

CALIFORNIA REGULATIONS AND FAMILY AND OTHER CALIFORNIA CODES RELATING TO ADOPTIONS

California Family Code Division 13, Sections 8500 et seq., 8600 et seq., 8700 et seq., and 8800 et seq. are the major California codes pertaining to adoptions.

California Code of Regulations Title 22, Division 2, Chapter 3, covers adoptions procedures.¹

CDSS Adoptions website: <http://www.childsworld.ca.gov/PG1301.htm>

Independent Adoptions:

California Family Code Sections 8800 et seq.

California Code of Regulations Chapter 3, Subchapter 4

Agency Adoptions:

California Family Code Sections 8700 et seq.

California Code of Regulations Chapter 3, Subchapter 5

Welfare and Institutions Code Sections 300 et seq. covers dependent children and the dependency process.

Welfare and Institutions Code Sections 16000 et seq. covers foster care placement and special considerations for maintaining family ties in foster and adoptive placements.

¹ Currently being revised; watch for changes.

8802. Petition for adoption; contents; order of adoption

(a) (1) Any of the following persons who desire to adopt a child may, for that purpose, file an adoption request in a county authorized by Section 8609.5:

(A) An adult who is related to the child or the child's half sibling by blood or affinity, including all relatives whose status is preceded by the words "step," "great," "great-great," or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

(B) A person named in the will of a deceased parent as an intended adoptive parent where the child has no other parent.

(C) A person with whom a child has been placed for adoption.

(D) (i) A legal guardian who has been the child's legal guardian for more than one year.

(ii) If the child is alleged to have been abandoned pursuant to Section 7822, a legal guardian who has been the child's legal guardian for more than six months. The legal guardian may file a petition pursuant to Section 7822 in the same court and concurrently with a petition under this section.

(iii) However, if the parent nominated the guardian for a purpose other than adoption for a specified time period, or if the guardianship was established pursuant to Section 360 of the Welfare and Institutions Code, the guardianship shall have been in existence for not less than three years.

(2) If the child has been placed for adoption, a copy of the adoptive placement agreement shall be attached to the petition. The court clerk shall immediately notify the department at Sacramento in writing of the pendency of the proceeding and of any subsequent action taken.

(3) If the petitioner has entered into a postadoption contact agreement with the birth parent as set forth in Section 8616.5, the agreement, signed by the participating parties, shall be attached to and filed with the petition for adoption.

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Adoption Assistance Program

Federal subsidies were created by Congress (through Public Law 96-272 - the Adoption Assistance and Child Welfare Act of 1980) to encourage the adoption of special needs children and remove the financial disincentives for families to adopt. Recognizing that adoptive parents often experience financial difficulty meeting the special needs of children who formerly were placed in California's foster care system, the State Legislature created the Adoption Assistance Program (AAP). In creating the program, the Legislature intended to benefit children in foster care by providing the security and stability of a permanent home through adoption. Children may receive a federally funded subsidy under Title IV-E or a state-funded subsidy per state guidelines.

To apply for the AAP, adoptive families must submit a completed Request for Adoption Assistance (AAP 1) form which is provided by their licensed adoption agency. The responsible public agency will determine the child's special needs eligibility for participation in the program. If the child is deemed eligible, the responsible public agency will negotiate a signed adoption assistance agreement, or a deferred adoption assistance agreement will be executed with the adoptive parents, prior to the adoption finalization. A reassessment of the child's needs and family's circumstances is conducted every two years. The amount of financial assistance is determined based upon the special needs of the child and circumstances of the family. An adopted child who receives AAP benefits from California may move anywhere in the world and still receive monthly subsidy payments until the age of 18 or 21, if the child has a mental or physical disability.