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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

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Chapter 3@ Adoptions Program Regulations [Renumbered]

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Subchapter 5@ Procedures for Agency Adoptions

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Article 9@ Rescission of Relinquishment

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Section 35170@ Consideration of a Request to Rescind a Relinquishment

35170 Consideration of a Request to Rescind a Relinquishment

(a)

In considering a relinquishing parent's request to have the relinquishment rescinded, the agency shall: (1) Allow the parent to state his or her reason for seeking rescission of the relinquishment and to present a plan for care of the child. (2) Consider the needs of the child, the adequacy of the parent's plan and the public and community resources, and services available to assist the parent in caring for the child.

(1)

Allow the parent to state his or her reason for seeking rescission of the relinquishment and to present a plan for care of the child.

(2)

Consider the needs of the child, the adequacy of the parent's plan and the public and community resources, and services available to assist the parent in caring for the child.

(b)

If the agency agrees to rescind the relinquishment, the agency shall: (1) Arrange the return of the child. (A) The agency shall return the child to the parent no later than seven working days from the time the decision to rescind is made, if the child is neither detained nor a juvenile court dependent in out-of-home care.¹ The agency shall mutually agree with the parent regarding the time and place for

return of the child. 2. If the agency knows or reasonably suspects the parent has endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a). (B) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, of the agency's decision to rescind the relinquishment and make a recommendation regarding the return of the child if the child is a dependent of the court. (2) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record. (3) Obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her. (4) Notify any other relinquishing parent of the rescission and inform that parent of his or her right to rescind the relinquishment also. (5) Notify the department of the rescission within three working days from the date the agency agrees to the rescission.

(1)

Arrange the return of the child. (A) The agency shall return the child to the parent no later than seven working days from the time the decision to rescind is made, if the child is neither detained nor a juvenile court dependent in out-of-home care.¹ The agency shall mutually agree with the parent regarding the time and place for return of the child. 2. If the agency knows or reasonably suspects the parent has endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a). (B) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, of the agency's

decision to rescind the relinquishment and make a recommendation regarding the return of the child if the child is a dependent of the court.

(A)

The agency shall return the child to the parent no later than seven working days from the time the decision to rescind is made, if the child is neither detained nor a juvenile court dependent in out-of-home care.¹ The agency shall mutually agree with the parent regarding the time and place for return of the child. 2. If the agency knows or reasonably suspects the parent has endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a).

1.

The agency shall mutually agree with the parent regarding the time and place for return of the child.

2.

If the agency knows or reasonably suspects the parent has endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a).

(B)

Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, of the agency's decision to rescind the relinquishment and make a recommendation regarding the return of the child if the child is a dependent of the court.

(2)

Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent

and file the rescinded relinquishment in the case record.

(3)

Obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her.

(4)

Notify any other relinquishing parent of the rescission and inform that parent of his or her right to rescind the relinquishment also.

(5)

Notify the department of the rescission within three working days from the date the agency agrees to the rescission.

(c)

If the agency's decision is not to rescind, the agency shall: (1) Have the decision reviewed by the agency director or his or her designee. (2) Provide a copy of the agency's decision not to rescind the relinquishment and the reasons for the agency's decision to the rescinding parent within three working days of the agency's decision. (3) Send a copy of the agency's decision to the department within three working days of the agency's decision. (4) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any of the parent's request to have the relinquishment rescinded and of the agency's decision not to rescind if the child is a dependent of the court.

(1)

Have the decision reviewed by the agency director or his or her designee.

(2)

Provide a copy of the agency's decision not to rescind the relinquishment and the reasons for the agency's decision to the rescinding parent within three working days of

the agency's decision.

(3)

Send a copy of the agency's decision to the department within three working days of the agency's decision.

(4)

Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any of the parent's request to have the relinquishment rescinded and of the agency's decision not to rescind if the child is a dependent of the court.

(d)

Notwithstanding Section 35169(b), the agency shall rescind the relinquishment of any parent who, having been notified as provided in Family Code section 8700(g) and (h), delivers, or has delivered by mail or other method, before the end of the 30-day period beginning on the day after the notice was mailed a written request to the agency stating that he or she wishes to rescind his or her relinquishment and/or have the child returned. (1) In all such cases, the agency shall: (A) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, that the relinquishment has been rescinded if the child is a dependent of the court; (B) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record; and (C) Notify the department of the rescission within three working days from the date the written request to rescind the relinquishment was received. (2) If the parent identifies a different person or persons with whom the child is to be placed and the agency concurs with this plan, the agency shall accept a new relinquishment as provided in Sections 35130 through 35141. (3) If the parent does not which the agency

to engage in further adoptive planning for the child or if the parent identifies a different person or persons with whom the child is to be placed and the agency does not concur with this plan, the agency shall: (A) Mutually agree with the parent regarding the time and place for return of the child if the child is neither detained nor a juvenile court dependent in out-of-home care. 1. The agency shall return the child no later than seven working days from the time the request to rescind is made. 2. The agency shall obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her. (B) Notify all the parties of the parent's decision not to engage in further adoption planning and make a recommendation regarding the return of the child if the child is a dependent of the juvenile court. (C) Notify any other relinquishing parent of the rescission and inform him or her that he or she may also rescind his or her relinquishment.

(1)

In all such cases, the agency shall: (A) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, that the relinquishment has been rescinded if the child is a dependent of the court; (B) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record; and (C) Notify the department of the rescission within three working days from the date the written request to rescind the relinquishment was received.

(A)

Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, that the relinquishment has been rescinded if the child is a dependent of the court;

(B)

Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record; and

(C)

Notify the department of the rescission within three working days from the date the written request to rescind the relinquishment was received.

(2)

If the parent identifies a different person or persons with whom the child is to be placed and the agency concurs with this plan, the agency shall accept a new relinquishment as provided in Sections 35130 through 35141.

(3)

If the parent does not which the agency to engage in further adoptive planning for the child or if the parent identifies a different person or persons with whom the child is to be placed and the agency does not concur with this plan, the agency shall: (A)

Mutually agree with the parent regarding the time and place for return of the child if the child is neither detained nor a juvenile court dependent in out-of-home care. 1.

The agency shall return the child no later than seven working days from the time the request to rescind is made. 2. The agency shall obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her. (B)

Notify all the parties of the parent's decision not to engage in further adoption planning and make a recommendation regarding the return of the child if the child is a dependent of the juvenile court. (C) Notify any other relinquishing parent of the rescission and inform him or her that he or she may also rescind his or her relinquishment.

(A)

Mutually agree with the parent regarding the time and place for return of the child if the child is neither detained nor a juvenile court dependent in out-of-home care. 1. The agency shall

return the child no later than seven working days from the time the request to rescind is made. 2. The agency shall obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her.

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The agency shall return the child no later than seven working days from the time the request to rescind is made.

2.

The agency shall obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her.

(B)

Notify all the parties of the parent's decision not to engage in further adoption planning and make a recommendation regarding the return of the child if the child is a dependent of the juvenile court.

(C)

Notify any other relinquishing parent of the rescission and inform him or her that he or she may also rescind his or her relinquishment.