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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 4@ Prerequisites to Accepting a Relinquishment

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Section 35135@ Agency Determinations Before Accepting a Relinquishment

35135 Agency Determinations Before Accepting a Relinquishment

(a)

Before accepting the parent's relinquishment of a child for adoption, the agency shall determine and document in the case record: (1) That the parent has chosen the plan of adoption for the child and freely chooses to relinquish the child. (2) That the agency is able to place the child for adoption. (3) Whether the child is subject to the provisions of the ICWA. (A) If the child is subject to the provisions of the ICWA, the agency shall inform the parents of the provisions of the ICWA as set forth in Subchapter 8. (B) (Reserved) (4) That the parent has received required services and advisement as appropriate to the category of parents as described in Sections 35129, 35129.1, 35129.2, and 35129.3. (5) That the parent has the ability to understand the content, nature and effect of signing the relinquishment. (A) If the agency representative's observation or knowledge of the parent's history or current condition indicates that the parent may not have the ability to understand the content, nature, and effect of signing the relinquishment, the agency representative shall refer the parent to a licensed physician or to a licensed clinical psychologist for an evaluation of the parent's ability to understand prior to accepting the parent's signature on the relinquishment. 1. An evaluation shall be required in at least the following circumstances: a. The parent is receiving SSI/SSP for mental illness or

developmental disability. b. The parent has received psychiatric treatment and/or medication for mental illness or disease within the past two years. 2. The agency shall obtain a written authorization from the parent for release of the evaluation.

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(2)

That the agency is able to place the child for adoption.

(3)

Whether the child is subject to the provisions of the ICWA. (A) If the child is subject to the provisions of the ICWA, the agency shall inform the parents of the provisions of the ICWA as set forth in Subchapter 8. (B) (Reserved)

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(B)

(Reserved)

(4)

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(5)

That the parent has the ability to understand the content, nature and effect of signing the relinquishment. (A) If the agency representative's observation or knowledge of the parent's history or current condition indicates that the parent may not have the ability to understand the content, nature, and effect of signing the relinquishment, the

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2.

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