Division of Children & Family Services
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MEMORANDUM

TO: Interested Persons and Providers

FROM: Mischa Martin, Director, Division of Children and Family Services

DATE: October 2, 2020

SUBJ: **Adoption Policies and Procedures Updates**

As a part of the Arkansas Administrative Procedure Act process, attached for your review and comment are proposed rule revisions.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you have any comments, please submit those comments in writing, no later than November 2, 2020.

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed child maltreatment investigation rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-9-104, 9-9-405, 9-9-701 to -702, 9-28-103, 9-34-203 to -204, and 20-76-201.

Effective January 1, 2021:

The Division of Children and Family Services (DCFS) issues a revised DCFS Policy and Procedure Manual to update the rules related to adoption services and supports. In addition to the specific changes below, DCFS updates sections and appendices by removing duplicative information when the information appears elsewhere in the manual, makes technical corrections, and revises organization and formatting. DCFS updates Policy VIII-E to clarify necessary consents for children in foster care under the age of 18 versus children in the extended foster care program ages 18-21, and Policy VIII-F to better align requirements for infants relinquished for adoption under the Safe Haven Act.

The division updates policy VIII-G such that adoption selection, preparation, and finalization placement requirements are contained in one policy for all types of adoptive placements. DCFS revises the section: to emphasize preferential consideration for relative placements and adoptions as well as the importance of maintaining sibling groups in adoptive placements; to formalize existing guidance around the type of adoption recruitment activities in which a child may participate; to define legal risk placements and considerations; to include additional information regarding post-mortem adoptions; to provide detailed guidance to adoptions staff regarding all appropriate elements to be included in the development of adoption disclosure packets, including timeframes and documentation regarding relative and fictive kin efforts; to establish specific timeframes for response to adoption inquiries and efforts to be taken prior to considering out-of-state adoption inquiries; to provide instructions regarding placement of children available for adoption on the Arkansas Heart Gallery; to clarify requirements for pre-placement activities and transitioning into a pre-adoptive placement; and to formalize existing guidance regarding collaboration between the child's Family Service Worker and Adoption Specialist as it relates to finding, preparing, and transitioning a child into an adoptive placement. Policy VIII-H establishes guidance regarding how to proceed if a legal custodian wishes to adopt the child in their custody following the termination of rights of the child's biological parent. Policy VIII-I removes obsolete references to Fostering Connections phase-in schedule. The revised section also clarifies that any subsidy agreement and associated payments extended past the age of 18 due to a mental or physical disability take effect on the date the new subsidy agreement reflecting the extension is signed, and adds requirements for requesting child support from an adoptive parent whose child re-enters foster care. And, that section is updated to: clarify existing practice as to how federally funded subsidy assistance may be submitted in cases of unknown medical and psychiatric conditions that surface after adoption finalization; add reference to existing Division of County Operations policy allowing Medicaid coverage for children adopted on or after January 1, 2019, regardless of whether IV-E adoption subsidy payments have been made for the child; and provide guidance to staff regarding determining if a change in subsidy payee is appropriate based on documentation of divorce and custody arrangements. Policy VIII-J updates and specifies staff duties associated with the Mutual Consent Voluntary Adoption Registry. Procedure VIII-D updates and corrects policy cross-references related to fast track adoption under Garrett's Law.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P.O. Box 1437, Slot

S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at https://humanservices.arkansas.gov/resources/promulgation-of-new-rules. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **November 2, 2020.** Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-396-6428.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4501962581**

Mischa Martin, Director
Division of Children and Family Services

POLICY VIII-E: DECISIONS INVOLVING CHILDREN IN DHS CUSTODY WHOSE~~ITH~~ PARENTS'~~AL~~ RIGHTS HAVE BEEN TERMINATED

01~~208~~/2021~~013~~

The Department of Human Services (DHS or Department), Division of Children and Family Services (DCFS or Division), has designated the Area Director or designee as having the authority to give consent for major decisions for children under the age of eighteen (18) -whose parental rights have been terminated~~.~~. The Area Director or~~f~~ designee will make decisions regarding such consents with input from local DCFS staff who work directly with the child, as well as other members of the child's team such as the child's attorney ad litem, Court Appointed Special Advocate, and therapist, as applicable. Major d~~D~~ecisions that require the Area Director's or designee's written consent include:

A. Marriage;
B. Entry into the Armed Forces;
C. Out-of-state or out-of-country travel; and
D. Media release that identifies the child as being in foster care (also requires consultation with DHS Office of Communications, DHS Privacy Officer, and the child's attorney ad litem).

For youth ages eighteen (18) to twenty-one (21), who elect to participate in Extended Foster Care Program, the Area Director's or designee's consent is not required for the decisions listed above. However, Division staff will hold a staffing with the youth and the youth's team to discuss the benefits and drawbacks associated with such decisions and to provide guidance to the youth as needed.

~~PROCEDURE VIII-E1: Decisions Involving Children in DHS Custody with Parental Rights Terminated~~

~~08/2013~~

~~The Area Director or designee must:~~

~~A. Give written consents in the following decisions involving children under age eighteen (18) in DHS custody with parental rights terminated:~~
~~B. Goal Changes in the CFS-6010: Case Plan~~
~~A. Marriage, if appropriate~~
~~B. Driver's license issuance~~
~~C. Entry into the Armed Forces~~
~~D. Travel inside or outside the United States~~
~~E. Retention of child in school grade~~
~~F. Expenditure of child's funds~~
~~G. Birth control~~
~~H. Media release~~
~~I. Major medical consents; however, Division staff shall not make any of the following decisions without receiving approval from the court:~~
~~a) Consent to the removal of bodily organs, unless the procedure is necessary to save the life of the child~~
~~b) Consent to withhold life-saving treatments~~

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c) Consent to withhold life-sustaining treatments
d) The amputation of any body part

PROCEDURE VIII-E2: Financial Benefits

The Family Service Worker, or the Adoption Specialist, (if the child has been placed with an adoptive family), will work with appropriate DHS financial staff if the Department is to be made the payee of proceeds or if payee changes.

PROCEDURE VIII-E3: Travel

The Family Service Worker, or the Adoption Specialist, (if child has been placed with an adoptive family), will:

A. Provide written consent from the Supervisor to the adult with whom the child is traveling.
B. Provide information on how to reach the Family Service Worker or Adoption Specialist in an emergency.

PROCEDURE VIII-E4: Arrest of Child

The Family Service Worker, or the Adoption Specialist, (if the child has been placed with an adoptive family), will:
Notify the Supervisor and the OCC Attorney when a child is arrested.
Learn where the child is being held, the place and time of hearings, and inform the Area Director or designee, Adoption Manager or designee of Adoption Services Unit, if the child is placed for adoption, OCC Attorney, and the attorney ad litem immediately of the information.
Assist in obtaining legal counsel for the child if applicable.
Determine that the child understands his or her legal rights.
If appropriate, attempt to have the child released on bond or to the foster parents, adoptive parents, or a therapeutic environment consistent with the child's needs.
Attend all hearings with the child.
Visit the child weekly while incarcerated to ascertain the child's well-being.
Provide adequate personal care items.
Prepare and route an "Incident Report" (DHS-1910).
Update child placement information in CHRIS. Updating the placement information will open a response window to notify the Eligibility Unit of the placement change.

PROCEDURE VIII-E5: Education

The Family Service Worker, or the Adoption Specialist, (if the child has been placed with an adoptive family), will:
Notify the school principal in writing to request that a surrogate parent be appointed for a child who receives special education if one has not been previously appointed.
Contact the Education Liaison, Community Services, State Office, prior to placement of a child out-of-state, if the child receives special education, to assure appropriate compliance to procedures and law.
Notify the Supervisor of problems identified at school conferences.
Notify the Supervisor when a child is expelled or suspended and if the needs of a child receiving special education are not being met to determine if a due process hearing should be requested.
Participate in Individual Education Plan (IEP) conferences.
Consult with the Education Liaison, Community Services, State Office, about a child who receives special education services if problems or questions arise.

PROCEDURE VIII-E6: Standby Guardianship

Stand-by Guardianship is a legal mechanism which allows a parent who is chronically ill or near death to appoint a guardian for the parent's minor children. The guardianship will prevent children from coming into out-of-home placement at a later date when the parent becomes unable to care for the children.

The guardian's authority will take effect:

A. Upon the death of the parent

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~~B. Upon the mental incapacity of the parent~~
~~C. Upon the physical debilitation of the parent with the parent's consent~~

~~Referrals should be made to legal services for the preparation of a guardianship. This is NOT a function of OCC.~~

~~PROCEDURE VIII-E7: Children with Disabilities Approaching Adulthood in Need of a Guardian~~

~~09/2011~~

~~The Family Service Worker will:~~
~~Find a responsible person who will accept guardianship by contacting contracted agencies whose purpose is to find a guardian.~~
~~Contact the OCC attorney for specific procedures to establish guardianship.~~

~~PROCEDURE VIII-E8: Discharge of Guardianship for Children Placed in Guardianship of DHS~~

~~The Family Service Worker, or the Adoption Specialist (if the child has been placed with an adoptive family), will:~~
~~A. Schedule and conduct a staffing.~~
~~B. Notify OCC attorney to take action to discharge guardianship.~~

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POLICY VIII-F: ~~BIRTH PARENTS~~INFANTS RELINQUISHED ~~ING INFANTS~~ FOR ADOPTION UNDER THE SAFE HAVEN ACT

01/2021

~~The Division shall~~ Any medical provider, law enforcement agency, or fire department will take possession of a child who is thirty (30) days old or younger, without a court order, if the parents of the child, without expressing an intent to return for the child, leaves the child:

A. With or voluntarily delivers the child ~~provide services to birth/legal parents who are planning to relinquish infants for adoption or who have relinquished their infant~~ to a medical provider, ~~or~~ law enforcement agency, fire department; or

~~A.~~B. In a newborn safety device as described in Arkansas Code § 9-34-202. ~~under the provisions of the Safe Haven Act.~~

A medical provider, law enforcement agency, or fire department that takes possession of a child under the Safe Haven Act will perform any act necessary to protect the physical health and safety of the child.

A medical provider, law enforcement agency, or fire department will keep the identity of a parent who relinquishes a child under Safe Haven provisions confidential and not release or otherwise make the identity of the parent available except to a:

A. Law enforcement agency investigating abuse or neglect of the child that was committed before the child was relinquished; or
B. Prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was relinquished.

Upon delivery of the child (to a medical provider, law enforcement agency, or fire department), an appropriate employee (of the medical provider, law enforcement agency, -or fire department) will take the child into protective custody for seventy-two (72) hours under the Child Maltreatment Act.

The person taking the child into protective custody will immediately notify DCFS. DCFS will contact the Office of Chief Counsel (OCC) to request a petition be filed with the court for an order of emergency custody. ~~**The Safe Haven Act allows a parent of a child who is thirty (30) days old or younger to voluntarily leave or deliver the child to a medical provider or law enforcement agency. Although the statute does not require a court order, DHS will petition the court for an order of emergency custody. The parent must not express any intent to return for the child. DHS takes custody of the child.**~~

~~**PROCEDURE VIII-F1: Birth Parents Relinquishing Infants for Adoption**~~

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The Family Service Worker will:

A. Refer birth/legal parents planning to relinquish an expected infant for adoption to the Adoption Specialist.

The Adoption Specialist will:

Complete an Intake StudyGather information to complete the CANS and the CFS-456: Birth Family Background Information through one or more face-to-face interviews with parents within two (2) weeks of referral. If the parent is under eighteen (18) years of age and so desires, involve a relative or concerned advocate in the intake assessment interview. Document the Intake Study ifwhen the parent is unavailable, uncooperative, etc. in the CANS assessment. The Intake StudyCANS will include the following information on the birth mother, legal father, and/or putative father:

1)

2) Personal information (names, birth dates, sex, race, marital status and religion of each parent and their parents, siblings, other children of either parent, Social Security numbers and address of each parent).

2) Specific problems and needs of the birth parents.

3) Assessment of the family's strengths and relationships and relevant social, economic and cultural circumstances pertinent to placementof the birth family and extended family.

4) Reasons for placement of the child and attitudes of parents toward concerning the relinquishment.

5) Available physical, developmental, educational and occupational history of parents and other members of theextended family.

6) Available mMedical and psychological history of each member of the family.

7) Assessment of alternativesAlternatives to adoptive placement and description of services which have been discussed with or provided to the family and child in order to preserve and strengthen the family.

8) Assessment of the eEffect of placement relinquishment on the parents and other family members.

9) Parents' short and long -range goals of the placementrelinquishment.

A. Summary of contactsEnter CHRIS contacts summarizing interactions between parents and DCFS to include date, location, purpose, and results of contact.

B. Help Refer parents to an attorney for an explanation of, and help parents understanding their retained legal rights and obligations and thosethe results of the relinquishment and what rights will be designated to DCFS by the court if the Court accepts the parent's written relinquishment. Provide this information to parents in clear, simple writing. Document these actionsreferral in the Intake Studythe assessment and how the information is understood by the parents after they have spoken with an attorney.

C. Obtain an affidavit of paternity. Advise the putative father of the Putative Father's Registry at the Department of Health. Document in the Intakethis discussion in CHRIS contacts. Study.

D. Comply with the Indian Child Welfare Act if there is Indian ancestry in either parent's family.

Develop a CFS-6010: Case Plan with the birth/legal parents (when the birth parents are willing to participate), preferably prior to the infant's birth, which will address:

1)

2) Ccounseling services;

3) Hhealth services;

Ppost-placement services;

4) What, if any, efforts the parents wish the Department to provide to locate relatives for placement of the infant.

E. Give CFS-434: "Arkansas Mutual Consent Voluntary Adoption Registry" brochureapplication to the parents. Document provision of the CFS-434 to the parents in document tracking.in the Intake Study.

F. Assist mother in applying for Medicaid for her medical expenses. If ineligible for Medicaid, refer the mother to the private licensed adoption agencies.

G. Apply for Medicaid for the infant as soon as possible after birth.

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H. Advise medical providers not to bill the parents for the infant's medical expenses if the parent relinquishes parental rights. Give provider a copy of the custody order and the county office address for billing purposes.

I. Notify medical providers of the infant's Medicaid number when approved.

J. Give parents a blank "Consent to Termination of Parental Rights" (OCC-410) before birth.

When a birth parent is a minor:

- Contact OCC Attorney to make arrangements for the appointment of an attorney ad litem for a minor birth mother and the minor father if he is the legal fatherthe minor parent of the infant.
- Obtain signature of minor birth parent's attorney ad litem on the OCC-410 if the ad litem is in agreement with the adoption.

1) Advise OCC if the minor parent's birth parents are not in agreement with the relinquishment.

K. Wait at least twenty four (24) hours after the infant's birth, and until the mother is lucid, to present OCC-410 to the parents for signature, as applicable. Explain her the right to withdraw theher consent within ten (10) calendar days offor the original signature date and that the withdrawal must be completed in writing.

L. Obtain legal father's signature on the OCC-410. Explain his right to withdraw consent within 10 calendar days from the signature date.

M. Obtain signature of minor birth mother's attorney ad litem on the OCC-410 if in agreement with the adoption. Obtain signature of minor birth father's attorney ad litem on the OCC-410 if the minor is the legal father.

N. Advise OCC Attorney if the minor's birth parents do not agree with the adoption.

O. Route the signed, notarized OCC-410s to the OCC Attorney to start prompt termination of parental rights proceedings.

P. Notify OCC Attorney immediately if the birth mother or legal father revokes her/his consent during the ten (10) days time frame allowed by law.

Q. Name the infant if the mother does not and advise the hospital of the infant's namechoose a name for the infant.

R. Advise the hospital staff of parents' wishes concerning continuing contact with the infant.

S. Prepare an adoption packet about for the infant (see Appendix two (2)).

T.A. Contact birth parents at least once during the ten (10 day10) day revocation period.

U. Contact parents monthly for at least six months.

V. Maintain a record of parents who request to relinquish an infant for adoption to include:

1) Ppersonal information including medical history;
2) Ssocial history;
3) Ccopy of the Intake StudyCANS assessment;
4) strengths and needs of the parents and the services requiredCopy of the case plan;
5) Adoption Specialist's assessment and initial case plan;
6) sSigned documents between DCFS and the parents;
7) summary of dates of contact and progress toward goalsCHRIS contact narratives;
8) Ccase review reports;
9) Ddischarge summary;

Select an adoptive family (see Policy VIII-GH).

Maintain a record of denials of application for services and reasons for denial.

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PROCEDURE VIII-F1~~2~~: Voluntary Delivery of an Infant under the Provisions of the Safe Haven Act

01/2021

~~Any medical provider or law enforcement agency shall, without a court order:~~

~~A. Take a 72 hour hold of a child who is:~~

~~1) 30 days old or younger, and~~

~~2) Left with or voluntarily delivered to them by the child's parent, who does not express an intent to return for the child.~~

~~B. Perform any act necessary to protect the physical health and safety of the child.~~

~~C. Immediately notify the Division of Children and Family Services.~~

The Family Service Worker will:

A. Notify OCC immediately upon taking possession of such a child in order to initiate a dependency petition; ~~.~~

B. Utilize the Arkansas Attorney General's Missing Children Services Program and any other national and state resources to determine whether the child is a missing child; ~~.~~

C. Notify Adoption Supervisor immediately upon taking possession of the child in order to obtain immediate assistance in identifying appropriate pre-adoptive placement for the infant; and~~.~~

~~C.~~D. A~~Refer the relinquished infant for adoption services by a~~ssign~~ing~~ the case as secondary to the Adoption Specialist Supervisor's inbox so that the Adoption Specialist Supervisor may assign it to an Adoption Specialist within twenty-four (24) hours.

The Adoption Specialist Supervisor will:

A. Assign an Adoption Specialist to the case within twenty-four (24) hours; and~~.~~

~~A.~~B. Ensure that an appropriate adoptive home is sought to meet the needs of the infant.

The Adoption Specialist will:

A. Assist with locating appropriate placement for the relinquished infant.

~~A. Carry out the same actions as those listed for the Adoption Specialist in Procedure VIII-F1.~~

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POLICY VIII-G: ~~FOSTER PARENT, PROVISIONAL FOSTER PARENT, AND RELATIVE~~ SELECTION, PREPARATION, AND FINALIZATION OF ADOPTIVE PLACEMENTS

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JURISDICTION AND RESIDENCY REQUIREMENTS

The Division of Children and Family Services (DCFS or the Division) will participate in the adoption of a minor who is in DHS custody or for whom the Court has retained jurisdiction only if either the person seeking to adopt the child, or the child, is currently a resident of Arkansas.

The family planning to adopt may live in Arkansas or reside out-of-state and have an approved adoption home study from a licensed adoption agency in their state. The family's home study must be on file in the Adoption Services Unit.

Residency~~,~~ to determine jurisdiction over an adoption~~,~~ may be established in accordance with one of the three following sets of criteria:

A. A child under the age of six months is a resident of Arkansas if:
   1) The biological mother resided in Arkansas for more than 4 months prior to the child's birth;
   2) The child was born in Arkansas or in any city which adjoins the state line or is separated only by a navigable river from an Arkansas city which adjoins the state line; and
   3) The child remains in this state until the interlocutory decree has been entered. Or in the case of a nonresident adoptive family, upon receipt of Interstate Compact on the Placement of Children (ICPC) approval, the child and the prospective adoptive parents may go back to their state of residence and subsequently may return to Arkansas for a hearing on the petition for adoption.
B. A child over the age of six months is a resident of Arkansas if that child:
   1) Has resided in this state for at least six months;
   2) Currently resides in Arkansas; and
   3) Is present in this state when the petition for adoption is filed and heard by a court of competent jurisdiction.
C. A person seeking to adopt a child is a resident of Arkansas if that person:
   1) Occupies a dwelling within the state;
   2) Has a present intent to remain within the state for a period of time; and
   3) Manifests the genuineness of that intent by establishing an ongoing physical presence within the state with indications that the person's presence within the state is something other than merely transitory in nature.

DEVELOPMENT AND ASSESSMENT OF ADOPTIVE PLACEMENTS

The Division recruits, assesses, prepares, and retains resource families interested in adoption. Development and maintenance of resource homes, including homes designated for adoptive services (to include pre-adoptive services), will be done as required by DCFS Policy VII:

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Development of Resource Homes & Support to Resource Parents. Criteria for consideration in determining the appropriateness of homes wishing to provide adoptive services will be the same as that of any other approved resource home as outlined in Policy VII-C: Resource Home Assessment Process.

When identifying an adoptive family, the Division focuses on finding families for children rather than finding children for families. Assessment and preparation of prospective resource families, that desire to adopt, are completed according to a specific child's needs. The child's health, safety, and well-being will be of paramount concern in the development of the adoptive placement.

Members of the adoptive household must be physically capable of sustaining a meaningful relationship with the child on a level that meets the child's developmental needs until the child reaches the age of majority. The adoptive caregivers must be physically capable of providing the child with opportunities for growth and development both emotionally and socially. Adoption staff may request additional personal health information, based on health care records received.

Each family and child will be carefully assessed and prepared for adoption. The Division provides pre-placement services for adoptions to move children into adoptive families in a timely manner. A child in foster care, placed in an adoptive home, continues status as a child in foster care until finalization of the adoption.

A child in foster care may be placed in a relative or fictive kin resource home that may later adopt the child as appropriate and when in the best interest of the child. When appropriate, a child's relatives will also be pursued as possible adoptive placements including after termination of parental rights (TPR) (see Policy VIII-D: Termination of Parental Rights) and even if those relatives had not previously or are not currently serving as a relative resource home. This includes adoption by non-citizen relatives if such a placement is in the best interest of the child.

When in the best interest of the child, the Division supports adoption by resource parents or provisional resource parents, who have a well-established relationship with the child in his or her care and who expresses an interest in adoption without regard to any racial or ethnic differences.

A child in foster care, who resides in a residential or long-term care facility due to illness or disability, may be adopted by a person who has been approved by the Division.

DCFS employees who are related to children in foster care may be approved to adopt their relatives, if they are an appropriate placement. Other DCFS employees may apply to become resource parents with the intent of adopting. These employee applications will be considered on a case-by-case basis and must have DCFS Director approval.

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Siblings will be placed together in the same adoptive home. Siblings may only be placed separately upon written documentation by a mental health professional, or a judicial ruling that placement of the siblings together would be detrimental to their best interests or is otherwise not possible at the time of placement due to treatment needs of one or more of the siblings (e.g., one of the children is currently in a residential treatment facility and will need to be placed with the siblings in the adoptive home upon completion of treatment). Maintaining sibling groups will be paramount in adoption considerations.

RECRUITMENT ACTIVITIES

Recruitment for an adoptive placement for a child may begin at any point as appropriate while the child is in foster care. However, children may not attend matching events until after termination of parental rights has occurred and all relatives and fictive kin for the child have been explored as permanency options for the child. A thorough search for and evaluation of all relatives and fictive kin must be documented prior to beginning non-relative recruitment efforts for a child. Children will attend matching events after termination of parental rights has occurred, even if an appeal of the termination of parental rights is pending. However, recruitment efforts will not include use of the Arkansas Heart Gallery if an appeal of the termination of parental rights is pending.

LEGAL RISK PLACEMENTS

A legal risk placement is a pre-adoptive placement with a resource family, involving a child whose parents' rights have not been terminated or an appeal of termination of parental rights is pending. Legal risk placements may be considered at any time after a child enters foster care. DCFS may, in consultation with other parties to the case, consider a legal risk placement when there is limited likelihood that reunification will occur. The Division will be purposeful in the use of legal risk placement, by carefully assessing each individual family's circumstances and the best interest of the child.

~~DCFS will participate in the adoption of a minor who is in DHS custody or for whom the Court has retained jurisdiction only if either the person seeking to adopt the child, or the child, is currently a resident of Arkansas.~~

~~The family planning to adopt may live in Arkansas or reside out-of-state and have an approved adoption home study from a licensed adoption agency in their state. The family's home study must be on file in the Adoption Services Unit.~~

~~Residency to determine jurisdiction over an adoption may be established in accordance with one of the three following sets of criteria:~~

~~A. A child under the age of six months is a resident of Arkansas if:~~

~~1) The biological mother resided in Arkansas for more than 4 months prior to the child's birth, and~~

~~2) The child was born in Arkansas or in any city which adjoins the state line or is separated only by a navigable river from an Arkansas city which adjoins the state line, and~~

3) The child remains in this state until the interlocutory decree has been entered. Or in the case of a nonresident adoptive family, upon receipt of ICPC approval, the child and the prospective adoptive parents may go back to their state of residence and subsequently may return to Arkansas for a hearing on the petition for adoption.

B. A child over the age of six months is a resident of Arkansas if that child:

1) Has resided in this state for at least six months, and

2) Currently resides in Arkansas, and

3) Is present in this state when the petition for adoption is filed and heard by a court of competent jurisdiction.

C. A person seeking to adopt is a resident of Arkansas if that person:

1) Occupies a dwelling within the state, and

2) Has a present intent to remain within the state for a period of time, and

3) Manifests the genuineness of that intent through an ongoing physical presence within the state together with indications that the person's presence is not merely transitory in nature.

Age

A. Applicant is at least 21 years old.

B. Applicant is a primary caregiver that is at an age so that it can be anticipated that the caregiver can actively parent the child into adulthood. This assessment will be made by the Adoption Specialist when determining what is in the best interests of the child(ren) to be adopted.

C. Generally, at least a 10 year age difference and no more than a 45 year age difference between the child and adoptive applicant is preferred.

Relationship Stability

A. In a two-parent home, both parents shall be joint applicants and both applicants shall actively participate in the approval process. The couple shall demonstrate a stable relationship. In assessing relationship stability, considerations may include major life changes such as:

- Death or serious illness among family members
- Marriage, separation, divorce, or other significant changes in the couple's relationship
- Addition of household members (e.g., birth, adoption, aging relative moving in)
- Loss of or change in employment

B. In a single parent home, the major life changes listed above shall also be considered when assessing the person's ability to be an effective adoptive parent.

A pre-adoptive home may not house or admit any roomer or boarder. A roomer or boarder is:

A. a person to whom a household furnishes lodging, meals, or both, for a reasonable monthly payment; and,

B. Not a household member.

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~~A household member is a resident of the home who:~~

~~A. owns or is legally responsible for paying rent on the home (household head); or,~~

~~B. is in a close personal relationship with a household head; or,~~

~~C. is related to a household head or a to person in a close personal relationship with a household head.~~

~~Any household member who resides in the home for more than 3 cumulative months in a calendar year must clear the following background checks: Arkansas Child Maltreatment Central Registry, Arkansas Adult Maltreatment Registry, Arkansas State Police Criminal Record Check, and FBI Criminal Background Check.~~

~~*General Physical and Mental Health* - Members of the household must not have a health condition or disability that would interfere with the family's ability to parent the child. Each member of the household shall have a physical examination by a physician within six months prior to the approval of the adoption home study on the prospective adoptive family, and annually thereafter until placement of a child.~~

~~*Smoking Restrictions* - DCFS shall not place or permit a child to be placed in a home if the prospective adoptive parent smokes or allows anyone else to smoke in the presence of the child unless it is in the child's best interest to be placed in or remain in the adoptive home. If the adoptive parent indicates smoking will not occur in the presence of a child placed in their home, then DCFS will designate the home a "non smoking" adoptive home. If a adoptive parent indicates that smoking will occur in the presence of a child placed in the home, the home will be designated a "smoking" adoptive home, and no child may be placed or remain in the adoptive home unless it is in the child's best interest. Second hand smoke is detrimental to a child's health and, as such, it is generally not in a child's best interest to be placed in a home that permits smoking in the presence of a child in care. In addition, state law prohibits smoking in a vehicle if a child in the car is under the age of 14.~~

~~BACKGROUND CHECKS~~

~~*Please note that a household member is defined as any person who stays in a foster home for more than three cumulative months in a calendar year (e.g., an adult biological child of the foster parents who is home for the summer and holiday breaks or a relative who visits for six weeks twice a year.*~~

~~*Central Registry Checks*~~

~~A. Each member of the household 14 years of age and older, excluding children in foster care, must agree to a Child Maltreatment Central Registry Check in his or her state of residence and any state of residence in which the person has lived for the past five years, and in the person's state of employment, if different. These checks must be made prior to approval and shall be repeated every two years thereafter until the adoption decree has been issued at which point repeat checks will no longer be required. However, if the home wishes to continue to keep its adoption service open in order to potentially adopt~~

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~~additional children, the Central Registry checks on all household members 14 years of age and older will continue to be run every two years. The person must have no history of true abuse and/or neglect.~~

~~B. Each member of the household age 18 and one-half years and older, excluding children in foster care, who resides in Arkansas must be cleared through the Arkansas Adult Maltreatment Central Registry. The Arkansas Adult Maltreatment Central Registry check shall be repeated every two years thereafter until the adoption decree is issued at which point repeat checks will no longer be required. However, if the home wishes to continue to keep its adoption service open in order to potentially adopt additional children, the Arkansas Adult Maltreatment Central Registry Checks on all household members 18 and one-half years of age and older will continue to be run every two years.~~

~~*Criminal Background Checks*~~

~~**A.** Each member of the household 18 and one-half years of age and older, excluding children in foster care, must agree to an Arkansas State Police Criminal Record Check. As soon as possible after a household member, excluding children in foster care, reaches his or her 18th birthday, the paperwork to request the Arkansas State Police Criminal Record Check must be initiated to ensure results are received by the time that household member reaches 18 and one-half years of age. These checks must be made prior to approval and shall be repeated annually thereafter until the adoption decree has been issued at which point repeat checks will no longer be required. However, if the home wishes to continue to keep its adoption service open in order to potentially adopt additional children, the Arkansas State Police Criminal Record Checks on all household members 18 and one-half years of age and older will continue to be run every year.~~

~~**B.** Out-of-state adoptive families do not need to do an Arkansas State Police Criminal Record Check if they have never resided in Arkansas. Adoptive parents and each member of the household 18 and one-half years of age and older, excluding children in foster care, residing out of the state shall provide state police criminal record checks from their state of residence. As soon as possible after a household member, excluding children in foster care, reaches his or her 18th birthday, the paperwork to request the state police criminal record check from their state of residence must be initiated to ensure results are received by the time that household member reaches 18 and one half years of age. These checks must be made prior to approval and shall be repeated annually thereafter until the adoption decree has been issued at which point repeat checks will no longer be required. However, if the out-of-state adoptive home wishes to continue to keep its adoption service open in order to potentially adopt additional children from Arkansas, the state police criminal record checks from their state of residence will continue to be run every year on all household members 18 and one-half years of age and older.~~

~~**C.** Each member of the household 18 and one-half years of age and older, excluding children in foster care, must agree to a fingerprint-based FBI Criminal Background Check. As soon as possible after a household member, excluding children in foster care, reaches his or her 18th birthday, the paperwork to request the FBI Criminal Background Check from their state of residence must be initiated to ensure results are received by the time that~~

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household member reaches 18 and one half years of age. These checks must be made prior to approval and need not be repeated. If a legible set of fingerprints cannot be obtained after a minimum of two attempts, a name-based FBI check will be used instead.

D. See Appendix 8 for information regarding prohibited offenses for prospective foster and adoptive parents and those offenses requiring Alternative Compliances from the Child Welfare Agency Review Board.

Resources - The applicant must have sufficient resources to meet the financial, medical, physical, educational, emotional, and shelter needs of the child without depending solely on state or federal financial assistance (e.g., SNAP, SSI, SSA, etc.) to meet those needs (although such forms of assistance may be used to supplement a family's income). A recent check stub and the previous year's income tax return are required to verify income and employment. While an adoption subsidy may be a resource for a child who meets the eligibility criteria, adoptive parents should have sufficient resources to care for a child even without a subsidy. The adoption subsidy shall not be considered a part of the adoptive family's income.

DISCLOSURE PREPARATION AND REQUIREMENTS

Other – The prospective adoptive family must be willing to meet the child's needs to have continuity with the birth family, if applicable, and if in the child's best interest. The family must also be able to appropriately deal with interference from the child's birth family. Geographic location of the prospective adoptive family should not present any risks for the child to be harmed by the birth family. Additionally if the prospective adoptive family plans to continue as a foster home, they must demonstrate that they will also be able to continue to meet their adoptive child's needs.

Pre-Service Training

A. The applicant must complete pre-service training.
B. The applicant must be willing to complete any further training in order to meet a child's specific needs.

BeforeAs soon as placement for adoptionan adoptive placement is identified for a child, the Adoption Specialist wishall compile create and provide a ,dDisclosure for Adoption Packet packet for each adoptive child in preparation for formal disclosure to prospective adoptive families. During the formal disclosure, once the prospective adoptive parents are identified, the Adoption Sspecialist will discuss the disclosure packet in detail withto them.- The disclosure packet is a detailed, written, health, history and genetic, and social history of the child, which excludes identifying information which would identify pertaining to custodial/non-custodial parent(s) or members of a custodial/non-custodial parent(s)' family.- The information shall be set forth in a document that is separate from any document containing information identifying the custodial/non-custodial parents or members of the custodial/non-custodial parents' family.

The detailed, written health history and genetic and social history shall be identified as such, andThe "CFS-471: Disclosure for Adoption," shall be identified as a detailed, written, health,

genetic, and social history, and shall be filed with the clerk before the entry of the adoption decree. Upon order of the court for good cause shown, the clerk of the circuit court may tender to a person identified by the court a copy of the Disclosure for Adoption~~detailed, written health history and genetic and social history~~.

If there is a pending child maltreatment report on the family, the Adoption Specialist will stop proceedings until a determination is made. The investigation is to be reviewed and discussed with the Adoption Supervisor and the Adoption Manager.

DEATH OF A CHILD IN A PRE-ADOPTIVE PLACEMENT

When a child in a pre-adoptive placement dies prior to the finalization of the adoption decree and there is no probable cause to suspect abuse or neglect, the presumptive adoptive parents may be entitled to an adoption decree and birth certificate for the deceased child. All post-mortem adoptions require DCFS consent. ~~However, if the child's death is a result of abuse or neglect on the part of the pre-adoptive parent(s), the adoption decree will not be finalized through the Division.~~The pre-adoptive parents may also be eligible for additional court approved services and accommodations upon request for post-mortem adoption services but will not be eligible for an adoption subsidy (this does not refer to legal assistance provided by the Office of Chief Counsel when finalizing the adoption decree).

Specific to the issue of post-mortem adoptions, pre-adoptive homes include:

A. Placements where the child has been placed in resource care for pre-adoption with parental rights terminated;
B. Resource homes in which the parents have made a formal request (CFS-489: Request for Consideration to Adopt) to adopt a child currently placed in their home for foster care; and~~.~~
C. Any home in which a provisional resource parent with custody has submitted official notice of intent to adopt the child placed with them.

However, if the child's death is a result of abuse or neglect on the part of the pre-adoptive parent(s), the adoption decree will not be finalized through the Division.

SERVICES AND SUPPORTS TO PRE- AND POST-ADOPTIVE PLACEMENTS

The Division works to support resource families and children placed in resource homes in pre-adoptive placements and after the finalization of adoptions, to ensure that adoption, when that is the best permanency option, is timely, well-supported, and lifelong.

ADOPTION RECORDS

All records of any adoption, finalized in the state of Arkansas, shall be maintained for ninety-nine (99) years. The Juvenile Division of Circuit Court shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed outside the state of Arkansas, unless the Court allows for finalization in the receiving state.

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PROCEDURE VIII-G1: Adoption Staffing and Recommendations

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The Family Service Worker will:

A. Invite Adoption Specialist to permanency planning staffing;.

B. Prior to the permanency planning staffing, complete CFS-426: Adoption Packet Checklist, ensuring that the child's out-of-home placement record is up to date and that all attachments which are required for an adoption packet (Appendix two (2)) are in the child's record. These will be copied and forwarded to the Adoption Specialist within three (3) business days after the permanency planning hearing;

C. Conduct permanency planning staffing and enter a contact, detailing the outcome of the staffing in the Division's information management system;

A.D. Notify the Adoption Specialist within fourteen (14) days prior to TPR staffing and hearing;.

B.E. Notify the Adoption Specialist, in writing within two (2) working days of the court hearing, that termination of parental rights with power to consent to adoption has been granted (if the Adoption Specialist was not at the hearing);.

F. Determine if the foster resource parent, provisional foster resource parent, or a relative is interested in adopting the child if parental rights have been terminated.;

G. Complete a written account of all relatives for the child, via CFS-305: Relative and Fictive Kin Efforts, including but not limited to, the name, address, phone number, and reasons for denial of placement in the relative or fictive kin home. This written account should also address the location of the child's siblings and current visitation arrangements. Provide this written account, of all relatives and fictive kin for the child, to the adoption staff during the permanency planning staffing (as part of the adoption packet). Document this written account of relatives in the following locations in the Division's information management system:

1) Contacts screen;
2) Collateral Information Screen;
3) Court Report Relative Interest Screen;
4) Child and Adolescent Needs and Strengths (CANS) Assessment Collateral; and
1)5) Case Plan Needs;

C. Submit the CFS-343: Notification of Court Appearance to all parties entitled to notice within 10 calendar days of any review hearing to be held with respect to a child in their care. Send the CFS-343 through certified mail for all Permanency Planning Hearings.

D. Present a CFS-489: Request for Consideration to Adopt to the foster parent or provisional foster parent if they are interested in adopting the child.

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H. Schedule and conduct a Consideration to Adopt staffing within ten (10) working days from the court hearing that terminates parental rights, being sure to include the Adoption Specialist, age-appropriate child, ~~foster~~ resource parent, provisional ~~foster~~ resource parent, relative, resource provider's assigned resource worker, FSW Supervisor, ~~age-appropriate child,~~ other c~~C~~ounty staff, attorney ad litem, Office of Chief Counsel (OCC) Attorney, CASA, and other professionals, if applicable;~~.~~

I. ~~The staffing is to determine if this type of adoption is an appropriate referral for an adoptive family assessment.~~ Utilize CFS-489: Resource Parent Consideration to Adopt to record the desire of the resource parents; and

J. Enter a contact in the Division's information management system detailing the outcome of the consideration to adopt staffing.

The Adoption Specialist will:

A. Participate in the permanency planning staffing;

B. Complete a CFS-471: Disclosure for Adoption for each child in need of adoptive placement;

C. Complete an Adoption Data Match for each child; and

D. Participate in the consideration to adopt staffing.

After Termination of Parental Rights has occurred the Adoption Specialist will:

~~A.~~

~~B.~~

A. If the recommendation from the staffing supports the ~~foster~~ resource parent, provisional ~~foster~~ resource parent, or relative adoption, the ~~FSW~~ Adoption Specialist will:

1) Staff with the Adoption Supervisor;

2) Within five (5) working days of the staffing, enter a contact in the Division's information management system that provides the date of the staffing, names and titles of persons participating, and findings on compliance to the placement criteria and recommendation; and

3) Complete and send a copy of CFS-447: Consideration to Adopt Staffing Notification to the Family Service Worker, County Supervisor, Adoption Supervisor, Resource Parent, OCC Attorney, Ad Litem, and CASA, as appropriate.~~.~~

~~C.A. If the recommendation from the staffing~~

~~D. Forward the following to the Adoption Supervisor within five working days of the staffing:~~

~~E. Written summary which provides the date of the staffing, names/titles of persons participating, findings on compliance to the placement criteria and recommendation.~~

~~F. Completed CFS-489: Request for Consideration to Adopt on a foster parent or provisional foster parent.~~

~~G. Initial family assessment/home study on a foster parent or provisional foster parent.~~

~~H. Most recent reevaluation assessment/home study on a foster parent.~~

~~I. All reevaluation assessments/studies on a foster parent.~~

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~~J.~~

~~K.~~B. ~~If the recommendation from the staffing~~ If the recommendation from the staffing does not support the ~~foster~~ resource parent, provisional ~~foster~~ resource parent, or relative adoption, the Adoption ~~Supervisor~~ Specialist will:

1) Assess the recommendation and request any additional information for review with Adoption Supervisor;
2) Notify the ~~foster~~ resource parent, provisional ~~foster~~ resource parent, or relative, in writing, within ten (10) working days of the decision~~,~~ and state the reason(s) for the decision and internal review procedures; and
3) Complete and ~~Se~~send a copy of ~~this written~~CFS-447: Consideration to Adopt Staffing ~~n~~Notification, to the Family Service Worker, County Supervisor, Adoption ~~Specialist~~Supervisor, ~~Adoption Manager, and~~ OCC Attorney, Resource Parent, Ad Litem, and CASA, as appropriate.

~~L. If those attending the staffing disagree~~

~~M.~~

C. ~~If those attending the staffing disagree~~ If those attending the staffing disagree about ~~whether or not to~~ support of the ~~the foster~~ resource parent, provisional ~~foster~~ resource parent, or relative adoption, the Adoption ~~Supervisor~~ Specialist will:

~~1)~~

~~Consult with the Adoption Manager and the Division Director.~~

~~2)~~

1) Schedule another staffing within ten (10) working days, to include the Area Director or designee, Adoption ~~Manager, Division Director~~Supervisor, and any other appropriate parties; and~~.~~

~~3)~~

2) Depending on the outcome of the staffing, follow the procedures listed above.

D. After consultation with Adoption Supervisor, make a decision to approve or deny the resource parent, provisional resource parent, relative or fictive kin's application to adopt within ten (10) working days of receiving the completed home study, and send a written notification to the resource parent, provisional resource parent, or relative, utilizing CFS-447: Consideration to Adopt Staffing Decision.

E. Explain in the written notification the reason(s) for denial and the internal review procedures.

PROCEDURE VIII-G2: Identification of an Adoptive Placement and Disclosure

01/2021

The Family Service Worker will:

A. Notify the Adoption Specialist within fourteen (14) days prior to the Termination of Parental Rights (TPR) staffing and hearing;

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B. Send additional attachments to the Adoption Specialist once the initial adoption packet is completed, in order to maintain current information until a child is placed with an adoptive family;
C. Document the efforts to secure needed attachments and the reason for an attachment not being available, in the child's out-of-home placement record and in the Division's information management system;
D. Provide information requested by the Adoption Specialist in the preparation of the child's "CFS-418: Adoption Summary" and in the selection of an adoptive family; and
E. Place siblings together in the same resource home. (But -sSee policy section above for exceptions.)

The Child's Adoption Specialist will:

Prior to the TPR hearing, determine if there is a resource home with an open adoptive service, to consider for a child who may have a permanency goal of adoption (enter characteristics of child into the computer matching system to obtain listing of approved adoptive applicants).

A. -If there is not an adequate resource of approved resource homes with an open adoptive service, the Adoption Specialist will initiate generalized recruitment for an adoptive family who may be interested in adopting a child with similar characteristics.
B. Respond to notification of inquiries timely:
    1) Reply to adoption inquiries within three (3) business days of receipt of notification of inquiry. Notification to potential adoptive families can be made by phone or email;
    2) Collect and review home studies for inquiring families within fourteen (14) business days;
    3) Notify inquiring parties of selection status within three (3) business days of reviewing home study;
    4) Respond to Out-of-State Inquiries:
        a) Ensure all in-state relatives and fictive kin options have been exhausted;.
        b) Ensure all in-state recruitment efforts have been exhausted (i.e. child is in the Arkansas Heart Gallery, child has been attending matching events, short film has been completed);
        c) Submit inquirer's home study to Adoption Manager or designee for review;
        d) Participate in staffing scheduled by and with Adoption Manager or designee regarding best interests of the child in considering an out-of-state inquiry;
        e) Schedule and participate in phone meeting with the inquiring family to include Adoption Supervisor, Adoption Manager or designee, and the child's team;
        f) If appropriate, schedule a disclosure with the family in Arkansas with expectation the family will travel to Arkansas (at the family's expense) for the disclosure;
        g) Complete and submit and ICPC request for adoptive placement and if approved:

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i. Notify Adoption Manager or designee of desire to move forward with out-of-state placement; and

ii. Schedule pre-placement visits in Arkansas (inquiring family is responsible for costs associated with arrangements for travel and occurrence of pre-placement visits) according to Procedure VIII-G3: Disclosure, Pre-Placement, and Placement Activities.

C. Assist the Family Service Worker in preparing the child for adoption;

D. Ensure compliance with Indian Child Welfare Act, if applicable, by notifying and working with the OCC attorney;

E. Prepare the child's adoption disclosure packet (CFS-418: Adoption Summary and attachments ~~--~~ see Appendix 2: Adoption Summary Guidelines) within forty-five (45) days from receipt of the completed adoption packet.

1) Delete identifying information in the child's disclosure packet as it relates to the child's birth or legal parent and extended family. The entire name of all family members should be redacted from all documents;

2) Send the child's disclosure packet to the Adoption Supervisor within four (4) months of the court hearing that terminates parental rights;

3) Make a copy of the non-identified disclosure packet for the selected adoptive family and one for the family's Adoption Specialist, if different from the child's Adoption Specialist; and

4) Complete and submit encumbrance paperwork for completion of the child's adoption summary.

F. Enter characteristics of the child into the ~~CHRIS~~Division's information management matching system, Adoption Data Matching, prior to the termination of parental rights hearing to obtain a listing of approved and registered adoptive applicants;

G. Decide within fourteen (14) working days from receiving the listing and home studies if recruitment of an adoptive family is needed;

H. Complete and maintain a "CFS-433: Individualized Recruitment Plan" if an appropriate adoptive family is not available;

I. Refer eligible children for placement on the Arkansas Heart Gallery:

1) Ensure the child meets the following eligibility requirements:

a) Termination of Parental Rights occurred more than thirty (30) days ago;

b) No legal appeals are pending;

c) Child is not in a pre-adoptive placement; and

d) Child is not placed with resource parents who are likely to adopt or with relatives or fictive kin who will likely assume custody or adopt;

2) Within ten (10) business days of determining the child is eligible for placement on the Arkansas Heart Gallery, send a referral email to the Project Zero Logistics Coordinator, DCFS Public Information Specialist, and DCFS Adoption Manager including:

a) Child's full name;

b) Child's gender;

c) Child's case number;

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d) Child's client ID;
e) Child's date of birth;
f) DCFS Area;
g) DCFS County; and
h) Information about sibling group, as applicable, detailing if joint adoptive placement is being sought;

3) Upon approval for placement on the Arkansas Heart Gallery:
a) Complete an Arkansas Heart Gallery Bio Request Form on the child or sibling group. The Bio Request Form can be obtained from DCFS Public Information Specialist or downloaded from DHS Share;
b) Submit completed Bio Request Form to Project Zero Logistics Coordinator;
c) Coordinate with Project Zero Logistics Coordinator to complete a professional photo shoot for the child or sibling group, including coordination of photo location and transportation arrangements for the child or sibling group;
d) Respond to inquiries from the Arkansas Heart Gallery within three (3) business days.
e) Notify the Project Zero Logistics Coordinator within five (5) business days of identification of a placement match.
f) Coordinate with the Project Zero Logistics Coordinator for removal of the child from the Arkansas Heart Gallery within five (5) business days when:
i. The child's adoption is finalized;
ii. The child's permanency goal changes;
iii. The child ages out of foster care;
iv. The child enters extended foster care; or,
v. The child is placed with relatives or fictive kin.

J. Monitor and document the recruitment activities on the "CFS-433: Individualized Recruitment Plan;"
K. Enter characteristics of the child into the computer matching system on a consistent basis if the initial listing did not result in the selection of an appropriate adoptive family;
L. Update the child's CFS-418: Adoption Summary, annually until an appropriate adoptive family is selected, and ensure that attachments are updated. Send a copy of the updated adoption summary and special evaluations to the Adoptions Manager or designee if the child has a photo-listing, website, or adoption exchange registration;
Conduct Identification staffing by providing home studies for adoptive homes, chosen by Child's Adoption Specialist as potential matches for the child, to CASA and Ad Litem, as appropriate. This should include a narrowed pool of one to three home studies.
M. All input and recommendations from the child's support team should be considered in making a final selection of home study;
N. Select the most appropriate approved adoptive applicant for the child, consistent with the child's needs. Ensure the applicant's ability to meet the special needs of the child ~~and~~, Minimum Licensing Standards for Child Welfare Agencies (Placement), and DCFS

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policy for resource homes (see DCFS Policy VII: Development of Resource Homes & Support to Resource Parents);

O. Upon approval of the identified family forward packets and "CFS-471: Disclosure for Adoption" to the family's Adoption Specialist, if different from the child's Adoption Specialist. The disclosure packet should include significant information about the child including the need for special resources or services, provide a schedule for pre-placement activities, and convey any other significant information that relates to the placement of the child;

P. Prepare and present to the Family's Adoption Specialist, resource parent, provisional resource parent, relative, or fictive kin, one non-identifying copy of the child's disclosure packet and a complete "CFS-471: Disclosure for Adoption" during the assessment and preparation process;

Q. Schedule and conduct a selection staffing with the Family Service Worker, the family's Adoption Specialist, and other appropriate DCFS staff and professionals (including the child's attorney ad-litem and CASA involved with the child in the identification of an adoptive family).

1) Complete and route "CFS-590: Invitation to Family Centered Meeting" to all court parties;
2) Create a written pre-placement visitation plan in conjunction with the parties which addresses the logistical and developmental needs of all parties. Ensure that the plan is modified throughout the pre-placement process according to the adjustment of the child and adoptive family. Refer to VIII-G4: Disclosure, Pre-Placement, and Placement Activities for pre-placement visitation guidelines;
3) In the Division's information management system, complete the Provider Adoption Considerations Tab on the selected family (Pre-Adoptive Home Service) identifying the considered foster child;
4) Send the completed "CFS-470: Selection of Adoptive Family" to the Adoption Supervisor within 30 working days. Attach a copy of the child's "CFS-418: Adoption Summary" and the selected family's home study to the CFS-470;
5) Discuss delays in the selection of an adoptive family with the Adoption Supervisor and document reasons for the delay; and
6) Document the selection by completing the "CFS-470: Selection of Adoptive Family."

R. Determine immediately if another approved adoptive applicant can be selected if the Adoption Supervisor, the adoptive family, or child does not agree with a selection. Document if another approved adoptive family cannot be selected and continue recruitment activities;

S. Provide written or verbal notification to the Family's Resource Worker for each approved adoptive applicant who has been considered, and document in the Division's information management system. The Child's Adoption Specialist will notify the approved applicant in writing if he or she had asked to be considered for a child who is registered in the DCFS photo-listing and website but was not selected;

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T. Initiate and follow ICPC procedures if an out-of-state approved adoptive applicant is selected; and
U. Discuss any delays in completing the assessment and preparation process with the Adoption Supervisor and document reasons for the delay.

The Adoption Supervisor will:

A. Ensure eligible children are referred to the Arkansas Heart Gallery;
B. Assess the child's disclosure packet, the home study of the approved adoptive applicant, and the "CFS-470: Selection of Adoptive Family" from the Adoption Specialist and then determine the appropriateness of the selection within ten (10) working days;
C. Document the determination to approve or deny the selection on the "CFS-470: Selection of Adoptive Family" from the Adoption Specialist, then explain in writing the reason(s) for a denial; and
D. Return all information to the Adoption Specialist.

The Adoptions Manager or designee will:

A. Coordinate and maintain the computer matching system, to assist in the selection of an adoptive family;
B. Maintain the file for home studies of approved adoptive applicants (regardless of the state they reside in); and
C. Provide technical assistance on recruitment and selection of adoptive families.

~~PROCEDURE VIII-G2: Assessment and Preparation~~

~~08/2013~~

~~The Family Service Worker will:~~

~~A. Ensure, prior to the permanency planning staffing, that the child's out-of-home placement record is up to date and that all attachments which are required for an adoption packet (see Appendix 2-B) are in the child's record, and are copied and forwarded to the Adoption Specialist within three working days of the permanency planning hearing.~~
~~B. Send additional attachments to the Adoption Specialist once the initial adoption packet is completed in order to maintain current information until a decision is made.~~
~~C. Document in the child's out-of-home placement record, and in CHRIS, the efforts to secure needed attachments and the reason for an attachment not being available.~~
~~D. Provide information requested by the Adoption Specialist in the preparation of the child's adoption summary.~~
~~E. Prepare the child for adoption and assist in preparing the foster parent, provisional foster parent, or relative for adoption.~~
~~F. Assure compliance with the Indian Child Welfare Act, if applicable, by notifying and working with the OCC attorney.~~

~~The Adoption Specialist will:~~

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A. Prepare the child's adoption packet (adoption summary and attachments—see Appendix 2) within 30 days from the permanency planning hearing.
B. Send a copy of the adoption summary to the Family Service Worker.
C. Provide the following forms as needed to the foster parent, provisional foster parent, relative, or fictive kin immediately after the staffing that is conducted within ten working days from the hearing that terminates parental rights (if the staffing supports the adoption):
   1) FBI Fingerprint card (if not using harvester)
   2) APS-0001: Authorization for Adult Maltreatment Central Registry for each household member age 18 and one-half years and older, excluding children in foster care.
   3) CFS-316: Request for Child Maltreatment Central Registry Check for each member of the household 14 years of age and older, excluding children in foster care, but including any other state of residence in the last five years and any other state where they work or have worked in the last five years.
   4) CFS-341: Certification of Absence of Criminal Record (household members ages 10-17)
   5) CFS-342: State Police Criminal Record Check and an FBI fingerprint-based criminal record check for each member of the household 18 and one-half years of age and older, excluding children in foster care.
   6) CFS-409: Foster/Adoptive Family Preference Checklist
   7) CFS-404: General Medical Report for each member of the household
   8) CFS-455: Request/Consent for Health Department Services, if applicable
   9) CFS-480: Alternate Compliance of Water Supply Agreement, if applicable
   10) CFS-425: Application for Adoption Subsidy, if applicable
   11) CFS-426: Statement of Income and Resources for Adoption Subsidy, if applicable
D. Document the review and assessment of the home on the CFS-446: In-Home Consultation Visit Report.
E. Complete the assessment and preparation process with the foster parent, provisional foster parent, or relative.
F. Send the adoption home study, recommendations, completed forms, reference letters, child's adoption packet and CFS-414: Change of Status to the Adoption Supervisor within four months of the court hearing that terminates parental rights.
G. Make at least two visits in person with the prospective adoptive family with at least one visit being in the home. Have a separate, face-to-face interview with each prospective adoptive parent. Interview each household member in person who is 10 years of age or older.
H. Refer a relative or fictive kin who has not been approved as a foster parent or provisional foster parent to pre-service training. Complete the assessment and preparation process with the relative or fictive kin and send the adoption home study, recommendation, completed forms, reference letters, child's adoption packet, and CFS-414: Change of Status to the Adoption Supervisor within four to six months of the court hearing that terminates parental rights (there may be extenuating circumstance which could lengthen the time frame, such as availability of pre-service training).
I. In CHRIS, complete the Affidavit of Disclosure screen on the child in the child's protective service case. If Foster Parent Adoption, be sure to check the Foster Parents Adoption checkbox.
J. Prepare and present to the foster parent, provisional foster parent, relative, or fictive kin, one non-identifying copy of the child's adoption packet and a complete CFS-471: Disclosure for Adoption during the assessment and preparation process.
K. Review and discuss the adoption packet with the foster parent, provisional foster parent, or relative or fictive kin.
L. Secure signatures on the CFS-471: Disclosure for Adoption and ensure a copy is provided.
M. Assist in preparing the child for adoption and prepare the foster parent, provisional foster parent, or relative for adoption.
N. Notify the foster parent, provisional foster parent, relative, or fictive kin in writing if the adoption home study cannot be completed within 60 days of the final home visit and explain the reason.
O. Send a copy of this notification to the Adoption Supervisor and Family Service Worker.

Discuss any delays in completing the assessment and preparation process with the Adoption Supervisor and document reasons.

Markup

A. Complete the packet to determine eligibility for adoption subsidy, if applicable, during the adoption assessment and preparation process and forward to the Adoption Subsidy Coordinator, Adoption Services Unit.

PROCEDURE VIII-G3: Foster Parent, Provisional Foster Parent, Relative, or Fictive Kin Adoption Decision

08/2013

The Adoption Supervisor will:

A. Make a decision to approve or deny the foster parent, provisional foster parent, relative, or fictive kin's application to adopt within ten working days of receiving the completed adoption home study and send a written notification to the foster parent, provisional foster parent, or relative.
B. Send a copy of the approval or denial notification to the Adoption Manager, Adoption Specialist, Area Director, Family Service Worker, County Supervisor, and OCC Attorney.
C. Explain in the written notification the reason(s) for denial and the internal review procedures.
D. Send a written notification to the foster parent, provisional foster parent, relative, or fictive kin if a decision to approve or deny the application cannot be made within 60 days of the final home visit and explain the reason(s).
E. Send a copy of this written notification to the Adoption Specialist and Family Service Worker.

The Family Service Worker will:

A. Update and transfer the out-of-home placement case record (paper record and CHRIS) to the Adoption Specialist within five working days of receiving the written notification of the approval for foster parent, provisional foster parent, or relative adoption.
B. In CHRIS:
   1) Assign the Adoption Specialist as Primary Worker in the Assign/Transfer Screen. The child remains in the current foster parent placement until finalization.
   2) Enter current foster parent or relative as an adoptive resource completing the Resource Screens.
   3) If child is to exit current foster care placement to enter relative's adoptive home, exit child from current foster parent placement and enter child into the relative's adoptive home in the Placement screens in the child's protective service case.

The Adoption Specialist will:

A. Forward a CFS-414: Change of Status to the Adoption Coordinator, Adoption Services Unit, within five working days of receiving notification of approval to report approval of the placement.

Assume primary case management once written notification of approval has been received.

PROCEDURE VIII-G3: Disclosure, Pre-Placement, and Placement Activities

01~~2~~/202~~0~~1

The Family Service Worker will:

A. Continue to prepare the child for adoption;
B. Prepare and support the resource family, or out-of-home placement provider, for separation and enlist their help with the child;

Mark-Up

C. Prepare child's school personnel, therapist, and other professionals for the proposed adoption;
D. Participate in pre-placement and placement activities and remain involved until the process is completed;
E. Assess the feelings and reactions of the child and the resource parents or out-of-home placement provider, then share these with the child's Adoption Specialist;
F. Ensure that the child's clothing and personal belongings are appropriately prepared and packed for the move to the adoptive family's home; and
G. Transfer the child's out-of-home placement record (including in the Division's information management system) to the Child's Adoption Specialist within five (5) working days of the placement date (after pre-placement visits have been completed). The Child's Adoption Specialist will assume primary case management responsibility at the time of placement.
H. In the Division's information management system:
   1) Complete the foster child's Termination of Parents Rights Screen on each parent;
   2) Update Contact Screen, Characteristic Screen, Medical Screen, CANS, Case Plan (change goal to adoption), Risk Assessment, and Court Hearing Screen to document all current available information on the child; and
   3) In the Assign/ or Transfer Screen, assign the family's Adoption Specialist as the Primary Responsible Person for case.

The Child's Adoption Specialist will:
A. Review and discuss the disclosure packet with the Family's Adoption Specialist, resource parent, provisional resource parent, relative, or fictive kin;
B. Secure signatures on the "CFS-471: Disclosure for Adoption;"
C. Prepare the child to meet the selected adoptive family, with the assistance of the Family's Adoption Specialist, after the adoptive parents have signed the "CFS-471: Disclosure for Adoption;"
D. Coordinate with the family's Adoption Specialist times, dates, places, and activities for the pre-placement visitation schedule; and
E. In the Enter or Exit Screen, exit foster child from current resource home placement, selecting Pre-Adoptive Placement, and enter the child in the Pre-Adoptive Service of the adoptive family's home.

After the selection of an adoptive family has been approved, all the following activities will be conducted collaboratively between the child's and the family's Adoption Specialists (if the child and family do not have the same Adoption Specialist):
A. Continue to assist the Family Service Worker in preparing the child for adoption;
B. Prepare the child to meet the selected adoptive family (including the presentation of the family's photograph album) after the adoptive parents have signed the disclosure form;
C. Arrange and conduct pre-placement visits between the child and the selected adoptive family according to the following guidelines:
   1) There must be at least three (3) pre-placement visits for a child who is two (2) years of age or older;

Mark-Up

2) No pre-placement visits shall be scheduled until the selected adoptive parents have signed the disclosure form;
3) Supervise the first two (2) pre-placement visits for every child;
4) Follow a natural progression for increasing visitation, as appropriate for the child's age and development, to include:
    a) Supervise first two (2) visits for every child;
    b) Complete at least one (1) all--day visit;
    c) Complete at least one (1) overnight visit that does not transition directly into a placement in the home;
    d) Complete at least one (1) weekend visit that does not transition directly into a placement in the home; and
    e) Notify the child's attorney ad-litem when pre-adoptive visits begin and when placement is to be made;

D. Supervise visits of the child with the selected adoptive family, as appropriate;
E. Review information about the child with the selected adoptive family and answer questions.
    1) If adopted youth is age sixteen (16) or older, inform the family that the youth is eligible for ETV (Educational Training Voucher), and that they may participate in youth development activities and life skills classes.
    2) Refer youth age sixteen (16) or older to the TYS, if youth desires to participate in said activities.
F. Provide the pre-adoptive family with CFS-468: Notification of Adoptive Placement;
G. Provide support to the selected adoptive family;
H. Assess the development of the relationship between the selected adoptive family and the child;
I. Arrange any needed appointments with the Family's Adoption Specialist, for the selected adoptive family to meet with special providers (i.e., mental health counselors, doctors, school personnel, etc.);
J. Ensure the pre-adoptive family obtains a PCP for the child, within thirty (30) working days prior to adoptive placement, and ensure the family understands the need for completion of the "CFS-352: Episodic Form" for each medical appointment occurring prior to finalization of the adoption;
K. Document dates of pre-placement visits, contacts, activities, progress, concerns, etc. and send a copy to the Adoption Supervisor, Family Service Worker, and OCC Attorney for the child's initiating county;
L. Enter current resource parent or relative as an adoptive resource completing the Resource Screens;
M. Forward a "CFS-300-A: Attorney-Ad-Litem, Court Appointed Special Advocate and Child Notification of Changes in Out-of-Home Placement" to the Adoption Supervisor and all other parties, within five (5) working days of pre-adoptive placement;
N. Assume primary case management once pre-adoptive placement occurs;
O. Request a resident county adoption specialist to be assigned by complete~~ed~~ing the Assign or Transfer screen in the Division's information management system, as appropriate; and

Mark-Up

P. If child is to exit current resource care placement to enter relative's adoptive home, exit child from current resource parent placement and enter child into the relative's adoptive home in the Placement screens in the child's protective service case.

The Family's Adoption Specialist will:

A. Discuss and coordinate with the selected adoptive parent, resources which a child may need (adoption subsidy, counseling, medical, educational services, etc.). In addition, when discussing an adoption subsidy, the Family's Adoption Specialist will be clear that they will only be screening for a determination of special needs, subsidy eligibility, and making a recommendation to the Adoption Unit. The Adoption Specialist will notify the family of approval or denial of an adoption subsidy (See Procedure VIII-I1: Initial Application for Adoption Subsidy). The Family's Adoption Specialist must also explore other resources and assistance that may be available for the child and adoptive family when screening for a subsidy; and
B. Retrieve and properly dispose of "CFS-471: Adoption Disclosure" provided to any pre-adoptive resource family choosing not to move forward with pre-adoptive placement.

The Adoption/Resource Supervisor will:

A. Assign the Child's Adoption Specialist as the Primary Worker in the Assign/Transfer screen. The child remains in the current resource placement until finalization;
B. Enter current resource parent or relative, as an adoptive resource, by completing the Resource Screens;
C. Monitor and ensure an appropriate pre-placement visitation schedule is developed and maintained while ensuring that the plan is modified according to the adjustment of the child and adoptive family throughout the pre-placement process.

The Resource Parent or Out-of-Home Placement Provider will:

A. Help prepare the child for adoption;
B. Participate in the pre-placement and placement activities, as requested by Adoption Specialist;
C. Provide the selected adoptive family with information about the child, as requested by Adoption Specialist;
D. Assess and report the child's feelings, actions and reactions to the Family Service Worker or the Adoption Specialist; and
E. Encourage and support the child to accept the adoptive family.

PROCEDURE VIII-G4: Legal Risk Placement

01~~2~~/2021

The Family Service Worker will:

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A. Evaluate if legal risk placement is appropriate for the child based on the following considerations:
   1) Family history of foster care episodes or prior involuntary termination of parental rights;
   2) Prior placement history of the child;
   3) Special needs of the child;
   4) Sibling group information and placement needs;
   5) Parent's level of current participation in case planning and court ordered services; and
   6) Availability of relative placement and relative permanency options (do not consider legal risk placement if all relative and fictive kin options have not been explored).

~~A.~~B. Conduct a conference with the Adoption Specialist and County Supervisor requesting location of a legal risk placement; and~~.~~

C. Provide all information listed above to the Adoption Specialist during the conference.

The Child's Adoption Specialist will:

A. Email a request for approval of l~~L~~egal risk placement, to the Area Director or designee, to include:
   1) Relative information;
   2) Sibling information;
   3) General circumstances of the case and family;
   4) Special needs of the child;
   5) Legal status of the case; and
   6) Data matching information;

B. Expedite concurrent planning efforts, by preparing CFS-471: Disclosure for Adoption, as soon as discussions of legal risk placement occur; and

C. Upon receipt of approval for legal risk placement from Area Director or designee:
   1) Recruit a legal risk ~~P~~placement for the child or sibling group or verify that the current resource parent wishes to be a legal risk placement; and
   2) Present and explain the "CFS-420: Legal Risk Adoption Placement Agreement," to the selected resource parent(s), if a legal risk adoptive placement is planned. Secure the signature of the resource parent(s) on the CFS-420, and secure approval from the Adoptions Manager or designee prior to placement.

The Area Director or designee will:

A. Review the request for legal risk placement;

B. Submit the request for legal risk placement to the Assistant Director of Community Services or designee; and

C. Email an approval or denial of request to the Adoption Specialist within ~~ten~~five (5) business days.

The Assistant Director of Community Services or designee will:

Mark-Up

A. Review the request for legal risk placement; and
Consult with the Adoption Manager or designee as necessary and email an approval or denial of request to the Area Director or designee within three (3) business days.
B.

PROCEDURE VIII-G54: When a Foster Resource Parent, Provisional Foster Resource Parent, Relative, or Fictive Kin Files a Petition to Adopt is Filed Without Prior Knowledge or Consent of DCFS

01208/202101013

The Family Service Worker or Adoption Specialist, when learning about the petition to adopt, will Notify immediately notify the Area Director or designee, Adoption Supervisor, OCC Attorney, and Adoption Manager or designee, and then follow up with written notification.
:

A. Notify immediately the Area Director or designee, Adoption Supervisor, OCC Attorney and Adoption Manager or designee and follow up with written notification.

The child's caseworker Family Service Worker will:

A. Arrange a staffing to determine if adoptive placement is appropriate to consider;
B. Submit the results and recommendations from the staffing to the Area Director or designee, Adoptions Specialist, and Adoptions Supervisor and Adoption Manager;.
C. Direct staff to follow procedures outlined above;
D. Work with the OCC Attorney, in regard to pending litigation, if it appears that the foster resource parent, provisional foster resource parent, relative, or fictive kin would not be a suitable adoptive parents for the child; and
E. Notify the Adoption Supervisor if information regarding other prospective adoptive families for the child is needed.

PROCEDURE VIII-G65: Post-Placement Services

01008/202113

The Family's Adoption Specialist will:

A. Provide casework, counseling, support, and referral to needed resources and services until the adoption is finalized;.
B. Inform the family about post-adoption services, via "PUB 31: Post Adoptive Services," and document such in Document Tracking in the Division's information management system;
A.
C. Visit weekly during the first month of placement, bi-weekly during the second month of placement and (monthly thereafter) and make contacts as needed with the family until the adoption is finalized;
B.D. Have a private conversation with age-appropriate children during each visit;

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E. ~~Document in~~Submit a narrative, documenting the place and dates of post-placement contacts, conversations about post adoptive services, activities, progress, concerns, etc. Narrative entries regarding visits and services will be approved in ~~CHRIS~~the Division's information management system by the Adoption Supervisor;~~.~~

F. During the fourth month of adoptive placement, complete the Adoption Subsidy Request Packet and submit to Adoption Supervisor by following all procedures as outlined in Procedure VIII-I1; and

G. Forward approved subsidy request to Subsidy Coordinator.

The Child's Adoption Specialist will:

A. Notify pre-adoptive family of the date for a judicial review;~~.~~

B. Recommend initiation of procedures to finalize the adoption, upon receipt of approval of the adoption by the Adoption Supervisor and approval of adoption subsidy, if applicable, and if the child has resided with the ~~foster~~ resource parent, provisional ~~foster~~ resource parent or relative for at least six months. ~~(however~~ However, residence in the home is not required for a minor to be adopted (if in DHS custody) and the minor must reside outside the home to receive medically necessary health care~~)~~;~~.~~

C. Inform the family about post-adoption services, via "PUB 31: Post Adoptive Services," and document such in Document Tracking in the Division's information management system; and

D. Complete all Court Hearing screens, for all judicial reviews, in the Division's information management system.

Finally, the Adoptions Supervisor will review all requests for adoption subsidy and forward a written determination for each request to the Family's Adoption Specialist within 3 business days of receipt of request.

~~B. Inform the family about post-adoption services (provide brochure).~~

PROCEDURE VIII-G7~~6~~: Disruption of Pre-Adoptive ~~Foster~~ Placement~~Parent, Provisional Foster Parent, Relative, or Fictive Kin Adoption~~

01~~21108~~/2021~~0193~~

If disruption ~~(prior to finalization)~~ of an adoptive placement is imminent, the ~~f~~Family's Adoption Specialist will:

A. Provide appropriate services to preserve the family and prevent disruption, if applicable; and~~.~~

~~B. Notify the Adoption Supervisor, County Supervisor, Family Service Worker, Adoption Manager, OCC Attorney and attorney ad litem.~~

~~C. In CHRIS:~~

~~1) Document the staffing, reason for disruption, and all contacts with adoptive family in the Contacts Screen.~~

~~2) Exit child from current adoptive home placement selecting Placement Resource Requested Removal or Child Requested Change of Placement in the Enter/Exit Screen.~~

~~3) Transfer the case back to the last Primary Assigned Family Service Worker in the Assign/Transfer Screen.~~

~~D. Schedule and conduct a staffing to include those listed above and the foster parents, provisional foster parent(s) or relative, any age appropriate child, and any other significant individuals.~~

~~E. Return case management responsibility to the Family Service Worker of the initiating county and transfer primary worker designation in CHRIS back to the Family Service Worker if it is not the plan to immediately select another adoptive family, and disruption occurs. Return the child's paper record back to the Family Service Worker within five working days of the disruption.~~

B. Prepare the adoptive family for the disruption and provide casework counseling and referrals for needed services.

If disruption of an adoptive placement is imminent, the Child's Adoption Specialist will:

A. Schedule and conduct a staffing to include those listed above and the resource parents, provisional resource parent(s) or relative, any age appropriate child, and any other significant individuals;

B. Immediately notify the Adoption Supervisor, Adoptions Manager, County Supervisor, Family Service Worker, Adoption Manager, OCC Attorney, and attorney ad litem;

C. In the Division's information management system:

1) Document the staffing, reason for disruption, and all contacts with adoptive family in the Contacts Screen; and

2) Exit the child from their current adoptive home placement by selecting Placement Resource Requested Removal or Child Requested Change of Placement, in the Enter/Exit Screen; and

D. Prepare the child for the disruption and provide casework, counseling, and referrals for needed services.

The Adoption Supervisor will:

A. Transfer the case back to the last Primary Assigned Family Service Worker in the Assign/Transfer Screen; and

B. Return case management responsibility to the Family Service Worker (of the initiating county) and transfer primary worker designation (in the Division's information management system) back to the Family Service Worker~~,~~ if it is not the plan to immediately select another adoptive family, and disruption occurs. Return the child's paper record back to the Family Service Worker within five (5) working days of the disruption.

PROCEDURE VIII-G8: When a Child Dies Prior to Finalization of Adoption

01/2021

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Upon the death of a child who is in a pre-adoptive placement, the Child's Adoption Specialist will inform the resource parent(s) that:

A. The adoption decree may be finalized through the court, upon parent's request. The parents have thirty (30) days to make such request;
B. The child's last name may be legally changed to that of the adoptive family and may be inscribed on a headstone or other memorial marker;
C. The child may be buried in a location specified by the family; and
D. The Division will pay for reasonable, ordinary, and necessary funeral expenses.

Adoption staff will include the following documents in the adoption packet:

A. "CFS-432: Checklist for Recommendation for Finalization;"
B. Initial home study of the adoptive family and all updates;
C. "CFS-418: Adoption Summary" of the child and all updates;
D. "CFS-471: Signed Disclosure for Adoption;"
E. Report of Adoption (accessible at: http://www.healthy.arkansas.gov/images/uploads/pdf/resource);
F. Court order terminating parental rights;
G. Certified birth certificate of child;
H. FBI, state criminal record checks, and child maltreatment checks as applicable;
I. "CFS-428: Adoption Assistance," if applicable;
J. Adoption Information Sheet; and
K. Death Certificate or medical notes recording the death.

The Adoption Supervisor may approve the adoption consent. Any denial of a postmortem adoption decree must be reviewed by the Division Director or designee.

PROCEDURE VIII-G9~~7~~: Finalization of an Adoption

01~~2071102~~/2021~~0191~~

The Child's Adoption Specialist will:

A. ~~-~~Fforward the following to the Adoption Supervisor when submitting the recommendation to finalize the adoption:
   1) "CFS-432: Checklist for Recommendation for Finalization;"~~;~~
   ~~2) CFS-414: Change of Status~~
   ~~3)~~2) Initial ~~adoption~~ home study of the adoptive family and all updates;
   ~~4)~~3) "CFS-418: Adoption ~~s~~Summary" of the child and all updates;
   ~~5)~~4) "CFS-471: Signed ~~disclosure form~~Disclosure for Adoption;"
   5) ~~Post-placement narrative~~Report of Adoption (accessible at http://www.healthy.arkansas.gov/images/uploads/pdf/resource);
   6) Court order terminating parental rights;
   7) Certified birth certificate of child;
   8) FBI, ~~and~~ state criminal record checks, and child maltreatment checks as applicable;

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9) "CFS-428: Adoption Assistance" (if applicable); and
10) Adoption Information Sheet;

B. In the Division's information management system, complete the Adoption Characteristics and Medical section of the Child's Characteristic's Screen;

~~B.~~

~~C.~~

~~D. The Adoption Specialist will:~~

C. Inform the family of post-adoption services utilizing "Pub 31: Post Adoptive Services;"~~.~~

~~E.~~

D. Document in ~~case record~~the Division's information management system narrative the plan of action to resolve barriers to finalizing the adoption (if the Adoption Supervisor does not agree with the recommendation). Inform the family of the recommendation;~~.~~

E. Monitor and document the implementation of the plan of action and progress toward achieving the plan;

F. Assist OCC Attorney in completing the Report of Adoption;

G. Provide detailed instructions for obtaining a new birth certificate to the adoptive family upon adoption finalization;

H. Forward within five (5) working days of Supervisor approval a packet of information to the OCC Attorney or Private Agency Attorney which includes:

1) Signed CFS-471: Adoption Disclosure;
2) Certified birth certificate of child;
3) Termination of parental rights court order;
4) Home study of the adoptive family;
5) Child's CFS-418: Adoption Summary and updates;
6) CFS-428: Adoption Assistance, if applicable;
7) FBI, state criminal and child maltreatment record checks as applicable;
8) Adoption Information Sheet; and
9) Report of Adoption;

I. Obtain a certified copy of the final decree of adoption and supplemental adoption order and place them in the child's case file;

~~F.~~

~~G. Monitor and document the implementation of the plan of action and progress toward achieving the plan.~~

~~H. Assist OCC Attorney in completing the adoption coupon and securing the fee from the family for an amended birth certificate.~~

~~I. Forward the child and adoptive family records to the Adoption Services Unit when the adoption is finalized.~~

~~J. The final decree of adoption shall be entered into the child's record prior to forwarding any records.~~

~~K.~~ In ~~CHRIS~~the Division's information management system:

J.

1) Child Protective Service Case:

~~a) Child Protective Service Case:~~

a) Ensure pre-adoptive parent has been added as a collateral in the Collateral Information Screen;
b) Enter a contact in the Contacts screen, addressing the court hearing and documenting, as appropriate, case closure staffing, adoption contact, and legal services;
c) Complete Affidavit Screen, including the post-adoptive services tab;
d) Complete a discharge CANS and update service status for all children to be adopted;
e) Exit child out of current 'pre-adoptive' placement by selecting Adoption as Exit Reason and entering the finalized adoption date as Exit Date;
f) Ensure completion of the Termination of Parental Rights Screen, for each of the child's parents, in the Division's information management system;
g) Complete the Court Hearing screen for the hearing that finalized the adoption;
h) Complete necessary steps under "Adoption Case" below;
~~b) Exit child out of current 'pre-adoptive' placement by selecting Adoption as Exit Reason and entering the finalized adoption date as Exit Date.~~
i) Close child protective service case in Case Summary screen if all children are adopted and no other child protective services are being offered to birth family or siblings and~~.~~
j) End--date all children to be adopted, in the Client Screen, if Protective Services case is to remain open;

2) Adoption Case:
~~c)~~
~~d) Adoption Case:~~
a) Open New Adoption Case with adoptive parents and adoptive child as clients or locate previous adoption case and reopen, as appropriate;
~~e)~~
b) Complete Client General Information Screens on all clients, including Relationship Screens~~;~~ (retrieve the adoptive child's characteristics, eligibility, and affidavit of disclosure screens from old child protective service case);
c) Complete Adoption Screens;
~~f)~~
d) Complete Adoption Subsidy Screens ~~if adoptive parents are receiving an adoption subsidy~~, as applicable, and click Approval button to submit subsidy for supervisor approval;
e) Associate the adoptive case with the child's Protective Service Case by entering Other and then Make Association. Enter the case number for the Protective Service Case to create an association; and
~~g)~~
f) Document contacts with adoptive family in Contacts Screen;~~.~~

K. Scan and email the following to Eligibility Unit Analyst and Subsidy Coordinator:
1) CFS-494: Notification of Adoption for Medicaid;

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2) Decree of Adoption; and
3) Approved Adoption Subsidy;

L. By interoffice mail, deliver to the Subsidy Coordinator the Decree of Adoption, Petition for Adoption and original signed Adoption Subsidy.

The Adoption Supervisor will:

~~A.~~ Assess the legal packet, information, and recommendation~~,~~ which has been forwarded by the Adoption Specialist, within five (5) working days;~~.~~

~~B. Sign the CFS-414: Change of Status if it is agreed that procedures to finalize the adoption should be initiated.~~

~~C.~~A. ~~Send a copy of the signed CFS-414: Change of Status to the Adoption Specialist.~~

~~D.~~B. Prepare and sign a consent for adoption if it is agreed that procedures to finalize the adoption should be initiated;~~.~~

~~E.~~C. Notify the Adoption Specialist in writing to explain if there is disagreement to initiating the procedures to finalize the adoption;~~.~~

D. Formulate with the Adoption Specialist a plan of action to resolve the barriers to finalizing the adoption; and

~~F.~~E. Assign the finalized adoption case as primary to the Adoption Manager.

~~The Adoption Specialist will:~~

~~A. Forward within five working days a packet of information to the OCC Attorney or Private Agency Attorney which includes:~~

~~1) Signed consent to the adoption~~
~~2) Certified birth certificate of child~~
~~3) Termination of parental rights court order~~
~~4) Adoption home study of the adoptive family~~
~~5) Child's adoption summary (The child's adoption summary serves as the detailed, written health history and genetic and social history and must be filed with the clerk before the entry of the adoption decree.)~~
~~6) CFS-428: Adoption Assistance if applicable~~
~~7) FBI and state criminal record checks as applicable~~
~~8) Post-placement narrative~~

~~PROCEDURE VIII-G8: Post-Adoption Services~~

~~09/2011~~

~~After an adoption has been finalized, the following services may be offered to help preserve adoptive families:~~

~~A. Adoption subsidy~~
~~B. Mutual Consent Voluntary Adoption Registry~~
~~C. Casework management~~
~~D. Information about, and referral to, service providers~~
~~E. Respite care~~
~~F. Education and training~~
~~G. Adoptive parent support groups~~
~~H. Resource library~~

Mark-Up

I. Intensive Family Services;
J. Family Support Services

The Adoption Specialist will:

A. Arrange these services upon request from the adoptive family.
B. Assist the adoptive family in completing forms and in following procedures.

Document contacts, activities, progress, concerns, etc.

PROCEDURE VIII-G99: When a Child Dies Prior to Finalization of Adoption

0711/202019

Pre-adoptive parents may request that DCFS petition the court to make a final decree of adoption on a child placed in their home for adoption, but who died prior to the finalization. Pre-adoptive homes include:

A. Placements where the child has been placed in foster resource care for pre-adoption with parental rights terminated.
B. Foster Resource homes in which the parents have made a formal request (CFS-489: Request for Consideration to Adopt) to adopt a child currently placed in their home for foster foster care.
C. Any home in which a provisional foster resource parent with custody has submitted official notice of intent to adopt the child placed with them.

The following criteria and guidelines apply to any post-mortem adoption in which DCFS provides legal assistance:

A. All adoptions require DCFS consent.
B. An adoption subsidy will not be paid. (This does not refer to legal assistance provided by the Office of Chief Counsel when finalizing the adoption decree.)

Adoption staff will include the following documents in the adoption packet:

CFS-432: Checklist for Recommendation for Finalization
Initial home study of the adoptive family and all updates
CFS-418: Adoption Summary of the child and all updates
CFS-471: Signed Disclosure for Adoption
Report of Adoption (accessible at http://www.healthy.arkansas.gov/images/uploads/pdf/resource)
Court order terminating parental rights
Certified birth certificate of child
FBI, state criminal record checks, and child maltreatment checks as applicable
CFS-428: Adoption Assistance, if applicable
Adoption Information Sheet
Death Certificate or medical notes recording the death
A. An approved home study or a pre-study for relative/provisional pre-adoptive parents
B. Most recent background check of appropriate household members
C. Notarized DHS Consent form, specifically naming the deceased child
D. Adoption Summary (if available)
E. Birth certificate
F. Death Certificate or medical notes recording the death
G. Putative Father Registry document provided by OCC
H. Any additional materials or documents required by the court

Mark-Up

~~The Adoption Supervisor may approve the adoption consent. Any denial of a post mortem adoption decree must be reviewed by the Division Director or designee.~~

~~**Actions to be Taken in Response to Death:**~~
~~When a child dies in a pre-adoptive home and there is no probable cause to suspect abuse or neglect, adoptive parents eligible for post-mortem adoption may request additional court approved services and accommodations.~~

~~The caseworker Child's Adoption Specialist will inform the adoptive parent(s) that:~~

~~A. The adoption decree may be finalized through the court upon parent's request and they have thirty (30) days to make such request.~~
~~B. The child's last name may be legally changed to that of the adoptive family and may be inscribed on a headstone or other memorial marker.~~
~~C. The child may be buried in a location specified by the family.~~
~~The Division will pay for reasonable, ordinary, and necessary funeral expenses.~~

PROCEDURE VIII-G10: Post-Adoption Services

01/2021

After an adoption has been finalized, the following services may be offered to help preserve adoptive families:

A. Adoption subsidy;
B. Casework management;
C. Education and training;
D. Family Support Services;
E. Information about, and referral to, service providers;
F. Mutual Consent Voluntary Adoption Registry;
G. Resource library;
H. Respite care; and
I. Support groups.

The Adoption Specialist will:

A. Open a supportive services case for the family;
B. Make referrals and arrange services upon request from the adoptive family;
C. Assist the adoptive family in completing forms and in following procedures;
D. Document contacts, activities, progress, concerns, etc. in Provider Screens;
E. Request and participate in an Interdivisional Staffing, as appropriate; and
F. For cases remaining open more than thirty (30) days, transfer the supportive services case to a protective services unit for assignment to FSW for further provision of services.

The Adoption Supervisor will:

A. Assign the case to a Protective Services case unit inbox; and
B. Consult with Protective Services Unit Supervisor to provide information regarding the needs of the family.

Mark-Up

The Protective Services Unit Supervisor will:

A. Assign the case to an FSW for service provision;
B. Transfer information from Adoption Supervisor to FSW; and
C. Ensure appropriate services are provided for family preservation.

The FSW will:

A. Provide foster care and reunification services as appropriate.

Procedure VIII-G11: Legal Custodian Petition to Adopt a Child Previously in Foster Care

When custody of a child in foster care has been awarded to an individual and the child experiences a subsequent termination of parental rights, the individual to whom custody was awarded may petition the Division to provide services to adopt the child. In such circumstances, the Division will encourage individuals to become a fully approved resource home. If a child was IV-E eligible prior to custody being granted, then the child is eligible for an adoption subsidy. If a child was non-IV-E eligible prior to custody being granted, then the child is not eligible for adoption subsidy. In all cases, to complete the adoption, the Division will be responsible for fees.

The Family Service Worker will:

A. Verify that termination of p~~P~~arental r~~R~~ights has occurred;
B. Request secondary assignment to Resource Worker;
C. Complete "CFS-426: Adoption Packet Checklist" for the child and provide the checklist to the Adoption Supervisor within fourteen (14) business days; and
D. Upon provision of completed "CFS-426: Adoption Packet Checklist," request primary assignment be made to Adoption Specialist.

The Resource Worker will:

A. For custodians who elect to become an open resource home:
    1) Follow Policy VII-C: Resource Home Assessment Process to open the home as a fully licensed resource home;
B. For custodians who do not elect to become an open resource home:
    1) Gather all available documentation and document in Provider Screens in the Division's information management system, as appropriate;
    2) Work with the family to obtain background checks; and
    3) Ensure the family is opened as a resource home by working with the Division's information management system support staff to complete necessary Provider Screens despite gaps in available information.

The Adoption Specialist will:

Mark-up

A. Follow Procedures "VIII-G7: Post-Placement Services" and "VIII-G9: Finalization of an Adoption."

The Adoptions Supervisor will:

A. Review "CFS-426: Adoption Packet Checklist" to ensure completeness; and
B. Upon verification of "CFS-426: Adoption Packet Checklist," complete the submission of the primary case assignment to the Adoption Specialist.

Mark-Up

~~D.~~

~~E.~~

~~The Adoption Specialist will inform the pre-adoptive parents that:~~

~~F. They have 30 days to request that DCFS finalize the adoption.~~

~~G. After 30 days, they may seek finalization through the court.~~

Mark-Up

POLICY VIII-H: Legal Custodian Petition to Adopt a Child Previously in Foster Care

01/2021

When custody of a child in foster care has been awarded to an individual and the child experiences a subsequent termination of parental rights, the individual to whom custody was awarded may request the Division to provide services to adopt the child. In such circumstances, the Division will encourage individuals to become a fully approved resource home. If a child was IV-E eligible prior to custody being granted, then the child is eligible for an adoption subsidy. If a child was non-IV-E eligible prior to custody being granted, then the child is not eligible for adoption subsidy. The Division will be responsible for fees to complete the adoption in all cases.

PROCEDURE VIII-H1: Legal Custodian Petition to Adopt a Child Previously in Foster Care

01/2021

The Family Service Worker will:

A. Verify that t~~T~~ermination of parental rights has occurred;
B. Request secondary assignment to Resource Worker;
C. Complete CFS-426: Adoption Packet Checklist for child and provide to Adoption Supervisor within fourteen (14) business days; and
D. Upon provision of completed CFS-426: Adoption Packet Checklist request primary assignment be made to Adoption Specialist.

The Resource Worker will:

A. For custodians who elect to become an open resource home:
    1) Follow Policy VII-C: Resource Home Assessment Process to open the home as a fully licensed resource home.
B. For custodians who do not elect to become an open resource home:
    1) Gather all available documentation and document in Provider Screens in the Division's information management system as appropriate;
    2) Work with the family to obtain background checks; and
    3) Ensure the family is opened as a resource home by working with the Division's information management system support staff to complete necessary Provider Screens (despite gaps in available information).

The Adoption Specialist will:

Proposed

A. Follow Procedures VIII-G9: Finalization of an Adoption and VIII-G10: Post-Adoption Services.

The Adoptions Supervisor will:

A. Review CFS-426: Adoption Packet Checklist to ensure completeness; and
B. Upon verification of CFS-426: Adoption Packet Checklist, complete primary case assignment to Adoption Specialist.

Proposed

POLICY VIII-I: ADOPTION SUBSIDY

01~~08~~/2021~~14~~

The Division of Children and Family Services (DCFS or the Division) provides an ~~federal (title IV-E) or state funded~~ adoption subsidy as a service to assist in making adoption possible for a child, who, with special needs, might not otherwise be adopted and for whom a family is not readily available. A subsidy is allocated for the purpose of meeting the needs of the child. In addition, payments for one-time expenses, known as a non-recurring adoption subsidy, may be obtained in order to reimburse the family for out-of-pocket pre-adoptive or finalization expenditures.

A child must be legally free for adoption with parental rights terminated for an adoption subsidy to be put in place. No payment may be made to parents with respect to any applicable child that is not a citizen or resident of the United States, was adopted outside of the United States, or was brought into the United States for the purpose of being adopted. A child that is not a citizen or resident of the US, was adopted outside the US, or brought into the US for the purpose of being adopted, may become eligible for adoption assistance payments if the initial adoption of the child by the parents is a failure and the child is subsequently placed into foster care.

A child in foster care placed in an adoptive home continues status as a child in foster care until finalization of the adoption and the adoption subsidy is initiated.

Any individual who is adopting or who is considering adopting a child who is in foster care will be notified of their potential eligibility for a Federal Adoption Tax Credit.

The adoptive parents are required to inform the Division of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.

Adoption subsidies can be funded through federal title IV-E adoption assistance or state funds depending on the child's eligibility.
~~A child in foster care placed in an adoptive home continues status as a child in foster care until finalization of the adoption and the adoption subsidy is initiated.~~

FEDERAL TITLE IV-E SUBSIDY

To be eligible for federal Title IV-E adoption assistance, the child must meet the special needs determination and IV-E eligibility rules.

Special Needs Determination

To be considered a child with special needs, a child must meet the criteria below:~~A child with special needs is defined as a child who~~

A. ~~-~~The state has determined the child cannot or should not be returned to the home of his parents.~~is free for adoptio~~

~~A.~~B. The state has determined that a specific factor or condition, or combination of factors and conditions, make the child more difficult to place for adoption without

Mark-Up

providing title IV-E adoption assistance or title XIX medical assistance. In Arkansas these factors are:~~n and belongs to a group of children for whom the Division does not have an adequate resource of approved applicants to provide a pool of available waiting adoptive families. Other children may be eligible for adoption assistance under this category if they have severe medical or psychological needs that require ongoing rehabilitation or treatment. These children include:~~

~~1.~~ A~~a~~ Caucasian child nine (9) years or older;~~,~~

1.

~~2.~~ A~~a~~ ~~healthy~~ child of color who is two (2) years or older; or

2.

3. A~~a~~ member of any sibling group being placed together, who share at least one (1) biological parent and who have either lived together or otherwise developed a bond prior to adoptive placement.

4. A child with a severe medical or psychological need that requires ongoing rehabilitation or treatment.

   a) Children at high risk for the development of a serious physical, mental, developmental, or emotional condition may also be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, including children exposed to or affected by maternal misuse of substances at birth (Garrett's Law). But no subsidy payment will be made without documentation that the child has developed the actual condition (see Procedure VIII-I1).

C. The state must determine that in each case a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made such as the use of adoption exchanges, referral to appropriate specialized adoption agencies.

~~1.~~ The exception to this requirement is when it would not be in the best interests of the child because of factors such as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child or adoption by a relative.~~, and~~In which case ~~the child is:~~

1.

2. In an effort to find an appropriate adoptive home for a child, and meet the requirement that a reasonable, but unsuccessful, effort be made to place the child without adoption assistance, DCFS will not unnecessarily lengthen the child's time in foster care in doing so. Once it is determined that placement with a certain family is in the child's best interest, DCFS will continue to work toward adoption finalization.

3. If it is determined that the child cannot or should not return home and the child meets the special needs definition, then the Adoption Specialist can pose the

Mark Up

question of whether the prospective adoptive parents are willing to adopt without assistance. If they say cannot adopt the child without adoption assistance, the requirement for a reasonable, but unsuccessful, effort to place the child without providing adoption assistance will be met.

4. It must be documented in each child's case record the specific factor(s) that make the child difficult to place and describe the efforts to place the child for adoption without providing assistance.

~~1. Llegally free for adoption with parental rights terminated,;~~

~~Uunder eighteen (18) years old and whose adoption has not been finalized prior to approval of the subsidy,;~~

~~(for the purposes of a State Subsidy only), iIn DHS custody (for the purposes of a State Subsidy only),, or;~~

~~Aa member of a Non-Custody/ or Out-of-Home Placement Services case, or; and~~

~~Iwho is SSI eligible at the time the adoption petition is filed.~~

~~Children at high risk for the development of a serious physical, mental, developmental, or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, including children exposed to or affected by maternal misuse of substances at birth (Garrett's Law),. but But, no subsidy payment will be made without documentation that the child has developed the actual condition (see Procedure VIII-I1).~~

~~Adoption subsidies can be funded through federal title IV-E adoption assistance or state funds depending on the child's eligibility.~~

~~Any individual who is adopting or who is considering adopting a child who is in foster care will be notified of their potential eligibility for a Federal Adoption Tax Credit.~~

~~Adoption assistance payments may be made to parents who adopt a child with special needs. A child will not be considered special needs unless:~~

~~A. The state has determined the child cannot or should not be returned to the home of his parents;~~

~~B. The state has determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group; or the presence of factors such as medical conditions or physical, mental, or emotional disabilities). Bbecause of of this factor or condition,which it is reasonable to conclude that such a child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and,~~

Mark-Up

C. A reasonable, but unsuccessful, effort has been made to place the child, only without providing assistance except in situations where it the placement would be against the best interest of the child (due to such factors such as the existence of significant emotional ties with prospective adoptive parents while the foster child is in the care of such parents as a child in foster care).

D. For the purpose of this policy, "AFDC" refers to the AFDC program as in effect 7-16-1996.

Title IV-E Eligibility Rules

Once the above special needs criteria are met, there are six (6) ways by which a child can be eligible for Title IV-E adoption assistance. The child only needs to qualify in one of the following ways:

There are five four ways that a child can be eligible for title IV-E adoption assistance:

A. The child is AFDC-eligible and meets the definition of a child with special needs.

   Adoption assistance eligibility that is based on a child's AFDC eligibility is predicated on a child meeting the criteria both at the time of removal and in the month the adoption petition is initiated. At the time adoption proceedings were initiated, the child must have been removed from the home of a specified relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of the child. For the purpose of adoption assistance, a child must meet the AFDC criteria in the specified relative's home from which he or she is removed. In addition, the special needs determination must be made prior to finalization of the adoption.

B. The child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs.

   A child is eligible for adoption assistance if, at the time the adoption petition is filed, the child meets the requirements for title XVI SSI benefits, and prior to the finalization of the adoption is determined by the state to be a child with special needs. There are no additional criteria that a child must meet to be eligible for title IV-E adoption assistance when eligibility is based on a child with special needs meeting SSI requirements. Specifically, how a child is removed from his home or whether the state has responsibility for the child's placement and care is irrelevant in this situation. The child's eligibility for SSI benefits must be established no later than at the time the adoption petition is filed.

C. The child is eligible as a child of a minor parent and meets the definition of a child with special needs.

Mark-Up

A child is eligible for title IV-E adoption assistance in this circumstance if:

1. The child's parent is in foster care and receiving title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated;~~,~~ AND
2. Prior to the finalization of the adoption, the child of the minor parent is determined by the state to meet the definition of a child with special needs.

There is no requirement that a child must have been removed from the home as a result of a judicial determination. However, if the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances.

D. Age at Adoption.

Beginning January 1, 2018 through June 30, 2024, all children age two (2) or older by the end of that fiscal year are eligible based on age. Starting July 1, 2024 all children will be eligible based on age. Younger children adopted with their age-eligible siblings are also IV-E eligible.

E. Length of Time in Foster Care

As of October 1, 2009, children with special needs who have been in care for at least sixty (60) consecutive months became eligible for IV-E adoption assistance. Siblings of these children will also be eligible (regardless of their length of time in care) if they are adopted with the eligible sibling.

~~D.~~F. The child is eligible due to prior title IV-E adoption assistance eligibility~~ and meets the definition of a child with special needs~~.

In the situation where a child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the state prior to the finalization of the subsequent adoption is whether the child is a child with special needs. Need and eligibility factors must not be re-determined when such a child is subsequently adopted because the child is to be treated as though his circumstances are the same as those prior to his previous adoption. Since title IV-E adoption assistance eligibility need not be reestablished in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

Mark-Up

E. Due to changes in federal guidelines, some children in foster care who are currently receiving a state-funded subsidy may be eligible for a federal IV-E adoption maintenance subsidy.

F.

Beginning federal fiscal year 2010, which started October 1, 2009, newly adopted children who have been in foster care for at least 60 consecutive months and/or who are 16 years of age or older will be eligible for IV-E adoption assistance as long as they meet their state's definition of special needs and meet other requirements for IV-E eligibility. These requirements include 1) for court-ordered placements, that the initial placement in care was in the child's best interests and that reasonable efforts to prevent removal were made or are not required to be made and 2) for all placements, that reasonable efforts to finalize the permanency plan were made (and updated every year). Further, children placed with siblings who qualify due to age or length of time in care will also be considered IV-E eligible for adoption assistance.

As shown below, eligibility will be phased in by age over a nine year period. Children become eligible if they turn the listed age any time during the fiscal year. The federal fiscal year begins the first day of October each year and ends the last day of September the following year.

Federal Fiscal Year	Age of Eligibility	Date of Birth
2010	16 and older	October 1, 1994
2011	14 and older	October 1, 1997
2012	12 and older	October 1, 2000
2013	10 and older	October 1, 2003
2014	8 and older	October 1, 2006
2015	6 and older	October 1, 2009
2016	4 and older	October 1, 2012
2017	2 and older	October 1, 2015
2018	All children	

STATE SUBSIDY

By 2018, nNewly adopted children of all ages, who are diagnosed with special needs and meet the other IV-E eligibility requirements, will be eligible for federal adoption assistance.

If eligible, the Division will make adoption assistance payments to adoptive parents in amounts so determined through an adoption assistance agreement. The amount of such payment:

A. Will take into account the circumstances of the adopting parents and the needs of the child being adopted;

~~B. May be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and~~

~~C. May not exceed the foster care maintenance payment, which would have been paid during (if the child with respect to whom the adoption assistance payment is made had been in a foster resource home).~~

A state funded adoption subsidy may be available to a child who is not IV-E eligible provided that the child is in DHS custody and meets the special needs definition.

A state legal subsidy may be defined as OCC legal services provided for children in DHS custody. A legal subsidy does not include the use of a private attorney. The children are eligible for a legal subsidy whether or not they meet the criteria for special needs and without regard to eligibility for IV-E, state maintenance subsidy, or non-recurring subsidy. Adoption assistance payments may be terminated if it is determined that:

A. The child has attained the age of eighteen (18);
B. The parents are no longer legally responsible for the support of the child; or~~,~~
C. The child is no longer receiving support from the adoptive parents.

SUBSIDY AMOUNT

If eligible, the Division will make adoption assistance payments to adoptive parents in amounts so determined through an adoption assistance agreement. The amount of such payment:

A. Will take into account the circumstances of the adopting parents and the needs of the child being adopted;
B. May be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and
C. May not exceed the child's foster care maintenance payment that is in effect at the time a subsidy is approved (if the child with respect to whom the adoption assistance payment is made had been in a resource home).

The standard foster care maintenance board rate scale is found below. These rates are effective for board payments made November 2009 and after. New rates will not be paid until the child reaches the next age range.

Age of Child	Amount of Monthly Maintenance
Birth through 5 years	$410.00
6 through 11) years	$440.00
12 through 14 years	$470.00
15 through 17 years	$500.00

Mark-Up

A request for a larger monthly adoption maintenance subsidy may be made for a child who has received a higher than standard monthly foster care board payment. A monthly subsidy payment cannot exceed the child's foster care board rate which is in effect at the time a subsidy is approved.

Special Board Rate formulas and procedures will be used strictly as guides in determining an appropriate nonstandard rate to discuss with the family and to use in negotiating a lower subsidy rate (when appropriate). No subsidy will exceed $460.00 above the standard board rate for the child's age group. However, if the child is SSI eligible, the rate can go up $460.00 above the SSI rate.

Special subsidies are state funded, and the Adoption Subsidy Coordinator, Adoption Services Unit, will consider the child's eligibility on a case-by-case basis. The consideration will be based on the information developed during the Adoption Specialist's determination of the child's special needs in relation to adoption planning. The adoptive parent's gross income will be considered, as well as other financial resources and health insurance, in determining eligibility for a special subsidy. For more information, see Procedure VIII-I1: Application for Adoption Subsidy.

SUBSIDY DENIAL

If any application for an adoption subsidy for a child under the age of eighteen (18) is initially denied, in accordance with federal regulations, the adoptive family may appeal the decision.

The types of situations that would constitute grounds for an appeal include:

A. Relevant facts regarding the child, the biological family or the child's background were known, but not presented to the adoptive parents prior to the adoption's finalization;
B. Any subsidy decision which the adoptive parents deem adverse to the child;
C. Erroneous determination by the Division that a child is ineligible for adoption assistance; and
D. Failure by the Division to advise adoptive parents of the availability of adoption assistance.

If an appeal is upheld, the child may be eligible for a federal (Title IV-E) or state subsidized adoption. The effective date of a federal (Title IV-E) retroactive subsidy payment will be the date of final order issued by the Administrative Law Judge.

SUBSIDY EXTENSION

Adoption assistance payments may be extended to the age of twenty-one (21) if the child has a mental or physical disability which warrants continuation, and a federally-funded subsidy or state maintenance is received. If the state determines the youth has a mental or physical handicap that warrants the continuation of the adoption subsidy assistance up to the age of twenty-one (21),

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that youth is not subject to the education and employment requirements listed below for youth ages eighteen (18) through twenty-one (21).

Requests for extension of adoption subsidy agreements up to age twenty-one (21), due to a mental or physical handicap, must be submitted by the adoptive parent(s) to the Adoption Manager or designee at least three (3) months prior to the termination of the current adoption subsidy agreement. Such extension requests received after this time-frame, (to include after the youth has turned eighteen (18) but not yet reached the age of twenty-one (21), may still be considered. However, any subsidy agreement that is extended past the age of eighteen (18) due to a mental or physical handicap will take effect on the date of the new subsidy agreement (reflecting that the extension is signed). Any monthly subsidy payments that were not made between the end date of the initial subsidy agreement and the date of the new subsidy agreement, reflecting a subsidy extension past age eighteen (18), will not be made retroactively.

In addition, if the child was adopted at age sixteen (16) or older, the adoption subsidy may be extended until age twenty-one (21) under the following circumstances:

A. The child is completing secondary education or a program leading to an equivalent credential; or,
B. The child is enrolled in an institution which provides post-secondary or vocational education; or,
C. The child is participating in a program or activity designed to promote, or remove barriers to, employment; or,
D. The child is employed for at least eighty (80) hours per month; or,
E. The child is incapable of doing any of the above described activities due to a medical condition.

The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches twenty-one -(21) years of age.

~~The adoptive parents are required to inform the Division of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.~~

~~No payment may be made to parents with respect to any applicable child that is not a citizen or resident of the United States and, was adopted outside of the United States, or was brought into the United States for the purpose of being adopted. A child that is not a citizen or resident of the US, and was adopted outside the US, or brought into the US for the purpose of being adopted, may be~~become ~~eligible for adoption assistance payments if the initial adoption of the child by the parents is a failure and the child is subsequently placed into foster care.~~

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ADOPTION ASSISTANCE AGREEMENT

An Adoption Assistance Agreement, which is a written binding agreement between the adoptive parents, the Division, and other relevant agencies, must be ~~in place~~signed and in effect at the time of or prior to the final decree ~~ization~~ of ~~the~~ adoption.

The Adoption Assistance Agreement must:

A. Be signed by the adoptive parents and the Division, and be in effect before adoption assistance payments are made under T~~t~~itle IV-E, but no later than the finalization of the adoption;
B. Specify the duration of the agreement;
C. Specify the amount of the adoption assistance payment (if any) and the nature and amount of any other payments, services, and assistance to be provided (including non-recurring adoption expenses in agreements that became effective on or after January 1, 1987, for expenditures incurred by the parents on or after that date);
D. Specify the child's eligibility for title XIX and title XX; ~~and~~
E. Specify, with respect to agreements entered into on or after October 1, 1983, that the agreement remains in effect regardless of the state of residence of the adoptive parents; and
F. Contain provisions for the protection of the interests of the child in case the adoptive parents and child should move to another state while the agreement is in effect,~~;~~ or~~and~~ for agreements entered ~~into~~ on or after October 1, 1983~~,~~ (if needed).

If the service specified in the agreement is not available in the new state of residence, the state making the original assistance payment remains financially responsible for providing the specified service(s).

However, in cases of unknown medical and psychiatric conditions that surface after finalization, applications for federally funded assistance may be submitted. Any subsidy requests that are denied may undergo the appellate process to be upheld or reversed. For adoption subsidies that are requested and approved after adoption finalization has occurred, the Adoption Assistance Agreement (and, therefore, subsidy payments) will go into effect based on the adoption subsidy application approval date (i.e., not the adoption finalization date).~~–~~ This includes both IV-E and non-IV-E subsidies.

Any Adoption Assistance Agreement put in~~to~~ place after finalization of an adoption must:

A. Be signed by the adoptive parents and the Division and be in effect before adoption assistance payments are made under T~~t~~itle IV-E;
B. Specify the duration of the agreement;

Mark-Up

C. Specify the amount of the adoption assistance payment (if any) and the nature and amount of any other payments, services, and assistance to be provided (including non-recurring adoption expenses in agreements that became effective on or after January 1, 1987, for expenditures incurred by the parents on or after that date);
D. Specify the child's eligibility for title XIX and title XX;
E. Specify, with respect to agreements entered into on or after October 1, 1983, that the agreement remains in effect regardless of the state of residence of the adoptive parents; and
F. Contain provisions for the protection of the interests of the child in case the adoptive parents and child should move to another state while the agreement is in effect; and for agreements entered ~~into~~ on or after October 1, 1983, if needed.

~~If any application for an adoption subsidy for a child under the age of eighteen (18) is initially denied, in accordance with federal regulations, the adoptive family may appeal the decision.~~

~~The types of situations that would constitute grounds for an appeal include:~~

~~A. Relevant facts regarding the child, the biological family or the child's background were known, but not presented to the adoptive parents prior to the adoption's finalization;~~
~~B. Any subsidy decision which the adoptive parents deem adverse to the child;~~
~~C. Erroneous determination by the Division that a child is ineligible for adoption assistance; and,~~
~~D. Failure by the Division to advise adoptive parents of the availability of adoption assistance.~~

~~If an appeal is upheld, the child may be eligible for a federal (Ttitle IV-E) or state subsidized adoption. The effective date of a federal (Ttitle IV-E) retroactive subsidy payment will be the date of finalization or a date subsequent to finalization.final order issued by the Administrative Law Judge.~~

~~For foster parent and relative adoptions, it is not necessary to determine that without subsidy the child would not otherwise be adopted.~~

~~Payments for a maintenance subsidy and special services subsidy are to meet the needs of the child. In addition, payments for one-time expenses, known as a non-recurring adoption subsidy, may be obtained in order to reimburse the family for out-of-pocket pre-adoptive/finalization expenditures.~~

STATUS OF SUBSIDY WHEN A CHILD RE-ENTERS FOSTER CARE

When a child with an approved adoption subsidy enters foster care, adoption subsidy payments will continue to the adoptive parents. DCFS will work with Office of Chief Counsel to identify parents receiving adoption subsidy payments to request an order of child support for the subsidy amount. Child support will continue, as applicable, until the child is reunified in the family home

Mark-Up

or termination of parental rights occurs. If termination of parental rights occur, adoption subsidy payments will be terminated.

SUBSIDY REDETERMINATION

The federal title IV-E adoption assistance program does not require re-determinations of a child's eligibility. Although the title XIX Medicaid Program and the programs that, in part, may qualify a child initially for adoption assistance, such as AFDC and SSI, require re-determinations, they are unnecessary for the purpose of maintaining a child's eligibility for title IV-E adoption assistance.

SUBSIDY TERMINATION

Once a child has been determined eligible and is receiving title IV-E adoption assistance, the state may terminate the assistance only under the following circumstances:

A. Upon the adoptive parent's(s') request;
B. Upon the child's death;
C. Upon the death of the adoptive parent(s) of the child (in a two-parent family, this means both parents);
D. At the cessation of legal responsibility of the adoptive parent(s) for the child;
E. If the Division determines that the child is no longer receiving support from the adoptive parent(s); or
F. When the child reaches the age of eighteen (18) unless:
    1) The child's subsidy was extended (per the adoption subsidy agreement) past the age of eighteen (18), due to a mental or physical disability which warranted continuation of a federally-funded subsidy or state maintenance to be received, in which case the adoption subsidy would be terminated when the child attains the age of twenty-one (21); or
    2) The child's subsidy was extended past the age of eighteen (18) (per the adoption subsidy agreement) because the child was adopted at age sixteen (16) or older, in which case the child's subsidy would be terminated when the child attains the age of twenty-one (21), provided that the child also met one of the following circumstances from eighteen (18) years of age through twenty-one (21) years of age:
        a) The child is completing secondary education or a program leading to an equivalent credential;
        b) The child is enrolled in an institution which provides post-secondary or vocational education;
        c) The child is participating in a program or activity designed to promote, or remove barriers to, employment;
        d) The child is employed for at least eighty (80) hours per month; or
        e) The child is incapable of doing any of the above described activities due to a medical condition.

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A fourteen (14) calendar day written notice will be sent to the adoptive parent(s) informing them of the Division's intent to terminate the subsidy. The notice will be sent via process server or via certified mail, restricted delivery with a returned receipt requested.

MEDICAL COVERAGE

The Division will ensure health insurance coverage for any child determined to be a child with special needs for whom there is an adoption subsidy agreement in effect. Federal title IV-E Medicaid will be utilized to provide medical coverage for a title IV-E eligible child. Medical coverage, for a non-title IV-E eligible child who has a special need for medical or rehabilitative care, may be provided under the Medicaid category *Non-title IV-E Special Needs Adoptive Child*, if the child is eligible for state maintenance subsidy and meets specified Medicaid eligibility requirements (see Medical Services Policy 6590.2 Eligibility Requirements).

IV-E eligible children, who are ~~who are~~ adopted on January 1, 2019, and thereafter, are eligible for Medicaid coverage regardless of whether or not IV-E adoption subsidy payments are actually made for the child. Children approved for deferred adoption subsidy payments will qualify, as applicable, for Medicaid coverage to begin when subsidy eligibility begins.

If the child does not qualify for Medicaid under federal title IV-E or Non-title IV-E Special Needs Adoptive coverage, the family may make application for Medicaid under a different category.

Medicaid coverage associated with the adoption subsidy will cease when the subsidy case is closed. The child may qualify for other categories of Medicaid if certain eligibility criteria are met. However, once the adoption subsidy case is closed, it is the responsibility of the child, or the child's family, to apply for other categories of Medicaid at their local DHS county office (via the Division of County Operations). Medicaid coverage through the local DHS county office is not guaranteed.

Any eligible child, for whom there is an adoption assistance agreement in effect, is deemed to be a dependent child and is deemed to be a recipient of AFDC (per AFDC requirements in effect 7-16-1996). Any child of such eligible child will be eligible for such services.

The Division shall access resources as necessary in Arkansas, the region, and nation to find adoptive families for children with special needs.

When a child with an approved adoption subsidy enters foster care, adoption subsidy payments will continue to the adoptive parents. DCFS will work with Office of Chief Counsel to identify parents receiving adoption subsidy payments to request an order of child support for the subsidy amount. Child support will continue, as applicable, until the child is reunified in the family home

Mark Up

or termination of parental rights occurs. If termination of parental rights occur, adoption subsidy payments will be terminated.

PROCEDURE VIII-I1: Initial Application for Adoption Subsidy

0108/202113

The Family's Adoption Specialist will:

A. Follow the same subsidy-related policy and procedures, including subsidies for non-recurring legal expenses, regardless if the adoption is being handled in-state or out-of-state;.
B. Ensure close coordination with the other state's adoption worker, if applicable;.
C. Determine that the child has a special need in relation to adoption planning, is between the age of birth to 18 years, is in the custody of DHS (for state subsidy only),, and is legally free for adoption;.
D. Determine if the child is eligible for federal IV-E adoption maintenance subsidy first.- If ineligible for title IV-E, determine if the child is eligible for state funded adoption maintenance subsidy;.
E. Determine that a reasonable, but unsuccessful, effort has been made to place the child without providing adoption subsidy;. Such an effort might include the use of adoption exchanges, referral to appropriate specialized adoption agencies, or other such activities. There are exceptions to this requirement when applying for a title IV-E maintenance subsidy. These exceptions are:

E.

F. Document in each child's case record the specific factor(s) that make the child difficult to place and describe the efforts to place the child for adoption without providing assistance.
G. Determine what type of adoption subsidies are needed and complete all application procedures by the fourth (4th) month of placement;
H. It would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child; and in foster care.
I.G. Another circumstance is adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives. Review the adoption subsidy program with the adoptive parent;.
J.H. Determine what type of adoption subsidies are needed, and complete all application procedures at the same time the adoption assessment is being completed for a foster parent, provisional foster parent, relative, or fictive kin adoption and within 60 days of placement for all other adoptions. by the fourth (4th) month of placement;.
K.I. Review and sign the CFS-425: Application for Adoption Subsidy after the adoptive parent completes it;.

Request Print title IV-E verification of eligibility from the DCFS Eligibility Unitfrom

Mark-Up

L.J. the Division's information management system;.

M. Assist the adoptive parents in completing the CFS-426: Statement of Income and Resources for Adoption Subsidy

N. Attach to the CFS-426 verification of family income when a state funded adoption special subsidy is requested. The CFS-426 is not required for a federal funded adoption maintenance subsidy.

O. Review the adoptive parents' health insurance policy if a special subsidy is requested to determine if it will allow for any medical, dental, or psychological costs and, if so, to what extent. Document on the CFS-426.

P.K. Be clear in the discussion with the family that they will only be screening for a determination of special needs, subsidy eligibility, and making a recommendation to the Adoption Services Unit. Under no circumstances will the Adoption Specialist give the adoptive family the subsidy determination prior to receipt of approval from the Adoption Services Unit. The Adoption Specialist must also explore other resources and assistance that may be available for the child and adoptive family when screening for a subsidy;.

L. Complete the "CFS-427: Determination of Eligibility for Adoption Subsidy" and attach the following to the CFS-427:

1)

2)1) Verification of the costs for a private attorney to finalize an adoption whether in-state or out-of-state, if applicable; and.

2) Verification of court costs to finalize an adoption, if applicable;.

M. Complete the following:

1)

2)1) CFS-429: Special Adoption Subsidy DeterminationSpecial Board Rate Request to have a professional verify the child's complete medical , dental, psychological, etc. condition, by a professional which including dental, psychological, etc., as well asas the diagnosis, prognosis, and costs of treatment for one year if a special subsidy is requested. Children at high risk for the development of a serious physical, mental, developmental, or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk., However,but no subsidy payment will be made without documentation that the child has developed the actual condition.- In order to be eligible for special needs subsidy based on developmental delay, documentation must be provided, current within six (6) months, attesting to the fact that the child has a delay of twenty-four percent (24%) or more in two (2) -major developmental categories;.

3)2) Statement that lists the child's financial resources sourcesource of financial resources and amount (other than foster care board payment, if applicable);.

4)3) Verification from the appropriate agency which explains the child's eligibility for financial benefits (SSI, other types of Social Security benefits, VA, etc.)

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once the adoption is finalized, if applicable (provide the agency with the amount of the adoptive parent's income in order that a statement can be prepared.). Once a child has been determined eligible for a federal subsidy, the adoptive parents cannot be rejected for adoption assistance nor can they have payments reduced without their agreement, because as a result of their income, or resources, or the child's resources; and.

5) Verification from Children's Medical Services (CMS) which explains the child's eligibility for services once the adoption is finalized, if applicable (provide CMS with the amount of the adoptive parent's income in order that a statement can be prepared);.

6)

4)

Special subsidies are state funded, and the Adoption Subsidy Coordinator, Adoption Services Unit, will consider the child's eligibility on a case-by-case basis. The consideration will be based on the information developed during the Adoption Specialist's determination of the child's special needs in relation to adoption planning. The adoptive parent's gross income will be considered, as well as other financial resources and health insurance, in determining eligibility for a special subsidy.

Q. Complete the CFS-426: Statement of Income and Resources for Adoption Subsidy for all special subsidy requests.

R. Utilize the following scale to determine the amount of a full monthly adoption maintenance subsidy payment based upon the standard foster care board payment. These rates are effective for board payments madeof November 2009 and after. New rates will not be paid until the child reaches the next age range.

AGE of CHILD	Amount of MONTHLY Maintenance
Birth through 5 years	$410.00
6 through 11) years	$440.00
12 through 14 years	$470.00
15 through 17* years	$500.00

S. *Inform the adoptive parents that subsidy payments may continue until the day the child elects to leave foster care or until the end of the month of the child's eighteenth (18th) 18th birthday, or by the end of the month of the child's twenty-first (21st) 21st birthday if he or she meets one of the established criteria described in the "Subsidy Extension" policy subsection above and the extension is requested by the adoptive parent as described in the Subsidy Extension" policy subsection above. listed below:

1) The child has a mental or physical disability which warrants continuation and a federally funded subsidy or state maintenance is received; or

The child was adopted at age sixteen (16) or older and:

Is completing secondary education or a program leading to an equivalent credential; or
Is enrolled in an institution which provides post-secondary or vocational education; or
Is participating in a program or activity designed to promote, or remove barriers to, employment; or
Is employed for at least 80 hours per month; or

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Is incapable of doing any of the above described activities due to a medical condition.

However, eligibility for this extension must be made within six (6) months of the child's eighteenth (18th) 18th birthday, through a subsidy redetermination request (see Procedure VIII I2: Title IV-E Redetermination). The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements, due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches twenty-one (21) years of age.

T.N.

A request for a larger monthly adoption maintenance subsidy may be made for a child who has received a higher than standard monthly foster care board payment. A monthly subsidy payment cannot exceed the child's foster care board rate which is in effect at the time a subsidy is approved.

Special Board Rate formulas and procedures will be used strictly as guides in determining an appropriate nonstandard rate to discuss with the family and to use in negotiating a lower rate (when appropriate). No subsidy will exceed $460.00 above the standard board rate for the child's age group. However, if the child is SSI eligible, the rate can go up $460.00 above the SSI rate.

U.

V.

O. Provide the following documentation with the initial adoption subsidy application packet:

1)

1) Emergency Petition;

2)

2) Emergency Order or other initial custody court order;

3)

3) Petition and Order for Termination of Parental Rights with Power to Consent to Adoption;

4)

4) A copy of the CMA Worksheet in CHRIS or, if applicable, award letter for SSI; and

5) A copy of the approved selection form, as applicable.

5)

W. A copy of the approved selection form for an adoption that is NOT a foster parent, provisional foster parent, relative, or fictive kin adoption that documents efforts to place the child without adoption subsidy (not required for a foster parent, provisional foster parent, relative, or fictive kin adoption).

X.P. Prepare a narrative entitled "Subsidy Family Profile" about the adoptive family to include:

1) Type of adoption (foster foster parent, provisional foster parent, non-foster foster parent, relative, or fictive kin);
2) Type of subsidy (maintenance, special, non-recurring, non-IV-E Medicaid);

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3) Funding source (federal or state);
4) Child to receive subsidy (first name, age, race, developmental information, description of special needs, problems, limitation, reasons for being in out-of-home placement, and brief description of out-of-home placement history);
5) Adoptive father (name, age, education, employment, and health);
6) Adoptive mother (name, age, education, employment, and health);
7) Other children in family (adopted, birth, custody, out-of-home placement, name, age, education, and health);
8) Others in household (explain if applicable);
9) Marriage (length and comments about the quality of the relationship);
10) Housing (brief description);
11) Income/resources (sources and amounts, health insurance coverage, etc.);
12) Exploration of other resources and assistance that may be available for the child and adoptive family when screening for a subsidy;
13) Family and adoptive child relationship (description to include strengths and challenges);
14) Reason for adoption subsidy (explain reason child needs adoption subsidy and reason for the adoptive parent requesting it);
15) Subsidy request (maintenance costs per month and for not more than a year), special subsidy type of service and costs for not more than a year, legal assistance, if the OCC Attorney is requested to finalize the adoption, court costs, etc., other subsidy requests and costs, etc.; and
16) Recommendation to approve or deny.

~~Y.~~

Q. Submit the completed packet to the Adoption ~~Field Services~~ Supervisor for review and comment; and~~.~~

~~Z.~~

~~AA.~~

~~BB.~~R. Upon completion of supervisory review, ~~the Adoption Field Services Supervisor will~~ send completed forms, narrative, documents, and other attachments to the Adoption Subsidy Coordinator.

The Adoptive Subsidy Coordinator will:

A. Assess all submitted forms and documentation, make a recommendation to approve or deny the adoption subsidy application, and provide written notification to the Adoption Specialist of the recommendation within three~~15~~ (3) working days of receiving the initial application packet from the Adoption Specialist. Contact the Adoption Specialist if additional information~~/~~ or forms are needed;~~.~~
B. Prepare the "CFS-428: Adoption Assistance Agreement" and route it~~the CFS-428~~ to the Adoption Manager ~~of the Adoption Services Unit~~ for approval, then send the CFS-428 to the DCFS Director or designee for signature;~~.~~

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C. Send the signed CFS-428~~: Adoption Assistance Agreement~~ to the Adoption Specialist with written instructions;~~.~~
D. Notify the adoptive parent in writing if the application is denied and explain the reason, ~~and~~ the internal review procedures, and the Administrative Fair Hearing procedures;~~.~~
E. Send a copy of the notification of denial to the Adoption Specialist; and~~.~~
~~E.~~F. Scan all subsidy packets into E-doctus.

Upon receipt of approval of the adoption subsidy, the Adoption Specialist will:
A. Meet with the adoptive parent to explain an approval;~~.~~
B. Review the "CFS-428: Adoption Assistance Agreement;"~~.~~
C. Secure the adoptive parent's signature on the CFS-428 within ~~ten (10)~~five (5) working days from receipt of the agreement or prior to finalization;~~.~~
D. Send the Adoption Subsidy Coordinator and adoptive parent a copy of the signed CFS-428 within three (3) working days upon receipt;~~.~~
E. Contact the Adoption Subsidy Coordinator in writing within three (3) working days from the meeting if the adoptive parent has a disagreement with the contents of the CFS-428;~~.~~
F. Meet with the adoptive parent to explain a denial, review the decision, and explain internal review procedures within ten (10) working days from receipt of written notification to deny; and~~.~~
G. Send a copy of the Adoption Petition ~~for~~ and Final Decree of Adoption to the Adoption Subsidy Coordinator within five (5) working days upon receipt.

~~G. In CHRIS:~~
~~1) Open a new adoption case on adoptive family entering the adoptive parents and adoptive child as clients. If child was in the custody of DHS, retrieve the child's eligibility, medical and characteristics screens from the closed child protective service case by entering the child's protective service case and client numbers in the child's General Information screen. If child was not in foster care prior to being adopted, the adoptive child's Characteristic and Medical screens must be completed to identify the special needs.~~
~~2) Complete the Adoption screens: General Information screen, Affidavit of Disclosure screen, and Subsidy screen. Request for Approval of subsidy from Adoption Field Services Supervisor after finalization.~~

PROCEDURE VIII-I2: Title IV-E Redetermination

01~~06~~/20~~1~~21~~1~~

The federal title IV-E adoption assistance program does not require re-determinations of a child's eligibility.~~-~~ Although~~,~~ the title XIX Medicaid Program and the programs that, in part, may qualify a child initially for adoption assistance, such as AFDC and SSI, require re-determinations, they are unnecessary for the purpose of maintaining a child's eligibility for title IV-E adoption assistance. Once a child has been determined eligible and is receiving title IV-E adoption assistance, the state may terminate the assistance only under the following circumstances:
~~A.~~G. Upon the adoptive parent's(s')~~'~~ request;

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~~B.~~H. Upon the child's death;

~~C.~~I. Upon the death of the adoptive parent(s) of the child (~~one parent if a single parent family and both in a two-parent family~~in a two-parent family, this means both parents);

~~D.~~J. At the cessation of legal responsibility of the adoptive parent(s) for the child;

~~E.~~K. If the Division determines that the child is no longer receiving support from the adoptive parent(s); or

L. When the child reaches the age of eighteen (18) unless:

~~1)~~

~~2)~~3) The child's subsidy was extended (per the adoption subsidy agreement) past the age of eighteen (18), due to a mental or physical disability which warranted continuation of a federally-funded subsidy or state maintenance to be received, in which case the adoption subsidy would be terminated when the child attains the age of twenty-one (21); or~~,~~

4) The child's subsidy was extended past the age of eighteen (18) (per the adoption subsidy agreement) because the child was adopted at age sixteen (16) or older, in which case the child's subsidy would be terminated when the child attains the age of twenty-one (21), provided that the child also met one of the following circumstances from eighteen (18) years of age through twenty-one (21) years of age:

~~a)~~

f) The child is completing secondary education or a program leading to an equivalent credential;~~ or~~

~~b)~~

g) The child is enrolled in an institution which provides post-secondary or vocational education;~~ or~~

~~c)~~

h) The child is participating in a program or activity designed to promote, or remove barriers to, employment;~~ or~~

~~d)~~

i) The child is employed for at least eighty (80) hours per month; or

~~e)~~

~~f)~~j) The child is incapable of doing any of the above described activities due to a medical condition.

The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches twenty-one (21) years of age.

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PROCEDURE VIII-I3: Criteria for SSI Eligible Private Agency and Independent Adoptions

0102/2021~~10~~

A child who is SSI eligible and is part of an independent adoption (i.e., not in the custody of a public or private agency) is eligible for a title IV-E subsidy.

If a child received title IV-E adoption assistance in a previous adoption that dissolved or in which the adoptive parents died, the child is eligible for title IV-E assistance when he or she is subsequently adopted~~.~~ (See Adoption Subsidy Policy VIII-I;~~)~~ ~~-~~The Adoption Subsidy Coordinator must be contacted for an application packet).

The Adoption Subsidy Coordinator will:

A. Accept and review referrals for independent adoption and private agency subsidy applications;~~.~~
B. Assess all submitted forms and documentation, make a recommendation to approve or deny the adoption subsidy application, and provide written notification to the applicant, the person who arranged the independent adoption, or the private agency representative of the decision, within fifteen (15) working days of receiving the initial application packet from the Adoption Specialist;~~.~~
C. ~~-~~Contact the applicant, the person who arranged the independent adoption, or private agency representative, if additional information or ~~/~~forms are needed;~~.~~
D. Prepare the CFS-428: Adoption Assistance Agreement if it is recommended the adoption subsidy application be approved,~~-~~ and route the CFS-428 to the ~~Manager of the Adoption Services Unit~~Adoption Manager ~~and Service Quality Section Administrator~~ for approval, then send the CFS-428 to the DCFS Director or designee for signature;~~.~~
E. Send signed CFS-428: Adoption Assistance Agreement to the Applicant and Private Agency representative, if applicable, with written instructions;~~.~~
F. Notify the adoptive parent in writing if the application is denied, to ~~and explain~~ explain the reason for the denial, ~~and~~ the internal review, and the Administrative Fair Hearing procedures; and~~.~~
G. In CHRIS:
    ~~1)~~
    ~~2)~~1) Enter the adoptive parents and adoptive child as clients in the newly opened Adoption Case;~~.~~
    ~~3)~~2) Complete the adoptive child's Characteristic screen to identify the special needs; and~~.~~
    ~~4)~~3) Complete the Adoption screens (General Information, Affidavit of Disclosure, and Subsidy) and request the approval of the adoption subsidy.

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PROCEDURE VIII-I4: Amendment to an Adoption Subsidy

01~~02~~/2021~~10~~

The Adoption Support Specialist will:

A. Follow the same subsidy-related policy and procedures, regardless if the adoption is being handled in-state or out-of-state;~~.~~

B. Ensure close coordination with the other state's adoption worker, if applicable;~~.~~

C. Amend a subsidy if there is documentation that an "at risk" child has developed a serious physical, mental or emotional condition;~~.~~

D. Determine with adoptive parent if an amendment to the existing adoption subsidy is needed. ~~(~~An amendment may be requested at any time.~~)~~ The adoptive family must consent to any subsidy amendment (title IV-E only);~~.~~

E. Determine if a change in subsidy payee is appropriate, based on documentation of divorce and custody, by:

   1) Reviewing the divorce decree and custody order to determine which parent was granted full custody of the child;~~.~~

   2) Ensuring~~e~~ that the parent awarded full custody of the child in the divorce decree or custody order signed the original adoption subsidy; and

   ~~1)~~3) Re-routing~~e~~ the subsidy payment to the adoptive parent only after verification of steps one (1) and two (2) above;

~~D.~~F. Determine if there has been a significant change in ~~type of~~type of condition of the child to warrant the amendment of a federally funded subsidy. A state may renegotiate an adoption assistance agreement if the adoptive parents request an increase in payment due to a change in type of condition of the child. A ~~and a~~ higher foster care rate would have been paid on behalf of the child if the child had still been in foster care.~~-~~ Review and sign the "CFS-425: Application for Adoption" after the adoptive parent completes it;~~.~~

~~E. Assist the adoptive parents in completing the CFS-426: Statement of Income and Resources for Adoption Subsidy. Attach verification of family income to the CFS-426 when a state funded adoption special subsidy is requested. The CFS-426 is not required for a federal adoption maintenance subsidy. Note that an amendment for an increase of a state subsidy will not exceed the amount the child would have received for a special board rate if in foster care. The amount of any amendment will not exceed $460.00 above the standard board rate for the child's age group. However, if the child is SSI eligible, the rate can go up $460.00 above the SSI rate.~~

~~F.~~G. Carefully review all requests for increases in payment for state funded subsidies and special subsidies.~~-~~ As state dollars are limited, an exploration of other resources is required and must be documented in the narrative when submitting an amendment request. ~~-~~The Division Director can review extraordinary circumstances at his or her discretion;~~.~~

~~G. Review the adoptive parent's health insurance policy if a special subsidy is requested to determine if it will allow for any medical, dental, or psychological costs and, if so, to what extent. Document the information on the CFS-426.~~

Mark-Up

H. Complete the "CFS-427: Determination of Eligibility for Adoption Assistance" if a special subsidy is requested;.
I. Complete a narrative to address the type of subsidy needed, the source of funding, the reason for the subsidy, the costs, and recommendation;.
J. Send all requests, the forms, narrative, and any other documents to the Adoption Subsidy Coordinator within twenty (20) working days from the initial contact with the adoptive parent. For requests of special board rate increases, forward completed packets to the Adoption Subsidy Coordinator for review and comment. Communicate with the adoptive parent to explain an approval, to review the "CFS-428: Adoption Assistance,", and to secure the adoptive parent's signature on the CFS-428 within ten (10) working days from receipt of the agreement;.
K. Send the Adoption Subsidy Coordinator and adoptive parent a copy of the signed CFS-428;.
L. Send the Adoption Subsidy Coordinator a written notification within three (3) working days from the meeting with the adoptive parent to explain a disagreement with the contents of the CFS-428;.
M. Meet with the adoptive parent(s) to explain a denial, review the decision, and explain internal review procedures within ten (10) working days from receipt of the written notification to deny;.
N. In CHRISthe Division's information management system, if subsidy amendment is approved, change the Subsidy Ending Date on the Adoption Subsidy screen to stop the existing adoption subsidy. Then, click Clear and enter the new amended subsidy with the new Beginning and Ending dates and the subsidy amount. Request the Approval for the amended subsidy amount;.
O. Prepare the CFS-428: Adoption Assistance Agreement if the adoption subsidy application is approved, and route the CFS-428 to the Manager of the Adoption Services UnitAdoption Manager for approval, then send the CFS-428: Adoption Assistance Agreement to the DCFS Director or designee for signature; and.
P. Notify the adoptive parent in writing if the application is denied, to explain the reason for the denial, the internal review, and the Administrative Fair Hearing procedures.
Notify the adoptive parent in writing if the application is denied and explain the reason and the internal review and Administrative Fair Hearing procedures.

PROCEDURE VIII-I5: Request for Continuation of Federal and State Funded Adoption Maintenance Subsidy after Age 18

0108/2021 14

In some cases, a federal adoption maintenance subsidy or state-funded maintenance subsidy may be continued for adoptees eighteen (18) to twenty-one (21) years old. Medicaid, however, cannot be extended past age eighteen (18) for state-funded subsidies. While the foster care Medicaid cannot be extended beyond the month the child turns eighteen (18), the family may apply for another type of Medicaid at their local county office via the Division of County Operations. Medicaid coverage through the local DHS county office is not guaranteed.

If the adoptive parent requests that the adoption subsidy be continued past the child's ~~18th~~ eighteenth (18th) birthday, the following criteria must be met:

A. The adoptive parent must be receiving a federal or state-funded adoption maintenance subsidy prior to the child's ~~18th~~ eighteenth (18th) birthday;~~.~~

B. The adoptive parent must make a formal written request of the DCFS Adoption Support Specialist to continue the subsidy and provide proof that the child:

~~1)~~

1) Has a mental or physical disability which warrants continuation; or

~~2)~~

2) Was adopted at age sixteen (16) or older and:

~~a)~~

~~b)~~a) Is completing secondary education or a program leading to an equivalent credential;~~ or~~

~~c)~~b) Is enrolled in an institution which provides post-secondary or vocational education;~~ or~~

~~d)~~c) Is participating in a program or activity designed to promote, or remove barriers to, employment;

~~e)~~d) Is employed for at least eighty (80) hours per month; or

~~f)~~e) Is incapable of doing any of the above described activities due to a medical condition.

The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches twenty-one (21) years of age.

The Adoption Support Specialist will:

A. Include the above documentation and recommend whether the adoption subsidy should be continued past the child's ~~18th~~ eighteenth (18th) birthday;~~.~~

B. If the adoption subsidy is approved to continue past the child's eighteenth (18th) ~~18th~~ birthday:

~~1)~~

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2)1) Prepare the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate;.

3)2) Route the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate, to the Adoption Services Unit Manager for review;.

3) If the Adoption Services Unit Manager and DCFS Director approve the CFS-428-A or CFS-428-B, as appropriate:

a)

b)a) Change the Subsidy Ending Date on the Adoption Subsidy screen in CHRIS The Division's information management system, to continue subsidy past the child's eighteenth (18th) child's 18th birthday;.

C. If the adoption subsidy is not approved to continue past the child's eighteenth (18th) 18th birthday by either the Adoption Support Specialist, Adoption Services Unit Manager, or DCFS Director or designee:

1)

1) Notify the adoptive parent in writing and explain the reason for denial; and.

2)

3)2) Document the denial in CHRIS.

The Adoption Services Unit Manager will:

A. Approve or deny the "CFS-428-A: Adoption Assistance Agreement for State Funded Payments" or "CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance", as appropriate;.

B. If the Adoption Assistance Agreement is approved, send to the DCFS Director or designee for signature; and.

C. If the Adoption Assistance Agreement is denied, notify the Adoption Support Specialist and explain the reason for denial.

The DCFS Director or designee will:

A. Approve or deny the CFS-428-A : Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate.

A.

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B. Return the CFS-428-A ~~: Adoption Assistance Agreement for State Funded Payments~~ or CFS-428-B~~: Adoption Assistance Agreement for Federal IV-E Funded Assistance~~, as appropriate, to the Adoption ~~Services Unit~~ Manager.

PROCEDURE VIII-I6: Interstate Compact on Adoption and Medical Assistance (ICAMA)

01~~08~~/2021~~13~~

A child who is receiving Medicaid as a result of an adoption subsidy may continue to receive the subsidy if the child moves to or from another state.

The Adoption Support Specialist will:

A. Contact the ICAMA Coordinator or refer an adoptive parent to the ICAMA Coordinator in the DCFS Adoption Services Unit; and~~.~~
B. Provide the ICAMA Coordinator with the adoptive family's new address, phone number, and the effective date of the move.~~.~~

The ICAMA Coordinator will:

A. Complete the ICAMA forms in relation to a child who is moving from the state and forward the forms to the new state of residence. Forward the following:
   1) ~~(1)~~ Form 6.01 (Notice of Medicaid Eligibility/Case Activation);
   2) ~~, (2)~~ Form 6.02 (Notice of Action); and
   ~~1)~~3) ~~, and (3)~~ Form 6.03 (Change in Child/Family Status), if applicable;~~.~~
B. Forward completed ICAMA forms to the Eligibility Unit in relation to a child who moves into the state:~~.~~
   1) ~~Forward the following: (1)~~ Form 6.01 OR a COBRA Letter; and
   2) ~~and (2) a c~~Copy of the Adoption Subsidy Agreement.

PROCEDURE VIII-I7~~8~~: Payment for Non-recurring Adoption Expenses and Special Subsidy

01~~01~~/2021~~13~~

The Adoption Specialist will:

~~A.~~

~~Submit a billing packet to the Adoption Subsidy Coordinator for non-recurring adoption expenses (non-recurring adoption expenses shall not exceed a total of $1,500.00) within 60 days after the finalization of the adoption.~~

A. Submit a billing packet to the Adoption Subsidy Coordinator for non-recurring adoption expenses within sixty (60) days after the finalization of the adoption. Non-recurring adoption expenses shall not exceed a total of $1,500.00;

~~A.~~ For non-travel related expenses, the packet will include: the DHS-1914, original invoice, a copy of the CFS-428-A: Adoption Assistance Agreement f~~F~~or State Funded Subsidy Payments or CFS-428-B: Adoption Assistance Agreement f~~F~~or Federal IV-E Funded Assistance, as applicable, and final adoption decree;~~.~~

B.

~~B.~~C. For travel-~~-~~related expenses, the packet will include ~~the DHS-75,~~ TR-1, receipts, a copy of the 428-A: Adoption Assistance Agreement f~~F~~or State Funded Subsidy Payments or CFS-428-B: Adoption Assistance Agreement f~~F~~or Federal IV-E Funded Assistance, and the final adoption decree; and~~.~~

~~C.~~D. For payment of a special subsidy, the packet will include DHS-1914;~~,~~ original invoice;~~,~~ copy of the 428-A: Adoption Assistance Agreement f~~F~~or State Funded Subsidy Payments or CFS-428-B: Adoption Assistance Agreement f~~F~~or Federal IV-E Funded Assistance;~~,~~ and the final adoption decree.

The Adoption Subsidy Coordinator will:

A. Review, code, and forward each completed billing packet within ten (10) business days and forward to the Adoptions Manager for approval.

The Adoptions Manager will:

~~The Adoption Subsidy Coordinator will:~~

~~Review, code, and forward each completed billing packet within 10 working days and forward to the manager of the Adoption Services Unit for approval.~~

~~The Manager of the Adoption Services Unit will:~~

A. Forward the approved packet to the office of finance for payment within ten (10) working days of receipt from the subsidy coordinator.

PROCEDURE VIII-I8: Termination of Adoption Subsidy

01/2021

The Family Service Worker will:

A. In the event a child with an adoption subsidy enters foster care:

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1) Contact OCC and discuss a petition for child support in the amount of the full adoption subsidy; and
2) Explain to adoptive parents that any monies received by them on behalf of the child should be maintained by the adoptive parents until the issue is resolved by the Office of Child Support Enforcement.

B. If termination of parental rights occurs for a child whose parents are receiving an adoption subsidy:
1) Within five (5) business days, notify the Adoption Support Specialist that termination of parental rights has occurred for a child whose adoptive parents were receiving adoption subsidy payments; and
2) Provide a copy of the order terminating parental rights to the Adoption Support Specialist within ten (10) business days of receipt of the signed order.

The Adoption Specialist will:

A. Assess any change in the adoptive family's circumstances which would warrant termination of the adoption subsidy;
B. Determine if termination of the adoption subsidy is necessary;
C. Conduct a staffing with the Adoption Manager or designee; and
D. Provide written notification to the adoptive parent to explain the reason for the termination of the adoption subsidy and the internal review procedures.

The Adoption Support Specialist will:

A. Upon receipt of the copy of the court order terminating parental rights or other documentation indicating that the subsidy must be terminated as prescribed in the Adoption Assistance Agreement, send written notice to the adoptive parent(s) informing them of the Division's intent to terminate the subsidy fourteen (14) calendar days from receipt of the notice.
1) The notice will be sent via process server or via certified mail, restricted delivery with a returned receipt requested.

B. In the Division's information management system:
1) If adoption subsidy is terminated, change the subsidy ending date on the Adoption Subsidy Screen to stop the existing adoption subsidy;
2) If there are other adoptive siblings with existing adoption subsidies, end-date the adoptive child's involvement in the case by selecting the appropriate reason on the child's General Information Screen;
3) If there are no other adoptive siblings with existing adoption subsidies, close the adoption case on the Case Summary screen selecting the appropriate reason; and
4) Upon receipt of an order terminating parental rights, end date the subsidy on the Adoption Subsidy Screen and close the adoption case on the Case Summary Screen selecting the appropriate reason.

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POLICY VIII-J: MUTUAL CONSENT VOLUNTARY ADOPTION REGISTRY

01/2021

~~The Division recognizes that s~~Some adults who were adopted as children and some birth parents who voluntarily or involuntarily relinquished a child for adoption, as well as relatives within the second degree to the adoptee, may wish to be identified to each other. ~~The Division also recognizes that some~~There are other adult adoptees, birth parent(s), and/or relatives to the second degree of the adoptee who may be ~~are~~ unwilling to be identified. ~~The Division further recognizes that~~Further, some adult adoptees, birth parent(s) of the adoptee, adoptive parent(s), or, in the event of an adoptive parents'~~their~~ death, guardians of the adoptee, may wish to obtain non-identifying information pertaining to the birth family.

~~-~~In order to protect the privacy of those who choose not to be identified and to attempt to meet the needs of those who ~~do~~ wish to be identified, ~~-~~ as allowed by state and federal law~~and to provide non-identifying formation~~, the Adoption Services Unit administers the Mutual Consent Voluntary Adoption Registry in accordance with Act 957 of 1985 and Act 1060 of 1987. ~~-~~The Division will keep records of every adult adoptee and birth parent reunited through the use of the Mutual Consent Voluntary Adoption Registry.

Arkansas Code~~.C.A.~~ § 9-9-505 ~~-R~~requires compilations of non-identifying histories of adoptions be available upon request ~~,~~ throughout the time the agency is required to maintain records~~,~~ to the following persons only:

A. ~~(a)~~ A~~The a~~doptive parents of the child or, in the event of death of the adoptive parents, the child's guardian;
B. ~~(b)~~ A~~The a~~doptee;
C. ~~(c)~~ In the event of the death of the adoptee, the adoptee's children, the adoptee's widow or widower, or the guardian of any child of the adoptee;
D. ~~(d)~~ The birth parent of the adoptee; or
E. ~~(e)~~ Any child welfare agency having custody of the adoptee.

~~-~~Any additional non-identifying information which may have been added regarding~~on~~ health, ~~or on~~ genetic, or ~~and~~ social history~~, but which~~ (excludinges information identifying any birth parent, ~~or~~ member of a birth parent's family, or ~~the~~ any other adopteeS for ~~any~~ the adoptive parent ~~of the adoptee)~~, wishall be made available ONLY to the persons listed ~~in this paragraph~~above.

Any affidavits filed for placements on the registry and any other information collected shall be retained for ninety-nine (99) years following the date of registration. Any qualified person may choose to remove his name from the Registry at any time by filing a notarized affidavit with the Registry.

PROCEDURE VIII-J1: Mutual Consent Voluntary Adoption Registry and Related Services

01/2021

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The Registry Administrator will:

~~A.~~ Prepare forms to be shared with administrators of other agencies when an applicant identifies another agency as the agency having completed the adoption.

~~B.~~A. ~~Prepare monthly, quarterly, or annual demographic reports~~

~~C. Host a meeting of other Registry Administrators at least once every 12 months.~~

~~D. Prepare policies and procedures related to the operation of the Registry.~~

~~E.~~B. Establish office procedures which will assure the confidentiality of the Registry, its records, and identifying information.

~~F. Put the information for the affidavit form for placement on the Mutual Consent Voluntary Adoption Registry (MCVAR) at the Department of Human Services Internet website by one of two methods:~~

~~1) Print, fill out and send the CFS-434: MCVAR Affidavit/Registration to the web site manager, or~~

~~1) Fill out the CFS-434 directly on the website electronically.~~

~~G.~~C. Ensure that information contained in the Registry or obtained by Registry staff consists of non-identifying information only.

~~H.~~D. Send information packets containing~~, which have~~ registration requirements, ~~and~~ procedures, and an affidavit to any person ~~who~~ inquiring~~es~~ about registration.

~~I.~~E. A~~Have a~~ccess ~~to~~ the agency's closed adoption records and~~to~~ court records (limited to the act of verifying a Registry match or for compilation of non-identifying information).

~~J.~~F. Collect fees for registration services and accept affidavits for registration.

~~K.~~G. Provide written notification to qualified registrants ~~within 20 working days~~ as to the status of the initial search of all registrants who wish to be identified.

~~L.~~H. Send notification to match registrants by certified mail~~, return receipt, restricted delivery~~.

~~M.~~I. Determine if non-identifying information is available and if the registrant is eligible to receive it.

~~N.~~J. Provide non-identifying genetic, health, and social history of the adoptee ~~within 65 working days from the date of registration.~~in the form of a written adoption summary.

~~O.~~K. Mail non-identifying written summary of information to the registrant by certified mail~~, restricted delivery, return receipt requested.~~.

~~P.~~L. Maintain copies of non-identifying information in a secured location.

~~Q.~~M. Keep records of every adult adoptee and birth parent reunited through the use of Mutual Consent Voluntary Adoption Registry.

~~R.~~N. Provide a de-identified copy of the foster care record to the adoptee upon request. De-identify the names of any reporters of child abuse and/or neglect.

~~S.~~O. Arrange for an adoptee to review his or her foster care record upon request.~~-~~ This access is NOT available to adoptees who were placed as infants for the sole purpose of adoption.

The Adoption Specialist will:

A. Refer any person inquiring~~who inquires~~ about the Registry to the Registry Administrator, Adoption Services Unit.

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B. Provide a minimum of no less than one (1) hour of counseling to Registry applicants for receipt of identifying information and sign the affidavit to verify the service.

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PROCEDURE VIII-D4: Fast Track Adoption under Garrett's Law

0~~07~~1/2021~~09~~

If a report of neglect under the Arkansas Code Annotated 12-18-103(14)(B)(i)*(a)* or *(b)* (herein after referred to as a Garrett's Law report) is made to the Arkansas State Police Child Abuse Hotline, the mother has the option to fast track the adoption of her newborn. As used in this procedure, "newborn" means an infant who is thirty (30) days of age or younger. The ability of the newborn's mother to fast track the adoption under Garrett's Law means the mother has the option to place the newborn for:

A. Adoption through a licensed child placement agency under the Child Welfare Agency Licensing Act; or
B. A private adoption through a person licensed to practice medicine or law.

A fast track adoption under Garrett's Law may occur for newborns not in the custody of the Division of Children and Family Services (DCFS) and for those newborns who are already in DCFS custody. Each scenario is described below.

Fast Track Adoption under Garrett's Law for a Newborn Not in DCFS Custody
If the mother elects to perform item A or B above during the course of a child maltreatment investigation, the Division of Children and Family Services (DCFS) will consult with the Office of Chief Counsel (OCC) immediately. DCFS will not take a hold of the newborn before consulting with OCC.

If a hold is not taken on the newborn and the mother carries out item A or B above, DCFS is not required to make a home visit to the selected adoptive home since it is not considered a DCFS adoptive home and also because the newborn is not in DCFS custody. The home visit is performed by the licensed child placement agency facilitating the adoption or overseen by the person licensed to practice medicine or law who is facilitating the adoption.

Similarly, if the mother elects to perform item A or B above during the course of a child maltreatment investigation, DCFS is not required to conduct a home visit at the biological mother's residence unless there are siblings or other children under the care of the mother living in the home whose safety must be assessed. DCFS will consult with OCC in this regard to verify the need, or lack thereof, for a home visit to the biological mother's home when a fast track adoption of a newborn involved in a Garrett's Law referral is in process. DCFS and OCC will also confer each business day until the fast track adoption has finalized to monitor whether the mother withdraws her consent to the adoption. If the mother withdraws her consent to the adoption, the department will initiate an action to ensure the protection of the child, including without limitation taking the child into custody if custody is warranted to protect the health and safety of the child.

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Fast Track Adoption under Garrett's Law for a Newborn in DCFS Custody

If DCFS takes custody of the newborn as the result of the Garrett's Law investigation, the mother still has the option for a fast track adoption to place the newborn for:

A. Adoption through a licensed child placement agency under the Child Welfare Agency Licensing Act; or
B. A private adoption with a person licensed to practice medicine or law.

However, if the proposed adoptive family, to include a relative family, has not completed the adoptive home study process, including the required criminal background checks, DCFS will place the newborn in a resource home that is licensed and approved under the Child Welfare Agency Licensing Act. The newborn will remain in a licensed or approved resource home or in the custody of the department until the required home study and criminal background checks are completed on the proposed adoptive parents. In addition, if the newborn is in the custody of the department:

A. An order transferring custody to the proposed adoptive parents is required before the newborn is placed in the home of the proposed adoptive parents;
B. Any petition for adoption shall be filed in the open dependency-neglect case; and,
C. The adoption shall be granted only if the proposed adoptive placement is in the best interests of the newborn.

~~If, Dduring the course of an investigation of a Garrett's Law allegation or when DCFS has custody of a child through a Garrett's Law investigation, and the mother has notifiesd the FSW that she wants to place the child for adoption (through DHS, an adoption agency, a private attorney, or a physician), the FSW should contact OCC immediately.~~

~~If a report of neglect under A.C.A. § 12-18-103 is made to the Arkansas State Police Child Abuse Hotline, or if a newborn is taken into the custody of the Division as the result of a call to the Hotline reporting neglect, the mother has the option to place the newborn for:~~

~~A. Adoption through a licensed child placement agency, including DCFS;, under A.C.A. § 9-28-402(7), or~~
~~B. A private adoption through a person licensed to practice medicine or law.~~

~~If the Family Service Worker determines, pursuant to the Child Maltreatment Act, that the child may not safely remain in the home, the Family Service Worker shall:~~

~~Place the newborn in a licensed or approved DCFS foster home or allow the newborn to be placed in a private foster home that is licensed or approved under A.C.A. § 9-28-401 et seq. until:~~

~~The proposed adoptive family, including relatives, has completed the adoptive home study process~~

~~A court has issued an order transferring custody to the proposed adoptive family, if the child is in a DCFS licensed or approved foster home~~

~~If DCFS is handling the adoption, conduct the required home study on the proposed adoptive family as prescribed by Policy VII-C and Policy VIII-GH and subsequent procedure.This home study on a relative may not be waived.~~

~~A. This home study on a relative may not be waived.~~

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A~~Be aware that a~~n adoption by a relative of the newborn shall be denied unless:

~~B.~~ The proposed relative adoptive parents have an approved home ~~study~~study, or the Division approves the adoption (under state law on adoption, child welfare agency licensing laws and regulations, and department policy and procedures);

A.

~~C.~~ The court determines the proposed relative adoptive parents have the capacity and willingness to abide by orders regarding care, supervision, and custody (so that child protection will not be an issue if the adoption is granted); or

B.

C. The court enters an order describing the level of contact, if any, that is permitted between the birth parent and the proposed relative adoptive parents and the consequences for violation of the order ~~of contact under A.C.A. § 5-26-502~~.

~~B. If the mother withdraws her consent to the adoption, initiate an action to ensure protection of the child, including without limitation, taking the child in to custody if custody is warranted to protect the health and safety of the child.~~

~~C. Follow all other adoption procedures as outlined under Policies and Procedures VIII-G and VIII-H.~~

If DCFS is the licensed child placement agency selected by the mother to facilitate the adoption of her newborn that has already entered DCFS custody, DCFS will conduct the required home study and all other requirements for opening a resource home with an adoptive service on the proposed adoptive family, including a relative family, as prescribed by Policy VII-C.

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APPENDIX 2: ADOPTION SUMMARY~~S~~ GUIDELINES

~~06/2004~~01/2021

~~A. GUIDELINE FOR AN ADOPTION SUMMARY- DETAILED HEALTH HISTORY AND GENETIC AND SOCIAL HISTORY~~

Before placement for adoption, the Division shall compile and provide to the prospective adoptive parents an adoption summary. An adoption summary is a detailed, written health history and genetic and social history of the child which excludes information which would identify birth parents or members of a birth parent's family. ~~-~~The ~~detailed, written health history and genetic and social history~~adoption summary will ~~shall~~ be set forth in a document that is separate from any other document containing information identifying the birth parents or members of the birth parent's family. ~~The detailed, written health history and genetic and social history shall~~The adoption summary will be clearly identified as such~~,~~ and filed with the clerk before the entry of the adoption decree. ~~-~~Upon order of the court for good cause~~,~~, the clerk may tender ~~to a person identified by the court~~ a copy of the ~~detailed, written health history and genetic and social history~~adoption summary to a person identified by the court.

Child Information in Adoption Summary ~~of Child~~

A. Birth Information:
   1) ~~:~~ Prenatal care;
   2) Alcohol/drug and tobacco involvement of birth parent during pregnancy and how it affected the infant;
   3) B~~, b~~irth date;
   4) M~~, m~~easurements at the time of birth;
   5) D~~, a d~~escription of the delivery (including ~~,~~ any complications that occurred~~, alcohol/drug and tobacco involvement of birth parent during pregnancy and how it affected the infant,~~ and any congenital abnormalities)~~birth defects~~; and~~.~~
   ~~1)~~6) Description of~~be the~~ nursery progress, discharge weight, and recommendations of the doctor on discharge and results of any special health screenings/tests.

A. Physical Description:
   1) ~~:~~ Race;
   2) Height;
   3) W~~, w~~eight~~, height,~~;
   4) H~~-h~~air and eye color;
   5) C~~, c~~omplexion;
   6) B~~, b~~irthmarks;
   7) B~~, and b~~one structure; and
   ~~1)~~8) P~~. Describe any p~~hysical disabilities.

A. Developmental and Social History:
   1) ~~:~~ Social, intellectual, emotional, and physical development of the child~~,~~ (noting any delays or ~~/~~limitations);~~.~~

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2) ~~Early d~~Developmental milestones~~ should be discussed. For example~~; ~~:~~

a) Cognitive development~~ Cognitive Development~~:
   ~~i.~~ Recognition of significant others;
   i.
   ~~i.~~ Comprehension of fact vs. fantasy;
   ii.
   ~~ii.~~ Language development; and
   iii.
   ~~iii.~~iv. Comprehension of concepts such as time, space, and quantity~~, etc.~~.
b) Motor Development:
   ~~i.~~ Head control;
   i.
   ~~i.~~ Kicking~~ – pushing feet~~;
   ii.
   ~~ii.~~ Lifting chest;
   iii.
   ~~iii.~~ Rolling over~~r~~;
   iv.
   ~~iv.~~ Holding toys;
   v.
   ~~v.~~ Reaching for objects~~s~~;
   vi.
   ~~vi.~~ Waving bye-bye~~e~~;
   vii.
   ~~vii.~~ Sitting up;
   viii.
   ~~viii.~~ Eye movements;
   ix.
   ~~ix.~~ Walking;
   x.
   ~~x.~~ Crawling;
   xi.
   ~~xi.~~ Running;
   xii.
   ~~xii.~~ Coordination;
   xiii.
   ~~xiii.~~ Ability to skip; and
   xiv.
   ~~xiv.~~ Ability to catch ball.
   xv.
c) Social and ~~/~~Emotional Development:
   i. Smiling;

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i. Laughing;

ii.

ii. Cooing;

iii.

iii. Ability to respond appropriately in social situations; and

iv.

SSelf-help skills.

iv.v.

D. Health History:

1) medical Medical history such as (diseases, conditions, disabilities, allergies, hospitalizations, or serious injuries etc.);;

2) pPresent medical issues or needs problems/needs,;

1)3) Potential future problems/medical issues or needs;

2)4) Ggenetic history;

5) dental Dental history;

6) , pPresent dental issues or problems/needs;

3)7) Potential f, future dental issues or problems/needs;

8) mental Mental health history;

9) P, present mental health issues or problems/needs;

4)10) Potential future , future problemsissues or /needs;

5)11) type Type of mental health counseling and frequency of sessions;

6)12) sickle Sickle cell test results for a child with African American heritage;

7)13) medications Medications (name, dosage, and reason);

8)14) status IStatus of immunization recordss;

9)15) how How health issuesproblem affects child's life if applicable;

10)16) child's Child's attitude about health problemsissues and concerns if applicable;

11)17) all List of special health care providers and frequency of appointments;

12)18) parental Parental demands in relation to providing for child's special health care needs;

13)19) Sany special appliances necessary to meet special needs;

14)20) Sstatement whetherDate of female's menarchestrual period if applicable as well as s have begun,her feelings about it, related hygiene practices, and any complications; and

15)21) Sstatement whether male is circumcised.

E. Personality: general personality; for example, quiet, outgoing,withdrawn, depressed, angry, sad, happy, alert, shy, talkative, questioning, active, etc.:

1) General description (such as quiet or outgoing);

1)2) Interests, likes, dislikes, talents, special skills;

2)3) Causes of depression and how expressed;

3)4) Causes of anger and how expressed;

4)5) What makes child happy;

5)6) How child gives and receives love and /affection;

6)7) Child's self-esteem;

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7)8) How child relates to adults, peers, and younger and older children;
8)9) How child relates to siblings;
9)10) Type of people the child likes and /dislikes;
10)11) Description of what is enjoyable about parenting the child;
11)12) Description of what is difficult about parenting the child;
12)13) Child's hopes, wishes, and desires;
13)14) Fears and worries;
14)15) How child relates to parental/authority figures;
15)16) Behavioral problems challenges (e.g.,state whether child has displayed: lying, stealing, fire setting, running away, aggression, destruction, withdrawal, bed wetting, encopresis, self--harm, suicide attempts, depression, abusiveness to animals, cursing, defiance, sexual acting out (be specific), alcohol/substance abuse, etc. and, if so, explain);
17) How easy or difficult it is to discipline the child to discipline;
16)18) Effective and ineffective forms of discipline for the child -- what works, what doesn't;
19) How a child responds to discipline;
17)20) R; what rules is the child is accustomed to following and, of those, the rules with which the child most easily complies and the rules with which the child struggles to comply;
18) What rules are easy for the child to comply with, and which ones are difficult for the child
19)21) Eating habits (ability to feed self, table manners, and food likes and /dislikes);
20)22) Sleeping habits (bedtime routine, nightmares, night light, and any sleeping difficulties, etc.);
21)23) Grooming or /hygiene habits;
22)24) How the child cares for his or her belongings;
23)25) How the child relates with pets or /animals in general;
24)26) Smoking practices (if tobacco products are used);
25)27) Play habits;
26)28) Child's behavior in social situations (e.g.,such as church, restaurants, or department stores), etc.;
27)29) Knowledge child has about sex; and
Experience with sex.

28)30)

F. Daily Schedule:
1) Birth to one year old -- Give detailed information regarding schedule. For example, when discussing sleeping, indicate not only the times the child sleeps but the length of naps; whether child is rocked, patted, etc., to sleep; whether child sleeps with a special blanket, pacifier, or toy; type of bed the child sleeps in and the position child prefers to sleep in such as (i.e., stomach, or back, etc.). Indicate the types of food the child likes and /dislikes, and the amount the child eats and intervals between meals. Include the name of the formula, as applicable..

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2) Over one (1) year old -- Briefly describe the child's general schedule on a typical day. Indicate whether the child follows a daily routine or has a flexible schedule.

G. Clothing~~:~~:
1) Current si~~S~~zes of clothing and shoes;
2) Type~~/preference~~ of clothes the child preferers;
3) Amount of clothing;
4) ~~Quality of clothing~~Condition the child's clothes are in (good ~~condition,~~or -worn~~, etc.~~); and
5) Any special requirements in relation to clothing.

H. Out-of-Home Placement Experiences:
1) Date child entered Out-of-Home Placement and for what reasons;
2) Describe any child maltreatment and who was offender;
3) Statement as to how many resource~~foster~~ homes ~~and/~~or congregate care settings~~institutions~~ in which the child has lived~~ in~~ and length of time in each placement;
4) Description of reasons for moving from each ~~foster~~ resource home ~~and/~~or ~~institution~~congregate care setting; and
5) Brief profile of current resource~~foster~~ family or ~~institutional~~ congregate care setting~~-- for example,~~ (e.g., resource ~~foster~~ family composition and life-style).

I. School Experiences:
1) Description of the type of school or classes the child is utilizing or attending,~~—~~ for example:~~,~~ public school, specialized school, school for the deaf~~, blind, etc.)~~, ~~And whether~~ resource classes, or ~~/~~special education classes, including ~~-~~the child's class schedule, regardless if it is a ~~are utilized and its schedule (~~whole day, half day, or certain individual classes;~~)~~
2) Grade level;
3) History of school attendance (past and present);
4) Experience with schools such as ~~; for example,~~ accomplishments, ~~problems~~challenges, etc.;~~, etc.~~
5) Attitude towards school;
6) Best subject areas as well as weak areas;
7) Relationship with school mates and teachers;
8) How teachers view the child;
9) Involvement with school activities, clubs, sports, band, etc.;
10) Potential in relation to school; and
11) Attitude towards homework.

J. ~~Income: Indicate if the child has a source of income. If so, give the source of income and amount (Social Security, SSI, VA, etc.) which the child receives while in Out-of-Home Placement. Do not include foster care board payment.~~

~~K.~~ Siblings:
1) ~~:~~ Provide a brief description which includes first name, birth date, living arrangement and sibling status (full sibling, half sibling, step sibling, etc.); and~~.~~
2) ~~-~~If siblings are not placed together, explain frequency of contacts.

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Birth/Legal Parent(s) Information in Adoption Summary~~:~~

Discuss each parent separately. ~~-~~Obtain as much information about the parents as possible. ~~-~~Be objective with descriptions of the ~~parents, and~~parents and give factual information about them. Do not make derogatory remarks.

A. Physical and Personality Description:
   1) R~~: Include r~~ace;
   2) E~~, e~~thnic background;
   3) A~~, a~~ge;
   4) H~~, h~~eight;
   5) W~~, w~~eight;
   6) E~~, e~~ye and hair color;
   7) C~~, c~~omplexion;
   8) O~~, bone structure, o~~utstanding features;
   9) G~~, g~~eneral appearance;
   10) D~~, and d~~ominant physical traits within the larger family group; and
   ~~1)~~11) P~~. Describe p~~ersonality description~~ies~~ and any special talents, interests, or hobbies.

B. Health:
   1) ~~: D~~M~~iscuss any m~~edical and mental illnesses;
   2) G~~, g~~enetic history;
   3) A~~, a~~llergies;
   4) A~~, a~~lcohol/substance abuse, and any~~/or~~ physical disabilities;
   5) M~~. Discuss any m~~edical and mental illnesses within the extended birth family including those of a hereditary nature~~.~~;
   6) ~~Discuss any~~ H~~h~~istory of neglect, physical abuse, ~~and/~~or sexual abuse within the extended family~~.~~;
   7) Description of ~~Discuss~~ any alcohol or ~~/~~substance abuse within the extended family; and
   ~~1)~~8) ~~.~~ If the birth or ~~/~~legal parent is deceased, then state the cause and date~~.~~.

C. Education:
   1) ~~:~~ H~~State h~~ighest educational level achieved;
   2) O~~. Discuss o~~verall academic performance including~~,~~ best and weakest subjects~~, and e~~;
   3) Extracurricular activities; and~~.~~
   ~~1)~~4) ~~Discuss any mental retardation and/or learning disabilities~~Learning disabilities or any intellectual disabilities in relation to the birth parent(s) and the extended birth family.

D. Religion:
   1) ~~:~~ R~~Provide information about r~~eligious affiliation~~.~~

~~A.~~E. Employment~~: Describe employment~~ history.

~~B.~~F. Other Significant Information:~~:~~
   1) Birth family's lifestyle;
   2) History of criminal behavior;
   3) Reasons child cannot'~~t~~ return to birth or ~~/~~legal family; and

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4) Date child last had contact with birth or ~~/~~legal family, type of contact, and reaction.

~~**Preparation of the Child for Adoption**~~

~~A. Dealing with Birth/Legal Family Issue~~

~~1) Reasons child gives for entering Out-of-Home Placement~~

~~1) Reasons child has been given for entering Out-of-Home Placement~~

~~1) Reason child gives why the child cannot return home~~

~~1) Reason child was given why the child cannot return home~~

~~A. Child's feelings about not returning home~~

~~A. Dealing with Out-of-Home Placement Issues~~

~~1) Reasons child gives for placement changes while in Out-of-Home Placement~~

~~1) Child's feelings about Out-of-Home Placement experiences and placements~~

~~A. Dealing with Adoption Issues~~

~~1) Child's understanding about the difference in birth/legal family, foster family, and adoptive family~~

~~1) Child's feelings about accepting an adoptive family's last name~~

~~1) Child's understanding of the adoption process (selection of a family, pre-placement visits, post-placement visits, etc.)~~

~~1) Child's feelings, fears and worries about adoption~~

~~1) Child expectations about adoption/an adoptive family~~

~~1) Child's preferences in relation to an adoptive family~~

Recommendations

~~A.~~

A. The Adoption Specialist may describe the type of family the child needs and state if the child should not be placed in a certain location due to proximity to birth or ~~/~~legal parents, ~~/~~ or relatives.

~~A.~~

B. The Adoption Specialist may request the child be placed in a home of the same racial or ethnic heritage if indicated by an individualized determination that this placement is needed to advance the best interests of the child.

~~B.~~

C. If there are siblings, the Adoption Specialist will explain whether they should be placed together. If separation is recommended, reasons will be stated.

~~C.~~

The Adoption Specialist may state preferences in relation to pre-placement visits between the child and an adoptive family.

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~~1.~~

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