

AMENDED IN ASSEMBLY APRIL 16, 1998
AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 2286

Introduced by Assembly Member Scott

February 19, 1998

An act to ~~amend Section 8603 of, and to~~ add Chapter 8 (commencing with Section 9250) to Part 2 of Division 13 of, the Family Code, relating to adoptions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, as amended, Scott. Foster parent and caregiver adoptions.

~~(1) Existing law prohibits a married person, not lawfully separated from the person's spouse, from adopting a child without the consent of the spouse if the spouse is capable of giving that consent.~~

~~This bill would provide that a married person may adopt a child without the consent of the spouse if the spouse does not reside with the prospective adoptive parent. It would also provide that the adoption shall not create any legal rights and responsibilities or any legal relationship between the spouse and the adopted child.~~

~~(2) Existing~~

~~Existing law generally regulates adoptions and requires the State Department of Social Services to establish and administer a program to encourage and promote the adoption~~

of children eligible for the Adoption Assistance Program, as specified.

This bill would provide that, if the prospective adoptive parent of a child is either a relative caregiver of the child or a foster parent with whom the child has lived for a minimum of one year, an assessment or home study of the prospective adoptive parent may only require a criminal records clearance, as specified, specified determinations regarding the prospective adoptive parent’s financial stability and the environment in which the child is placed, and interviews with specified individuals.

This bill would require the department to require the adoptive parent to be provided with specified information and encourage adoption agencies to make adoption training programs available. The bill would also require the department to require adoption agencies to, among other things, inform a placing agency when a relative caregiver or foster parent has been denied approval to adopt based on an inability of the caregiver or foster parent to provide for the health, safety, and security of the child.

The bill would require the department to develop and enter into an agreement no later than June 1, 1999, with the Department of Justice to provide specified agencies with any information regarding law enforcement contacts that occur after the completion of the initial criminal records clearance.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to do
- 2 both of the following:
- 3 (a) Secure permanent homes for children in the foster
- 4 care system and minimize the disruption in their lives by
- 5 reducing barriers to the adoption of foster children by
- 6 their relative caregivers or by foster parents with whom
- 7 they have lived for a year or longer.
- 8 (b) Ensure the safety of children in foster and
- 9 adoptive homes and increase the ability of foster parents
- 10 and relative caregivers to adopt children in their care.



1 ~~SEC. 2. Section 8603 of the Family Code is amended~~
2 ~~to read:~~

3 ~~8603. A married person, not lawfully separated from~~
4 ~~the person's spouse, may adopt a child without the~~
5 ~~consent of the spouse, if the spouse does not reside with~~
6 ~~the prospective adoptive parent. The adoption shall not~~
7 ~~create any legal rights and responsibilities or any legal~~
8 ~~relationship between the spouse who does not reside with~~
9 ~~the prospective adoptive parent and the adopted child.~~

10 ~~SEC. 3.~~

11 ~~SEC. 2. Chapter 8 (commencing with Section 9250)~~
12 ~~is added to Part 2 of Division 13 of the Family Code, to~~
13 ~~read:~~

14
15 CHAPTER 8. ADOPTIONS BY RELATIVE CAREGIVERS OR
16 FOSTER PARENTS
17

18 9250. If the prospective adoptive parent of a child is
19 either a relative caregiver of the child or a foster parent
20 with whom the child has lived for a minimum of one year,
21 an assessment or home study of the prospective adoptive
22 parent may only require the following:

23 (a) A criminal records clearance of the relative
24 caregiver or foster parent. The criminal records check
25 shall include records with federal and out-of-state law
26 enforcement agencies.

27 (b) A determination that the relative caregiver or
28 foster parent has sufficient financial stability to support
29 the child and ensure that any adoption assistance
30 program payment or other government assistance to
31 which the child is entitled is used exclusively to meet the
32 child's needs. In making this determination only the
33 experience of the relative caregiver or foster parent
34 while the child was in his or her care shall be considered.
35 A relative caregiver or foster parent with whom the child
36 has lived for at least a year shall not be required to provide
37 employment records.

38 (c) A determination, at the time a child is initially
39 placed with a relative caregiver, and at the time that an
40 application for adoption by a relative caregiver is filed,

1 that the home is safe and free of health and safety
2 violations and other hazardous conditions and meets basic
3 sanitation standards.

4 (d) A determination that the relative caregiver or
5 foster parent has not abused or neglected the child while
6 he or she has been in his or her care and has fostered the
7 healthy growth and development of the child. This
8 determination shall include a review of the disciplinary
9 practices of the relative caregiver or foster parent to
10 ensure that the practices are age appropriate and do not
11 physically or emotionally endanger the child.

12 (e) A determination that there is not a likelihood that
13 the relative caregiver or foster parent will abuse or
14 neglect the child in the future, that the caregiver or foster
15 parent can protect the child, ensure necessary care and
16 supervision, and foster his or her healthy growth and
17 development.

18 (f) A determination that the relative caregiver or
19 foster parent can address racial and cultural issues that
20 may affect the child's well-being.

21 (g) An interview with the relative caregiver or foster
22 parent, an interview with each individual residing in the
23 home and an interview with the child to be adopted.

24 9251. A prospective adoptive parent who is a relative
25 caregiver or foster parent with whom the child has lived
26 for a minimum of one year shall not be required to
27 authorize the release of medical records on, or a report of
28 a medical examination of, the relative caregiver or foster
29 parent with whom the child has lived for a minimum of
30 one year, except that an assessment or home study may
31 require a test for tuberculosis.

32 9252. The department shall require the adoptive
33 parent to be provided with information about issues
34 surrounding birth parents, the effects of abuse and
35 neglect on children, cultural and racial issues, sexuality,
36 contingency planning for children in the event of the
37 parents' death or disability, financial assistance for
38 adopted children, common childhood disabilities,
39 including, but not limited to, emotional disturbances,
40 attention deficit disorder, learning disabilities, speech



1 and hearing impairment, and dyslexia and other issues
2 related to adoption and child development and the
3 availability of counseling to deal with these issues.

4 9253. The department shall encourage adoption
5 agencies to make adoption training programs available to
6 prospective adoptive families.

7 9254. The department shall require adoption
8 agencies to inform the placing agency when a relative
9 caregiver or foster parent has been denied approval to
10 adopt based on an inability of the relative caregiver or
11 foster parent to provide for the mental and emotional
12 health, safety, and security of the child and to recommend
13 either that the relative caregiver or foster parent be
14 provided with additional support and supervision or that
15 the child be removed from the home of the relative
16 caregiver or foster parent.

17 9255. The requirements of this chapter shall not be
18 used as basis for removing a child who has been placed
19 with a caregiver or foster parent prior to January 1, 1999,
20 unless the noncompliance with the standards described
21 therein present a danger to the health, safety, or
22 emotional well-being of the child.

23 9256. The State Department of Social Services shall
24 develop and enter into an agreement no later than June
25 1, 1999, with the Department of Justice to provide
26 licensing and placement agencies, including adoption
27 and child welfare agencies, with any information
28 regarding law enforcement contacts that occur after the
29 completion of the initial criminal records clearance. The
30 State Department of Social Services shall develop
31 agreements to ensure that adoption and child welfare
32 agencies share criminal clearance information in order to
33 avoid duplication of effort by agencies and applicant
34 families.

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