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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

## **35122 Revocation of Consent and Waiver of Right to**

Article 4@ Accepting Consent

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Section 35122@ Revocation of Consent and Waiver of Right to Revoke Consent

### **Revoke Consent**

#### **(a)**

Revocation of a consent to adoption, including an adoption placement agreement, and waiver of the right to revoke consent are governed by Family Code Sections 8801.7, 8814.5, and 8815. (1) (Reserved) (2) (Reserved) (3) (Reserved)

##### **(1)**

(Reserved)

##### **(2)**

(Reserved)

##### **(3)**

(Reserved)

#### **(b)**

The following additional procedures shall be followed if the birth parent wishes to revoke consent: (1) The written statement to revoke consent may be made on the AD 928 form or by any other written statement. (2) If requested, the agency shall assist the birth mother or presumed father in obtaining the return of the child if such assistance is not being given by an adoption service provider. (3) The agency shall inform the alleged natural father who revokes his consent that he must take court action to establish the father and child relationship before seeking return of the child and that he has the right to seek legal counsel.

**(1)**

The written statement to revoke consent may be made on the AD 928 form or by any other written statement.

**(2)**

If requested, the agency shall assist the birth mother or presumed father in obtaining the return of the child if such assistance is not being given by an adoption service provider.

**(3)**

The agency shall inform the alleged natural father who revokes his consent that he must take court action to establish the father and child relationship before seeking return of the child and that he has the right to seek legal counsel.

**(c)**

The following additional procedures shall be followed if the birth parent wishes to waive his or her right to revoke consent: (1) The interview(s) with the birth parent shall include the material required by Section 35095. (2) The waiver of the right to revoke consent shall be made on the AD 929. (3) A birth parent who did not place the child for adoption as described in Section 35094.2 and who signs a consent to adoption may sign a waiver of right to revoke consent at the same time he or she signs the consent to adoption. (4) A parent of an Indian child may not waive his or her right to revoke consent.

**(1)**

The interview(s) with the birth parent shall include the material required by Section 35095.

**(2)**

The waiver of the right to revoke consent shall be made on the AD 929.

**(3)**

A birth parent who did not place the child for adoption as described in Section 35094.2 and who signs a consent to adoption may sign a waiver of right to revoke consent at the same time he or she signs the consent to adoption.

**(4)**

A parent of an Indian child may not waive his or her right to revoke consent.