



## Policy: Adoptions

**ChildNet Number: CN 004.002**

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**Policy Revised Date(s): December 3, 2009, February 5, 2004, April 15, 2010,  
May 20, 2010, July 9, 2014**

**Policy Sunset Date:**

**COA Standards: AS 1.01, 1.02, 1.03, 1.05, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 3.01,  
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13.05, 13.06 , FKC 6.03**

### Statement of Policy:

It is the policy of ChildNet to keep prospective adoptive families informed of all issues relative to a child they are considering to adopt, as well as supporting them in decision-making and placement needs. ChildNet recognizes the needs of a family in transitioning during an adoption process and commits to supporting the family in post adoption services as appropriate.

**Board Chair's Signature:**

**Date:**

07-29-14



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**Procedure Revised Date(s): February 5, 2004, December 3, 2009, April 15, 2010, May 20, 2010, November 17, 2010, July 9, 2014, April 25, 2018, March 5, 2022, May 8, 2024**

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### Definitions (If any):

- A. Abuse Hotline - the Department of Children and Families single statewide toll-free telephone number established for the purpose of receiving reports of child abuse, abandonment or neglect.
- B. Adoption- "adoption" as defined in Section 63.032, F.S. is the act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents in lawful wedlock.
- C. Adoption Assistance - As defined in 409.1663(b) is financial assistance and services provided to a child and his or her adoptive family. Such assistance may include a maintenance subsidy, medical assistance, Medicaid assistance, and reimbursement of nonrecurring expenses associated with the legal adoption. The term may also include a tuition exemption at a postsecondary career program, community college, or state university, and a state employee adoption benefit.
- D. Adoption Entity- as defined in 63.32 F.S., is the DCF, an agency, a child-caring agency registered under s. 409.176, an intermediary, or a child-placing agency licensed in another state which is qualified by the Department to place children in the State of Florida.
- E. Adoption Exchange - A mechanism for linking adoptive family resources with children needing adoption placement. The Exchange serves all Department adoption and foster care staff, and the staff of licensed child placing agencies in Florida.
- F. Adoption Home Study – A written evaluation of the adoptive parents' capacity for adoptive parenthood. The study includes, but is not limited to, the applicants' home and living environment, their marriage, family and social activities and relationships.
- G. Adoption Reunion Registry – As established in 63.165 F.S., is a voluntary computer data base which acts as a repository for current names, addresses and telephone



numbers of parties to any Florida adoption. The purpose of the registry is to reunite adult adopted persons with members of their family without either party having to take court action to accomplish this goal.

- H. Agency - “agency” as defined in 63.032(5) F.S. is any child-placing agency licensed by the Department, pursuant to s. 63.202, to place minors for adoption.
- I. At-Risk Adoptive Placement - A placement of a minor in the home of an approved adoptive parent prior to the termination of the minors' parents' parental rights.
- J. Community Based Provider - A private agency which has entered into a contract with the DCF to provide supervision of and services to children in out-of-home placements.
- K. Court- “court” as defined in Section 63.032(7), F.S. is a circuit court of this state and, if the context requires, the court of any state that is empowered to grant petitions for adoption.
- L. Custodian - Person or entity in whom the legal right to custody of a child is vested.
- M. Department- the Florida Department of Children and Families Services (DCF)
- N. Disruption - The termination of an adoption placement prior to legal finalization.
- O. Dissolution - Termination of an adoption following legal finalization.
- P. Circuit/Region - Geographic area through which the Department plans and administers its programs.
- Q. Intermediary - “intermediary” as defined in 63.032(9) F.S. is an attorney who is licensed or authorized to practice in this state and who is placing or intends to place a child for adoption, including placing children born in another state with citizens of this state or country or placing children born in this state with citizens of another state or country.
- R. Interstate Compact on the Placement of Children- An agreement among states, enacted into law in all 50 states, the District of Columbia and the U.S. Virgin Islands, which governs the interstate movement of children. It establishes orderly procedures for the interstate adoptive or out of home placement of children, including post-placement supervision.
- S. Lead Agency- “eligible lead community-based providers” as described in 409.1671(1) F.S. is a single agency with which the DCF shall contract for the provision of child protective services in a community that is no smaller than a county.
- T. Licensed Child Placing Agency- as defined in 39.01 F.S. is a person, society, association, or institution licensed by the Department to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.



U. Non-Recurring Adoption Expenses - Reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a special needs child, that were incurred prior to adoption finalization.

Placement - The act of physically moving a minor into the physical custody of the prospective adoptive parent, or in the case of adoption by a foster parent, relative, or other current caretaker, the date the placement agreement is signed.

V. Relative - "relative" as defined in 39.01(64) FS. is a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

W. Significant Emotional Tie - The relationship between a child and his or her caretaker family when a child is bound to that family in such a vital and ardent manner that removal of the child from that family would have detrimental consequences for the child. This term is also used in evaluating a child's eligibility for adoption subsidy when the question of eligibility rests solely on his adoption by the current caretaker.

X. Sibling - One of two or more individuals having one or both parents in common.

Y. Single Point of Access - The designated district/region staff person or Alcohol, Drug Abuse and Mental Health or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the family services counselor in accessing mental health assessments and other mental health services for children in the care and custody of the department.

Z. Special Needs Child - Means "special needs child" as defined in 409.166 (2), F.S., is a child whose permanent custody has been awarded to the DCF or a licensed child-placing agency; or a dependency action has been rendered as to the child; a child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is: Eight years of age or older; Developmentally disabled; Physically or emotionally handicapped; Of black or racially mixed parentage; or a member of a sibling group of any age, provided two or more members of a sibling group remain together for purposes of adoption.

AA. Suitability of Intended Placement - The fitness of the intended placement, with primary consideration being given to the best interest of the child.

### **Statement of Procedure**

ChildNet or its sub-contracted provider facilitates the adoption of children under its supervision. Persons seeking to adopt non-special needs children may be referred to other private agencies. Birth parents seeking adoption planning for their non-special needs children will be referred to other private adoption agencies. Any non-special needs children in the care of ChildNet for whom adoption is the goal, may be referred to other private adoption agencies for placement planning, unless there is a plan for adoption by the current custodian. Whenever feasible and appropriate, Dependency Case Manager



(DCM) takes into account the parents' desires regarding placement of their child(ren). As to a child from a tribe covered under ICWA, ChildNet works in conjunction with the tribe in determining jurisdictions, the child's needs, maintaining tribal connections and placements, consistent with ChildNet policy CN 004.022 – Indian Children.

## **ACTIONS TO TAKE UPON FILING OF A PETITION FOR THE TERMINATION OF PARENTS RIGHTS**

1. Within 30 days of the TPR Petition being filed, the child welfare professional will ensure that the child's birth records are requested and obtained within 90 days.
2. Within 30 days of the TPR Petition being filed, the child welfare professional will ensure that all health history records, school records, mental health records, hospitalization records and residential setting records are requested and obtained within 90 days.
3. Within 30 days of the TPR Petition being filed, the child welfare professional will ensure that the following documents are in the Child Welfare Information System:
  - a. Shelter Petition and Shelter Order
  - b. Dependency Petition and Dependency Order
  - c. Modification Petition and Modification Order if applicable
  - d. Original Predisposition Report (Ongoing Family Functioning Assessment)
  - e. Case Plans that address the child's needs
  - f. Protective investigations identifying the child as a victim
  - g. Guardian ad Litem report filed with the court concerning the child
  - h. Psychological Evaluations and Comprehensive Assessments
  - i. Names of providers who provided services to child while in foster care

## **ADOPTIVE FAMILY SELECTION**

In accordance with F.A.C 65C-16.002 (1) A person seeking to adopt a child who does not meet the definition of special needs pursuant to Section 409.166(2), F.S., will be referred to the Adoption Information Center. Birth parents seeking adoption planning for their children will also be referred to the Adoption Information Center

ChildNet is not to delay or deny any individual the opportunity to become an adoptive parent on the basis of race, color or national origin of the individual or the child. ChildNet is not to delay or deny the placement of a child for adoption on the basis of race, color or national origin of the adoptive parent or the child.

It is the policy of ChildNet, that adoption placements must be made consistent with the best interest of the child and can advance the child's best interest. The role of good judgment in assessing the best interest of the child cannot be replaced by rote policy decrees. The exercise of that judgment must be shaped by the following considerations:

1. Grandparent priority. – A grandparent who is entitled to notice pursuant to Section 63.0425, F.S., must be afforded the opportunity to have a home study completed and to petition for adoption. If grandparents apply to adopt the child, prior to a



Memorandum of Agreement to Adopt being signed by another applicant, the application must be evaluated through an adoptive home study

2. Current caregiver. If the current caregiver applies to adopt the child, the application must be evaluated through an adoptive home study. The home study must assess the length of time the child has lived with the current caregiver, the depth of the relationship existing between the child and the caregiver, and whether it is in the best interest of the child to be adopted by the caregiver.
3. Relatives and nonrelatives with whom child has a relationship. Persons known to the child, but who do not have custody of the child, may wish to be considered for adoption. If such persons apply to adopt the child prior to a Memorandum of Agreement to Adopt being signed, the application must be evaluated through an adoptive home study. The depth of the relationship existing between the child and the applicant must be assessed and included in the home study. The “Memorandum of Agreement,” CF-FSP 5072, October 2010, is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06973>.
4. Family new to the child. - Many families who pursue adoption do not have a specific child in mind when they apply. These families are to be provided information about the children available for adoption through ChildNet and will be helped, through training, preparation, and the home study process, to determine if special needs adoption is appropriate for their family.
5. Siblings When considering adoption placement of a sibling group, ChildNet will consider the fact that placing siblings together is a priority, whenever possible, to help preserve the family unit.
6. When more than one family files an application to adopt, the case must be referred to the Adoption Applicant Review Committee (AARC). ChildNet will follow Department of Children and Families Operating Procedure 170-12 ADOPTIONS, Chapter 3 in these situations.
  - A. In any adoptive placement of a Native American child, the federal “Indian Child Welfare Act” governs the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a different order of preference by resolution, and that order must be followed. The Act lists the placement preference for adoption of a Native American child in the following order:
    1. A member of the child’s extended family
    2. Other members of the Native American child’s tribe; or
    3. Other Native American families
    4. For any youth associated with a tribe, ChildNet will follow federal and state law as well as its policy and procedure established for ICWA (CN 004.022).



- B. When a prospective adoptive family requests information regarding an attorney to assist in the process, the adoption attorney list is to be provided. ChildNet personnel are not to make recommendations.
- C. Requests for consideration made after the Memorandum of Agreement to Adopt has been signed. Once a Memorandum of Agreement is signed by the prospective adoptive parents, the Department will not complete a homestudy on any new applicant to adopt the child, unless court ordered.

**D. Study of the Child.**

Completing the study of the child is an important part of the preparation needed to identify an adoptive family. The Child Study should cover the following areas:

1. Current and projected or future needs of the child based on all available information regarding the child and the birth family's medical and social history as well as the child's strengths. It will address the history of maltreatment as well as all placements while in care. This information will assist with addressing the child's ability to bond and develop healthy relationships.
2. Provide critical documentation of the child's special needs for the adoption maintenance subsidy purposes.
3. Provide all available social, dental, psychological and medical history information to the adoptive parents prior to or at the time of the adoption placement for disclosure purposes. The study of the child, with identifying information removed, will be a part of the written background information provided to the adopting family. Full disclosure must be conducted prior to signing of the adoption subsidy agreement, memorandum of agreement to adopt and the first day of adoptive placement. The Child Study will remain in the case file.

The Child Study may need to be updated when it is over 12 months and the child has not been placed for adoption. The updated study must document only new information. Rather than repeat information from an evaluation (i.e.: Comprehensive Behavioral Health Assessment or other mental health or medical documents) in a child study, these documents may be attached and referenced in the child study.

In addition to the elements described in 65C-16.005, F.A.C. the area's that must be included in the updated Child Study are:

1. Placements- the listing must include child's placement, dates and caregiver's name, any significant experiences that occurred or relationships that were developed.
2. Educational History- includes all schools, current grades and a summary of the report cards and Individual Education Plan (IEP), if appropriate.





3. Strengths- An interview with the child is to be completed to clarify any contradictory information and learn what the child believes is his/her strengths as well as any hobbies and aspirations. This is also an opportunity for the child, if age appropriate, to describe what they are looking for in an adoptive family.

### **ADOPTION APPLICANT REVIEW COMMITTEE**

In all situations requiring an Adoption Applicant Review Committee, ChildNet will follow the Department of Children and Families Operating Procedure, 170-12 ADOPTIONS, Chapter 3.

### **PLACEMENT OUTSIDE OF THE STATE/ICPC PLACEMENT**

When a prospective adoptive family is identified for a child outside of the State of Florida or children that are dependent outside of the state of Florida will go through the Interstate Compact Office pursuant Florida law at sections 409.401, et seq., Florida Statutes (F.S.). (Reference CN 006.004, 006.006, 006.009).

### **ADOPTION PACKET**

The adoption packet given to prospective adoptive parents to initiate the adoption process shall only include the "Adoptive Home Application" form, CF-FSP 5071, July 2021, which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13385>.

### **EVALUATION OF APPLICANTS**

No person is to be denied the opportunity to become an adoptive parent nor a placement of a child with a particular family is to be denied on the basis of race, color national origin, or sexual orientation.

- A. A home study assessment, which involves one or more visits to the prospective adoptive home using careful observation, screening and evaluation, shall be made of the child and adoptive applicants prior to the placement of the child. The aim of this evaluation is to assess and select families who are best able to meet the physical, emotional, social, cultural, educational and financial needs of a child, while safeguarding the child from further loss and separation from primary caretakers. The assessments will be conducted in a culturally responsive manner and identify family strengths to support their adoption process. The adoptive home study is valid for 12 months from the approval date.
- B. An application to adopt must be submitted on a State of Florida approved adoption application to ensure that the necessary identifying information and information required by statute are included.
- C. In determining which applications for adoption should be approved, all of the following criteria, not listed in any order of priority, are to be considered:
  1. The child's choice if the child is developmentally able to participate in the decision. The child's consent to the adoption is required if the child is age 12 or older.



2. The ability and willingness of the adoptive family to adopt some or all of a sibling group, although no individual child shall be impeded or disadvantaged in receiving a loving and nurturing home due to the inability of the adoptive family to adopt all siblings. The needs of each individual child must be considered, as well as the families' demonstrated efforts to maintain the sibling connection.
3. The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage.
4. The overall functioning of the family and each individual's interest in bringing a child(ren) into their home for the purpose of adoption. When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered.
5. The family's child parenting experience. Applicants with previous child-rearing experience and who have a demonstrated history of having provided consistent financial and emotional support to other minor children, either birth or adopted, will be considered. Applicants who do not have previous child rearing experience but who demonstrate the capacity to parent a special needs child will also be considered. Families with no child rearing experience must also be assessed for their capacity to provide care for a special needs child.
6. Applicants who have experienced an adoption disruption or dissolution in the past shall be assessed regarding the reasons for the disruption or dissolution, the family's openness in dealing with the problems that led to the disruption, their willingness to accept help with the problems, and their willingness to help the child move to the next placement.
7. Marital Status. Applications to adopt will be accepted from married couples or single adults. Considerations should be given as to stability of the marriage and/or any significant relationships. In determining stability, adoption staff shall consider the length of the marriage or relationship and any of repeated separations and reconciliations. Residence. Florida families must be prepared to remain in Florida long enough to have the adoption study completed, the child placed, and the adoption finalized. Families from other states wishing to adopt Florida children may apply and be studied by an agency authorized or licensed to practice adoption in their state of residence. Out of state placements will be facilitated through established regional or national adoption exchanges or directly with out of state agencies and will comply with the requirements of the Interstate Compact for the Placement of Children.
8. Income. The family must have legal and verifiable income and resources to assure financial stability and security to meet expenses incurred in adequate care of the family. While a family's income must meet the needs of its current members, a family interested in a special needs child is not to be precluded from consideration if the availability of an adoption subsidy would enable them to adopt a special



needs child. Management of current income and the ability to plan for future changes in income so that the child's social, physical and financial needs will be met are as important as the amount of income.

9. Housing must provide space and the living conditions necessary to promote the health and safety of the family.
10. Health. Applicants will be required to fully disclose health history for themselves and each member of the household, to include current physical, mental, or emotional health status, any condition that is progressive and debilitating in its course, and any past and current treatment and services received for such condition. A current physical shall not be required unless the applicant has disclosed a physical, mental, or emotional health condition that jeopardize the safety and permanency of the child's placement.
11. Other Children, including Adult children, of the family. When families have children by birth or adoption, the anticipated impact of a new child on the family must be considered. Contact must be attempted with all children of the adoptive family in order to determine the anticipated impact on the family and as part of the assessment of the potential adoptive parents' capacity to parent a special needs child.
12. Other Household members. Other household members must be interviewed and included in the assessment of the adoptive family to determine impact on the family. For household members who will serve in a caregiving capacity, the following areas shall be assessed: attachment to the child, parenting history, physical and mental health, background checks and references
13. Working Parents. The willingness and ability of prospective adoptive parents who are employed outside the home to make arrangements to be with the child during the transition period are to be considered. It is desirable that one parent be free to devote full time to the care of the child for a period of time after placement. The exact length of time is determined by the needs and the age of the child, and the needs of the child is to be given priority over the employment situation of the prospective adoptive parent.
14. ChildNet Employees. ChildNet employees have the ability to seek adoption of a child in care consistent with Florida law, (see CN P&P 009.013) must match the new code listed 65c-16.005(n)
15. All adoptive applicants must complete the requirements for background screening consistent with law and CN policy (CN 007.002). must match 65c-16.007

Use of References. A minimum of five (5) written references shall be required. Only one (1) reference may be obtained from an employer and only one (1) of the references may be obtained from a relative. All other references must be obtained from persons who either: 1) who have had the opportunity to observe the applicants in situations that may provide an indication of their capacity for



parenthood. 2)who as the result of their relationship to the applicant possess documentation or knowledge of the applicant's capacity for parenthood. All references shall be provided directly to the agency person conducting the home study by the person providing the reference.

#### D. Family Preparation and Study Process/Pre-Service Training

1. The applicants must have a clear understanding of what to expect during the preparation and study process. This is to be discussed generally during the initial inquiry but is to be reiterated at every stage of the preparation training and home study process. The applicants must understand that ChildNet needs to get to know them well enough to help determine whether adoption is right for them and the type of child for whom they would be appropriate. The process will also help to establish a relationship with adoptive applicants. By establishing these relationships, prospective adoptive families will likely be more open during the presentation, placement, and post-placement adjustment period.
2. The method most commonly used to prepare adoptive families in the ChildNet adoption program is the Model Approach to Partnerships in Parenting (MAPP). The MAPP program provides a format through which prospective foster, shelter and adoptive parents can be selected and prepared to work with ChildNet as team members in permanency planning. ChildNet may accept alternative pre-service training based upon curriculum and case specific circumstances.
3. The Department approved adoptive parent training must be provided to and successfully completed by all prospective adoptive parents except licensed foster parents, relatives and non-relatives who have previously successfully completed the approved training within the last five (5) years , as prescribed in Rule 65c-13.024, F.A.C., have the child currently placed in their home for six (6) months or longer and have been determined to understand the challenges and parenting skills needed to successfully parent the children available for adoption from foster care. The staff person conducting the home study must clearly document in the adoptive parent home study the reasons why the relative or non-relative caregiver will not be required to complete adoptive parent training.
4. At the beginning of each year, ChildNet is to establish a 12-month training calendar so that inquiring families can be aware of when they can reasonably expect to begin the preparation process. ChildNet and licensed child placing agencies in the community are to maintain the ability to run extra MAPP groups when the needs of the district require it. This is particularly important when there are significantly higher numbers of families waiting for group that cannot be accommodated in the regularly scheduled sessions.

#### E. Family Preparation Through Use of the Individual Study/Home Study Process.

Although the most preferred method of preparing applicants for adoptive parenthood is the Model Approach to Partnerships in Parenting (MAPP), it is recognized that there



may be exceptional cases in which an individual preparation process approach must be used.

Some examples of factors which may lead to a decision to prepare an applicant family via individual preparation process are as follows:

1. Extreme distance which would cause undue hardship for the family.
2. Small numbers of inquiring families at irregular times.
3. Families who are adopting subsequent children who have already successfully completed required training.
4. Cases in which the child has been living in the home for an extended period and there is evidence of well-functioning relationships.
  - a. Each decision to use the individual preparation process approach must be approved in writing by the Director of Adoption or designee. Additionally, the family's record will include documentation regarding the determination to use this method.
  - b. The focus of the individual preparation process, as in group preparation process, must be on education and preparation of the family.

#### F. Families Who Adopt Again.

Prior approval of a family to adopt does not automatically deem the family appropriate to adopt again. Families previously approved in other states or regions in Florida are to be carefully evaluated. Consideration of a family for placement of a subsequent child requires an updating of the previous study. Such an update shall include an assessment of the following:

1. Issues Related to the Previously Adopted Child. This shall include a brief description of the child, his or her incorporation into the family and the parents' parenting skills for this child.
2. Motivation of the family in seeking to adopt another child.
3. School adjustment of the previously adopted child(ren), including the communication and ongoing relationship with the local school system. If a child is home schooled, the child's socialization, community visibility and peer relationships must be assessed.
4. Health Needs. Any significant medical problems and any impact these have had on the previous adoption or might be expected to have on subsequent placements are to be discussed.
5. Housing needs and the capacity of the home to comfortably accommodate another child.
6. Income. Any major changes in the family's income must be discussed. A determination shall be made as to whether the addition of another child, even with subsidy, may tax the family's ability to manage within their current income.



7. Marriage. The effect of the previous adoption on the marriage must be discussed.
  8. Extended Family and Neighbors- How was the previous adoption perceived, received or rejected by family and/or neighbors perceive the family relationships including the visibility of the child within the neighborhood, when available.
  9. Updated References. A minimum of five (5) written references shall be obtained when updating an adoption home study toward placement of additional child. References are to be asked to address how the family appears to have managed with the previously adopted child(ren) and how they believe the family can cope with additional children. References must be obtained from persons who either: 1) who have had the opportunity to observe the applicants in situations that may provide an indication of their capacity for parenthood. 2) who as the result of their relationship to the applicant possess documentation or knowledge of the applicant's capacity for parenthood. The adoption advocate shall attempt to obtain a reference from an adult child of the applicant, if applicable. Only one (1) of the references may be obtained from a relative. .
  10. Abuse Registry/Criminal Records Check. Abuse hotline and criminal records checks must be conducted pursuant to Sections 39.0138 and 39.521, F.S., as part of each subsequent application to adopt.
  11. Other Major Changes. Any additional family members not considered in the initial study or any other major changes such as job changes, deaths, and serious illnesses or medical conditions which may have had an effect on the family or which may compromise the applicant's ability to meet the needs of another child is to be discussed.
- G. The Written Adoption Study. Whether or not the parent preparation is conducted in a group process or in an individual process, a written report, generally referred to as the adoption home study, is to be prepared for each studied family. The written home study must address the issues discussed in (A) through (F) above.
- H. At the conclusion of the preparation and study process, either the MAPP recruiter or the Adoption Advocate makes a decision about the family's appropriateness to adopt. The decision is to be reflected in the final recommendation included in the written study. The assessment of the family should include identification of their individual and family strengths, and service participation throughout the adoption process. At the conclusion of the preparation and study process, the AA/AS/MAPP recruiter or designee and supervisor will make a decision about the family's appropriateness to adopt. That decision will be reflected in the final recommendation included in the written study. If the MAPP Recruiter or Adoption Advocate does not recommend approval the case is to be reviewed by Adoption Review Committee also referred to as Adoption Applicant Review Committee.

## **ABUSE REGISTRY AND CRIMINAL RECORDS CHECKS**





- A. Abuse Registry checks must be conducted on all adoptive applicants. The applicants must be informed of this part of the investigation at the inception of the home study process and must provide written consent for the checks to be completed. For applicants who have been foster parents or have adopted in other states, Abuse Hotline checks must be completed in the previous state. Abuse Hotline checks must be current within 30 days of placement of an adoptive child in the home.

Abuse Hotline record checks must also be conducted on all other household members who are 12 years of age or older. When the adoptive applicant or other adult household member has lived in another state within the last five (5) years of the request for a home study, a child abuse and neglect registry check of the other State must be completed. If the other State does not have a state child abuse and neglect registry or has been approved by the Administration for Children and Families for a delayed effective date, a local or county child abuse and neglect registry check must be completed. If the other State does not have a local or county child abuse and neglect registry, the information must be documented and a determination made whether to approve the applicant based on all other information required by 65C-16.002, 65C-16.004, and 65C-16.005, F.A.C.

1. All requests for information from the Abuse Registry are to be in writing and must include statement of statutory authorization to the received information.
2. All ChildNet personnel and other agencies and professionals using information from the Abuse Registry, or any child abuse case record should be informed that misuse of such information may cause them to be held personally liable, and any person injured or aggrieved by such disclosure may be entitled to damages. Unauthorized release of abuse reports may result in criminal prosecution.

Local, statewide, and national criminal records checks and juvenile records checks must be conducted on all adoptive applicants and other household members 18 years of age and older. Local, statewide, and juvenile records checks must be conducted on all household members 12 through 17 years of age.

If the criminal records reveal that the applicant has been convicted of a crime specified in Section 39.0138(2), F.S., the application must be denied.

If the criminal records reveal that the applicants who have been convicted of any crime specified under 39.0138(3) F.S. the applicant cannot be considered for adoption until five years after the date of conviction. After five (5) years have passed, the applicant shall be referred to the Adoption Review Committee if the applicant submits a new Adoptive Home Application

- B. If the criminal records checks reveal that the applicant have been found guilty or entered a plea of guilty or nolo contendere for crimes other than list listed in 39.0138(2) or (3) F.S. the applicant shall be evaluated as to the extent of their rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has elapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the Adoption Review Committee is not required but they must be





submitted to the Director of Permanency or designee for approval. Refer to the Adoption Review Committee of this section.

- C. If the juvenile records check reveals a juvenile record, this information must be addressed in the home study and a determination must be made regarding possible impact on the adopted child.
- D. For foster parents and relative caregivers who are the current caregivers adopting a department child, federal background checks must be current within 5 years at the time of adoption placement. For non relatives or for potential adoptive parents who are not current caregivers of the child, federal background checks must be current within one year at the time of adoption placement. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of adoption placement.

#### E. Abuse Complaints Against Adoptive Parents

1. When ChildNet receives reports of abuse, neglect or abandonment by adoptive parents whose adoptions have been finalized, they will be handled as any other family on whom a report has been received.
2. In cases where such reports are received on families whose adoptions are not finalized, the protective investigator will consult with the CA/AA/DCM and or the respective supervisor who knows the family and children.
3. If an allegation of abuse, neglect or abandonment be made directly to the CA/AA/DCM, the Florida Abuse Hotline must be notified immediately. If the report is accepted by the hotline, the report will be transmitted to the Protective Investigations unit. Complaints which do not contain allegations of abuse, neglect or abandonment and are made directly to the Adoption Advocate shall be investigated by the counselor.
4. If an investigation of an abuse, neglect or abandonment report by protective investigations reveals that the subject of the report is an adoptive parent whose adoption has not been finalized, the CA/AA/DCM must be notified within 72 hours by the protective investigator and will assume responsibilities in the investigation as outlined above.

If abuse or neglect is established but does not warrant removal of the children, consideration shall be given to providing post adoption services, including a referral to the multidisciplinary team, to the family for a specified period of time. Prior to the expiration of the specified period of time, input from the ChildNet or its sub-contractor agency must be sought to assess progress being made and the likelihood that the consent to the adoption will be issued. ChildNet or its sub-contractor agency shall convene a meeting to decide if the placement will be terminated and the child returned to foster care or if a recommendation to issue consent for finalization of the adoption is will be given.



5. Whether the recommendation is finalization of the adoption or removal of the children, information about the report, services provided to the family, and reasons for the final decision must be documented in child's case file, updated in CCWIS and provided to the court.

## **CHILD PREPARATION**

Children who have a goal of adoption will be provided with age-appropriate services to prepare them for adoption. Services include, but are not limited to:

- a. Counseling related to separation and loss, birth family loyalty, traumas and a general understanding of adoption. A referral will be completed of our contracted adoption therapy provider.
- b. Consideration of continued contact with birth parents, relatives, siblings and the child's tribe when one has been identified.
- c. Continued use of child's life book that describes the child's history.
- d. Opportunities to visit with the prospective adoptive family as well as preparation and support of such visits.

## **ADOPTION PLACEMENT**

- A. When making adoptive placements ChildNet staff or its sub-contracted provider (s) acts in accordance with applicable laws and tries to resolve any conflicts regarding placement decisions in an expeditious manner while keeping the child's best interest in the forefront. The adoption placement process incorporates the following:
  1. Selection of the family. The Adoption Specialist or DCM will assess the abilities of the approved family to parent a specific child before considering presentation of the child's information.
  2. Presentation of all family and medical information to the family regarding the child and to the child regarding the family
  3. First Supervised meeting shall occur with a family who has an approved home study, or with a family who is known to the child, is in the process of having a home study completed and has cleared all required background checks.
  4. Get acquainted period and pre-placement visits can vary depending on age and child's history
  5. Identify and access needed services prior to the Day of placement
- B. The effective date of the adoption placement is the date the child is placed in the physical custody of the adoptive parent, or the memorandum of Agreement is signed.
  1. Selection of the family. The Adoption Specialist or DCM will assess the abilities of the approved family to parent a specific child before considering presentation of the child's information.
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  4. Get acquainted period and pre-placement visits can vary depending on age and child's history
  5. Identify and access needed services prior to the Day of placement
- C. The decision on final placement is based on the child's readiness and the cues given by the child to the DCM that he/she is ready to move into his/her new family.

An out of state placement for the purposes of adoption shall have the prior authorization of the court and of the Interstate Compact on the Placement of Children (ICPC)

- D. The mechanics of final placement include:



1. An assessment of the child and family's adjustment during the transition activities, all needed services for the child and family have been identified and are active at the time of placement.
  2. The child's case manager or adoption specialist will be present to facilitate the transition to the adoptive family at the time of placement.
  3. An opportunity for the child to say good-bye to significant adults and children as identified by the child.
- E. When it is necessary for the child to travel to the home of the adoptive parent for placement, the child should be accompanied by the person with whom he or she has the most meaningful relationship. If this person is a member of the foster family, ChildNet is to provide financial reimbursement for reasonable costs incurred, which are subject to prior approval.
- F. **AT RISK PLACEMENTS** - Occasionally, it may be in the child's best interest to be placed in a prospective adoptive applicant's home prior to completion of legal termination of parental rights. Examples of situations where at-risk placement may be appropriate include:
1. The child's termination of parental rights is on appeal and all known relatives have been considered and have been found unavailable or not appropriate.
  2. The child has been voluntarily surrendered and termination of parental rights by the court is anticipated.
  3. A petition for termination of parental rights has been filed, as it appears unlikely that the child can be returned to the biological parents.
  4. The child must be moved from his or her current foster home placement, and the placement in a pre-adoptive home will result in one less move for the child.

Pre-adoptive families entering into an at-risk placement must have an approved adoptive parent home study and understand that there is no guarantee that permanent commitment to the Department will occur. Families entering into an at-risk placement must indicate in writing that they understand and accept the risks involved.

ChildNet and its subcontracted provider(s) shall be required to have an at-risk placement document signed by the prospective adoptive parent(s) prior to placement of a child in their home if there is no written court order documenting termination of parental rights as to the child being placed for adoption.

The At-Risk Placement Document shall contain a statement that ChildNet or the subcontracted provider does not have permanent commitment of the child for the purpose of adoption and the reason for it, that proceedings have been started to obtain commitment, that ChildNet or the subcontracted provider will notify the prospective adoptive family of the court's decision and that the child may be removed from the



home. The prospective adoptive parents must agree to return the child to ChildNet or the subcontracted provider.

## **G. ADOPTION PLACEMENT- POST-PLACEMENT**

ChildNet or its subcontracted provider has a legal responsibility to provide services until the finalization of an adoption. This period shall be a minimum of 90 from the date the child was placed in the physical custody of the adoptive parent. The first home visit must be made within one week of placement. There shall be a minimum of three supervisory home visits in placements which are non-problematic. If at any time concerns regarding the placement arise, additional and more frequent contacts are necessary. The adoptive child(ren) must be contacted a minimum of once every 30 days until adoption finalization. The entire family must be seen together at least once during the post placement supervision period.

1. Some placements are, by nature, complex and will require additional services during the post-placement period. All needed services must be identified and accessed prior to the day of finalization of an adoption. Examples of these placements include:
  - a. Children with severe emotional and behavioral difficulties. Children who required specialized services to maintain stability in their foster home often need the same services in the adoptive home. An ongoing assessment of the effectiveness of services are effective or if additional services are needed.
  - b. Multidisciplinary Team. During the post placement supervision period, adoptive families may access the services of the Multidisciplinary Team. When the services of the team are needed, the case manager or adoption counselor shall initiate contact with the identified single point of access.
  - c. At the end of the supervisory period, ChildNet's Adoption Specialist or subcontracted provider DCM, and Adoption Supervisor must make a final assessment of the placement. Before the final adoption hearing, or within 90 days after the adoption petition is filed with the court by the adoptive family, whichever occurs first, a final home evaluation must be completed as directed in 63.125, F.S., and a written report on the findings, including a recommendation on the granting of the adoption petition, will be filed with the court. In addition to the requirements of 63.125, F.S., the following is to be addressed in the written report to the court:
    1. Summary of issues discussed in 65C-16.005, F.A.C. Evaluation of Applicants, and 65C-16.007, F.A.C., Abuse Hotline and Registry and Criminal Records Checks.
    2. Full discussion regarding any unusual circumstances in the adoptive family, including health records and findings, and financial problems.
  - d. After the post-placement period is completed, the Adoption Supervisor shall sign the consent to adoption and forwards it to the adoptive parents' attorney.



Attached to the consent will be the family and medical history containing such information concerning the medical history of the child and birth parents must be attached to the consent. This information is to be made available to the adopting parents. With the consent and medical history, the attorney can proceed with the filing of the petition for adoption in court. If not previously provided, the adoptive parents are to be provided with a copy of the study of the child at this time. If the study contains identifying information about the biological family, that information must be deleted prior to presenting it to the family.

- e. The AA/DCM completes the original and two copies of Section A and B of the Certified Statement of Final Decree of Adoption that is to be used by the Clerk of the Court to obtain the new birth certificate. The above documents will be forwarded to the family's selected attorney as part of the formal consent package.
- f. When a placement disrupts, the AA/DCM shall record a disruption summary, which provides an evaluation and assessment of the reasons for the disruption in FSFN. the reasons for disruption in the child's case file. In addition to assessing and summarizing the reasons for the disruption, the summary must also assess the impact the failed placement had on the child and issues which will be resolved before another placement can be considered. Any specific attributes or skills which will be necessary in the next adoptive parents must also be included. The documentation must be recorded within 10 days after the disruption occurs.

## **CONFIDENTIALITY – HUMAN IMMUNODEFICIENCY VIRUS (HIV)**

### **Infected Clients**

Prior to the adoptive parent's confirming their decision to adopt, the adoptive parents shall be told that the child being considered by them has tested positive for HIV but cannot be told the child's identifying information, including the child's name. Once the decision to adopt has been confirmed, the community-based-care agency or subcontractor agency shall disclose to adopting parents the full name of a child who has been tested positive for HIV.

### **TYPES OF ADOPTION ASSISTANCE**

The intent of adoption assistance is to promote the adoption of special needs children who are under ChildNet's supervision or in the care of a licensed private child placing agency. It is the responsibility of ChildNet's adoption staff, or its sub-contractor shall inform prospective adoptive parents of the availability of all of the benefits listed below:

- A. Maintenance Subsidy. A monthly payment may be made for support and maintenance of a special needs child until the child's 18th birthday.
- B. Post Adoption Services. Post adoption services shall include:
  1. Temporary case management;



2. Adoptive parents' support groups or newsletters;
  3. Information and referral requests; and,
  4. Assistance to cover the cost of medical, surgical, hospital and related services needed as a result of a physical or mental health condition of the child which existed prior to the adoption.
- C. Other Medical Services. Other medical services available may include on-going Medicaid coverage and continuing eligibility with Children's Medical Services for children who were receiving such services prior to adoption.
- D. Reimbursement for Non-recurring Adoption Expenses. Nonrecurring adoption expenses are those necessary adoption fees, court costs, attorney's fees, and other expenses that are directly related to the legal adoption of a special needs child.
- E. Tuition Waiver. Children who were in the custody of the Department and who were adopted from the Department after May 5, 1997, are eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges as stated in Section 1009.25, F.S.
- F. Federal Adoption Tax Credit. Families that adopt children with special needs are eligible for a tax credit based on expenses related to the adoption or a reimbursable amount based on the year of the adoption finalization. Staff must inform adoptive parents of this tax benefit and the website to obtain Form 8839 as well as the instructions on completing the form.
- G. Adoption assistance for eligible children will be paid irrespective of the child's state of residence. Adoptive parents receiving adoption assistance are obligated to notify the Department or ChildNet of any change of address.
- H. The provision of all adoption assistance is contingent upon the availability of state and federal funds.

## **DETERMINATION OF MAINTENANCE SUBSIDY PAYMENTS**

ChildNet will follow the Department of Children and Families Operating Procedure 170-12 ADOPTIONS, Chapter 1.

## **POST ADOPTION SERVICES**

ChildNet will follow the Department of Children and Families Operating Procedure 170-12 ADOPTIONS, Chapters 7 and 9.

## **ADOPTION HOME RECORDS**

ChildNet is to keep records for each unmatched adoptive family for a period of seven years. Each file should contain:

- A. The applications
- B. The adoptive assessment study





- C. Medical information
- D. Character references from at least three sources
- E. Documentation of family contacts (phone, letters, email, etc.) following approval for adoption until the child is placed
- F. A copy of the information given to the parent's concerning the child or children to be placed for adoption with them
- G. All legal documents pertaining to the adoption

### **FLORIDA ADOPTION REUNION REGISTRY**

All releases of identifying information about adoptive persons, birth parents, and adoptive families are in accordance with individual preference and applicable laws and regulations.

ChildNet is to provide information about the existence and purpose of the Florida Adoption Reunion Registry to birth parents and adoptive families information about the Adoption Reunion Registry can be obtained by calling 800-96adopt or going to the website at [www.adoptflorida.com](http://www.adoptflorida.com). This allows the families and individuals who were separated by the adoption an avenue to be reunited, if that is the desired outcome of each person's as outlined in 63.165, F.S.

### **INTERVENTION IN DEPENDENCY CASES**

1. This rule applies when:
  - a. The child is in the custody of the Department;
  - b. Parental rights have not been terminated;
  - c. A parent executes a consent for the child's placement with an adoption entity; and,
  - d. An adoption entity files a petition to intervene in the dependency case.
2. Intervention. An adoption entity's intervention does not relieve the Department of its responsibility to assess whether the best interest of the child is met. At the time of the intervention hearing, the Department shall inform the court as to whether it opposes or supports the motion for intervention. The Department shall oppose the adoption entity's intervention if the adoption entity fails to provide the Department with the intervention preliminary home study.
3. ChildNet will follow Department of Children and Families Operating Procedure 170-12 ADOPTIONS, Chapter 6.

**President's Signature:** Larry N. Rein **Date:** 6/3/2024