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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 5@ Accepting the Relinquishment

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(a) Section 35149@ Accepting the Relinquishment Document

35149 Accepting the Relinquishment Document

The agency shall accept the parent's relinquishment document as follows: (1) For parents of children who come within the provisions of the ICWA, additional requirements shall be followed in accordance with Subchapter 8, Articles 4 and 5. (A) (Reserved) (B) In requests for out-of-state relinquishments of Indian children, the agency shall include instructions to accept the relinquishment in accordance with the requirements of the ICWA. (2) The relinquishment document shall be signed: (A) After the Statement of Understanding has been signed pursuant to Section 35149. (B) In the presence of the agency representative and two witnesses if signed in California. 1. The witnesses shall be at least 18 years of age. (C) Pursuant to the provisions of Family Code section 8700(c) and (d) if the parent is not physically present in California. 1. If the parent and child are not physically present in California, the relinquishment shall be signed in the presence of a representative of an agency licensed or approved to provide adoption services under the laws of the relinquishing parent's state of residence, if possible, or before a licensed social worker on a form prescribed by the department and previously signed by an authorized official of the agency. 2. If the child is in California but the parent is not physically present in California, the relinquishment may be signed before a notary on a form prescribed by the department, and previously signed by an authorized official by the agency. 3. The use of a reader

or translator by the out-of-state agency should be verified by the out-of-state agency. (D) Pursuant to the provisions of Civil Code Section 1183, if signed outside of the United States. (3) At the time the relinquishment document for adoption is signed, the agency shall: (A) Request the parent to read and sign the AD 908 pursuant to Family Code Section 8702. (B) Advise the parent of the provisions of Family Code Section 8701. (C) Accept the relinquishment by signing the acknowledgment portion of the relinquishment document. (D) Give the parent a copy of the completed relinquishment document.

(1)

For parents of children who come within the provisions of the ICWA, additional requirements shall be followed in accordance with Subchapter 8, Articles 4 and 5. (A) (Reserved) (B) In requests for out-of-state relinquishments of Indian children, the agency shall include instructions to accept the relinquishment in accordance with the requirements of the ICWA.

(A)

(Reserved)

(B)

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(2)

The relinquishment document shall be signed: (A) After the Statement of Understanding has been signed pursuant to Section 35149. (B) In the presence of the agency representative and two witnesses if signed in California. 1. The witnesses shall be at least 18 years of age. (C) Pursuant to the provisions of Family Code section 8700(c) and (d) if the parent is not physically present in California. 1. If the parent and child are not physically present in California, the relinquishment shall be signed in the

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If the child is in California but the parent is not physically present in California, the relinquishment may be signed before a notary on a form prescribed by the department, and previously signed by an authorized official by the agency.

3.

The use of a reader or translator by the out-of-state agency should be verified by the out-of-state agency.

(D)

Pursuant to the provisions of Civil Code Section 1183, if signed outside of the United States.

(3)

At the time the relinquishment document for adoption is signed, the agency shall: (A) Request the parent to read and sign the AD 908 pursuant to Family Code Section 8702. (B) Advise the parent of the provisions of Family Code Section 8701. (C) Accept the relinquishment by signing the acknowledgment portion of the relinquishment document. (D) Give the parent a copy of the completed relinquishment document.

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Request the parent to read and sign the AD 908 pursuant to Family Code Section 8702.

(B)

Advise the parent of the provisions of Family Code Section 8701.

(C)

Accept the relinquishment by signing the acknowledgment portion of the relinquishment document.

(D)

Give the parent a copy of the completed relinquishment document.