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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

**35199 Exception to the Requirement that Child be Legally**

Article 12@ Adoptive Placement

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Section 35199@ Exception to the Requirement that Child be Legally Freed Prior to Adoptive Placement

**Freed Prior to Adoptive Placement****(a)**

(Reserved)

**(b)**

No agency shall sign an adoption placement agreement until the child is legally free for adoptive placement unless:(1) The child is already placed in a home with prospective adoptive parents who have an approved assessment satisfying the criteria set forth in Sections 35180, 35181, or 35183 and with the approval of the agency's administrator, and (A) The birth mother and presumed father, if any, have signed a relinquishment document and (B) The relinquishment document has been filed with the department, and (C) The department has acknowledged the relinquishment and issued an AD 4333; and (D) An action to terminate the rights of any alleged natural father pursuant to Family Code Sections 7630, 7634, 7660, 7662, or 7669 has been filed and is pending in court.

**(1)**

The child is already placed in a home with prospective adoptive parents who have an approved assessment satisfying the criteria set forth in Sections 35180, 35181, or 35183 and with the approval of the agency's administrator, and (A) The birth mother and presumed father, if any, have signed a relinquishment document and (B) The relinquishment document has been filed with the department, and (C) The department

has acknowledged the relinquishment and issued an AD 4333; and (D) An action to terminate the rights of any alleged natural father pursuant to Family Code Sections 7630, 7634, 7660, 7662, or 7669 has been filed and is pending in court.

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**(B)**

The relinquishment document has been filed with the department, and

**(C)**

The department has acknowledged the relinquishment and issued an AD 4333; and

**(D)**

An action to terminate the rights of any alleged natural father pursuant to Family Code Sections 7630, 7634, 7660, 7662, or 7669 has been filed and is pending in court.