

INTRODUCTION

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Adoption is the method provided by law to establish the legal parent-child relationship between persons not related by birth, but with the same mutual rights and obligations that exist between children and their birth parents. A child becomes available for adoption through legal action when parental rights are terminated or through voluntary relinquishment by the birth parents. *Termination Of Parental Rights* provides the framework and guidelines for DHR responsibilities in terminating children's legal ties to their birth parents. In fulfilling its responsibilities to seek out and protect children in need of services, the Department has an obligation to file a permanent custody petition for those children who must be permanently separated from their own families, and to place for adoption only those children for whom parental rights have been terminated and for whom custody has been committed to the Department by final order of the Court.

I. PURPOSE

Children who have suffered the loss of their family of origin deserve the best efforts of the agency and the community to provide them a safe and permanent home. This policy offers the framework for assuring that adoptive resources are assessed and prepared for their important role and provides procedural guidelines for the Department's overall adoption program including:

- the general and minimum requirements for adoptive applicants and their homes;
- the home study process for adoptive applicants to be approved to adopt children whose parental rights have been terminated and are in the permanent custody of the State Department of Human Resources;
- the adoptive placement process;
- legal risk adoptive placements;
- foster parent adoptions;
- administration of the federal and state adoption assistance programs; and
- provision of adult adoptee services.

In addition, this policy provides basic information and procedures regarding non-DHR (independent) adoptions, the Putative Father Registry, and the adoption legal process.

II. LEGAL BASE

Sections 38-2-6(10) and (14) of the Code of Alabama 1975 charges the Department with the responsibility to seek out and protect children in need of its service and to aid those children to a fair opportunity in life; to establish and maintain homes or other agencies for the care of dependent and neglected children; and to place such children in suitable family homes or institutions.

The Department has further statutory responsibilities to verify the allegations of certain adoption petitions filed in the court; to consider the granting of consent for children to be brought into the

State for purposes of adoption; and to accept responsibility for future planning for children in need of adoption.

Specific statutes governing these responsibilities are:

- Code of Alabama 1975, § 12-15-115(a)(4)
- Code of Alabama 1975, § 22-21-31;
- Code of Alabama 1975, § 26-1-4;
- Code of Alabama 1975, § 26 10E-1 through § 26-10E-37
- Code of Alabama 1975, § 26-10-20 through § 26-10-30;
- Code of Alabama 1975, § 26-18-1 through §28-18-10;
- Public Law 96-272 (Adoption Assistance and Child Welfare Act of 1980);
and
- Public Law 99-273, § 473b.

In fulfilling these responsibilities, the Department receives, into its custody through court commitment, certain children who are in need of permanent placement away from their biological relatives.

The Department also accepts applications from families who are interested in adopting children; studies, investigates, and approves those applications which appear to offer a resource for children in the Department's care; and subsequently places children in a home which appears to best meet best their individual needs.

III. THE PRACTICE MODEL AND ADOPTION SERVICES

Practice Model principles for all Department child and family services are core principles that reflect how and to what end the Department has chosen to shape its approach to serving the children and families of Alabama. Adoption supports the concept that children are to be free from maltreatment when that is not possible in their birth families. Timely achievement of adoption provides a child with commitment, stability, and feelings of belonging which make for a smooth and successful transition into adulthood.

IV. CONFIDENTIALITY

All files of the investigating office or agency appointed by the court under Section 26-10E-30 shall be confidential and shall be withheld from inspection except upon order of the court for good cause shown. County Departments receiving a court order to produce adoption records must forward that order to the Office of Adoption for response. The Office of Adoption will seek guidance from SDHR Legal and follow their directions. The statutes also provide that after a final decree has been entered, the court records will be sealed, kept as a permanent record of

the court, and withheld from inspection unless ordered by the court which entered the final decree.

V. ADOPTION SERVICES

Adoption services provided on behalf of a child who is legally free for adoption include recruitment and study of prospective adoptive homes; preparation placement of the child; supervision of the child's placement; other post-placement services; legal services (e.g., reporting to the court and supervision of a child for whom an adoption petition has been filed in Probate Court); purchase of adoption placement services for children with special needs; and information and referral services.

A. Recruitment

Initial recruitment of adoptive resources is general and identifies potential resources for the Department's total population of children awaiting an adoptive resource. This phase of recruitment targets homes for all waiting children. The second phase of recruitment is child-specific and targets the specific needs of a child or sibling group awaiting an adoptive resource. Child specific recruitment considers a specific child or sibling group with specific needs and identifies a prospective adoptive resource that can and will provide care to meet the specific needs of the child or sibling group. Recruitment is addressed in other sections of this Adoption Policy and Procedures, e.g., Termination of Parental Rights, Application and Home Studies, and Adoption Subsidy.

B. Applications And Home Studies

In offering services to individuals who are interested in having placed in their home a child or children whom they may adopt, the Department has an obligation to carefully consider their interest and, if appropriate, to enter into a study for the purpose of deciding with them whether adoption is a good plan for them and whether their home is a potential resource for a child who is in the Department's permanent custody. The application to adopt is filed at the individuals' county of residence.

Most of the Department's adoptive placements are made from the population of children in the Department's foster care program. Individuals and couples wishing to adopt white children under the age of six years and with no known health issues may wish to be approved through licensed private adoption agency. The individual or couple may be referred to SDHR Adoption Intake for a list of licensed private adoption agencies. If such inquirers wish to pursue an application to adopt with the Department, they should be provided with an Application to Foster and/or Adopt (DHR-FCS-704). The individual or couple should be helped to understand that their application will be acted upon if a need arises for a child under age six with no known health issues.

The application date is the date the completed application is received in the County Department. Applications should be maintained in one central file, according to the date received, until policy is changed allowing them to be processed. Applications are registered in FACTS. Contact the county FACTS mentor for instructions on entering the information into FACTS.

Inquirers should also be informed about the Department's need for homes for any child over age eight (8) years; sibling groups of three (3) or more; African American children age two (2) years and older; and children with documented physical, mental, or emotional disabilities. Individuals who believe they can provide a home for these children should indicate such on the Application To Adopt and then proceed with the home study process.

Individuals or married couples may not be approved to adopt by the Department and approved with another agency at the same time. The only exception is when, after approval, they identify a child who is in the permanent custody of another state's child welfare department. Refer to *Applications and Home Studies*, VIII, Requests To Release Adoptive Home Study for more detailed information.

The Department may, in some counties, be ordered to conduct non-DHR (i.e., independent) adoption investigations. Others who may be designated by the Probate Court to conduct non-DHR adoption investigations are (1) licensed child placing agencies (LCPAs) and (2) private independent practitioners (PIPs) who are certified to perform social casework. Refer to *Non-DHR Adoptions* for more detailed information.

C. Placements

Children in DHR permanent custody are placed with individuals or couples who have been approved to adopt by the Department, another state's child welfare agency, a licensed child placing agency or a private independent practitioner. Approved individuals' ability and willingness to meet a child's immediate and future needs, through age nineteen (19) years, are paramount in placement decision-making and the individuals' immediate and extended family, as well as their community and its resources, must also be considered.

Requests by prospective adoptive parents to separate siblings will not be considered unless the children's individualized service planning team determines that it would be beneficial for the children to be permanently separated based on their needs. When sibling groups are featured in recruitment activities, the plan is for them to be placed together. Refer to *Termination of Parental Rights*, V, Office of Adoption Activities For Children Awaiting State Office Placement for additional information.

D. Adoption Subsidy

The Department administers the federal and state adoption subsidy programs in accordance with Code of Alabama 1975, § 26-10-20 through § 26-10-30; 42 U. S. C. 673; and the Social Security Act Section 473. Adoption subsidy is financial assistance to aid an adoptive family in providing for an Alabama child with special needs. For children considered hard to place, the financial assistance is intended to help remove financial barriers to an adoption. Some of these children will also have Medicaid. Subsidy is intended to help with the cost of raising the child, not to cover every expense. Refer to *Adoption Subsidy* for more detailed information.

E. Adult Adoptees

Code of Alabama 1975, §26-10E-30 (Alabama Adult Adoption Code), provides that adoptees who have arrived at the age of nineteen (19) years shall have the right to petition the probate court for information about their placement. Services to adult adoptees are provided by SDHR's Office of Adoption since adoption records are maintained for seventy-five (75) years.

Adult adoptees who contact a County Department for information about their placement must be referred to SDHR's Office of Adoption (for DHR and independent adoptions) or the licensed child-placing agency that placed them for adoption. Inform them that they must submit a written request to SDHR, Family Services Division Office of Adoption. The request should include sufficient information to assist in locating the adoption file (e.g., birth name, if known; date of birth; name of adoptive parents; county of residence at the time of adoption). When the individual was placed for adoption independently, the Office of Adoption consultant will share any non-identifying information (usually very limited) that is available in the file.

Non-identifying information available for sharing is the information given to the Department at the time of the adoptee's placement. This information includes:

- health and medical histories of the adoptee's biological parents;
- health and medical history of the adoptee;
- the adoptee's general family background, including ancestral information without name reference or geographical designations;
- physical descriptions of the adoptee's biological parents;
- length of time the adoptee was in the care and custody of anyone other than the petitioner
- the circumstances under which the adoptee came to be placed for adoption.

Adoptees placed by the Department can also request search and reunion services. A search may be conducted for the birth mother and legal birth father after a personal interview with the Office of Adoption consultant. When adoptees reside in another state, they can make arrangements with a licensed social worker or licensed adoption agency to conduct the interview. Identifying information is released by the Department only with the notarized consent of the birth mother or legal birth father, or upon order of the Probate Court for good cause shown. Court orders authorizing the release of identifying information, which are inadvertently sent to County Departments, must be forwarded to SDHR's Office of Adoption.

Adult adoptees may also obtain a copy of their original birth certificate and any other documents in sealed files from the Department of Public Health's Bureau of Health Statistics. Birth parents are able to place a "Parent Contact Preference and Medical History" form in the sealed files. Adult adoptees or birth parents should be referred to Vital Records, Adoption Search, Alabama Department of Public Health, 201 Monroe Street, RSA Tower, Montgomery, AL 36130, telephone number (334) 206-5426.

Birth parents contacting the county department for information on a child placed for adoption should be referred to the Office of Adoption. No information can be shared with birth parents

except by court order. Birth parents may file a notarized statement with the Office of Adoption authorizing release of identifying information to the adult adoptee if the request is made by the adoptee once reaching age 19.

VI. GLOSSARY

A. **ABANDONMENT-** Any of the following:

1. The voluntary and intentional failure or refusal, without good cause or excuse, to claim the rights of a parent for four months immediately preceding the date of the filing of the adoption petition

2. The voluntary and intentional failure or of a legal or putative father to provide financial or emotional support to the mother in the four months immediately preceding the birth of the child and knowing and having reason to know of the pregnancy

3. The adoptee is left, without good cause or excuse, of the custody of a minor by a parent for 30 days without provision for his or her identification for 30 days.

4. The voluntary and intentional withholding from the minor by the parent, without good cause or excuse, of his or her presence, care, love, protection, support, maintenance, or display of filial affection.

B. **ADOPTEE-** The individual being adopted

C. **ADOPTION-** The judicial act of creating the legal relationship of parent and minor which previously did not legally exist.

D. **CONSENT-** Voluntarily agreeing to adoption.

E. **LEGAL FATHER-** A male individual whose legal status as the father of the adoptee has been established through adoption, legitimation, adjudication, acknowledgment, presumption, or operation of law under the laws of this or any other state, and whose parental rights have not been terminated.

F. **LEGAL MOTHER-** A female individual whose legal status as the mother of the adoptee has been established through adoption, legitimation, adjudication, acknowledgment, presumption, or operation of law under the laws of this or any other state, and whose parental rights have not been terminated.

G. **MARRIED COUPLE-** Two individual who are currently lawfully married in accordance with the laws of this state or any other jurisdiction.

H. **MINOR-** An individual 18 years of age or younger or an individual who is not an adult under the law in the jurisdiction where he or she resides.

- I. **MINOR PARENT-** An individual 18 years of age or younger or an individual who is not an adult under the law in the jurisdiction where he or she resides who is the biological or legal parent of the adoptee.
- J. **PARENT-** The biological or legal mother or father of the adopted minor.
- K. **PUTATIVE FATHER-** The alleged or reputed biological father of the adoptee, unless the issue of paternity has been resolved adversely to that individual by final judgment of a court of competent jurisdiction.
- L. **RELINQUISHMENT-** Giving up the legal and physical custody of a minor to a licensed child placing agency or Department of Human Resources for the sole purpose of placement for adoption.
- M. **SPOUSE-** The individual who is lawfully married to the petitioner or legal father or the legal mother at the time of the adoption proceedings.
- N. **STEPPARENT-** An individual who is the spouse or surviving spouse of a legal mother or legal father of a minor, but who is not a legal parent of the minor and who is not a former spouse by reason of divorce or annulment of the marriage