

**NORTH CAROLINA DIVISION OF SOCIAL SERVICES
FAMILY SERVICES MANUAL
VOLUME I: FAMILY SUPPORT AND CHILD WELFARE SERVICES
CHAPTER VI: ADOPTION SERVICES**

Change #03-2009

SOCIAL WORK STANDARDS

February 2009

SECTION 1301 - SOCIAL WORK STANDARDS

CHANGE #03-2009

FEBRUARY 2009

The North Carolina Social Services Commission adopted the following rules and established standards for adoption. County departments of social services shall deliver adoption services in accordance with the following rules and SOC principles.

I. ORGANIZATION AND ADMINISTRATION

A. PROGRAM MANAGEMENT

1. Consistent with SOC and Multiple Response System (MRS) principles, the agency should, in partnership with the community, plan and provide for culturally competent services that are child-centered and family-focused.
2. The agency shall have current information available for prospective adoptive families describing the strengths and needs of children needing placement and procedures for referring families they are unable to serve to other placement resources.
3. The agency will have a recruitment plan that reflects the ethnic and racial diversity of children in need of foster and adoptive homes. Minimally, the plan and its implementation shall reflect the requirements of the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996.
4. The agency shall demonstrate its commitment to the SOC and MRS principles by implementing a collaborative approach in planning, preparation of the child, and decision-making. Collaborative efforts shall involve the birth parents, substitute caregivers, adoptive parents, social worker, and child (over age 6) as appropriate. It may also include other agency staff and community members.
5. The agency shall have a written protocol and procedure to respond to adoption placement disruption/dissolution. The agency shall track and record the number of, and reasons for, disruptions/dissolutions.
6. The agency shall provide or assist the adoptive family in accessing post adoption services to maintain placement and prevent dissolution of an adoption.
7. Adoption dissolutions shall be managed with emphasis placed on the child's needs, and relinquishments accepted only when there is a new plan of permanent placement for the child.

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8. The agency shall keep current statistics that would reflect adoption outcomes. These statistics shall include numbers of children available for adoption, the length of time these children wait to be adopted, and the incidents of disruption and dissolution.

B. PERSONNEL

There shall be a staff of persons who have demonstrated that they possess the technical training, and skills to plan and carry out a sound adoption program consistent with the standards set forth in this section. State personnel qualifications shall apply.

C. CASELOAD

In providing services to children and families agency should adhere to principles of best practice that will be successful in reaching desired permanency plans for children in care. Workers should spend quality time with individuals in their caseloads in order to achieve desired goals even though the amount of time devoted to specific activities will vary from case to case.

A case may be defined as any one of the following:

1. An expectant parent or parents receiving problem pregnancy services from the agency prior to the child's birth and release for adoption;
2. Birth parents receiving services from the agency following release of the child for adoption;
3. A child or sibling group to be placed together who have been referred to the agency for adoptive placement from another authorized child-placing agency and for whom an adoptive home is being sought or considered;
4. A child or siblings, together with birth parents, for as long as the legal parent/child relationship exists;
5. A child or siblings for whom the goals for adoption are the same, following release for adoption;
6. A single person or married couple applying for or licensed to provide foster care for children relinquished for adoption to the agency;

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7. A single person or married couple in the process of or having completed an assessment for adoptive placement of a child or children;
8. A child or sibling group and adoptive parents after placement occurs and during the period prior to entry of the Decree of Adoption; and
9. Birth parents, or adoptive parents and adopted child, or adopted child, or adult adoptee following entry of the Decree of Adoption.
10. The adoptive assessment of North Carolina residents with whom an out of state agency may want to place a child.
11. Services provided to an adoptive family who has moved to North Carolina before completion of the legal process.
12. The legal and social work services provided in relative and independent adoptions.

Average caseload sizes shall be no greater than:

- Foster Care and Adoption Caseloads: 1:15 children at any time;
- Post-Adoption Service Casework: 1:15 families at any time;
- Recruitment: 1:200 foster and adoptive families a year;
- Licensure: 1:32 foster and adoptive families at any one time;
- Training 1:120 foster and adoptive parent training a year; and
- Home studies: which do not generate a fee 1:120 families a year.

II. SERVICES TO PERSONS INVOLVED WITH ADOPTIONS

A. SERVICES TO BIRTH PARENTS OR LEGAL GUARDIANS

SOC and MRS principles emphasize that every individual has strengths and has the right to be heard without judgments being made. Therefore, the agency shall

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help those parents reaching the decision to relinquish their child to the agency for adoptive placement have a thorough understanding of the meaning of adoption and its impact on the child's and their lives. The following requirements are those set forth in the N.C. Administrative Rules in 10A NCAC 70H .0403.

A parent or guardian may relinquish all parental rights or guardianship powers, including the right to consent for adoption, to an agency (refer to N.C.G.S. § 48-3-701-706). The agency shall ascertain that the parent has a thorough understanding of the effects of this action and of the time period allowed for revocation of the Relinquishment. When the agency has received the parent's or guardian's relinquishments, the agency must indicate acceptance of the relinquishment by signing a statement of willingness to accept.

The individual executing the relinquishment must be offered an unsigned copy of the relinquishment; be advised that counseling services are available through the agency to which the relinquishment is given; and be advised of the right to employ independent legal counsel.

B. SERVICES TO THE CHILD

SOC and MRS principles encourage the involvement of children in decision making, when appropriate. Children should have the opportunity to have a permanent home through adoption if they can not return home, regardless of age, religion, racial or ethnic group identification, nationality, residence or handicap. The child's statement should not be the sole determinant of the decision to plan for adoption. It is important to address issues the child may have concerning adoption. Services to the child shall be documented on the Adoption Services to the Child Checklist, (Appendix B)

1. In cases when adoption is the plan, the agency should seek relinquishments from the birth parents or legal guardian or a petition for termination of parental rights shall be filed within 60 days of the agency's decision that the goal is adoption.
2. When adoption is the plan for the child, the agency must develop a child's specific written strategy for recruitment of an adoptive home, unless a family has clearly been identified. The written strategy shall be developed within 30 days of adoption becoming the permanent plan This should be documented on Out of Home Family Services Agreement (DSS-5240) or may be a separate document.
3. The child's worker shall prepare a written Child Pre Adoptive Summary (Appendix G) of the child which will form the basis of the child's record.

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4. Within 30 days from the time a child has been cleared for adoption, the agency shall assess the child's eligibility for Adoption Assistance. This may occur before an adoptive family has been identified and shall not be based on the income of the prospective adoptive parent. The eligibility must be reflected on the (Adoption Assistance Eligibility Checklist) DSS Form 5012.
5. Services related to the placement of the child are of paramount importance. Placement for the child will be based on the needs and attachments of each child and on the strengths and needs of the prospective family. The child's worker shall prepare the child for the adoptive placement taking into account the child's language and developmental level. The preparation of the life book with the child is a critical tool for helping a child with the adoption process. The child shall be helped to understand the reason that adoption is the plan as well as to understand the adoption process.
6. Other issues related to placement which are important to consider are:

When a child becomes legally free for adoption, the agency shall give priority to the child's placement provider (relative, court approved non-relative, foster family) who is willing and able to adopt the child unless there is documentation that it is not in the child's best interest. If such a plan is not implemented, the agency shall give priority to other relatives/kin who have been assessed and are determined to be an appropriate resource for the child

a. **Placement with Foster Parents**

Prior to initiation of a general or specific adoptive home recruitment for a child, the agency should determine if there are placement options that would enable the child to remain in a familiar environment. If interested in adopting the child, foster parents and relatives should be assessed as adoptive resources for the child. All such assessments must focus on the child's needs and on the applicants' capacities to meet the child's needs. If the child is already living in the home of the applicants, strong consideration should be given to placement with these persons, taking into account the length of time the child has been in the home, the depth and degree of bonding that has occurred, and the child's ability to move from the home and form satisfactory attachments in another home and with another family. **Unless it can be clearly documented that placement with the current caretakers is contrary to the child's**

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welfare and best interests, this should be the first consideration for adoption.

b. **Legal Risk Placements**

A legal risk placement is a placement that occurs when the agency believes that adoption is in the best interest of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption.

The agency shall have a written policy stating that pre-adoptive legal risk placements may be considered when in the child's best interests. Barriers and legal constraints must be discussed with the potential adoptive parents. Until the child is legally free for adoption, all requirements of foster care, including licensure, shall be followed unless a court order sanctions the placement.

A child in the legal custody of a county department of social services for whom it has been determined that adoption is the most suitable permanency plan and who is in the process of being freed for adoption may be placed in an approved adoptive home with the understanding that if the child becomes legally free for adoption, the child will be adopted by this family.

(1.) **Legal Risk Placement Guidelines**

- (a.) A child may be placed in a legal risk placement when:
- the child is the subject of a Termination of Parental Rights Order that is under appeal; or
 - there is an approval of legal risk placement by the Adoption Committee; or
 - one parent has consented to adoption and the other parent's identity and/or whereabouts is not known; or
 - the birth family abandoned the child.

(b.) **The prospective adoptive parent:**

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- has an approved preplacement assessment;
- meets foster care licensure standards or has court approval for placement with legal risk parents;
- has been informed of the legal status of the child and understands that the child is currently not free for adoption and there is a risk that the child may not become free for adoption;
- has signed the Information Sharing Acknowledgement (DSS-5246) ; and
- agrees to sign and abide by the conditions of the Legal Risk Placement Agreement. (DSS-5304)

The purpose of legal risk placement is to move the child into a permanent home as soon as possible without jeopardizing the legal or social well-being of the child. Since, in making a legal risk placement, the agency does not yet have authority to consent to the child's adoption, the home in which the child is to be placed must be licensed as a foster home or approved by a court order.

- c. **Placements Considering Children's Ethnicity**
The Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 must be followed in all adoptive placements. Placement considerations on the basis of race, color, or national origin are prohibited, except in individual situations where it can be proved that the consideration is in the best interest of the child.

MEPA/IEP has no impact on the provisions of the Indian Child Welfare Act of 1978 for Indian children.

Adoption planning for American Indian children is subject to provisions of the Federal Indian Child Welfare Act of 1978.

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When there is a possibility that a child may be of American Indian heritage, the social worker shall inquire about the child's Indian status with the parents, other relatives, and or Indian custodian (See ICWA Compliance Checklist (DSS-5291) and ICWA: Exploration of Indian Heritage Questionnaire, Appendix D).

Before beginning the adoption process, the social worker shall assure all reasonable efforts to verify the Indian child's membership or eligibility for enrollment in child's Tribe has been completed. If the identity or location of the Indian parent(s), Indian Custodian or tribe cannot be determined, written notice must be sent to Bureau of Indian Affairs at the appropriate regional office. (Refer to Notice of Inquiry Under the Indian Child Welfare Act, Appendix D) In any proceeding in which ICWA applies, notice must be given to the parent, Indian Custodian and tribe, along with the petition. (Refer to Notice Required Under the Indian Child Welfare Act, Appendix D). If the child is not a member or eligible for enrollment, the social worker must obtain documentation of the child's status from the Tribe.

The standards to be applied in meeting the order of placement preference requirements set forth in the Indian Child Welfare Act shall be the prevailing social and cultural standards of the Indian community in which the birth parents or extended family reside or in which the parents or extended family members maintain social and cultural ties. The basis used to comply with the order of placement preference and the reason for any failure to comply should be included in the child's record.

The order of placement preference specified by ICWA is:

- (1.) Placement with a member of child's extended family;
- (2.) Placement with other members of the child's Tribe; or
- (3.) Placement with other Indian families.

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If an Indian child in a pre adoptive placement is to be moved from one placement to another the placement preferences outlined above must be followed, unless the child is returned to the parent or Indian custodian from whose custody the child was originally removed. The worker shall notify the parent and/or Indian custodian and the child's tribe in writing prior to a change in placement. (Refer to Notification of Placement Change for Indian Child, Appendix D)

In the placement of Indian children, there must be a placement agreement between the agency and the adoptive parents that includes confirmation that the adoptive parents were advised that the child's birth parents may rescind their relinquishments and have the child returned to them at any time prior to issuance of the Decree of adoption.

d. **Placement of Siblings**

The possibility that adoption may become the plan for sibling groups should be taken into consideration at the time such groups of children enter the foster care system. Every effort should be made to place sibling groups in the same foster home or, if not possible, to continue their frequent contact with each other. A decision to separate them should be made only after thorough assessment of the children's needs and the availability of appropriate resources for placement. Siblings shall be placed together whenever possible unless contrary to the child's developmental, treatment, and/or safety needs. If siblings are separated, frequent and regular on going contact should be arranged and encouraged.

e. **Placement for Children with Special Needs**

The severity of a child's handicapping condition should not be used as a criterion in determining whether or not adoption is to be the plan for that child. All possible diagnostic and prognostic information shall be gathered from physicians, psychologists, teachers, therapists, etc. and shall be used to determine the appropriate resources.

7. When a specific adoptive family is selected for the child, the child's worker shall provide him with detailed information about the family, including sharing pictures of all family members, their home, pets,

etc. The worker shall also prepare the child for the anticipated number and location of visits with the prospective adoptive parents.

C. SERVICES TO ADOPTIVE RESOURCE PERSONS

The agency shall have a written policy that the agency discusses with and provides to prospective adoptive and foster parents in reference to rights, responsibilities and procedures, including licensure and Adoption Assistance. At a minimum, the information shall outline descriptions of the children needing placement, the availability of Adoption Assistance, the compensation package for children needing placement, the procedure for requesting and receiving post-adoptive services, and referral procedures to other child-placing agencies for families they are unable to serve.

Services to adoptive resources starts with an appropriate recruitment plan and continues on with an Adoption Services Application (Refer to Appendix A,) training and assessment, and a selection process that focuses on strengths and needs of the families and takes into the consideration the strengths and needs of the waiting children.

Agencies may charge prospective adoptive parents a fee for preparing preplacement assessments and reports on proposed adoption. This fee shall be waived if pre-placement assessment is being prepared for the placement of a child in the North Carolina Foster Care system. Each county department of social services must have written policy in place if fees are to be charged. 10A NCAC 70H .0106

1. Recruitment

The agency shall have a written plan for ongoing recruitment of adoptive families for the children it places that complies with MEPA/IEP and is approved by the Division of Social Services. The plan must include resources to be used, time-related goals for applicant recruitment, and any limitations or restrictions that may be inherent to its program. The plan must indicate designated staff and funding sources for implementation of the plan. Agencies shall have a plan which actively recruits homes of the same race or ethnic category as that of the children it services.

2. Adoptive Home Preparation and Selection

The preferred method for developing an adoptive resource is Group Preparation and Selection of adoptive families (MAPP/GPS).

- Group preparation and selection provides the structure for prospective adoptive families to make

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decisions about their ability, willingness and readiness to participate in the adoption program.

- Group preparation and selection provides an opportunity for families to identify both their strengths and needs for adopting. Once needs are identified, agency staff and the families work together to develop strategies to meet those needs.
- This model provides tools for social workers and prospective adoptive parents to mutually assess the parents' abilities and readiness for adoption. These tools include the family profile (summary and assessment), family consultations, strengths/needs assessment, criteria for mutual selection, partnership and professional development plans.

The pre-placement assessment is the total collection of information designed to document and consolidate the entire preparation and selection process for each adoptive family. Through the implementation of SOC Principles, the information in the preplacement assessment shall be developed mutually with the prospective adoptive family.

As part of an assessment and mutual selection process, the agency is required by law to include in the pre-placement assessment the information outlined in: (N.C.G.S. § 48-3-303; 10A NCAC 70H .0405 (Refer to Preplacement Assessment Checklist, Appendix F))

When an adoptive Preplacement Assessment, adoptive Preplacement Assessment Update, and a Report on Proposed Adoption are conducted, the following must be addressed and documented.

- Interviews with biological and/or adoptive children in the home. Interviews should assess the relationship of these biological/adoptive children to the parents. Assessment should gather information that allows the assessor to determine the support and integration these children have received in the home. (i.e. are medical, therapeutic, educational and socialization needs met.)
- Interviews with biological children/adoptive children should also address their relationship, acceptance and integration with prospective adoptee.

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- Any parenting issues that were noted in initial preplacement assessment and any others that may have surfaced during placement of child in the home and efforts parents and/or agency have made to resolve concerns.
- Discipline techniques employed to address any behavior issues and why appropriate for particular child.
- Have the prospective adoptive parents state in writing that they are not the subjects of any CPS Assessment and that they will notify the agency if that occurs prior to the entry of the final decree.

Whenever a family that has adopted previously is being considered for additional adoptive placements, the Preplacement Assessment Update must be thorough and must address all of the changes that have occurred since the earlier adoption was completed. Changes in family dynamics, family inter-relationships, and family responsibilities must be addressed.

The agency preparing the preplacement assessment may redact from the preplacement assessment provided to a placing parent or a guardian detailed information reflecting the prospective adoptive parent's financial account balances and detailed information about the prospective adoptive parent's extended family members, including surnames, names of employers, names of schools attended, social security numbers, telephone numbers and addresses and other similarly detailed information about extended family members.

When required information is not reasonably available, the pre-placement assessment shall state why it is unavailable.

The pre-placement assessment shall be prepared and typed and presented to the adoptive applicants for review. If, for any reason, the applicant is not accepted by the agency as a potential adoptive parent, the agency shall share with them in writing the reason a child cannot be placed with them and they shall have the right to have their summary reviewed by the agency. During the preparatory phase of approval, each prospective adoptive parent will be provided a handbook that outlines relevant agency policies and procedures.

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The agency is required to provide the family with a copy of the pre-placement assessment. Each agency shall have a procedure for allowing an individual who has received an unfavorable pre-placement assessment to have the assessment reviewed by the agency. (N.C.G.S. § 48-3-305)

The applicants must be provided in writing with notice of the agency's decision regarding approval or denial of approval for adoption within thirty days after the study is completed. (NCAC 70H .0406)

A pre-placement assessment may be denied (N.C.G.S. § 48-3-308) for reasons that include:

- Substantiated child abuse or neglect report, unless the evaluation of the abuse/ neglect determines that it does not warrant denial.
- Criminal conviction, unless evaluation of the crime determines that it does not warrant denial.
- Documented concerns in one or more of the following areas:
 1. motivation to adopt
 2. child-rearing ability and practices
 3. emotional stability
 4. physical and mental health
 5. interpersonal relationship
 6. finances
 7. marital relationship
 8. domestic violence
 9. safety
- Substance abuse. Substance abuse or abuse that prevents the family from adequately caring for the child.
- Failure to cooperate. If the individual or family fails to cooperate in providing information needed to complete the pre-placement assessment.

Pre-placement Assessment updates are required if the pre-placement assessment was prepared more than 18 months prior to the adoptive placement. A family who has not had an update to their pre-placement assessment in the last 18 months is not considered approved for placement.

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The components of the adoptive pre-placement assessment update shall include the following activities:

- Criminal Record Check -- A criminal record check must be conducted for every adult member in the prospective adoptive family household.
- Face to Face Visit -- At least one face to face visit shall be conducted with the approved adoptive family.
- Reassessment -- The reassessment of the adoptive family shall include a recommendation of whether the family continues to be approved for adoption or is disapproved. The update shall also include any changes in the characteristics of a child acceptable to the family.
- Pre-placement Assessment Update Reports -- After visits with the adoptive family are completed prepare a written report of the reassessment of the information in the approved pre-placement assessment. The current updated and previous updates of the pre-placement assessment shall be attached to the original pre-placement assessment, signed, dated and certified by the agency. (See Certification of Adoption Pre-placement Assessment, Appendix F). A copy of the pre-placement assessment shall be provided to the family with the notification of approval or denial. If the family is denied, the reason for the denial shall be stated in the pre-placement assessment update report.

3. Placement

a. Adoption Committee

The adoption committee may have several purposes. One is to confirm the adoptive placement with caregivers with whom the child presently resides or adoption by a family already selected with whom the child has significant attachments. Another purpose is the selection of an adoptive home for a child from among those families who have shown an interest in adopting the child. **There is no need to delay a committee meeting until there are several families to**

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consider for a child's placement as long as at least one family has been identified.

The Agency Adoption Committee shall be composed of a minimum of three persons, including a person from the agency in a management position in children's services, the child's social worker(s) responsible for the placement and adoption functions of the child's case, and any other person required by law. The guardian ad litem will be invited to provide input, but shall not vote on the decision. The Adoptive Family Selection Scale may be useful in this process. (See Appendix E)

b. Criteria for Selection of a Family for a Particular Child

The following criteria should be used:

- The family's ability to meet the physical, emotional, and mental needs of the child;
- The compatibility between the child's personal characteristics and the expectations of all members of the adoptive family;
- The specific experiences and/or training the family has had that prepares them to provide for the special needs the child may have;
- The resources in the family's community that are available to meet the child's special needs;
- The degree to which the family is willing to initiate and participate in medical and/or therapeutic treatment, if the child is in need; and
- The degree to which the family can accept the child's need for contact with siblings, other birth family members, and/or foster family, if such need is indicated.

c. Placement Process

1. Sharing Information

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Prior to the adoptive placement the adoption agency must meet with prospective adoptive parents for the purpose of sharing all available information on the child. DSS-5246 (Information Sharing Acknowledgement) shall be used to document the sharing of information with prospective adoptive parents by the child placing agency.

Any individual or agency placing a child shall compile and provide to the adoptive parent a written document containing the specific information which includes:

- (a) date of the birth of the adoptee and his weight at birth;
- (b) age of biological parents in years, not dates of birth, at birth of the adoptee;
- (c) heritage of biological parents which shall consist of nationality, ethnic background, and race;
- (d) education, which shall be the number of years of school completed by the biological parents at the time of birth of the adoptee;
- (e) general physical appearance of the biological parents at the time of birth of the adoptee in terms of height, weight, color of hair, eyes, and skin.
- (f) the results of any health, educational, or psychological evaluations completed on the child. Identifying information regarding the child or birth family should be redacted.
- (g) The health and genetic history of the child, including an account of the child's prenatal care; medical condition at birth; any drug or medication taken by the child's mother during pregnancy; any subsequent medical, psychiatric, or dental examination and diagnosis; any psychological evaluation done when the child was in the custody of the agency; any neglect or physical, sexual, or emotional abuse suffered by the child; and a

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record of any immunization and health record the child received while in care.

The health and genetic history of the child's biological parents and other members of the child's family, including any known heredity condition or disease; the health of each parent at the child's birth; a summary of the findings of any medical, psychological, or psychiatric evaluation of each parent at the time of placement; and if a parent is deceased, the cause of and the age of death.

In addition, any other reasonably available non-identifying information about the minor that is relevant to the adoption decision and to the minor's development and well-being, must also be shared. Health related information about the child and his biological family must also be shared, including present state of physical and mental health, health and genetic histories and any history of emotional, physical, sexual or substance abuse.

Providing sufficient information about the child to the prospective adoptive parents for them to be able to decide whether he and they are right for each other is important to give prospective adoptive parents time to reexamine their feelings about adoption as a means of having a family or enlarging the one they already have.

DSS-5246 (Information Sharing Acknowledgement) Form must be signed at the time the child is legally free for adoption and the prospective adoptive parent(s) have made a firm decision to proceed with adoption. If additional information is obtained during the adoption supervisory period, it shall be added to the list, initialed by the social worker and the adoptive parent(s) and dated. The original signed copy remains in the case file and a copy is given to the adoptive parent(s).

The possibility and availability for adoption subsidy for the child being considered shall be discussed with the adoptive parents.

2. Arranging Pre-placement Visits

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All parties, including the foster parents, the adopting parents, the child, and the child's social worker are involved in planning the pre-placement visits.

Visits should take into consideration the needs of each particular child. Pre-placement and placement plans should be well-thought out and outlined so that the child, his worker, the prospective adoptive parents and their social worker, and the child's foster parents know what is being planned and the general timing of the various visits.

When an agency is considering an out-of-state adoptive placement for a child in its care, the agency must take steps to initiate a request for approval for placement under the Interstate Compact on the Placement of Children before the visiting process begins.

3. Placement

During the pre-placement visitation period a mutual decision about the actual placement date will be made with the adoptive family and the agency. In preparation for this placement, date arrangements should be made for the child's school and health records to be forwarded, for therapy to be arranged if indicated and for the actual move to take place.

When a child is placed in an adoptive home there shall be face to face contact within the first week of the adoptive placement and at least monthly face to face contacts with both the child and the adoptive parents until finalization of the adoption, or documentation shall reflect diligent efforts made to have contact or the rationale for less frequent contact.

Documentation in the adoptive family case record shall describe:

- A mutual assessment;
- Ongoing agency contacts;
- Adjustment of the child and the family with the placement;

- Service needs and services provided; and
- Be prompt and current within seven days.

The adoption assistance agreement should be discussed with the adoptive parents. If the family chooses to receive adoption assistance, an adoption assistance agreement should be prepared. Adoption assistance may start the first month after the issuance of the Decree of Adoption.

d. Post-Placement Services

Post-placement services are services that are provided after the child's placement with his adoptive family, but before the Decree of Adoption is issued. Post-placement services include both direct and indirect services provided to the adoptive child and family. The goal of these services is to facilitate the integration of the child and family and the resolution of problems that they may encounter. When a child is placed in an adoptive home, face-to-face contact shall be made at least once within the first week of placement and then at least monthly with the adoptive parents and the child by the family's social worker.

The purpose of the visit shall be for regular and ongoing support, monitoring, and/or counseling of the family and to document the progress of the placement.

1. When Adoptive Families Move

If the adoptive family moves to another county, state, or country before the Decree of Adoption is entered, the agency having placement authority for the child is responsible for requesting continuing casework services and supervision from a social agency serving the adoptive family's new place of residence, using appropriate interstate procedures. In such cases, it is essential that the Petition for Adoption be filed prior to the family's move. Otherwise, there

may be a considerable delay in their being able to file an adoption petition in their new state of residence, and they may be questioned as to their rights to obtain school admission, medical services, etc., on behalf of the child.

If the move occurs within North Carolina, the supervising agency should correspond directly with the adoptive family's new county department of social services to request the needed services. Along with a cover letter to explain the basis for the request, the adoptive home assessment, the child's pre-adoptive summary, and other pertinent information should be sent.

2. **Adoption Disruption and Dissolution**

The decision to remove a child from an adoptive placement prior to finalization should be made with the same seriousness and forethought that was given to removing a child from his birth family. **The agency shall have a written protocol and procedure to respond to adoption placement disruption/dissolution. The agency shall track and record the number of, and reasons for, disruptions/dissolutions.**

An adoption disruption occurs prior to the Decree of Adoption. Adoption dissolution occurs after the Decree of Adoption has been entered. Obviously, dissolution has more serious implications since not only is a placement ending, but the legal rights of the child and responsibilities of the adoptive parents must be addressed.

A disruption or dissolution decision must be made with the focus on the best interest of the child. Services provided to the child should include counseling to help the child understand the reason the adoption ended and express feelings about the disruption/dissolution, and assess the child's readiness for another placement. Refer to

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Family Services Manual, Chapter V, Section VII – When multiple counties become involved with a child, who is legally free for adoption.

(a.) **Adoption Disruption**

Adoption disruption is a term used to describe the interruption of an adoptive placement after actual placement of a child with the adoptive family but before finalization of the legal adoption process. Recognizing that disruptions are a possible occurrence in any adoption, families should be made aware that this could happen. A positive communication process between the family and the agency will facilitate any discussion of a pending disruption and aid in mutual planning if this should occur. The social worker should immediately begin to assess the type of placement that will be necessary for the child should the disruption actually occur and prepare to provide assistance to both the family and the child in dealing with the possibilities around disruption.

The decision to stop the adoption process should be mutual, that is, arrived at between the parents and worker and, when feasible, the child. The decision must be made slowly and carefully, only after all alternatives and resources have been tried. Families considering disruption are distressed and in crisis and are likely to have difficulty in evaluating the situation objectively and in sorting out issues. The worker can offer assistance with both.

Families need support during and after disruption, including help in processing their feelings. They are faced with how and when to inform the adoptive child, other children in the home, extended

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families and friends about the pending disruption. Support should be given by the worker to alleviate feelings of guilt, anger, depression, and rejection. Families should not necessarily be excluded from future consideration as adoptive parents because of a disrupted placement.

Specific steps workers can take to help the family through disruption include:

- Respond to the family's request for assistance;
- Maintain open communication with the family;
- Help parents discuss disruption openly with the child;
- Negotiate an agreeable plan of action with the family and the child;
- Discourage the family from blaming anyone, including themselves;
- Review with the family the progress the child has made while in their care;
- Recognize the family for their efforts, time, concern, and love for the child;
- Help the family with their grief at the loss of their adoptive child;
- Educate families to the importance of their attitudes toward a child during disruption; and

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- Help the disrupting family understand the importance of their support and preparation of the child as he moves to another family and of their responsibility to send the child on with all of his belongings, including additions of photographs, etc. depicting the time he lived with them.

The child in a disruptive situation needs understanding, emotional support, and permission to grieve. The child needs to be assured that the agency will continue to plan for him and to assure him that he will be taken care of.

Specific steps workers can take to help the child through disruption are as follows:

- Discuss with the child in words that he can understand that this placement is not working;
- Help the parents and the child discuss disruption together;
- Help the child recognize and cope with his reactions and feelings and to express them appropriately;
- Help the child with the loss of his family;
- Help the child complete a section in his Life Book dealing with this placement and its disruption;
- Assure the child of continued adult interest and caring; and

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- Carefully plan for the next placement so that the child's needs are the primary consideration.

In an adoption disruption, the original placing agency retains legal custody and has the responsibility for ensuring that the adoption petition is dismissed, so that physical custody no longer rests with the adoptive parents. N.C.G.S. §48-3-502 provides that the placing agency may petition the clerk to dismiss the adoption and restore full legal and physical custody to the agency. In many cases the adoptive parents will voluntarily dismiss their petition without the need for agency action. That agency is then responsible for the child's future placements.

In the event an adoption disrupts, the placing agency shall notify the clerk within 30 days of the child's return to foster care to calendar the case for a review of the agency's plan for the child under N.C.G.S. §7B-909(b). Immediate planning for another permanent placement for the child should begin when the child returns to the agency's custody.

If the agency's right to place the child was based on a designated relinquishment, rather than a general relinquishment, AND the parents chose the option on the DSS-1804 form to be given notice if the adoption cannot be completed, then the parents must be notified that the adoption will not be completed and they have an additional ten days in which to revoke. If the parents cannot be located after the disruption, but they requested notice if the adoption could not be completed, the agency must notify

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them by registered mail to the address given in the relinquishment. Their ten day revocation period begins to run after the notice has been delivered or the date of last attempted delivery (N.C.G.S. §48-3-704). If the parents do not revoke a designated relinquishment within the ten days, the relinquishment becomes a general one, and the agency can make an adoptive placement of its choice.

(b) Adoption Dissolution

Adoption dissolution is a term used to describe the interruption of an adoptive placement after the legal process has been completed and the adoption is finalized. Obviously, this is a much more serious occurrence than a disruption since not only is a placement ending, but the legal rights of the child and responsibilities of the adoptive parents must be addressed.

The department of social services in the county where the family resides is the agency responsible for assisting the family when dissolution becomes a possibility. This is true even if this was not the agency that placed the child nor the agency that supervised the placement.

A dissolution decision must be made with the focus on the best interest of the child. The agency that originally placed the child should be contacted as quickly as possible as a resource for information about the child's background needs, family of origin, including the current status. They may also be a possible placement resource if return to the original county would meet the child's needs for reconnecting to the family of origin, siblings or past foster parents.

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A relinquishment should be considered only when it has been determined that it is in the child's best interest. At no time should a relinquishment be accepted from adoptive parents simply because this is the plan they make to remove their legal responsibilities. If the family requests to relinquish, this should be considered only when the child could be placed with another adoptive family or appropriately returned to a family with whom the child has past attachments. Problems in the adoptive home should be evaluated in light of the family's issues as well as the needs and behaviors of the child. Consideration should be given to the possibility that the child may live elsewhere--perhaps, in a therapeutic environment-- and still remain a member of the adoptive family.

The adoptive family should be encouraged, supported and assessed in getting services that will enable them to continue to parent their child. While recognizing that the family is often not the "cause" of the child's problems or behaviors, the agency must view the family as the best resource for this child unless there exists a child protective services related risk.

When a child continues as a family member but does not reside in the family home, adoption assistance benefits can continue as long as the adoptive parents retain legal or financial responsibility.

In an adoption dissolution, the agency that originally placed the child should be contacted for assistance with the gathering of information, plans for the

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best possible placement for the child, and plans regarding adoption assistance benefits. While the previous agency is not responsible for the placement of the child in an adoption dissolution if the child no longer lives in that county, it is important for each agency to work together to assure that the child's needs are being met. SOC tells us that the best way to serve the needs of children and families is for all involved agencies to work cooperatively.

If an adoption dissolution appears imminent, the agency involved should consider several options. One option is a Voluntary Placement Agreement (VPA) DSS-1789 (DSS-1789sp) to provide some respite, help the family gain some perspective on the problems, access resources, etc. The filing of a juvenile petition is the next option if the child is being abused, neglected or is dependent.

A relinquishment should be considered only when it has been determined that it is in the child's best interest. At no time should a relinquishment be accepted from adoptive parents simply because this is the plan to remove their legal responsibilities. Problems in the adoptive home should be evaluated in light of the family's issues as well as the needs and behaviors of the child. Consideration should be given to the possibility that the child may live elsewhere--perhaps, in a therapeutic environment--and still remain a member of the adoptive family. The adoptive family should be encouraged, supported and assessed in getting services that will enable them to continue to parent their child. While recognizing that the family is often not

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the cause of the child's problems or behaviors, the agency must view the family as the best resource for this child unless there are child protective services related risks. In such cases, decisions must be based on the findings of the CPS assessment, which includes the safety assessment, risk assessment, and strengths and needs assessment.

A relinquishment does not relieve the adoptive parents of the obligation to provide support. The relinquishment, which may be revoked within seven days, places legal and physical custody of the child with the agency, but does not terminate the adoptive parents' rights or their duty to support the child. If child support is ordered, the adoptive parents may use the adoption assistance to pay child support. **(The agency cannot be the payee; therefore, the adoptive parents would cash the check and make payments to the agencies).** If the agency decides not to pursue child support, and the agency determines that the adoptive parents are no longer providing any support to the child, adoption assistance can be terminated. However, before this is done, the adoptive parents must be informed of the appeals process (See Adoption Assistance Appeal in (Section 1600, Child Welfare Funding – Adoption Assistance Payments

In the event of an adoption dissolution, the Department of Social Services may need to pursue termination of parental rights if only one adoptive parent has relinquished the child or if the child has returned to care because of abuse, neglect or dependency. In the former, the Department of Social Services should file a TPR petition, not

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a TPR motion in the cause, because there is no underlying juvenile action that has been personally served. The relinquishment gives DSS standing to file a TPR petition under N.C.G.S. § 7B-1103(a)(4). If an adoptive child comes back into care because of abuse, neglect or dependency, the procedure to terminate the adoptive parents' rights is the same as for any other parents. The TPR order terminates all rights and obligations of the former adoptive parents with respect to the child, except the child's right to inherit from them continues until an adoption decree is entered.

If the child has not been placed for adoption AND an adoption petition has not been filed within six months from the date of the relinquishment or TPR order, the agency should schedule a post-relinquishment/TPR hearing under N.C.G.S. § 7B-908 and N.C.G.S. § 7B-909 to show the court the efforts that are being made toward re-adoption. The Motion for Review form, AOC-J-140, has a block to check for these types of reviews.

If the child is adopted by other adoptive parents following a relinquishment, the Decree of Adoption severs the relationship of parent and child between the individual adopted and that individual's previous adoptive parents. After the entry of the Decree of Adoption, the former parents are relieved of all legal duties and obligations due from them to the adoptee, except that a former parent's duty to make past-due payments for child support is not terminated, and the former parents are divested of all rights with respect to the adoptee.

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The Adoption and Safe Families Act of 1997 includes a provision for adoption assistance when re-adoption occurs. Refer to Section 1600, Child Welfare Funding – Adoption Assistance Payments

D. COMPLETION OF LEGAL RESPONSIBILITIES

During the adoption process the agency will be cooperating with the adoptive parents in the legal adoption procedure. In accordance with provisions of Chapter 48 of the General Statutes, the supervising agency has responsibility for preparing and filing necessary information and confidential reports with the Court of Adoptions. (Refer to Section 1302.)

Since adoption is in part a legal procedure, the family should be advised to secure the services of an attorney; however, legal representation is not required by statute, and the adopting parents may file their adoption petition without counsel, if desired. It is the responsibility of the agency to help complete the legal requirements of adoption in response to the Order for a Report to the Court, and when requested by the Court or the attorney, to advise about proper procedures as outlined in this Chapter.

E. POST-ADOPTION SERVICES

Post adoption services should be made available to every adoptive family, as appropriate, after the Decree of Adoption has been entered.

Post-adoption services involve interviewing, counseling, and providing clinical and consultative services for the purpose of ensuring permanence of the placement.

Such services may be designed to treat problems that developed before or after the date of the Decree of Adoption. After completion of the adoption, agencies continue to have a moral obligation and a social responsibility for the welfare of the children for whom it originally planned. Post-adoption consultation is not a continuation of supervision. It is an agency service given as needed and requested by any of the parties involved in an adoption.