

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 25, 2008

ALL COUNTY INFORMATION NOTICE NO. I-12-08

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties

TO: ALL LICENSED PRIVATE ADOPTION AGENCIES

SUBJECT: IMPLEMENTATION OF NEW READOPTION PROVISIONS FOR
INTERCOUNTRY ADOPTIONS – Senate Bill 1393 (Chapter 809,
Statutes of 2006)

This All County Information Notice (ACIN) provides information and guidance on the implementation of Senate Bill (SB) 1393 (Chapter 809, Statutes of 2006) which amended Family Code Section 8919.

Background

Readoption is the process of completing a second adoption in California after a foreign born child has been adopted in a foreign country by California residents. Currently, readoption in California is not mandatory by California law, but may be required by the federal government for immigration purposes.

SB 1393 – General Provisions

Senate Bill 1393 amended Family Code Section 8919 to include specific requirements that must be met in order for a final readoption order to be issued by a California Superior Court. The bill also establishes alternative requirements for readoption when the original adoption occurred in a country whose adoption laws have been certified by the California Department of Social Services (CDSS) as meeting or exceeding those of California's. However, these alternative requirements will not be in effect until the certification process has been completed.

Specifically, the bill requires the following:

1. At least one post-placement visit by a California adoption agency licensed by the Department to provide intercountry adoption services;
2. Filing of an Adopt 200—Adoption Request (Adopt-200) with the California Superior Court in the petitioner's county of residence;
3. Filing of the intercountry adoption court report by the licensed adoption agency conducting the post placement visit(s);
4. Accounting reports detailing adoption expenses;
5. The homestudy report previously completed for the finalized intercountry adoption by a California licensed adoption agency licensed to provide intercountry adoption services (Note: Completion of a second home study is not necessary.); and,
6. The final adoption decree or order from the country of the child's birth.

Forms necessary to complete a readoption may be accessed from the California Courts website at www.courtinfo.ca.gov/forms, and clicking on the ADOPT-050, which clearly sets forth the forms and steps to be completed in the readoption process.

Once an Adopt-200 is filed with the Court, a court report is completed by the adoption agency that provided the post-placement visit. The court report gives important information to the judge about the adoptive parents and the child. The court report of adoption must be submitted by the adoption agency to the court within 180 days after the adoptive parent has filed the Adopt 200, or within the timeframe extended by the court, and shall include the following information:

1. A full report of the Background Information on the Birth Parents, as required by Title 22 California Code or Regulations (CCR) Subchapter 6 Article 5, Section 35289 et seq.;
2. A full report of the information obtained in the Assessment of the Child as required by Title 22 CCR Subchapter 6, Article 4, Section 35285 et seq.;
3. A full report of the information obtained in the Assessment of the Applicant as required in Title 22 CCR Article 3, Sections 35269 and 35271;
4. A copy of the documentation that the child was legally free for adoption;
5. The agency's recommendation that the petition be granted or denied.

When the adoption agency completes the court report, it will file the report with the Court where the adoptive parents filed their Adopt-200. The adoption agency will send the adoptive parents a copy. When the adoptive parents receive a copy of the court report, they can contact the court clerk to set a date for the readoption hearing.

Senate Bill 1393 also established a requirement for the CDSS to certify that the adoption standards of the following countries meet or exceed those of this state: China,

Guatemala, Kazakhstan, Russia, and South Korea. The certification process is currently being developed by the CDSS. When these countries have been certified, further instructions will be provided regarding the alternative readoption process outlined in Family Code Section 8919(c). However, in the absence of such certification, the requirements of Family Code Section 8919(a) and (b) will continue to be in effect. Adoptions program regulations will also be modified to reflect the changes in law pertaining to readoption in California.

A new birth certificate shall be established by the State Registrar upon receipt of a readoption order issued by the Superior Court. For more information on obtaining a new birth certificate or a status update on the issuance of a new birth certificate, please contact the Department of Health's Office of Vital Records at (916) 445-2684 or <http://www.dhs.ca.gov>.

If you have any questions regarding the information contained in this ACIN, please contact the Concurrent Planning Policy Unit, at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Acting Deputy Director
Children & Family Services Division

c: Judicial Council of California, Administrative Office of the Courts