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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 3@ Procedures for Post-Adoption Services

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Section 35063@ Disclosure of Information to a Sibling

35063 Disclosure of Information to a Sibling

(a) The agency shall release to each sibling the name and address of their sibling, provided that at least one sibling is an adoptee and both have filed with the Department or adoption agency one of the following written waiver forms, in accordance with Family Code section 9205. (1) For any sibling or adoptee who has attained the age of 18 prior to executing a waiver, the Waiver of Rights to Confidentiality for Siblings form AD 904A shall be used. (2) For any sibling or adoptee who is under 18 years of age when a waiver is executed, the Waiver of Rights to Confidentiality for Siblings form AD 904B shall be used. (A) Names and addresses shall be released to a sibling or adoptee who is under 18 years of age only when the adoptive parent, birth parent, legal parent or legal guardian has provided consent by signing the form AD 904B. (B) When the sibling is under the jurisdiction of the dependency court and has no parent or guardian able or available to provide consent, the dependency court may provide consent on the form AD 904B. (C) The form AD 904B filed with the Department or adoption agency will remain in effect after the minor turns 18 years of age unless the waiver form is rescinded.

(1)

For any sibling or adoptee who has attained the age of 18 prior to executing a waiver, the Waiver of Rights to Confidentiality for Siblings form AD 904A shall be used.

(2)

For any sibling or adoptee who is under 18 years of age when a waiver is executed, the Waiver of Rights to Confidentiality for Siblings form AD 904B shall be used. (A)

Names and addresses shall be released to a sibling or adoptee who is under 18 years of age only when the adoptive parent, birth parent, legal parent or legal guardian has provided consent by signing the form AD 904B. (B) When the sibling is under the jurisdiction of the dependency court and has no parent or guardian able or available to provide consent, the dependency court may provide consent on the form AD 904B. (C) The form AD 904B filed with the Department or adoption agency will remain in effect after the minor turns 18 years of age unless the waiver form is rescinded.

(A)

Names and addresses shall be released to a sibling or adoptee who is under 18 years of age only when the adoptive parent, birth parent, legal parent or legal guardian has provided consent by signing the form AD 904B.

(B)

When the sibling is under the jurisdiction of the dependency court and has no parent or guardian able or available to provide consent, the dependency court may provide consent on the form AD 904B.

(C)

The form AD 904B filed with the Department or adoption agency will remain in effect after the minor turns 18 years of age unless the waiver form is rescinded.

(b)

Documentation necessary to establish the sibling relationship shall be attached to the waiver form that is filed with the Department or adoption agency. (1) When the relationship is biological or a half-sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver shall be attached. (2) When the

relationship is a step-sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent shall be attached.

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When the relationship is biological or a half-sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver shall be attached.

(2)

When the relationship is a step-sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent shall be attached.

(c)

Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their sibling relationship. (1) Verification of the sibling relationship shall include, but not be limited to: (A) Documentation in the agency or another adoption agency's case record; (B) Documentation in the case record of a county welfare department; (C) Birth certificate of the sibling; or, (D) For step-sibling, a copy of the birth certificate and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent.

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(A)

Documentation in the agency or another adoption agency's case record;

(B)

Documentation in the case record of a county welfare department;

(C)

Birth certificate of the sibling; or,

(D)

For step-sibling, a copy of the birth certificate and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent.

(d)

Upon receipt of the signed AD 904A or AD 904B, the Department or adoption agency shall determine if any other sibling waiver has been submitted.(1) If both the sibling and the adoptee have submitted waiver forms, the Department or adoption agency shall release to each sibling their name and address. (2) If there is no other waiver on file, the Department or adoption agency shall not release to each sibling their name and address. The Department or adoption agency shall inform the adoptee or sibling that no other waiver is on file and their form will be filed in the adoption case file. (A) The Department or adoption agency shall inform the adoptee or sibling about the availability of a confidential intermediary pursuant to Family Code section 9205(g) and provide them with the location of the Superior Court where a petition may be filed.

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to each sibling their name and address. The Department or adoption agency shall inform the adoptee or sibling that no other waiver is on file and their form will be filed in the adoption case file. (A) The Department or adoption agency shall inform the adoptee or sibling about the availability of a confidential intermediary pursuant to Family Code section 9205(g) and provide them with the location of the Superior Court where a petition may be filed.

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The Department or adoption agency shall inform the adoptee or sibling about the availability of a confidential intermediary pursuant to Family Code section 9205(g) and provide them with the location of the Superior Court where a petition may be filed.

(e)

The Department or adoption agency shall not solicit the execution of a waiver unless ordered by the court pursuant to the confidential intermediary.

(f)

Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the waiver form of the necessity to submit the waiver on form AD 904A.

(g)

An adoptee or sibling may revoke a waiver filed pursuant to this section by giving written notice of revocation to the Department or agency.

(h)

Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code section 9205(b).

(i)

For the purpose of this section, "sibling" means the biological sibling, half-sibling

or step-sibling of the adoptee.