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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective: August 15, 1987**  
**Revised: April 1, 2009**

**Number: C-0401**

## **Adoption Finalization**

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**Purpose** To provide guidelines for finalizing a Children and Family Services (CFS) Agency adoption.

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

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**Background** Adoption finalization is a legal event whereby a parent-child relationship is created between an adult and a legally free dependent child. The process is initiated by filing an *Adoption Request (ADOPT-200)*, previously termed an adoption petition, by prospective adoptive parents and ends with the issuance by Court of an *Adoption Order (ADOPT-215)*. Adoption is the most permanent of legal options available to a dependent child who cannot be returned home.

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**Legal Mandates** [Family Code Section 8601](#) requires the prospective adoptive parent to be 10 years older than the child. An exception exists for relatives if it is in the best interest of the child.

[Family Code Section 8602](#) states that if the child is age 12 or older, their consent to be adopted is required.

[Family Code Section 8603](#) requires a married person to obtain consent of their spouse prior to adopting.

[Family Code Section 8611](#) mandates that all adoption hearings be confidential.

[Family Code Section 8718](#) requires the prospective adoptive parents and the child, who is the subject of the adoption, to be physically present at the finalization hearing.

[Family Code Sections 8613 and 8613.5](#) provide exceptions where counsel may appear before the Court for the prospective adoptive parents and the child.

[Family Code Section 8616](#) provides that the adoption finalization creates a parent–child relationship.

[Family Code Section 8616.5](#) explains post adoption contact agreements in terms of legislative intent, content, development, execution, and dispute resolution.

[Family Code Section 8704](#) allows the Agency to terminate the adoption placement at any time prior to the *Adoption Request* being filed. After the *Adoption Request* is filed, absent exigent circumstances, the child can only be removed with Court approval. If the Agency refuses to join in the adoption, the Court may order the adoption if it is in the child's best interest.

[Family Code Section 8713](#) prohibits the child from being removed from the county in which they are placed while an *Adoption Request* is pending Court approval.

[Family Code Section 8714](#) states that the prospective adoptive parents may file the *Adoption Request* in the county of dependency or the county in which they reside.

[Family Code Section 8714.5](#) conveys the legislative intent that permanency should be expedited and describes the certificate of adoption.

[Family Code Section 8715](#) describes the court report that must be submitted by the Agency for finalization.

[Family Code Section 8717](#) states that a copy of the court report must be given to the attorney for the prospective adoptive parents.

[Family Code Section 8720](#) states that if the Agency is denying the home study and not joining in the adoption, the Agency must file an immediate report with the Court. The Court will set a hearing on the *Adoption Request* and the Agency will appear to testify on the child's behalf.

[Welfare and Institutions Code Section 366.29](#) describes post adoption contact agreements.

[Welfare and Institutions Code Section 16002\(e\)\(1-3\)](#) describes efforts to educate prospective adoptive parents regarding the importance of sibling relationships.

[Juvenile Court Rule 5.400](#) describes post adoption contact agreements.

[Juvenile Court Rule 5.730](#) describes the finalization of adoption.

[Title 22, Division 2, Adoptions Users Manual, Subchapter 5, 35128](#) describes requirements for freeing a child for adoption.

[Title 22, Division 2, Adoptions Users Manual, Subchapter 1, 35000](#) provides adoption definitions.

[Title 22, Division 2, Adoptions Users Manual, Subchapter 5, 35199](#) describes exceptions to the requirement that the child be legally freed.

[Title 22, Division 2, Adoptions Users Manual, Subchapter 35211](#) states that finalization must occur within 180 days of the filing of the *Adoption Request*.

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## Definitions

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

**Adoptive parent:** A person who has obtained an order of adoption of a child or, in the case of an adult adoption, an adult.

**Adoption Request:** Formerly referred to as an adoption petition, this legal document (*ADOPT-200*) sets the finalization court date and acts as the order of adoption for declaring that the prospective adoptive parents and the dependent child have a legal parent-child relationship.

**Agency adoption:** The adoption of a child, other than an intercountry adoption, in which the department or a licensed adoption agency is a party to, or joins in, the *Adoption Request*.

**Applicant:** A person who has submitted a written application to adopt a child from the department or a licensed adoption agency and who is being considered by the department or Agency for the adoptive placement of a child.

**Applicant Social Worker:** The social worker assigned to conduct the home study on the applicant.

**Applicant Unit Clerk:** The unit clerk assigned to process the finalization paperwork.

**Child Social Worker:** The social worker assigned to the child dependency case.

**Co-op Adoption:** An adoption where a private adoption agency has recruited and written the home study of a family who is subsequently matched to a dependent child. Both the public and private agency consent and join in the adoption.

**Private Agency Adoption Reimbursement Program (PAARP):** This program allows public agencies to utilize private agencies to conduct home studies on families and the cost is underwritten by the State of California.

**PAARP finalization:** Involves a family recruited by a public agency whose home study is completed by a private agency under contract to the public agency. Both the public agency and private agency consent and join in the adoption.

**PAARP Liaison:** The person who coordinates all home study and finalization activities between CFS Adoptions and the PAARP or Co-op agency.

**Prospective Adoptive Parent:** A person who has filed or intends to file an *Adoption Request* to adopt a child who has been or who will be placed in the person's physical care.

**Public Agency finalization:** Involves a family recruited by the public agency whose home study is conducted by the applicant worker. The signatory to the consent and joinder is the public agency.

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## POLICY

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### Prerequisites to Initiating Finalization

Prior to initiating the finalization process, the CFS applicant social worker or PAARP liaison will:

- A. Consult with the child worker to verify:
  - The Court has selected a permanent plan of Adoption for the child
  - Parental rights of all presumed and alleged parents have been terminated and/or relinquished
  - The child has been in their current placement for at least six months
  - Status of the Permanency Placement Mediation Referral
- B. Consult with the applicant unit clerk to verify the child was acknowledged by the State of California as legally freed.
- C. Consult with County Counsel's Office to verify all appeals are resolved and the remittitur received by Juvenile Court.
- D. Examine the applicant file (includes home study and supporting documents) to determine if:
  - The prospective adoptive parents have a public or private agency approved adoption home study
  - Adoptive placement papers are signed and the child adoptively placed
  - The Adoption Assistance Program (AAP) agreement has been executed and signed by the prospective adoptive parents
  - The post placement supervision visit has occurred, and the summary completed and provided to the applicant unit clerk

**Note:** The finalization process cannot commence until all items listed above have been completed.

### Finalization Process

Upon completion of the requirements above, the CFS applicant social worker or PAARP liaison will contact the prospective adoptive parents and the private agency (if applicable) to inform them that they can proceed with filing the *Adoption Request* with the Clerk of the Juvenile Court.

A. **Initial Filing**

Based on information provided by the applicant social worker (CFS or private agency) during the home study process (refer to CFS Policy and Procedure [P&P] [Adoption Full Assessment \[C-0102\]](#) for additional guidance), the prospective adoptive parents will select one of two ways of filing the *Adoption Request* with the Court:

1. **In Pro Per Filing:** The prospective adoptive parents will file In Pro Per (one who represents oneself in a court proceeding without the assistance of a lawyer) with the Juvenile Court Clerk's Office utilizing forms obtained from the Administrative Office of the Court website.

**Note:** The child social worker or the CFS applicant social worker **will not**, under any circumstance, provide assistance during the filing process if the prospective adoptive parents choose to file In Pro Per. Assistance from the child social worker or the CFS applicant social worker constitutes providing legal advice and creates the possibility of sanctions being levied by the Court against the social worker or the Agency.

2. **Attorney Assisted Filing:** The prospective adoptive parents can choose to retain an attorney or they may be appointed an attorney by the Court. In this situation, upon notification of appointment by the private attorney, the applicant unit clerk will provide the private attorney with a *Guide to Adoption Finalization (F063-25-577)* and *Finalization Status Letter (F063-25-578)*, which informs the attorney regarding the progress of the adoption and provides information necessary to complete the *Adoption Request*.

B. **Setting the Court Date**

Upon filing of the *Adoption Request* by either the prospective adoptive parent or their attorney, the Juvenile Court Clerk's Office will provide a finalization date to all parties and open a confidential adoption file. A copy of the stamped *Adoption Request*, with the finalization date, will be sent to all parties to the adoption, including the applicant unit clerk who notifies the CFS applicant social worker or the PAARP liaison.

**Note:** There will be instances where a Court continuance is required on the part of the Agency due to circumstances such as problems with the adoptive placement, an unfinished home study, or an unresolved appeal. The child social worker will contact the County Counsel for that courtroom for guidance on requesting a continuance.

C. **Completion of the Agency Court Report**

Four weeks prior to the adoption finalization date, the applicant unit clerk will initiate the writing of the *Agency Court Report*. The applicant unit clerk will follow the guidelines set forth in the Procedure section below for information on completing their portion of the report. The applicant unit clerk will then forward the *Agency Court Report* to the applicant social worker for completion. The applicant social worker will complete the balance of the *Agency Court Report* utilizing the Procedure section below for guidance.

D. **Submission of Finalization Packet**

Two weeks prior to the adoption finalization date, the CFS applicant unit clerk or the private adoption agency (if a PAARP or Co-op adoption) will send the finalization packet to the Juvenile Court Adoption Unit Clerk. Refer to the Procedure section below for information regarding the content of the finalization packet.

**Note:** The finalization process may be initiated in either the county of dependency or the county of residence (in-state only and excludes ICPC and tribal adoptions). If the adoption finalizes in the county of residence, the CFS applicant unit clerk will send the finalization packet to the Juvenile Clerk's Office of the county of residence.

E. **Finalization**

Adoption finalization occurs on the finalization date when the Court reviews the finalization packet, has the parties to the adoption sign the *Adoption Agreement (ADOPT-210)* and the *Contact After Adoption Agreement (ADOPT-310)* (if applicable), and issues the *Adoption Order (AD215)*. Court then terminates dependency. If finalization occurs outside of Orange County, the child social worker will submit an ex-parte to Court with a copy of the *Adoption Order* to close dependency.

F. **Documentation**

Upon receipt of the minute order from Juvenile Court by the applicant unit clerk, enter the adoption finalization information in CWS/CMS (refer to [CWS/CMS Data Entry Standards—Adoptive Placement and Finalization](#)).

The applicant unit clerk will also notify the CalWORKs Eligibility Technician of the finalization if the adoptive parents have an open CalWORKs case.

**Termination of Adoptive Placement**

Once an *Adoption Request* has been filed, court approval is required if the Agency seeks to terminate an adoptive placement prior to finalization. Court approval to remove the child is granted or denied in response to a hearing initiated by the filing of the *Agency Court Report*. The child social worker, in coordination with the CFS applicant social worker or PAARP liaison (if applicable), will promptly file such a report if one of the following circumstances exists:

- The prospective adoptive parents exhibit serious behaviors or attitudes which bring into question their suitability to parent the child
- The prospective adoptive parent's home study has been denied
- There are serious questions regarding the safety of the child or the care the child has been receiving which have not yet necessitated a child abuse report
- The prospective adoptive parents have indicated that they wish to withdraw their *Adoption Request*

The CFS applicant social worker or PAARP liaison will include the following in the *Agency Court Report*:

- The basis for concern regarding the prospective adoptive parent or the child
- A request for direction regarding the situation giving rise to the Agency's concerns
- A recommendation that the *Adoption Request* be denied. If the CFS recommendation is that the *Adoption Request* be denied or withdrawn, the child social worker will appear at the hearing to testify on the child's behalf
- A recommendation that the *Adoption Request* be withdrawn in accordance with the prospective adoptive parent's wishes, if applicable
- A request that the *Adoption Request* be dismissed if filed by a



person with whom the Agency has not signed an adoption placement agreement, if applicable

See the Procedure section below for additional guidance on completing the *Agency Court Report*.

Upon receipt of the *Agency Court Report*, the Court will calendar a hearing and notice the Agency, prospective adoptive parents, and all assigned attorneys.

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## REFERENCES

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### Hyperlinks

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

- CFS P&P [Adoption Full Assessment \(C-0102\)](#)
- [CWS/CMS Data Entry Standards—Adoptive Placement and Finalization](#)

### Other Sources

Other printed references include the following:

None.

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## REQUIRED FORMS

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### 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
<a href="#">Eligibility Certification—Adoption Assistance Program</a>	AAP 4
<a href="#">Agency Adoption Program – Individual Case Report</a>	AD 42R
<a href="#">Information About the Birth Mother</a>	AD 67
<a href="#">Information About the Birth Father</a>	AD 67A
<a href="#">Notice of Removal of Child From Adoptive Home</a>	AD 580
<a href="#">Adoption Petition – Consent and Joinder</a>	AD 824
<a href="#">Finalization Cover Letter</a>	F063-25-576
<a href="#">Post-Placement Supervision Summary</a>	F063-18-274
<a href="#">Guide to Adoption Finalization</a>	F063-25-577
<a href="#">Adoption Disruption Memo</a>	F063-25-583
<a href="#">Finalization Status Letter</a>	F063-25-578

<a href="#">Adoption Request</a>	ADOPT-200
<a href="#">Adoption Agreement</a>	ADOPT-210
<a href="#">Contact After Adoption Agreement</a>	ADOPT-310
<a href="#">Adoption Order</a>	ADOPT-215

**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
Acknowledgement or Confirmation of Receipt of Child Freeing Documents	AD 4333
Agency Court Report	(Adoption Use Only)
Court Report of Adoption	VS 44

**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.	

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## PROCEDURE

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**Required Actions— Agency Court Report** The following steps are required when completing the *Agency Court Report* four weeks prior to the finalization date.

Staff Responsible	Step	Required Action
Applicant Unit Clerk	1.	Utilizing information from the following documents: <ul style="list-style-type: none"> <li>• <i>Post-Placement Supervision Summary (F063-18-274)</i></li> <li>• Adoption home study</li> <li>• <i>Information About the Birth Mother (AD 67)</i></li> <li>• <i>Information About the Birth Father (AD 67A)</i></li> </ul>

Insert the following information in the *Agency Court Report*:

- Names of the Adopting Parents
- Adoption Case number
- Birth Certificate number
- Recommend or not recommend adoption
- Date and Place of Birth
- Date placed in adoptive home
- Date of adoption placement signing
- Birth Mother and Birth Father
- Financial Information
- Others in the Home-Adults
- Others in the Home-Children
- Family Functioning
- Termination of Parental Rights/Relinquishments
- Action No. & date (i.e., date the child is legally freed)
- Acknowledgement Filing Date
- Add *Contact After Adoption Agreement* (if applicable) to Attachments listing

2. Email the *Agency Court Report* to the applicant social worker.

**CFS Applicant  
Social Worker**

3. Complete the following sections of the *Agency Court Report*:

- a. **Medical:** Briefly describe the adoptive child's medical condition. Include any medical impairments and how the child is adapting to these conditions.
- b. **Sibling Relationships:** Check the applicable box that describes the sibling relationships.
- c. **Health:** Indicate the status of the adoptive parent's health. Disclose any significant health problems and why this is not an impediment to the prospective adoptive parent's adopting.
- d. **Criminal and Child Abuse Clearances:** Summarize all in-state and out-of-state criminal convictions and substantiated child abuse reports

(CARs) for the prospective adoptive parents and other adults living in the household. When applicable, explain steps taken toward rehabilitation and why these occurrences do not pose a risk to the welfare of the child. If there is no criminal or CAR history, check the box "no records were found at either the federal, state, or local level."

4. Review report for accuracy, print, and sign.
  5. Forward completed report to Senior Social Services Supervisor (SSSS) at least three weeks prior to finalization date.
- SSSS**
6. Review report to ensure accuracy; approve and sign, and forward to applicant unit clerk. (Return to the CFS applicant social worker or applicant unit clerk if there are errors or omissions that require correction.)

**Required Actions—  
Agency  
Finalization Packet**

The following items are required when compiling the Adoption Finalization Packet two weeks prior to finalization.

**Applicant Unit  
Clerk**

1. Assemble the Adoption Finalization Packet as follows:
  - a. *Finalization Cover Letter (F063-25-576).*
  - b. *Agency Court Report* written or approved by the Agency (see procedure section above for direction on how to complete).
  - c. *Adoption Petition – Consent and Joinder (AD 824)* from the CFS Adoptions program and the Private Adoption Agency Reimbursement Program (if a PAARP case) or co-op agency (if applicable)
  - d. *Court Report of Adoption (VS 44).*
  - e. *Adoption Agreement* for a waiver by a non-adopting spouse or consent of the child if the child is 12 years or older.
  - f. *Acknowledgement or Confirmation of Receipt of Child Freeing Documents (AD 4333).*

- g. Copy of the 366.26 (Termination of Rights Minute Order or Relinquishment Document).
  - h. *Contact After Adoption Agreement (Adopt-310)*, if applicable.
  - i. Self-addressed stamped envelope addressed to the Adoption Agency Program.
2. Send to the Juvenile Court adoption clerk's office per step 5 in the Agency finalization procedure below.

<b>Required Actions— Agency Finalization</b>		The following actions are required when completing an Agency finalization.	
<b><u>Staff Responsible</u></b>	<b><u>Step</u></b>	<b><u>Required Action</u></b>	
<b>Applicant Unit Clerk</b>	1.	Upon receipt of a stamped <i>Adoption Request</i> from the Juvenile Court adoption clerk, notify via email the applicant social worker and the child social worker of the calendared finalization date.	
	2.	Complete <i>Agency Court Report</i> per procedure section above.	
	3.	Complete the <i>Adoption Petition – Consent and Joinder (AD 824)</i> and submit to the CFS applicant worker for signature. <b>Note:</b> When the Agency is not joining in the adoption due to the absence of the remittitur, the following language should be used:  <i>"This consent and joinder by SSA to the adoption of _____ is provisional and is conditioned upon the natural parents having exhausted their appellate rights prior to the granting of the adoption petition. All parties are advised that as of the date of this provisional consent and joinder, the natural parents' parental rights have been terminated but their appellate rights have not been exhausted. An appeal is still pending and/or the remittitur has not yet been issued. Subdivision (j) of Welfare and Institutions Code section 366.26 provides that "a petition of adoption may not be granted until the appellate rights of the natural</i>	

*parents have been exhausted." The prospective adoptive parents expressly acknowledge that they have been advised that the natural parents' appellate rights have not yet been exhausted."*

If the Agency is not joining in the adoption for other reasons (e.g., home study denied), consult County Counsel for the appropriate language to insert.

4. Compile the finalization packet for submission to the Juvenile Court Adoption Clerk's Office. Refer to Agency Finalization Packet Procedure section above for direction on this process.
5. Send to the Juvenile Court Adoption Clerk's Unit two weeks prior to finalization date.

<b>Required Actions—PAARP and Co-op Adoptions</b>		The following steps will be followed when completing a PAARP or a Co-op finalization.	
<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>	
<b>Adoption PAARP Clerk</b>	1.	Upon receipt of a stamped <i>Adoption Request</i> from the Juvenile Court adoption clerk, notify the PAARP Liaison, the Private agency, and the child social worker of the calendared finalization date. Mail a copy of the <i>Adoption Request</i> to the Private Adoption Agency.	
	2.	Review the <i>Agency Court Report</i> written by the PAARP Agency for accuracy and forward report to the PAARP Liaison for review.	
<b>PAARP Liaison</b>	3.	Contact Private Agency regarding any corrections to <i>Agency Court Report</i> .	
<b>Adoption PAARP Clerk</b>	4.	Complete <i>Adoption Petition – Consent and Joinder (AD 824)</i> and submit to PAARP Liaison for signature. Forward to Private Agency to complete finalization packet.	
	5.	Forward the following to the Private Agency to complete finalization packet:	
		<ul style="list-style-type: none"> <li>• Adoption Petition – Consent and Joinder (AD 824)</li> <li>• Eligibility Certification—Adoption Assistance</li> </ul>	

- Program (AAP 4)
- Agency Adoption Program-Individual Case Report (AD42R)
- Child's birth certificate
- Acknowledgement or Confirmation of Receipt of Child Freeing Documents (AD 4333)
- 366.26 Termination of Rights minute order
- Death certificates of birth parents (if any)
- Contact After Adoption Agreement (ADOPT-310) (if applicable)

<b>Required Actions— Adoptive Placement Termination</b>		The following steps must be taken when terminating an adoptive placement after the <i>Adoption Request</i> has been filed.	
<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>	
<b>Child Social Worker</b>	1.	File an <i>Agency Court Report</i> upon identification of issues as outlined in Termination of Adoptive Placement policy section above.	
	2.	Notify applicant social worker unit clerk if child is removed from placement.	
<b>Applicant Unit Clerk</b>	3.	Upon notification by child social worker, file with the California Department of Social Services (CDSS) the <i>Notice of Removal from Adoptive Home (AD 580)</i> within 15 days of the child's removal from the adoptive home.	
	4.	Send <i>Adoption Disruption Memo (F063-25-583)</i> to the following: <ul style="list-style-type: none"> <li>• Adoption statistician</li> <li>• AAP Clerk</li> <li>• Eligibility Technician</li> <li>• Applicant social worker</li> <li>• Child social worker</li> </ul>	
	5.	File copy of <i>Adoption Disruption Memo</i> on Adoption Placement Acco and in Reference File.	