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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

35152.1 Statement of Understanding for the Parent

Article 6@ Accepting the Statement of Understanding

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Section 35152.1@ **Statement of Understanding for the Parent Whose Child is Not Subject to the ICWA**

(a)

(Reserved)

(b)

In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following: (1) For a mother or a presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of legal guardian: (A) (Reserved) (B) The parent has the right to seek legal counsel to assist in the relinquishment process and the agency can refer the parent to public legal assistance in the community. (C) The agency shall tell the parent its plan for the adoption of the child. (D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends. (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) The parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters if uncertain about relinquishing the child. 1. The agency will make a referral to the appropriate resource. (H) The parent has considered the reasons for relinquishing

or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g) and (h) of Family Code section 8700. (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (K) The parent who chooses not to relinquish the child may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them, and consenting to their adoption of the child. (L) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child. (M) Relinquishment terminates the parent's responsibility for the care of the child. (N) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family. (O) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department and the agency will return the child to his or her custody. 1. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days. 2. The rights and responsibilities as the child's parent continue unless terminated by other legal action. 3. If return of the

child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency. a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency. (P) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(1)(l)2., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision. 2. If the decision is to rescind, the rights and responsibilities as the child's parent continue unless terminated by other legal action. a. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days. (Q) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5.

1. The waiver may be signed in the presence of any of the following: a. A representative of the department, delegated county authority or public adoption agency of another state after the completion of an interview. If the waiver is signed in front of the department, the relinquishment shall become final and irrevocable. b. A judicial officer of a court of record of any state if the birth parent is represented by independent counsel. The judicial officer must interview and witness the signing of the waiver. Once the waiver is signed by the judicial officer, the relinquishment becomes final and irrevocable. c. An authorized representative of a licensed adoption agency within or outside of the state if the interview is conducted by the independent legal counsel for the birth parent. Once signed, the relinquishment shall become final and irrevocable at the close of the next

business day after the relinquishment was signed, or at the close of the next business day after the expiration of any holding period specified in writing; whichever is later. The interview conducted by the independent council must include the following:

- i. Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver.
- ii. Sign and deliver to the birth parent and licensed adoption agency a certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10 business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition."

2. The licensed adoption agency shall submit the waiver and certificate to the department with the relinquishment, unless the relinquishment was already submitted to the department prior to the waiver, in which case the waiver and certificate shall be submitted to the department no later than two business days after the signing.

3. A waiver executed pursuant to Family Code section 8700.5 shall be void if any of the following occur:

- a. The relinquishment is determined to be invalid.
- b. The relinquishment is revoked during any holding period specified in writing.
- c. The

relinquishment is rescinded pursuant to Family Code section 8700. (R) If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section 8700(i). (S) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (T) After the child has been legally adopted, the agency may not return the child to the parent. (U) The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the

agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (V) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (W) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (X) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (Y) The AD 885 is the Statement of Understanding for a mother or presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA. (2) For an alleged father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (A) (Reserved) (B) He has the right to seek legal counsel to assist him in the relinquishment process and the agency can refer him to public legal assistance in the community. (C) He has been told why he is considered to be the alleged natural father of the child and he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition to establish the father and child relationship. (D) The agency shall tell him its plan for the adoption of the child. (E) He may talk about the plan to relinquish the child with other professionals and with family and friends. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) When he relinquishes a child, he gives up the care,

custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) The relinquishment terminates his rights to the custody, services, and earnings of the child. (K) Relinquishment terminates his responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family. (M) If he does not relinquish the child to the adoption agency, the agency may petition the court to terminate his parental rights. 1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community. (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action. (O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(2)(H)(2)., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the

decision is to rescind, he will have to establish the father and child relationship in court if he wishes to parent the child. (P) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (Q) If the child is a dependent of the juvenile court or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section 8700(i). (R) The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted. (S) After the child has been legally adopted, the agency may not return the child. (T) The agency may not release any identifying information about him unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parents of an adopted person

under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (V) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (X) He may take court action to establish the father and child relationship and request the right to physical custody of the child.¹ He has the right to seek legal counsel to assist in establishing the father and child relationship and in obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community. (Y) If he is successful in establishing the father and child relationship and obtaining the right to physical custody of the child, he may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 1. The agency will make a referral to the appropriate resource. (Z) If he establishes the father and child relationship in court and obtains the right to physical custody of the child and chooses not to relinquish the child to the agency he may arrange for the child's adoption independently by choosing adoptive parents, placing the child with them and consenting to their adoption of the child. (AA) If he has established the father and child relationship and has been granted the right to physical custody of the child in court, the agency shall give him the child pursuant to the court order. 1.

Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days. 2. If the return of the child will place the child in imminent danger of neglect, cruelty, depravity, or physical abuse the agency shall make an immediate referral to the county's children's protective services. a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency. (BB) The AD 885C is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA. (3) For a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (A) (Reserved) (B) The parent has the right to seek legal counsel to assist in the relinquishment process from the attorney representing him or her in the dependency case. (C) The agency shall tell the parent its plan for the adoption of the child. (D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends. (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the

parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child. (K) Relinquishment terminates the parent's responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family. (M) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department.

1. The rights and responsibilities as the child's parent continue unless terminated by other legal action.
2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.

- a. The agency shall immediately notify the county welfare department.

(N) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(3)(H)2., may be rescinded only if the agency agrees.

1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision.
2. If the decision is to rescind, the child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect.

- a. The agency shall immediately notify the county welfare department.

(O) A

relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (P) The agency is required to follow the notice requirements of Family Code section 8700(i). (Q) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (R) After the child has been legally adopted, the agency may not return the child to the parent. (S) The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identify of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a

necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (T) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (U) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (V) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (W) If the parent does not want his or her child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his or her attorney regarding steps to take to regain custody of the child. 1. If the parent is successful in regaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption. (X) If the child is living with a legal guardian and the parent does not have an attorney appointed by the juvenile court, the adoption agency shall refer the parent to public assistance in the community. (Y) If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency shall refer the parent to community services which may assist him or her with financial, employment, educational, housing, temporary child care and health care needs. (Z) The AD 885A is the Statement of Understanding for a mother or presumed father of the child who is detained, a juvenile court dependent in

out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA. (4) For an alleged father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (B) He has the right to seek legal counsel to assist him in the relinquishment process.

1. If he has a court appointed attorney representing him in the juvenile court proceedings, that attorney may be able to assist him in the relinquishment process. 2. If he does not have attorney representation, the agency can refer him to public legal assistance in the community. (C) He has been told why he is considered to be the alleged natural father of the child and that he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition in the juvenile court to establish the father and child relationship. (D) The agency shall tell him its plan for the adoption of the child. (E) He may talk about the plan to relinquish the child with other professionals and with family and friends. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit

continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) Relinquishment terminates his rights to the custody, services, and earnings of the child. (K) Relinquishment terminates his responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his adoptive family. (M) If he does not relinquish the child to the adoption agency, the juvenile court may terminate his parental rights. 1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community. (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action. 2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department. (O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(4)(H)2., may be rescinded only if the agency agrees. 1. If the decision is not to rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the decision is to rescind, he will have to establish the father and child relationship in juvenile court if he wishes to parent the child. a. The agency shall immediately notify the county welfare department. (P) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (Q) The agency is required to follow the notice requirements of Family Code section 8700(i). (R) The

agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted. (S) After the child has been legally adopted, the agency may not return the child. (T) The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (V) Within five years of the

granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (X) If he does not want his child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his attorney regarding steps to take to regain custody of the child. 1. If he is successful in gaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has gained custody of a child who is a dependent of the court may, after gaining custody, voluntarily place the child for an agency or an independent adoption. 3. If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs. (Y) The AD 885D is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(1)

For a mother or a presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of legal guardian: (A) (Reserved) (B) The parent has the right to seek legal counsel to assist in the relinquishment process and the agency can refer the parent to public legal assistance in the community. (C) The

agency shall tell the parent its plan for the adoption of the child. (D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends. (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) The parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters if uncertain about relinquishing the child. 1. The agency will make a referral to the appropriate resource. (H) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g) and (h) of Family Code section 8700. (J) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (K) The parent who chooses not to relinquish the child may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them, and consenting to their adoption of the child. (L) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child. (M) Relinquishment terminates the parent's responsibility for the care of the child. (N) Adoption terminates

any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family. (O) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department and the agency will return the child to his or her custody. 1. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days. 2. The rights and responsibilities as the child's parent continue unless terminated by other legal action. 3. If return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency. a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency. (P) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(1)(I)2., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision. 2. If the decision is to rescind, the rights and responsibilities as the child's parent continue unless terminated by other legal action. a. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days. (Q) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. 1. The waiver may be signed in the presence of any of the following: a. A representative of the department, delegated county authority or public adoption agency of another state after the completion of an interview. If the waiver is signed in front of the department, the relinquishment shall become final and irrevocable. b. A judicial officer of a court of record of any state if

the birth parent is represented by independent counsel. The judicial officer must interview and witness the signing of the waiver. Once the waiver is signed by the judicial officer, the relinquishment becomes final and irrevocable. c. An authorized representative of a licensed adoption agency within or outside of the state if the interview is conducted by the independent legal counsel for the birth parent. Once signed, the relinquishment shall become final and irrevocable at the close of the next business day after the relinquishment was signed, or at the close of the next business day after the expiration of any holding period specified in writing; whichever is later. The interview conducted by the independent council must include the following:

- i. Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver.
- ii. Sign and deliver to the birth parent and licensed adoption agency a certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10 business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition."

2. The licensed adoption agency shall submit the waiver and certificate to the department with the relinquishment, unless the relinquishment was already submitted to the department prior to the waiver, in which case the waiver and certificate shall be

submitted to the department no later than two business days after the signing. 3. A waiver executed pursuant to Family Code section 8700.5 shall be void if any of the following occur: a. The relinquishment is determined to be invalid. b. The relinquishment is revoked during any holding period specified in writing. c. The relinquishment is rescinded pursuant to Family Code section 8700. (R) If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section 8700(i). (S) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (T) After the child has been legally adopted, the agency may not return the child to the parent. (U) The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5.

The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (V) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (W) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (X) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (Y) The AD 885 is the Statement of Understanding for a mother or presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(A)

(Reserved)

(B)

The parent has the right to seek legal counsel to assist in the relinquishment process and the agency can refer the parent to public legal assistance in the community.

(C)

The agency shall tell the parent its plan for the adoption of the child.

(D)

The parent may talk about the plan to relinquish the child with other professionals and with family and friends.

(E)

Even if the presumed father states orally or in writing he is not the parent of the child, he is a

presumed father under the law and he has legal rights and responsibilities with respect to the child.

(F)

Relinquishment means the parent who relinquishes will no longer be the child's legal parent.

(G)

The parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters if uncertain about relinquishing the child.¹ The agency will make a referral to the appropriate resource.

1.

The agency will make a referral to the appropriate resource.

(H)

The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.

(I)

A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g) and (h) of Family Code section 8700.

1.

If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.

2.

If the parent signs a relinquishment document that names the adopting parents, the parent has the

rights and responsibilities specified in Subdivisions (f), (g) and (h) of Family Code section 8700.

(J)

The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement.

(K)

The parent who chooses not to relinquish the child may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them, and consenting to their adoption of the child.

(L)

Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.

(M)

Relinquishment terminates the parent's responsibility for the care of the child.

(N)

Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

(O)

The parent may revoke the signed relinquishment during any holding period and before it is filed by the department and the agency will return the child to his or her custody.1. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days. 2. The rights and responsibilities as the child's parent continue unless terminated by other legal action. 3. If return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse,

the agency shall make an immediate referral to the county's children's protective services agency. a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.

1.

Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.

2.

The rights and responsibilities as the child's parent continue unless terminated by other legal action.

3.

If return of the child would place the child in imminent danger of neglect, cruelty, depravity, or physical abuse, the agency shall make an immediate referral to the county's children's protective services agency. a. The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.

a.

The agency shall inform the parent in writing a referral has been made to the county's child protective services agency.

(P)

A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(1)(I)2., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision. 2. If the decision is to rescind, the rights and responsibilities as the child's parent continue unless terminated by other legal action.a. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.

1.

If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision.

2.

If the decision is to rescind, the rights and responsibilities as the child's parent continue unless terminated by other legal action. a. Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.

a.

Under normal circumstances, the child will be given to the parent within three working days, and in no case shall it require more than seven calendar days.

(Q)

A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. 1. The waiver may be signed in the presence of any of the following: a. A representative of the department, delegated county authority or public adoption agency of another state after the completion of an interview. If the waiver is signed in front of the department, the relinquishment shall become final and irrevocable. b. A judicial officer of a court of record of any state if the birth parent is represented by independent counsel. The judicial officer must interview and witness the signing of the waiver. Once the waiver is signed by the judicial officer, the relinquishment becomes final and irrevocable. c. An authorized representative of a licensed adoption agency within or outside of the state if the interview is conducted by the independent legal counsel for the birth parent. Once signed, the relinquishment shall become final and irrevocable at the close of the next business day after the relinquishment was signed, or at the close of the next business day after the expiration of any holding period specified in writing; whichever is later. The interview conducted by the independent council must include the following: i. Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver. ii. Sign and deliver to the birth parent and licensed adoption agency a

certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10 business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition." 2. The licensed adoption agency shall submit the waiver and certificate to the department with the relinquishment, unless the relinquishment was already submitted to the department prior to the waiver, in which case the waiver and certificate shall be submitted to the department no later than two business days after the signing. 3. A waiver executed pursuant to Family Code section 8700.5 shall be void if any of the following occur: a. The relinquishment is determined to be invalid. b. The relinquishment is revoked during any holding period specified in writing. c. The relinquishment is rescinded pursuant to Family Code section 8700.

1.

The waiver may be signed in the presence of any of the following: a. A representative of the department, delegated county authority or public adoption agency of another state after the completion of an interview. If the waiver is signed in front of the department, the relinquishment shall become final and irrevocable. b. A judicial officer of a court of record of any state if the birth parent is represented by independent counsel. The judicial officer must interview and witness the signing of the waiver. Once the waiver is signed by the judicial officer, the relinquishment becomes

final and irrevocable. c. An authorized representative of a licensed adoption agency within or outside of the state if the interview is conducted by the independent legal counsel for the birth parent. Once signed, the relinquishment shall become final and irrevocable at the close of the next business day after the relinquishment was signed, or at the close of the next business day after the expiration of any holding period specified in writing; whichever is later. The interview conducted by the independent council must include the following:

- i. Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver.
- ii. Sign and deliver to the birth parent and licensed adoption agency a certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10 business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition."

a.

A representative of the department, delegated county authority or public adoption agency of another state after the completion of an interview. If the waiver is signed in front of the department, the relinquishment shall become final and irrevocable.

b.

A judicial officer of a court of record of any state if the birth parent is represented by independent counsel. The judicial officer must interview and witness the signing of the waiver. Once the waiver is signed by the judicial officer, the relinquishment becomes final and irrevocable.

c.

An authorized representative of a licensed adoption agency within or outside of the state if the interview is conducted by the independent legal counsel for the birth parent. Once signed, the relinquishment shall become final and irrevocable at the close of the next business day after the relinquishment was signed, or at the close of the next business day after the expiration of any holding period specified in writing; whichever is later. The interview conducted by the independent council must include the following:

- i. Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver.
- ii. Sign and deliver to the birth parent and licensed adoption agency a certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10 business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition."

i.

Review the waiver with the birth parent and counsel the birth parent about the nature of the intended waiver.

ii.

Sign and deliver to the birth parent and licensed adoption agency a certificate as specified in 8700.5(b)(3) stating: "I, (name of attorney), have counseled my client, (name of client), about the nature and legal effect of the waiver of the right to revoke the relinquishment for adoption. I am so disassociated from the interest of the prospective adoptive parent(s) and the licensed adoption agency as to be in a position to advise my client impartially and confidentially as to the consequences of the waiver. My client is aware that California law provides an indeterminate period, usually 2 to 10

business days, during which a birth parent may revoke a relinquishment for adoption. On the basis of this counsel, I conclude that it is the intent of my client to waive the right to revoke, and to make a permanent and irrevocable relinquishment for adoption. My client understands that upon signing this waiver, my client will not be able to regain custody of the child unless the prospective adoptive parent or parents agree to withdraw the petition for adoption or the court denies the adoption petition."

2.

The licensed adoption agency shall submit the waiver and certificate to the department with the relinquishment, unless the relinquishment was already submitted to the department prior to the waiver, in which case the waiver and certificate shall be submitted to the department no later than two business days after the signing.

3.

A waiver executed pursuant to Family Code section 8700.5 shall be void if any of the following occur:

a. The relinquishment is determined to be invalid. b. The relinquishment is revoked during any holding period specified in writing. c. The relinquishment is rescinded pursuant to Family Code section 8700.

a.

The relinquishment is determined to be invalid.

b.

The relinquishment is revoked during any holding period specified in writing.

c.

The relinquishment is rescinded pursuant to Family Code section 8700.

(R)

If the child is a juvenile court dependent or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section 8700(i).

(S)

The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

1.

The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

(T)

After the child has been legally adopted, the agency may not return the child to the parent.

(U)

The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with

Family Code Section 9203.

1.

The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or

2.

The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

3.

The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

4.

The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

5.

The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

(V)

The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.

(W)

Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.

(X)

The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.

(Y)

The AD 885 is the Statement of Understanding for a mother or presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(2)

For an alleged father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (A) (Reserved) (B) He has the right to seek legal counsel to assist him in the relinquishment process and the agency can refer him to public legal assistance in the community. (C) He has been told why he is considered to be the alleged natural father of the child and he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition to establish the father and child relationship. (D) The agency shall tell him its plan for the adoption of the child. (E) He may talk about the plan to relinquish the child with other professionals and with family and friends. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and

responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) The relinquishment terminates his rights to the custody, services, and earnings of the child. (K) Relinquishment terminates his responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family. (M) If he does not relinquish the child to the adoption agency, the agency may petition the court to terminate his parental rights.¹ He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community. (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action. (O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(2)(H)(2)., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the decision is to rescind, he will have to establish the father and child relationship in court if he wishes to parent the child. (P) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (Q) If the child is a dependent of the juvenile court or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section 8700(i). (R) The

agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted. (S) After the child has been legally adopted, the agency may not return the child. (T) The agency may not release any identifying information about him unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parents of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (V) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through

fraud. (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (X) He may take court action to establish the father and child relationship and request the right to physical custody of the child.¹ He has the right to seek legal counsel to assist in establishing the father and child relationship and in obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community. (Y) If he is successful in establishing the father and child relationship and obtaining the right to physical custody of the child, he may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 1. The agency will make a referral to the appropriate resource. (Z) If he establishes the father and child relationship in court and obtains the right to physical custody of the child and chooses not to relinquish the child to the agency he may arrange for the child's adoption independently by choosing adoptive parents, placing the child with them and consenting to their adoption of the child. (AA) If he has established the father and child relationship and has been granted the right to physical custody of the child in court, the agency shall give him the child pursuant to the court order. 1. Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days. 2. If the return of the child will place the child in imminent danger of neglect, cruelty, depravity, or physical abuse the agency shall make an immediate referral to the county's children's protective services. a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency. (BB) The AD 885C is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(A)

(Reserved)

(B)

He has the right to seek legal counsel to assist him in the relinquishment process and the agency can refer him to public legal assistance in the community.

(C)

He has been told why he is considered to be the alleged natural father of the child and he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition to establish the father and child relationship.

(D)

The agency shall tell him its plan for the adoption of the child.

(E)

He may talk about the plan to relinquish the child with other professionals and with family and friends.

(F)

Relinquishment means the parent who relinquishes will no longer be the child's legal parent.

(G)

He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.

(H)

When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

1.

If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.

2.

If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

(I)

The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement.

(J)

The relinquishment terminates his rights to the custody, services, and earnings of the child.

(K)

Relinquishment terminates his responsibility for the care of the child.

(L)

Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

(M)

If he does not relinquish the child to the adoption agency, the agency may petition the court to terminate his parental rights.¹ He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.

1.

He has the right to seek legal counsel to assist him and the agency can refer him to public legal

assistance in the community.

(N)

He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.

1.

The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.

(O)

A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(2)(H)(2)., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the decision is to rescind, he will have to establish the father and child relationship in court if he wishes to parent the child.

1.

If the decision is to not rescind, the agency shall inform him in writing of the reasons for its decision.

2.

If the decision is to rescind, he will have to establish the father and child relationship in court if he wishes to parent the child.

(P)

A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5.

(Q)

If the child is a dependent of the juvenile court or the subject of a petition for juvenile court jurisdiction, the agency is required to follow the notice requirements of Family Code section

8700(i).

(R)

The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.

1.

He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.

(S)

After the child has been legally adopted, the agency may not return the child.

(T)

The agency may not release any identifying information about him unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parents of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as

shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

1.

The welfare of the child requires the release of information to certain agencies as specified in law relating to the adoption petition, or

2.

The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or

3.

The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

4.

The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

5.

The adoptive parents of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

(U)

The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.

(V)

Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.

(W)

The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.

(X)

He may take court action to establish the father and child relationship and request the right to physical custody of the child.¹ He has the right to seek legal counsel to assist in establishing the father and child relationship and in obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community.

1.

He has the right to seek legal counsel to assist in establishing the father and child relationship and in obtaining the right to physical custody of the child and the adoption agency can refer him to public legal assistance in the community.

(Y)

If he is successful in establishing the father and child relationship and obtaining the right to physical custody of the child, he may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. ¹ The agency will make a referral to the appropriate resource.

1.

The agency will make a referral to the appropriate resource.

(Z)

If he establishes the father and child relationship in court and obtains the right to physical custody of the child and chooses not to relinquish the child to the agency he may arrange for the child's adoption independently by choosing adoptive parents, placing the child with them

and consenting to their adoption of the child.

(AA)

If he has established the father and child relationship and has been granted the right to physical custody of the child in court, the agency shall give him the child pursuant to the court order. 1. Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days. 2. If the return of the child will place the child in imminent danger of neglect, cruelty, depravity, or physical abuse the agency shall make an immediate referral to the county's children's protective services. a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency.

1.

Under normal circumstances the child will be given to him within three working days and in no case shall it require more than seven calendar days.

2.

If the return of the child will place the child in imminent danger of neglect, cruelty, depravity, or physical abuse the agency shall make an immediate referral to the county's children's protective services. a. The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency.

a.

The agency shall inform the parent in writing that a referral has been made to the county's child protective services agency.

(BB)

The AD 885C is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(3)

For a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (A) (Reserved) (B) The parent has the right to seek legal counsel to assist in the relinquishment process from the attorney representing him or her in the dependency case. (C) The agency shall tell the parent its plan for the adoption of the child. (D) The parent may talk about the plan to relinquish the child with other professionals and with family and friends. (E) Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the child. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) Relinquishment terminates the parent's rights to the custody, services, and earnings of the child. (K) Relinquishment terminates the parent's responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust;

the child legally inherits from his or her adoptive family. (M) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's parent continue unless terminated by other legal action. 2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department. (N) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(3)(H)2., may be rescinded only if the agency agrees. 1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision. 2. If the decision is to rescind, the child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department. (O) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (P) The agency is required to follow the notice requirements of Family Code section 8700(i). (Q) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (R) After the child has been legally adopted, the agency may not return the child to the parent. (S) The agency may not release any identifying information about the parent unless: 1. The

welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identify of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (T) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (U) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud. (V) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (W) If the parent does not want his or her child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his or her attorney regarding steps to take to regain custody of the child. 1. If the parent is successful in regaining custody of the child, the parent may

obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption.(X) If the child is living with a legal guardian and the parent does not have an attorney appointed by the juvenile court, the adoption agency shall refer the parent to public assistance in the community. (Y) If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency shall refer the parent to community services which may assist him or her with financial, employment, educational, housing, temporary child care and health care needs. (Z) The AD 885A is the Statement of Understanding for a mother or presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(A)

(Reserved)

(B)

The parent has the right to seek legal counsel to assist in the relinquishment process from the attorney representing him or her in the dependency case.

(C)

The agency shall tell the parent its plan for the adoption of the child.

(D)

The parent may talk about the plan to relinquish the child with other professionals and with family and friends.

(E)

Even if the presumed father states orally or in writing he is not the parent of the child, he is a presumed father under the law and he has legal rights and responsibilities with respect to the

child.

(F)

Relinquishment means the parent who relinquishes will no longer be the child's legal parent.

(G)

The parent has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.

(H)

A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. 1. If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

1.

If the parent signs a relinquishment document that does not name the adopting parents, the parent gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.

2.

If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

(I)

The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement.

(J)

Relinquishment terminates the parent's rights to the custody, services, and earnings of the child.

(K)

Relinquishment terminates the parent's responsibility for the care of the child.

(L)

Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his or her adoptive family.

(M)

The parent may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's parent continue unless terminated by other legal action. 2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department.

1.

The rights and responsibilities as the child's parent continue unless terminated by other legal action.

2.

The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department.

a.

The agency shall immediately notify the county welfare department.

(N)

A relinquishment shall be final when it is filed and acknowledged by the department and,

except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(3)(H)2., may be rescinded only if the agency agrees.1. If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision. 2. If the decision is to rescind, the child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department.

1.

If the decision is to not rescind, the agency shall inform the parent in writing of the reasons for its decision.

2.

If the decision is to rescind, the child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department.

a.

The agency shall immediately notify the county welfare department.

(O)

A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5.

(P)

The agency is required to follow the notice requirements of Family Code section 8700(i).

(Q)

The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.1. The parent

must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

1.

The parent must keep the agency informed of his or her current whereabouts if he or she wants to know when the child is placed in an adoptive home and when the child is legally adopted.

(R)

After the child has been legally adopted, the agency may not return the child to the parent.

(S)

The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identify of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

1.

The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or

2.

The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with Family Code Section 9204, or

3.

The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

4.

The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

5.

The adoptive parent of an adopted person under 21 years of age has requested the identify of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

(T)

The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.

(U)

Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.

(V)

The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the

Relinquishment Document were given to the relinquishing parent at the first interview.

(W)

If the parent does not want his or her child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his or her attorney regarding steps to take to regain custody of the child. 1. If the parent is successful in regaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption.

1.

If the parent is successful in regaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters.

2.

A parent who has regained custody of a child who is a dependent of the court may, after regaining custody, voluntarily place the child for an agency or an independent adoption.

(X)

If the child is living with a legal guardian and the parent does not have an attorney appointed by the juvenile court, the adoption agency shall refer the parent to public assistance in the community.

(Y)

If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency shall refer the parent to community services which may assist him or her with financial, employment, educational, housing, temporary child care and health care needs.

(Z)

The AD 885A is the Statement of Understanding for a mother or presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(4)

For an alleged father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian: (B) He has the right to seek legal counsel to assist him in the relinquishment process. 1. If he has a court appointed attorney representing him in the juvenile court proceedings, that attorney may be able to assist him in the relinquishment process. 2. If he does not have attorney representation, the agency can refer him to public legal assistance in the community. (C) He has been told why he is considered to be the alleged natural father of the child and that he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition in the juvenile court to establish the father and child relationship. (D) The agency shall tell him its plan for the adoption of the child. (E) He may talk about the plan to relinquish the child with other professionals and with family and friends. (F) Relinquishment means the parent who relinquishes will no longer be the child's legal parent. (G) He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child. (H) When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700. (I) The adopting parent or parents, the birth relatives, including the birth parent or

parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement. (J) Relinquishment terminates his rights to the custody, services, and earnings of the child. (K) Relinquishment terminates his responsibility for the care of the child. (L) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his adoptive family. (M) If he does not relinquish the child to the adoption agency, the juvenile court may terminate his parental rights. 1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community. (N) He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action. 2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department. (O) A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(4)(H)2., may be rescinded only if the agency agrees. 1. If the decision is not to rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the decision is to rescind, he will have to establish the father and child relationship in juvenile court if he wishes to parent the child. a. The agency shall immediately notify the county welfare department. (P) A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5. (Q) The agency is required to follow the notice requirements of Family Code section 8700(i). (R) The

agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted. (S) After the child has been legally adopted, the agency may not return the child. (T) The agency may not release any identifying information about the parent unless: 1. The welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203. (U) The law permits the court to release identifying information from the court adoption file after considering the reasons for the request. (V) Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through

fraud. (W) The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview. (X) If he does not want his child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his attorney regarding steps to take to regain custody of the child. 1. If he is successful in gaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has gained custody of a child who is a dependent of the court may, after gaining custody, voluntarily place the child for an agency or an independent adoption. 3. If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs. (Y) The AD 885D is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.

(B)

He has the right to seek legal counsel to assist him in the relinquishment process. 1. If he has a court appointed attorney representing him in the juvenile court proceedings, that attorney may be able to assist him in the relinquishment process. 2. If he does not have attorney representation, the agency can refer him to public legal assistance in the community.

1.

If he has a court appointed attorney representing him in the juvenile court proceedings, that

attorney may be able to assist him in the relinquishment process.

2.

If he does not have attorney representation, the agency can refer him to public legal assistance in the community.

(C)

He has been told why he is considered to be the alleged natural father of the child and that he can deny paternity, waive his rights to further notice of the adoption proceedings, sign a relinquishment, or file a petition in the juvenile court to establish the father and child relationship.

(D)

The agency shall tell him its plan for the adoption of the child.

(E)

He may talk about the plan to relinquish the child with other professionals and with family and friends.

(F)

Relinquishment means the parent who relinquishes will no longer be the child's legal parent.

(G)

He has considered the reasons for relinquishing or not relinquishing the child and has decided relinquishing the child to the agency for adoption is in the best interest of the child.

(H)

When he relinquishes a child, he gives up the care, custody, and control of the child to the adoption agency. 1. If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child. 2. If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

1.

If he signs a relinquishment document that does not name the adopting parents, he gives up the right to select adoptive parents and the adoption agency shall make the final decision regarding who will adopt the child.

2.

If he signs a relinquishment document that names the adopting parents, he has the rights and responsibilities specified in Subdivisions (f), (g), and (h) of Family Code section 8700.

(I)

The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child who is 12 years of age or older may enter into a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives and the child if the court approves the agreement.

(J)

Relinquishment terminates his rights to the custody, services, and earnings of the child.

(K)

Relinquishment terminates his responsibility for the care of the child.

(L)

Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his adoptive family.

(M)

If he does not relinquish the child to the adoption agency, the juvenile court may terminate his parental rights.1. He has the right to seek legal counsel to assist him and the agency can refer him to public legal assistance in the community.

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assistance in the community.

(N)

He may revoke the signed relinquishment during any holding period and before it is filed by the department. 1. The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action. 2. The child will remain a juvenile court dependent and any terms and/or conditions which result from the child's status as a juvenile court dependent remain in effect. a. The agency shall immediately notify the county welfare department.

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The rights and responsibilities as the child's alleged natural father continue unless terminated by other legal action.

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(O)

A relinquishment shall be final when it is filed and acknowledged by the department and, except when the adopting parent is named on the relinquishment document and the adoption is not completed as described in Section 35152.1(b)(4)(H)2., may be rescinded only if the agency agrees. 1. If the decision is not to rescind, the agency shall inform him in writing of the reasons for its decision. 2. If the decision is to rescind, he will have to establish the father and child relationship in juvenile court if he wishes to parent the child. a. The agency shall immediately notify the county welfare department.

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If the decision is to rescind, he will have to establish the father and child relationship in juvenile court if he wishes to parent the child. a. The agency shall immediately notify the county welfare department.

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(P)

A relinquishing birth parent may elect to sign a waiver (AD 929A) of the right to revoke the relinquishment in accordance with Family Code section 8700.5.

(Q)

The agency is required to follow the notice requirements of Family Code section 8700(i).

(R)

The agency is required to give him all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered. 1. He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.

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He must keep the agency informed of his current whereabouts if he wants to know when the child is placed in an adoptive home and when the child is legally adopted.

(S)

After the child has been legally adopted, the agency may not return the child.

(T)

The agency may not release any identifying information about the parent unless: 1. The

welfare of the child requires the release of information to certain agencies as specified in law relating to any adoption petition, or 2. The adult adoptee and he both sign written consents to arrange contact between them in accordance with Family Code Section 9204, or 3. The adoptee who has reached the age of 21 has requested the identity of his or her birth parent and his or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or 5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

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4.

The birth parent of an adopted person who has reached the age of 21 has requested the adopted

name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Family Code Section 9203, or

5.

The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Family Code Section 9203.

(U)

The law permits the court to release identifying information from the court adoption file after considering the reasons for the request.

(V)

Within five years of the granting of the adoption in court the parent shall have the right to petition the court to set aside the adoption if the relinquishment is obtained through fraud.

(W)

The provisions of Section 35130 regarding two face-to-face interviews, the dates the interviews were held and that a copy of the Statement of Understanding and the Relinquishment Document were given to the relinquishing parent at the first interview.

(X)

If he does not want his child to be adopted or needs more information about the child's status or available child welfare services, he or she should not sign the relinquishment document but should consult the child welfare services social worker and his attorney regarding steps to take to regain custody of the child. 1. If he is successful in gaining custody of the child, the parent may obtain other services to assist with finance, employment, education, housing, temporary child care, and health matters. 2. A parent who has gained custody of a child who is a dependent of the court may, after gaining custody, voluntarily place the child for an agency or an independent adoption. 3. If the child is living with a legal guardian and the child

does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs.

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If the child is living with a legal guardian and the child does not have a child welfare services social worker, the adoption agency can refer the parent to community services which may assist him or her with finance, employment, education, housing, temporary child care and health care needs.

(Y)

The AD 885D is the Statement of Understanding for an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian and who is not subject to the provisions of the ICWA.