record shall also include: (A) If applicable, a copy of the preplacement evaluation or valid private agency adoption home study received from the private adoption agency. (B) Copies of the AD 100 form signed by the birth parent(s) authorizing use and/or disclosure of information. (C) Any school reports for all school-age children. (D) Background information about the birth parent(s) as required by Section 35092(b). (E) Copies of any assessments of the child, as required by Section 35093. (F) A copy of form AD 512. (G) If applicable, a copy of any request for a fee reduction and any supporting documentation submitted.

(A)

If applicable, a copy of the preplacement evaluation or valid private agency adoption home study received from the private adoption agency.

(B)

Copies of the AD 100 form signed by the birth parent(s) authorizing use and/or disclosure of information.

(C)

Any school reports for all school-age children.

(D)

Background information about the birth parent(s) as required by Section 35092(b).

(E)

Copies of any assessments of the child, as required by Section 35093.

(F)

A copy of form AD 512.

(G)

If applicable, a copy of any request for a fee reduction and any supporting documentation submitted.

(3)

In the Agency Adoption Program, the case record shall also include: (A) Copies of the written assessment of the child as required by Subchapter 5, Article 1 and the written assessment of the applicant as required by Subchapter 5, Article 11. (B) Copies of the birth parent's signed AD 100A form authorizing use and/or disclosure of health information. (C) If applicable, a copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement. (D) If applicable, a copy of the written notice to all parties to a grievance review hearing pursuant to Section 35217. (E) If applicable, a copy of the agency director's decision regarding the grievance review hearing as required by Section 35221. (F) Any copies of documentation supporting the issuance of the AD 4333 form, as required by Section 35165.

(A)

Copies of the written assessment of the child as required by Subchapter 5, Article 1 and the written assessment of the applicant as required by Subchapter 5, Article 11.

(B)

Copies of the birth parent's signed AD 100A form authorizing use and/or disclosure of health information.

(C)

If applicable, a copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement.

(D)

If applicable, a copy of the written notice to all parties to a grievance review hearing pursuant to Section 35217.

(E)

If applicable, a copy of the agency director's decision regarding the grievance review hearing as required by Section 35221.

(F)

Any copies of documentation supporting the issuance of the AD 4333 form, as required by
Section 35165.