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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 5@ Procedures for Agency Adoptions

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Article 3@ Services for the Birth Parents

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Section 35129@ Services for the Birth Parent

35129 Services for the Birth Parent

Before accepting a relinquishment of a child for adoption from a parent who is physically present in California, the agency shall: (1) Advise the parent regarding his or her rights and alternatives to relinquishment of the child. (A) If the child is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.1. (B) If the child is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.2. (2) Provide counseling that, at a minimum, is intended to assist the parent to: (A) Understand his or her feelings regarding relinquishing the child for adoption and the long range implications of relinquishing the child for adoption, and (B) Freely make his or her choice regarding relinquishing the child to the agency for adoption. 1. If the parent elects to relinquish the child, the agency shall also provide counseling to assist the parent in deciding: a. Whether the parent wishes to complete a standard or designated relinquishment, and b. Whether the parent elects to participate in a post-adoption contact agreement and, if so, the conditions the parent would like to include in the agreement. (3) Obtain the parent's authorization on the AD 100 for the release of information as specified in Section 35129.3(d). (4) Assist the parent to provide medical and social background information. (A) The mother shall be assisted in completing the AD 67

about herself and, if the father is not being interviewed, the AD 67A about the father. (B) The presumed or alleged natural father who indicates that he is or might be the child's father shall be assisted in completing the AD 67A about himself and, if the mother is not being interviewed, the AD 67 about the mother. (5) Obtain and verify all information necessary to identify the child's mother, any presumed father(s), and any alleged natural father(s). (A) The adoption agency shall emphasize the importance of, and explain the possible repercussions of, not accurately identifying other possible parents including: 1. The mother or presumed father who was not identified may claim and be able to take custody of the child after the child has been placed for adoption. This experience is very traumatic for the child and the prospective adoptive parents. 2. Because it is not possible to obtain medical history and other background information from unidentified parents, the child and his or her adoptive parents will be deprived of crucial information which may be relevant to future decisions regarding the child's health and well-being. (B) The agency shall ask of the mother and any other appropriate person as to whether: 1. A judgment of paternity already exists. 2. The mother was married at the time of conception of the child or at any time thereafter. 3. The mother was cohabiting with a man at the time of conception or birth of the child. 4. The mother has received support payments or promises of support with respect to the child or in connection with her pregnancy. 5. Any man has formally or informally acknowledged or declared his possible paternity of the child. 6. Paternity tests have been administered and the results, if any. (D) The agency shall report the results of such inquiry to the court in its final report to the court and in any report concerning the termination of the parental rights of a presumed or alleged natural father.

(1)

Advise the parent regarding his or her rights and alternatives to relinquishment of the child. (A) If the child is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.1. (B) If the child is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.2.

(A)

If the child is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.1.

(B)

If the child is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, the parent shall be advised as specified at Section 35129.2.

(2)

Provide counseling that, at a minimum, is intended to assist the parent to: (A) Understand his or her feelings regarding relinquishing the child for adoption and the long range implications of relinquishing the child for adoption, and (B) Freely make his or her choice regarding relinquishing the child to the agency for adoption. 1. If the parent elects to relinquish the child, the agency shall also provide counseling to assist the parent in deciding: a. Whether the parent wishes to complete a standard or designated relinquishment, and b. Whether the parent elects to participate in a post-adoption contact agreement and, if so, the conditions the parent would like to include in the agreement.

(A)

Understand his or her feelings regarding relinquishing the child for adoption and the long range implications of relinquishing the child for adoption, and

(B)

Freely make his or her choice regarding relinquishing the child to the agency for adoption.

1. If the parent elects to relinquish the child, the agency shall also provide counseling to assist the parent in deciding: a. Whether the parent wishes to complete a standard or designated relinquishment, and b. Whether the parent elects to participate in a post-adoption contact agreement and, if so, the conditions the parent would like to include in the agreement.

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a.

Whether the parent wishes to complete a standard or designated relinquishment, and

b.

Whether the parent elects to participate in a post-adoption contact agreement and, if so, the conditions the parent would like to include in the agreement.

(3)

Obtain the parent's authorization on the AD 100 for the release of information as specified in Section 35129.3(d).

(4)

Assist the parent to provide medical and social background information. (A) The mother shall be assisted in completing the AD 67 about herself and, if the father is not being interviewed, the AD 67A about the father. (B) The presumed or alleged natural father who indicates that he is or might be the child's father shall be assisted in completing the AD 67A about himself and, if the mother is not being interviewed, the AD 67 about the mother.

(A)

The mother shall be assisted in completing the AD 67 about herself and, if the father is not being interviewed, the AD 67A about the father.

(B)

The presumed or alleged natural father who indicates that he is or might be the child's father shall be assisted in completing the AD 67A about himself and, if the mother is not being interviewed, the AD 67 about the mother.

(5)

Obtain and verify all information necessary to identify the child's mother, any presumed father(s), and any alleged natural father(s). (A) The adoption agency shall emphasize the importance of, and explain the possible repercussions of, not accurately identifying other possible parents including:

1. The mother or presumed father who was not identified may claim and be able to take custody of the child after the child has been placed for adoption. This experience is very traumatic for the child and the prospective adoptive parents.
2. Because it is not possible to obtain medical history and other background information from unidentified parents, the child and his or her adoptive parents will be deprived of crucial information which may be relevant to future decisions regarding the child's health and well-being.

(B) The agency shall ask of the mother and any other appropriate person as to whether:

1. A judgment of paternity already exists.
2. The mother was married at the time of conception of the child or at any time thereafter.
3. The mother was cohabiting with a man at the time of conception or birth of the child.
4. The mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.
5. Any man has formally or informally acknowledged or declared his possible paternity of the child.
6. Paternity tests have been administered and the results, if any.

(D) The agency shall report the results of such inquiry to the court in its final report to the court

and in any report concerning the termination of the parental rights of a presumed or alleged natural father.

(A)

The adoption agency shall emphasize the importance of, and explain the possible repercussions of, not accurately identifying other possible parents including: 1. The mother or presumed father who was not identified may claim and be able to take custody of the child after the child has been placed for adoption. This experience is very traumatic for the child and the prospective adoptive parents. 2. Because it is not possible to obtain medical history and other background information from unidentified parents, the child and his or her adoptive parents will be deprived of crucial information which may be relevant to future decisions regarding the child's health and well-being.

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The mother or presumed father who was not identified may claim and be able to take custody of the child after the child has been placed for adoption. This experience is very traumatic for the child and the prospective adoptive parents.

2.

Because it is not possible to obtain medical history and other background information from unidentified parents, the child and his or her adoptive parents will be deprived of crucial information which may be relevant to future decisions regarding the child's health and well-being.

(B)

The agency shall ask of the mother and any other appropriate person as to whether: 1. A judgment of paternity already exists. 2. The mother was married at the time of conception of the child or at any time thereafter. 3. The mother was cohabiting with a man at the time of conception or birth of the child. 4. The mother has received support payments or promises of support with respect to the child or in connection with her pregnancy. 5. Any man has formally or informally acknowledged or declared his possible paternity of the child. 6.

Paternity tests have been administered and the results, if any.

1.

A judgment of paternity already exists.

2.

The mother was married at the time of conception of the child or at any time thereafter.

3.

The mother was cohabiting with a man at the time of conception or birth of the child.

4.

The mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

5.

Any man has formally or informally acknowledged or declared his possible paternity of the child.

6.

Paternity tests have been administered and the results, if any.

(D)

The agency shall report the results of such inquiry to the court in its final report to the court and in any report concerning the termination of the parental rights of a presumed or alleged natural father.

(b)

Before accepting a relinquishment of a child for adoption from a parent and child who are not physically present in California, the agency shall provide the same counseling and advisement outlined in 35149(a)(2)(C), as if the parent resided in California.

(c)

The agency shall attempt to provide the services required by Section 35129(a) to any other person identified as a possible parent of the child. (1) If the

relinquishing parent is not physically present in California, the agency shall attempt to provide the services required by Section 35129(a) by telephone and/or with the assistance of an adoption agency in the state or country where the relinquishing parent is physically present.

(1)

If the relinquishing parent is not physically present in California, the agency shall attempt to provide the services required by Section 35129(a) by telephone and/or with the assistance of an adoption agency in the state or country where the relinquishing parent is physically present.

(d)

After accepting a relinquishment, the agency shall provide additional counseling and referral services to the relinquishing parent as needed.