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ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

Effective Date: May 10, 1993 **Number:C-0203**
Revised: December 1, 2009

Voluntary Relinquishment

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Purpose

To provide guidelines for the voluntary relinquishment of a dependent child to the Children and Family Services (CFS) Adoptions program.

Approved

This policy was approved by Mike Ryan, Director of CFS, on December 1, 2009. *Signature on file*.

Background

This policy is a revision of CFS Policy and Procedure (P&P) Voluntary Relinquishment for Adoption (C-0203). This revision also incorporates pertinent information from and renders obsolete CFS P&Ps Adoption Relinquishment Notification (C-0402-I) and Adoption Referrals for Dependent Children (C-0202).

Licensed adoption agencies in the State of California (CFS Adoptions program being one of these) are permitted to accept the voluntary relinquishment of a child for the purpose of adoptive placement. There are a variety of statutes and regulations which govern the acceptance of such relinquishments. Because relinquishment transfers complete care, custody, and control of a child to the CFS Adoptions program, the need for funding and support of the Juvenile Court require that the child be declared a dependent prior to relinquishment.

Either parent, birth mother or presumed and/or alleged father, may relinquish a child to the CFS Adoptions program. Refer to CFS P&P Parentage (G-0602) for definitions of types of parentage. Accepted practice dictates that the birth mother relinquish prior to accepting relinquishments from presumed or alleged fathers. The relinquishing parent may be a minor.

Legal Mandates

Family Code Section 7662 allows a child's alleged father to waive his right to notice of any adoption proceeding or deny his paternity, before or after the child is born. Once a waiver or denial is signed, no notice of, relinquishment for, or consent to adoption of the child will be required from the birth father for the adoption to proceed.

Family Code Section 8700 summarizes the procedure for both in-state and out-of-state relinquishments. This code section also details requirements for rescission, designated relinquishments, and the filing of relinquishment documents.

Family Code Section 8701 describes the right of the relinquishing parent to request information regarding the status of the child's adoption.

Family Code Section 8702 describes the statement to be given to the birth parent at the time of relinquishment regarding keeping CFS aware of current address and any health problems that could affect the child.

Family Code Section 8703 encourages the birth parent to keep CFS informed of their current address to allow for inquiries regarding medical or social history.

California Code of Regulations Title 22, Division 2, Subchapter 1, Section 35003 describes the procedures to follow when a relinquishing parent is unable to comprehend English or is not literate in their native language.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35130 describes the prerequisites to relinquishment.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35135 describes the factors that must be in place before accepting a relinquishment.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35141 describes the filing options for the relinquishing parent.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35149 describes the basis for accepting a relinquishment document.

California Code of Regulations Title 22, Division 2, Subchapter 5, Sections 35151 & 35152.1 discusses the content and the process of accepting the Statement of Understanding.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35153 discusses rescinding a relinquishment.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35165 describes the filing of relinquishment documents with CDSS.

California Code of Regulations Title 22, Division 2, Subchapter 5, Section 35167 describes the authority for rescission.

Definitions

Acknowledgement: Notice from the California Department of Social Services (CDSS) of the filing of the relinquishment that a child is free for adoptive placement.

Birth Parent: Biological parent or in the case of a person previously adopted, the adoptive parent.

Filing of the Relinquishment Form: CDSS's receipt and acknowledgement of a certified copy of the relinquishment that has been signed, witnessed, and dated.

Relinquishment: The action of a parent who signs a relinquishment form in which he or she surrenders custody, control, and any responsibility for the care and support of the child to CDSS or any licensed public or private agency pursuant to Family Code Section 8700.

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Rescission: An action taken by mutual agreement between the relinquishing parent and CFS Adoptions program which accepted the relinquishment, to nullify the relinquishment after it has been filed.

POLICY

Relinquishment Referral

A. When the birth parent indicates to the assigned Senior Social Worker (SSW) a desire to relinquish their child, the SSW will complete a *Relinquishment Referral (F063-25-586)* and forward to the Senior Social Services Supervisor (SSSS) responsible for legal work in the CFS Adoptions program.

B. The Adoptions SSSS will review the *Relinquishment Referral (F063-25-586)* and immediately assign to the first available SSW in the CFS Adoptions program.

C. The Adoptions SSW will meet with each parent who has indicated a desire to relinquish. The location of the interviews will be determined by mutual agreement between the Adoption SSW and the parent.

D. Prior to contact with a parent, the Adoptions SSSS and SSW will review the necessary prerequisites (indicated below) and determine whether conditions exist to move forward with a relinquishment.

Prerequisites

The following conditions must exist prior to commencement of the relinquishment process:

- The child is a **dependent** of the Juvenile Court
- CFS Adoptions program has determined that the child is adoptable (refer to Permanency Placement Assessment [PPA] case file for guidance in establishing adoptability)
- The parent chooses the plan of adoption and **freely** chooses to relinquish the child. (**Note:** “Freely” implies a decision free from coercion)

Language

At the initial contact with each parent requesting relinquishment, the Adoptions SSW will assess for language fluency utilizing *Language Assessment (F063-25-468*).

When the parent indicates a language preference other than English, the Adoptions SSW will utilize an SSA or non-SSA interpreter to review all relinquishment documents. If a non-SSA interpreter is utilized, the Adoptions SSW will ensure that the non-SSA interpreter signs *Certification of Confidentiality—Non-SSA Interpreter (F063-02-217)* prior to commencement of the relinquishment process. Refer to CFS P&P Case Compliance and Documentation (E-0105) for additional guidance on this process.

CFS Adoptions will make every effort to provide forms in the language identified by the aforementioned assessment per California Code of Regulations Title 22, Division 2, Subchapter 1, Section 35003.

Note: Refer to the bottom of the forms listing below for a link to the CDSS Forms website to determine if the required form is available in the parent’s preferred language.

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Per California Code of Regulations Title 22, Division 2, Subchapter 1, Section 35003, if the parent is unable to read in any language, CFS Adoptions program will:

A. Obtain the translated forms or have a certified translator translate the forms.

B. Retain a reader of the native language or permit the parent to provide a reader.

C. Tape record the reading of the translated documents.

D. Obtain a statement, signed by the reader, attesting that the forms were read accurately.

The translator or the reader will not be responsible for providing adoption services to the relinquishing parent.

First Interview

When the Adoptions SSSS and SSW have determined that the prerequisites (indicated above) have been met and the parent's language needs have been assessed, the Adoptions SSW will contact the parent and schedule the first interview. The first interview will proceed as follows:

A. The Adoptions SSW will assess the parent's ability to understand the content, nature, and effect of signing a relinquishment. Refer to Capacity to Consent policy section below for further direction on this topic.

B. The Adoptions SSW will read the Relinquishment Advisement to the birth parent. Refer to Attachment 1—Relinquishment Advisement.

C. After reading the Relinquishment Advisement, the Adoptions SSW will complete the following forms with the assistance of the parent:

- *Information about Birthmother (AD67)*
- *Information about Birthfather (AD67A)*
- *Indian Child Inquiry Attachment (ICWA-010A)*
- *Parental Notification of Indian Status (ICWA-020)*

Note: If the child qualifies for Indian Child Welfare Act (ICWA) status, consult with an Adoptions Legal SSSS as to appropriate procedure.

D. The Adoptions SSW will provide the parent with the following blank documents and request that the parent review prior to the second interview:

- *Relinquishment (AD501)*
- *Statement of Understanding (AD885A)*
- *Consent for Contact (AD 904)*
- *Adoptions Information Act Statement (AD 908)*

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E. The Adoptions SSW will answer any questions that the parent may have concerning the aforementioned forms, advisement, and the relinquishment process.

F. The Adoptions SSW will schedule a second interview with the parent within no less than 48 hours.

Second Interview

During the second interview, the Adoptions SSW will:

A. Read out loud the *Statement of Understanding (AD 885A)* and request that the parent initial each explanatory statement on the form.

B. Have the *Statement of Understanding (AD 885A or AD 885D, as appropriate)* signed by the relinquishing parent, Adoptions SSW, and two adult witnesses. (**Note:** Witnesses will be provided by CFS Adoptions program.)

C. Read the *Relinquishment (AD 501)* out loud and have the parent, Adoptions SSW, and two adult witnesses sign the document.

D. Request that the parent complete the *Consent for Contact (AD 904)* and the *Adoptions Information Act Statement (AD 908)*.

E. Request that the parent indicate a preference for filing the documents with CDSS. Options include:

- Immediate filing without a holding period
- A delayed filing with up to 30 calendar days holding period
- A signed relinquishment may be held more than 30 calendar days if questions exist as to the right of the other parent(s) to sign. Extended period must be agreed to in writing with reason given and period of extension specified. The agreement will be provided by the Adoptions SSW and signed by both parent and SSW.

F. Provide parent with original copies of *Statement of Understanding (AD 885A or AD 885D, as appropriate)*, *Relinquishment (AD 501)*, *Consent for Contact (AD 904)*, and the *Adoptions Information Act Statement (AD 908)*.

Filing Relinquishment Documents

Upon completion of the second interview, the Adoptions SSW will file the relinquishing and supporting documents (see Procedure section below for listing) with CDSS according to the following timelines:

A. Within 10 working days after the day the relinquishment is signed, but no sooner than the close of the next working day following the signing, if the parent requests immediate filing.

B. Within 10 days after expiration of holding period.

Note: CFS may not sign adoptive placement paperwork for a child until all parents have either relinquished or had their parental rights terminated.

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Notice of Relinquishment

Once the relinquishment documents are filed, the Adoptions SSW will notice the following parties within five judicial days, per Procedure section below:

- Juvenile Court
- Attorney for Relinquishing parent
- Child's Attorney

Additionally, the Adoptions SSW will notify the assigned SSW by email that the relinquishment has been signed.

Revoking a Relinquishment

A parent may revoke a relinquishment at any time **prior** to the filing of the relinquishment documents. A parent may revoke a relinquishment by stating verbally or in writing one or both of the following:

- A desire to revoke the relinquishment
- A desire to have the child returned to their care

When a parent has indicated a desire to revoke, the Adoptions SSW will:

- Cease all adoption planning (i.e., matching, presentation)
- Provide the parent with *Revocation of Relinquishment (AD 4317)* and inform that the form must be completed within 14 days or the relinquishment will remain in effect. Provide the parent with a specific date by which the form must be returned
- Upon receipt from parent of completed *Revocation of Relinquishment (AD 4317),* void relinquishing documents by writing "void" across the top of each page
- Notice the following parties by Ex Parte within five judicial days:
    - Juvenile Court
    - Attorney for Relinquishing parent
    - Child's Attorney

Additionally, the Adoptions SSW will notify the assigned SSW by email that the relinquishment has been revoked.

Rescinding a Relinquishment

Whereas a revocation occurs prior to the relinquishment being filed, a rescission occurs **after** the relinquishment documents have been filed with CDSS. After relinquishment has been filed, any verbal or written request by the parent to revoke the relinquishment requires the mutual agreement of the parent and CFS.

A. **Upon Request for Rescission:**
In considering a request for rescission, the Adoptions SSW, in consultation with an Adoptions SSSS and the Adoptions Program Manager (PM), will:

1. Discuss the parent's reason for seeking rescission.

2. Provide the parent with *Request for Rescission of Relinquishment (AD 508)* and inform that they have 14 days to complete and return. Specify date.

3. Inform parent that if form is not returned by specified date, request for rescission will be nullified.

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4. Consider the best interests of the child, the adequacy of the parent's plan to care for the child, and community resources and services available to assist the parent.

B. **CFS Agreement with Rescission:**
If CFS is in agreement with rescission, the Adoptions PM will consult with the CFS Deputy Director prior to filing the completed *Request for Rescission of Relinquishment (AD 508)* with CDSS. The completed *Request for Rescission of Relinquishment (AD 508)* must be filed with CDSS via certified mail, return receipt requested, within three working days of making the decision.

The Adoptions SSW will also:

1. Write the word "void" on the top of each page of every relinquishment document and place on Relinquishment Acco.

2. Notice the following parties by Ex Parte of the decision to rescind within five judicial days:

- Juvenile Court
- Attorney for Relinquishing parent
- Child's attorney

Additionally, the Adoptions SSW will notify the assigned SSW by email that the relinquishment has been rescinded.

C. **CFS Disagrees with Rescission:**
In the event that CFS Adoptions program decides **not** to rescind the relinquishment, the Adoptions SSW will:

1. Provide copy of decision with reasons, in writing, within three working days by certified mail, return receipt to:

- Parent requesting rescission
- CDSS

2. Notify the following parties by Ex Parte of the request for rescission and the reason not to rescind:

- Juvenile Court
- Child's attorney
- Relinquishing parents' attorney

Out-of-State Relinquishment

When a parent who resides out of state requests to relinquish their child, the Adoptions SSW will coordinate the following activities:

A. **Child placed in California and parent requesting relinquishment resides out of state:**
The relinquishing parent will receive the appropriate advisement and counseling services via telephone from a CFS Adoptions SSW.

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The relinquishment documents are signed first by a CFS Adoptions SSW, and then signed before a notary public by the relinquishing parent in their state of residence.

B. **Child and relinquishing parent reside out of state and child will be supervised in adoptive placement by licensed agency:**

1. The Adoptions SSW will refer the child and relinquishing parent to a licensed adoption agency in their state of residence.

2. The Adoptions SSW will prepare and sign relinquishment paperwork and coordinate signing with relinquishing parent and licensed adoption agency.

Note: Licensed agency will provide counseling, advisement, and witnessing of signature to the relinquishing party.

Designated Relinquishment

A designated relinquishment occurs when the parent designates an individual or couple to relinquish their child to for purposes of adoption.

CFS Adoptions program will only accept designated relinquishments when all of the following exist:

- The designated individual or couple has an approved home study prior to the commencement of the relinquishment process
- Placement with the designated individual or couple has been determined to be in the best interest of the child
- Adoptions PM has reviewed and approved request for designated relinquishment

Capacity to Consent

If the parent is unable to comprehend one or more aspects of the relinquishment process, the assigned SSW will refer the parent to a licensed psychiatrist or clinical psychologist for evaluation (i.e., psychological testing, psychiatric interview at the parent's expense, etc.).

An evaluation is also required if:

- The parent is receiving Social Security Income (SSI) for mental illness and/or developmental disability
- The parent has received psychiatric treatment and/or psychotropic medication within the past two years

CFS Adoptions program will initiate the relinquishment process after the evaluation if all of the following apply:

- The evaluation indicates that the parent has the ability to understand the content, nature, and effect of signing the relinquishment
- Evaluation occurred within the past 30 days
- Parent with conservatorship has order of conservatorship which specifically allows parent to relinquish and the order states that the parent has the ability to understand content, nature, and effect of relinquishment

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Documentation File hardcopy of all signed relinquishment paperwork on Relinquishment Acco and place in purple legal file. Enter relinquishment information in CWS/CMS following instructions provided in CWS/CMS Data Entry Standards—Voluntary Relinquishment.

REFERENCES

Attachments and CWS/CMS Data Entry Standards Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- Attachment 1—Relinquishment Advisement
- Attachment 2—List of Relinquishment Forms
- CWS/CMS Data Entry Standards—Voluntary Relinquishment

Hyperlinks Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Case Compliance Contacts & Documentation (E-0105)
- CFS P&P Parentage (G-0602)

Other Sources Other printed references include the following:

None.

REQUIRED FORMS

Online Forms Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Information About The Birthmother	AD 67
Information About The Birthfather	AD 67A
Supporting Information for Issuance of CDSS Acknowledgement and Confirmation of Receipt of Child Freeing Documents	AD 90
Relinquishment—In or Out-of-County (Birth Mother/Presumed Father)	AD 501
Relinquishment—In or Out-of-County (Birth Mother/Presumed Father) (Spanish)	AD 501SP
Relinquishment—Out-of-State (Birth Mother/Presumed Father)	AD 501A
Relinquishment—Out-of-State in Armed Forces (Birth Mother/Presumed Father)	AD 504
Request for Rescission of Relinquishment	AD 508
Notification of Procedure In Lieu of Signing Relinquishment, Waiver or Denial	AD 551A
Relinquishment—In or Out-of-County (Presumed Father Denies He is the Birth Father in California)	AD 583

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Relinquishment—Out-of-State (Presumed Father Denies He is the Birth Father)	AD 584
Relinquishment—In or Out-of-County (Alleged Natural Father in California)	AD 586
Denial of Paternity by Alleged Natural Father—In or Out of California	AD 588
Relinquishment—Out-of-State (Alleged Natural Father)	AD 591
Relinquishment—Out-of-State—Outside of California in Armed Forces (Alleged Natural Father)	AD 593
Statement of Understanding—Agency Adoption Program—Mother or a Presumed Father of a Child Who is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian	AD 885A
Statement of Understanding—Agency Adoption Program—Alleged Natural Father of the Child Who is Detained, a Juvenile Court Dependent in Out-of-Home Care, or the Ward of a Legal Guardian	AD 885D
Consent for Contact	AD 904
Adoptions Information Act Statement	AD 908
Revocation of Relinquishment	AD 4317
Notice of Relinquishment	F063-18-287
Proof of Service—Notice of Relinquishment	F063-18-286
Relinquishment Referral Form	F063-25-586
Certification of Confidentiality-Non-SSA Interpreter	F063-02-217
Language Assessment	F063-25-468
Indian Child Inquiry Attachment	ICWA-010A
Parental Notification of Indian Status	ICWA-020
Statement Regarding Parentage	JV-505

Click here to access Adoption (AD) forms in other languages from the California Department of Social Services (CDSS) website

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

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Required Actions—First Interview	The following steps will be taken when meeting with the parent for the first interview.	
Staff Responsible	**Step**	**Required Action**
Adoptions SSW	**1.**	Have parent show picture identification for the purpose of verification.
	2.	Assess parent for ability to understand content, nature, and effect of signing relinquishment, per the “First Interview” Policy section above.
	3.	Provide advisement as detailed above in the “First Interview” Policy section above.
	4.	Complete with parental assistance the following forms: • *Information About Birthmother (AD 67)* • *Information About Birthfather (AD 67A)* • *Indian Child Inquiry Attachment (ICWA-010A)* • *Parental Notification of Indian Status (ICWA-020)*
	5.	Provide parent with a complete set of blank relinquishment documents, as detailed in the “First Interview” Policy section above, and explain each document.
	6.	Advise parent that there will be a minimum of 48 hours until the second interview and that two witnesses (from CFS Adoptions) will also be present at relinquishment signing.
	7.	Schedule second interview.

Required Actions—Second Interview	The following action will be taken when meeting for the second interview and signing relinquishment documents.	
Staff Responsible	**Step**	**Required Action**
Adoptions Clerical Staff	**1.**	Prepare three sets of relinquishment documents (see Attachment 2) and fill in identifying information.
Adoptions SSW	**2.**	Check relinquishment documents for completeness and accuracy of identifying information.
	3.	Request parent to provide photo identification.
	4.	Introduce two witnesses.
	5.	Read *Statement of Understanding (AD 885A)* to parent and have parent initial each box. Sign and have parent and two witnesses sign and date all three copies.

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6. Read *Relinquishment (AD501)* to parent, sign, and have parent and two witnesses sign and date all three copies.

7. Request that parent sign and date three copies of *Consent for Contact (AD904)* and *Adoptions Information Act Statement (AD908)* if in agreement.

8. Request that parent indicate preference for holding period, per the "Second Interview" Policy section above.

9. Provide an original *Statement of Understanding (AD885A), Relinquishment (AD 501), Consent for Contact (AD904) and Adoptions Information Act Statement (AD908)* to parent.

10. Send relinquishment document to CDSS per the "Filing Relinquishment" Procedure section below.

11. Notice the following parties within five court days to the relinquishment using *Notice of Relinquishment (F063-18-287)*:

- Attorney for Relinquishing parent
- Attorney for the child

12. Route the following to Juvenile Court clerk's office:

- *Notice of Relinquishment (F063-18-287)*
- *Proof of Service—Notice of Relinquishment (F063-18-286)*
- Copy of *Relinquishment (AD 501)*

13.
- the assigned SSW that the relinquishment has been signed.

Required Actions—Filing Relinquishment	The following action will be taken in filing the *Relinquishment (AD 501)* with CDSS.	
Staff Responsible	**Step**	**Required Action**
Adoptions SSW	**1.**	Stamp *Relinquishment (AD 501)* and the *Statement of Understanding (AD 885A)* with the following wording: "I hereby certify that this is a true and correct copy of the relinquishment contained in the files of Children and Family Services"
Adoptions Legal SSSS	**2.**	Sign and date directly below the stamped statement.
Adoptions SSW	**3.**	Attach the following documents: a. *Supporting Information for Issuance of Department of Social Services Acknowledgement (AD 90)*

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b. *Notification of Procedure in Lieu of Signing Relinquishment Waiver or Denial (AD551A)*.

c. Copies of court orders terminating rights (as appropriate).

d. Copies of notices sent to alleged fathers along with proof of service (as appropriate).

e. Certified copies of prior relinquishment documents.

f. Copy of signed *Statement of Understanding (AD 885A)* attached to *Relinquishment (AD501)*.

g. Copy of psychiatric/psychological evaluation and/or statement of conservator (as appropriate).

h. Copies of *Statement Regarding Parentage (JV-505)* and other copies of waivers of further notice to adoption proceedings (as appropriate).

i. Copies of denial of paternity (as appropriate).

j. Copies of freeing documents from other states (as appropriate).

4. Send a copy of the filed relinquishing documents to the relinquishing parent by mail.

5. File *Relinquishment (AD 501)* and supporting documentation by certified mail, return receipt, with CDSS within the following time frames:

- Within 10 days after *Relinquishment (AD 501)* signed but no sooner than the close of the next business day in the case of an immediate filing request
- Within 10 days after expiration of holding period

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