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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 6@ Procedures for Intercountry Adoptions

35297 Procedures for Adoptions to be Completed in California

Article 6@ Placement

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Section 35297@ Procedures for Adoptions to be Completed in California

(a)

Prior to placement of the child where the adoption will be completed in California, the agency shall: (1) Obtain documentation from the foreign agency that the child is legally free for adoption (2) Determine that the child's needs can be met by placement with the prospective adoptive parent (A) The child's needs shall be determined by the assessment required by Subchapter 6, Article 4, Section 35275 et seq. (B) The prospective adoptive parent's ability to meet the needs of the particular child shall be determined by a review of the Assessment of the Applicant required by Subchapter 6, Article 3, Section et seq. (C) The agency shall make the psychological and medical history form required by Section 35285 available to the prospective adoptive parent. (3) Determine that all INS requirements for a foreign-born child have been met (4) Certify to INS compliance with California Preadoption Requirements (5) Unless the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country the agency shall discuss the following with the prospective adoptive parent: (A) That the agency shall retain legal custody of the child, supervise the adoptive placement, and routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted 1. If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial

responsibility for the child, as permitted by Family Code Section 8906, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date. (B) That the child shall not be concealed within the county prior to granting of the final decree of adoption (C) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without the prior written consent of the agency (D) That after the adoption petition is filed the child shall not be removed from the county of residence of the prospective adoptive parent for a period exceeding 30 days without the approval of the court until a final decree of adoption is granted (E) That the prospective adoptive parent shall place the child under the care of a licensed physician for routine health care of the child (F) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child and shall obtain prior written consent for all nonemergency surgical and other nonroutine medical treatment for the child (G) That the prospective adoptive parent shall inform the agency regarding any changes in the composition of the adoptive family or place of residence of the family (H) That the adoptive placement may be terminated and the child removed from the prospective adoptive parent's home at the agency's discretion prior to the filing of the petition to adopt (I) That the agency agrees to give seven days written notice to the prospective adoptive parent of its intent to terminate the adoptive placement and remove the child unless the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse (J) That after the adoptive petition has been filed the agency must obtain court approval to remove the child (K) That the prospective adoptive parent shall be permitted to terminate the adoptive placement and return the child to the agency at any time prior to the granting of

the final decree of adoption (L) That the agency shall determine that all ICPC requirements for an interstate placement have been met as required by Title 22, California Code of Regulations, Section 35397 et seq. (M) That the agency has a grievance review procedure and the right of the prospective adoptive parent to file a grievance with the agency if the parent is dissatisfied with any action of the agency at any time before a petition for adoption is filed 1. The grievance review process shall be in accordance with Subchapter 5, Article 9, Section 35233 et seq. (N) That Family Code Section 8911 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 8912 of the Family Code within thirty (30) days of placement. (6) When the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country, the agency shall discuss the following with the prospective adoptive parent: (A) That the agency shall routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted (B) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without notifying the agency in writing (C) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child (D) That the agency will notify the local child protective services agency when the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse (E) Those items contained in Section 35297(a) (5) (B), (D), (E), (G), (J), (M) and (N). (7) Enter into an adoptive placement agreement with the prospective adoptive parent which agreement shall include: (A) General and identifying information as follows: 1. Name and address of prospective adoptive parent 2. Name, address and telephone number of agency 3. First name and date of birth of child 4. Anticipated date of placement 5. Amount of agency fees, including foreign agency

fees. (B) Statements which summarize the information required by Section 35297(a)(5) or (6). (C) A space for acknowledgement of receipt by the prospective adoptive parent of the information required by Section 35297(a)(2)(C). (D) A space for the signature of the prospective adoptive parent and date of signing the adoptive placement agreement (E) A space for the signature of the agency's representative and date of signing the adoptive placement agreement 1. The signature and date of signing by a representative of each agency shall be obtained if the placement is a cooperative placement between two agencies.

(1)

Obtain documentation from the foreign agency that the child is legally free for adoption

(2)

Determine that the child's needs can be met by placement with the prospective

adoptive parent (A) The child's needs shall be determined by the assessment

required by Subchapter 6, Article 4, Section 35275 et seq. (B) The prospective adoptive

parent's ability to meet the needs of the particular child shall be determined by a

review of the Assessment of the Applicant required by Subchapter 6, Article 3, Section

et seq. (C) The agency shall make the psychological and medical history form

required by Section 35285 available to the prospective adoptive parent.

(A)

The child's needs shall be determined by the assessment required by Subchapter 6, Article 4, Section 35275 et seq.

(B)

The prospective adoptive parent's ability to meet the needs of the particular child shall be

determined by a review of the Assessment of the Applicant required by Subchapter 6, Article

3, Section et seq.

(C)

The agency shall make the psychological and medical history form required by Section 35285 available to the prospective adoptive parent.

(3)

Determine that all INS requirements for a foreign-born child have been met

(4)

Certify to INS compliance with California Preadoption Requirements

(5)

Unless the prospective adoptive parent has received guardianship of the foreign-born

child from the child's native country the agency shall discuss the following with the

prospective adoptive parent:(A) That the agency shall retain legal custody of the

child, supervise the adoptive placement, and routinely meet with the prospective

adoptive parent and child until a final decree of adoption is granted¹. If the agency

enters into an agreement with the prospective adoptive parent to share or transfer

financial responsibility for the child, as permitted by Family Code Section 8906, the

placement agreement shall include the nature of the responsibility assumed by the

prospective adoptive parent, the duration of that responsibility and the effective date.

(B) That the child shall not be concealed within the county prior to granting of the final

decree of adoption (C) That the child shall not be removed from the county of

residence of the prospective adoptive parent prior to filing an adoption petition without

the prior written consent of the agency (D) That after the adoption petition is filed the

child shall not be removed from the county of residence of the prospective adoptive

parent for a period exceeding 30 days without the approval of the court until a final

decree of adoption is granted (E) That the prospective adoptive parent shall place the

child under the care of a licensed physician for routine health care of the child (F) That

the prospective adoptive parent shall inform the agency of any serious injury to or

illness of the child and shall obtain prior written consent for all nonemergency surgical and other nonroutine medical treatment for the child (G) That the prospective adoptive parent shall inform the agency regarding any changes in the composition of the adoptive family or place of residence of the family (H) That the adoptive placement may be terminated and the child removed from the prospective adoptive parent's home at the agency's discretion prior to the filing of the petition to adopt (I) That the agency agrees to give seven days written notice to the prospective adoptive parent of its intent to terminate the adoptive placement and remove the child unless the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse (J) That after the adoptive petition has been filed the agency must obtain court approval to remove the child (K) That the prospective adoptive parent shall be permitted to terminate the adoptive placement and return the child to the agency at any time prior to the granting of the final decree of adoption (L) That the agency shall determine that all ICPC requirements for an interstate placement have been met as required by Title 22, California Code of Regulations, Section 35397 et seq. (M) That the agency has a grievance review procedure and the right of the prospective adoptive parent to file a grievance with the agency if the parent is dissatisfied with any action of the agency at any time before a petition for adoption is filed 1. The grievance review process shall be in accordance with Subchapter 5, Article 9, Section 35233 et seq. (N) That Family Code Section 8911 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 8912 of the Family Code within thirty (30) days of placement.

(A)

That the agency shall retain legal custody of the child, supervise the adoptive placement, and routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted¹. If the agency enters into an agreement with the prospective adoptive parent to

share or transfer financial responsibility for the child, as permitted by Family Code Section 8906, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date.

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If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial responsibility for the child, as permitted by Family Code Section 8906, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date.

(B)

That the child shall not be concealed within the county prior to granting of the final decree of adoption

(C)

That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without the prior written consent of the agency

(D)

That after the adoption petition is filed the child shall not be removed from the county of residence of the prospective adoptive parent for a period exceeding 30 days without the approval of the court until a final decree of adoption is granted

(E)

That the prospective adoptive parent shall place the child under the care of a licensed physician for routine health care of the child

(F)

That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child and shall obtain prior written consent for all nonemergency surgical and other nonroutine medical treatment for the child

(G)

That the prospective adoptive parent shall inform the agency regarding any changes in the composition of the adoptive family or place of residence of the family

(H)

That the adoptive placement may be terminated and the child removed from the prospective adoptive parent's home at the agency's discretion prior to the filing of the petition to adopt

(I)

That the agency agrees to give seven days written notice to the prospective adoptive parent of its intent to terminate the adoptive placement and remove the child unless the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse

(J)

That after the adoptive petition has been filed the agency must obtain court approval to remove the child

(K)

That the prospective adoptive parent shall be permitted to terminate the adoptive placement and return the child to the agency at any time prior to the granting of the final decree of adoption

(L)

That the agency shall determine that all ICPC requirements for an interstate placement have been met as required by Title 22, California Code of Regulations, Section 35397 et seq.

(M)

That the agency has a grievance review procedure and the right of the prospective adoptive parent to file a grievance with the agency if the parent is dissatisfied with any action of the agency at any time before a petition for adoption is filed 1. The grievance review process shall be in accordance with Subchapter 5, Article 9, Section 35233 et seq.

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(N)

That Family Code Section 8911 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 8912 of the Family Code within thirty (30) days of placement.

(6)

When the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country, the agency shall discuss the following with the prospective adoptive parent: (A) That the agency shall routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted (B) That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without notifying the agency in writing (C) That the prospective adoptive parent shall inform the agency of any serious injury to or illness of the child (D) That the agency will notify the local child protective services agency when the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse (E) Those items contained in Section 35297(a) (5) (B), (D), (E), (G), (J), (M) and (N).

(A)

That the agency shall routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted

(B)

That the child shall not be removed from the county of residence of the prospective adoptive parent prior to filing an adoption petition without notifying the agency in writing

(C)

That the prospective adoptive parent shall inform the agency of any serious injury to or

illness of the child

(D)

That the agency will notify the local child protective services agency when the agency has determined that the child is in danger of cruelty, neglect, depravity or abuse

(E)

Those items contained in Section 35297(a) (5) (B), (D), (E), (G), (J), (M) and (N).

(7)

Enter into an adoptive placement agreement with the prospective adoptive parent which agreement shall include: (A) General and identifying information as follows: 1. Name and address of prospective adoptive parent 2. Name, address and telephone number of agency 3. First name and date of birth of child 4. Anticipated date of placement 5. Amount of agency fees, including foreign agency fees. (B) Statements which summarize the information required by Section 35297(a)(5) or (6). (C) A space for acknowledgement of receipt by the prospective adoptive parent of the information required by Section 35297(a)(2)(C). (D) A space for the signature of the prospective adoptive parent and date of signing the adoptive placement agreement (E) A space for the signature of the agency's representative and date of signing the adoptive placement agreement 1. The signature and date of signing by a representative of each agency shall be obtained if the placement is a cooperative placement between two agencies.

(A)

General and identifying information as follows: 1. Name and address of prospective adoptive parent 2. Name, address and telephone number of agency 3. First name and date of birth of child 4. Anticipated date of placement 5. Amount of agency fees, including foreign agency fees.

1.

Name and address of prospective adoptive parent

2.

Name, address and telephone number of agency

3.

First name and date of birth of child

4.

Anticipated date of placement

5.

Amount of agency fees, including foreign agency fees.

(B)

Statements which summarize the information required by Section 35297(a)(5) or (6).

(C)

A space for acknowledgement of receipt by the prospective adoptive parent of the information required by Section 35297(a)(2)(C).

(D)

A space for the signature of the prospective adoptive parent and date of signing the adoptive placement agreement

(E)

A space for the signature of the agency's representative and date of signing the adoptive placement agreement 1. The signature and date of signing by a representative of each agency shall be obtained if the placement is a cooperative placement between two agencies.

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