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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]

|-&gt;

Subchapter 3@ Administrative Requirements

|-&gt;

Article 3@ Procedures for Post-Adoption Services

|-&gt;

Section 35064@ Post-Adoption Contact Agreement

## 35064 Post-Adoption Contact Agreement

A post-adoption contact agreement means the ADOPT-310 "Contact After Adoption Agreement" form and attachments to that form, if any.

### (b)

The signed post-adoption contact agreement must be filed in the court in which the adoption petition has been filed prior to the adoption finalization hearing. (1) If the petitioner has entered into a post-adoption contact agreement with the birth parent, relative, or tribe prior to the filing of the petition for adoption, the post-adoption contact agreement must be attached to and filed with the petition for adoption. (2) If the post-adoption contact agreement is filed by the prospective adoptive parent or parents separately from the petition for adoption, the prospective adoptive parent or parents shall provide a copy of the post-adoption contact agreement to the department, county adoption agency or the licensed adoption agency.

### (1)

If the petitioner has entered into a post-adoption contact agreement with the birth parent, relative, or tribe prior to the filing of the petition for adoption, the post-adoption contact agreement must be attached to and filed with the petition for adoption.

### (2)

If the post-adoption contact agreement is filed by the prospective adoptive parent or

parents separately from the petition for adoption, the prospective adoptive parent or parents shall provide a copy of the post-adoption contact agreement to the department, county adoption agency or the licensed adoption agency.

**(c)**

When the adoption request includes a proposed post-adoption contact agreement, the department, county adoption agency, or the licensed adoption agency shall review the agreement and any attachments to determine whether all of the following requirements are satisfied: (1) The post-adoption contact agreement has been entered into voluntarily by all parties to the agreement and is in the best interests of the child. (2) The child has consented to the terms and conditions of the post-adoption contact agreement if the child to be adopted is 12 years of age or older. (3) The terms of the post-adoption contact agreement are limited to any of the following: (A) Visitation between the child and the birth parent(s). (B) Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement. (C) Future contact between the child or an adoptive parent, or both, and the birth parent(s). (D) Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement. (E) Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

**(1)**

The post-adoption contact agreement has been entered into voluntarily by all parties to the agreement and is in the best interests of the child.

**(2)**

The child has consented to the terms and conditions of the post-adoption contact agreement if the child to be adopted is 12 years of age or older.

**(3)**

The terms of the post-adoption contact agreement are limited to any of the following: (A) Visitation between the child and the birth parent(s). (B) Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement. (C) Future contact between the child or an adoptive parent, or both, and the birth parent(s). (D) Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement. (E) Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

**(A)**

Visitation between the child and the birth parent(s).

**(B)**

Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but

only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.

**(C)**

Future contact between the child or an adoptive parent, or both, and the birth parent(s).

**(D)**

Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.

**(E)**

Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

**(d)**

(1) The department, county adoption agency, or licensed adoption agency shall advise the parties to the post-adoption contact agreement if any determination made under Sections 35093, 35127.1 or 35283 will cause the agency to recommend that the court not grant the post-adoption contact agreement. (2) The department, county adoption agency, or the licensed adoption agency shall include in its report to the court the agency's recommendation as to whether the court should grant the proposed post-adoption contact agreement privileges. (A) If the court does not order the post-adoption contact agreement, the department, county adoption agency, or licensed adoption agency shall notify all parties to the post-adoption contact agreement.

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the parties to the post-adoption contact agreement if any determination made under Sections 35093, 35127.1 or 35283 will cause the agency to recommend that the court not grant the post-adoption contact agreement.

**(2)**

The department, county adoption agency, or the licensed adoption agency shall include in its report to the court the agency's recommendation as to whether the court should grant the proposed post-adoption contact agreement privileges. (A) If the court does not order the post-adoption contact agreement, the department, county adoption agency, or licensed adoption agency shall notify all parties to the post-adoption contact agreement.

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