

ADOPTION

SHOULD YOU CONSIDER ADOPTION?

(An Adoption is a process where the rights of the child's biological parents are terminated, and the adoptive parents become the child's legal parents.)

There are several different kinds of adoption proceedings: agency, stepparent/domestic partner, independent, and international.

An agency adoption involves a child who was placed with the caretaker through the Department of Children and Family services. In these cases, contact the child's social worker for assistance with the adoption. Or, if the dependency court case is closed because you were appointed the child's legal guardian, call the DCFS Adoption intake line to begin the process. You should request an "adoption home study" and explain that the child is no longer under court jurisdiction. See the section on "Dependency Court" in this booklet for additional information. DCFS Adoption Intake Line: (888) 811-1121.

A step-parent/domestic partner adoption is an adoption where one parent remains as the child's parent and a step-parent or domestic partner steps in as the second parent. This booklet will not discuss step-parent/domestic partner adoptions. For additional information, contact the DCFS Step-parent Adoption Line: (213) 639-4750.

An independent adoption is an adoption of a child who is not placed with a caregiver through the Department of Children and Family Services. See below for additional information.

An international adoption involves the adoption of a child who was born outside of the United States and is not a U.S. Citizen.

TIP!

If the child in your care is not a U.S. Citizen, you should contact an attorney to assist you with your adoption case. If the child was abused, abandoned, or neglected by their parents, it may be possible to obtain

Special Immigrant Juvenile Status ("SIJS") for the child through the adoption process, but it must be done before the adoption is finalized. You should talk to an attorney. SIJS may also be obtained through the probate guardianship, dependency, or delinquency court process.

PROCESS FOR INDEPENDENT ADOPTION

In Los Angeles, an independent adoption petition is filed in dependency court. Once the petition is filed, DCFS will open a case and complete a "home study". The home study consists of at least two interviews, one of which is at the prospective adoptive parents' home. DCFS will investigate the fitness of the prospective adoptive parents and inspect the home. DCFS will also collect necessary records, for example, the birth certificate of the child and marriage certificate of the prospective adoptive and biological parents.

If the prospective adoptive parents are related to the child, and the biological parents consent to the guardianship, DCFS will obtain the necessary consents. If the prospective adoptive parents are not related, you will need to have a state licensed Adoptive-Service Provider (ASP) obtain the necessary consents. If one or both of the parents do not consent, a petition will need to be filed to terminate parental rights. This can be a difficult process which is best completed with the assistance of an attorney. In addition, a child who is 12 years of age or older must also consent to the adoption.

Once the home is approved, and the biological parent's consents obtained (or the court has terminated their rights) the court will schedule a court hearing to finalize the adoption. Once the adoption is approved, you will obtain a new birth certificate listing you as the child's parents.

TIP!

If a parent is willing to relinquish a child for adoption, it may be possible to process the adoption as an agency adoption (and thus be eligible for AAP benefits). Talk to a DCFS social worker at the Adoption Intake Line (888) 811-1121 or an attorney for assistance.

INDEPENDENT ADOPTION AND PROBATE LEGAL GUARDIANSHIP

If you are already caring for a child, you may choose to file only for independent adoption, file your adoption at the same time as a probate legal guardianship, or file for adoption after your probate legal guardianship has been granted.

If both of the child's parents consent to the adoption, the adoption proceeding can be fairly straightforward, and it may not be necessary for you to file for probate guardianship.

However, if the child's parents do not consent, you must request that the court terminate the parent's parental rights. Because this proceeding can be lengthy, you might want to consider applying for probate guardianship so that you can make decisions for the child while the adoption is pending. If you apply for probate guardianship and adoption at the same time, the cases will be consolidated and heard by one judge. If parental rights need to be terminated, you should consider contacting an attorney for assistance with the adoption case.

FINANCIAL ASSISTANCE

An informal caregiver or legal guardian who adopts a child who has never been in the foster care system is generally not eligible for any specific benefits based on the adoption. However, if the child was a prior dependent or receiving SSI benefits, s/he may be eligible for AAP. In order to qualify, the child must be assessed and qualify for AAP **before** a petition is filed for the Independent Adoption.

For additional information on public benefits, please review the "Other Benefits" section on page 31.

SPECIAL CATEGORIES

NATIVE AMERICAN CHILDREN

If a child in your care is Native American, please be aware that the Indian Child Welfare Act (ICWA) requires courts to give priority to placements in Native American homes. If you need assistance with this issue, please contact an attorney.

UNDOCUMENTED CHILDREN

If a child in your care does not have legal permanent resident status and is in foster care, under a probate guardianship, under a suitable placement order through the delinquency court, or has an independent adoption case pending, a special process can assist the child in obtaining residency papers. The process called Special Immigrant Juvenile Status is administered by U.S. Citizenship and Immigration Services in conjunction with the court. Contact the Child's Social Worker or an attorney to initiate this process. In order for the child to obtain residency papers (also known as a green card), before closing a case, the court having jurisdiction over a child must make an order with certain findings of fact before the child turns 18 years of age (for children in probate court or going through an adoption), or 21 (for children in dependency or delinquency court).

Public Assistance Benefits for Undocumented Children

Children who are not citizens, permanent residents, or qualified immigrants are not eligible for financial assistance unless they are placed in a foster home through Dependency Court. They can, however, access the following benefits: Regional Center; California Children's Services (CCS); public school education; School Breakfast and Lunch; Summer Lunch Food Program; Emergency Medi-Cal; pregnancy-related Medi-Cal; Minor Consent Services Medi-Cal, county mental health services; CHDP; WIC; and services provided by many free and community clinics.