

## Child and Family Services Policy Manual: Adoption Adoption Process Procedure

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### Pre-Placement Process

When a family is selected as the prospective adoptive family through the selection process found in section 603-2, the child's child protective services specialist and the family resource specialist serving the prospective adoptive family will coordinate a pre-placement process that best meets the needs of the child. The process includes:

1. **Review** (no hard copies provided) of the complete and accurate information contained in the case file by the prospective adoptive parents including:
  - a. DPHHS-CFS-107 Birth Family Social and Medical History;
  - b. complete medical records, including immunizations;
  - c. psychological information, or evaluation, on the child, if contained in the Department's records;
  - d. school records;
  - e. child's daily routine;
  - f. information on previous placements, including type and length of placements;
  - g. child's eligibility for subsidized adoption; and
  - h. the child's Life Story Book.
2. clarifying if and how information about the child and/or the child's birth parents will be updated;
3. arranging for pre-placement visits; and
4. providing the prospective adoptive parents a copy of placement agreements for their review prior to placement of the child.

**NOTE:** No copies of confidential information are to be provided to the prospective adoptive family during the Pre-Placement Process.

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<b>Documentation</b>	<p>A major part of this process is the full disclosure of information to the prospective adoptive parents. It is important that what was reviewed and disclosed and when it was reviewed and disclosed be clearly documented by completing an entry on ACTD the date(s) of review and information disclosed by the child protective services specialist or family resource specialist who provided the information to the prospective adoptive parent(s).</p>
<b>Pre-Placement Visits</b>	<p>Arrangements for pre-placement visits are made by the child's child protective services specialist, the family resource specialist, the foster parents and the prospective adoptive parents. Visitation allows the child and prospective adoptive parents to become acquainted. The goal is to ease the adjustment of all parties as the child moves into a new home. Caution should be taken not to rush the placement or to prolong visitation unnecessarily.</p> <p>The number and location of meetings with the prospective adoptive parents, the duration of preparation, and the timing of placement should be determined by the child's age and the particular needs of both the child and the prospective adoptive family. When the child is old enough to comprehend and have a part in the decision, the child protective services specialist will both plan and work directly with the child.</p> <p>All pre-placement visits must be documented on ACTD by the child's child protective services specialist or the family resource specialist serving the prospective adoptive family.</p> <p>The child should have the opportunity to gradually become acquainted with the new parents. The child's child protective services specialist, the family resource specialist for the prospective adoptive family, and the child's foster care family can provide the child some continuity during the transition to the prospective adoptive family.</p> <p>The child's Life Story Book and the prospective adoptive family's scrap book should be exchanged during pre-placement contacts.</p>
<b>Visitation Agreement</b>	<p>A <b>written</b> visitation agreement must be drawn up regarding the pre-placement visits. The agreement shall include everything relevant to the visits so there is understanding between all parties involved. This includes:</p>

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- the purpose and goals of visits;
- the place, frequency and number of visits;
- financial responsibility for visits;
- involvement of the extended family; and
- child protective services specialist and family resource specialist responsibilities.

The agreement should be signed by the prospective adoptive parents, family resource specialist (or private agency worker), child protective services specialist, foster parents, and, when appropriate, the child.

A written visitation agreement greatly reduces potential misunderstandings and poorly thought out changes. It will reduce anxiety for all parties during what is likely to be a very stressful time and provides consistency for the child.

Often, either the prospective adoptive parents, foster parents, and/or the child (or all three parties) will want to rush the visitation process. The visitation plan was agreed to by all parties; it should not be changed without the agreement of all parties. Any visitation plan should be based on the child's needs, therefore, any changes to the plan must be considered very carefully and must also be based on the child's needs.

A sample visitation agreement can be found at the end of this section on page 13 (See: Sample Visitation Agreement). The child protective services specialist must always keep in mind the child's individual needs when developing a plan for visitation. Other factors, such as the prospective adoptive parents' financial resources, distances to be traveled and weather conditions, may be considered but the needs of the child must remain the primary focus.

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### Pre-Adoptive Placement Process

After the pre-placement process is complete and the decision is made to place the child, based on the child's best interests, in the adoptive home, the prospective adoptive parents, the child's placing worker, and the worker who will be supervising the adoptive placement will sign either a form DPHHS-CFS-30 Agreement on Pre-Adoptive Placement or, if appropriate, the Legal Risk Adoption Agreement (located in Section 602-6). If the Legal Risk Adoption Agreement is signed at this time, the DPHHS-CFS-030, Agreement on Pre-Adoptive Placement must also be signed when the child is legally free for adoption.

**NOTE:** The date which the child's child protective services specialist and the prospective adoptive parents sign the DPHHS-CFS-030 Agreement on Pre-Adoptive Placement is the date the prospective adoptive parents become the child's pre-adoptive parents and the date which becomes the child's pre-adoptive placement.

### CAPS Entry

When the Agreement on Pre-Adoptive Placement form (DPHHS-CFS-030) has been completed and signed, the child's Child Protection Specialist worker (CPS worker) shall modify the child's current Placement Status in CAPS from "AT" Active Placement to "PA" Pre-Adoptive Placement. This meets CFSD's reporting requirement to the Federal Government and prevents an AFCARS error.

To make this CAPS entry change complete the following steps:

- Start on the child's Person Detail screen (PERD)
- At PATH enter "CPHL" and press enter
- Once on the child's Client Placement History List (CPHL), place an "M" (Modify) on the current placement and press enter
- Once on the child's Placement Detail screen (PLAD), press "Shift + F1". This takes the CPS worker to the child's Placement Status History screen (PLSH)
- Once on the child's PLSH screen, place an "M" (Modify) on the current status line and enter an end date (the date the CFS-030 form was signed & dated) and then press enter to receive an "Update Successful" message at the

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bottom of the screen. Then press F11 to receive a new placement status line. Then press the F12 lookup button. This action takes the CPS worker to the Code Table Lookup screen (COTL).

- On COTL, “S” (Select) “PA” (Pre-Adoptive Placement) and press enter. This action takes the CPS worker directly back to the child’s PLSH screen and places the cursor directly under the “start date”. Enter the start date (which is the same date the CFS-030 form was signed & dated). Press enter and wait for an “Update Successful” message to show at the bottom of the screen.
- After the CPS worker has received the update successful message, the child’s Placement Status has been successfully modified from “AT” Active Placement to “PA” Pre-Adoptive Placement, and the CAPS entry for this action is complete.

### Placement Agreement

The DPHHS-CFS-030 Agreement on Pre-Adoptive Placement shall be completed and signed by the prospective adoptive parent(s) and placing worker when the child is placed pre-adoptively in the home, and only after the family has certified that the information listed on the form has been discussed and understood, and they have acknowledged receipt of the child’s information that is listed on the form. At the time that the form is signed, the following information, with birth parent identifying information redacted, must be provided to the pre-adoptive family as set forth on form DPHHS-CFS-030:

- Social History (DPHHS-CFS-107: Parts A through E)
- Psychological Evaluation
- Medical Information and Background
- School Records (if school age child)
- Social Security Number
- Adoption Subsidy Agreement
- Medicaid Card

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- Enrollment Information (if child is Native American)
- Life Story Book

**NOTE:** The written information provided to the pre-adoptive family must have all identifying birth parent information redacted before it is given to the pre-adoptive family.

The original agreement remains with the child's file, one copy is given to the pre-adoptive parents, and one copy is to be mailed to the adoption program manager in the CFSD central office with the adoption finalization packet.

**NOTE:** All confidential information provided to the pre-adoptive family and listed on the form (DPHHS-CFS-030) must be stamped with:

**CONFIDENTIAL INFORMATION:**  
**NOT TO BE DISSEMINATED FURTHER**  
**WITHOUT COURT ORDER**  
**OR EXPRESS WRITTEN AUTHORIZATION**

In addition and should the placement disrupt, the worker must supply the pre-adoptive family with a copy of the form\*:

### CFSD Notice of the Return or Destruction of Confidential Records

\*Located at the end of this policy section (603-5).

#### **Placing Worker Responsibilities**

At the time of the pre-adoptive placement, the placing worker sends the child's entire paper record to the supervising family resource specialist or private agency. If there is more than one child in the family and the children are not going to be placed together, case record information on each child must be copied. In addition to all of the other case record information, the placing worker should make certain that the following are also included in the case file at the time of transfer:

- completed form DPHHS-CFS-107, Birth Family Social and Medical History;

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- written report of birth parent counseling (if birth parent relinquished child for adoption);
- waiver(s);
- a **certified** copy of the child's birth certificate;
- the Report to the Court Supporting the Petition for Permanent Legal Custody;
- the Petition for Permanent Legal Custody;
- two certified copies of the Court Order (giving the right to consent to adoption);
- the DPHHS-CFS-030, Agreement on Pre-Adoptive Placement;
- Indian enrollment information; and
- the DPHHS-CFS-ICWA-250, Indian Child Act Welfare Reporting Form (this form must be completed on every child).

The placing Child protective services specialist shares CAPS access (on AXED) with the supervising FRS.

### Filing Eligibility Information

Information regarding eligibility for foster care and Medicaid remains in the Central Office Title IV-E Unit compliance file.

### Removal of Child from State

Before a decree of adoption is issued, a pre-adoptive parent may not remove the child from the state without written permission from the Department. The family resource specialist or Child protective services specialist supervisor supervising the placement will submit a request for travel authorization. The request shall include:

1. child's name
2. birth date
3. type of custody
4. names of pre-adoptive parents
5. tentative itinerary and approximate length of travel
6. a copy of the court order granting the Department permanent legal custody

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**CAPS** The Child protective services specialist supervisor or family resource specialist supervisor must provide written authorization to the pre-adoptive parents for the travel. The DocGen for travel authorization is #337, Travel Authorization for Foster Care or Adoptive Child. A copy of the authorization shall be placed in the file.

**Post-Placement Procedure** The assigned worker provides post-placement services to assist in the adjustment of the family and seek to preserve the family unit to ensure permanency for the child.

**Department Adoptions** Following pre-adoptive placement of a child for adoption there is a six month post-placement evaluation period required prior to a decree being issued. The six-month post-placement evaluation period may be waived by the court if the child to be adopted is a foster child who has been in the prospective adoptive family's home as a foster child for at least six months. The Department may recommend in its post-placement evaluation that a decree be issued prior to six months if:

- there are extenuating circumstances that justify the issuance of an adoption decree less than six months after the child has been placed with the prospective adoptive parents; or
- if the petition for adoption is filed six months or longer after a child has been placed in a prospective adoptive home.

In most adoptions handled through the Department, the court will probably waive the waiting period of six months as set forth above. When the six-month period is not waived, the assigned worker must supervise the placement for six months and then complete a post-placement evaluation.

**Family Contact** The assigned worker must conduct monthly visits with the child and the pre-adoptive family in the family's home during the post-placement period. The monthly home visits must be documented on ACTD. The frequency and content of visits as well as office contacts will depend upon the unique circumstances of each placement. The first visit should be made during first two weeks following the child's placement in the home so the pre-adoptive parents know help is available when needed.



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### **Post-Placement Evaluation Content**

The assigned worker must prepare a post-placement evaluation to be filed with the court with the adoption petition. The evaluation report must contain the following:

1. whether the child is legally free for adoption;
2. whether the proposed home is suitable for the child;
3. a statement that the completed DPHHS-CFS-107 Birth Family Social and Medical History has been provided to the pre-adoptive parent(s);
4. an assessment of adaptation by the pre-adoptive parent(s) to parenting the child;
5. a statement that the six-month waiting period has been complied with or should be waived;
6. the maiden name of the pre-adoptive mother and the correct spelling of the name of the child and adoptive parent(s) that will appear on the amended birth certificate as verified by the pre-adoptive parent(s);
7. whether the Department waives notice of the adoption proceeding;
8. a statement that any applicable provision of law governing an Interstate or Intercountry placement of the child has been complied with;
9. a statement of compliance with any applicable provisions of the Indian Child Welfare Act; and
10. any other circumstances or conditions that may have a bearing on the adoption and of which the court should have knowledge.

The post-placement evaluation report must contain a definite recommendation stating the reasons for or against the proposed adoption.

### **Finalization Procedure**

When the pre-adoptive family and assigned worker agree that the adoption should be finalized and supervisory approval has been obtained, inquiry should be made of the pre-adoptive family as to whether they intend to represent themselves

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(petitioners pro se) or whether they plan to hire an attorney to represent them when they finalize the adoption.

The assigned worker will send the information contained in the check list in Section 603-8 to the Adoption Program Manager in the central office requesting that finalization papers be prepared and forwarded to the pre-adoptive parent(s) or their attorney.

Child 12 or older

Consent of children age 12 and above (Mont. Code Ann. §42-2-301(6)) Montana Law requires children 12 and over to *consent either in writing or in court*, unless the child does not have the mental capacity to consent. The consent must be acknowledged before an officer authorized to take acknowledgments or witnessed by a representative of the department, an agency, or the court. \*Central Office decision: If 12 years old or older, there must be a written statement from the child (unless the child does not have the mental capacity to consent) and that is witnessed by our agency or court official and included in the packet.

Central Office  
Responsibility

Central office will send a cover letter containing instructions and the following documents to the pre-adoptive parents or their attorney:

1. One Post-Placement Evaluation Report (original) marked EXHIBIT "A";
2. One Certificate of Adoption;
3. One certified copy of the Permanent Custody Order(s) terminating each parent's rights and granting DPHHS the right to consent to adoption, marked EXHIBIT "B";
4. One Consent to Adopt, signed by the DPHHS director or designee and marked EXHIBIT "C";
5. Three copies of the Petition for Adoption;
6. Three copies of the Order of Adoption Decree; and
7. One Indian Child Welfare Act Reporting Form (DPHHS-CFS-ICWA-250).

Included in the instructions will be a request that the pre-adoptive parents or their attorney send the central office a copy

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of the signed Petition for Adoption and a certified copy of the Order of Adoption Decree as soon as the adoption is finalized.

### Removing Child from State

Prior to issuance of a decree of adoption, the pre-adoptive parent(s) must obtain permission from the Department before they remove the child from the state.

If the pre-adoptive parents move out of Montana prior to the time the adoption is finalized, the worker assigned to the family must implement an interstate compact agreement before the child leaves Montana, requesting supervision from the state to which they are moving. See 407-2, Interstate Compact on the Placement of Children.

### Other Resources

Adoptive families should be provided information on adoption support groups and services that are available through agencies or organizations.

### Adoption Subsidy

Once the central office has received a certified copy of the decree of adoption, payment of the adoption subsidy will be initiated. The subsidy will be sent automatically to the adoptive parent(s) near the beginning of each month. They do not submit monthly vouchers for payment. See Section 604-1, Subsidized Adoption, Non-Recurring Adoption Expenses, and Medical Subsidy.

### Trust Account Closures

Please refer to Section 403-2, Trust Accounts, for information regarding trust accounts and continued benefits for children who are adopted.

#### **NOTE: Non-Department Adoptions**

The Department does not complete post-placement evaluations or supervise placements for direct parental placement adoptions or other non-Department adoptions except as provided for under the Interstate Compact on Placement of Children.

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**References**

Mont. Code Ann. §§ 42-2-301, 42-3-212, 42-4-205 through 42-4-209  
Mont. Code Ann. § 42-4-310  
Mont. Code Ann. § 42-4-203  
Mont. Code Ann. § 42-5-108  
Mont. Admin. R. 37.52.214  
Mont. Admin. R. 37.52.120 and 37.52.125

Rev. 10/03  
Rev. 10/04  
Rev. 10/05  
Rev. 10/06  
Rev. 10/07  
Rev. 10/10  
Rev. 09/14  
Rev. 05/15  
Rev. 06/15

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[SAMPLE]

**CONFIDENTIAL INFORMATION:**  
**NOT TO BE DISSEMINATED FURTHER**  
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Any person authorized to receive records under Mont. Code Ann. § 41-3-205 must maintain the confidentiality of the records and may not disclose the record to anyone other than as provided in that statute. Specifically, the following information cannot be released to others, including parents and their representatives without an *in camera* inspection by the court and a determination by the court that the disclosure is necessary for fair resolution of the issue before it:

- The information that would disclose the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records.
- Any information whose release would be detrimental to the child or harmful to another person who is a subject of information contained in the records.

Mont. Code Ann. § 41-3-205(2) and (3):

Dissemination of this information without appropriate authorization – whether dissemination is made orally or in written form – may result in criminal liability or civil liability to the person who releases the information or to the person who has failed to protect confidentiality of the information contained in the records.

[OPTIONAL *additional language* WHEN RELEASING TO FOSTER PARENTS or GUARDIANSHIP Providers]:

NOTE: In the event that (*the adoption is not finalized*) (*the guardianship is dissolved*) (*the custodian withdraws from the permanent planned living arrangement*), all of the documents are to be returned to the Department intact or by written verification of destruction within 30 days. The assigned worker and their direct supervisor are to ensure all documents are returned or destroyed, and must provide the family a copy of the form DPHHS-CFS-036 **CFSD Notice of the Return or Destruction of Confidential Records** documenting this procedure has been complied with. The **CFSD Notice of the Return or Destruction of Confidential Records** form must be signed and dated by the assigned worker and their direct supervisor upon receipt of said form and then uploaded to DocGen. If placement is of a sibling group, the assigned worker and the family must complete one form per child.

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[Sample of form DPHHS-CFS-036 located on OURS]

**CFSD Notice of the Return or Destruction of Confidential Records**

The placement of (*child's name*) \_\_\_\_\_ in my home ended on (*date*) \_\_\_\_\_.

I/We (*care provider's name(s)*) \_\_\_\_\_ have returned ALL confidential documentation, written and electronic, to (*CFSD child protection specialist/staff person name*) \_\_\_\_\_ on (*date*) \_\_\_\_\_ to be destroyed.

**OR**

I/We (*care provider's name(s)*) \_\_\_\_\_ destroyed ALL confidential written information by shredding it, and all electronic information by erasing all copies of any information related to this child on (*date*) \_\_\_\_\_.

Care Provider's Signature(s): \_\_\_\_\_.

Care Provider's Name(s) (please print): \_\_\_\_\_.

Date of signature(s): \_\_\_\_\_.

Notice of Return or Destruction of Confidential Information form (including all records that need to be destroyed) were received by:

\_\_\_\_\_  
(*CFSD staff name and date received*)

\_\_\_\_\_  
(*CFSD supervisor name and date received*)

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[SAMPLE]

## **VISITATION AGREEMENT**

1. Prospective adoptive parents will send their Adoptive Family Book to the child's child protective services specialist by May 1, 2001.
2. The child's child protective services specialist will review the book with the child.
3. The prospective adoptive family will travel to West Yellowstone to visit the child, with the child protective services specialist present, at foster home on May 5, 2001, from 2:00 pm until 5:00 pm.
4. On May 7, 2001, the family resource specialist will meet with the prospective adoptive parents to discuss the visit. The child protective services specialist will visit with the child and foster parents regarding the visit.
5. If the visit was satisfactory to all, on May 11, 2001, the prospective adoptive parents will travel with their other children to West Yellowstone for a weekend visit. The prospective adoptive parents will stay at a local motel at their expense. The child will stay in the foster home Friday night and will stay with the prospective adoptive parents in the motel on Saturday night.
6. The child protective services specialist and family resource specialist will evaluate this visit.
7. On May 18, 2001, the child protective services specialist will take the child, at agency expense, to the prospective adoptive parents home in East Glacier and will introduce the child to the family resource specialist. The child will stay with the child protective services specialist in the motel on Friday night and with the prospective adoptive family on Saturday, Sunday and Monday nights.
8. If the visits are satisfactory to the child, the prospective adoptive parents and the agency, the child will be placed with the prospective adoptive parents on May 26, 2001. The prospective adoptive parents will provide transportation.

\_\_\_\_\_  
Family Resource Specialist

\_\_\_\_\_  
CPS Specialist

\_\_\_\_\_  
Prospective Adoptive Parent

\_\_\_\_\_  
Prospective Adoptive Parent

\_\_\_\_\_  
Foster Parent

\_\_\_\_\_  
Foster Parent

\_\_\_\_\_  
Child