

## **XII. Private/ Independent Adoptions**

The ICPC process for Private/Independent Adoptions assists in ensuring protection and services to children and families involved in executing adoptions across state lines and ensures adoptions are in compliance with all applicable requirements. This policy applies to all adoptions through private entities, independent adoption entities, or with the assistance of an intermediary. For purposes of this policy these entities shall be known as the Sending agency. For more definitions see Section III Regulation 12.

### **Placement Process:**

Prior to a child who is born in a Sending State coming into the Receiving State for foster care or an adoptive home, a complete Interstate Adoption Packet will be submitted to the ICPC office of the Sending State. A complete packet will contain the following:

1. The name, date and place of the birth of the child
2. The identity and address of the birth parents or an explanation as to why the information has not been provided consistent with NC laws.
3. The name and address of the person, agency or institution the Sending Agency proposes sending the child.
4. A full statement of the reasons for the adoption and evidence of authority to proceed with the adoption.

### **Documentation:**

The aforementioned requirements can be met through the submission of the following documents:

1. An ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>) requesting approval to make a placement signed by the birth parent or agency holding custody of the child.
2. Cover Letter: Contains a request for approval signed by the person requesting the approval, identifying the child, birth parents, the prospective adoptive parents, a statement as to how the match was made, name of the intermediary (if any), contact information for the agency/attorney handling the adoption and the name of the supervising agency and address.
3. Consent or relinquishment: signed by the parents in accordance with NC law, and if requested the Receiving State law. If a parent elects to follow the laws of the Receiving State, rather than NC law, then he or she should waive in writing the laws of NC. The packet shall address how the rights of all parents will be addressed.
4. Certification by a licensed attorney or authorized agency of a private adoption agency or independent entity that the consent or relinquishment is in compliance with the laws of NC or where requested, the laws of the Receiving State.

5. Verification of compliance with the Indian Child Welfare Act.
6. Legal and Medical Risk acknowledgement signed by the prospective adoptive parents.
7. Statement of authority: A copy of the current court order giving the Sending Agency authority to place the child or a statement of the basis on which the Sending agency has authority to place the child and documentation that supervision is on-going.
8. Statement of where the birth parents choose the finalization to occur
9. Current case history for the child, including custodial and social history, chronology of court involvement, social dynamics, education information (if applicable), and a description of any special needs of the child. If the child is an infant, at a minimum a copy of the medical records of the birth and hospital discharge summary for the child, if the child has been discharged.
10. Foster Home License: If the Receiving State placement resource previously lived in the Sending State and that state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the placement resource and/or their home showing the status of the placement resource as a qualified placement resource, if available. If the license, certification or approval was involuntarily revoked, a statement of when such revocation occurred and the reasons for the revocation.
11. Pre-adoptive home study: A copy of the most recent adoption home study or approval of the prospective adoptive family must be provided, including verification of federal and state background clearances. The study must include a statement that the home is approved and should meet the requirements of the state in which the adoption will be completed.
12. A copy of the court order appointing a guardian (if applicable).
13. Affidavit of expenses: Include all expenses to the adoptive couple for the adoption.
14. Copy of Sending Agency license (if applicable).
15. Biological parents' information: social history, medical history, ethnic background, reasons for adoption plan, and circumstances of proposed placement. If the child was previously adopted, the adoptive parents shall provide the information set forth in this section for the biological parents, if available.
16. A written statement from the person or entity that will be providing post-placement supervision (may be included in adoption home study) acknowledging the obligation to provide post-placement supervision.
17. Birth Record: to include a labor and delivery report/Hospital discharge summary and any other medical records should the child be premature or have complications. Older children should have a medical summary to include medical history or records.
18. Copy of the birth certificate.
19. Additional documents may be requested prior to finalization of the approved placement by the Receiving State.

### **Travel**

Travel by the prospective adoptive parents into the Receiving State shall not occur until the required information listed above has been submitted to the North Carolina ICPC, and approval has been received from the Receiving State. A provisional approval can be obtained in writing from the Receiving State ICPC office. Final approval will be the signature of the Receiving State ICPC on the ICPC-100A (DSS-1837: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1837-ia.pdf>). A decision must be rendered by the Receiving ICPC within 3 business days of the receipt of the complete packet.

### **Notification of Placement/Closure**

The sending agency is required to submit a completed ICPC-100B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) to the NC ICPC office confirming the placement within 5 business days of the placement of the child. Upon finalization of the adoption, a copy of the court order finalizing the adoption together with a completed ICPC 100B (DSS-1838) noting the reason for termination shall be submitted to the ICPC office to close out the ICPC request within 30 days of the filing of the final court order.

### **Violation of the Compact**

A child placed into the Receiving State prior to its ICPC office giving approval of the placement constitutes a violation of Article III of the Compact. All parties to the placement arrangement are responsible for notifying the appropriate ICPC personnel in both states of the placement violation. Information should include the circumstances which led to the violation and the plan to provide for the safety and wellbeing of the child pending further action. An ICPC-100 B (DSS-1838: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-1838-ia.pdf>) should accompany the ICPC packet indicating the date the child was placed in the prospective adoptive home along with the complete ICPC packet earlier listed. Once the documents have been submitted both the Sending and Receiving States will give consideration to the placement.

### **Legal and Financial Responsibility**

A private entity facilitating an independent adoption has legal responsibility for the return of the child to the sending state if the adoption does not occur during the period of placement.

Absent a contractual agreement to the contrary, as evidenced by a signed statement by the prospective adoptive parents that they will assume responsibility, the private entity bears financial responsibility.