



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

December 12, 2018

ALL COUNTY LETTER (ACL) NO. 18-142

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL TITLE IV-E AGREEMENT TRIBES
ALL LICENSED ADOPTION AGENCIES
ALL LICENSED FOSTER FAMILY AGENCIES
ALL COUNTY PROBATION
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF

SUBJECT: CLARIFICATION OF RESOURCE FAMILY WRITTEN REPORT AND
OVERVIEW OF THE ADOPTION PROCESS FOR EXISTING FOSTER
CAREGIVERS AND RESOURCE FAMILIES (RF)

REFERENCE: [SENATE BILL \(SB\) 1013, CHAPTER 35, STATUTES OF 2012, WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 16519.5; W&IC SECTION 366.24; HEALTH AND SAFETY CODE \(H&SC\) SECTION 1517; H&SC SECTION 1506 \(b\); ALL COUNTY LETTER \(ACL\) NO. 16-10; ACL 10-47; RESOURCE FAMILY APPROVAL WRITTEN DIRECTIVES \(VERSION 5.0, 2/6/2018\); TITLE 22, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, SUBCHAPTER 5, ARTICLE 11](#)

Purpose

The purpose of this All County Letter (ACL) is to provide guidance to child welfare and probation departments and other interested stakeholders as to how an adoption will be completed for Resource Families (RF) and existing foster caregivers. For purposes of this ACL, existing foster caregivers includes approved relatives and non-relative

extended family members (NREFM) and licensed and certified foster families. This ACL will also provide clarity regarding the Resource Family Written Report (RFA 05 or equivalent), and what additional tasks will need to be completed in the adoption process.

For the remainder of this ACL, “FFA” will be used to refer to a foster family agency that does not have an adoption license, “AA” will be used to refer to a dually licensed adoption agency, which has both a FFA and an adoption license and “adoption program” will be used to refer to County Adoption Agencies, the California Department of Social Services (CDSS) Regional Offices (ROs). Resource Families will be referred to as “RF.”

Background

SB 1013 provided the statutory and policy framework for RFA. The purpose of RFA is to create a singular application, training, and assessment process for families that are providing care for children and youth who are dependents of child welfare departments in all 58 counties. Prior to RFA, there was a different application, assessment, and approval process for relatives and (NREFMs), licensed and certified foster family homes, guardianship homes, and adoptive homes. This multi-faceted approach resulted in some duplication of assessments, paperwork and potential delays to permanency for children and families. RFA has been implemented in all 58 counties and most FFAs have either obtained, or are in the process of obtaining, approval from CDSS to use the RFA process. W&IC 16519.5 and H&S 1517 require that by December 31, 2020, all public and private agencies that serve dependent children will have converted their families to RFs. RFA provides for an adoption applicant approval process, however does not include the entire adoption process. This ACL is to provide guidance with the remaining adoption process per Title 22 Regulations.

The CDSS recognized that with the inception of RFA, a process would need to be created to assist families in completing the adoption work for a child with an identified permanency plan of adoption. To accomplish this, an initial workgroup was convened. The workgroup was comprised of representatives from many groups within the CDSS, other state and county representatives, as well as community based AAs and FFAs. This workgroup met multiple times from August 2017, through May 2018, to address this process, including identifying the differences between the foster and adoption processes and how to best assist the families and children that we serve.

The RFA process is comprised of many components (see ACLs [18-02](#), [17-50](#), [17-16](#), [17-16E](#), [16-58](#), [16-10](#), [14-11](#), and ACIN [I-01-18](#) for more information) to assess the applicant’s suitability to foster, adopt, or provide legal guardianship of a child or non-minor dependent (NMD). The county or agency shall conduct a Comprehensive Assessment of all RF applicants. This process generates an overview of the family and other adults residing in the home by combining all information that explores the applicant’s background history, home environment, and family dynamics and characteristics. Combined, this information will assist the RFA worker in determining

the applicant's strengths, as well any supports or additional training that may be needed for the applicant to best meet the needs of children and NMDs in care.

Per California law, RFA means that the applicant or RF successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license, relative or (NREFM) approval, guardianship approval, and the adoption home study approval.

For those families seeking to adopt, Version 5.0 of the WD Section 1-01(b) states "A Resource Family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered approved for adoption and legal guardianship, and shall not have to undergo any additional approval or licensure." Additionally, Version 5.0 of the WD 13-01(a) states that the Written Report for a Resource Family, and any updates to the Written Report, shall be considered sufficient for meeting the requirements of a written assessment of an adoptive applicant pursuant to Title 22, Division 2, Section 35180. Version 3 of the FFA Interim Licensing Standards (ILS) Section 88331.7(h) references the equivalent for foster family agencies.

While the application, training, and assessment are completed through RFA, there are additional steps and elements, as outlined below, which are necessary for an approved RF to complete when they are moving forward with adoption. These additional steps and elements meet existing adoption requirements for adoptive placement and finalization. It should also be noted that parts of Title 22, Division 2, Adoption Regulations are in the process of being modified to better align with Version 5.0 of the WD. This ACL supersedes any existing regulations that conflict with the WD.

RFA Written Report

The Written Report includes the evaluator's assessments, and impression of, the applicant from their training, interviews and interactions with family members. It accurately describes the applicant's strengths, challenges, ability to adapt to or overcome obstacles, and their ability to provide short-term or long-term care for children in foster care. A county or agency may utilize form [RFA 05](#) to meet the documentation requirements of the Written Report as described in the RFA WD section 6-07. However, it is not a mandatory form, and a county or agency may use a different form as long as it contains all of the elements specified in the WD or FFA ILS. If a county or agency develops their own Written Report form, prior approval by the CDSS is not required.

Roles and Responsibilities

This section will address the roles and responsibilities of counties and agencies when families approved for RFA are transitioning to adoption. For clarity, the section is divided by public agency roles and responsibilities and private agency roles and responsibilities.

Public Agencies

When adoption is ordered as the case plan for the child, one adoption file will be created for the RF seeking to adopt and another adoption file will be created for the child in their care. A copy of the Written Report and any updates, and any required adoption documents (divorce decrees, marriage certificates, etc.) will be placed in the RF's file. The content of the child's file is determined by Title 22, Divisions 2, Sections 35045 and 35047. Counties that contract with the CDSS would refer their families to the CDSS RO for adoption planning and services. Families that do not have an identified child in placement would be referred to an adoption program. For counties that provide adoption services, this could be a simple collaboration between units.

The county RFA worker will continue to maintain the RF's approval file and will remain responsible for all updates to the approval, complaint investigations, or any other work associated with the maintenance of the RF. If a RF chooses to surrender their approval or approval is rescinded by the county, the RFA worker is required to complete and submit a No Longer Interested (NLI) form to the California Department of Justice. The RFA worker shall not be the same worker as the child's placement worker or social worker, per WD 5, Section 4-05(b). Adoption related documents, such as divorce decrees, marriage certificates, etc., that were provided during the RFA process should be provided along with a Release of Information to the adoption program. The agency RFA worker should also provide the adoption program with a copy of the RFA Written Report and all updates to the approval. For many families, the activities within the adoption program are likely to occur following the termination of Family Reunification services, and best practice suggests that the RFA worker and the adoption social worker collaborate to best support the family and child(ren).

The county that approved the RF is responsible for additional criminal clearance activities and determinations related to any Subsequent Arrest Notification (SAN) that are received for any adult in the home WD sections 6-03A and 9-02 and ILS section 88331.3 (d)(5)). If a SAN is received by the county, they must notify the adoption program working with the family. Although the county cannot provide the adoption program a copy of the notification, they are to provide a detailed summary of the SAN to the adoption worker. Additionally, any forward movement on the case, including any adoption activities, need to be placed on hold until the criminal activity that warranted the SAN is resolved.

Private Agencies

When a RF from an FFA begins working with an adoption program, an adoption file for the prospective adoptive parent(s) must be created. A copy of the RF's RFA Certificate and the Written Report, including any updates, are placed in the RF's adoption file. This adoption file must be kept separate from the RFA file and from the child's adoption file. The content of the child's file is determined by Title 22, Division 2, Sections 35045 and 35047. FFA's would refer their families back to the county for adoption planning, which

would include sharing information about any pre-existing agreements with other adoption agencies. FFA families that do not have an identified child in placement would be referred to an adoption program. The roles and responsibilities of all parties should be established as early as possible to ensure timely permanency and a smooth process for the children and families they serve.

The agency RFA worker should provide the adoption program with a copy of the RFA Written Report and all updates to the approval. The agency will continue to maintain the RF's approval file and will remain responsible for all updates to the approval, complaint investigations, or any other work associated with the maintenance of the RF. If a RF chooses to surrender their approval or approval is rescinded by the approving agency, then the approving agency, not the adoption social worker, is required to complete and submit a No Longer Interested (NLI) form to the California Department of Justice. If the family has provided the RFA worker with any required adoption related documents, those should be provided along with a Release of Information between the agencies allowing this transfer of information.

The agency who approved the RF is responsible for addressing additional criminal clearance activities and determinations related to any Subsequent Arrest Notification (SAN) that are received for any adult in the WD sections 6-03A and 9-02 and ILS section 88331.3 (d)(5)). If a SAN is received by the RF approving agency they must notify the adoption program working with the family. Although the RF approving agency cannot provide the adoption program an actual copy of the notification, they are to provide a complete and detailed summary of the SAN to the adoption worker. Additionally, any forward movement on the case, including any adoption activities, need to be placed on hold until the criminal activity that warranted the SAN is resolved.

Additionally, when potential RF applicants, prior to submitting a RFA application, have expressed their desire to adopt, best practice is for the family to be referred to either the county child placing agencies or an AA in the community that can complete both their RFA and adoption services. This option will provide a more cohesive and comprehensive experience for the family and will likely reduce the time involved for permanency to be obtained for a dependent child who cannot return home.

Adoption For Indian Children and Families- ICWA

There are various processes for families who would like to adopt children who are recognized under the Federal Indian Child Welfare Act (ICWA). Placement preferences per federal law 25 U.S.C. § 1915 shall be considered in all cases involving Indian children. The public child placing agencies must ensure ICWA is followed for the children in their care.

- *Tribally approved homes (TAHs)* **do not** go through the RFA process to be approved for placement of a foster child.

- If traditional adoption is determined to be the appropriate plan for a child in a TAH, an adoption home study is required.
- For children placed in TAHs where the Tribe has chosen to complete a Tribal Customary Adoption (TCA), all of the elements outlined in ACL 10-47, including a tribal customary adoption home study, are required.
- *Tribally specified homes* (TSHs) that are not TAHs, **are required to** go through the RFA process to be approved for placement of a foster child.
 - If traditional adoption is determined to be the appropriate plan for the child, the elements outlined in this ACL for all RF to adopt will apply.
 - For children placed in TSHs where the Tribe has chosen to complete a TCA, the Tribe will choose which process it will complete to meet the TCA standard requirements. The Tribe may choose to use the RFA to comply with TCA.

Existing Foster Caregivers Planning to Adopt

Existing relatives, NREFM, and certified or licensed foster caregivers who wish to continue caring for children in foster care beyond December 31, 2020 will need to be converted to RFA. [ACL 17-16 and Provider Information Notices \(PIN\) 17-03-CRP](#) provides a full explanation and the procedures for converting all caregivers to RFA and [ACL 17-16E](#) expands, simplifies, and clarifies the conversion information.

If a family has an adoption home study that was completed and approved prior to January 1, 2018, and the home study was not closed, they are deemed a RF and will not need to complete additional requirements to be considered for adoptive placement of a child. Approved Relatives/NREFMs and licensed and certified existing foster caregivers who have converted to RFA, will be required to complete the following activities in order to adopt:

1. Adoption-level fingerprints per Family Code (FC) 8712 & FC 8811; WIC 16519.5; and Health & Safety Code (HSC) 1522 and 1522.1; and
2. An [RFA 07](#): Resource Family Approval Health Questionnaire or comparable self-assessment of health.

Additionally, RFA does not apply to Licensed Small Family Homes. Small Family Homes will continue to adopt using Title 22 Adoption Regulations.

Requirements and Documentation for Adoption

To adopt a child from the foster care system in California, all converted RFs and any new RFs must complete the following:

1. If a potential adoptive parent has ever been married, they must provide verification of all marriages and divorces through obtaining copies of marriage certificates and divorce decrees per Adoption Regulation (AR) 35181(b)(6)(A)(1). If a couple is legally separated or if only one parent is seeking to adopt, consent of the spouse per (FC) 8603, often known as the spousal waiver, is required to remove the non-adopting parent from any responsibility and liability for the child. Best practice recommends a spousal waiver be notarized unless using the Adopt 200 form.
2. Potential adoptive parents must provide a minimum of two references, if not already obtained during the RFA process.
3. A TB test of all adults in the home must be provided per (FC) 8732 (It should be noted that any follow-up or course of treatment recommended by the adoptive parent's physician resulting from a positive TB test need not be completed before an adoption can be finalized).
4. Adoption Specific Information and Services (as outlined below).

Adoption Specific Information and Services

In addition to the items above, the adoption program is required to ensure that the child and family receive the following information and services:

Child Services:

1. An assessment of the child's or NMD's readiness and willingness to obtain a life-long family connection through adoption per Adoption Regulations (AR) 35127.1 and 35127.3; and
2. When the child is age 12 years or older, the child's willingness to be adopted, per Family Code (FC) 8602 and for kinship adoption, per AR 35179.1 and 35209.

Family Services:

1. Information regarding the Adoption Assistance Program (AAP) and the differences between foster care monies and AAP, information on reimbursement of Nonrecurring Adoption Expenses, and the federal Adoption Income Tax Credit, per AR 35179(b)(4)(G) and (5)(A);
2. Information regarding the legal and financial rights and responsibilities of adoption per AR 35180 (a)(1)(F), 35181(c)(3) and FC 8616, including inheritance per Probate Code 6450;

3. Information regarding the importance of choosing mental health providers who have specialized adoption and permanency clinical training and experience to provide services to children and NMDs who are being, or have been, adopted and their adoptive families, per W&ICs 371, and 16119(a);
4. Preparation and plan for care of the child in the event of death or incapacitation, per AR 35181(c)(9);
5. The importance of post-adoption services and contact agreements between adoptive families, birth parents, and other relatives per FC 8616.5, and for siblings per FC 9205; and
6. If the family is seeking to adopt and does not currently have placement of a child whom they wish to adopt, the family will need information on the photo-listing of children ([ACIN 1-34-00](#)) and participation in adoption activities, including authorizing the county or FFA to release copies of the Written Report and the Family Profile created for matching purposes to other adoption and child welfare agencies for the purpose of matching the applicant with a child per AR 35181(b)(15). Matching services and purpose is explained below.

Parent-Child Suitability Summary

It is the responsibility of the adoption program social worker to ensure that the family and child are prepared for the child-specific adoption. Although the RFA Written Report addresses many components of permanency, it is imperative that some of these issues are revisited prior to moving forward with a plan of adoption and that they are discussed in the context of determining the appropriateness of the relationship between the child and the potential adoptive parent(s). A permanency assessment report is required for the hearing to terminate parental rights. The adoption program social worker will prepare a Parent-Child Suitability Summary which will help capture the essential information required for the report as outlined in WIC 366.26. The following areas should be addressed by the social worker in the Parent-Child Suitability Summary:

1. A preliminary determination of the commitment, motivation, and attachment of the potential adoptive parent to the specific child being adopted;
2. The potential adoptive parent's ability to meet the needs of the child;
3. Consulting directly with children age 12 years and over as to their wishes regarding adoption by these specific potential adoptive parents, unless a documented condition precludes a meaningful response by the child;
4. The potential adoptive parent's understanding of their own grief and loss issues surrounding the adoption of the specific child (fertility, dream child, etc.) and

those of the child (family, culture, history, etc.), including how to obtain the proper support to recognize and heal the emotional wounds;

5. If transracial or transcultural, the importance of open conversations the child's race, any discrimination issues that may apply, the importance of race/culture mentors, integrating the child's culture into the family and celebrating these differences, etc.;
6. The life-long nature of adoption that include adoption-related questions, losses, etc. that are usually experienced through each developmental phase and with each major life milestone (dating, graduation, marriage, birth of a child, etc.);
7. How the potential adoptive parent(s) feel about post-adoption contact with siblings, appropriate birth parent(s), and/or other relatives of the child; and
8. If a relative is adopting, navigating their relationships with the child's birth parents and other relatives, role changes, etc.

Additional Adoption Preparedness Elements That Are Recommended Include:

1. How the trauma the child experienced has impacted their relationships within the family and with others, their behavior, academics, etc.;
2. The family's feelings and understanding of the specific child's trauma, the family dynamic, marital relationship, and the overall impact of placement, positive and/or negative, on the entire family, including that of other adults and children in the home;
3. How the potential adoptive family is helping the child to feel "claimed," and shown that they "belong" in the family as a natural family member;
4. How the potential adoptive parent's relatives and friends have responded to this particular child and the pending adoption;
5. Discussion about search and reunion possibilities of birth family by the adoptee; and
6. Any recommendations regarding training and services to enhance the success of the adoption.

If there is disagreement between the public and private agency regarding the family's preparedness to adopt the specific child, the public agency will have the final decision as they have care, custody and control of the child.

Assisting with Finding a RF For a Child

An important part of adoption work is ensuring that each child is placed with the right adoptive family; this process is commonly referred to as “matching.” The matching process is likely one of the greatest differences between foster care and adoption placements, as matching is based on the principle that adoption is forever. It is critical that the right family is selected to meet the child’s unique needs, personality, background, and that there is an understanding that past traumas will be re-experienced throughout the child’s life. It is equally important that a matched family is committed to standing with and supporting their adopted child throughout their life, just as they would a birth child. The selection process for a child’s adoptive family is facilitated between the child’s social worker, the potential family’s adoption worker, and the potential adoptive individual or couple.

For RFs that are seeking to adopt and do not have placement of a specific child, the adoption program will assist the family in this process of identifying the child(ren) whose needs they can best meet. There are many activities that take place to help facilitate the matching process. Adoption events occur throughout the year to identify potential families who may be able to meet the needs of a specific child. Events include adoption picnics, where potential adoptive parents and children can meet and play; family fairs in which adoption workers can meet potential adoptive parents; and regional adoption meetings where the family and child(ren)’s social workers meet to exchange information.

Adoptive Placement

The implementation of RFA does not impact the formal process of signing the Adoptive Placement Agreement (APA). The requirements for adoptive placement are outlined in AR 35195 and include, but are not limited to, preparation of the child’s medical and psychosocial background documents and providing them to the potential adoptive parent(s), establishment of AAP funding and termination of foster care funding, and preparation of the APA and supporting documentation.

Cooperative Adoptive Placements

Frequently, adoptions occur in what are called “cooperative placements” where the public and private adoption entities work together sharing the responsibilities of supporting the family and child. Cooperative placements occur between the public child placing agency and a private adoption agency. Best practice suggests that the agencies have a clear understanding of all the steps needed to reach finalization as well as what each agency will be responsible for completing. When cooperative placements are between counties, the agency responsible for the care, custody, and control of the child holds the ultimate responsibility for ensuring all aspects of AR 35197 are completed, except those completed for the RFA process of the potential adoptive parents, which were completed by the other county. AR 35197(e) speaks to these cooperative relationships and suggests some possible ways the delegation of

responsibilities between public and private adoption entities may occur. However, the agency with care, custody, and control of the child must make the decisions regarding any tasks they would like the cooperative agency to perform.

Per AR 35197:

1. The public agency that has custody of the child shall be responsible for meeting the requirements of the following sections:
 - A. 35127.1 Content of Written Assessment of the Child;
 - B. 35127.2 Documents, Reports and Authorizations Required for Assessment of the Child;
 - C. 35127.3 Services for Children Accepted for Adoption Planning;
 - D. 35195 Child's Medical and Psychosocial Background Information ([AD 512](#)) to be Provided to the Potential Adoptive Parents;
 - E. 35201 Adoptive Placement Agreement ([AD 907](#));
 - F. 35205 Providing Services to Potential Adoptive Parents who Move after the Adoptive Placement;
 - G. 35207 Termination of an Adoptive Placement;
 - H. 35325- 35351 Adoption Assistance Program (AAP) Information and the AAP Payment Amount and Agreement; and
 - I. Additionally, the agency that has custody of the child shall complete the Information about the Birth Mother ([AD 67](#)), the Information about the Birth Father ([AD 67A](#)), file the Notice of Placement ([AD 558](#)), and the Notice of Removal of Child from Adoptive Home ([AD 580](#)) with the department.
2. The private agency representing the family may be designated to be responsible for meeting the requirements of the following sections:
 - A. 35177 Agency Actions and/or Authority for Disapproval;
 - B. 35179 Information to be Provided to an Applicant per section 35179;
 - C. 35197(d) Services regarding Ethnic and Cultural Differences;
 - D. 35203 Supervision of the Adoptive Placement;
 - E. 35207 Termination of the Adoptive Placement;
 - F. 35211 Completing the Court Report; and
 - G. 35213 Immediate Filing of the Court Report.

As previously stated, county child placing agencies may modify the above responsibilities as described in sections 35197(e)(1) and (2) by mutual written agreement with, CDSS ROs, and AAs participating in a cooperative placement.

Post-Placement Visits and Supervision

The implementation of RFA does not impact the post-placement visits and supervision requirements of the adoption process. The private adoption agency may upon agreement with the child placing agency supervise the adoptive placement, per AR 35203(b). The duration and frequency of post placement supervision and visits varies

depending on the circumstances of the placement. For more detailed requirements see AR 35203.

Finalization of Adoption

The implementation of RFA does not impact the final steps of the adoption process. Adoption programs will continue to engage with the potential adoptive applicants in assisting with the finalization of the adoption in court. Documents required for filing with the court for an adoption finalization include:

- Court Report per FC 8715
- ADOPT-200 Adoption Request
- ADOPT-210 Adoption Agreement
- ADOPT-215 Adoption Order
- ADOPT-230 Adoption Expenses
- ICWA 010 Indian Child Inquiry Attachment, ICWA 020 Parental Notification of Indian Status, and if applicable the ICWA 030 Notice of Child Custody Proceeding for Indian Child
- VS 44 Court Report of Adoption
- Termination Orders or Relinquishment Documents

Additionally, most courts require a copy of the Consent and Joinder ([AD 824](#)) and Notice of Placement ([AD 558](#)). Some courts may require additional documents. Please inquire with your county clerk's office for specifics requirements. For agencies that have not created their own notarized spousal waiver, the ADOPT 210 contains a signature line for the same purpose.

Post-Adoption Support and Services

Prior to completion of the adoption finalization, AAP needs to be established or deferred and post-adoption contact agreements should be discussed and/or completed with the potential adoptive parents and birth relatives, including siblings, per FC [8616.5](#), ACL [07-17](#), and ACL [16-107](#). Additionally, the potential adoptive parents should receive information regarding post-adoption services offered by the public or licensed adoption agency which could include:

- Adoption support groups,
- Community resources,
- Role of the adoption agency in facilitating contact with siblings and birth family,
- Crisis services; respite care, etc.,
- The importance of utilizing a specially trained and adoption experienced therapist to address the therapeutic needs of the child(ren) and family.

Following the release of this ACL, FAQs will be posted on the CDSS website to address future policy and legal changes that will affect the process outlined here. Additionally, FAQs will provide comprehensive information and direction to counties, FFA agencies,

adoption agencies, and other individuals/organizations responsible for the statewide implementation of RFA and the facilitation of adoption for dependent children.

If you have any questions about RFA, please contact rfa@dss.ca.gov. If you have any questions about adoption policy or regulations, please contact apu@dss.ca.gov or call (916) 657-1858.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division