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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 6@ Procedures in Denials and Commitments

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Section 35126@ Denial or Dismissal of Adoption Petition

35126 Denial or Dismissal of Adoption Petition

(a)**(Reserved)****(b)**

When the agency recommends denial or dismissal of the adoption petition, the agency shall submit a report to the court recommending denial of the petition.

(1) If the petitioners wish to have the child remain in the home of the petitioners, the agency shall: (A) Refer the petitioners to the appropriate agency for foster

care licensure as required by Health and Safety Code section 1500 et seq. (B)

Discuss with the petitioners and the birth parents the possibility and desirability of securing legal guardianship of the child. (2) If the agency believes that return of

the child to the parent would place the child in danger of cruelty, neglect, abuse, or depravity, the agency shall make a referral to the county child welfare unit as required by Penal Code section 11166. (3) In cases in which the agency

recommends that the child be committed to the agency, the agency shall

recommend to the court a plan for committing the child to the agency. (A) The

agency shall develop a plan and report to the court as soon as it is determined

that commitment to the agency will be recommended. (B) The agency's

responsibility for the child shall be the same as for any other child accepted for

assessment and adoptive planning. (C) Temporary and permanent plans developed

by the agency shall require prior approval by the department. (D) Commitment of

the child to the agency shall continue until the court terminates the commitment order. (E) (Reserved)

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If the petitioners wish to have the child remain in the home of the petitioners, the agency shall: (A) Refer the petitioners to the appropriate agency for foster care licensure as required by Health and Safety Code section 1500 et seq. (B) Discuss with the petitioners and the birth parents the possibility and desirability of securing legal guardianship of the child.

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(B)

Discuss with the petitioners and the birth parents the possibility and desirability of securing legal guardianship of the child.

(2)

If the agency believes that return of the child to the parent would place the child in danger of cruelty, neglect, abuse, or depravity, the agency shall make a referral to the county child welfare unit as required by Penal Code section 11166.

(3)

In cases in which the agency recommends that the child be committed to the agency, the agency shall recommend to the court a plan for committing the child to the agency.

(A) The agency shall develop a plan and report to the court as soon as it is determined that commitment to the agency will be recommended. (B) The agency's responsibility for the child shall be the same as for any other child accepted for assessment and adoptive planning. (C) Temporary and permanent plans developed by the agency shall require prior approval by the department. (D) Commitment of the child

to the agency shall continue until the court terminates the commitment order. (E)

(Reserved)

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The agency shall develop a plan and report to the court as soon as it is determined that commitment to the agency will be recommended.

(B)

The agency's responsibility for the child shall be the same as for any other child accepted for assessment and adoptive planning.

(C)

Temporary and permanent plans developed by the agency shall require prior approval by the department.

(D)

Commitment of the child to the agency shall continue until the court terminates the commitment order.

(E)

(Reserved)