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35064 POST-ADOPTION CONTACT AGREEMENT

- (a) A post-adoption contact agreement means the ADOPT-310 "Contact After Adoption Agreement" form and attachments to that form, if any.

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- (1) The post-adoption contact agreement is intended to ensure specified contact between the birth parent or parents, other birth relatives, including siblings and half-siblings, or an Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), and the child, after the child has been adopted.
- (2) An attachment to the ADOPT-310 may include but is not limited to:
 - (A) A written statement between specified relatives and the adoptive parent about remaining in contact with the child after adoption and specifying the reasons for continued contact.
 - (B) An explanation of the type of contact with the child after adoption.

HANDBOOK ENDS HERE

- (b) The signed post-adoption contact agreement must be filed in the court in which the adoption petition has been filed prior to the adoption finalization hearing.
- (1) If the petitioner has entered into a post-adoption contact agreement with the birth parent, relative, or tribe prior to the filing of the petition for adoption, the post-adoption contact agreement must be attached to and filed with the petition for adoption.
 - (2) If the post-adoption contact agreement is filed by the prospective adoptive parent or parents separately from the petition for adoption, the prospective adoptive parent or parents shall provide a copy of the post-adoption contact agreement to the department, county adoption agency or the licensed adoption agency.
- (c) When the adoption request includes a proposed post-adoption contact agreement, the department, county adoption agency, or the licensed adoption agency shall review the agreement and any attachments to determine whether all of the following requirements are satisfied:
- (1) The post-adoption contact agreement has been entered into voluntarily by all parties to the agreement and is in the best interests of the child.

35064 POST-ADOPTION CONTACT AGREEMENT (Continued)

- (2) The child has consented to the terms and conditions of the post-adoption contact agreement if the child to be adopted is 12 years of age or older.

HANDBOOK BEGINS HERE

- (A) Regardless of age, a child who is a juvenile court dependent or the subject of a dependency petition shall be represented by an attorney for any post-adoption contact agreement.

HANDBOOK ENDS HERE

- (3) The terms of the post-adoption contact agreement are limited to any of the following:
- (A) Visitation between the child and the birth parent(s).
- (B) Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.
- (C) Future contact between the child or an adoptive parent, or both, and the birth parent(s).
- (D) Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.
- (E) Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

35064 POST-ADOPTION CONTACT AGREEMENT (Continued)

HANDBOOK BEGINS HERE

1. Examples of sharing information include, but are not limited to, any of the following:
 - a. Sharing photos of the child on an agreed upon schedule.
 - b. Sharing verbal information about the child on an agreed upon schedule.
 - c. Sharing written information about the child on an agreed upon schedule.

HANDBOOK ENDS HERE

- (d) (1) The department, county adoption agency, or licensed adoption agency shall advise the parties to the post-adoption contact agreement if any determination made under Sections 35093, 35127.1 or 35283 will cause the agency to recommend that the court not grant the post-adoption contact agreement.
- (2) The department, county adoption agency, or the licensed adoption agency shall include in its report to the court the agency's recommendation as to whether the court should grant the proposed post-adoption contact agreement privileges.
 - (A) If the court does not order the post-adoption contact agreement, the department, county adoption agency, or licensed adoption agency shall notify all parties to the post-adoption contact agreement.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8616.5, 8714.5 and 8715, Family Code; California Rules of the Court, rule 5.451.