

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

Change #03-2009 SPECIAL ADOPTION PROCEDURES February 2009

SECTION 1303 - SPECIAL ADOPTION PROCEDURES

CHANGE #03-2009

FEBRUARY 2009

I. PROCEDURES FOR ADOPTIONS TAKING PLACE ACROSS COUNTY AND STATE LINES

When the adoptive home deemed most suitable to meet the child's needs is located in another county or state; or when, after placement has occurred, the adoptive parents are transferred to another county or state prior to the issuance of the Decree for Adoption, supervisory services need to be requested to assure satisfactory adjustment of the family and protection of the child. When the move is to another state, the requirements and procedures of the Interstate Compact on the Placement of Children must be followed. (See Children's Services Manual, Chapter XI, Interstate/Intercountry Services to Children)

Note: The Indian Child Welfare Act (ICWA) requires that any child that is a member of a federally recognized Indian tribe or is eligible for membership or is the biological child of a tribal member must be cleared by the appropriate tribe before consideration of intra or interstate adoption services.

A. INTER- AGENCY ADOPTIONS

1. Agency Placement

If a family from another county is selected for a child, there should be an Inter-Agency Adoption Agreement (DSS-1798) concerning responsibilities for placement, continuing casework services, and supervision between the two involved agencies before a placement is made. This agreement will promote collaboration between the agencies in order to ensure that all required services are coordinated and provided to the adoptive family, in accordance with applicable state and federal laws and policies.

Post-placement supervision is provided by the agency that has been providing adoption services to the adoptive applicants. This agency should submit written reports on a regular basis as mutually agreed upon between the agencies containing specific information about the placement's progress. The supervising agency is responsible for advising the family about the legal process and for filing reports required by law.

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2. Family Moves

When adoptive families move out of the county before the adoption has been completed, the supervising agency needs to request supervisory services from an appropriate agency in the family's new place of residence. Adequate supervision is dependent on an early referral and request for supervision. The agency requesting the assistance has responsibility for providing copies of the preplacement assessment, child's summary, and post-placement progress reports to the new supervising agency, and also for indicating the number of supervisory visits and reports that will be needed.

B. INTERSTATE ADOPTIONS

1. Agency Placements

The child's agency must follow the same procedures in making decisions for placement and in planning for and arranging interstate adoptive placements as in deciding, planning for, and arranging in-state adoptive placements for children for whom it has placement authority, with the following addition:

Adoptive placement of children into or out from North Carolina must be in compliance with the provisions of the Interstate Compact on the Placement of Children (ICPC) N.C.G.S. §7B-3800.

Note: ICWA takes precedence over the ICPC and a child who is either a member of a federally recognized Indian tribe, is eligible for membership or is the biological child of a tribal member must be cleared by the appropriate tribe before consideration of intra or interstate services.

- a. In the case of a child going from North Carolina to another state, written consent for placement must be obtained from the receiving state's ICPC office prior to the child's placement in that state.

Materials and documents needed as a basis for approval include:

- Interstate Compact Placement Request (ICPC-100A-DSS-1837);
- Cover letter to request services and to provide explanation for the request;

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- Child's pre-adoptive summary, including background information about the biological family, information about the child's previous placements, current medical, psychological evaluation, special needs, school reports, etc.;
- Pre-placement assessment on prospective adoptive parents;
- Copies of the child's legal clearance documents and birth certificate;.
- Information regarding the child's eligibility for adoption assistance.

These items must be sent to the ICPC Section of the North Carolina Division of Social Services **in triplicate** for appropriate transmittal to the other state.

Frequently, it will be desirable or essential that the home to which the child is going be licensed (or "approved," the term used in some states) as a foster home. For North Carolina's children going to other states, the home must be licensed or approved if foster care payments are to be continued until finalization of the adoption; and/or the child is being placed on a "legal risk" bases.

- b. When another state's child is placed with a North Carolina family, the requirements of the Interstate Compact outlined above must be followed by the placing agency. The receiving agency, which may be a private agency or county of residence of the adoptive family, shall be responsible for complying with requests for reports.

2. Independent Placements

An independent placement is one in which the child is placed for adoption by the parent or legal guardian directly with the adopting family when the child is not in the custody of a county DSS or private child placing agency.

The provisions of N.C.G.S. §7B-3800, the Interstate Compact on the Placement of Children (ICPC), apply to independent adoptive placement situations. Departments of social services may provide the needed services in obtaining sufficient information on the prospective adoptive parents, birth parents, and child to serve as a basis for approval of the placement and prepare the pre-placement assessment as required by law.

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A placement can be approved if the assessment and background information indicate that the adoption plan is a voluntary one on the part of the birth parents and that they understand their rights and are satisfied with the plan, that the child appears to be a suitable subject for adoption, that the proposed adoptive family appears to be a suitable one for the child, and that so far as can be determined, proper consents necessary for a valid adoption have been, or can be, obtained.

3. When Adoptive Families Move After Placement, Prior to Decree of Adoption

When adoptive families move from North Carolina or to North Carolina before entry of the Decree of Adoption, requests for assistance of agencies in the new residence must be directed through the Interstate Services Section of the Division of Social Services, for transmittal to the counterpart agency in the other state. This applies to all adoptive placements -- not just to agency placements. The Interstate Compact Placement Request (ICPC-100A–DSS-1837) must be submitted, along with all information and materials mentioned in the above paragraphs. The ICPC-100A must be signed by the agency having placement authority or court ordered supervisory responsibility for the child. It is expected that the new state of residence will provide the family with appropriate adoption services and will submit timely reports to the sending state.

All changes in status for interstate adoptive placements require notification to the Interstate ICPC Section of the Division of Social Services. The changes are submitted on the Interstate Compact Report on Child's Placement Status (ICPC-100B–DSS-1838).

II. PROCEDURES FOR INTERNATIONAL ADOPTION

A. FOREIGN BORN CHILDREN PLACED WITH NORTH CAROLINA FAMILIES

1. When a Child is Adopted in the Country of Birth

All responsibilities for giving approval for these placements rest with the private or public agency that prepares the home assessment. The placements must be in conformity with the pre-adoptive requirements of North Carolina and the US Citizenship and Immigration Services regulations. Contacts are made directly to the US Citizenship and Immigration Services Office by the

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agency working with the adoptive applicants. Unless a child has been identified by the adoptive applicants, county departments of social services are not required to provide services to persons seeking to adopt internationally (N.C.G.S. §48-3-302(e)). Private agencies specialize in international placements and are oftentimes the best resources for these placements.

North Carolina residents often apply to United States based international adoption agencies located in other states across the country. These placements must adhere to the Interstate-Compact for the Placement of Children guidelines.

2. Legal Process

When the legal adoption process is completed in the foreign court before the child enters the United States, the adopting parents appear in person before the foreign court and become the child's legal parents at that point. Approval for the child to enter North Carolina is not needed. In other cases, the adoption proceeding, even though it may be filed in the foreign court, will not have been completed. Guardianship may have been granted or the adoption may have been completed by "proxy" when the time comes for the child to join his adoptive parents in North Carolina. In such instances, or when no adoption proceeding has been filed in the foreign country, approval must be obtained prior to the child's coming to North Carolina. Approval, just as in interstate approvals, is based on review by the Interstate ICPC Section of the ICPC 100A (DSS-1837) The child's background, medical information, legal and foreign clearance documents and their translations, and a completed and approved North Carolina adoptive home assessment must be reviewed before approval can be given. ICPC supervision continues until the adoption is finalized.

The international process is complex, time-consuming and expensive. It is often stressful and difficult to complete. Therefore, it is important that adoptive applicants become well-informed, maintain a strong commitment to the process and have the support and expertise of the agency to assure a successful foreign adoptive placement.

B. PROCEDURES FOR RE-ADOPTION OF CHILDREN ADOPTED IN A FOREIGN COUNTRY

North Carolina residents are encouraged to also adopt through a North Carolina court upon return to this state. The law does not distinguish between a domestic adoption and an inter-country adoption, so the basic

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procedure for legalizing an adoption must be followed. A certified copy or the original document of the foreign adoption decree will serve in lieu of the otherwise required consents to the adoption. Once a Decree of Adoption is issued, the adoptive parents will receive a Certificate of Identification from the North Carolina Vital Records Office. The child's birth record will be recorded in North Carolina, though indicating the country of birth as it actually was. This will eliminate the necessity for the parents to attempt to obtain a new birth record for the child from the country of origin - often an impossible task. (See Adoption Checklists for Clerk, Appendix I)

**C. NATURALIZATION OF A FOREIGN-BORN CHILD ADOPTED BY
NORTH CAROLINA RESIDENTS**

Adoption does not confer citizenship on the child being adopted. Therefore, it is important to file an application for naturalization of a foreign-born child adopted by North Carolina residents as soon as feasible with the US Citizenship and Immigration Services authorities. The process for naturalization may take up to two years from the time the application is made.

III. PROCEDURES FOR THE ADOPTION OF ADULTS

Any person who is eighteen or more years of age may be adopted in accordance with the provisions of N.C.G.S. §48, Article 5. This Article shall apply to the adoption of adults, including married and emancipated minors. In such an adoption, the rights, duties, and obligations of the adoptive parents and the person being adopted are the same as if the adoption had taken place before the adopted person's eighteenth birthday. There is no requirement for any social agency to make investigations and reports to the Court in these proceedings, as is required in the adoption of minors. The standard Petition for Adoption, used in the adoption of minor children, are not used in adult adoptions. Courts are required to forward proceedings in these cases to the Division of Social Services to be permanently filed and indexed. (See Adoption Checklists for Clerk, Appendix I)

IV. MAINTENANCE OF ADOPTION RECORDS

The child's agency and the adoptive parent's agency, whether the same or different, must maintain cross-reference controls on all adoption cases in a manner to allow for retrieval of a specific case, should need arise. These controls should be maintained with the same level of confidentiality as is observed in maintaining adoption records. An adoptive home record is set up according to agency policy governing all other case records and is retained permanently in a

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separate folder in a locked file under the name and case number of the adoptive parents. 10A NCAC 70H.0409. All adoption records are kept completely confidential.

A child's adoption record should be constructed from the information contained in the family record and separated when adoption becomes the plan for the child as recognized by the court. An adoptive home case record is established for adoptive applicants at the time of their initial request for service. The record should include a summary of the services provided and a compilation of pertinent facts, with the necessary documentation from the time of the application for service through the completed legal process and termination of agency services. Information about the child is consolidated with the adoptive home case record after placement of the child in the adoptive home.

A. CONTENTS OF A CHILD'S RECORD

- 1. The agency shall maintain an individual record for each child or sibling group that contains:**
 - a. Demographic information including name, address, sex, race, birth date, and birth place of child; names, addresses, telephone numbers, Social Security numbers, birth dates, races, religion, and marital status of the child's parents; the names, addresses, and telephone numbers of siblings and other significant relatives.
 - b. A record of the child's prior placements with names of caregivers, addresses, and dates of care;
 - c. Legal documents of importance to the child, including, a birth certificate;
 - d. All court documents including original petition and all subsequent motions and orders;
 - e. Medical reports and psychological reports, including history, immunization records;
 - f. Educational records and reports of school-age children, including IEP's when appropriate;
 - g. A complete set of photographs of the child from the beginning of placement;

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- h. Intake study that includes initial social assessment and background of family members and the circumstances leading to the decision to place the child;
- i. Case plans and case review documents;
- j. Dictation that reflects the dates and content of worker's visits with the child; the agency's involvement with the parents or legal custodian, including services offered, delivered, or rejected; and
- k. Legal adoptions documents:
 - Relinquishment of Minor for Adoption by Parent or Guardian, and Acceptance by Agency (DSS-1804).
 - Affidavit of Parentage (DSS-1809), if mother is unmarried;
 - copies of termination of parental rights petitions, orders, and supporting affidavits, etc., if - and as - necessary.

B. CONTENTS OF AN ADOPTIVE HOME RECORD (AGENCY PLACEMENTS)

1. Information Relating to Adoptive Applicants/Parents

- a. Identifying information, or Face Sheet;
- b. Application form, if used by the agency;
- c. Medical reports for adoptive parents, current to within one year of child's placement;
- d. Verifications of marriage, divorce, as applicable;
- e. Dictation section:
 - 1. Summary, dates, and content of contacts prior to and following approval for adoption until the Decree of Adoption is entered;
 - 2. Assessment of home for placement of specific child, with reasons for approval or disapproval of the home for placement;
 - 3. Discussion of background of child and notation of information shared with the adoptive parents;

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4. Date of child's placement;
 5. Dates of legal documents being filed with the Clerk of Court and received by the agency;
 6. Discussion of the availability of adoption assistance and non-recurring adoption costs.
- f. Adoptive home preplacement assessment and summary of updated assessment of the home, when necessary, such as prior to placement of an additional child;
 - g. Documentation of criminal record check;
 - h. Typed summary of the adoptive home preplacement assessment; and
 - i. Autobiographies, child preference sheets, questionnaires, etc., if used by the agency; and
 - j. References.
 - k. Information Sharing Acknowledgement (DSS 5246)

2. Information Relating to the Child

- a. Summary of pre-placement study of child;
- b. Medical record and/or reports on child before and after placement;
- c. Psychological evaluations, if relevant;
- d. Other diagnostic evaluations, as relevant;
- e. School records, if applicable;
- f. Background information on the child, including pertinent information about birth parents, siblings, and other relatives;
- g. Non-Identifying Background Information Form (DSS-5102) and Adoption Health History Form (DSS-5103); and

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- h. Evaluation for the child's eligibility for adoption assistance. (DSS-5012)

3. Correspondence in Chronological Order

4. Copies of Adoption Proceedings Appropriate to the Case

- a. Petition for Adoption (DSS-1800);
- b. Copy of the Pre-placement Assessment;
- c. Order Requesting Report to the Court (DSS-1807), received from the Court with the Petition;
- d. Filed copy of Report to the court (DSS-1808);
- e. Copy of Parent's Relinquishment, if applicable (DSS-1804);
- f. Copies of the Agency's or Parent's Consent, as applicable (DSS-1802);
- g. Affidavit of Parentage (DSS-1809);
- h. Termination of Parental Rights Order;
- i. Copies of divorce proceedings or of other court action, if needed, to rule out need for the legal or birth father's consent to the adoption;
- j. Decree for Adoption (DSS-1814); or Dismissal order (DSS-1816), if the proceeding was dismissed;
- k. Filed copy of Report to Vital Records (DSS-1815) and;
- l. Notification of Adoption Indexing Letter

C. CONTENTS OF AN ADOPTION RECORD-(STEPPARENT WHEN ORDERED BY COURT) AND RELATIVE

Requirements differ for stepparent and relative adoptions in reference to the legal procedures and therefore the contents that must be maintained in a record also differ.

- 1. Identifying Information or Face Sheet;

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2. Documentation of criminal record check;
3. References from at least three sources;
4. Dictation section with documentation of all contacts with the adoptive parents until services are no longer needed.
5. Correspondence in chronological order
6. Legal Documents:
 - a. Petition for Adoption (DSS-1800);
 - b. Order For Report on Proposed Adoption (DSS-1807), received from the Court with the Petition for Adoption
 - c. Filed copy of the Report on Proposed Adoption (DSS-1808);
 - d. Decree of Adoption (DSS-1814)
 - e. Filed copy of the Report to Vital Records (DSS-1815)

D. CONTENTS OF AN ADOPTION RECORD (INDEPENDENT PLACEMENT)

All information listed in C above. With the addition of a copy of the preplacement assessment.

V. RELATIONSHIP WITH PRIVATE CHILD PLACING AGENCIES

To assure that all waiting children have every opportunity for placement, social workers should be familiar with and be able to access all available resources which include, in addition to public agencies, all private child-placing agencies, both in and out of state.

A. NORTH CAROLINA LICENSED PRIVATE CHILD-PLACING AGENCIES

All private child-placing agencies in North Carolina that are licensed by the Division of Social Services are available to provide adoptive placement for waiting children. The fees, costs and contracts associated with and required by these agencies vary. Due to these variations, social

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workers should contact the agency directly to discuss the referral process and purchase of service fee, if applicable. It should be noted that the Division has entered into a contract with some of the North Carolina private agencies and/or provides a grant or funds other services provided and available after placement. Services provided and available after placement also vary depending upon the agency and social workers must discuss and negotiate follow-up service responsibilities.

B. OUT OF STATE LICENSED PRIVATE CHILD PLACING AGENCIES

A number of specialized adoption agencies exists throughout the country which have become valuable resources in providing adoptive families for special needs children. Often these agencies do not charge fees to their adoptive applicants but rather charge the child's agency a fee for services. Workers should contact each agency directly to discuss the referral process and the fee for service. If a child is placed with an out of state family through one of these agencies, provisions of the ICPC apply.

C. PURCHASE OF OUT OF STATE ADOPTION SERVICES WHEN A FEE IS REQUIRED

With the objective of expanding adoption opportunities for some of North Carolina's children, State funds have been made available to assist county departments of social services with placement fees charged by specialized out of state agencies. Adoption Services may be purchased from out of state providers when adoption resources are not available for special needs children in the custody of a county department of social services. Purchased adoption services may include preplacement assessment, preparation of family, preplacement visits, placement services, post-placement services, recruitment, and adoption related legal services.(10A NCAC 70M.0501) .

1. Fees

The maximum amount available from the Division is \$1,800 per child. Since the fees charged by many of the specialized agencies may be more than \$1,800, the child's agency will need to have funds budgeted for this purpose or have access to funds locally to complete the total amount of the purchase fees.

The agencies base their fees on the actual average cost of the total services, which may include recruitment, preparation and assessment, training, post placement services and post finalization services. Many agencies are able to negotiate with the

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child's agency toward a fee somewhat lower than the actual average cost.

2. Procedures to Obtain Prior Approval and Reimbursement of Service Fees

Requests for assistance with payment of service fees should be submitted in writing to the Special Needs Adoption Coordinator of the Division of Social Services. The request should be sent at the point a decision has been reached to place the child with a specific family who has been studied and approved by the specialized adoption agency and when the two agencies have completed negotiations in regard to the total amount of the fee. Documentation of the total fee and of the following must be included in the letter of request:

- that the county department making the request has legal placement and
- consenting authority;
- that the child is legally cleared for adoption;
- that the child is considered hard to place due to such factors as age, race,
- physical, mental or emotional handicaps, and/or due to being a member of a sibling group to be placed together; and
- that the child is registered, with NCKids Adoption and Foster Care Network, if a family has not been identified for the child.

The Division of Social Services will notify the county department promptly of the action taken on its request for assistance with the adoption fee. If approval for payment is given, a copy of the signed Purchase of Adoption Services Agreement (DSS 5305) between the out-of-state adoption agency and the county department of social services must be sent to the Division of Social Services to document both the terms of the financial agreement and the approximate payment schedule.

When partial or full payment for services from an out-of-state agency to a child approved to receive this benefit is due, the county department should notify the Special Needs Adoption Coordinator in Children's Services. A copy of the bill or statement received from the out-of-state agency must be attached to the notification. A check will be issued to the child's agency for the previously agreed upon amount. Following payment to the out-of-state agency, a copy of the receipt must be sent by the child's agency to the Division of Social Services for its files.