

Permanency Planning and the Adoption Process

Shakopee, Minnesota
July 29, 2014



1

Presenter

Melissa Sherlock, MSW, LGSW
Adoption & Permanency Policy Specialist
Minnesota Department of Human Services

Policy regarding children under guardianship of the commissioner

Adoption policy

2

Agenda

- Data
- Reasonable efforts to finalize adoption
- Recruitment efforts, tools and resources
 - Social and medical histories
 - State Adoption Exchange
 - Other child-specific recruitment efforts
 - Public/Private Adoption Initiative (PPAI)

3

Agenda

- Placement decisions
 - Sibling placement and separation
 - Best interest factors
 - Cultural considerations
 - Competing placement priorities
 - Matching
- Adoption process
 - Placement procedures
 - Adoption Assistance
 - Petition and finalization
- Post-finalization tasks
- DHS staff contact information

4

Data



5

MN Guardianship Data

(Minnesota's Child Welfare Report 2013)

Year	2009	2010	2011	2012	2013
Entering Wards	651	507	505	503	685
Total Under Guardianship as of Dec. 31 st	1,011	840	770	696	863
Ward Adoptions	652	588	521	524	539

6

MN Guardianship Data: Age

Of the **863** children under guardianship of the commissioner on 12/31/13:

- 262 (30%) were ages 0-3
- 113 (13%) were ages 4-5
- 236 (27%) were ages 6-11
- 117 (14%) were ages 12-14
- 135 (16%) were ages 15-17



Minnesota's Child Welfare Report 2013

7

MN Guardianship Data: Race



Of the **863** children under guardianship of the commissioner on 12/31/13:

- 434 (50%) were White
- 218 (25%) were African American/Black
- 58 (7%) were American Indian
- 6 (< 1%) were Asian
- 137 (16%) were two or more races
- 96 (11%) were Hispanic ethnicity – any race

Minnesota's Child Welfare Report 2013

8

MN Guardianship Data: Gender

Of the **863** children under guardianship of the commissioner on 12/31/13:

- 450 (52%) were male
- 413 (48%) were female



Minnesota's Child Welfare Report 2013

9

MN Guardianship Data: Status

Of the **892** children under guardianship of the commissioner on 09/09/13:

- 332 (37%) were in adoptive placements [APA signed]
- 36 (4%) were in court-ordered LTFC
- 524 (59%) were "waiting" for an adoptive family



SSIS-Adoption Data

10

Minnesota's Waiting Children

Minnesota's "waiting" children:

- Are under guardianship of the commissioner
- Are not yet in an adoptive placement [no APA signed]
- Are not in court-ordered long-term foster care



11

Minnesota's Waiting Children

On September 9, 2013, there were **524** "waiting" children.

The average Minnesota "waiting" child:

- Is age 10 and older
- Is a child of color
- Is part of a sibling group that needs to be adopted together
- Has one or more identified special needs



SSIS-Adoption Data

12

MN Guardianship Data: Special Needs

Of the **524** "waiting" children on **09/09/13**:

- 43% were ages 10 and older
- 52% were children of color
- 40% had psychological or medical disability listed as their primary barrier to adoption
- 19% had member of sibling group listed as their primary barrier to adoption*



SSIS-Adoption Data

MN Guardianship Data: Waiting Time

Of the **539** children who were under the guardianship of the commissioner and adopted in **2013**:

- The average number of days from TPR to APA signed was **278**
- The average number of days from APA to finalization was **164**
- The average number of days from TPR to finalization was **440**



Minnesota's Child Welfare Report 2013

14

Child Under Guardianship of the Commissioner



15

Adoption Process Checklist for Children Under Guardianship of the Commissioner (DHS 6542)

- Developed in 2005 by DHS Adoption and DHS SSIS staff with input from county social workers
- Officially launched in September 2005
- Has been updated numerous times
- Current version is dated 4-14



Handout #1

16

Adoption Process Checklist for Children Under Guardianship of the Commissioner (con't)

Purpose is to:

- Provide county social workers with a clear guide of the required steps to legally finalize the adoption of a child under guardianship of the commissioner.
- Document in the case file completion of each step of the adoption process.



Adoption Process Checklist for Children Under Guardianship of the Commissioner (con't)

Tips for using the checklist:

- The version date of the checklist is now in the upper right corner of the document.
- Applicable statutes and rules are cited throughout the checklist.
- Applicable DHS forms and SSIS documents are referenced throughout the checklist.
- The steps are written in logical order as much as possible, but many steps should be completed concurrently, rather than consecutively, and some steps may be completed out of order.



Adoption Process Checklist for Children Under Guardianship of the Commissioner (con't)

Where to find the most recent version of the checklist:



- Adoption and guardianship website on CountyLink: <http://www.dhs.state.mn.us/CountyLink>
Click on: *DHS Program Resources*, then on *Adoption and guardianship* then click on *Adoption Process Checklist for Children Under State Guardianship* under Tools
- eDocs, available at:
<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-6542-ENG>

19

SSIS Training Module

Written document that outlines the steps a county social worker must follow to complete adoption work in SSIS.

Available online:

<http://mn.gov/dhs>

click on: *Partners and Providers*

click on: *Counties and Tribes*

click on: *CountyLink website*

click on: *DHS Systems & IT Updates*

click on: *SSIS*

under *Training*, click on: *Documentation*

under *Adoption – County and Tribal*, click to open: *Adoptions module*

20

Resource #1



State Guardianship

- After a court ordered TPR or court's acceptance of a Consent of Parent to Adoption under 260C and guardianship transfer to the commissioner, court administration must send certified copies of the applicable court documents to DHS.
Minnesota Statutes, section 260C.317, subd. 3
Minnesota Statutes, section 260C.515, subd. 3 (6)
- DHS must verify that the court orders received are acceptable according to DHS policy.
- The county SW enters and verifies data in SSIS that notifies DHS of a new child under guardianship of the commissioner.

21

State Guardianship (con't)

- The county SW generally enters the court hearing date as the effective date of guardianship status.
- DHS uses the judge's signature date on the order as the effective date unless the court order specifies another effective date [e.g., the hearing date].
- These date discrepancies have major impact on the APA and other required documents.



22

State Guardianship (con't)

- If child has previously been adopted, verify that adoption history information is entered accurately in SSIS.
- Indicate whether the child's previous adoption was:
 - Through the Minnesota foster care system
 - Another state's foster care system
 - Private agency adoption
 - International adoption



State Guardianship (con't)

County SW must send a *photocopy* of the child's *birth certificate* to DHS. A *certified* copy of the birth certificate will eventually need to be provided to the court for the adoption proceeding. If a county also requires a *certified* copy of the birth certificate for the child's county case file, two certified copies of the birth certificate will be needed by the county.



24

2012 Legislative Changes Related to Adoption

- Requirements for adoptions of children under guardianship moved from Chapter 259 to 260C.
- Specifies requirements for **agency to make reasonable efforts to finalize an adoption** and outlines **content of court hearings to review progress toward adoption**.
- Specifically requires review of progress toward finalization even if appeal is made of guardianship order, but may not finalize the adoption.

Minnesota Statutes, section 260C.605

25

Minnesota Statutes, section 260C.607

Reasonable Efforts to Finalize an Adoption

- Use age-appropriate engagement strategies with child.
- Make individualized determination of child's needs based on 10 best interest factors required in section 260C.212, subd. 2 (b).
- Making adoptive placement that meets child's needs:
 - **Completing or updating relative search required in section 260C.221 and giving notice of the need for an adoptive home for the child**

26

Reasonable Efforts to Finalize an Adoption (con't)

- Engaging the child's foster parent and relatives identified as an adoptive resource during the search required under section 260C.221, to commit to being the prospective adoptive parent of the child
- When there is no identified prospective adoptive parent, recruitment efforts to identify new adoptive resource.

27

Reasonable Efforts to Finalize an Adoption (con't)

- Completing and updating child's social and medical history.
- Making ICPC referrals.
- Giving required notice of adoptive parent responsibilities to prospective adoptive parents as required under section 259.35.

28

Reasonable Efforts to Finalize an Adoption (con't)

- Facilitating adoption assistance (AA):
 - **Offering parent opportunity to apply or decline**
 - **Certifying child for AA and assessing eligibility amount.**
- Placing siblings together.
- Working with parent to file adoption petition.

Minnesota Statutes, section 260C.605, subdivision 1

29

Recruitment Efforts, Tools, and Resources



30

Child Social and Medical Histories



31

Child Social and Medical History: Statute/Rule Requirements

The county must document relevant background and health information on the child and his or her birth family members.



Minnesota Statutes, section 259.43
Minnesota Statutes, section 260C.609
Minnesota Rules, part 9560.0060, subpart 2 (A) and (B)
Minnesota Statutes, section 260C.208
Minnesota Statutes, section 260C.219 (e)

32

Child Social and Medical History: Information to Include

Background and health information specific to the child:

- Characteristic data
 - Name, date of birth, physical description, religion
- Sibling information
- Historical and current health information
 - Birth, medical, dental, immunization history
 - Current health condition, including medications
 - Mental health/therapeutic information
- Placement history
- Education history
- Behavior and demeanor
- Relationships and connections

33

Child Social and Medical History: Information to Include (con't)

- Background and health history specific to the child's birth parents and other birth relatives:
 - General characteristic and background information
 - Education and employment history
 - Medical and mental health [genetic] history
 - Chemical dependency history, particularly use of drugs/alcohol during birth mother's pregnancy
 - Reasons for the child's placement
- Include information on both maternal and paternal relatives.

34

Child Social and Medical History: Requirement and Best Practice

- Completion of child's social and medical history **must begin no later than permanency progress review hearing at six months in foster care**. Still best practice to begin it as soon as a child is placed in foster care.

Minnesota Statutes, section 260C.609 (b)

- Continuously update a child social and medical history until permanency is achieved through:
 - Reunification
 - Adoption
 - Transfer of permanent legal and physical custody

Child Social and Medical History: Forms

Child social and medical history must be provided on a form or forms prepared by the commissioner.

- **Social and Medical History for a Child in Foster Care (DHS 6754 series)**
- OR
- 1) **Birth Parent Social and Medical History (DHS 3205) (SSIS 67); AND**
- 2) **Background and Health History (DHS 3235) (SSIS 68).**

Resource #2

36

Child Social and Medical History: Primary Purposes

- Document family background information to guide practice and **develop appropriate interventions**.
- Assist in the **FOSTER/ADOPTION MATCHING** process.
- Collect information to comply with requirements for **full disclosure to the adoptive parents** about the child.
- Provide the child a **comprehensive written document of his/her life history** prior to and while in foster care.
- Document the child's physical, mental, social/emotional, or behavioral disability OR how child is at-risk of developing one or more disability to **establish eligibility for Adoption Assistance**.

37

10 Best Interest Factors is Summary of Social and Medical Hx

- Current functioning and behaviors
- Medical needs
- Educational needs
- Developmental needs
- History and past experiences
- Religious and cultural needs
- Connection with community, school, faith community
- Interests and talents
- Relationship to current caretakers, parents, siblings, relatives
- Reasonable preference of child

38

Child Social and Medical History: Importance

- Knowledge of family medical and genetic history is essential for on-going health care during a person's lifetime.
- A **social and medical history (plus an approved home study)** is used to **appropriately match a child with foster and/or adoptive parents**.
- Background and health information assists a prospective family make an informed decision about whether they are emotionally and financially prepared to meet a child's needs.



39

Child Social and Medical History: Importance (con't)

- Information contained in a social and medical history is crucial to the parent's ability to appropriately care for the child.
- Providing complete background information protects the agency from a lawsuit.



40

Child Social and Medical History: Importance (con't)

- A thorough social and medical history provides a child significant information about himself or herself and assists in identity understanding and development.
- Information that a social worker documents in a social and medical history becomes pertinent for non-identifying information released in post-adoption searches.



Child Social and Medical Histories Must be Provided to the:

- Adopting family – **prior to adoptive placement [signing of the Adoption Placement Agreement]**
Minnesota Statutes, section 259.43
Minnesota Rules 9560.0060, subpart 2 (A)
- Department of Human Services – **accompanying the Adoption Placement Decision Summary**
Minnesota Statutes, section 259.43
Minnesota Statutes, section 259A.15, subdivision 1 (b)
- Court with jurisdiction in the adoption proceeding – **accompanying the adoption petition**
Minnesota Statutes, section 259.43
Minnesota Statutes, section 260C.623, subdivision 4 (2)
- Youth who emancipates from foster care
Minnesota Statutes, section 260C.219 (e)



Where to Find Information for Social and Medical Histories

- Ask people who know the child:
 - Child's parents
 - Child
 - Relatives/family friends
 - Neighbors
 - Godparents
 - Teachers, child care providers, faith leaders
 - GAL
 - Coaches, activity leaders
 - Mentors

43

Where to Find Information for Social and Medical Histories (con't)

- Child's birth, medical, immunization, and dental records
- Child's evaluations and assessments
- Child's therapeutic records, including treatment plans and therapist notes
- Child's school records

44

Where to Find Information for Social and Medical Histories (con't)

- Child protection investigator's SSIS case notes of initial interviews for maltreatment assessments
- Case transfer summaries
- EPC, CHIPS and TPR petitions and court orders
- Relative search documents
- Family Group Conference notes
- Notes from supervised parent-child visits
- Parents' Rule 25 chemical dependency assessments
- Parents' psychological or psychiatric evaluations
- Parents' parenting assessments

45

Tips for Writing Child Social and Medical Histories

- Begin adding information to the child social and medical history as you read through a newly assigned case file.
- Begin requesting birth, medical, immunization, and dental records right away.
- Be sure the child has current evaluations and assessments. If not, begin referral process.
- Have the birth parents assist you in completing information early in the child protection case versus immediately before or after a TPR trial.

Tips for Writing Child Social and Medical Histories (con't)

- Give blank social and medical histories to people who know the child with whom you have contact [relatives, foster parents, GAL, therapist, teacher] and ask them to complete sections that pertain to their knowledge of the child.
- Be as thorough and specific as you can with details, particularly about the abuse or neglect experienced by the child and its impact.
- Be straightforward with uncomfortable information, but present it in the most sensitive manner possible.

47

Tips for Writing Child Social and Medical Histories (con't)

- Clearly document the reasons the child cannot live with his or her birth parents.
- Document as much historical information as you can determine – particularly developmental milestones – even for years the child was not in the county's custody.
- Document the child's placement history as thoroughly as possible, including dates, care providers' first names and most accurate reason for removal.

48

Tips for Writing Child Social and Medical Histories (con't)

- Include as much positive information about the child and birth family members as possible.
- Provide as many specific details as possible about the birth parents.
- Complete every section of the document. **If something is not applicable or unknown, indicate that.**

Tips for Writing Child Social and Medical Histories (con't)

- Specify the frequency and severity of a child's challenging behaviors as well as if the behaviors are still occurring or when they last occurred.
- Do not include identifying information.
- Include redacted copies of all relevant attachments regarding the child.
 - Birth, medical, dental, immunization records
 - Psychological or psychiatric evaluations
 - Attachment assessments
 - IEPs and other school documents
 - photos

50

Tips for Writing Child Social and Medical Histories (con't)

- Be sure you are complying with all federal and state laws regarding disclosure of identifying and non-identifying information.
 - *Federal Health Insurance Portability and Accountability Act (HIPAA)*
 - *Minnesota Data Practices Act*
Minnesota Statutes, Chapter 13
- If you have data privacy questions, consult with your county attorney.

HIPAA web-based training:
"Protecting Information Privacy"

51

Helpful Hints for Child Social and Medical Histories

- Give a copy of the child's social and medical history to the adopting parent(s) and **thoroughly discuss the child's history with them.**

Minnesota Statutes, section 260C.609 (c)

- Explain to the adopting parent(s) the limitations of information-gathering and disclosure.
- Have the adopting parent(s) sign/date an acknowledgement of receipt of the social and medical history and each specific attachment provided. Keep the acknowledgement in the child's case file.

52

Practice Ideas



Think about a child you know and love.

What information would you want the temporary and/or permanent care provider to know about this child to ease the transition?

53

Recruitment Activities



- **General:** Mass marketing methods to raise public awareness of children under guardianship of the commissioner waiting for adoptive families. *TV/radio ads, billboards*
- **Targeted:** Recruitment efforts concentrated on a specific population, neighborhood, etc. to develop an available pool of adoptive families that reflect the children available for adoption. *African American churches, Hmong community events, bus benches in specific neighborhoods*
- **Child-specific:** Tools to identify an appropriate adoptive family willing and able to meet the identified needs of a specific child. *Relative searches, organizations associated with a child's special need, descriptions and photos for brochures*

State Adoption Exchange (SAE)

- Computer-based recruitment tool for children under guardianship who need a new resource adoptive placement (not being adopted by relative or foster parent).
- Three components:
 - Secure matching site – password protected; access authorization required
www.mnadopt.org/sae
 - Public photo web listing – no security
www.mnadopt.org/meetthekids.php
 - Adoption email listserv – access authorization required

55

SAE Secure Matching Site

- Computer system listing waiting children and home studied families that generates potential matches based on five child criteria:
 - Age
 - Gender
 - Race/ethnicity
 - Sibling status
 - Level of special needs

56

SAE Secure Matching Site (con't)



- County SW enters and verifies data in SSIS that is transmitted electronically to DHS as a State Adoption Exchange event.
- Data entry options to meet this SAE requirement:
 - [Exempt](#)
 - [Deferred](#)
 - [Registered](#)
- This information must be submitted to DHS within 45 days of the child becoming legally free for adoption.

Minnesota Statutes, section 259.75

Minnesota Statutes, section 260C.605, subdivision 1 (d)(3)(iv)(A)

Resource #3

57

Exempt



- County SW will code an **exemption** from SAE registration if child is in an adoptive placement with a signed Adoption Placement Agreement (APA).
- County SW must submit APA **plus other required form and all applicable documentation** to DHS.
 - **Specific forms and documentation** required for adoptive placement will be discussed later in session.

58

Deferred



- County SW will code a **deferral** from SAE registration if:
 - The child's foster parents or others are considering adopting the child;
 - Diagnostic study or testing is required for the child; or
 - The child is in a *hospital* [not RTC] setting and is unable to live in a family
- A deferral is valid for 90 days for requests meeting the first two conditions. No subsequent deferral is allowed.

59

Minnesota Statutes, section 259.75, subdivision 8

Registered



- "Registered" means that sufficient detailed information regarding the child has been entered so that the child may be listed on the State Adoption Exchange (SAE) secure site.
- Registered information received by DHS is forwarded to the Minnesota Adoption Resource Network (MARN), who manages the SAE **under the MN ADOPT grant contract with DHS.**

60

If there is no appropriate or available relative or foster parent to adopt the child, additional recruitment efforts are required...

61

Additional Recruitment Efforts

- Internal county resources of home studied families
- Recruitment description/photo on the state (www.mnadopt.org) and national (www.adoptuskids.org) public photo web listings [part of SAE] – contact MN ADOPT
- Adoption listserv recruitment description [part of SAE] – contact DHS to become a member
- Local newspaper feature – contact MN ADOPT for *Minneapolis StarTribune*
- “Thursday’s Child” segment on KSTP-TV – contact MN ADOPT
- Miscellaneous events [e.g., Timberwolves event]
- Permanency Task Force presentation – contact MN ADOPT
- Child-specific recruitment [PPAI] – contact PPAI agency or DHS

Resource #4

62

Public/Private Adoption Initiative (PPAI)

- DHS contracts with 5 private adoption agencies to provide services to assist counties finalize adoptions of children under guardianship.
- Services:
 - Recruits, trains and home studies a pool of prospective adoptive parents; enters parent information on the State Adoption Exchange for computer-generated potential matches with waiting children
 - Concurrent permanency planning
 - Child-specific recruitment – Intensive adoption recruitment efforts using *The Homecoming Project model*; generally developed for older youth due to engagement component
 - Placement support
 - Post-adoption services.

63

Handout #2

PPAI (con’t)

- Agencies:
 - Ampersand Families
 - Children’s Home Society of Minnesota
 - Kindred Family Focus
 - Lutheran Social Services of Minnesota
 - North Homes
- DHS Contact:
 - Emily Palmer, PPAI grant contract manager
 - emily.palmer@state.mn.us or 651-431-4712

64

Adoption Listserv

Email communication device for county and PPAI adoption social workers, administered by DHS. 
adoption-workers@lists.state.mn.us

- Purposes:
 - Recruitment tool – descriptions of waiting children and home studied families
 - DHS announcements, information dissemination
 - Training opportunities and events through MN ADOPT and other agencies/organizations
 - Venue to discuss practice issues
- To add your name to the adoption listserv, contact Mical Peterson, DHS Adoption Unit supervisor, at: mical.peterson@state.mn.us or 651-431-4728.

Resource #5

65

Perspective

For children under guardianship of the commissioner, county social workers are searching for families for children not children for families. This is a slight, but important distinction.



66

Placement Decisions



67

Placement Decisions



- Placement decisions should be made with a team decision-making model.
- **Every** foster and adoptive placement must be documented in the child's case file. The placement decision must be documented in the Out-of-Home Placement Plan (OHPP).

Minnesota Statutes, section 260C.212, subdivision 1 (c)(1)

Resource #6

68

Placement Decisions (con't)



- Placement decisions must be based on the **best interests of a child**.
- Best interests are met by requiring an **individualized determination of the needs of a child and an assessment of how the selected placement will serve the needs of the child being placed.**

Minnesota Statutes, section 260C.212, subdivision 2 (a)
Minnesota Statutes, section 260C.613, subdivision 1 (b)

69



Placement Decisions (con't)

Three step process for making placement decisions:

1. Identify the individual needs of the child based on the 10 best interest factors.
2. Assess how a prospective parent is able or not able to meet the child's identified needs.
3. Document how the selected placement meets the child's identified needs.

Handout #3

70

Placement Decisions (con't)



Consider placement with relatives and important friends in the following order:

- 1) **With an individual who is related to the child by blood, marriage or adoption; or**
- 2) **With an individual who is an important friend with whom the child has resided or had significant contact.**

Minnesota Statutes, section 260C.212, subdivision 2 (a)

71

10 Best Interest Factors

Among the factors the agency shall consider in determining the needs of the child are the following:

- 1) Child's current functioning and behaviors;
- 2) Child's medical needs
- 3) Child's educational needs
- 4) Child's developmental needs
- 5) Child's history and past experiences
- 6) Child's religious and cultural needs
- 7) Child's connection with a community, school, and faith community
- 8) Child's interests and talents
- 9) Child's relationship to current caretakers, parents, siblings, and relatives
- 10) Reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences.

Minnesota Statutes, section 260C.212, subdivision 2 (b)

72

Current Functioning and Behaviors

- Age
- Personality
- Personal daily care skills and needs
- Diagnoses and how they affect/impact daily functioning
- Services received/interventions utilized for diagnoses/needs
- Severity, frequency and duration of challenging behaviors
- Typical daily schedule

Medical Needs

- Relevant birth history information
- Past issues regarding medical, dental and mental health needs
- Current medical, dental and mental health status and care needs
- Medications
- Allergies, including food allergies
- Status of required immunizations

Educational Needs

- Grade in school
- Current school status and educational progress
- Services received or interventions utilized for identified educational issues
- School subjects in which child excels or struggles

75

Developmental Needs

- Developmental history, including age at which milestones were reached
- Developmental areas that are delayed
- Services received or interventions utilized for identified developmental issues

76

History and Past Experience

- Child's life with birth parent(s) and/or extended family
- Specific reason(s) child was removed from parent and/or TPR was ordered
- Description of abuse/neglect/abandonment experiences and grief/loss/attachment issues
- Summary of important events in child's life

Religious and Cultural Needs

Religion:

- Birth parent's stated religious preference
Minnesota Statutes, section 260C.193, subdivision 3 (e)
Minnesota Statutes, section 259.29, subdivision 2
- Summary of child's experience attending spiritual/faith services, groups, activities, etc.
- Child's participation in spiritual rites/rituals

Religious and Cultural Needs (con't)

Culture:

- Language(s) spoken, written and understood
- Type of community in which the child has predominantly resided [e.g. urban, suburban, rural]
- Type of family structure in which the child has predominantly resided [e.g. two parents/single parent, only child/multiple children, extended family or kin, foster parent, pets, etc.]
- Summary of school and/or community activities/events/sports in which child has participated
- Specific requirements for hair/skin care
- Family traditions observed
- Family and/or community holidays/events celebrated
- Specific diet followed [e.g. vegan, kosher]

Religious and Cultural Needs (con't)

Culture (con't):

- Customs, values and beliefs regarding clothing/dress
- Customs, values and beliefs regarding child-rearing practices [e.g. demonstrations of affection, observance of boundaries, expectations/norms of behavior, educational attainment, work ethic, family structure, recreational activities, etc.]

Please note: These examples are concrete ways to describe a person's culture. None of these examples are synonymous with prohibited consideration of race, color or national origin.

Connection with a Community, School and Church

- Length of time child has resided in current home/neighborhood/community
- Length of time child has attended a particular school and/or church
- Level/quality of child's integration into community, neighborhood, school and/or place of worship
- Summary of involvement in activities through community, school and faith community

Interests and Talents

- Sports
- Leisure/recreational activities
- Hobbies
- Types of play/what child chooses to do in free time
- Skills/areas of competence
- Favorites [e.g. foods, school subjects, TV shows or movies, music, books, comfort items, etc.]
- Future goals, dreams, aspirations, plans

Relationships to Current Caretakers, Parents, Siblings and Relatives

- Level/quality of attachment to current care provider
- Level/quality of relationship with birth parents, siblings, relatives and other important people
- Detailed information about siblings, if not living with child
- Persons with whom the child must be kept in contact
- Specific requirements of formal communication or contact agreements

Reasonable Preference, if child is of sufficient age

- If a child is 14+ years old, the child's written consent [DHS 1956 form] is required in order to be adopted. Signing the required consent would document reasonable preference.
- "Sufficient age" is not prescribed, but should include consideration of a child's age and developmental/cognitive abilities.

Other Placement Considerations

- Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster/adoptive parent or the child.

Minnesota Statutes, section 260C.212, subdivision 2 (c)

Minnesota Statutes, section 259.57, subdivision 2 (c)

- Policy Bulletin # 12-68-02: *Clarifying Culture in Placement Decisions*, issued in 2003, updated in 2007, 2009, 2012, available online:

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_167606.pdf

MCWTS Curriculum:

Culture and Permanency Considerations in Matching Children with Families

Resource #7

85

Federal Laws Applicable to Placement Decisions

- Howard M. Metzenbaum Multiethnic Placement Act (MEPA) of 1994 [P.L. 103-382]
- Amended by the Small Business Job Protection Act of 1996, section 1808, "Removal of Barriers to Interethnic Adoption" (IEP) [P.L. 104-188]

State Statutory compliance:

Minnesota Statutes, section 260C.212, subdivision 2 (c)

86

Consideration of Culture in Placement Decisions

- Culture may be described as:
 - System of values, beliefs, attitudes, traditions and standards of behavior that governs the organization of people into social groups and regulates individual and group behavior.
 - Having the ability to be learned, developed and changed.
- Culture is not an ascribed characteristic, which generally refers to properties of an individual over which that individual has very little, if any, control.
 - Examples of ascribed characteristics: race, ethnicity, color, national origin, gender, circumstances of birth.

87

Consideration of Culture in Placement Decisions (con't)

EVERY adoptive
and foster placement
is **transcultural**.

88

Rare Circumstances to Consider Race, Color or National Origin

- Making a placement decision considering race, color or national origin must meet a "strict scrutiny" standard, the highest standard of Constitutional review.
 - *Compelling government interest/necessity to accomplish a legitimate state purpose - advancing the best interests of a child*
 - "Best interests of a child" must be defined on a narrow, case-specific [i.e. *individual*] basis
- Case documentation of best interests must be clear and thorough.

89

Rare Circumstances to Consider Race, Color or National Origin (con't)

Example:

An older youth, whose consent is legally required to finalize an adoption, will not consider placement with a family of a specific race or will only consider placement with a family of a specific race.

90



Other Placement Considerations (con't)

- Siblings should be placed together for foster care and adoption at the earliest possible time unless it is documented that a joint placement would be contrary to the safety or well-being of any of the siblings or unless it is not possible after reasonable efforts by the responsible social services agency.

Minnesota Statutes, section 260C.212, subdivision 2 (d)

- Except for emergency placement as provided for in section 245A.035, a completed background study is required under section 245C.08 before the approval of a foster placement in a related or unrelated home.

91

Minnesota Statutes, section 260C.212, subdivision 2 (e)

Siblings



92

Siblings



- The sibling relationship is generally the longest in a person's lifetime.
- Siblings provide each other:
 - Shared history
 - Functions of identity development
 - Emotional support
 - Companionship and friendship
 - Environment to learn social skills [sharing, negotiating, compromise, conflict resolution]
 - Opportunities to develop coping mechanisms for jealousy, aggression and interpersonal conflicts.

Sibling Placement



- Separation from parents is traumatic for children in foster care. This trauma is compounded when children are also separated from their siblings.
- Research and best practice literature document the benefits of placing siblings together.
- It is imperative that siblings be placed together from their first foster care placement, because once siblings are separated in foster care, they are less likely to be adopted together.

94

Sibling Placement Laws



- Minnesota law requires that siblings be placed together for foster care and adoption at the earliest possible time unless it is determined not to be in the best interests of a sibling or unless it is not possible after "reasonable efforts" by the responsible social services agency.
- The law does not differentiate full, half or step siblings.
- The agency is required to provide frequent visitation and contact between separated siblings unless documented to be contrary to safety or well-being of children.

Minnesota Statutes, section 260.012 (e)(4)

Minnesota Statutes, section 260C.178, subdivision 1 (k)

Minnesota Statutes, section 260C.212, subdivision 2 (d)

Minnesota Statutes, section 260C.617

95

Resource #8

Court Review of Sibling Placement

- 2012 legislative changes strengthened and clarified the court's role in reviewing the responsible agency's efforts to place siblings together or to implement an appropriate visitation plan if separated.
- Court must now approve permanent separation of siblings through adoption.

Minnesota Statutes, section 260C.193, subdivision 3 (g)

Minnesota Statutes, section 260C.617

96

Court Approval of Sibling Separation

Court may determine a child under the court's jurisdiction may be separated from their sibling for the purpose of adoption when the court finds:

- The responsible agency has been unsuccessful in efforts to place siblings together and further efforts would significantly delay the adoption of one or more siblings; or

97

Court Approval of Sibling Separation (con't)

- Placement together is contrary to the safety or well-being of any of the siblings, and efforts by the responsible agency to ameliorate the issues have been unsuccessful.

Minnesota Statutes, section 260C.617 (d)

98

Strategies for Placing Siblings Together



- Develop and promote agency philosophy that siblings need to be placed together.
- Promptly complete thorough relative searches and utilize relative placements whenever possible.
- Recruit, train and support foster and adoptive families to enable them to care for sibling groups.
- Educate social workers, therapists, GALs, attorneys, judges and families on the importance of maintaining sibling relationships.

99

Strategies for Placing Siblings Together (con't)



- Recruit for sibling groups together – Use a group photo versus individual photos and make the description clear that the siblings must be placed together.
- Place the siblings together from first placement. If that is not possible, develop a plan and work actively and continually to place the siblings together as soon as possible.
- Assign one social worker to all siblings in a family.
- If a child enters foster care after a sibling, contact the sibling's caregiver/parent to inquire about placement of the new child.

100

Sibling Placement Decisions



- When assessing the best interests of the siblings in regards to placement together, consider the importance of the sibling relationship over the children's lifetime.
- Assess past, current and potential future relationships/attachments for all of the siblings.
- Refer siblings for a formal assessment of the quality and intensity of their attachment.
- Use treatment and therapy, rather than separation, to resolve sibling issues.
- Continually reassess what is needed in order for siblings to be placed together safely.

101

Sibling Placement Decisions (con't)



- Inappropriate reasons to separate siblings:
 - Children are half or step siblings
 - Siblings initially separated in foster care, efforts were not made to find an appropriate placement for them together, siblings now attached to current caregivers
 - Child is physically, emotionally or sexually abusive to sibling or is "parentified", but no interventions have been attempted to alleviate the behaviors
- Potentially appropriate reasons to separate siblings:
 - Therapeutic and other interventions to ameliorate a child's abuse toward a sibling has been ineffective
 - "Legal separation" planned
 - Exhaustive efforts to locate a family for the siblings together have been unsuccessful

102



Sibling Placement Decisions (con't)

- Use team decision-making
- Utilize a tool such as the *Sibling Decision Making Matrix*, created by Northeast Ohio Adoption Services' Sisters and Brothers Together Project

Federal Adoption Opportunities Grant #90-CO-0821

- **Court must approve agency's plan to separate siblings for adoption**

Minnesota Statutes, section 260C.617

Resource #9

103

Sibling Visitation



- When siblings are separated, visitation between siblings must be a priority.
- Visits should begin as soon as siblings are separated in foster care or adoptive placements.
- Whenever possible, visits should occur at regularly scheduled (predictable) intervals. Research and best practice suggests visits between separated siblings should generally occur 2-3 times per month at minimum.
- Frequency, duration and type of contact must be determined based on age, development level, needs and location of each sibling.

104

Sibling Visitation (con't)



- Develop written plans for visitation that address specific logistics, such as date, time, location, frequency, duration, transportation, supervision, funds and who is responsible to initiate contact.
- Visits should not be contingent on the behavior of any of the siblings. **Contact with siblings is a right, not a privilege.**
- Requesting visitation is not the responsibility of any of the siblings. **It is the obligation of the adults to raise discussion about sibling relationships and to arrange visits.**

105

Sibling Visitation (con't)



- Visitation between children placed separately in foster care is the responsibility of the social services agency and must be documented in the out-of-home placement plan (OHPP). The court may monitor compliance with the visitation/contact plan.
- Statute permits formal communication and contact agreements be developed to outline plan for on-going visitation/contact between siblings in separate adoptive homes.

Minnesota Statutes, section 260C.212, subd. 1(c)(5)

Minnesota Statutes, section 260C.619

106

Communication and Contact Agreements

- Communication and contact agreement is filed in the **adoption file in juvenile court** (previously family court) for enforcement or modification of the agreement.
- A party to the agreement who wants to file a motion to enforce or modify the order is **no longer required to first attempt mediation** to resolve the dispute.

Minnesota Statutes, section 260C.619

107

Strategies for SWs to Facilitate Sibling Visitation

- Place siblings in close proximity – same neighborhood and/or school district.
- Schedule joint therapy sessions.
- Facilitate a relationship between the foster and/or adoptive parents.
- Schedule visits during special events.
- Have the parents provide respite for each other.

108

Strategies for SWs to Facilitate Sibling Visitation (con't)

- Enroll siblings in the same sports or other activities.
- Work on creating life books as a sibling activity.
- Send siblings to the same camp – **Camp to Belong**
- Encourage parents to join the same support or social groups

109

Minnesota Statutes and Rule Applicable to Sibling Placement and Visitation

Statutes

- § 259.57, subd. 2 (c)
- § 259.58
- § 260.012 (e)(4)
- § 260C.178, subd. 1 (k)
- § 260C.193, subd. 3 (e)
- § 260C.201, subd. 2 (a)(4)(v)
- § 260C.201, subd. 5
- § 260C.212, subd. 1 (c)(5)
- § 260C.212, subd. 2 (b)(9)
- § 260C.212, subd. 2 (d)
- § 260C.617

Rule

- 9560.0440, subp. 3 (B)



Statutes and Rules may be found online at:
www.revisor.leg.state.mn.us

110

Practice Ideas



Think about your sibling(s).

Can you imagine what your life would be like now if you had been separated as children?

Can you imagine the loss you would feel?

111

Other Placement Considerations (con't)



- Least restrictive, most family-like, setting
- In close proximity to the home of the child's parent(s) when the case plan goal is reunification

Minnesota Statutes, section 260C.212, subdivision 1 (c)(1)

- In close proximity to the school in which the child was enrolled at the time of placement

Minnesota Statutes, section 260C.212, subdivision 1 (c)(7)

112

Placement Decisions for American Indian Children

- Indian Child Welfare Act of 1978
- Minnesota Indian Family Preservation Act (1985)
 - *Minnesota Statutes, sections 260.751 to 260.835*
- Tribal State Agreement (1998)
 - **Amended in February 2007**

MCWTS Curricula:

Indian Child Welfare Act (ICWA)

Bridging Our Understanding: American Indian Family Preservation

113

Minnesota Statutes and Rule Applicable to Placement

Statutes

- § 259.29
- § 259.31
- § 259.57, subd. 2
- § 260C.178, subd. 1 (k)
- § 260C.193, subd. 3
- § 260C.212, subd. 1
- § 260C.212, subd. 2
- § 260C.221
- § 260C.521, subd. 1
- § 393.07, subd. 2

Rules

- 9560.0060
- 9560.0110
- 9560.0223
- 9560.0542
- 9560.0545
- 9560.0603



Statutes and Rules may be found online at:
www.revisor.mn.gov

MCWTS Curriculum:

Foster Parent to Adoptive Parent:

Making the Decision for a Lifetime Commitment

114

Reviewing Home Studies and Making Matches

- Approved adoption home study now required for any person adopting a child under guardianship.
- Potential strengths of prospective adoptive parents
- Potential red flags of prospective adoptive families
- Matching tools
- SW bias



MCWTS Curriculum:

Conducting Home Studies and Matching Children with Families 115

Families for Older Youth

- Often do not look like “traditional” families.
- Understand and respect the connections the youth has and is proactive in helping youth maintain these connections in a safe and healthy way.
- Not motivated to adopt in order to fulfill their own emotional needs.
- Flexible yet structured.
- Are not threatened if the youth does not call them “mom” or “dad”.
- Accommodating if the youth does not want to change his or her last name.
- Can deal with youth’s ambivalence.

116

Practice Ideas



Think about a child you know and love.

How critically would you take the responsibility of choosing the foster or adoptive family to best meet this child’s needs?

117

Adoption Process



118

Adoption Placement Procedures



119

Prior to Adoptive Placement

Before a foster care placement may be changed to an adoptive placement OR before a child is moved to a new resource adoptive placement:

- County must have a copy of the adopting parent’s approved adoption home study including background study clearances for adoption. ***2014 Legislative Changes ***
- County must have provided the adopting parent(s) with a copy of the child’s social and medical history plus redacted copies of all relevant attachments.

Minnesota Statutes, sections 260C.611 and 259.41, subdivision 1

Minnesota Statutes, section 259.43

Minnesota Statutes, section 260C.609

Minnesota Rule 9560.0060, subpart 2 (A) and (B)

120

Required Documentation for Adoptive Placement

- Counties required to send DHS documentation of all adoption placement decisions for review earlier in the process.
- Adoption Placement Agreement (APA) (DHS 0312).
- Adoption Placement Decision Summary (DHS 0312A) must be completed and submitted with the APA.

121

Handouts #4 and #5

Hints for the Adoption Placement Agreement (APA) (DHS 0312)

- The “effective date” of the APA should be:
 - The date the child moves into the home [for a new resource placement]; or
 - The date determined by the county and the adopting parent that the placement has changed from foster care to adoptive status [for a foster parent adoption].
- The “effective date” of the APA for a foster parent adoption is not the date the child moved into the home as a foster care placement.
- The “effective date” of the APA cannot be prior to the judge’s signature date [or effective date] on the TPR or other permanency court order.

122

Adoption Placement Decision Summary (DHS 0312A)

- Must be submitted with APA (DHS 0312)
- Requires information and documentation related to:
 - Individualized determination of child’s needs based on 10 best interest factors
 - Assessment of the preadoptive parent’s ability to meet the child’s identified needs
 - Summary or relative search efforts under 260C.221
 - Sibling status
 - Adoption background study (criminal and social services background checks)
 - Child’s social and medical history

123

Individualized Determination of Child’s Needs Based on 10 Best Interest Factors

- Required for every foster and adoptive placement.

Minnesota Statutes, section 260C.212, subdivision 2 (b)

Minnesota Statutes, section 260C.613, subdivision 1 (b)

- Required component of OHPP.

Minnesota Statutes, section 260C.212, subdivision 1 (c)(1)

- Enter information about child under all 10 best interest factors in section A OR attach copy of OHPP, if it is current and completed thoroughly.

124

Assessment of Preadoptive Parent’s Ability to Meet Child’s Needs

- Required for every foster and adoptive placement.

Minnesota Statutes, section 260C.212, subdivision 2 (b)

Minnesota Statutes, section 260C.613, subdivision 1 (b)

- Required component of OHPP.

Minnesota Statutes, section 260C.212, subdivision 1 (c)(1)

- Enter description how the preadoptive parent(s) meets the child’s identified needs in section B OR attach copy of OHPP, if it is current and completed thoroughly.

125

Summary of Relative Search Efforts

- Required for every case. Must report relative search efforts to court within three months of child’s placement.

Minnesota Statutes, section 260C.221

- Required component of OHPP for child under guardianship of the commissioner.

Minnesota Statutes, section 260C.212, subdivision 1 (c)(6)

- Answer question in section C. If court relieved county of relative search efforts, attach court order.

126

Sibling Status

- Agency required to make reasonable efforts to place siblings together.

Minnesota Statutes, section 260C.212, subdivision 12(d)

Minnesota Statutes, section 260.012 (e)(4)

- If county assesses that siblings should not or cannot be adopted together, documentation is submitted to court for approval of separation for the purpose of adoption.

Minnesota Statutes, section 260C.617

- Answer two questions in section D. If court approved sibling separation, attach order.

Adoption Background Study (Law Enforcement and Social Services Checks)

- Required for all prospective adoptive parents as part of the home study process.

Minnesota Statutes, section 260C.611

Minnesota Statutes, section 259.41

- Answer question in section E.
- If answer to question is YES, additional documentation must be provided.

Policy on Foster and Adoption Placement Decisions for Children Under Guardianship of the Commissioner

- Attach background studies for all required household members for all adoptive placements.

128



Criminal and/or Maltreatment History

- If the adoption background study for any household members reveals significant criminal and/or maltreatment history, even if it does not meet level of "barrier crime", DHS may contact the responsible agency to require additional information, such as:
 - Specific details of previous crime, maltreatment finding or issue precluding foster care licensure, date, any extenuating circumstances and outcome.
 - Explanation of person's current status, including how the person overcame the incident.
 - Detailed assessment of why adoption by this person is in the child's best interest in spite of the history.
- When in doubt, consult with DHS, sooner rather than later.

129

Child's Social and Medical History

- Required prior to all adoptive placements.

Minnesota Statutes, section 260C.609

Minnesota Statutes, section 259.43

- Answer to question in section F must be YES.
- Attach social and medical history for all adoptive placements.

130

Additional Comments and Signature

- Complete section G only if you need to report additional information pertinent to DHS's review of the county's adoption placement decision.
- Social worker must sign/date the form.

131

Submitting Documentation

- County social worker and adopting parent(s) sign/date APA (0312).
- County social worker completes and signs/dates Adoption Placement Decision Summary (0312A) and gathers required documentation.
- Submit both forms plus all required attachments to DHS.

132

SSIS Data

- County social worker enters and verifies data in SSIS that is transmitted electronically to DHS as an adoptive placement event.
- SSIS data should be entered and submitted at the same time the 0312 and 0312A forms are mailed to DHS.

133

Hints for SSIS Data Entry at Adoption Placement



Make sure that the correct data is entered to reflect the relationship, if any, between the adopting parent and child prior to adoptive placement. Any applicable relationship should be indicated in the following priority order:

1. Relative
2. Former foster parent [prior to APA]
3. Non-relative [no relationship prior to APA].

134

DHS Review of Adoption Placement

- DHS will determine whether or not to approve the adoption placement.
 - If approved, DHS will sign the APA on behalf of the commissioner, making it a fully executed agreement.
 - If denied, DHS will send notice to county.
- DHS may need to request additional information before a decision is made.
- DHS has updated *Policy on Foster and Adoption Placement Decisions*, available on DHS's website.

135

Fully Executed APA

- DHS will return the original and one copy of a fully executed APA to the county.
- The county keeps the copy for their file and forwards the original to the adopting parent(s).

136

Notification of APA

- The responsible social services agency must notify the court and parties entitled to notice under section 260C.607, subdivision 2, when there is a fully executed APA.

Minnesota Statutes, section 260C.613, subdivision 1 (c)

- Receipt of notice begins the 30 day time period in which a relative or foster parent has the opportunity to challenge the county's placement decision.

Minnesota Statutes, section 260C.613, subdivision 1 (c)

137

Services and Supports

After adoptive placement, but before adoption finalization, the county SW must be sure that all services and supports required to care for the child are in place.



If the child is placed in another county, notify that county.

Resource #10

138

Adoption Placement Disruption

If the adoption placement disrupts prior to finalization, the county SW enters and verifies data in SSIS that is transmitted electronically to DHS as an Adoptive Placement event.



The SW must also provide notice to the court, the parties entitle to notice.

Minnesota Statutes, section 260C.613, subdivision 1 (d)
Minnesota Rule, part 9560.0110, subpart 1

139

Adoption Assistance



140

Adoption Assistance: Two Sections of DHS Staff

Eligibility

- Pre-finalization
- Determines eligibility for Adoption Assistance, including appropriate supplemental level, if applicable
- Provides consultation

Operations

- Post-finalization
- Processes basic and supplemental payments
- Reviews and approves special cost reimbursements
- Provides consultation

141

Adoption Assistance: The Basics



- There are two types of Adoption Assistance:
Title IV-E and state-funded.
- A child's eligibility for Title IV-E Adoption Assistance must be determined by county financial assistance.
- Title IV-E must be considered prior to determining eligibility for state-funded Adoption Assistance.

142

Adoption Assistance: Barriers to Adoption

- The child has been determined by the Social Security Administration to meet all medical or disability requirements of title XVI of the Social Security Act with respect to eligibility for Supplemental Security Income benefits.
- The child has documented physical, mental, emotional or behavioral disabilities not determined by SSA.
- The child is a member of a sibling group to be adopted at the same time by the same parent.
- The child is placed for adoption in the home of a parent who previously adopted another child born of the same mother or father for whom the parent receives Adoption Assistance.
- The child is at-risk of developing physical, mental, emotional or behavioral disabilities.

Minnesota Statutes, section 259A.10, subdivision 2 (c)

143

Adoption Assistance: The Forms

To apply for Adoption Assistance, the following forms are required:

- *Adoption Assistance Certification*
- *Adoption Assistance Agreement*
- *Adoption Assistance Supplemental Needs Assessment, if applicable*



Required forms are completed by the county SW and should be submitted to DHS within 30 days of adoptive placement.

Minnesota Statutes, section 259A.15

144

Adoption Assistance: Eligibility Review

- DHS reviews Adoption Assistance forms to verify that the child is eligible and that forms are completed correctly.
- DHS completes this review within 15 days of receipt. If corrections are required, DHS will review corrections within 15 days of receipt.
- If approved for Adoption Assistance, the commissioner's designee signs the *Adoption Assistance Agreement* and mails one copy to the county for their case file and one copy to the adopting family for their records.

145

Adoption Assistance: Supplemental Level

The case summary required as part of the Adoption Assistance Supplemental Needs Assessment is vital to DHS review of supplemental level request – and eventually the approval or denial of a specific level.

146

Adoption Assistance: Timing

- Eligibility for Adoption Assistance must be determined AND the *Agreement* must be signed by DHS [the commissioner's designee] **PRIOR TO** adoption finalization.
- If the adoption is finalized before DHS approves Adoption Assistance, the family is not eligible unless and until determined eligible through a fair hearing [appeal] process.

Minnesota Statutes, section 259A.15, subdivision 2 (b)

147

Adoption Assistance: Benefits

Minnesota Statutes, section 259A.20

- | | |
|--|---|
| <ul style="list-style-type: none"> • All children with Adoption Assistance Agreements: <ul style="list-style-type: none"> • Medical Assistance • Non-recurring Adoption Expense Reimbursement (NRAE) | <ul style="list-style-type: none"> • Some children with Adoption Assistance Agreements: <ul style="list-style-type: none"> • Basic maintenance payment • Supplemental needs payment • Reimbursement of special non-medical costs |
|--|---|

148

Adoption Assistance: The Agreement

The *Adoption Assistance Agreement* is a **legal contract** between the adopting parent(s) and DHS. It should be kept in a safe place by the adopting parent(s).



149

Adoption Assistance: Changes

- If there are any changes to the Adoption Assistance Agreement after DHS approval [pre- or post-finalization], contact the assigned DHS Operations staff to report.
- Changes include:
 - Name of parent or child
 - Address of adoptive family
 - Needs of the child necessitating adjustment to the Agreement benefit
 - Conversion from at-risk Agreement to basic payment or supplemental level
 - Increase from basic payment to supplemental level
 - Change from one supplemental level to another

Documentation Required Between Adopting Parent(s), County, Court and DHS



Adoption Petition

Minnesota Statutes, section 260C.607, subdivisions 5 and 6

- Adoption petition for a child under guardianship may only be filed if child has been placed for adoption with the adopting parent by the responsible social services agency (fully executed APA).
- The court may order the agency to make an adoptive placement.
- Court process established for a relative or foster parent to challenge the agency's adoptive placement decision.

152

Adoption Petition

Minnesota Statutes, section 260C.623

- **AFTER** Adoption Assistance has been approved by DHS and the county and adopting parent(s) have received a copy of the *Adoption Assistance Agreement* signed by the commissioner's designee, the adopting petition may be filed by:
 - Adopting parent(s)
 - Attorney hired by adopting parent(s)
 - Responsible social service agency on behalf of a willing adopting parent(s).
- The petition is to be filed within nine months of adoptive placement.

153

Adoption Petition (con't)

- Adopting parent must be at least 21 years of age at time of petition filing. Some relatives* excepted.
- Minnesota state residency requirement has been eliminated to file adoption petition.

"Relative" here is the narrow definition found in Minnesota Statutes, section 245A.02, subdivision 13

154

Requirements of Adoption Petition

Minnesota Statutes, section 260C.623, subdivision 3

Information to be included in the adoption petition:

- Full name, age and place of residence of the adopting parent(s);
- If married, the date and place of marriage;
- Date the adopting parent(s) acquired physical custody of the child and from what agency;
- Date of the adoptive placement by the responsible social service agency;

155

Requirements of Adoption Petition (con't)

- Date of birth of the child, if known, and the county, state and country where born;
- Name to be given the child, if change of name is desired;
- Description and value of any real or personal property owned by the child;
- Relationship of adopting parent(s) to child prior to adoptive placement, if any;

156



Requirements of Adoption Petition (con't)

- Statement that the adopting parent(s) desires that the relationship of parent and child be established between the adopting parent and child and that adoption is in the child's best interests;
- Whether the Indian Child Welfare Act does or does not apply; and
- Name and address of:
 - Child's guardian ad litem
 - Child, if age 10 or older
 - Child's Indian tribe, if child is an Indian child;
 - Responsible social services agency.

157



Attachments to Adoption Petition

- Judgment (Findings), Order and Decree of Adoption
- Adoption home study report with background study on each required household member
- Fully executed Adoption Placement Agreement
- Child Social and Medical History
- Document prepared by petitioner that establishes who must be given notice, including names and mailing addresses of those to be served by the court administrator

Minnesota Statutes, section 260C.623, subdivision 4

158

Where to File the Adoption Petition

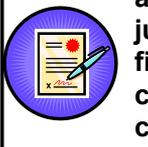


The petition for a child under guardianship of the commissioner must be filed in the county court conducting reviews in the matter according to section 260C.607.

Minnesota Statutes, section 260C.621

159

Transferring Venue of Adoption Proceeding



Upon request of the responsible agency, the court with jurisdiction may order that the filing of an adoption petition for a child under guardianship of the commissioner be permitted in the county where the adopting parent(s) reside.

Minnesota Statutes, section 260C.621, subdivision 2 (b)

160

Court Action on Adoption Petition



Upon the filing of an adoption petition for a child under guardianship of the commissioner, the court administrator must give notice to persons entitled to notice.

Minnesota Statutes, section 260C.623, subdivision 4

161

Responsible Agency's Action on Filed Petition

- Complete *Post-placement Assessment and Report to Court (DHS 0188)* form.
- Original of the DHS 0188 form will be provided to the court prior to adoption finalization.
- Submit a copy of DHS 0188 to DHS.
- Keep a copy of DHS 0188 in child's county case file.

Minnesota Statutes, section 259.53, subdivision 2
Minnesota Statutes, section 260C.625 (a)(6)

162

Documents Filed in Court by Responsible Agency Prior to Adoption

Minnesota Statutes, section 260C.625

- Certified copy of child's birth certificate
- Certified copy of findings and order terminating parental rights or order accepting parent's consent to adopt under section 260C.515, subd. 3, and order for guardianship to commissioner
- Copy of communication or contact agreement under section 260C.619
- Certification that the Minnesota's Father's Adoption Registry has been searched
- Original of each consent to adoption required (*Consent from the commissioner is no longer required*)
- Post-placement assessment and report required under section 259.53
- Any known aliases of the child
- Certificate of Adoption and Birth Certificate Application [MN Department of Health forms] ¹⁶³

Schedule Finalization Hearing

Court may schedule a finalization hearing with the adopting parent(s) after all required documents have been received.



Finalization Hearing: Required Documents in File

- Original birth certificate of child
- Adoption home study report plus all required background studies
- Certified copy of findings and order for permanency and guardianship
- Any required consents
- Child's social and medical history
- Post-placement assessment and report to court
- Report from child's guardian ad litem ¹⁶⁵

Finalization Hearing

- Requires responsible agency to support an adoption petition by providing testimony during the finalization hearing
 - *Testimony may be in person, by telephone or by affidavit*
- Court administration must provide a copy of the Adoption Decree to the commissioner
 - *Decree is required to begin AA*
 - *Decree required to close the DHS record* ¹⁶⁶

Finalization Hearing

- There is no minimum length of time a child must reside in the preadoptive home prior to adoption finalization.

Minnesota Statutes, section 260C.631

¹⁶⁷

Effect of Adoption

- Court specifically required to complete a *Certificate of Adoption* form upon adoption finalization, and mail the form to the Department of Health.
- Clarifies that adoption does not impact an adoptee's enrollment in a tribe, if their birth parent is enrolled in a tribe.

¹⁶⁸

Effect of Adoption (con't)

- Specifies that an *Adoption Decree* does not prohibit birth parents, adoptive parents and others from entering into a contact agreement.

Minnesota Statutes, section 260C.635

169

Adoption Finalization



170

Post-Finalization Tasks



171

Final Steps After the Adoption

- **New birth certificate**
Court administration will assist the family at finalization to apply to the Minnesota Department of Health for an amended birth certificate. *Certificate of Adoption* form required.
- **New Social Security card**
The family will need certified copies of the child's amended birth certificate and adoption decree to get a Social Security card.
- **Medical Assistance**
SW must notify to close MA-FC in the responsible county. DHS sends notice to open MA-AA in the child's county of residence.
- **Adoption Assistance**
DHS requires a copy of the adoption decree to begin payments. Notify the family there will be a delay in the first payment.
- **Post-Adoption Resources**
Children's Mental Health Services and Developmental Disability Services [through the county], payments and reimbursements through Adoption Assistance, adoption tax credit, MN ADOPT, post-adoption searches [completed by responsible agency]

Handout #6

172

Post-Adoption Resources

- **MN ADOPT** – Services provided by the Minnesota Adoption Resource Network (MARN) *under grant contract with DHS*: www.mnadopt.org
 - Information: Archived fact sheets
 - Resources: Regional directory; list of support groups available statewide
 - Training for adoptive parents and professionals: In-person and web-based
 - HELP program: Intensive, clinically-based, crisis-oriented intervention

173

Post-Adoption Resources (con't)

- **Adoption Support Network** – Services provided by the North American Council on Adoptable Children (NACAC) *under grant contract with DHS*: www.nacac.org
 - Support groups
 - Adoption events
 - Peer-led
 - Available for adoptive parents and adopted children and youth throughout the state

174

Post-Adoption Resources (con't)

- County services:
 - Children's Mental Health
 - Developmental Disabilities
- Adoption tax credit
 - Made permanent with The American Taxpayer Relief Act of 2012 (signed 01/02/13)
 - Credit max is \$13,190 per child in 2014
 - Not refundable
- Adoption assistance

175

Post-Adoption Search Services

- Persons served:
 - Birth parents; adoptive parents of children under 19; adopted persons aged 19 and older
- Potential services by responsible placing agency:
 - Current and/or updated non-identifying social and medical history information
 - Contact/reunion
 - Sibling information
 - Identifying information
 - Access to original birth record information (MDH)

176

Post-Adoption Search Services (con't)

Minnesota Statutes, section 259.83

Minnesota Statutes, section 260C.613, subdivision 8

Minnesota Statutes, section 259.89

Minnesota Statutes, section 260C.637

Practice Guide for
Post Adoption Search Services, 2011
(DHS 4701)

<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-4701-ENG>

Resource #11

177

Duties of the Commissioner



178

Commissioner's Exclusive Rights and Duties



- Issue consent for:
 - Medical care plan for child at imminent risk of death, including do not resuscitate/do not intubate (DNR/DNI) orders
 - Child donating part of their body to another person while child is living

179

Commissioner's Exclusive Rights and Duties (con't)



- Duty to:
 - Process requests for ICPC
 - Process applications for adoption assistance
 - Review and execute Adoption Placement Agreements (APAs)
 - Maintain records as required in Chapter 259
- All duties, obligations, and consents not specifically reserved to the commissioner in this section are delegated to the responsible social services agency.

180

Minnesota Statutes, section 260C.615

Changes to Commissioner's "Non-Delegated" Consents

2012 legislative changes:

- Eliminated requirement for commissioner to issue consent for adoption of a child under guardianship. Consent by the commissioner or responsible agency is not required because the adoptive placement was made by the responsible social services agency and approved by the commissioner.

Minnesota Statutes, section 260C.629, subdivision 1 (c)

- Transferred responsibility for consent of sibling separation from commissioner to court. Court process, including required notices, outlined in statute.

Minnesota Statutes, section 260C.617

181

Do Not Resuscitate/ Do Not Intubate (DNR/DNI) or other End-of-life Care Orders



182

DNR/DNI Orders

- County SW may submit a request for the commissioner's consent for a DNR/DNI order for a child under guardianship of the commissioner.
- Intended to address imminent, life-threatening medical crises, not to provide a long-term response for a chronic illness.
- Significant medical documentation must accompany the county's request.
- DHS program staff rely on the state medical director to review requests and issue a recommendation whether the commissioner should grant or deny the request.



Resource #12

183

Positive Outcomes for Children Under State Guardianship

- Increase in the number of adoptions
 - 1995: 265
 - 2008: 772
 - 2010: 588
 - 2012: 524
 - 2013: 539
- Increase in the number and percent of adoptions of older children (ages 12+)
 - 1995: 20/265 (8%)
 - 2007: 108/689 (16%)
 - 2010: 70/588 (12%)
 - 2012: 77/524 (15%)
 - 2013: 71/539 (13%)



184

Positive Outcomes for Children Under State Guardianship (con't)

- Sibling groups preserved in their entirety through adoption
 - 2009: 67%
 - 2010: 73%
 - 2011: 68%
 - 2012: 72%
 - 2013: 72%
- Decrease in the average number of days from TPR to adoption
 - 1995: 809 days
 - 2009: 488 days
 - 2011: 503 days
 - 2012: 463 days
 - 2013: 440 days



185

Positive Outcomes for Children Under State Guardianship (con't)

- Decrease in the number and percent of children under guardianship of the commissioner court ordered into LTFC
 - 2001: 408/1640 (25%)
 - 2004: 315/1503 (21%)
 - 2007: 179/1443 (12%)
 - 2008: 108/1154 (9%)
 - 08/28/13: 36/901 (4%)
 - 07/18/14: 28/949 (3%)



186

Positive Outcomes for Children Under State Guardianship (con't)

Thank you for all of your efforts that contributed to these improved outcomes!



187

DHS Staff Contact Information



Handout #7

188

DHS Adoption Unit Supervisors



- **Kelly Nelson, Supervisor** – Adoption of children under guardianship of the commissioner; adoption records; eligibility determinations; kelly.nelson@state.mn.us, 651-431-5890
- **Mical Peterson, Supervisor** – Adoption of children not under guardianship of the commissioner [private domestic, international, step parent and adult]; post-adoption search policy; ICPC; Adoption Assistance; mical.peterson@state.mn.us, 651-431-4728

189

DHS Adoption Unit Adoption and Permanency Policy



Melissa Sherlock, Adoption and Permanency Policy Specialist, Adoption policy regarding children under guardianship of the commissioner; issuance of non-delegated consent: DNR/DNI orders; melissa.sherlock@state.mn.us, 651-431-4711

190

DHS Adoption Unit Contracts



Emily Palmer, Program Consultant, adoption contracts: PPAI, MN ADOPT [adoption-related information, referral and training, post-adoption supports and services], State Adoption Exchange; PACC; Purchase of Service; emily.palmer@state.mn.us; 651-431-4712

191

DHS Adoption Unit Adoption Assistance – Eligibility Policy

Vacant, Program Consultant, policy regarding Title IV-E and state-funded Adoption Assistance eligibility; 651-431-4989



192

DHS Adoption Unit Records Policy/AA Eligibility Determination



Adoption Records Policy – adoption process; adoption placement and case consultation;
Adoption Assistance – eligibility determination and modifications;

- Lorenzo Davis, Program Consultant, lorenzo.davis@state.mn.us, 651-431-5889
- Paulette Lonzo, Program Consultant, paulette.lonzo@state.mn.us; (651) 431-4716
- Jessica Ramstad, Program Consultant, jessica.ramstad@state.mn.us, 651-431-4715
- PajDaj Yang, Program Consultant, pajdaj.yang@state.mn.us, 651-431-4718

Caseloads divided by county/private agency/tribe

193

DHS Adoption Unit ICPC Policy



- DHS website: www.dhs.state.mn.us
Click on *Children*, then on *Adoption*, then on *Interstate Compact*
- Michelle Frazier, Program Consultant, MN ICPC Deputy Compact Administrator; ICAMA; michelle.frazier@state.mn.us, 651-431-4710
- Tammy VanMoer, Program Consultant, MN ICPC Deputy Compact Administrator; ICAMA; tamera.vanmoer@state.mn.us, 651-431-4727

Caseloads divided by county/private agency

194

DHS Adoption Unit Adoption Assistance – Operations Policy

Vacant, Program Consultant,
Policy regarding Adoption Assistance program operations; applications for Non-recurring Adoption Expenses; fair hearings;



195

DHS Adoption Unit Adoption Assistance – Operations

Adoption Assistance Operations: basic maintenance and supplemental payments; special cost reimbursements;

- Susan Jopling, susan.jopling@state.mn.us, 651-431-4683, A-F
- Karen Womack, karen.womack@state.mn.us, 651-431-4719, G-L
- Bret Pigsley, bret.pigsley@state.mn.us, 651-431-4723, M-R
- Sia Vang, sia.j.vang@state.mn.us, 651-431-4724, S-Z

Caseloads divided by adoptive parent's last name



Post-Adoption Search Services

PajDaj Yang, Program Consultant, search services requested by adoptees, birth parents, adoptive parents and siblings for access to information and/or contact; liaison with Minnesota Department of Health for access to adoptees' original birth records; tribal enrollment;
pajdaj.yang@state.mn.us, 651-431-4718



197

DHS Mail Addresses

	<input type="checkbox"/>
Department of Human Services Adoption and Guardianship Unit P.O. Box 64944 St. Paul, MN 55164-0944	

	<input type="checkbox"/>
Department of Human Services ICPC P.O. Box 64247 St. Paul, MN 55164-0247	

198

DHS Licensing



Adam Walsh Background Studies

Questions regarding policies and procedures:

E-mail: DHS.BackgroundStudyAdmin@state.mn.us

Questions related to completion of the online submission to request a study:

E-mail: DHS.NETStudyAdmin@state.mn.us

199

Resources for Social Workers

Resource List



Handout #8

Policies and Procedures

Related to 2012 Legislative Changes

DHS has policies and procedures regarding children under guardianship:

- Foster and adoption placement decisions
- Sibling placement, separation and visitation
- Do Not Resuscitate/Do Not Intubate (DNR/DNI) and other end-of-life care orders
- State Adoption Exchange and other child-specific recruitment efforts
- Adoption email listserv
- *Adoption Process Checklist for Children Under Guardianship of the Commissioner*¹

Questions or comments?



202

Merci

Gracias

Obrigado!

Thanks for participating!

ขอบคุณ

Dank

Ευχαριστώ

203