



439 Guidelines for Denial of Adoptive Family Approval



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CHAPTER 4, Adoption and Birth Parent Services

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This section outlines specific reasons for denial of an adoptive home application.

Policy

Prior to approval as an adoptive home, an adoptive applicant must meet specific requirements that will ensure the safety, permanency, and well-being of children placed in their home.

SCDSS shall not deny a person the opportunity to become a foster or adoptive parent because of the family's or the child's race, color or national origin (RCNO). Culture shall not be used as a proxy for RCNO. Families willing to foster or adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

Procedures to Accomplish

Procedures are included in the items listed below.

The following factors are assessed to determine the adoptive applicant's readiness and ability to parent a child until the child reaches adulthood, including evaluation of adoptive parent's ability to meet the changing needs of a child as the child ages:

I. Health

- A. Decreased life expectancy;
- B. Physical disability that impacts applicant's ability to care for a child;
- C. Life threatening health problems.

II. Financial

- A. Monthly income does not exceed monthly expenses by a wide enough margin to meet the needs of an adopted child (NOTE: this is a basis for denial);
- B. Unstable work history.

III. Emotional

- A. Inability to deal with stress;
- B. Alcohol or other drug addiction;
- C. Lack of supportive interpersonal relationships;
- D. Past or present problems where therapist gives applicant a poor prognosis for parenting.

IV. Inappropriate Motives for Adoption

- A. To replace a deceased child (for example, client requests that adopted child be same age as the deceased child would have been);
- B. To improve an unsatisfactory marriage/relationship;
- C. To provide a companion to another child or to care for the applicant.

V. Marriage/Relationship

- A. Inability to resolve conflict;
- B. Poor communication;
- C. Evidence of existing physical or emotional cruelty or adultery.

VI. Lack of Commitment by Either Spouse/Partner

- A. Lack of participation in the adoption preparation process;
- B. One spouse/partner pursuing adoption to please the other spouse/partner;
- C. Lack of support of spouse/partner for the adoption process if only one spouse/partner is adopting.

VII. Nonacceptance of Birth Parents' and Child's Backgrounds

- A. Lack of understanding birth parent(s)' motives in relinquishing child for adoption or circumstances of birth parent(s) who cannot parent;
- B. Negative labeling of birth family;
- C. Refuses to tell child he/she is adopted;
- D. Refuses to share information with the child about the child's birth/background.

VIII. Arrest History and Protective Services Complaint History

- A. **DSS cannot approve application** if Central Registry check reveals an indicated case of child abuse and/or neglect;
- B. **DSS cannot approve the application** if the State Law Enforcement Division (SLED), FBI, or Sexual Offender Registry check reveals conviction or plea of nolo contendere for one or more of the following:
 - 1. An "Offense Against the Person" as provided for in Chapter 3, Title 16 of SC Code of Laws;
 - 2. An "Offense Against Morality or Decency" as provided for in Chapter 15, Title 16 of SC Code of Laws;
 - 3. Contributing to the delinquency of a minor as provided for in Section 16-17-490;
 - 4. The common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;
 - 5. Criminal domestic violence, as defined in Section 16-25-20;
 - 6. Criminal domestic violence of a high and aggravated nature, as defined in Section 16-25-65;
 - 7. A felony drug-related offense under the laws of this State; or
 - 8. As stated in the Social Security Act, Section 471(a) (20) (A) (ii), the prospective foster or adoptive parent has, within the last five years, been convicted by a court of competent jurisdiction, of a felony involving:
 - i. physical assault;
 - ii. battery; or
 - iii. a drug-related offense.
- C. For other crimes, each situation will be individually assessed. Behaviors and situations, which are symptomatic of severe problems, will be reasons for denial. The adoption supervisor and administrator must concur that an adoptive applicant will be denied. Applicants who are denied will be provided a written explanation of the reasons and a written notice of their right to appeal the denial through the agency's fair hearing process. **However, if the application is to adopt a specific child, the**

applicant must appeal the denial of approval by filing an adoption action in Family Court.

Overview of Statutes/Regulations

Social Security Act, Section 471

SC Code Section 63-7-2340

Referenced Documents

Revision Comments: Format revised. Added required Federal language regarding denial based on criminal record.