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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

35111 Procedures for Accepting Out-of-State Consents

Article 4@ Accepting Consent

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Section 35111@ Procedures for Accepting Out-of-State Consents Not Initiated by the Agency

Not Initiated by the Agency

(a)

(Reserved)

(b)

If a parent is in another state and the request for consent was not initiated by the agency, the consent shall be accepted when the following conditions are met:

(1) The consent is notarized in accordance with Family Code Section 8814(c). (A)

(Reserved) (2) The consent is properly completed on a form which contains the same content as the form prescribed by the Department in accordance with

Family Code Section 8814(a). (A) (Reserved) (3) When the child is not subject to

the Indian Child Welfare Act, the following consent documents shall be used for

taking the out-of-state consent of:(A) A mother or presumed father not denying

paternity: AD 1C. (B) A mother or presumed father not denying paternity and in

the armed forces: AD 1F. (C) A presumed father denying paternity: AD 166. (D) An

alleged father not denying paternity in the armed forces: AD 842. (E) An alleged

father not denying paternity: AD 594. (F) An alleged father denying paternity: AD

588. (G) An alleged father waiving right to further notice: AD 590. (4) When the

child is subject to the Indian Child Welfare Act, the following consent documents

shall be used for taking the out-of-state consent of:(A) A mother or presumed

father not denying paternity: AD 859. (B) A presumed father denying paternity: AD

860. (C) An alleged father not denying paternity: AD 861. (5) The parent has signed the Statement of Understanding form after having: (A) Affirmed his/ or her understanding of the consent process by reading and initialing each explanatory statement on the Statement of Understanding form. (6) The signature on the Statement of Understanding form has been notarized. (7) The Statement of Understanding for the parent whose child is not subject to the Indian Child Welfare Act (ICWA) is Section 35095.1 and the Statement of Understanding for the parent whose child is subject to the ICWA is Section 35095.2.

(1)

The consent is notarized in accordance with Family Code Section 8814(c). (A)

(Reserved)

(A)

(Reserved)

(2)

The consent is properly completed on a form which contains the same content as the form prescribed by the Department in accordance with Family Code Section 8814(a).

(A) (Reserved)

(A)

(Reserved)

(3)

When the child is not subject to the Indian Child Welfare Act, the following consent documents shall be used for taking the out-of-state consent of: (A) A mother or presumed father not denying paternity: AD 1C. (B) A mother or presumed father not denying paternity and in the armed forces: AD 1F. (C) A presumed father denying paternity: AD 166. (D) An alleged father not denying paternity in the armed forces: AD 842. (E) An alleged father not denying paternity: AD 594. (F) An alleged father

denying paternity: AD 588. (G) An alleged father waiving right to further notice: AD 590.

(A)

A mother or presumed father not denying paternity: AD 1C.

(B)

A mother or presumed father not denying paternity and in the armed forces: AD 1F.

(C)

A presumed father denying paternity: AD 166.

(D)

An alleged father not denying paternity in the armed forces: AD 842.

(E)

An alleged father not denying paternity: AD 594.

(F)

An alleged father denying paternity: AD 588.

(G)

An alleged father waiving right to further notice: AD 590.

(4)

When the child is subject to the Indian Child Welfare Act, the following consent documents shall be used for taking the out-of-state consent of: (A) A mother or presumed father not denying paternity: AD 859. (B) A presumed father denying paternity: AD 860. (C) An alleged father not denying paternity: AD 861.

(A)

A mother or presumed father not denying paternity: AD 859.

(B)

A presumed father denying paternity: AD 860.

(C)

An alleged father not denying paternity: AD 861.

(5)

The parent has signed the Statement of Understanding form after having: (A) Affirmed his/ or her understanding of the consent process by reading and initialing each explanatory statement on the Statement of Understanding form.

(A)

Affirmed his/ or her understanding of the consent process by reading and initialing each explanatory statement on the Statement of Understanding form.

(6)

The signature on the Statement of Understanding form has been notarized.

(7)

The Statement of Understanding for the parent whose child is not subject to the Indian Child Welfare Act (ICWA) is Section 35095.1 and the Statement of Understanding for the parent whose child is subject to the ICWA is Section 35095.2.