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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 13@ Completing the Adoption

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Section 35211@ Completing the Court Report

35211 Completing the Court Report

Before submitting a report to the court, the agency shall provide written information about the availability of Adoption Assistance Program (AAP) benefits to the prospective adoptive parents.

(b)

The agency shall file a report to the court in all cases where the agency has signed an adoptive placement agreement and the prospective adoptive parents have filed an adoption petition. (1) The report to the court shall be submitted as soon as all requirements are completed but no later than either 180 days after the adoption petition has been filed or the time extended by the court. (2) If two or more agencies are participating in a cooperative placement, the prospective adoptive family's agency shall be responsible for preparing the report to the court unless the agencies mutually agree otherwise.

(1)

The report to the court shall be submitted as soon as all requirements are completed but no later than either 180 days after the adoption petition has been filed or the time extended by the court.

(2)

If two or more agencies are participating in a cooperative placement, the prospective adoptive family's agency shall be responsible for preparing the report to the court

unless the agencies mutually agree otherwise.

(c)

The agency shall give the petitioners or their attorney a copy of the court report at the time it is filed.

(d)

The report to the court shall include, to the extent available, the following information: (1) Medical and family background information about the birth parents as required by Section 35195(a). (2) Information obtained in the Assessment of the Child as required by Section 35127.1. (3) Information obtained in the Assessment of the Applicant as required by Section 35180. (4) Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child. (A) The agency shall utilize the most current criminal record information in its preparation of the court report. (B) A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the CDSS shall provide written notice to the CDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the CDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date. (5) If a written agreement, pursuant to Family Code Section 8616.5, has been negotiated by the birth relatives, a statement of whether the post-adoption contact agreement as written is in the best interest of the child. (A) A statement recommending approval or disapproval of the post-adoption contact agreement shall be included. (6) A copy of the documentation that the child is legally free for finalization of the adoption. (7) A recommendation that the petition be either

granted or denied. (8) A copy of the AD 824 properly executed. (9) A copy of the VS 44 properly completed. (C) The agency shall ensure that the prospective adoptive parents complete the applicable section and sign the form. (D) The agency shall complete the sections which pertain to the birth parents after the prospective adoptive parents have completed their section. (E) In the event of the death of one of the prospective adoptive parents before finalization of the adoption, the agency shall inform the survivor of the provisions of Family Code Section 8615. (10) The agency shall state in the court report whether the birth certificate contains false information. (11) A statement verifying that the agency provided written information about the AAP to the prospective adoptive parents.

(1)

Medical and family background information about the birth parents as required by Section 35195(a).

(2)

Information obtained in the Assessment of the Child as required by Section 35127.1.

(3)

Information obtained in the Assessment of the Applicant as required by Section 35180.

(4)

Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child. (A) The agency shall utilize the most current criminal record information in its preparation of the court report. (B) A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the CDSS shall provide written notice to the CDSS at least twenty working days prior to the anticipated adoption petition hearing date

that the agency is preparing to finalize an adoption, and request the CDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.

(A)

The agency shall utilize the most current criminal record information in its preparation of the court report.

(B)

A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the CDSS shall provide written notice to the CDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the CDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.

(5)

If a written agreement, pursuant to Family Code Section 8616.5, has been negotiated by the birth relatives, a statement of whether the post-adoption contact agreement as written is in the best interest of the child. (A) A statement recommending approval or disapproval of the post-adoption contact agreement shall be included.

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A statement recommending approval or disapproval of the post-adoption contact agreement shall be included.

(6)

A copy of the documentation that the child is legally free for finalization of the adoption.

(7)

A recommendation that the petition be either granted or denied.

(8)

A copy of the AD 824 properly executed.

(9)

A copy of the VS 44 properly completed. (C) The agency shall ensure that the prospective adoptive parents complete the applicable section and sign the form. (D) The agency shall complete the sections which pertain to the birth parents after the prospective adoptive parents have completed their section. (E) In the event of the death of one of the prospective adoptive parents before finalization of the adoption, the agency shall inform the survivor of the provisions of Family Code Section 8615.

(C)

The agency shall ensure that the prospective adoptive parents complete the applicable section and sign the form.

(D)

The agency shall complete the sections which pertain to the birth parents after the prospective adoptive parents have completed their section.

(E)

In the event of the death of one of the prospective adoptive parents before finalization of the adoption, the agency shall inform the survivor of the provisions of Family Code Section 8615.

(10)

The agency shall state in the court report whether the birth certificate contains false information.

(11)

A statement verifying that the agency provided written information about the AAP to the prospective adoptive parents.

(e)

The agency shall not include the names and addresses of the birth parents in the court report, unless: (1) The child is being adopted by a relative and the

adopting relative or the child, who is 12 years of age or older, requests that the court report include: (A) The name of the birth parents. (B) The name the child had before the adoption.

(1)

The child is being adopted by a relative and the adopting relative or the child, who is 12 years of age or older, requests that the court report include: (A) The name of the birth parents. (B) The name the child had before the adoption.

(A)

The name of the birth parents.

(B)

The name the child had before the adoption.