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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

35078 Adoption Facilitators and Adoption Facilitator

Article 4@ Private Adoption Agency Reimbursement Program

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Section 35078@ Adoption Facilitators and Adoption Facilitator Trainees

(a)

Adoption Facilitators and Adoption Facilitator Trainees are individuals or agencies that provide services to solicit and locate prospective adoptive parents, birth parents and adoptable children and act as an intermediary between them.

Adoption Facilitators and Adoption Facilitator Trainees are not licensed as an adoption agency by the State of California. Adoption Facilitators and Adoption Facilitator Trainees are required to complete the Application Process. Approved applicants will be added to the California Department of Social Services Adoption Facilitator Registry.(1) To provide services as a registered adoption facilitator in the State of California, the following requirements must be met and all documentation listed must be submitted to the Department for approval: (A) A completed and signed Adoption Facilitator Registry Application (AD 70) form. (B) A copy of a government issued identification (e.g. driver's license or passport). (C) A copy of a valid California business license. (D) A surety bond (AD 73) in the amount of twenty-five thousand dollars (\$25,000), executed by a corporate surety admitted to do business in California. (E) Proof of education and adoption related experience, which may include school transcripts or a copy of college degree(s). (F) A completed and signed Criminal Record Statement - Adoption Facilitator (AD 4337). (G) A completed Request for Live Scan Service - Community Care Licensing

(LIC 9163). (H) A non-refundable annual registration fee of two hundred and fifty dollars (\$250.00). (2) The adoption facilitator may request a waiver of education and experience requirements by providing the following: (A) Proof of five years of work experience providing direct adoption services for a licensed adoption agency. (B) Three letters of support from any of the following: 1. A representative of a licensed public or private adoption agency, or a county adoption agency. 2. A member of the Academy of California Adoption Lawyers. 3. The Department. (3) Evidence that the adoption facilitator has been found liable of malfeasance in connection with providing adoption services shall result in the denial of the request for waiver of education and adoption-related experience. (4) After the applicant has submitted all the requirements of subdivision (1), the Department shall issue an approval or disapproval in writing to the applicant. (A) "Approval" means the applicant has met all requirements, the application and live scan have been approved by the Department, and the applicant may operate as an adoption facilitator. (B) "Disapproval" means the applicant has not met all requirements and may not operate as an adoption facilitator.

(1)

To provide services as a registered adoption facilitator in the State of California, the following requirements must be met and all documentation listed must be submitted to the Department for approval: (A) A completed and signed Adoption Facilitator Registry Application (AD 70) form. (B) A copy of a government issued identification (e.g. driver's license or passport). (C) A copy of a valid California business license. (D) A surety bond (AD 73) in the amount of twenty-five thousand dollars (\$25,000), executed by a corporate surety admitted to do business in California. (E) Proof of education and adoption related experience, which may include school transcripts or a copy of college degree(s). (F) A completed and signed Criminal Record Statement - Adoption Facilitator

(AD 4337). (G) A completed Request for Live Scan Service - Community Care Licensing (LIC 9163). (H) A non-refundable annual registration fee of two hundred and fifty dollars (\$250.00).

(A)

A completed and signed Adoption Facilitator Registry Application (AD 70) form.

(B)

A copy of a government issued identification (e.g. driver's license or passport).

(C)

A copy of a valid California business license.

(D)

A surety bond (AD 73) in the amount of twenty-five thousand dollars (\$25,000), executed by a corporate surety admitted to do business in California.

(E)

Proof of education and adoption related experience, which may include school transcripts or a copy of college degree(s).

(F)

A completed and signed Criminal Record Statement - Adoption Facilitator (AD 4337).

(G)

A completed Request for Live Scan Service - Community Care Licensing (LIC 9163).

(H)

A non-refundable annual registration fee of two hundred and fifty dollars (\$250.00).

(2)

The adoption facilitator may request a waiver of education and experience requirements by providing the following: (A) Proof of five years of work experience providing direct adoption services for a licensed adoption agency. (B) Three letters of support from any of the following: 1. A representative of a licensed public or private

adoption agency, or a county adoption agency. 2. A member of the Academy of California Adoption Lawyers. 3. The Department.

(A)

Proof of five years of work experience providing direct adoption services for a licensed adoption agency.

(B)

Three letters of support from any of the following: 1. A representative of a licensed public or private adoption agency, or a county adoption agency. 2. A member of the Academy of California Adoption Lawyers. 3. The Department.

1.

A representative of a licensed public or private adoption agency, or a county adoption agency.

2.

A member of the Academy of California Adoption Lawyers.

3.

The Department.

(3)

Evidence that the adoption facilitator has been found liable of malfeasance in connection with providing adoption services shall result in the denial of the request for waiver of education and adoption-related experience.

(4)

After the applicant has submitted all the requirements of subdivision (1), the Department shall issue an approval or disapproval in writing to the applicant. (A) "Approval" means the applicant has met all requirements, the application and live scan have been approved by the Department, and the applicant may operate as an adoption facilitator. (B) "Disapproval" means the applicant has not met all requirements and may not operate as an adoption facilitator.

(A)

"Approval" means the applicant has met all requirements, the application and live scan have been approved by the Department, and the applicant may operate as an adoption facilitator.

(B)

"Disapproval" means the applicant has not met all requirements and may not operate as an adoption facilitator.

(b)

After approval, an adoption facilitator will be added to the California Department of Social Services Adoption Facilitator Registry website.

(c)

Trainee Application Process (1) The following requirements must be met by the trainee, under an adoption facilitator, and all documentation listed must be submitted to the Department by the adoption facilitator: (A) A completed Adoption Facilitator Registry Trainee Application (AD 71). (B) A Request for Live Scan Services - Community Care Licensing (LIC 9163) completed by the trainee. (C) A Criminal Record Statement (AD 4337) completed and signed by the trainee. (2) After the adoption facilitator has submitted all the requirements for the trainee, the Department shall issue an approval or disapproval letter. (A) "Approval" means the applicant has met the requirements, the application and live scan has been approved, and the applicant may operate as a trainee. (B) "Disapproval" means the applicant has not met all requirements and may not operate as a trainee.

(1)

The following requirements must be met by the trainee, under an adoption facilitator, and all documentation listed must be submitted to the Department by the adoption facilitator: (A) A completed Adoption Facilitator Registry Trainee Application (AD 71).

(B) A Request for Live Scan Services - Community Care Licensing (LIC 9163) completed by the trainee. (C) A Criminal Record Statement (AD 4337) completed and signed by the trainee.

(A)

A completed Adoption Facilitator Registry Trainee Application (AD 71).

(B)

A Request for Live Scan Services - Community Care Licensing (LIC 9163) completed by the trainee.

(C)

A Criminal Record Statement (AD 4337) completed and signed by the trainee.

(2)

After the adoption facilitator has submitted all the requirements for the trainee, the Department shall issue an approval or disapproval letter. (A) "Approval" means the applicant has met the requirements, the application and live scan has been approved, and the applicant may operate as a trainee. (B) "Disapproval" means the applicant has not met all requirements and may not operate as a trainee.

(A)

"Approval" means the applicant has met the requirements, the application and live scan has been approved, and the applicant may operate as a trainee.

(B)

"Disapproval" means the applicant has not met all requirements and may not operate as a trainee.

(d)

Adoption Facilitators shall do all of the following: (1) Disclose they are not a licensed adoption agency to all birthparents and prospective adoptive parents in the first oral communication in which there is a description of services. (2) If the

facilitator is acting on behalf of more than one party, all of the parties on whose behalf the facilitator is acting shall have signed a written agreement authorizing the facilitator to act on behalf of all of the parties. (3) Provide the prospective adoptive parent with a written report of any information provided from the birthparents regarding a child being considered for adoption. (4) Provide a written contract, consistent with the requirements of Family Code section 8631, to the birthparents and/or prospective adoptive parent and explain the contract orally. (A) Any party may revoke the contract and, if a fee has been paid by the prospective adoptive parent, request return of the fee, within 72 hours after signing the contract or payment of the fee. (5) Report any fees collected to the court.

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Disclose they are not a licensed adoption agency to all birthparents and prospective adoptive parents in the first oral communication in which there is a description of services.

(2)

If the facilitator is acting on behalf of more than one party, all of the parties on whose behalf the facilitator is acting shall have signed a written agreement authorizing the facilitator to act on behalf of all of the parties.

(3)

Provide the prospective adoptive parent with a written report of any information provided from the birthparents regarding a child being considered for adoption.

(4)

Provide a written contract, consistent with the requirements of Family Code section 8631, to the birthparents and/or prospective adoptive parent and explain the contract orally. (A) Any party may revoke the contract and, if a fee has been paid by the

prospective adoptive parent, request return of the fee, within 72 hours after signing the contract or payment of the fee.

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Any party may revoke the contract and, if a fee has been paid by the prospective adoptive parent, request return of the fee, within 72 hours after signing the contract or payment of the fee.

(5)

Report any fees collected to the court.

(e)

Adoptions Facilitators shall not do any of the following: (1) Mislead an individual to believe the facilitator is a licensed adoption agency. (2) Represent to any person that they are able to provide services for which the adoption facilitator is not properly licensed. (3) Make use of photolisting to advertise minor children for placement in adoption. (4) Post in any advertising specific information about particular minor children who are available for adoption placement.

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Make use of photolisting to advertise minor children for placement in adoption.

(4)

Post in any advertising specific information about particular minor children who are available for adoption placement.

(f)

Adoption facilitators are required to submit annual renewal documentation and fees to the California Department of Social Services. (1) The adoption facilitator shall submit the annual fee of two hundred and fifty dollars (\$250.00), proof of a current surety bond (AD 73) and proof of a valid business license. (2) Failure to submit the requirements in (1) shall result in the adoption facilitator being removed from the California Department of Social Services Registry of California Adoption Facilitators.

(1)

The adoption facilitator shall submit the annual fee of two hundred and fifty dollars (\$250.00), proof of a current surety bond (AD 73) and proof of a valid business license.

(2)

Failure to submit the requirements in (1) shall result in the adoption facilitator being removed from the California Department of Social Services Registry of California Adoption Facilitators.

(g)

Surety Bond (AD 73)(1) The adoption facilitator shall post a surety bond (AD 73) in the amount of twenty-five thousand dollars (\$25,000) payable to the people of the State of California and maintain an up-to-date and active surety bond with the Department of Social Services at all times. (2) Failure to maintain the surety bond shall result in the removal from the California Department of Social Services Registry of California Adoption Facilitators. (3) The Department shall return the facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid surety bond is submitted and all other requirements continue to be met.

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thousand dollars (\$25,000) payable to the people of the State of California and maintain an up-to-date and active surety bond with the Department of Social Services at all times.

(2)

Failure to maintain the surety bond shall result in the removal from the California Department of Social Services Registry of California Adoption Facilitators.

(3)

The Department shall return the facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid surety bond is submitted and all other requirements continue to be met.

(h)

Business License (1) The adoption facilitator shall maintain a current and active business license with the appropriate jurisdiction in the State of California at all times and submit a current copy of the license to the Department of Social Services. (2) Failure to maintain the business license shall result in the removal from the California Department of Social Services Registry of California Adoption Facilitators. (3) The Department shall return the adoption facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid business license is submitted and all other requirements continue to be met.

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The adoption facilitator shall maintain a current and active business license with the appropriate jurisdiction in the State of California at all times and submit a current copy of the license to the Department of Social Services.

(2)

Failure to maintain the business license shall result in the removal from the California

Department of Social Services Registry of California Adoption Facilitators.

(3)

The Department shall return the adoption facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid business license is submitted and all other requirements continue to be met.

(i)

Violation by Adoption Facilitator (1) An individual or agency operating as an adoption facilitator without having met the provisions of this section is subject to an immediate civil penalty in the amount of \$100 per day of the violation.

(1)

An individual or agency operating as an adoption facilitator without having met the provisions of this section is subject to an immediate civil penalty in the amount of \$100 per day of the violation.

(j)

Complaint Against Adoption Facilitators(1) A complaint may be filed by any person against an adoption facilitator by submitting the Adoption Facilitators Complaint Form (AD 72) to the Department of Social Services. The Department shall: (A) Review the complaint. (B) Forward a copy of the complaint to the adoption facilitator for response by the facilitator. (2) The adoption facilitator may respond to the complaint within 30 days in writing to the Department of Social Services. (A) The Department shall provide the adoption facilitator's response to the complainant. (3) If the Department is unable to resolve the complaint between the parties, the Department shall notify the complainant of the availability of the availability of alternative remedies pursuant to Family Code section 8638.

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(A)

Review the complaint.

(B)

Forward a copy of the complaint to the adoption facilitator for response by the facilitator.

(2)

The adoption facilitator may respond to the complaint within 30 days in writing to the Department of Social Services. (A) The Department shall provide the adoption facilitator's response to the complainant.

(A)

The Department shall provide the adoption facilitator's response to the complainant.

(3)

If the Department is unable to resolve the complaint between the parties, the Department shall notify the complainant of the availability of the availability of alternative remedies pursuant to Family Code section 8638.