

## **TERMINATION OF PARENTAL RIGHTS**

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## I. INTRODUCTION

All children have the right to a healthy and safe childhood in a nurturing, permanent family, and the Department's *Permanency Planning Policies And Procedures* provides the philosophical framework and guidelines for establishing permanence. Some children, however, are unable to safely remain with their biological family and child welfare professionals need to understand the emotional impact that severing the legal, and often connective, bonds that exist between children and their families. The termination of parental rights (TPR) is one avenue towards achieving permanence for children, and TPR should be pursued when there is a reasonable expectation that permanency can be achieved.

### A. Purpose

This policy provides procedural guidelines for TPR which creates the possibility for a new parental relationship and permanent family. TPR cases are among the most difficult and challenging cases for both social work professionals and judges who are involved in deciding the fate of children. Therefore, the TPR process must be conducted with great care and with full procedural protections for children and their parents.

### B. Legal Base

Both federal and state laws, as well as best child welfare practice, require that permanent homes be expeditiously found for children who are unable to safely remain with their biological family. Child welfare staff must be familiar with these laws as they identify specific circumstances and clear timeframes under which TPR must be considered and subsequently pursued.

Code Of Alabama 1975, § 12-15-317 through § 12-15-319, provides the grounds for termination of parental rights.

Code Of Alabama 1975, § 12-15-102 through § 12-15-701, governs all juvenile court proceedings and provides that the custody of a child may be transferred to the Department of Human Resources by court order.

Code Of Alabama 1975, § 38-2-6 (10) and (14), provides that the Department of Human Resources shall seek out and protect minor children who are in need of its care and protection, and place such children in family homes or other suitable child care facilities.

The Adoption and Safe Families Act of 1997 (ASFA), Public Law 105-89, prompted amendments to the Code of Alabama 1975 including those addressing reasonable efforts (§ 12-15-312) and permanency hearings (§ 12-15-315).

### C. Practice Model and Termination of Parental Rights

The guiding principles of the Practice Model impacting termination of parental rights include promoting safety and protection while achieving timely permanency for a child; promoting children having experiences that enhance their sense of love and belonging.

## II. TERMINATION OF PARENTAL RIGHTS (TPR) PROCESS

### A. Making The Decision To Pursue Termination of Parental Rights

Termination of parental rights to a child in juvenile court is a serious and drastic measure and the “last resort” remedy available to the Alabama juvenile or family court system to protect the best interests of the children it serves. Termination of parental rights severs the legal bonds between parent and child, and by extension, the birth family, and frees the child for adoption.

As with all casework interventions with a child and his family, the decision-making process is grounded in the individualized service planning process. It is imperative for action to be taken that is consistent with *Individualized Service Plans (ISP)* policy, *DHR Partnerships With Children, Their Families, And Providers* policy, and *Permanency Planning Policies And Procedures*. For some children, the only means of having the opportunity for a secure, safe and permanent home life is through the legal separation from their biological family and permanent placement elsewhere. The decision to file a petition to terminate parental rights is made when:

- a child cannot be safely returned home or permanently placed with relatives;
- the court has determined that reasonable efforts are not required because the child has been subjected to an aggravated circumstance such as, but not limited to, abandonment, substance abuse, sexual abuse, chronic abuse or torture; or when a parent has committed certain crimes against the child or another child of the parent; or
- the child has been in foster care for 12 cumulative months of the most recent 22 months, unless one of three statutory exceptions exists including a compelling reason not to pursue termination. (Refer to *Permanency Planning Policies And Procedures*.)

Basic to planning for termination of parental rights is a conviction to the importance of family relationships and the value of parents and children for each other. Because of the finality of legal separation and commitment of the child to the permanent custody of the Department, it is essential that staff utilize sound casework principles, adhere to appropriate legal requirements, and follow procedures set forth in agency policies.

While a decision to pursue termination of parental rights is one to be made only after careful evaluation and consideration, it is a decision which should be reached as early as is sound and possible. The permanency goal for most children whose parental rights are terminated will be adoption. However, it should be kept in mind that there may be children for whom hazardous circumstances within their own families or communities necessitate commitment as a protection, even when adoption does not appear to be a feasible plan.

Once the ISP team has established adoption as the permanency goal for the child or the court finds that no reunification efforts are required, ASFA mandates that the petition to terminate parental rights be filed within 60 days. For children who have been in care 12 of the last 22 months, a TPR petition must be filed unless there is a compelling reason not to do so (refer to *Permanency Planning Policies And Procedures*). For children who have been abandoned for 4 months, a TPR petition must be filed within 14 calendar days.

When permanent separation is necessary, it is important that parents understand and be helped to fulfill their parental role by participating in sound planning for their children. The decision to separate a child from his parents is fraught with conflicts, and the parents need the agency's acceptance, respect and help in handling the decision. Recognition of the parents' role in the process also serves the needs of the child. He has the right to assurance that value is placed on his parents and his importance to them. It should be beneficial to him in the future to realize that the decision to separate him from his parents was made only after sound evaluation and assessment with services having been offered to protect his parents, as well as himself.

Code Of Alabama 1975 § 26-10A-3 allows for an adoptee who reaches age 19, to receive non-identifying information about his birth family and the reason for adoptive placement. It also allows for identifying information to be released to the adoptee if there is written consent of the birth parents. Birth parents should be advised of this, and if willing, complete the Consent to Release of Identifying Information (DHR-FCS-1769). Refer to *Forms And Instructions*. In some cases, it might be more appropriate to wait until after the termination of parental rights hearing and subsequent court order.

For those children receiving permanency through adoption, ASFA sets the timeframe for achieving this permanency goal as 24 months from the date the child entered care. Permanency is achieved when the final decree of adoption is signed.

#### B. Prior To The Petition To Terminate Parental Rights

It is important that a determination be made as to whether there are existing records in the State Office which contain information regarding the child and the child's biological parents or any siblings to the child about whom the County Department may not have information. It is possible for the Central File Room to have a case record on the family from a time when they resided in another county. The county DHR should complete two (2) copies of State File Room Clearance For Potential State Wards (DHR-FCS-2120) and submit them to the Office of Adoption. Refer to *Forms And Instructions*. The Central File Room will be cleared and if there is a case record located which contains pertinent information, the Office of Adoption will share this in writing with the County Department. If there is no information in the Central File Room, the 2120 will be returned to the county indicating that no record was located.

### C. The Petition To Terminate Parental Rights

The first step to be taken is for a meeting to be held between the locally approved county attorney, the county worker, and the worker's supervisor to review facts of the case including, but not limited to:

- unsuccessful efforts made to reunify the child with the birth parents;
- unsuccessful efforts to identify and locate absent parents;
- unsuccessful efforts to identify and secure appropriate relative resources;
- legal grounds for seeking the termination of parental rights; and
- identification of potential witnesses.

The TPR petition is to be prepared and filed in the juvenile or family court clerk's office by the local attorney who has been approved by SDHR Legal to represent the county department. Refer to *Child Protective Services Policies And Procedures, Legal Proceedings*, for additional information concerning custody of children.

Particular factors to be noted for children who may be committed to the permanent custody of the State Department of Human Resources are as follows:

1. The child's name in the complaint, petition and court order must be consistent with the birth certificate. Any discrepancies between the name on the birth certificate and former court orders must be addressed using this format:

“correct name” AKA “name on previous documents”

2. Correct names and addresses of persons who should receive summons to the hearing must be included in the petition. If a child is over age 12 years, the child must be served notice.

### D. Roles Of The Parties In Typical Termination Cases

1. Department of Human Resources

A local attorney who has been approved by SDHR Legal represents the Department. DHR, as the petitioner, has the burden of showing, by clear and convincing evidence, competent, relevant and material in nature, that (1) the child is a “dependent child” and (2) the child's parents are unable or unwilling to discharge their responsibilities to and for the child or that the parents' conduct or condition is such as to render them unable to properly care for the child, and that conduct or condition is unlikely to change in the foreseeable future. The Department must present sufficient evidence for the court to determine that no viable relative resources are available for permanent placement. If this burden is met, the Department must also show that termination of parental rights is in the

best interests of the child and that the State of Alabama is willing to accept permanent legal custody of the child if parental rights are terminated.

## 2. Parents

The birth parents, who have a right to legal counsel, may contest the petition to terminate parental rights and present evidence to rebut DHR's assertions. The parents may show that they are able to assume legal custody of their child, now or in the foreseeable future, or that there are less drastic alternatives to terminating their parental rights such as existence of an appropriate relative to the child.

An alleged father's rights must be considered along with those of legal parents. The Putative Father Registry law provides that a person who claims to be the natural father of a child file a notice of intent to claim paternity within 30 days of the child's birth or irrevocable consent to an adoption is implied (*Code of Alabama* 1975, § 26-10C-1). Refer to *Non-DHR Placement*, B, 2, Putative Father Registry. However, best practice is for any person named by the birth mother or known to be an alleged (putative) father to have been contacted at the time the child entered foster care to ascertain his interest in the child. If he was named and his whereabouts are unknown, every effort should have been made to locate him and evaluate his and his family's suitability to provide a permanent home for the child prior to the TPR proceedings. County staff may request a clearance of the Putative Father Registry on children in the custody of the Department by submitting the Request for Putative Father Registry Search (DHR-FCS-2179) to SDHR Family Services, Office of Adoption, Attention Adoption Intake.

If the mother indicates that she does not know the identity of the birth father, there must be documentation of this discussion with the birth mother in order to demonstrate that the Department has made a diligent effort to identify the birth father in order to locate him and evaluate his and his family's willingness and suitability to provide a permanent home for the child.

## 3. Guardian Ad Litem (GAL)

The child's GAL is a licensed attorney appointed by the court to represent the child in all dependency and TPR proceedings. The GAL is charged with the duty of advocating for what the GAL believes to be in the child's best interest. Like any other party to the proceeding, the GAL may conduct discovery, subpoena witnesses and documents, and present evidence and testimony during the trial to support his position. The same GAL that represented the child in previous hearings should continue in this role during termination of parental rights proceedings.

- a. A GAL, who is an attorney, must be present at the hearing to represent the **minor parent(s) of a child** when the Department has petitioned for termination of parental rights.
- b. A GAL, who is an attorney, must be present to represent the parent of a child when the Department has petitioned to terminate parental

rights if the **parent is mentally incapacitated** as determined by a court, licensed practicing physician or a mental health clinic.

#### 4. Foster Or Pre-Adoptive Parents And Related Caregivers

Foster or pre-adoptive parents and related caregivers with a child in their care, though not parties to the case, must receive written notification of a TPR hearing from the Department and be given an opportunity to be heard (*Code of Alabama 1975*, § 12-15-307 and ASFA). County Departments should coordinate with their local juvenile or family court to determine how this notice should be served.

#### E. Diligent Search

Diligent search efforts for absent parents should begin at the time a case is opened for services and at anytime during service delivery when a parent's whereabouts become unknown. Documentation of the Department's efforts to locate an absent parent is extremely important in building a case to ensure that notification of changes in case plans and of impending termination of parental rights proceedings are made. Some methods for locating an absent parent, after failed follow up with birth family members, are:

- send a registered letter (return receipt requested, deliverable to addressee only) addressed to the absent parent at the last known address or the address of known relatives, friends or employers;
- use the Federal Parent Locator Service (FPLS) available through SDHR Child Support Enforcement (refer to *Permanency Planning Policies And Procedures* for detailed information);
- write public utility companies in the city where the absent parent was last known to reside and request information regarding their present location;
- if there is reason to believe that the absent parent is in prison, write to the prison system in the state where it is known that the absent parent may be located;
- write to the appropriate state department for motor vehicle registration;
- if the parent has gone to a community college, trade school or university, write a letter to the school and ask that they forward it to the absent parent;
- check telephone directories;
- use the internet for online directories and people searches;
- check public assistance records (e.g., Medicaid, food stamps, child support);

- with or without a social security number, address a letter contained in a sealed envelope and enclose it with a request that it be forwarded, and mail it to the Social Security Administration, Letter Forwarding Services, P.O. Box 33022, Baltimore, MD 21290-3022;
- if there is reason to believe that the absent parent has ever belonged to a labor union, call or write to the particular labor union giving the name of the last known employer; and
- if the absent parent is of Indian heritage and the tribe is known, contact the Indian Affairs Commission, 770 McDonough Street, Montgomery, AL 36130, (334) 242-2831.

#### F. Serving Notice Of The Termination Of Parental Rights Hearing

In consultation with the local attorney, the county DHR should determine which of the following methods of notice is appropriate.

If the birth parent is clearly not a resident of Alabama and no current address is known, send notice by certified mail, return receipt requested, restricted delivery to the last known address with instructions to forward. If no address was ever available or notice by certified mail is unsuccessful, the County DHR must attempt (refer to section E. Diligent Search) to locate the parent through all reasonable means available. After diligent, unsuccessful efforts are made to locate the parent and efforts are documented, notice by publication is made in the county in which the hearing will be held.

If the birth parent is clearly not a resident of Alabama and a current address is known, notification should first be attempted by certified mail, restricted delivery, return receipt requested with instructions to forward. If this method of service fails and the information used for the notice was correct, SDHR Legal should be contacted to discuss the use of a process server.

If the birth parent is an Alabama resident and his or her current address is unknown, the County DHR must make diligent efforts to locate the parent prior to requesting notice by publication. If those efforts fail and notice by publication is requested, the affidavit filed in the matter is to contain sufficient facts about the efforts made to locate the parent and to support the conclusion that service of summons or other process cannot be made. Notice by publication is to be made in the county in which the hearing is held.

If the birth parent is an Alabama resident whose address is known, notification should be attempted by certified mail, restricted delivery, return receipt requested with instructions to forward or provide notification by process server. If service is unsuccessful, then the County DHR should make diligent efforts to locate the parent before notice by publication is attempted. All efforts are to be documented.

Notice of the termination of parental rights to parents by publication is permissible only in proceedings to terminate parental rights. The affidavit must be filed with the court

indicating that service cannot be made because (1) the residence is unknown and cannot, with reasonable diligence, be ascertained; or (2) the identity of the birth parent is unknown; or (3) the parent is avoiding service. The publication notice is to be filed in a newspaper in the county where the hearing is to be held and is to run for four (4) consecutive weeks. The hearing date should be set four (4) weeks after the last date of the published notice.

#### G. Court Reports

Court reports presented at TPR hearings must consist of facts known directly by the author of the report and must address the factors relevant to the termination of parental rights per *Code of Alabama* 1975 § 12 – 15 –319 and *Ex parte Y.M.*, No. 1020739, \_\_So. 2d\_\_ (Ala. April 16, 2004). Authors of court reports must be present and available to testify at the hearing. If the report contains hearsay, it may be admissible under business record exception or another exception to the hearsay rule. Authors of reports must also be sure they know where the hearsay information is located in the DHR case record and be prepared to introduce that portion of the record if a hearsay objection is raised. As needed, local county attorneys may contact SDHR Legal for consultation prior to the TPR hearing. The court cannot take judicial knowledge of the entire prior record of the proceedings, but may rely on evidence (which was not hearsay or was subject to exception to the hearsay rule) that was properly admitted at prior hearings.

#### H. The TPR Court Hearing

In a hearing on a petition for termination of parental rights, the court shall consider the best interest of the child. The juvenile court shall consider the following factors including, but not limited to, the following:

- The existence of any significant emotional ties that have developed between the child and his or her current foster parent or parents, with additional consideration given to the following factors: the length of time that the child has lived in a stable and satisfactory environment.
- Whether severing the ties between the child and his or her current foster parent or parents is contrary to the best interest of the child.
- Whether the juvenile court has found at least one other ground for termination of parental rights.

The worker and supervisor should prepare for the hearing by reviewing facts including current status which support each allegation in the termination of parental rights petition. In many instances, a preparatory review just prior to the hearing is done with the county Department's attorney. The case record is not to be taken to court, and any notes that are referred to while the worker is testifying are subject to being made an exhibit in the court record.

##### 1. The Court Order

The following items are normally included in TPR court orders.

- A statement as to the name of the attorney who represented the child as guardian ad litem;
- A statement that summons was issued to all parties pursuant to law and rules of the court;
- Information regarding who was present at the hearing and by whom they were represented;
- Findings of facts that show that the child is dependent, although the court is not required to include detailed findings;
- Facts that show that less drastic measures than termination of parental rights have been unsuccessful and/or that no viable relative alternatives exist for permanent placement;
- If appropriate, a finding that the Department has made “reasonable efforts” toward reunification and those efforts have failed.

The court order **must** contain:

- a firm statement that parental rights have been terminated for any and all parties, and the birth parents should be named; and
- a statement that permanent custody of the child has been granted to the State Department of Human Resources and that the Department has the authority to place the child for adoption.

Significant errors in the court order (e.g., omission of names of those attending the hearing or receiving notice; awarding permanent custody to the county department instead of the State Department of Human Resources) are to be corrected Pursuant to the Rule of Civil Procedure 60 (a), a motion to correct an error arising from an oversight or omission is filed by the local attorney. Any correction other than one due to clerical error may extend the time to file an appeal and therefore, should be done immediately.

## 2. Appeals

Appeals are usually made by the birth parents, but the court may accept an appeal by others. Appeals of orders terminating parental rights rendered by juvenile or family court must be made within 14 calendar days after the TPR order is entered or filed by the Clerk of the Court. The 14 calendar days applies to an appeal filed in an appellate court or an appeal filed in the circuit court for trial de novo. If the court rules against the Department and the County Department wishes to appeal that decision, SDHR Legal is to be contacted to discuss the issues involved. After

the 14-day period, the County Department should ask the Clerk of the juvenile or family court whether an appeal has been filed.

If an appeal is filed, SDHR Legal Office is to be **immediately** notified in writing. Refer to memorandum in *Forms And Instructions*. The notification must include a copy of the notice of appeal and a copy of the termination of parental rights order. A copy of all of these documents is to be sent to SDHR's Office of Adoption.

Appeals are filed in juvenile court, and the Alabama Court of Civil Appeals then reviews the transcript of the termination of parental rights hearings and its exhibits. There is no oral testimony taken. The Court of Civil Appeals can:

- **affirm** the juvenile or family court's decision; or
- **reverse and remand** the decision back to the juvenile or family court for further proceedings in compliance with the Court of Civil Appeals' order; or
- **reverse and render** a decision about the termination of parental rights petition.

Should there not be an adequate record (transcript) of what transpired in juvenile or family court to send to the Court of Civil Appeals, the appeal is transferred to the circuit court for a new trial (i.e., Trial De Novo) as if the case has not been heard beforehand. The case will be assigned to a separate circuit judge if a circuit, juvenile or family court judge heard the case. In most termination of parental rights cases, there is an adequate record in the case and the appeal will be made to the Alabama Court of Civil Appeals.

Termination of parental rights cases take precedence over other cases pending before the Court of Civil Appeals and the Alabama Supreme Court.

### 3. Procedures After The Court Hearing Until The Adoptive Placement

#### a. Submit the TPR order to SDHR's Office of Adoption.

The Office of Adoption is to be promptly sent a copy of all termination of parental rights orders. The order awarding custody must be an original, signed copy.

If the permanency plan is foster parent adoption, the termination of parental rights order must be accompanied by two (2) copies of the Termination of Parental Rights/Foster Parent Adoption Placement Form (DHR-FCS-2136). Refer to *Forms And Instructions*.

If Adoption With No Identified Resource (placement by Office of Adoption) is the permanency goal, relevant case material not already sent is to be forwarded to the Office of Adoption along

with a copy of the termination of parental rights order (refer to Section V. Case Material To Be Submitted To The Office Of Adoption).

If the child has been committed to the State Department of Human Resources for protective reasons and adoption is not the plan, the TPR order is to be submitted with the two (2) copies of the DHR-FCS-29. The cover letter should indicate the alternative permanency goal (refer to *Permanency Planning Policies And Procedures*).

- b. Send written notice of an appeal to SDHR Legal Office with a copy to the Office of Adoption. Enclose a copy of the termination of parental rights order. Refer to *Forms And Instructions* for memorandum to SDHR Legal Office.
- c. Complete the memorandum, Request To Restrict CA/N Report On Child In DHR Permanent Custody, and send it to the Office of Child Protective Services. Refer to *Forms And Instructions*.
- d. Provide termination visit with birth parents when appropriate.

For many children, a termination visit with the birth parents is needed or desirable. No child should be allowed to visit parents or relatives after parental rights have been terminated without the decision being made by the ISP team. The decision must be based on best interests of the child and whether it will support the child's permanency goal and ensure safety not only in the immediate time, but in the future. Termination visits must be based on the attachment to the birth parent and documentation to support that termination of any contact would cause irreparable harm to the child.

- e. For children with Adoption With No Identified Resource (placement by Office of Adoption) as the permanency plan, send detailed recording of supervisory visits with the child (as these are made) to the Office of Adoption.

Any new information, such as medical or psychological reports, is to be included and should be sent immediately to the Office of Adoption. Any unusual developments with the child or a change in the permanency goal, including foster parent adoption, must be reported immediately to the Office of Adoption.

The child's County DHR worker is to maintain the casework relationship with the child. This relationship is needed to prepare the child for placement in consideration with the Office of Adoption Placement

Consultant and to participate in the adoption pre-placement and placement process with the Placement Consultant.

Decisions on publicity for children in the permanent custody of the Department require permission from the Office of Adoption. These decisions are to be made on a case-by-case basis depending on each child's individual circumstances (e.g., the exact nature of the publicity; the age of the child; the proximity of the birth family).

### III. RELINQUISHMENTS

*Code of Alabama 1975*, § 26 - 10A - 7, provides for a parent to relinquish physical custody of a child to the Department of Human Resources or a licensed child-placing agency for purposes of adoption. Legal custody is transferred to the adoptive parents through the Interlocutory Order which occurs several months following the adoptive placement.

Due to this delay **and** the fact that the child is placed for adoption **without** terminating parental rights, the Department prefers the procedure of obtaining permanent custody of a child over the use of relinquishments in agency placements. There may be isolated situations, however, when the use of a relinquishment is indicated. The concurrence of the Office of Adoption **must** be given prior to the County Department taking a relinquishment. The advantages and disadvantages of the relinquishment, as opposed to termination of parental rights, will be considered.

Relinquishment only transfers physical custody of a child to the Department or agency and not legal custody. Although in giving relinquishment, the parent waives the right to further notice of the adoption proceedings and the consent of the parents to the adoption is not required. With a relinquishment, the Department is authorized to consent to the adoption. The parent can petition the court for withdrawal of the relinquishment within five (5) days after signing the document or within five (5) days after the birth of the child, whichever comes last. If the court finds withdrawal of the relinquishment is reasonable under the circumstances and consistent with the best interests of the child, the relinquishment may be withdrawn. Although the law permits relinquishment to be signed by a parent prior to the birth of a child, within fourteen(14) days after the birth of the child or within fourteen (14) days after signing of the relinquishment whichever comes last, the Department prefers not to accept relinquishments signed prior to forty-eight (48) hours after the birth of the child.

When a relinquishment is to be taken, the Office of Adoption requires the following documentation.

- Both birth parents must have been interviewed and counseled by the worker about their plan to place the child for adoption.
- Both birth parents must have been given ample opportunity to consider alternate plans for the child and to decide whether adoption is the best plan for them and the child.

- Both birth parents must have been given ample opportunity to understand the permanency of adoptive placement.

An interview with the birth mother and birth father must be held to confirm the information above after 48 hours following the child's birth.

The permanency and irrevocability of the relinquishment must be explained by the worker to each of the birth parents that will be signing a relinquishment, along with the procedures and time frames for withdrawing the relinquishment. **NOTE:** At the time of taking a relinquishment, the worker's explanation of the relinquishment and withdrawal procedures must be thoroughly documented in the case record. The worker must also provide both parents a form for withdrawing the relinquishment. The case record should also document the date and the names of the individuals present at the taking of the relinquishment. At least two (2) witnesses should be present in addition to individuals taking the relinquishment, one of whom should not be directly involved in the case. The signing of the relinquishment must be notarized.

The County Director is the individual appointed to take Relinquishment of Minor for Adoption (DHR-FCS-1755). Refer to *Forms And Instructions*. He or she may delegate that authority to the program supervisor (if there is one) or the line supervisor responsible for placement of children for adoption from the County Department. In any case involving the relinquishment of a child for adoption by a minor parent, the County Department must request, by filing a motion with the Probate Court, that the court appoint a GAL for that minor parent prior to taking the relinquishment. The GAL must be present when the relinquishment is taken. If possible, the parents of the minor parent who is relinquishing a child should also be present when the relinquishment is taken.

When a child is relinquished to the Department, the adoptive placement can be made after the expiration of the fourteen (14) day withdrawal period.

#### **IV. CASE MATERIAL TO BE SUBMITTED TO THE OFFICE OF ADOPTION**

Complete case material on the child and his family is to be submitted to the Office of Adoption after (1) the ISP team has reached a decision that permanent separation of the child from his family is in the child's best interests and that state placed adoption is the permanency goal; and (2) the petition to terminate parental rights has been filed and a hearing date set.

In situations where the County Department is working with parents who request DHR services in planning toward adoptive placement for an unborn or a newborn child, case material is to be submitted to the Office of Adoption as early as possible. In these situations, the Office of Adoption will pursue identifying a prospective adoptive resource so that the child can be placed "at legal risk" directly from the hospital. (Refer to *DHR Placements*, III, Legal Risk Placements)

The following case material (i.e., originals, not copies) is to be submitted to the Office of Adoption. Refer to Checklist for Submitting Foster Care Records to Office of Adoption (DHR-FCS-1747) in *Forms And Instructions*. Originals are needed since the record kept in the State

Office is a permanent record. Copies of all material submitted to the State Office must be retained in the County Department.

- A current, completed Basic Social Service Information Form (PSD-213).
- A summary of pertinent information on parents, maternal relatives, and paternal relatives. Refer to Family Background Information (DHR-FCS-2119) in *Forms And Instructions*.

Gathering of background information on the birth family begins when the family first becomes known to the County Department. However, more detailed recording should be accomplished when a child enters foster care with particular attention paid to when the decision is made to terminate parental rights so that the child may be placed for adoption.

- Information about both biological parents

Dates of birth; social security numbers; physical description (including height, weight, color of eyes, color and texture of hair and complexion, nationality, race); educational and employment experiences; detailed medical history covering mental and physical health; marital status; personal characteristics (e.g., personalities, feelings, attitudes, talents, values); general functioning in the community; information about prenatal care received by the mother and any pregnancy complications; if either parent has used drugs or alcohol, the type and extent of use.

Narrative recording should also include an evaluation of attitudes toward their child, their ability to meet the difficulties of the present situation, and their attitudes regarding their parental rights being terminated.

The Family Background Information (DHR-FCS-2119) can be used to provide the required information about both biological parents and birth relatives. Refer to *Forms And Instructions*.

- Information about relatives

Full information about the paternal and maternal relatives is of vital importance. The same type of information is to be obtained about them as that obtained about the parents.

- Social information

Include social information on all other children born to either parent, even though they are not living in the home. Include dates of birth along with information about appearance, health, education, talents and employment; and information about whether or not they are aware of the child to be committed and the planning for him. If they are aware, include information about their feelings concerning the child and about the planning.

- Information about the child

The gathering of required information on the child to be placed for adoption should begin at the time the child first enters foster care or otherwise becomes known to the DHR. Information gathering should be ongoing and include the following:

- a. Birth Certificate - When the County Department receives the certified copy, each item must be immediately examined for correctness and accuracy (e.g., names, spelling, parents' marital status). For children born outside Alabama, a birth certificate must be obtained from the Division of Vital Statistics in the state where the child was born.
- b. Physical Description of the Child - Give a complete description including but not limited to, height, weight, coloring, facial features, color and texture of hair. Birthmarks or any deviation from the normal should be described. A recent color snapshot of the child is to be submitted.
- c. Medical Reports - All medical records are to be obtained in order to have as complete a documented medical history as possible. The record of delivery must be secured from the hospital, whenever possible, for each child to be committed and particularly for all infants. All routine medical examinations since the child has been in foster care (including immunization records, any diagnostic testing and hospitalization reports) should be obtained. Information is to be included about any health problems, occurrence and dates of childhood diseases, and any illnesses or accidents.
- d. Current Child's Medical Record - Foster Care (PSD-BFC-623) – this form must be submitted with all sections completed as much as possible. Care must be taken that dates and results of examinations, PKU tests, and immunizations are included. The information must be reviewed carefully, and if there is any question about the child's condition, this is to be discussed fully with the physician. A sickle cell anemia test is to be completed on each child of African American heritage.
- e. Foster Care Placement History – The dates of each out-of-home care placement and the reason for each move while in care should be documented.
- f. Physical and Emotional Development - Every effort must be made to gather information concerning the child's developmental milestones (e.g., smiling, cooing, holding head erect, turning from back to front and vice versa, sitting alone, crawling, attempting to talk, attempting to walk). The age at which accomplishments occurred is of vital importance. Information about a child's personality, feelings, attitudes, experiences, and habits is to be included as well.

- g. Child's understanding of and reactions to separation from birth and foster families, reasons for placement, and the child's current situation.
  - h. If the child is part of a sibling group and is to be separated from siblings, attention must be given to the children's feelings for each other and the feeling about separation. The decision to permanently separate siblings must be based on the best interests of each child in the group and there must be documentation of why this was necessary. Depending upon the age and capacity of the child, he should be aware of why the separation is necessary. The reasons that one or more siblings may remain in the birth parent's home while another child is being placed with a separate family is an area that warrants discussion by the worker with the child and documentation in the record.
  - i. Assessments and evaluations - All psychological evaluations, counseling reports, therapist's notes, developmental assessments, early intervention reports are to be obtained.
  - j. Schools records - School records are essential and are to include report cards and Individualized Educational Plans (IEPs) if the child is in special education classes.
  - k. All legal documents - temporary custody orders, other court orders, court reports, boarding home agreements, a copy of the parents' marriage certificate and/or divorce decree(if applicable).
- Current Comprehensive Family Assessment
  - Most recent ISP which has adoption (non-foster parent adoption, State placed) as the permanency goal.

## **V. OFFICE OF ADOPTION ACTIVITIES FOR CHILDREN AWAITING STATE OFFICE PLACEMENT**

Once case material is submitted to the Office of Adoption for placement planning, the child or sibling group is assigned to a Placement Consultant. The Placement Consultant is responsible for a thorough review of the case narrative and all documents which provides the Placement Consultant with the preliminary information and understanding of the reason the child came into care, the number and nature of his foster care placements, the level of birth family functioning / dysfunction, and how this has impacted the child for whom adoptive placement is needed. This information allows the Placement Consultant to gain a basic knowledge and understanding of the child's past and present behaviors, his developmental and educational status, his accomplishments and his challenges. The Placement Consultant may request additional information and documentation, as needed, to complete the assessment.

Once the preliminary assessment is completed, the Placement Consultant will review case material for approved adoptive families who may be able to meet the child's needs and become a resource. A visit to the child's county is scheduled through the county worker. The visit is to establish a relationship with the child, and to gather vital and valuable information directly from those closest to the child. In addition to the child, the foster parents and the child's county DHR worker, the Placement Consultant will meet with teachers, therapists and physicians, if appropriate. It is not unusual for information to be shared by these other parties that has not been shared previously with the child's worker or that is not included in previous narrative recording.

The Placement Consultant will prepare a thorough Background Summary of Information which includes information gleaned from the thorough review of the case material and supporting documents as well as that learned during the visits with the child and others involved with the child's care. At this point, the Placement Consultant is able to make an informed assessment of the type of adoptive family that would best meet the needs of the child until he reaches adulthood.

Once a preliminary selection is made, the proposed placement is reviewed by a team in the Office of Adoption. The team reviews the summary information, supporting documents, and the adoptive home study to assess the strengths and needs of the family as they pertain to parenting specific children. Team members are responsible for providing honest and critical feedback to the Placement Consultant about the need for additional or clarifying information on the child as well as the proposed family. Feedback may also include whether the team member recommends the proposed placement or believes that the resource is not appropriate for the children.

If the team concurs with the proposed placement, a staffing is scheduled with the team and county DHR social workers for the child and proposed resource. The staffing is child-focused and his specific needs and behaviors are discussed in detail. The county worker for the proposed family may be asked to address how these needs and behaviors will likely be reacted to and handled by the proposed resource, their immediate and extended family, and their community.

If there is consensus that the proposed placement is one that is in the best interest of the child, the family's (i.e., proposed resource) social worker will share the Summary of Background Information along with supporting documents with them. The family should be encouraged to ask questions and seek clarification. The Placement Consultant can be contacted if the worker cannot provide answers. The family should be encouraged to contact a professional that they trust to provide advice or research on their own any concerning issues (e.g., unfamiliar diagnoses). While no pressure is to be applied, the length of time that a family considers the offer must be reasonable, preferably within 3 working days.

If the family decides to accept the offer of the child, they are requested to complete a scrapbook with pertinent pictures (e.g., immediate family, pets, home, school) to share with the child. This is the child's first introduction to the family. The location and length of the initial visit between the proposed parents and the child will vary and depend on the age of the child and other circumstances. It is usually in the child's home county and often includes the foster parents.

There is no set number or length of pre-placement visits, and this is determined on a case by case basis with full weight being given to the child's response to the visits and acceptance of the proposed adoptive placement.

It is imperative that the child be emotionally supported by the county DHR worker and foster parent(s) as he makes the emotional and physical transition to a new family. It is the adults' responsibility to convey the long-term benefits of having permanency through adoption when a child seems hesitant to face the temporary discomfort of leaving people and places familiar to him. The child's Life Book can be a particularly effective tool in helping the child understand and accept what has happened in his life and prepare him for permanence with a new family. See Section VII. Preparation Of Children For Adoptive Placement for additional information.

If there is no approved resource readily available for the child, child-specific recruitment efforts are initiated. The Placement Consultant will provide the child's worker with a recruitment packet to complete and return along with current, color photographs. A referral form should also be included for photographing and conducting video interviews through Heart Gallery Alabama. It is the Placement Consultant's responsibility, in conjunction with Office of Adoption Recruitment staff, to initiate, update and respond to recruitment efforts. Ongoing recruitment activities include, but are not limited to, the following:

- AdoptUSKids.com – waiting children are featured on this national web site. Initial registration and updates are completed by the Office of Adoption.
- Adoption.Com – waiting children are featured on this national web. site. AdoptUSKids database is used. DHR's website, "Alabama's Waiting Children" link will connect to the AdoptUSKids' database.
- HeartGalleryAlabama.com – waiting children are included in this photo listing which also includes video interviews. Additionally, Heart Gallery Alabama (HGA) coordinates a number of on-site exhibits throughout the year. From time-to-time, HGA will have a partnership with television stations to feature children as part of local newscasts.
- Kids to Love - this is a weekly feature of waiting children on WHNT, a CBS affiliate in Huntsville.

In addition to these ongoing recruitment efforts, special events are held yearly, usually during November National Adoption Awareness Month.

The county worker's responsibility during this time is to assist in preparing the child for adoption, including preparing age-appropriate child for exposure to recruitment venues. An age-appropriate child should have an understanding of why recruitment efforts are taken, and any feelings that he has about exposure considered. All recruitment efforts are done in a manner which protects the child's self esteem. The worker should also accompany the child to

recruitment events, and it is important during this time to continue development of the child's lifebook.

The child's Placement Consultant receives and responds to inquiries received from the various recruitment efforts. Current, approved studies on families received from out-of-state agencies or licensed social workers are considered along with Alabama families who express interest in a child that is featured. As a requirement of the Adoption and Safe Families Act of 1997, permanency cannot be delayed or denied due to jurisdictional boundaries.

## **VI. PREPARATION OF CHILDREN FOR ADOPTIVE PLACEMENT**

All children to be placed for adoption should be prepared for placement. The degree and type of preparation will vary according to the age and situation of each child. The worker should begin general preparation of the child at the time the decision is made in the ISP to pursue termination of parental rights with the permanency plan of adoption. This is true even when the plan is for the child to be adopted by his foster parent. When a child permanency plan is for Adoption With No Identified Resource (placement by Office of Adoption), preparation for a specific family will occur after the prospective adoptive parents have been identified and after consultation with the Office of Adoption Placement Consultant.

The most important tool for use in preparing a child for adoption is the social worker's relationship with the child. The worker must know the child and maintain regular contact with the child in order to establish a trusting relationship. It is the worker's responsibility to honestly discuss with the child the reasons for adoptive placement, the meaning of adoption, and the reasonable expectations of the child for a new family and home. The worker should acknowledge and discuss the child's relationship with natural and foster family members and how those relationships will be affected by adoption. Acknowledgment should be given to fears and uncertainties the child has about joining a new family. The child's unresolved conflicts about family and previous experiences should be explored and documented, and services, including counseling or other therapy, should be sought as indicated. Many younger children will not have the language or reasoning capacity to express their conflicts or fears verbally, and will show their emotions through behaviors, some negative.

The child's foster parents will usually have a significant influence on the child and his or her reactions to adoptive placement. Therefore, it is vital that the workers involve foster parents, to the extent possible, in planning for the child's preparation and placement. Foster parents should be kept abreast of plans for the child's placement, except where unusual circumstances exist, such as efforts by the foster parents to block adoptive placement of the child. In such situations, the Office of Adoption Placement Consultant should be notified promptly and consulted on the extent of involvement by foster parents in preparing the child for placement. The foster parents should be helped to talk with the child about placement and participate in the preparation of the child's lifebook and other activities leading to the placement.

When a child is leaving a community to be placed for adoption, opportunities should be made available for the child to say good-byes to important people, such as friends, schoolmates, teachers, foster family members, etc.

All children in foster care are required to have a lifebook. (See Family and Children's Services Manual, Chapter XI, Foster Care, for information to be included.) For the child being prepared for adoption, preparation of the lifebook becomes an essential part of the process. Every child placed for adoption should have a lifebook that is current. The lifebook is a tangible representation of the child's past and present. Preparation of the book with the child affords the opportunity to help the child understand the reasons for his or her foster care placement, the circumstances of the natural family, and to capture significant events and history that otherwise might be lost to the child over time. The lifebook should culminate with an explanation of why adoption is the plan for the child and may include letters and photographs the child has received from the prospective adoptive family prior to placement.

For any child old enough to participate in preparing the lifebook, it is essential that they be involved in the process, since the process of preparing the book is as crucial to the child's preparation for adoption as is the finished product. For infants and very young children, information may be collected and prepared by the worker and foster parents.

For infants and young children, identifying information about the natural family should not be included in the lifebook. For older children who have had a relationship with the natural family, it may be unreasonable to exclude identifying information of which they are already aware. Specific guidance on identifying information to be included should be sought from the Office of Adoption Placement Consultant on state office placement. The Office of Adoption Placement Consultant must also have the opportunity to review the child's lifebook prior to placement. The worker should not include information in the lifebook of which the child is unaware without carefully discussing and explaining the information to the child. Many children will want to bring the lifebook on pre-placement visits with the adoptive parents, since it provides an opportunity for discussion and getting to know each other.

In preparing the child for adoption, prospective adoptive parents will be asked to prepare a scrapbook introducing themselves to the child. The family's scrapbook will be forwarded by the family's worker through the adoption consultant to the child's worker and the child. The family's scrapbook should include photographs of the adoptive family and other close family members, their home, church, the school the child will attend, family pets, and activities the family enjoys. Interior photographs of the room the child will occupy and of the family's home will help the child to anticipate and prepare for placement. The adoptive family should write brief personal notes to the child and include them in the scrapbook.

While a family scrapbook will be unnecessary for infants, even children as young as two years old will benefit from this introduction to the new family prior to meeting them for the first time. In addition to the scrapbook, which can be viewed by the child frequently and at length, the adoptive family may want to record a home video of themselves and their home and family activities, which can also be forwarded to the child.

The extent and details of preplacement visits and inclusion of foster parents in the placement will be arranged among the child and family's workers and the Office of Adoption Placement Consultant on a case-by-case basis.