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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 4@ Procedures for Independent Adoptions

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Article 3.1@ Freeing a Child for Adoption

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Section 35108@ Freeing a Child for Adoption

## 35108 Freeing a Child for Adoption

(a)

(Reserved)

(b)

The parent who places his or her child for adoption shall sign an adoption placement agreement.

(c)

The parent shall sign a consent when the prospective adoptive parent is a relative as described at Family Code Section 8802(a)(1)(A).

(d)

The agency shall ask the birth mother to identify any possible fathers of the child and to provide information regarding their whereabouts. (1) The agency shall attempt to contact all identified fathers and interview them. (A) The agency shall obtain information about an identified father's family background, social history, and any medical information regarding his hereditary and genetic diseases or disabilities, if any, and shall complete the AD 67.

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**(e)**

The child's presumed father may sign either the adoption placement agreement if he and the birth mother are placing the child for adoption or a consent form if he is not placing the child for adoption but agrees to the adoptive placement. (3) A man who completes a voluntary declaration of paternity pursuant to Family Code Sections 7573 and 7574 or is identified on the child's birth certificate after January 1, 1997 is considered to be a presumed father and his parental rights to the child shall be terminated as those of a presumed father. (4) A conclusively presumed father is defined at Family Code Sections 7540, 7541, and 7576. (5) A man is rebuttably presumed to be the natural father of the child if he meets the criteria at Family Code Section 7577 or any of the criteria of Family Code Section 7611.

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A man who completes a voluntary declaration of paternity pursuant to Family Code Sections 7573 and 7574 or is identified on the child's birth certificate after January 1, 1997 is considered to be a presumed father and his parental rights to the child shall be terminated as those of a presumed father.

**(4)**

A conclusively presumed father is defined at Family Code Sections 7540, 7541, and 7576.

**(5)**

A man is rebuttably presumed to be the natural father of the child if he meets the criteria at Family Code Section 7577 or any of the criteria of Family Code Section 7611.

**(f)**

If the child's presumed father does not sign an adoption placement agreement or a consent form, the agency shall request the petitioners or their attorney to make arrangements to have his parental rights terminated.

**(g)**

If the birth mother is unable to identify the child's alleged natural father or determine his whereabouts, the agency shall request the petitioners or their attorney to make arrangements to terminate the parental rights of the alleged natural father pursuant to Family Code Section 7662.

**(h)**

The agency shall request the petitioners or their attorney to serve a written notice on any identified alleged natural father, alleging him to be the father of a child to be adopted and informing him that he may: (1) Before the birth of the child, (A) Waive further notice of the adoption proceeding by signing an AD 590, or (B) Deny paternity by signing an AD 588. (2) After the birth of the child, (A) Waive further notice of the adoption proceeding by signing an AD 590, or (B) Deny paternity by signing an AD 588, or (C) Consent to the adoption by signing an AD 594, or (D) Refuse to consent to the adoption by signing an AD 20B, or (E) Complete Item 1 on the JV-505, or (F) File a petition to establish his paternity of the child.

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After the birth of the child, (A) Waive further notice of the adoption proceeding by signing an AD 590, or (B) Deny paternity by signing an AD 588, or (C) Consent to the adoption by signing an AD 594, or (D) Refuse to consent to the adoption by signing an AD 20B, or (E) Complete Item 1 on the JV-505, or (F) File a petition to establish his paternity of the child.

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Waive further notice of the adoption proceeding by signing an AD 590, or

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Consent to the adoption by signing an AD 594, or

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Refuse to consent to the adoption by signing an AD 20B, or

**(E)**

Complete Item 1 on the JV-505, or

**(F)**

File a petition to establish his paternity of the child.

**(i)**

The agency shall state in its report to the court whether all legal relationships that exist between the child and his or her parents have been properly addressed.