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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 10@ Application to Adopt

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Section 35179@ Information to be Provided to an Applicant

35179 Information to be Provided to an Applicant

(a)

(Reserved)

(b)

The agency shall provide the applicants with information which shall include but not be limited to: (1) Characteristics of children available for adoption through the agency. (A) Information and counseling regarding the need for a community care facility license if a child who has not been legally freed for adoption is to be placed with the applicant. (B) If children under the court's jurisdiction are available through the agency, information about the juvenile court dependency process. This information shall include, but not be limited to: 1. Concurrent services planning. 2. The role of permanency planning families. (C) Availability of national, state, and local adoption exchanges and photo-listing albums. (2) Information about the adoption process, including: (A) Application and assessment requirements. (B) Agency's procedures for providing a copy of the written assessment to the applicant. (C) Approximate length of time it may take to complete the adoption process. (D) Statutory and regulatory requirements for adoption. (E) Availability of any training classes related to adoption or parenting preparation. (3) Information about the agency's fees. (4) Information about any available resources or services that may assist the applicant in meeting the needs of the child, such as: (A) The Adoption Assistance Program. (B) Local Mental

Health Care Plan (Medi-Cal Mental Health or Mental Health Managed Care). (C) Medicaid (Title XIX) for medical and dental services and the Early Periodic Screening Diagnostic and Treatment Program (EPSDT). (D) California Regional Center Services. (E) Individual Education Program (IEP) and Special Education services available through the local school district. (F) Additional resources, depending on availability, may include, but are not limited to, the following: 1. California Victim Compensation Board; 2. SSI payments; 3. Death Benefits (e.g., Social Security Survivor Benefits); or 4. Community based services. (H) The following information shall be included in this explanation: 1. Adoption assistance, including financial assistance and Medi-Cal benefits, is available to remove or reduce economic barriers preventing families from adopting children who otherwise would remain in long-term foster care. 2. There are significant differences between adoption assistance and foster care as shown in the following chart:

	Foster Care	Adoption Assistance
Payment based on child's age and, in some cases, disability or other need for specialized care and/or supervision.		
Negotiated payment is based on child's needs and family's circumstances. The maximum payment for which the child is eligible is the foster care maintenance payment that would have been paid based on the age-related state approved foster family home care rate and any applicable state-approved specialized care increment the child would have received if not adopted. Family resources and circumstances are not considered in determining payment amount. Circumstances of the family are considered in determining payment amount. Child is eligible for Medi-Cal, but any existing health insurance coverage on the child must be used first. Child eligible for Medi-Cal but adoptive family must first use any existing health insurance coverage on the child. Required group home or residential treatment placement would be available for as long as necessary. Foster parents		

have no right to continue to participate in the child's life and have no right to have the child placed in their home once treatment is no longer necessary. Required group home or residential treatment placement would be funded by the AAP up to 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family. (5) Information about additional benefits which may be available to assist in the completion of the adoption. (6) Information about the availability of services to facilitate contact between the parties to the adoption, before or after the adoption is completed, including the development of a post-adoption contact agreement. (A) Services to facilitate contact between the parties and in the development of a post-adoption contact agreement may include, but are not limited to, the following: 1. Acting as an intermediary for correspondence between the birth family and the adopted child or adoptive parents. 2. Facilitating the development of an agreement for post-adoption contact between the parties of the adoption. 3. Facilitating a meeting of the birth family and adoptive family. (B) Services to develop the post-adoption contact agreement may include: 1. Counseling services; 2. Mediation or other dispute resolution process provided by the agency; or 3. Court mediation services. (7) Laws regarding disclosure of medical and background information about the child. (8) Requirements of Family Code Section 8702 and a written copy of the Adoption Information Act Statement (Form AD 908). (9) Agency's grievance review procedures located at Sections 35215, 35217, 35219 and 35221. (10) Laws regarding reunion between the adopted child and his or her birth family, in accordance with Sections 35053(b), 35063(a) and 35065.1. As used in this paragraph, reunion refers to post-adoption contact as authorized by Family Code Sections 9203, 9204 and 9205. (11) Information about the full assessment, abbreviated assessment, and updated

assessment process in accordance with Sections 35181, 35183 and 35183.1.

(12) In the case of an Indian child who is a dependent of the juvenile court, information regarding Tribal Customary Adoption, as defined in Welfare and Institutions Code Section 366.24.

(1)

Characteristics of children available for adoption through the agency. (A) Information and counseling regarding the need for a community care facility license if a child who has not been legally freed for adoption is to be placed with the applicant. (B) If children under the court's jurisdiction are available through the agency, information about the juvenile court dependency process. This information shall include, but not be limited to: 1. Concurrent services planning. 2. The role of permanency planning families. (C) Availability of national, state, and local adoption exchanges and photo-listing albums.

(A)

Information and counseling regarding the need for a community care facility license if a child who has not been legally freed for adoption is to be placed with the applicant.

(B)

If children under the court's jurisdiction are available through the agency, information about the juvenile court dependency process. This information shall include, but not be limited to: 1. Concurrent services planning. 2. The role of permanency planning families.

1.

Concurrent services planning.

2.

The role of permanency planning families.

(C)

Availability of national, state, and local adoption exchanges and photo-listing albums.

(2)

Information about the adoption process, including: (A) Application and assessment requirements. (B) Agency's procedures for providing a copy of the written assessment to the applicant. (C) Approximate length of time it may take to complete the adoption process. (D) Statutory and regulatory requirements for adoption. (E) Availability of any training classes related to adoption or parenting preparation.

(A)

Application and assessment requirements.

(B)

Agency's procedures for providing a copy of the written assessment to the applicant.

(C)

Approximate length of time it may take to complete the adoption process.

(D)

Statutory and regulatory requirements for adoption.

(E)

Availability of any training classes related to adoption or parenting preparation.

(3)

Information about the agency's fees.

(4)

Information about any available resources or services that may assist the applicant in meeting the needs of the child, such as: (A) The Adoption Assistance Program. (B) Local Mental Health Care Plan (Medi-Cal Mental Health or Mental Health Managed Care). (C) Medicaid (Title XIX) for medical and dental services and the Early Periodic Screening Diagnostic and Treatment Program (EPSDT). (D) California Regional Center Services. (E) Individual Education Program (IEP) and Special Education services available through the local school district. (F) Additional resources, depending on availability, may include, but are not limited to, the following: 1. California Victim

Compensation Board; 2. SSI payments; 3. Death Benefits (e.g., Social Security Survivor Benefits); or 4. Community based services. (H) The following information shall be included in this explanation: 1. Adoption assistance, including financial assistance and Medi-Cal benefits, is available to remove or reduce economic barriers preventing families from adopting children who otherwise would remain in long-term foster care. 2. There are significant differences between adoption assistance and foster care as shown in the following chart: Foster Care Adoption Assistance Payment based on child's age and, in some cases, disability or other need for specialized care and/or supervision. Negotiated payment is based on child's needs and family's circumstances. The maximum payment for which the child is eligible is the foster care maintenance payment that would have been paid based on the age-related state approved foster family home care rate and any applicable state-approved specialized care increment the child would have received if not adopted. Family resources and circumstances are not considered in determining payment amount. Circumstances of the family are considered in determining payment amount. Child is eligible for Medi-Cal, but any existing health insurance coverage on the child must be used first. Child eligible for Medi-Cal but adoptive family must first use any existing health insurance coverage on the child. Required group home or residential treatment placement would be available for as long as necessary. Foster parents have no right to continue to participate in the child's life and have no right to have the child placed in their home once treatment is no longer necessary. Required group home or residential treatment placement would be funded by the AAP up to 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family.

(A)

The Adoption Assistance Program.

(B)

Local Mental Health Care Plan (Medi-Cal Mental Health or Mental Health Managed Care).

(C)

Medicaid (Title XIX) for medical and dental services and the Early Periodic Screening Diagnostic and Treatment Program (EPSDT).

(D)

California Regional Center Services.

(E)

Individual Education Program (IEP) and Special Education services available through the local school district.

(F)

Additional resources, depending on availability, may include, but are not limited to, the following: 1. California Victim Compensation Board; 2. SSI payments; 3. Death Benefits (e.g., Social Security Survivor Benefits); or 4. Community based services.

1.

California Victim Compensation Board;

2.

SSI payments;

3.

Death Benefits (e.g., Social Security Survivor Benefits); or

4.

Community based services.

(H)

The following information shall be included in this explanation: 1. Adoption assistance, including financial assistance and Medi-Cal benefits, is available to remove or reduce economic barriers preventing families from adopting children who otherwise would remain

in long-term foster care. 2. There are significant differences between adoption assistance and foster care as shown in the following chart: Foster Care Adoption Assistance Payment based on child's age and, in some cases, disability or other need for specialized care and/or supervision. Negotiated payment is based on child's needs and family's circumstances. The maximum payment for which the child is eligible is the foster care maintenance payment that would have been paid based on the age-related state approved foster family home care rate and any applicable state-approved specialized care increment the child would have received if not adopted. Family resources and circumstances are not considered in determining payment amount. Circumstances of the family are considered in determining payment amount. Child is eligible for Medi-Cal, but any existing health insurance coverage on the child must be used first. Child eligible for Medi-Cal but adoptive family must first use any existing health insurance coverage on the child. Required group home or residential treatment placement would be available for as long as necessary. Foster parents have no right to continue to participate in the child's life and have no right to have the child placed in their home once treatment is no longer necessary. Required group home or residential treatment placement would be funded by the AAP up to 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family.

1.

Adoption assistance, including financial assistance and Medi-Cal benefits, is available to remove or reduce economic barriers preventing families from adopting children who otherwise would remain in long-term foster care.

2.

There are significant differences between adoption assistance and foster care as shown in the following chart: Foster Care Adoption Assistance Payment based on child's age and, in some cases, disability or other need for specialized care and/or supervision. Negotiated payment is based

on child's needs and family's circumstances. The maximum payment for which the child is eligible is the foster care maintenance payment that would have been paid based on the age-related state approved foster family home care rate and any applicable state-approved specialized care increment the child would have received if not adopted. Family resources and circumstances are not considered in determining payment amount. Circumstances of the family are considered in determining payment amount. Child is eligible for Medi-Cal, but any existing health insurance coverage on the child must be used first. Child eligible for Medi-Cal but adoptive family must first use any existing health insurance coverage on the child. Required group home or residential treatment placement would be available for as long as necessary. Foster parents have no right to continue to participate in the child's life and have no right to have the child placed in their home once treatment is no longer necessary. Required group home or residential treatment placement would be funded by the AAP up to 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family.

(5)

Information about additional benefits which may be available to assist in the completion of the adoption.

(6)

Information about the availability of services to facilitate contact between the parties to the adoption, before or after the adoption is completed, including the development of a post-adoption contact agreement. (A) Services to facilitate contact between the parties and in the development of a post-adoption contact agreement may include, but are not limited to, the following: 1. Acting as an intermediary for correspondence between the birth family and the adopted child or adoptive parents. 2. Facilitating the development of an agreement for post-adoption contact between the parties of the adoption. 3. Facilitating a meeting of the birth family and adoptive family. (B) Services to develop the post-adoption contact agreement may include: 1. Counseling services;

2. Mediation or other dispute resolution process provided by the agency; or 3. Court mediation services.

(A)

Services to facilitate contact between the parties and in the development of a post-adoption contact agreement may include, but are not limited to, the following: 1. Acting as an intermediary for correspondence between the birth family and the adopted child or adoptive parents. 2. Facilitating the development of an agreement for post-adoption contact between the parties of the adoption. 3. Facilitating a meeting of the birth family and adoptive family.

1.

Acting as an intermediary for correspondence between the birth family and the adopted child or adoptive parents.

2.

Facilitating the development of an agreement for post-adoption contact between the parties of the adoption.

3.

Facilitating a meeting of the birth family and adoptive family.

(B)

Services to develop the post-adoption contact agreement may include: 1. Counseling services; 2. Mediation or other dispute resolution process provided by the agency; or 3. Court mediation services.

1.

Counseling services;

2.

Mediation or other dispute resolution process provided by the agency; or

3.

Court mediation services.

(7)

Laws regarding disclosure of medical and background information about the child.

(8)

Requirements of Family Code Section 8702 and a written copy of the Adoption Information Act Statement (Form AD 908).

(9)

Agency's grievance review procedures located at Sections 35215, 35217, 35219 and 35221.

(10)

Laws regarding reunion between the adopted child and his or her birth family, in accordance with Sections 35053(b), 35063(a) and 35065.1. As used in this paragraph, reunion refers to post-adoption contact as authorized by Family Code Sections 9203, 9204 and 9205.

(11)

Information about the full assessment, abbreviated assessment, and updated assessment process in accordance with Sections 35181, 35183 and 35183.1.

(12)

In the case of an Indian child who is a dependent of the juvenile court, information regarding Tribal Customary Adoption, as defined in Welfare and Institutions Code Section 366.24.