

DHR PLACEMENTS

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The majority of children in the permanent custody of the State Department of Human Resource will have the permanency goal of foster parent adoption or adoption with an unidentified resource (placement by the Office of Permanency). In limited instances, usually involving infants, legal risk placements are made prior to the termination of parental rights hearing. Regardless of the specific adoption plan, county and state adoption staffs are committed to the requirement of timely and responsible efforts to assist in having an adoption finalized within 24 months of the date a child first enters foster care.

I. FOSTER PARENT ADOPTIONS

The Department recognizes that, for many children who become free for adoption, the child's foster parents will be the most appropriate adoptive resource. This is particularly true in situations where children have lived with the foster parents over a significant period of time and have formed a strong attachment which would not be in the child's best interests to sever. Foster parents will be given first consideration as an adoptive resource when they request to adopt a child in their home who is either legally free for adoption or the plan is termination of parental rights. This is a case planning decision and is not automatic. The Department needs to evaluate the family's ability to meet the child's long term best interest. This will be done prior to considering an adoptive placement with a resource that has not yet been identified.

When determining the viability of foster parents adopting a child in their home, the decision must always be based on the child's best interests according to the circumstances at the time of placement and the projected circumstances until the child reaches the legal age of nineteen (19) years. The preservation of sibling relationships and requirements in *Placing Siblings Together* policy takes precedence over a foster parent's request to adopt a child in their home when that child has one or more siblings who are placed in separate foster homes. In addition, permission will not be given for children in DHR permanent custody to have their surname legally changed to that of the foster parents when there is no adoption.

The process to complete an adoption by foster parents is outlined on the Termination of Parental Rights Foster Parent Adoption Protocol And Checklist (DHR-FCS- 2132) in the *Forms And Instructions*. It is consistent with *Adoption Policies And Procedures* and may even be used prior to permanent custody being awarded to the State Department of Human Resources.

A. Giving First Consideration

When an ISP team determines that adoption is the permanency goal for a child in a foster home, the worker should discuss, with the foster parents, their interest in adoption when parental rights are terminated. Individual interviews shall be conducted with each foster parent (husband and wife) to assess each individual's commitment to adopt a specific child. Both husband and wife must be in agreement to the foster parent adoption of a specific child in order to pursue a foster parent adoption. It is not necessary to wait until the termination of parental rights hearing has been held. The foster parents should be provided information on the factors considered in foster parent adoptions and informed that their interest in adopting will be given first consideration in planning for the child(ren). In addition to the individual interview, a joint interview should be held with

both members of a married couple. These discussions and the concurrence of foster parent adoption as the specific child's plan should be in the narrative recording (child's and resource record).

Foster parents, in most situations, should be able to promptly decide whether they can make a permanent commitment to the child since that child would have been in their home for a significant length of time. Given the federal mandate to finalize an adoption within twenty-four (24) months of a child entering foster care, a reasonably expedited timeframe must be established for foster parents to make the decision to adopt a specific child. **However, no adoptive placement can be made if a child has been in the foster home less than three (3) months.**

Workers should determine if there are specific concerns that need to be addressed if foster parents are indecisive. All concerns should be pinpointed quickly, and attention given to resolving them. As with any child, there is no guarantee that difficulty and problems will not surface. Foster parents must accept that the child(ren)'s adoption would transfer total and legal, day-to-day responsibility for the child(ren) to them. The fact that a foster parent does not want to adopt but desires the child to remain in the home on a long-term basis is not a suitable permanent plan unless a child has such special needs that removal from the foster home would not be in that child's best interest. Documentation from a therapist, counselor or physician is required to support this decision.

NOTE: If a child's permanency plan changes from Foster Parent Adoption to Adoption With No Identified Resource, the Family Services Division Director and the Children and Family services Deputy Commissioner must both sign the approval. The case should be staffed with the Family Services Director before any approval or denial is made.

When foster parent adoption is established as a possible permanent plan, a primary focus becomes an assessment of the foster parent's (1) ability to successfully parent the child to adulthood and best meet the long-term needs of the child, and (2) understanding of adoption versus fostering. The following information must be addressed with **all** foster parents and documented in the narrative or a written document to be filed in the case record. Counties should involve the child's caseworker and the foster parent(s) caseworker in these discussions and decisions to pursue foster parent adoption.

1. Child's attachment to the foster parents

Attachment must be considered in all cases and weighed along with other factors when assessing a placement which will be in the child's long-term best interests. Separation of siblings for adoption among more than one set of foster parents is generally unacceptable and is to be considered only in extreme cases where there is documented potential or actual harm.

2. Length of time the child has been in the foster home

While no specific time frame is established, this factor must be considered in relation to the child's attachment to the foster family, the child's age upon placement in the home, and the child's ability to adjust to moves.

3. Age of the child in relation to age of the foster parents

A foster parent's age cannot be the sole factor to deny adoptive status; however, age may be considered with other information when assessing the appropriateness of an adoptive placement for a particular child.

4. Foster parent's health and income

Health and income will be assessed, along with resources available to the family, in determining the appropriateness of an adoptive placement.

5. Involvement with and/or interference from biological family

Issues pertaining to the adoptive family's ability to handle possible contact with the biological family and the effects of these contacts on the child must be assessed. Consideration must also be given to any threat from the biological family that may be posed for the child and the adoptive family when the child is adopted in geographic proximity to the biological family. Contact with biological family may not necessarily be detrimental to the child and adoptive parents but must be assessed.

6. Ability of the foster parents to meet the child's long-term best interests

The permanency of adoption must be assessed in relation to the likelihood of the placement providing, on a long-term basis, for the best interests of the child. This factor will include the capability of the foster parents to meet the needs of the child to adulthood, to meet the child's needs for cultural identity and heritage, and to preserve biological sibling relationships where applicable. This also includes medical coverage if the child is not eligible for adoption subsidy Medicaid.

7. Contingency plan for the child's care in the event of a foster parent's death or debilitating illness

A family member or friend must be identified as the person who will take responsibility for the child if the adopting foster parent(s) become unable to do so. This person must be interviewed to determine their acceptance of this responsibility.

8. Discussion of other family members' acceptance of the adoption

Significant family members, including other adult household members and all children of the foster parents, must be interviewed to determine their acceptance of the child as a permanent legal member of the family. Potential adoptive

grandparents and/or other close relatives should be interviewed to determine their attitudes toward the child.

To expedite permanency for the child as well as to meet the goals of ASFA, it is critical to keep the plan of adoption moving forward to completion and finalization of the adoption legal process. It is expected that the petition to terminate parental rights will be filed no later than three (3) months from the goal of adoption being established. During this time the Non-Identifying Background Summary of Information and the process for approving the foster home as an adoptive resource should begin. Once TPR has occurred and the appeal process has been exhausted, the background summary should be completed. All work to approve the foster home as an adoptive resource should also be completed. If the child has been in the home for a minimum of three months, all documents for the adoptive home placement interview should be completed and the placement interview held. (Refer to DHR-FCS-2132 TPR/FPA Protocol and Checklist for more information).

Once adoptive placement has occurred and the Consent to Adopt provided, the family should initiate the legal process by retaining legal advice and filing the petition to adopt in the Probate Court. The petition to adopt should be filed as soon as possible but certainly within three months of the family receiving the Consent to Adopt. Although post placement supervision must occur monthly until the Final Decree of Adoption, a post placement supervisory report must be submitted to the Probate Court within sixty (60) days of the receipt of the Petition to Adopt and the Notice of Hearing.

B. Required Forms

DHR foster families who are dually approved to foster and adopt (approved by the county to foster and by the Office of Permanency to adopt) are not required to complete any additional forms. If an approved foster family has not been dually approved (i.e., foster and adopt), the following forms are required to proceed with a home study to adopt.

- A currently completed Application to Foster and Adopt (DHR-FCS-705 with the Adoption option checked);
- A completed Financial Statement for Foster and/or Adoptive Applicants (DHR-FCS-705) current within one year;
- Current medicals for all family members as required by the *Minimum Standards For Foster Family Homes*; and
- Current foster family home approval.

The foster care home study must be reviewed to determine what must be completed to meet adoption requirements as defined in *Adoption Policies and Procedures*, Applications and Home Studies section. At a minimum, the following is required:

- New Application to adopt;
- Letters of suitability on any household members over the age of 19 if not already in the resource file. Letters of suitability refers to the fingerprint based criminal history background checks as required by federal and state law or

- rules and regulations;
- CAN clearances on any household members over the age of 14 if not already in the resource file (excluding the children who are being adopted);
- Additional references (should be close relatives and contacts should be in person with the reference either by phone or face to face);
- Individual interviews with both members of a married couple; and
- Joint interview with both members of a married couple.

The home must be entered on FACTS as an approved prospective adoptive resource prior to any adoptive placement.

C. Foster Parents Approved By Another Agency

Foster parents approved by another agency who express interest in adopting a child in their home must provide a favorable, written recommendation from the approving agency to the child's worker. A copy of the foster family home study should be requested and include the Model Approach To Partnerships In Parenting (MAPP) Foundations profiles, the initial home study, and narrative recording of supervisory contacts. The worker should thoroughly review the case material and once the decision is made that adoption by these foster parents is the most appropriate plan, convert the foster home study to an adoption study. If the other agency is licensed to perform adoption services, the Department and that agency may come to an agreement on converting the foster home study to an adoption study. If the other agency is not licensed to perform adoption services, this must be completed by the Department. It is the county DHR worker's responsibility to ensure that the adoption study is completed in a timely manner and that **all policy** governing the foster parent adoption process is followed.

D. Adoption Placement Interviews

The adoption placement can be made no sooner than fourteen (14) days after the termination of parental rights order is entered or filed by the Clerk of the Court, and not before the child has been in the foster family home for three (3) consecutive months.

An adoption placement interview is a review and discussion of documents pertaining to the child. The documents include:

- Background Summary Of Non-Identifying Information
This summary is completed by the worker and is a comprehensive report that covers all information known to the Department about the child and the birth family through the time of the adoptive placement. It should include the reason the child came into care; services provided to the birth family; the child's placement history; and the child's developmental, medical, and educational history. The summary must also include a description of the child, maternal and paternal birth family members, their physical descriptions, education level, work, and medical history.
- Review and signing of the Adoptive Home Placement Agreement (DHR-

- FCS- 2130.
- Review and signing of Adoption Subsidy Agreements, if appropriate.
- Review and discussion of Medical History Of Child To Be Placed In Adoption Form (DHR-FCS-1748). Medical records, including psychological evaluations and therapists' reports, are to be secured and a copy attached to the Child's Medical History Form with identifying information deleted.
- Review of Medical History of Biological Parents Of Child To Be Placed For Adoption (DHR-FCS-1749). Identifying information is to be deleted on any medical records and attached to this document.

The adoption placement interview is also the time to share procedural information that may pertain to the child's adoption. For more information regarding topics that might need to be discussed, refer to the form Termination of Parent Rights/Foster Parent Adoption Protocol, Section IV, Adoptive Placement, Placement Interview (DHR-FCS-2132).

If all concerns have been addressed and resolved, and the Adoptive Home Placement Agreement has been signed by all parties, the following steps can be taken.

- The Consent of the State Department of Human Resources to Adoption form (DHR-FCS-643) is given to the adopting parents and the worker is to follow up with the family after thirty (30) days to ascertain that an attorney has been secured and that the Petition to Adopt will be filed in a timely manner. The family should identify specific problem areas that may be preventing them from taking this action and the worker should offer whatever assistance possible to resolve the issues. If the Department is aware that the Probate Court requires a copy of the termination of parental rights order when a Petition to Adopt is filed, the worker must send a copy directly to the Court when acknowledging receipt of the petition. In most courts, the Department's consent to adopt is sufficient.
- The Pre-Placement Report to The Court is shared with the adopting parents and a copy provided so they can file it with the Petition to Adopt and the Consent to Adopt. (Refer to VI Legal Process for DHR-Placed Children).

The narrative recording of the placement should include specific reference to the review of the documents, questions that were raised, and the answers given. Information about services provided by Alabama Post Adoption Connections should be shared and its use encouraged. Refer to "Resource Guide for Post Adoption Services" in the *Appendix* for additional information. The interview should be recorded on pink paper. For children who are deemed eligible for subsidy, before the final decree of adoption is issued, there must be a written agreement between the State Department of Human Resources and the

adoptive family as to the terms and conditions of the subsidy (Code of Alabama 1975, § 26-10-25).

Once the Adoptive Home Placement Agreement is signed, the child's worker must change the service type home on FACTS from foster home to pre-adoptive home. Foster care board payments will continue until the adoption finalized by the court. The child is in the pre-adoptive home until finalization has been entered in the system.

E. Child's Private Income Pending Final Decree

In foster parent adoptions, when a child has any private income, the county department should continue to receive payment and disburse to the foster parents per usual procedure until the adoption is final. All private income is considered when determining the amount of adoption subsidy for a special needs child. (Refer to Adoption Subsidy Section).

Note: If a child is placed by the Office of Permanency, funds should be forwarded to the Placement Consultant for disbursement until the adoption is finalized.

1. Supplemental Security Income (SSI)

If the County Department of Human Resources is receiving **Supplemental Security Income** for a child in the permanent custody of the State Department of Human Resources and the child is being adopted by the foster parents, the following procedure should be followed:

a. The County Department should continue to receive the SSI payment and continue to disburse SSI funds to the foster/pre-adoptive parents in the usual manner until the final decree is issued. The monthly amount disbursed from the SSI is the amount stipulated on the adoption subsidy agreement. Counties are encouraged to spend all of the SSI funds for the child as they are received and before finalization of the adoption.

b. After the final decree of adoption is issued, the adoptive foster parents should make application for SSI benefits at their local Social Security office. They are to provide the county department with a copy of the determination notice from the Social Security Administration. Since all children who receive SSI at the time of adoptive placement are eligible for adoption subsidy, the worker must immediately take the appropriate action in response to the SSA determination notice to ensure that the child continues to receive the amount of subsidy agreed to in the adoption subsidy agreement. Refer to Adoption Subsidy and Forms and Instructions, Termination of Parental Rights Foster Parent Adoption Protocol and Checklist (DHR-FCS-2132).

c. The County Department should notify the Social Security Administration, in writing, that the Department no longer has permanent

custody of the child and that the adoption final decree was issued and the date of the final decree.

d. A copy of the letter to the Social Security Administration should be sent to the Office of Permanency.

2. Social Security

If the County Department of Human Resources is receiving **Social Security Benefits** for a child in the permanent custody of the State Department of Human Resources and if the child is being adopted by the foster parents, the following procedure should be followed:

a. The County Department should continue to receive payment and continue to disburse funds to the foster parents in the usual manner until the final decree is issued.

b. When the final decree of adoption has been issued, the County Department of Human Resources should disburse to the adoptive parents (formerly foster parents) any accumulated balance of funds on hand. If additional payments are received by the County Department, those checks should be returned to Social Security Administration.

c. If the adoptive parents wish to be considered for continuing Social Security Benefits, they should be given the claim number only of the covered employee. They should be told to take the claim number along with a certified copy of the final decree of adoption and make application for benefits at their local Social Security office. (Should the adoptive parents not wish to be considered for continuing benefits, they should so notify the County Department in writing.)

d. The County Department should notify Social Security Administration, in writing, that the adoption final decree was issued, the date of the final decree, that the balance of funds on hand has been disbursed to the adoptive parents, and that the adoptive parents will (or will not) be applying for benefits. No identifying information should be given to Social Security Administration or to the adoptive parents in this connection.

e. A copy of the letter to the Social Security Administration should be sent to the Office of Permanency.

3. Veteran's Benefits

If the County Department of Human Resources is receiving **Veterans' Benefits** for a child in the permanent custody of the State Department of Human Resources

and if the child is being adopted by the board foster parents, the following procedure should be followed:

a. The County Department should continue to receive payment and should continue to disburse funds to the foster parents in the usual manner until the final decree is issued unless other arrangements have been agreed on between the State Department of Human Resources and the County Department of Human Resources.

b. When the Final Decree of Adoption has been issued, the County Department of Human Resources should disburse to the adoptive parents (formerly foster parents) any accumulated balance of funds on hand. If additional payments are received by the County Department, those checks should be returned to Veterans Administration.

c. If the adoptive parents wish to be considered for continuing Veterans' Benefits, they should be told that the Veterans Administration representative will call on them and that the representative must see the child periodically during the time benefits are received. The adoptive parents should be asked to authorize the County Department in writing to furnish their names and address to Veterans Administration.

Note: Should the adoptive parents not wish to be considered for continuing Veterans' Benefits, the Office of Permanency should be contacted for further instructions.

d. The County Department should notify Veterans Administration, in writing, that the Final Decree of Adoption has been issued, the date of the final decree, that any balance of fund on hand has been disbursed to the adoptive parents who are prepared to have the Veterans Administration representative call on them in connection with continuing benefits. The names and address of the adoptive parents should be furnished to the Veterans Administration after their written authorization has been received.

e. A copy of the letter to Veterans Administration should be sent to the Office of Permanency.

II. NON-FOSTER PARENT ADOPTIONS PLACEMENTS BY OFFICE OF PERMANENCY

Adoption placement decisions must comply with the Adoption and Safe Families Act of 1997; the Multi-Ethnic Placement Act of 1994 (amended 1996); and the InterEthnic Adoption Provisions in the Small Business Job Protection Act. The Department is prohibited from delaying or denying a child's placement for adoption (1) solely on the basis of race, color, or national origin of the adoptive parent, foster parent or the child and (2) because of jurisdictional boundaries.

After it is determined that a child is legally free for placement or that a legal risk placement

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(refer to section III) is indicated, and the foster parents have been given first consideration to

offer permanency through adoption for the child, the Office of Permanency begins the process of tentative selection of a home for the child from the pool of approved studies. If no approved family appears appropriate to meet the child's needs, the child is placed in recruitment activities (Refer to Termination of Parental Rights, Section V, Office of Permanency Activities for Children Awaiting State Office Placement).

Adoptive parents are selected on the basis of their capacity to meet the needs of a particular child rather than on the length of time they have waited for a placement or because they have expressed interest in the child. The Child Desired (DHR-FCS-1299) is used for the initial review of potential parents for a specific child. The more accepting a parent is, the more likely that the study will be reviewed for the children for whom the Office of Permanency is seeking a home.

The child's social worker is responsible for preparing the child for the proposed placement. Refer to *Termination of Parental Rights*, VI, Preparation of Children for Adoptive Placement.

Requests by prospective adoptive parents to separate siblings will not be considered unless the children's ISP team determines that it would be beneficial for the children to be permanently separated because of their needs. The decision to separate siblings requires thorough documentation to establish that separation is in the best interests of the child(ren) and to establish what efforts have been made to place the children together and prevent separation. The fact that siblings have been separated in foster care due to the lack of a single foster home for them is not a factor that will preclude them from being placed with the same adoptive family. Examples of factors that will be given consideration in separation of siblings are:

- serious chronic abuse of one sibling by another;
- one sibling has a severe, handicapping condition which requires a specialized placement resource; and
- one sibling has unusual emotional/behavioral problems which preclude that child from being placed for adoption or would deny another sibling the opportunity to be placed.

If siblings are separated, periodic contact between the siblings may be encouraged or required by the Department after the adoptive placement. The siblings' age and actual circumstances will be considered when making this determination.

A child's best interests are paramount when selecting adoptive parents. Except for infants (0-2 years), the Office of Permanency's Placement Consultant requests the child's worker and the prospective adoptive parents' worker to participate in the staffing when a home is selected for the child. The purpose of the staffing is to reach consensus on whether the child should be offered to the family based on their abilities to meet the child's needs. Both workers are expected to be knowledgeable about their clients and if necessary, have reviewed the case record or made a contact to obtain current information. At the staffing, the child's specific needs/issues and the potential parent's ability to meet and handle these needs/issues are discussed. Informal supports and resources in the potential parent's community are identified as sources that could help sustain a placement.

When a potential home is selected for a child, the Background Summary of Non-Identifying Information and supporting documents are provided to the prospective parents' worker. The prospective parents should have the opportunity to decide whether they can parent the child and are willing to provide a permanent home. The background information should be shared, and if a married couple, both the prospective father and mother must participate in the discussion. Depending on the child's background, it is acceptable for the prospective parent to have a day or two to review the information and seek education about certain conditions. For example, the parent may want to talk with a therapist about a child who has a diagnosis of attachment disorder or talk with the school system about what it can offer a child who is learning disabled. It is best for all concerned that an informed decision be made since a commitment is needed prior to beginning the pre-placement visits.

Workers must clearly explain to prospective parents that there is no obligation to accept the child offered, and that failure to accept a particular child does not automatically prohibit their being considered for another child at a later time. If a particular child is refused, it is important that the worker understand why the offer is being refused, and this information should be clearly documented in the home study. The worker also needs to assess whether the potential parents have conflicting feelings about parenthood or adoption, have had lifestyle changes, and/or changed the type of child that is acceptable. If the type of child has changed update the Child Desired (DHR-FCS-1299) document whether or not the prospective parent(s) should be considered for other children and submit the updated information to the Office of Permanency.

If the family wishes to accept the offer of the child, the Adoption Placement Consultant will coordinate pre-placement and placement schedules with the child's and the prospective parent's worker. For most children, the family will be asked to complete an introductory scrapbook or videotape for sharing with the child. The child's worker is responsible for preparing the child for placement with the guidance of the Office of Permanency consultant. The child's worker should ensure that the child has a Life Book and that the foster parent assists in preparing the child for the transition, talking positively about the prospective parents and the placement. Foster parents will be encouraged to prepare any information for the adoptive parents regarding the child's schedule, habits, likes and dislikes, and any other information, not already recorded in the Background Summary, which will help with the child's adjustment. If the child is in counseling, the therapist must be involved in clarifying any issues around separation from the birth family, difference between foster and adoptive parents, etc.

For children other than infants, pre-placement visits will normally be necessary before the child and the adoptive parents are ready for placement. These visits will be arranged in accordance with the particular needs of the child. The location, duration and activities involved in pre-placement visits will be negotiated among the children's and adoptive family's workers and the Office of Permanency consultant. Each placement will be handled in accordance with the needs and capacities of the child and the adoptive parents.

Pre-placement visits will be held at a location convenient to the adoptive parents, the child, and the agency workers. The level and extent of foster parent participation in pre-placement visits and actual placement will be arranged on a case-by-case basis. In many situations, it is desirable to have interaction between foster and adoptive parents during the placement in order to share

important information about the child and facilitate the child's integration into the adoptive home.

At the last ISP prior to adoptive placement, the team will address the child's need for connection to be maintained with foster parents and will make recommendation to the adoptive family. Continuing contacts between foster parents and adoptive parents will be determined on a case-by-case basis and must be based on the child's needs. The Office of Permanency consultant will encourage adoptive parents to write to the foster parents, as soon as possible after the placement, about the child's adjustment in the home. Unless otherwise arranged, correspondence will be forwarded to the County Department through the Office of Permanency consultant for delivery to the foster parents. Likewise, the Office of Permanency will forward responses from the foster parents.

At the time of placement, the parents will sign the Adoptive Home Placement Agreement after it is reviewed with them in its entirety by the Office of Permanency Placement Consultant. The Background Summary Of Non-Identifying Information will also be reviewed again and any remaining questions answered. The parents will be given copies of the child's previous medical records and instructed to have the child examined by their pediatrician or physician as soon as possible. Adoption Assistance Agreements (refer to *Forms And Instructions*) will be completed when appropriate. The Placement Consultant will give the parents a notarized statement of the child's date of birth. This statement confirms the adoptive placement and uses the adoptive name. The adoptive parents may select and use a new name for the child. Special consideration should be given in the case of older children who are already accustomed to their given name as well as the negative message it may convey to the children if their name is changed. Upon request, the family will also be given a notarized statement for insurance purposes. The supervising County Department will be sent copies of the medicals, a copy of the placement interview, the Adoptive Home Placement Agreement, and any other appropriate documents.

Once the Adoptive Home Placement Agreement is signed, the child's worker must change the service type home on FACTS from foster home to pre-adoptive home. The child is in the pre-adoptive home until finalization has been entered in the system.

III. LEGAL RISK PLACEMENTS

Legal risk placements are foster care placements prior to the termination of parental rights or during the appeal process that are made on a case-by-case basis by the Office of Permanency. The Office of Permanency Placement Consultant and the child's worker must make an informed decision that there is a substantiated likelihood that a termination of parental rights order will be issued. Factors considered are the mother's and father's inability to parent, the lack of relative resources, and their knowledge of or agreement with the plan. Legal risk placements will not be considered if the alleged father's name is known and there have been no efforts to contact him. In most instances, legal risk placements are pursued with infants (0-2 years) who are being voluntarily placed by the birth parents or who have been abandoned.

Although the Adoptive Home Placement Agreement is not signed until after parental rights are terminated, legal risk placements are made according to the non-foster care placement process. Background information (Family Background Information, DHR-FCS-2119) is required on both

the maternal and paternal families, and a Legal Risk Statement, acknowledging the intent for adoptive placement, is signed as soon as the child becomes legally free.

The prospective family's worker will:

- approve the adoptive family as a foster family home (unless already approved) for the particular child to be placed;
- keep the adoptive family apprised of the legal proceedings' progress toward the termination of parental rights as advised by the Office of Permanency Placement Consultant; and
- provide needed documentation (e.g., narrative recording of supervisory visits and contacts, child's medical information) and information to the Office of Permanency from the time of placement on a foster care basis through the finalization of the adoption.

The child's worker will:

- continue the child's eligibility certification for Medicaid-only until the Adoptive Home Placement Agreement is signed;
- send the child's Medicaid card to the foster/adoptive family;
- maintain an open service case on the child through termination of parental rights and any subsequent appeals, including performing any administrative/judicial reviews, dispositional hearings, case plans, and other activities normally required for a child in foster care;

Note: If the child's presence is required in court for the termination hearing and subsequent review hearings, arrangements will be made through the Office of Permanency for the child to appear. Since most legal risk placements are for infants, the name and location of the prospective adoptive parents should not be revealed in the court proceedings to terminate parental rights. If the judge orders that identifying information be revealed, the Department's

attorney should request that the worker be permitted to give the judge that information in private and that the identifying information on the child's foster parents or placement location not be made a part of the court record.

- notify the Office of Permanency Placement Consultant of the steps towards termination of parental rights (e.g., date petition is filed, scheduled hearing date) and immediately send notification of the Judge's verbal hearing decision, then forward, upon receipt, a copy of the court's order terminating parental rights;
- contact the juvenile or family court once 14 days have passed following the termination order, ascertain whether an appeal has been filed, and relay the finding to the Office of Permanency Placement Consultant;
- close the service and public assistance cases when the Office of Permanency

notifies the County Department that the Adoptive Home Placement Agreement has been signed by the adoptive parents;

- send the Office of Permanency Placement Consultant any information in the child's record that identifies the adoptive parents so it can be retained in the child's permanent record. All identifying information concerning the child's foster/adoptive placement must be treated confidentially.

The Office of Permanency Placement Consultant will:

- make biweekly contact with the child's worker after the placement is made until the termination of parental rights hearing is held, and notify the adoptive family's worker of the case status;
- contact the child's worker the day after the termination of parental rights hearing to find out the court's verbal order, obtain an anticipated date for receipt of the written order, and notify the adoptive family's worker to share the information with the adoptive family;
- contact the child's worker following the fourteenth (14th) day after the date of the written termination of parents rights order to ascertain whether the birth parents have filed an appeal, and notify the adoptive family's worker to share the information with the adoptive family; and
- schedule a date to formalize the adoption placement within two (2) weeks after the permanent custody order is entered or filed by the Clerk of the Court if no appeal was filed.

IV. POST-PLACEMENT SUPERVISION AND PRE-ADOPTIVE VISITS

The County Department where the adoptive family lives is responsible for providing post-placement services and monthly visits to the family and the child in the adoptive home until the issuance of the Final Decree of Adoption and the child's case is closed.

Public Law 109-288 of 2006 established national requirements for visits with children in foster care which includes children placed in pre-adoptive homes while they continue to be in the care and planning responsibility of the state child welfare agency. States are required to visit children in pre-adoptive placements in their residence each and every month until the Final Decree of Adoption is issued, and the child's case is closed. The federal requirement of monthly visits with pre-adoptive children is consistent with the mandatory Code of Alabama requirement that the child and family be visited in the adoptive home within forty-five (45) days of placement (*Code of Alabama*, 1975 § 26-10E-19). The content discussed during caseworker visits is dependent on the needs of the child and the family, and should be designed to aid in problem resolution, secure required services, stabilize the placement, promote the child's integration into the adoptive family and assure the legal finalization of the adoption.

The goal of post-placement supervision is to facilitate the child and family's adjustment to the adoption. The worker's approach must be positive and helpful rather than authoritative in nature.

The family should be given adequate explanations regarding the purpose of visits and other services in order to lessen the anxiety that could arise. In so doing, family members will hopefully perceive the worker as a source of security rather than a threat.

The worker also has responsibility for trying to help the child and parents form an integrated family. In the case of special needs children, services such as counseling, other therapeutic approaches and linking with more experienced adoptive families may be needed.

The focus of the worker's visits will, at a minimum, include the child's adjustment related to the following areas:

- the overall placement;
- individual family members;
- the new community/school; and
- acceptance of adoption.

For children adopted as infants or toddlers, the worker should emphasize to the parents the importance of integrating the child's past and present, into the adoptive family through letting the child understand about the adoption from the beginning. When a child has grown up knowing about his or her adoption and has been supported in talking with the adoptive parents about adoption, it helps the child cope with identity problems later in life. For older children, the child and family should be encouraged to understand and talk about issues of separation, loss, and grief.

The worker should determine if the child is receiving medical care or other services as recommended or needed. There should be special attention given to any issues or needs discussed during the pre-placement staffing where the decision was made to place the child with the family. Both parents will need to be interviewed and the age-appropriate child should have an opportunity to talk with the worker privately. Equal attention is to be given to parenting ability. Does each parent have a specific role and relationship with the child? What significant issues or behaviors have they had to address and were the responses appropriate? Does the worker get the sense that the child has been accepted as if born to the family?

At the end of the first three (3) months, the worker should ascertain whether the family and the child are ready to proceed with the adoption legal process and if so, make a recommendation to the Office of Permanency Placement Consultant to issue the Consent to Adopt. Written narrative of the post-placement monthly supervisory visits must be submitted to the Placement Consultant along with the written recommendation to issue the Consent to Adopt.

In the event the family and/or child need additional time to adjust to the placement, making a recommendation to proceed with the adoption legal process should be delayed until such time that the family and worker feel it is appropriate to proceed with the legal process. Reason(s) for the delay must be addressed in the written narrative of the post-placement monthly supervisory visits submitted to the Placement Consultant. Additionally, the written narrative includes a description of any services provided; an assessment of the likelihood that the adoption will

proceed to finalization; and an estimated time frame for proceeding with the adoption legal process. The worker should continue working with the child and parents to assist them to become an integrated family. Once the family and worker feel it is appropriate to proceed with the legal process, written narrative of any post-placement monthly supervisory visits, which have not been previously submitted, must be submitted to the Placement Consultant along with the written recommendation to issue the Consent to Adopt.

The Department has authority to remove the child prior to finalization of the adoption. This step should be considered only for reasons such as an allegation of abuse and neglect, separation of the adoptive parents, death, mental breakdown, serious incapacitating illness, or failure in adjustments. Even in such cases, the County and SDHR must examine each situation individually to determine whether the child should be removed. All possible assistance should be offered to the family before considering removal.

DHR is responsible for making its services available during the post-placement period. The adoptive parents should be encouraged to participate in group meetings of adoptive parents and in other networks of adoptive parents. Alabama Post Adoption Connections (APAC) and the Alabama Foster and Adoptive Parent Association (AFAPA) are two important referral resources.

Certain questions may be raised by the adoptive parents during the supervisory period. These may include, but are not limited to, the following areas.

1. Income Tax – Federal regulations [SSA §471(a)(33)] require Title IV-E agencies to inform prospective adoptive parents, including foster parents who are considering adoption, of the adoption tax credit. The Adoption Tax Credit laws allow adoptive parents to possibly receive a credit against their tax liability. Because the income tax laws are complicated, child welfare workers should avoid giving any information that may be construed to be tax advice. Prospective adoptive parents must be instructed to check with their tax agent regarding the adoption tax credit and any other deductible expenses related to adoption. Document this action in the resource file of the prospective adoptive parents.

2. Insurance – Adoptive parents are to apply for insurance as soon as the child is placed. Upon request, the Office of Permanency will supply a statement to adoptive parents to use for insurance purposes.

Two (2) federal laws governing coverage for children placed in adoptive homes.

- Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) Subtitle D, Section 4301(c) Group Health Plan Coverage of Dependent Children in Cases of Adoption;

This law provides that if a group health plan covers dependent children of its participants, adoptive children are to receive the same benefits from the time of adoptive placement. The group health plan may not restrict coverage solely based on preexisting conditions if the child would otherwise be eligible.

- Health Insurance Portability and Accountability Act of 1996 (HIPAA, Public Law 104-191) contains a special adoption provision in which all employers must cover adopted children, from the time of placement, without exempting preexisting conditions as long as the child is enrolled in the plan within thirty (30) days of placement or adoption; and no subsequent break in coverage of more than sixty-three (63) days occurs. HIPAA also grants special adoption rights to an employee who adopts a child. The employee has a right to enroll the child in the employer's health plan with the effective date being the date of adoption or placement for adoption, as long as the request for enrollment is made within thirty (30) days of adoption or placement.

3. Surgery – The Adoptive Home Placement Agreement gives adoptive parents the right to consent to emergency surgery, but the County Department should be notified immediately and should notify the SDHR. In case of planned surgery, the SDHR consent should be obtained.
4. Out-of-State Trips – The county worker is to document the details of the trip including place, dates, purpose, where the family will stay, and contact numbers. The Office of Permanency is to be notified only for those children placed by the Office of Permanency Placement Consultant.
6. Future Contact With Birth Family - The adoptive parents should be made aware that adopted children, at age nineteen (19) years, may request information about their birth family and that non-identifying information will be provided. The Department may also search for the birth mother and legal birth father if this request is made. Refer to *Introduction, IV, E., Services to Adult Adoptees* for more detailed information.

V. DISRUPTIONS

An adoption disruption occurs after the Adoptive Home Placement Agreement has been signed, but prior to the issuance of the Final Decree of Adoption. It may be initiated by the adopting parents, the age-appropriate child, or the Department. The reasons can vary, but there must be overwhelming evidence that the placement is not in the child's best interest. It is imperative that the worker meet with the family to assess the problematic issues and offer services that would maintain the placement, if possible.

If adoptive parents are having marital difficulties, there is an illness, or another similar issue affecting the placement, the worker should thoroughly discuss whether one of the parents is willing to continue the placement and the adoption. Depending on the length of time the child has been in the home and the nature of the relationships established, it may also be possible that extended family members would be interested in providing a permanent home to the child and would be given consideration.

On the other hand, if there has been an abuse and/or neglect report, the child and the parents seem unable to bond or similar issues have occurred, it may be necessary for the Department to make the decision that the adoption can not go forth, even though the adoptive parents and age-appropriate child may desire otherwise.

The appropriate placement for a child in a disrupted adoption is decided on a case-by-case basis. In non-foster parent adoptions, the Office of Permanency Consultant will likely consult with the child's county of origin about the most suitable plan along with the most suitable placement. Whether the child returns to the county of origin is influenced by the length of time in the adoptive placement and the child's last foster care placement. It is possible that the child could be placed in another adoptive home.

Actions necessary to terminate the adoption are determined by the current status of the legal process. It may be necessary for the Department to file a motion with the Probate Court to withdraw the Consent to Adopt or revoke the Interlocutory Order (in some instances, the Court may have given custody to the adoptive parents pending the Final Decree), or a written report to the Court may suffice. The county should consult with their local attorney as needed. The disruption date should be entered in FACTS and the child's county of origin reassumes responsibility for the child's care.

VI. LEGAL PROCESS FOR DHR PLACED CHILDREN

The legal adoption of a child should adhere to the following general procedures.

A. Pre-Placement Investigation

The pre-placement report can be completed at any time after the adoptive home's approval. A copy of the report of the investigation (refer to Pre-Placement Report form (DHR-FCS-1751) in *Forms And Instructions*), which must be signed by the County

Director, or the staff member authorized to sign for the Director, must be given to the prospective adoptive applicants. They are required to file a copy of the report with their petition to adopt when a child is placed in their home. In foster parent adoptions, a copy of the pre-placement report is usually given at the time of the adoption placement interview.

A pre-placement investigation shall be completed to determine the suitability of each petitioner and the home in which the adoptee will be placed. The pre-placement investigation shall include a criminal background investigation and any other circumstances which might be relevant to the placement of an adoptee with the petitioner or petitioners. The investigation must include, but is not limited to, all the following:

1. Letters of suitability for each adult living in the home of the petitioner or petitioners based on the information available in this state or the petitioner's place of residence if other than this state. Letters of suitability refers to the fingerprint based criminal history background checks as required by federal and state law or rules and regulations.
2. Child abuse and neglect clearances pursuant to the Adam Walsh Act, Public Law 109-248, as amended, for all household members 14 years of age and older from any state in which any petitioner has resided for five years or more.
3. A printed copy of the search on the Dru Sjodin National Sex Offender Public Website for all household members 14 years of age and older.
4. The costs and expenses related to the adoption known or anticipated at the time of the pre-placement investigation.
5. Agency and social worker licenses.
6. Six reference letters, four of which are from individuals unrelated to the petitioner or petitioners by blood or marriage. The other two reference letters shall be from individuals related to the petitioner or petitioners by blood or marriage. If there are two petitioners, a member from each petitioner's family shall submit a reference.
7. Medical reports on all individuals living in the home, and letters from any prescribing doctors for any controlled substance prescriptions.
8. The financial worksheets for each petitioner for the previous tax year or a copy of the previous year's tax returns.
9. Copies of each petitioner's birth certificates and marriage licenses or marriage certificates.
10. Copies of any divorce decrees and settlement agreements pursuant to the divorce, if applicable.
11. Copies of any death certificates, if applicable.
12. The identity of who will perform the post-placement investigation.
13. A written biography of each petitioner, including medical and social history.
14. A home safety inspection indicating that the home of the petitioner or petitioners is safe for the adoptee's residency.
15. Any custody orders:
 - a. Pertaining to the adoptee;
 - b. Pertaining to the petitioner or petitioners; or

- c. Pertaining to both the adoptee and the petitioner or petitioners
- 16. Any other requirement pursuant to Title 660 of the Alabama Administrative Code or any other rule adopted by the Department of Human Resources.
- 17. Any additional information required by the court in its discretion
- 18. The court, in its discretion, may allow a deviation in the investigation requirements, for good cause shown, only as it relates to any household member 14 years of age or older. Good cause must be demonstrated on the record with, at minimum, an affidavit from the investigation as to why the deviation is warranted.

The pre-placement investigative report shall be filed with the court at the time of the filing of the petition for adoption. The information to be included in the pre-placement investigation shall be obtained within 12 months preceding the filing of the petition for adoption.

Upon completion of the pre-placement investigation, the person or entity performing the investigation shall send a copy of the pre-placement investigative report to the petitioners, except that the individual or entity performing the investigation may omit the reference letters from the copy of the pre-placement investigative report that is sent to the petitioner or petitioners.

In cases when an adoptee has resided in the petitioner's home prior to the filing of a petition for adoption, the information required in the pre-placement investigative report shall be included in the post-placement investigative report and cannot be waived.

B. Consent To Adopt

The Consent to Adopt (DHR-FCS-643) can be issued at any time after the adoptive placement. For non-foster parent adoptions, it is generally a period of three (3) months after the initial placement. Narrative recording of post-placement supervisory visits must be sent to the Office of Permanency Placement Consultant at three (3) months along with the recommendation to issue the Consent to Adopt.

In foster parent adoptions, the Consent to Adopt is issued at the earliest time after signing the Adoptive Home Placement Agreement. A copy of the termination of parental rights order is not to be given to the foster parents with the Consent to Adopt. In the rare instance that the Probate Court requires a copy of this order, the County Department must submit it directly to the Court when acknowledging receipt of the petition to adopt. Most Probate Courts require an attorney, some do not, and the adopting parents may want to contact the Court directly before proceeding. The Department does not recommend attorneys.

The worker should, within thirty (30) days after issuing the consent, follow up with the adoptive family to ascertain whether an attorney has been secured and the Petition to Adopt filed. The family should identify specific problem areas that would prevent them

from taking this action and the worker should offer whatever assistance possible to resolve the issues.

The Adoption Law (*Code of Alabama* 1975 § 26-10E-7) requires children 14 years of age or older to consent to their adoption unless the court determines the adoptee lacks the mental capacity to give consent. The child's commitment to adoption and desire for a permanent family should have been determined at the time adoption was established as the permanent plan.

C. Petition

Following the issuance of the Consent to Adopt, the prospective adoptive parents are to file a Petition to Adopt in the Probate Court. Decisions regarding the need for an attorney are based on the local Probate Court's policy. It is critical that the names which appear on the Petition to Adopt are exactly as they appear on the Consent to Adopt in order for the correct names to be reflected on the child's adoptive birth certificate.

NOTE: In cases involving SDHR wards and the Department has not consented to the adoption or there is other reason to contest the adoption proceedings, the County Department must consult with the Office of Permanency as soon as there is an indication that adoption proceedings have been initiated or that there is a need to contest the proceedings.

For children placed by the Department, all petitions must be accompanied by the Consent to Adopt, a copy of the pre-placement investigation report, and an affidavit by the petitioners that they have requested the Department to provide the court with a copy of the child's birth certificate.

If the Office of Permanency or County Department does not receive a copy of the petition during this time, contact must be made with the adoptive parents and any questions or concerns addressed. The adoptive parents' circumstances will determine whether a reassessment of their commitment to adopt may be needed and whether an alternate placement that leads to permanency through adoption should be pursued. The fact that a foster parent does not want to adopt but desires the child to remain in the home on a long-term basis is not a suitable permanent plan unless children have such special needs that removing them from the home would not be in their best interest. Documentation from a therapist, counselor, or physician is required.

The petitioner is responsible for serving notice of the adoption proceedings to all persons or agencies required to receive notice (*Code of Alabama*, 1975 § 26-10E-17).

The County Department is responsible for acknowledging receipt of the Petition to Adopt and submitting a copy of the child's original birth certificate for all foster parent adoptions. The Office of Permanency acknowledges receipt of the Petition to Adopt and submits a copy of the child's original birth certificate for all non-foster parent adoptions.

In both situations, the Probate Court names the Department as the investigator of the petition.

After the petition is filed and prior to the entry of the final decree, court records of the adoption proceedings are only open to inspection by the petitioners or their attorney, the Department as the investigator, and any attorney representing the adoptee unless a court order for good cause is issued.

D. Interlocutory Order

The court issues the Interlocutory Order designating the Department to conduct the post-placement investigation after the adoption petition has been filed, and custody of the child remains with the Department (*Code of Alabama*, 1975 § 26-10E-18). The County Department acknowledges receipt of the Interlocutory Order for foster parent adoptions and the Office of Permanency acknowledges receipt for non-foster parent adoptions.

E. Post-Placement Supervision and Documentation of Visits

Pursuant to Public Law 109-288 of 2006, children placed for adoption but still in the custody and care of the child welfare agency are considered to be in a pre-adoptive placement and must be seen monthly in their residence until the Final Order of Adoption is completed. This applies to non-foster care adoptions and foster parent adoptions. Therefore, county adoption caseworkers or resource workers must make post-placement visits each month until the Final Order of Adoption is received, and the child's case is closed. Monthly visits are consistent with Alabama law that requires a visit within forty-five (45) days after placement (*Code of Alabama*, 1975 § 26-10E-19). During the post-placement visits the following, at a minimum, must occur:

- The worker must observe the adoptee's (child) and the petitioner(s)'s interaction with each other in their home as well as interview both the adoptee (child) and the petitioner(s) to determine the child's and adoptive family's adjustment, level of satisfaction and the continued appropriateness of the placement and address any subsequent changes or needs in the family's situation.
- Special attention should be directed to whether or not adoption is in the child's best interest and whether the petitioner's home is suitable for the child.

Monthly visits to children in pre-adoptive homes must be documented in the child's record. Child welfare workers will document visits in pre-adoptive homes in FACTS. Documentation includes, but is not limited to, date of visit, location of visit, and content of visit. Dates of visits must be consistent with any dates documented in the narrative screen in FACTS. Children are often placed in pre-adoptive homes located in counties other than the county with planning responsibility. FACTS maintains the adoptive child in the birth family's record and the child welfare worker in the county where the child is placed for adoption

will have a secondary assignment in FACTS which allows the worker performing the pre-adoptive visits access to record the visits in FACTS.

F. Post-Placement Report to the Court

A completed Post-Placement Report (DHR-FCS-631) must be filed with the court within sixty (60) days from receipt of the notice of adoption proceedings. In most cases, the Department has conducted the adoptive home study, issued the approval, and made the adoptive placement; therefore, the report should be completed as quickly as possible, but no later than the required 60 days.

The Post Placement Report must contain documentation that reflects the following information and how it was verified.

- The child's birth - if there are discrepancies between information shown on the birth record and information on the legal documents, this should be brought to the attention of the petitioners, their attorney, and the court. Errors that not corrected can cause difficulty and delays in issuance of a new birth certificate for the child following adoption.
- Any court decrees pertaining to the child's custody.
- Marriages, divorces, any death of a former spouse for both petitioners.
- The date the child was placed in the petitioner's home.
- A description of fees, charges, costs, and expenses related to the adoption prior to its finalization. The petitioners are also required to file a sworn statement with the court that includes this information.

G. Dispositional Hearing And Final Decree

Once the petition for adoption and any necessary accompanying documentation has been filed, the court shall set a dispositional hearing to take place as soon as practicable, but no later than 120 days after the filing (§ 26-10E-24). Due to the federal mandate to finalize adoptions within twenty-four (24) months of entry into foster care, it is imperative that the Department is not responsible for any delay in this process. All adoption court proceedings are confidential and open only to the parties and their attorneys unless otherwise ordered by the court. The probate court may request the social worker's presence at the Dispositional Hearing.

Upon issuance of the Final Decree of Adoption, the court forwards a copy to SDHR's Office of Permanency for non-foster parent adoptions or to the County Department for foster parent adoptions, and the respective office acknowledges the Final Decree's receipt. The respective office then completes the Summary Of Identifying Information (DHR-FCS-1767) and files it in the child's case record. A copy of the 1767 is **not** given to the adoptive parents.

H. Certificates Of Birth And Adoption

The County Department must complete Parts I and II of the Alabama Report of Adoption (ADPH-HS-17) for foster parent adoptions and submit it to the State Department of Public Health with a copy of the final decree so the child's new birth record may be prepared. The mailing address for the HS-17 is:

State Registrar, Center for Health Statistics
P. O. Box 5625
Montgomery, AL 36103-5625

The HS-17 is completed and submitted by the Office of Permanency Placement Consultant for non-foster parent adoptions.

1. Certificate of Birth

The Certificate of Birth is prepared by the Center for Health Statistics (CHS) upon receipt of the completed HS-17 and a Final Decree of Adoption if the child's birth occurred in Alabama and CHS has the record. CHS sends a notice to this effect to the adoptive parent(s) at the address shown on the HS-17 and this notice tells them how they may obtain a copy or copies of the new certificate of birth.

If there are any discrepancies between the final decree, the child's original certificate of birth and the HS-17, there may be considerable difficulty preparing the new birth record. This underscores the importance of letting petitioners know, early in the adoption proceedings, about any error or inconsistencies that may appear so they may make corrections before the adoption is completed.

2. Certificate of Adoption

The Certificate of Adoption is prepared by CHS in the following situations:

- the adopted person was allegedly born in Alabama, but a certificate of birth is not recorded; or
- the person was born outside Alabama. CHS notifies the state of birth that a Final Decree of Adoption has been issued and forwards the HS-17 and final decree to them and retains a copy. The state of birth outlines the procedure for securing a certificate of adoption in that state. A fee is charged to the adoptive parents for this service.

The original certificate of birth and all other evidence of adoption that are maintained by CHS may not be inspected after the new certificate of birth has been issued unless ordered by the court.

I. Final Records

The Department is required to maintain adoption records for seventy-five (75) years. Permanent files are to be retained at SDHR in the Family Services' Central

File Room. In foster parent adoptions, final original records are to be submitted to the Office of Permanency upon issuance of the Final Decree of Adoption with the county department retaining a photocopy. Refer to “Termination of Parental Rights Foster Parent Adoption Protocol and Checklist” (DHR-FCS-2132) and “Checklist For Final Records Foster Parent Adoption (DHR-FCS-2129) in *Forms and Instruction* for information on case material and documents that are required.