

# **South Carolina Department of Social Services**

## **Human Services Policy and Procedure Manual**

### **CHAPTER 4, Adoption and Birth Parent Services**

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## **CHAPTER 4, Adoption and Birth Parent Services**

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### **400 Introduction**

The Child Welfare League of America (2000) defines adoption as "...the social, emotional, and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family."

The Department offers statewide adoption services to:

1. Parents who are considering the release of their child(ren) for adoption;
2. Children who are voluntarily released by parents or the court has given custody to the Department, and who have a permanent plan of adoption; and
3. Persons who wish to adopt children.
4. Adoptive families who have finalized an adoption and are experiencing problems related to the adoption.
5. Adult adoptees, adoptive families, birth parents of the adoptee who request non-identifying information or reunion register services. Reunion register services are also provided to biological siblings of the adoptee.

In all adoption cases, the Department has the responsibility to give as much protection as possible to the child, the biological parent, and the adoptive parents; to insure confidentiality of service; and to safeguard records. State law gives DSS the responsibility to provide adoption services for children in foster care and the authority to consent to adoption after relinquishment or termination of parental rights.

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### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **401 Philosophy of Adoption and Birth Parent Services**

Adoption and Birth Parent Services practice is based on the following principles:

1. Every child should be able to remain with, or if placed in the Department's custody to return to, his/her biological parents. When this is not possible, it is the responsibility of the Department to explore for those children in its custody:
  - A. The suitability and commitment of relatives to adopt; and
  - B. Permanent placements with non-related adoptive families.
2. Adoption services are available to all children in the Department's custody for whom the Department has assessed that adoption is an appropriate placement plan. The Department is committed to providing a healthy environment during the period of substitute care, linking the child with a permanent family as quickly as possible and providing effective services both prior to and after finalization. The Department will place children only after prior assessment and preparation of the child, birth parents and the adoptive parents. To achieve these goals, the South Carolina Department of Social Services adoption specialist's attitude must reflect a commitment to the provision of all necessary services.
3. A relinquishment will be taken only if the Department determines that an adoptive resource is likely to be identified for the child. In rare cases, a relinquishment may be taken even if an adoptive resource is not likely, depending on the child's best interest.
4. Children may be placed in pre-adoptive homes prior to the resolution of all legal barriers, when such placements are deemed to be in the best interest of the child.
5. The Department has a responsibility to secure adoptive homes for children with special needs. The Department will utilize all available and appropriate financial assistance programs to effect the adoption of children with special needs. Priority will be given to families who state a preference in adopting children with special needs.
6. Every child free for adoption or who can be freed will not be denied the opportunity to have a permanent family due to age, religion, race, color, national origin, ethnicity, residence or handicaps. The Department is committed to seeking an adoptive family for any child for whom adoption is the permanent plan. Neither the child's nor the adoptive parent(s)' race, color or national origin will be considered in making adoptive placement decisions.
7. The culture of a child and/or prospective adoptive family shall not be used as a proxy for race, color or national origin in making adoptive placement decisions.

8. Supportive services must be made available for adoptive placements to be successful, especially those in which children with emotional and/or physical handicaps have been placed. Services will be provided which are deemed to be in the child's best interest and which meet the identified needs of the child. Supportive services will be provided by the adoption specialist and include, but are not limited to:

- A. casework counseling
- B. parent education
- C. support groups
- D. linkages to other resources

9. The Department is committed to providing services to adoptees, birth parents and adoptive parents following the finalization of the adoption.

10. Children should be told of their adoption by their adoptive parents. The Department will be available to provide support in carrying out this responsibility, if requested.

11. Siblings should be placed together whenever possible. Exceptions will be considered when the circumstances indicate that separate placements are in the best interest of the siblings involved. Clear and convincing rationale must be documented if separation of siblings is recommended. This recommendation must include reference to and copies of any evaluations by allied professionals and siblings' preferences, if age appropriate. Should siblings be separated, provisions will be made for allowing some level of continued contact, if possible.

12. Children have the right to permanency through adoption on a timely basis. The Department will not delay or deny a decision to seek termination of parental rights or otherwise to free a child for adoption on the basis of race, color, or national origin nor delay or deny an adoptive placement on the basis of race, color, or national origin of the foster/adoptive parent or the child.

13. In order to enhance the permanence of the placement and insure the well being of the child, the Department will provide post-placement services between the time of the adoptive placement and the issuance of a decree of adoption.

14. The Department will not deny the opportunity to become an adoptive or foster parent because of the family's or the child's race, color, or national origin.

15. To assure safety of the children, staff must determine the composition of the household. Every member of the household must be part of the assessment process. Completed assessment must include, but is not limited to, how household members relate to one another and to the foster child. It also includes whether a member of the household is a paramour of the adoptive parent.

16. Foster parents who have been approved for adoption will be given priority consideration as adoptive parents for the child in their care if the child has been in the

foster home for six months or longer, and the child is legally free for adoption, and adoptive placement with the foster family is deemed to be in the best interest of the child by the Department. Foster parents must be included in the preparation and placement process if placement is to be outside the foster home, when this is deemed to be in the best interest of the child involved.

17. Birth Parent services will be provided upon request, without regard to race, color, national origin, physical or mental condition, economic status, age or marital status. Eligibility to receive services is not dependent on the decision of birth parents to release a child for adoption. The Department will respect birth parent preferences in the selection of an adoptive family in so far as they are in the best interest of the child involved. However, birth parent preferences regarding race, color or national origin of a prospective adoptive family will not be requested or considered in selection of or placement with an adoptive resource.

18. The Department has the following general responsibilities to children:

- A. To provide services necessary to know and understand the child and the child's needs.
- B. To provide a healthy environment during the period of substitute care.
- C. To select an adoptive family as quickly as is consistent with good planning.
- D. To prepare the child and the family for placement.
- E. To provide effective post-placement services to the family.
- F. To provide post-adoption services to the family, as appropriate.
- G. To utilize funding available for purchase of adoption services from other agencies, public and private in order to increase available adoptive resources for children in the Department's custody.
- H. To provide financial assistance when applicable and available.
- I. To support and counsel the child experiencing a disruption and to seek another adoptive placement as quickly as is consistent with good planning.

19. The Department has the following general responsibilities to birth parents:

- A. To provide information on the following options:
  - 1) Parenting their child with the help of supportive services;
  - 2) Voluntarily placing their child in foster care on a limited basis; and
  - 3) Relinquishing their child for adoptive placement.
- B. To insure that they have knowledge of and access to available community services that meet their needs.
- C. To assure confidentiality.
- D. To be responsive to their requests regarding placement of their child to the extent

possible. However, birth parent requests for an adoptive family of a particular race, color or national origin will not be honored.

E. To provide counseling and support.

20. The Department has the following general responsibilities to adoptive families:
- A. To provide thorough and accurate information regarding the adoption process.
  - B. To involve them in the assessment process and complete the assessment on a timely basis.
  - C. To provide accurate and thorough information, to the extent known by the Department, regarding children available for adoption.
  - D. To conduct reviews of the family circumstances every six months while the family is approved and waiting for adoptive placement.
  - E. To provide appropriate support during the entire adoptive process.
  - F. To inform them of the qualities, characteristics, problems and needs of any child they are adopting, as are known to the Department.
  - G. To provide post-placement and post-adoption services that support the family following adoptive placement.

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## Referenced Documents

### Revision Comments

Section 401, 6. has been revised to clarify that the race, color or national origin of the adoptee and/or the adoptive parent(s) will not be considered in making adoptive placement decisions.

Section 401, 17., 19., D. have been revised to clarify that birth parent preferences regarding race or ethnicity of a prospective adoptive family will not be considered in selection of or placement with an adoptive resource.

A new item 7 has been added to provide that culture shall not be used as a proxy for race, color or national origin in making adoptive placement decisions.

A new item 14 has been added to provide that the Department will not deny the opportunity to become a foster/adoptive parent on the basis on RCNO.

## CHAPTER 4, Adoption and Birth Parent Services

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### 410 Birth Parent Services - Intake

#### Adoption Specialist

1. Receives the request for services from the birth parent;
2. Responds by telephone or in writing to the client;

3. Assures client of confidentiality and the agency's willingness to provide services, outlines the services available and general procedures for receiving the services;
  4. Obtains as much identifying information as the client feels comfortable giving, i.e. name, address, telephone numbers, and a time for telephone calls;
  5. Refers client to their county Department of Social Services or other appropriate agency if not considering adoption services; and
  6. Records the information on DSS 30103, Central Intake Form, and updates CAPSS.
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### **Referenced Documents**

DSS Form 30103

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **410.01 Birth Parent Services - Needs Assessment**

#### Adoption Specialist

1. Reviews information on DSS 30103, Central Intake Form, and contacts the client by phone to schedule an interview. Client need will determine the urgency of scheduling the first interview;
  2. Conducts the first interview at a location convenient to the client;
  3. Determines client's understanding of the problem;
  4. Explains the agency, including the services that can be provided;
  5. Assures the client of the right to confidentiality;
  6. Reviews/documents the client's family unit, resources and plans;
  7. Explains to client the need to involve the child's father in making a permanent plan for the child;
  8. Counsels on options available which include keeping and parenting the child with or without support from the child's father and/or other family members, or the plan of adoption;
  9. If the client expresses an interest in abortion, makes a referral to Planned Parenthood or other health care professional (see #10 below if client is a minor);
  10. Counsels with minor clients on involving their parents in the process. If the client expresses an interest in abortion and parent cannot or will not consent or minor does not wish to involve parent, provides DSS Brochure 2476, Consent for Teenage Abortion, which explains the procedures for obtaining court approval for an abortion;
  11. Provides assistance as required; and
  12. Schedules the next interview.
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**Referenced Documents**

DSS Form 30103

DSS Brochure 2476

**Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **410.02 Birth Parent Services - Service Plan**

#### Adoption Specialist

1. Develops the DSS 30104, Service Plan, within 30 days of the first interview. The Service Plan will include:
  - a. Statement of birth parent's view of the situation;
  - b. Identification of birth parent's needs;
  - c. Setting goals, objectives and strategies for meeting birth parent's needs;

#### Adoption Specialist Birth Parent

2. Signs the Service Plan, which is developed jointly by the Adoption Specialist and birth parent;

#### Adoption Specialist

3. Documents in the case record if the Service Plan is not signed by the birth parent;
  4. Assists birth parent in completing the DSS 1575, Family History Information;
  5. Evaluates and revises the Service Plan at regular intervals with the birth parent; and
  6. Completes the closing summary when no further services are needed or requested by the client. Updates CAPSS.
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### **Referenced Documents**

DSS Form 30104

DSS Form 1575

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **410.03 Birth Parent Services - Maternity Home Care**

#### Adoption Specialist

1. Provides information on maternity homes available to South Carolina residents;
2. Counsels with client regarding maternity home care and the services provided. Prepares client for the possibility of having a new DSS worker, if appropriate.
3. Opens case for birth parent services on CAPSS;
4. Schedules the preadmission appointment with provider's intake worker;
5. Prepares the social summary;
6. If the client is a minor and is going to Florence Crittenton Services in Charlotte, North Carolina or to another maternity home out of state, sends a copy of the social summary and a cover letter stating the situation with a request for Interstate Compact approval to the Interstate Compact on the Placement of Children (ICPC) in State Office;
7. Arranges transportation for the client when approval from the provider and ICPC (if necessary) is received;
8. If requesting birth parent services from another adoption office, sends request for services to the Adoption Administrator in the office serving the appropriate maternity home. Sends essential case materials, as needed or requested;
9. Receives the discharge summary from the provider;
10. Provides direct services to client for up to 90 days after discharge;

#### Region A or Region C Adoption Specialist

11. Counsels with birth mothers during their stay in maternity homes;
12. Takes relinquishment and/or voluntary placement, if requested; and

#### Adoption Specialist

13. If child is relinquished or voluntarily placed in foster care, transports the child to the foster home.

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## Referenced Documents

## Revision Comments

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#### **410.04 Birth Parent Services - Counseling for Maternity Home Clients Not Considering Adoption - Service Provided Only at Request of Florence Crittenton**

##### Region A or Region C Adoption Specialist

1. Receives request for services from Florence Crittenton staff;
  2. Provides one counseling session to client in order to explain adoption and ensure that client knows it is an available option;
  3. Opens case for birth parent services on CAPSS if services will be provided;
  4. Continues adoption counseling at client's request. Completes the Case Plan with the birth parent and signs it, along with the client;
  5. Updates CAPSS as necessary.
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## Referenced Documents

## Revision Comments

## CHAPTER 4, Adoption and Birth Parent Services

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### 410.05 Birth Parent Services - Services to Fathers

#### Adoption Specialist

1. Make diligent efforts to locate the man (men) whom the birth mother has named as possible fathers to the child. In cases of alleged criminal sexual conduct or incest, determines whether this putative father exhibited the types of conduct that would make his consent necessary before an adoption can proceed (see Section 20-7-1690 of SC Code of Laws).

a. If his consent is required, this father can either consent to the adoption by signing a relinquishment, or his rights will have to be terminated by the court (TPR);

b. If his consent is not necessary, there is no need to pursue either a relinquishment or TPR;

c. If the child is conceived as a result of criminal sexual conduct or incest, the putative father is not entitled to notice of the proposed adoption. However, he may still have to consent (see Section 20-7-1690 of SC Code of Laws);

2. If the child is conceived as a result of reported criminal sexual conduct or incest, obtains from the birth mother a written affidavit attesting to the facts and details surrounding the incident that resulted in the pregnancy. If birth mother is a minor, makes a report to the police;

3. Documents in the case record that reasonable efforts were made to locate any named fathers, including:

a. Checking the local phone directory and vehicle registration rolls;

b. Checking with known relatives of the father;

c. Checking with known employers of the father;

d. Checking with local utilities to see if the father is receiving gas or electric services;

e. Checking DSS records to see if the father is receiving or has received any assistance; and

f. Making a Diligent Search referral by completing the modified DSS Form 2738, "Foster Care - Child Support Referral Form;

4. Provides services if the birth father is receptive;

5. Explains the options available to the birth father:

a. Making a plan to parent the child himself. Advises him that he has the right to visit and the obligation to provide support;

b. Signing a DSS 30115, Denial of Paternity;

- c. Signing a DSS 30119, Waiver of Notice;
- d. Signing a DSS 3093, Relinquishment for Adoption;
- e. Refusing to cooperate - if a birth father refuses to cooperate in choosing any of the options listed above, he must be informed that he may be noticed of the proposed adoption via newspaper publication. If his consent is required and he will not consent, then he will be part of a court action to terminate his parental rights;

6. Writes any named father at least twice a month, informing him of his obligation to support the child and his rights to visitation with the child; and

7. Checks Child Support Enforcement (CSE) to see if there is an open case. If not, makes a referral to CSE.

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### **Referenced Documents**

SC Code of Laws  
DSS Form 2738  
DSS Form 30115  
DSS Form 30119  
DSS Form 3093

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **410.06 Birth Parent Services - Post-Placement Services To Birth Parents**

#### Adoption Specialist

1. Continues counseling with birth parent for a maximum of ninety (90) days after the relinquishment has been signed;
  2. Provides birth parent with developmental information, photographs and any other non-identifying information that the adoptive family is willing to share prior to finalization;
  3. Prepares the closing summary and forwards the case to the adoption office that is supervising the infant's placement; and
  4. Updates CAPSS.
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#### **Referenced Documents**

#### **Revision Comments**



## **411 Voluntary Placement**

### Adoption Specialist

1. Counsels with client who is considering adoption, but needs additional time to decide. In no case accepts a voluntary placement if such a placement does not appear to be in the child's best interest. If the family wishes to voluntarily place because they are experiencing problems with the child, makes every effort to assist by helping the family to obtain supportive services from the county DSS office or other appropriate resource. Makes a referral to the county DSS Child Protective Services unit if abuse or neglect is suspected;
2. Accepts voluntary placement, DSS Form 30130, on newborns still in the hospital if birth parent is considering adoption. A copy is sent to the county Department of Social Services in which the birth parent resides;
3. Transfers the case to the county Department of Social Services for permanency planning after 30 days if the birth parent is still undecided about adoption or return home;
4. Refers the case to the county Department of Social Services in which the birth parent resides when the Adoption Specialist feels a relinquishment is inappropriate; and

### Adoption Supervisor

5. When a birth parent wants to relinquish a child, contacts the adoption office, which serves the county of the birth parent's residence. The county supervisor and adoption supervisor decide if a relinquishment is appropriate or schedule a staffing if more discussion is needed.
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## **Referenced Documents**

DSS Form 30130

## **Revision Comments**

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### **411.01 Foster Care for Infants Released for Adoption or Placed Voluntarily Pending An Adoption Plan**

#### Adoption Specialist

1. Contacts the county Department of Social Services Licensing Unit to request a foster home if a specialized foster home for short term placement cannot be identified;
  2. Transports the infant to the foster home and has the DSS 1531, Foster Parent Contract, signed. If using a county foster home, the licensing worker must be informed of the date the infant is to be placed in the home and the approximate length of time the infant will be there prior to adoptive placement; and
  3. Updates CAPSS.
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#### **Referenced Documents**

DSS Form 1531

#### **Revision Comments**

## CHAPTER 4, Adoption and Birth Parent Services

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### 412.01 Relinquishment - Children Not in Foster Care

#### Adoption Specialist

1. Provides intensive counseling to client on alternatives to relinquishing the child for adoption. In no case takes a relinquishment if it does not appear to be in the child's best interest and there is a reasonable expectation of making an adoptive placement. If the family wishes to relinquish because they are experiencing problems with the child, makes every effort to assist by helping the family to obtain supportive services from the county DSS office or other appropriate resource. Makes a referral to the county DSS Child Protective Services unit if abuse or neglect is suspected;
2. Provides:
  - a. DSS Brochure 2412, The Adoption Option;
  - b. DSS Brochure 2402, Problem Pregnancy Here's Help, if child is not yet born;
3. Explains the options available to client on Openness in Adoption ;
4. If the client was previously unknown to DSS, does not take a relinquishment until forty-eight (48) hours after furnishing the DSS Brochure 2412, The Adoption Option;
5. Explains to client the need to identify and involve the birth father in planning for the child. If the client refuses to divulge the father's identity and decides to relinquish her child, informs the client that she will have to complete DSS 30118, Refusal to Name the Natural Father of Born Child;
6. If the birth mother is still hospitalized, checks with a doctor or nurse to insure that the client is not on any medication which might impair judgment, and documents the record;
7. Completes, in cases of criminal sexual conduct or incest, an affidavit stating that the pregnancy resulted from criminal sexual conduct or incest (see page reference number 450.05 for additional information on the affidavit and the alleged father's consent). If the birth parent is a minor, makes a report to law enforcement and to the county Child Protective Services unit, if abuse or neglect is suspected. If the birth parent is an adult, informs the client of her option to report to law enforcement;
8. Explains thoroughly to the client the DSS 3093, Relinquishment for Adoption. Gives client a copy of the form to review;
9. Provides two witnesses, one of whom must be a Certified Investigator, to witness the

birth parent sign the relinquishment in the presence of a notary. Persons who may serve as witnesses include, but are not limited to:

- a. Other agency staff members;
- b. Other professionals such as nurses, maternity home staff, etc.
- c. Any third party 18 years of age or older,
- d. Relatives of the birth parents, unless they are an adoptive resource (in this case, obtain another witness);

If the witness is an attorney, records his/her bar number under the attorney's signature. If the witness is a certified investigator or other professional who has an identification number, records it on the relinquishment under the person's signature.

10. If the client's preferred language is Spanish,

- a. Obtains an interpreter by consulting the Client Special Service Coordinator, who has a list of interpreters. The interpreter reviews the Relinquishment, DSS Form 3093 SPA, with the birth parent, and signs the DSS 30203 SPA, Affidavit for Spanish Interpreter;
- b. Obtains a copy of the interpreter's *Vita* which specifies the interpreter's training and credentials to read and interpret Spanish;
- c. Attaches the DSS 30203, Affidavit for Spanish Interpreter, to the Relinquishment (Spanish version, DSS Form 3093 SPA) and files in the case record. Provides a blank copy of the Relinquishment (English version, DSS Form 3093) for the Judges Eyes Only packet and, if requested, a copy of the DSS 30203, Affidavit for Spanish Interpreter;

11. Ensures that the birth parent, in the presence of the two witnesses, the notary public and, if appropriate, the Spanish interpreter, fills out three copies of the relinquishment, and signs all three. Ensures that witnesses correctly sign the relinquishment and witness certification form; and

12. Gives birth parent a copy of the relinquishment that s/he signed and any other forms such as witness certifications.

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### **Referenced Documents**

DSS Brochure 2412  
DSS Brochure 2402  
DSS Form 30118  
DSS Form 3093  
DSS Form 3093 SPA  
DSS Form 30203  
DSS Form 30202 SPA

### **Revision Comments**





**412.02 Termination of Parental Rights - Children Who Enter Care Through Relinquishment**

Adoption Specialist

1. Determines that the presumptive legal father and/or birth father has failed to:
  - a. If the child is at least six (6) months old, visit the child for a period of at least six months, and the visitation was not prevented by a court order or the party having custody of the child; and/or
  - b. Provide support for at least six months. Support can be financial or material, such as food, diapers, clothing, etc.
2. Documents in the case record that reasonable efforts were made to locate the named father;
3. Prepares the termination of parental rights packet, which includes but is not limited to the following:
  - a. Child's name, date and place of birth, and county of residence;
  - b. Information on presumptive legal father and/or birth father, including full name (include aliases); last known address; all previous residences; all places of employment; date and place of birth; verification of marriage, divorce or death;
  - c. Name of person willing to serve as a Guardian ad Litem for the child;
  - d. Grounds for termination of parental rights;
  - e. Adoption Specialist's full name and title;
  - f. A narrative description of casework services to the father, including all chronological contacts with the father, detailed description of all services provided;
  - g. Any documentation for support and visitation agreements;
  - h. Letters to the father and any certified mail receipts;
  - i. All Foster Care Review Board notices;
  - j. Pertinent medical records and evaluations;
  - k. Expert witnesses' names and addresses, if any;
  - l. Complete information on the child;
  - m. Copies of any relinquishment documents;
  - o. Brief description of the plan of adoption for the child;
4. Informs attorney if:
  - a. GAL needs to be appointed for any defendant if s/he is mentally retarded, disabled or mentally ill, incarcerated or a minor; and/or
  - b. Parent(s) is/are in the military; and/or
  - c. Parent(s) is/are a member of an Indian tribe or eligible for membership [see Adoption and Birth Parent Services manual, "American Indian Ancestry (Indian Child Welfare Act)". NOTE: TERMINATION OF PARENTAL RIGHTS ACTIONS

UNDER THE INDIAN CHILD WELFARE ACT (ICWA) HAVE TO COMPLY WITH SEVERAL ADDITIONAL FEDERAL LAW REQUIREMENTS. IT IS CRITICAL THAT ALL OF THEM BE FOLLOWED. FAILURE TO DO SO MAKES ANY SUBSEQUENT ADOPTION SUBJECT TO REVERSAL]; and

Adoption Administrator

5. Reviews the packet and forwards to the local attorney.

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**Referenced Documents**

**Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **412.03 Termination of Parental Rights - Reports To the Court**

#### Adoption Specialist

1. Submits a plan for permanent placement of the child to the court and to the child's guardian ad litem (GAL) within thirty (30) days of the close of termination of parental rights proceedings. If uncertain as to whether an appeal has been taken, consult with the attorney who handled the TPR action ;
2. Submits a report on the implementation of the plan to the court and to the GAL within an additional sixty (60) days; and

#### Adoption Supervisor

3. Reviews and signs the thirty (30) and sixty (60) day reports to the court and forwards to the court and the GAL.
- 

### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **412 Parental Rights**

#### Adoption Specialist

1. Reviews the record to determine which of the following parental rights have been relinquished, terminated or otherwise resolved. All of the following parental rights, if applicable to the child's specific situation, must be resolved before an adoption can be finalized:
  - a. Biological mother;
  - b. Biological father (may also be referred to as the putative father);
  - c. John Doe, if the name of the biological father is unknown;

d. Legal father. If the birth mother is married at the time of the child's birth, her husband is the presumptive legal father, even if he is not the named biological father, and his parental rights must be resolved;

2. If one of the parties (except John Doe) listed above is deceased, requests a certified copy of the person's death certificate from DHEC, Bureau of Vital Statistics, if the person was born in South Carolina. If the state of birth is not South Carolina, requests the death certificate from the division of state government that tracks births and deaths; and

3. Consults with appropriate county DSS attorney who serves the child's county of residence if there is any question as to whose rights need to be resolved. This should be done as soon as adoption becomes the plan in order to avoid any problems later on.

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## Referenced Documents

## Revision Comments

### CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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## 413 Assessment for Adoption - Referral Accepted for Adoptive Placement Preparation

Foster Care/IFCCS Worker and Supervisor

1. Determine that adoption is the primary or concurrent plan or adoption is likely to become the plan and arrange a staffing within 60 days of the child's entry into foster care; or

2. Determine that biological parent(s) is/are not complying with the treatment plan, and that grounds for termination of parental rights (TPR) exist and adoption may be an appropriate plan;

Foster Care/IFCCS Supervisor

3. Notifies the adoption administrator and requests a staffing between the foster care/IFCCS worker and foster care/IFCCS/adoption supervisory staff. Legal staff may also be included;

Foster Care/IFCCS Worker and Supervisor and Adoption Administrator/Supervisor

4. Reach a joint decision as to viability of adoption;
5. If necessary, staff the child's case prior to a judicial review for a change in case plan to adoption from another plan. However, do not delay the filing of a termination of parental rights (TPR) action pending a permanency planning hearing;

Foster Care/IFCCS Worker

6. If adoption is the primary plan, proceeds with completion of termination of parental rights (TPR) packet within 30 days of the staffing;

Adoption Administrator

7. Assigns case to an adoption specialist;

Adoption Specialist

8. Reviews the child's case record;
9. Meets the child and the foster parent(s)/group caregiver to discuss adoption within 30 days of case assignment;
10. Updates CAPSS, including completion of Child Tracking/Factors (registers child with State Adoption Exchange);

11. Makes a thorough adoption assessment by conducting and documenting face-to-face interviews with the child, foster care providers, and other significant parties within 60 days of acceptance of referral. Discusses with the child his/her wishes concerning the type of adoptive home into which the child will be placed. In general, in determining whether a placement is in the child's best interests, the child's preferences will be taken into account, if appropriate. If a child under 14 expresses a preference for an adoptive family of a certain race, color or national origin (RCNO) and the social worker determines, based on an initial, internal individualized assessment of the child's needs, that consideration of the child's RCNO preference is necessary to advance his/her best interests, as detailed in number 12 below, the procedure outlined in number 13 below must be followed. Uses the DSS 30231, Child and Family Assessment Services Plan, Part Eight: Out of Home (Child in State's Custody) and completes the Child Assessment in CAPSS;

12. Prior to considering RCNO in the placement of a child--including the consideration of a child's RCNO preferences--the agency must always determine whether the consideration of RCNO is necessary to advance the child's best interests, irrespective of the child's age. The likelihood that the child would refuse or disrupt the placement could be one factor considered in this determination, as could any other factor that the social worker deems relevant. Any factors that are part of the best interests analysis must be thoroughly documented.

13. If the social worker determines that consideration of RCNO is necessary to advance the child's best interests, documents the rationale and all factors weighed in determining that considering RCNO would be in the Best Interests of the child.

- a. Locates a licensed professional (child psychologist, child psychiatrist, clinical social worker or similar professional) who is not an employee of SCDSS, a sub recipient or an employee of a sub recipient; and who is able and willing to conduct an individualized assessment of the child's particular needs;
- b. Contacts the Program MEPA Coordinator in State Office for assistance in arranging payment to the licensed professional prior to requesting the individualized assessment;
- c. Provides relevant information/documentation to the licensed professional to assist in making the assessment, including but not limited to, psychologicals, background information, etc.;
- d. Provides to the licensed professional the written explanation of MEPA (Multi-ethnic Placement Act)/Title VI as it applies to foster care and adoptive placements (DSS 2533, MEPA Educational Materials);
- e. Advises the licensed professional that he/she may contact the Plan Monitor for technical assistance regarding MEPA/Title VI as it applies to foster care and adoptive placements;
- f. Has the licensed professional sign the acknowledgement that he/she has received a written explanation of MEPA/Title VI as it applies to foster care and adoptive placements and has been informed that he/she may obtain technical assistance from the Plan Monitor (DSS Form 2534, Licensed Professional's Statement);
- g. If the individualized assessment finds that RCNO must be considered, ensures that the licensed professional submits written materials that describe the individualized reasons that SCDSS should consider RCNO, how doing so is in the child's best interests, and why doing so is the only way to achieve the best interests of the child;
- h. Even if the licensed professional determines that RCNO must be considered, and SCDSS reviews and agrees with this assessment, such a determination does not mean that consideration of RCNO must be determinative.
- i. Upon receipt of the written materials, submits them immediately to the Program MEPA Coordinator in State Office;
- j. Files the written materials in the child's case record;

MEPA Coordinator

14. Submits the written materials to OCR/ACF within seven (7) business days of receipt of the licensed professional's individualized assessment and completed/signed DSS 2534;

Adoption Specialist

15. Completes DSS 30231, Child and Family Assessment Services Plan, Child/Youth's Individualized Service Plan. Meets with children 12 years and older to discuss the service plan and has the child sign (or documents why the child did not sign the service plan);

16. Updates and revises service plan as appropriate, using DSS 30231, Child and Family Assessment Services Plan, Part Seven: Plan Reviews, but no less often than every 6 months. Develops a new case plan every 12 months. At each review, a safety assessment must be completed;

17. Begins child specific recruitment within 90 days if no adoptive family is available, or documents in the case record the justification of an exemption from recruitment;

18. If, at a later date, adoption is determined not to be an appropriate permanent plan, documents compelling reasons for selection of a plan other than adoption, return home or placement with a fit and willing relative; completes a written assessment summary outlining the reasons for the decision; and forwards to foster care/MTS worker/supervisor, recommending an alternative plan; and

#### Adoption Supervisor

19. Arranges staffing with county foster care supervisor if adoption is thought to be an inappropriate permanent plan for the child after adoption specialist has exercised and documented every reasonable effort to promote and expedite adoptive placement. These efforts include a thorough adoption assessment and child specific recruitment, if appropriate.

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#### **Referenced Documents**

DSS Form 30231

DSS Form 2533

DSS Form 2534

#### **Revision Comments**

Section 413,11. has been revised to outline the procedures for considering a child's preferences in an adoptive family.

Section 413,12., 13., 14. have been added to further outline the procedures that must be followed if RCNO is believed to be a factor that should be considered in a child's placement.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 413.01 Assessment for Adoption - Referral Accepted for Assessment/Recruitment Only

#### Foster Care/IFCCS Worker and Supervisor

1. Determine that adoption is the primary or concurrent plan or adoption is likely to become the plan and arrange a staffing within 60 days of the child's entry into foster care; or
2. Determine that biological parent(s) is/are not complying with the treatment plan, and that grounds for termination of parental rights (TPR) exist and adoption may be an appropriate plan;

#### Foster Care/IFCCS Supervisor

3. Notifies the adoption administrator and requests a staffing between the foster care/IFCCS worker and foster care/IFCCS/adoption supervisory staff. Legal staff may also be included;

#### Foster Care/IFCCS Worker and Supervisor and Adoption Administrator/Supervisor

4. Reach a joint decision as to viability of adoption;
5. If necessary, staff the child's case prior to a judicial review for a change in case plan to adoption from another plan. However, do not delay the filing of a termination of parental rights (TPR) action pending a permanency planning hearing;

#### Foster Care/IFCCS Worker

6. If adoption is the primary plan, proceeds with completion of termination of parental rights (TPR) packet within 30 days of the staffing;

#### Adoption Administrator

7. Assigns case to an adoption specialist;

#### Adoption Specialist

8. Reviews the child's case record;
9. Meets the child and the foster parent(s)/group caregiver to discuss adoption within 30 days of case assignment;

10. Updates CAPSS, including completion of Child Tracking/Factors (registers child with State Adoption Exchange);

11. Makes a thorough adoption assessment by conducting and documenting face-to-face interviews with the child, foster care providers, and other significant parties within 90 days of acceptance of referral. Discusses with the child his/her wishes concerning the type of adoptive home into which the child will be placed. If appropriate and in the child's best interests, the child's preferences will be considered, unless the child expresses a preference for an adoptive family of a certain race, color or national origin (RCNO). If the child expresses a preference for an adoptive family of a certain RCNO, the procedure outlined in number 12 below must be followed. Uses the DSS 30231, Child and Family Assessment Services Plan, Part Eight: Out of Home (Child in State's Custody), and completes the Child Assessment in CAPSS;

12. If a child under the age of fourteen (14) years expresses a preference for an adoptive family of a specific race, color or national origin, or if it is otherwise believed that it may be in the child's best interests to consider an adoptive family of a specific RCNO:

- a. Locates a licensed professional (child psychologist, child psychiatrist, clinical social worker or similar professional) who is not an employee of SCDSS, a sub recipient or an employee of a sub recipient; and who is able and willing to conduct an individualized assessment of the child's particular needs;
- b. Contacts the Program MEPA Coordinator in State Office for assistance in arranging payment to the licensed professional prior to requesting the individualized assessment;
- c. Provides relevant information/documentation to the licensed professional to assist in making the assessment, including but not limited to, psychologicals, background information, etc.;
- d. Provides to the licensed professional the written explanation of MEPA (Multi-ethnic Placement Act)/Title VI as it applies to foster care and adoptive placements (DSS 2533, MEPA Educational Materials);
- e. Has the licensed professional sign the acknowledgement that he/she has received a written explanation of MEPA/Title VI as it applies to foster care and adoptive placements and has been informed that he/she may obtain technical assistance from the Plan Monitor (DSS Form 2534, Licensed Professional's Statement);
- f. If the individualized assessment finds that RCNO must be considered, ensures that the licensed professional submits written materials that describe the individualized reasons that SCDSS should consider RCNO, how doing so is in the child's best interests, and why doing so is the only way to achieve the best interests of the child;
- g. Even if the licensed professional determines that RCNO must be considered, and SCDSS reviews and agrees with this assessment, RCNO may not outweigh other considerations relevant to the best interests of the child. RCNO must be treated as no more than equal to all other relevant considerations;

- h. Upon receipt of the written materials, submits them immediately to the Program MEPA Coordinator in State Office;
- i. Files the written materials in the child's case record;

#### MEPA Coordinator

13. Submits the written materials to OCR/ACF within seven (7) business days of receipt of the licensed professional's individualized assessment and completed/signed DSS 2534;

#### Adoption Specialist

14. Begins child specific recruitment within 90 days if no adoptive family is available, or documents in the case record the justification of an exemption from recruitment; and

15. If, after a thorough adoption assessment is completed, adoption is determined not to be an appropriate permanent plan, documents compelling reasons for selection of a plan other than adoption, return home or placement with a fit and willing relative; completes a written assessment summary outlining the reasons for the decision; and forwards to foster care/MTS worker/supervisor, recommending an alternative plan.

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#### **Referenced Documents**

DSS Form 30231  
DSS Form 2533  
DSS Form 2534

#### **Revision Comments**

Section 413.01,11. has been revised to provide guidelines for considering a child's preferences in an adoptive family.

Section 413.01,12., 13. have been added to specify steps that must be followed in order to obtain an individualized assessment.

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number:**

**Effective Date: 07/19/2012**

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### **414 Recruitment of Adoptive Parents - Child Specific**

This section explains child-specific recruitment.

#### **Departmental Values**

Every child deserves a permanent and stable family.

#### **What Children or Youth Will be Affected by This Policy?**

Any child in foster care for 12 months or more for whom adoption is the case plan and who does not have an appropriate identified adoptive family will be affected by this policy.

#### **Operational Impact**

The optimal goal for every child who cannot be reunited with their birth family is to have a permanent family through adoption. Child specific recruitment enhances the opportunity for the child to have a permanent family sooner. Recruitment for an adoptive family should be completed simultaneously with the TPR process.

#### **Policy**

If there is no identified adoptive family, child specific recruitment is to be initiated within 90 days of the child's plan being changed from reunification to adoption. All recruitment efforts must be documented in the child's plan.

#### **Procedures**

##### **Adoption Specialist:**

1. Reviews new case assignment and thoroughly reviews the record for all potential relatives or foster parents as prospective adoptive family for the child or sibling group.
2. Meets with the child/ren and foster or relative family.
3. Discusses the plan of adoption, privately with the foster family or relative placement, to ascertain the foster parent or relatives' desire to adopt the child/ren.
4. If the foster parent or relative is not interested in adoption, discusses with the child, as age appropriate, adoption and the meaning of permanency.
5. Completes a search thru the state matching process to determine if approved families are available for a child/ren with the background factors of the child. Completes this process in CAPSS as well as contact with other regional adoption offices to inquire of the potential families who maybe in the process of completion of their adoptive home study.
6. If a family is not readily available who can meet the needs of the child/ren (sibling group), the adoption specialist (AS) begins preparation of the child for child specific

recruitment. AS helps the child feel positive about having their photo taken and utilized in Seedlings, Adoptuskids, Heart Gallery and other media efforts to identify a family.

7. Schedules a time for a quality photo of the child to be obtained. Have foster parent prepare child ahead of time for the photo shoot. Be sure photo is a close up and features the child's best qualities. When recruiting for a sibling group, use a photo of all children to be placed together, whenever possible. This reinforces to the inquiring family that these children are siblings and should be placed as a group.

8. In CAPSS, the Adoption Specialist utilizes the adoption recruitment tab to:

- a. Complete brief summary on the child or sibling group and completes the workspace recruitment forms for Adoptuskids.
- b. Scan the picture of the child/ren into the system.
- c. Send an email to Adoption Supervisor for approval.

9. Refers child to recruitment resources without regard to race, color or national origin (RCNO) of the child and/or potential adoptive parents.

10. The child's plan must outline all efforts to recruit an adoptive family targeted to meet the individual needs of the specific child. These efforts include, but, are not limited to the use of media, photo listings and any other in-state or out-of-state resources, such as the Adoptuskids, a national electronic exchange. This will facilitate a timely in-state or interstate placement for a special needs child.

11. Upon receipt of the approval of the supervisor, the AS forwards the CAPSS completed referral to the state office recruitment specialist.

12. When the child is legally free for adoption, a referral is made to the Heart Gallery for a photo shoot and use of the child's picture in any venue that is appropriately established by the Heart Gallery.

13. Responds to all inquiries regarding the child/ren regardless of the location of the family.

- a. Evaluates families ability to meet the child's special needs.
- b. Encourages families to learn more about the specific needs of the child through discussions with professionals, in the family's geographic area, who specialize in such diagnoses/ special needs of the child
- c. Evaluates families without regard to RCNO of the child or the prospective parent.

14. Request the adoptive home study for review and placement committee for consideration of placement selection. If this is an out of state family, it is required that the home study come from the agency who completed the home study and who will be supervising the placement.

15. If a family has not been identified for the child/ren within nine months, the AS updates the referral to Seedlings and Adoptuskids as appropriate to include a new picture of the child.

### **Adoption Supervisor:**

1. Ensures that child specific recruitment is conducted for every child for whom an adoptive family is not available and for whom adoption is the permanent plan within 90

days of the referral to adoption;

2. Reviews the recruitment summary and Adoptuskids referral in CAPSS. Ensures the worker has adequately described the child while protecting the child's privacy as much as possible.
3. Reviews the attached picture to assure quality and confidentiality regarding signs, clothing that has names of schools or other children who are not part of the sibling group are not included, etc.
4. Approves the referral and notifies the worker to submit to the state office recruiter.
5. Monitors follow up of intakes and ensures inquiries are processed promptly.

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## Referenced Documents

### Revision Comments

Added that child's plan must include recruitment efforts, section re- formatted.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 415 Preparation for Adoption

Adoption Specialist

1. Reviews all available information on the child and birth family and ensures that all available information from outside sources has been obtained;
2. Meets with foster parents, group home counselors, house parents, teachers, mental health counselors and others to explain the preparation for adoption process and gain current information for child's life book.
3. Schedules monthly visits with the child in order to develop the child/worker relationship;
4. If the adoption specialist is responsible for the contacts/visits required by state law:
  - a. Makes a face-to-face visit with the child in the home. If abuse or neglect is suspected, interviews and observes child outside the presence of others in the home in order to assess the child's health and safety and makes a referral to Child Protective Services. If a foster parent is the suspected perpetrator, makes a report to OHAN (out of Home Abuse and Neglect);
  - b. Interviews foster parent(s) monthly. A face-to-face visit is required every other month;
  - c. Makes a face-to-face visit with other adults residing in the home once per quarter;

d. Documents monthly contacts in CAPSS prior to the end of each month (referenced in Directive Memo D04-22);

5. If the adoption specialist is the child's case manager, provides to child a printed card with the case manager's name, telephone number and county emergency number. On the reverse side is the 24-hour toll free number required by statute. This card is given to age appropriate (5 years of age and older) foster children. It may be provided to a younger child if child's maturity level indicates this is appropriate. Explains to the child that the toll free number may be used if problems occur which the child believes the worker cannot or will not resolve; and

6. Addresses, at a minimum, the following issues with the child during monthly visits (other issues may need to be addressed and should be determined based on the individual needs of each child):

- a. Helping the child understand why s/he is not living with her/his birth parents;
- b. Assessment of the child's attachment, resentment, guilt and loss regarding the birth family. Include assessment of sibling attachment and type of contact that will be needed. Include assessment of significant attachments between child and former foster parents for the purpose of possible permanent homes or continuing relationships;
- c. Receptiveness to adoption;
- d. Readiness for adoptive placement;
- e. Development of the child's Life Book;
- f. Involving the child in the permanent plan. Children 12 years and older will be asked to sign the DSS 30131, Case/ Service Plan Children; and
- g. Child's preferences in an adoptive family. If race, color or national origin appears to be an issue of concern for child, refers to Chapter 4, Section 413 before proceeding with seeking an adoptive home.

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### **Referenced Documents**

DSS 30131, Case/ Service Plan Children

### **Revision Comments**

Item 6.g. is revised to require further action if RCNO is believed to be a factor that may need to be considered in placement.

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 05-01**

**Effective Date: 11/03/2005**

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### **415.01 Child Resistant to Adoption**

#### Adoption Specialist

1. Provides casework counseling to the child, discussing:
  - a. Reasons the child came into care;
  - b. Grief and loss issues regarding the birth family and significant others, as appropriate;
  - c. Child's feelings about adoption;
  - d. Meaning of adoption and how to resolve child's concerns;
  - e. Other issues of importance to child;
  
2. If child remains resistant to adoption, staffs case with adoption supervisor in order to assess adoption as a viable permanent plan and for the supervisor to provide guidance on how the child's resistance may be resolved;

#### Adoption Administrator/Supervisor

3. If adoption does not appear to be appropriate, schedules a staffing with the child's foster care worker and supervisor. Completes DSS 30231, Child and Family Assessment Services Plan, Evaluation/Closure, documenting reason adoption is not an appropriate plan; and

#### Adoption Specialist

4. Updates CAPSS.
- 

### **Referenced Documents**

#### **Revision Comments**

Item 3, added new language to require use of Child and Family Assessment Services Plan

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **415.02 Life Book**

## Adoption Specialist

1. Gathers information, documents, photographs, etc. for the Life Book. Facilitates discussion with child regarding the information obtained. Asks foster parents for permission before using their complete names or other identifying information:

- a. Reasons the child entered foster care and date of entry;
- b. List of all out-of-home placements, including photographs and names of caregivers. Give a reason for every move and include names of schools, churches, and significant people in the child's life;
- c. Photographs of the birth family;
- d. Photographs of the child, beginning as young as possible;
- e. Report cards, mementos, prize ribbons, etc.; and

2. Assists child in writing his/her life story, providing clarification, as needed, based on agency records.

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## **Referenced Documents**

## **Revision Comments**

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

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### 416 Background Summary - Infant (Birth to 12 Months)

#### Adoption Specialist (Child's Worker)

1. Collects the following information for the infant's background summary and the case record. Medical records are obtained via consent from the birth parent (preferable) or from DSS as the legal guardian of the child.
  - a. Birth information, including all pertinent information related to the pregnancy and delivery. Include a description of any complications during pregnancy, drug use (specify type), or abortion attempts. Includes the DSS 1525, Birth Report;
  - b. Background information, including physical descriptions, interests, talents, and health information of birth parents and extended family members. Include the DSS 1575, Family History Sheet. Diseases; handicaps; and any other medical, psychological or medical conditions occurring in the birth family are explored and described. Causes and ages of death of immediate family members are also included;
  - c. Developmental information, including the infant's personality, appearance, adjustment to foster care, and developmental progress. Information is obtained from the birth family, foster parents and caseworkers' observations. Includes the DSS 1576, Child Developmental History;
  - d. Medical information including any medical records since birth (hospitalizations, developmental assessments, pediatric office visits, immunizations, etc. Medical records may be obtained via consent from a parent (preferable) or a legal custodian of child. Child is required to have a medical examination before placement, which is recorded on the DSS 1526, Infant's Medical Record;
  - e. Birth verification - birth certificate must be requested;
  - f. Current legal status;
  - g. Photographs of child and birth parents, siblings of child;
2. Initiates Life Book for child, as appropriate to child's age, relationship to birth family and stay in foster care;
3. Prepares non-identifying background summary for adoptive family, including full disclosure of child's special needs and background of birth family; and
4. If child will be in foster care longer than six (6) months, schedules Foster Care Review Board hearing by sending a memo to the Foster Care Review Board informing them of the child's date of entry into foster care.

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## Referenced Documents

DSS Form 1525  
DSS Form 1575  
DSS Form 1576  
DSS Form 1526

## Revision Comments

### CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 04-10

Effective Date: 12/28/2004

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#### 416.01 Background Summary - Child Older than 12 Months

##### Adoption Specialist (Child's Worker)

1. Collects the following information. Medical records are obtained from health care providers by consent of the birth parent (preferable) or of DSS, if the child is in the Department's custody:
    - a. Birth information on the pregnancy and delivery
    - b. Birth family information, including physical descriptions, education, health/medical/psychological/psychiatric needs, talents, special interests, substance abuse issues, and other significant information;
    - c. Developmental information, including child's early experiences with attachment and separation, and the relationship of parent(s) to child
    - d. Medical needs/special needs;
    - e. Out-of-home placements, including placements with relatives, institutions, foster homes. Names and locations are included;
    - f. Sibling relationships;
    - g. Attachments to former foster parents and need for continuing relationships, if any;
    - h. Special services needed;
    - i. Current functioning, including school placement;
    - j. Circumstances of why and how the child entered foster care;
    - k. Reason for adoption;
    - l. Legal status;
- 

## Referenced Documents

## Revision Comments

416.01, Background Summary - Child Older than 12 Months

Added new "g" to require that information is collected relating to attachments between the child and former foster parents and the need for continuing relationships. Former "g" through "k" will now be "h" through "l".

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 417 Selection of Families for Placement

NOTE: Neither the race, color or national origin (RCNO) of the child or prospective adoptive family shall be among the selection factors, except in rare cases, outlined in Section 413 or Section 413.01 of the Human Services Policy and Procedure manual, that a licensed professional's individualized assessment finds that RCNO should be among the many factors considered with regard to determining a placement. In any such case, DSS 2534, Licensed Professional's Statement, must be completed and filed in the child's record. Culture shall not be used as a proxy for RCNO.

#### Adoption Specialist

1. If the birth parent is involved, reviews any preferences the birth parent has concerning the openness of the adoption or whether the birth parent wants to review non-identifying abstracts on the families being considered for placement. However, preferences for an adoptive family of a particular RCNO shall not be considered during the matching, selection, or placement committee processes.;
2. Prints a report from CAPSS of available families who will accept the child's characteristics;
3. Reviews the printout, then requests the State Office adoptive home files and selects up to six appropriate families, using the following criteria:
  - A. Birth parent's preferences, if applicable. Birth parent preferences for an adoptive family of a particular RCNO shall not be considered in the selection process.
  - B. Child's special needs;
  - C. Adoptive parent's preferences and acceptance of birth family and child factors;
  - D. Physical and emotional health of adoptive parent(s) in terms of ability to care for the 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;
  - E. Application date if all other factors are equal;

4. Convenes a placement committee composed of the Adoption Specialist(s) who have worked with the child and birth parent, the Adoption Supervisor or Administrator, and one to two additional adoption staff. If the child had a county Foster Care worker, that worker and Foster Care supervisor must also be invited to participate. The placement committee will not meet until the adoptive home files have been received from State Office.;

5. Presents to the placement committee information on the child, including birth family background, child's health and developmental status, reason for child coming into care, etc. Presents information on the potential adoptive families and birth parent preferences, if applicable. Information regarding RCNO shall not be presented.;

#### Placement Committee

6. Selects up to six appropriate families, ranking them in order of preference. Neither the families' nor the child's RCNO shall be considered in selecting or ranking families. The only exception is when the child's individual comprehensive assessment, based upon the findings of an independent, licensed professional (see Section 413, 12.) has determined that race, color or national origin is a placement factor for that child. It is expected that such determinations will be rare and must be thoroughly documented and justified in the child's record. Placement may not be delayed or denied based solely on the location of the adoptive family; out of state families should receive the same consideration as South Carolina families. The committee should honor the birth parent's preferences, if applicable and in the child's best interests. However, preferences regarding RCNO shall not be considered.;

#### Adoption Specialist (Child's Worker)

7. Completes the first page of the DSS 2532, Placement Committee Staffing. Be specific as to the particular reasons the adoptive family was selected. Include the particular, individualized needs of the child and include the specific factors that indicate why the selected family is the most appropriate choice to serve the child's best interests. Neither the RCNO of the child or prospective adoptive family shall be among the selection factors, except in rare cases, outlined in Section 413 or Section 413.01 of the Human Services Policy and Procedure manual that a licensed professional's individualized assessment finds that RCNO should be among the many factors considered with regard to determining a placement. In any such case, standardized forms, DSS 2533 and 2534, must be completed and in the child's file.;

### Adoption Supervisor

8. Completes the second page of the DSS 2532 after the placement committee's decision, signs it, and gives the original of the entire form to the Adoption Specialist (Child's Worker) and a copy to the Adoption Administrator.;

### Adoption Specialist (Child's Worker)

9. If the birth parent is involved, shares the potential adoptive families' non-identifying abstracts (not including RCNO) with the birth parent, not disclosing the placement committee's ranking. If the birth parent has a choice, this choice will be honored if the family is available. Explains to the birth parent that his/her choice will be honored if possible, but the agency will have to consider any unforeseen circumstances that may arise and the final placement decision is the agency's. Explains to the birth parent that requests for an Adoptive family of a particular RCNO will not be honored. If the birth parent declines to make a choice or if his/her selection is not available, placement can proceed with the placement committee's choice(s) without convening another placement committee.;

10. If the Placement Committee chooses a family of the same RCNO as the child over a family of a different RCNO than the child, notifies the Plan Monitor and provides relevant documentation to support the Placement Committee's decision.;

11. If the birth parent's preference was not honored, documents the reasons in the child's and birth parent's records and in CAPSS. Documents in the State Office adoptive home record for each family that was not selected that the placement committee considered this family and the specific reasons for selecting another family; "more appropriate family selected" is not an adequate explanation. Documents in the selected family's and the child's case records the specific reasons why this family was selected. Using the DSS 2532, Placement Committee Staffing, include the needs of the child and why the selected family is the most appropriate choice. RCNO of the adoptive family and child are not acceptable reasons for selection of a family and shall not be considered;

12. If the birth parent is involved, notifies the birth parent which adoptive family received placement of her/his child by sharing non-identifying information and explains why the family was selected.;

13. Files the original of the DSS 2532, Placement Committee Staffing, in the child's record in the adoptive placement section.; and

### Adoption Administrator

14. Files the copy of the DSS 2532, Placement Committee Staffing, in a separate file maintained solely for the purpose of documenting placement committee decisions.

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### **Referenced Documents**

DSS Form 2532, Placement Committee Staffing  
DSS 2533, MEPA Educational Materials  
DSS Form 2534, Licensed Professional's Statement

### **Revision Comments**

Section 417 now applies to all adoptive placements, regardless of the child's age.  
Section 417, 1., 2., 3., 3.a., 5., 6., 7., 8., 9., 11. were revised and NOTE added to clarify that race, color or national origin shall not be used in the selection or adoptive placement processes, and that culture shall not be used as a proxy for race, color or national origin.  
New Item 10. was added to provide that the Plan Monitor is notified when a family of the same race as the child is selected over a family of a different race than the child.  
New Items 13. and 14. were added to require documentation of the placement committee decision.

### **418 Placement Process - Separation of Siblings**

Every effort should be made to place siblings together in foster care. Before considering separation of siblings, the agency will make diligent efforts to place siblings together in the same adoptive home, if this is not contrary to the best interests of the children. If separation is unavoidable, the reasons must be documented in the children's case records.

#### Adoption Specialist

1. Reviews *Separation of Siblings - Issues to Consider*. Determines that one or more of the following conditions exist:
  - a. Psychological/psychiatric assessments indicate that the children need to be in separate adoptive homes;
  - b. A minimum of six months of child specific recruitment efforts have failed to identify an appropriate adoptive resource;
2. Documents in the case record and in the child's background summary the specific reasons why the siblings should be separated for adoption;

#### Adoption Administrator/Supervisor

3. Reviews the written documentation and approves or disapproves separation of the siblings. Signs the case record documentation entry if approval is granted; and

#### Adoption Specialist

4. Makes every effort to ensure that contact between separated siblings is maintained while they are residing in separate foster and/or adoptive homes, if ongoing contact is not contrary to the children's best interest. If contact will not be maintained, documents the specific reasons why in the case record.

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### **Referenced Documents**

### **Revision Comments**

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### **418.01 Placement Process - Children of American Indian Ancestry (Indian Child Welfare Act) (ICWA)**

NOTE: The provisions of MEPA/Title VI do not apply to children of American Indian ancestry if the child at issue is covered under ICWA. If an American Indian child is not a member of or is not eligible for membership in a Federally recognized tribe, the provisions of MEPA apply in full.

#### Adoption Specialist

1. Determines if ICWA applies. ICWA covers foster care (both voluntary and involuntary), termination of parental rights, pre-adoptive and adoptive placements of children who are enrolled members of a recognized Indian tribe or eligible to be enrolled. ICWA defines an Indian child as "...any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." The tribe must be a federally recognized tribe. Confirms with the foster care worker that the tribe has been notified, which should have been done as soon as enrollment/eligibility for enrollment was suggested. However, if it has not been done, notifies tribe. For help in obtaining contact information for a particular tribe, go to <http://www.angelfire.com/pa/COTRAIC> or <http://www.statelocalgov.net> (select Tribal Governments), or contact (as of October 2002) general Bureau of Indian Affairs information, 202-208-3710, Tribal Leaders Directory, 202-208-3711;
2. If the child falls within the ICWA, the placement must be made in accordance with ICWA (if the tribe assumes jurisdiction over the child, DSS will probably not be responsible for placement and/or selection of an adoptive home). Any court action, especially termination of parental rights and/or relinquishments, must be done in accordance with ICWA's statutory provisions; and
3. If tribe declines jurisdiction, places the child for adoption in accordance with the Indian Child Welfare Act.

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#### **Referenced Documents**

#### **Revision Comments**

NOTE added to clarify how MEPA/VI provisions affect children of American Indian ancestry.



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### 418.02 Placement Process for Infants (Birth - 12 Months)

#### Adoption Specialist (Child's Worker)

1. Contacts the selected adoptive family's Adoption Supervisor or the Adoption Administrator with the following:

- a. Basic information on the child and the child's background;
- b. Medical history;
- c. Legal status;
- d. Suggested placement/presentation date;

#### Adoption Specialist (Family's Worker)

2. Contacts the family and shares the information in # 1;

3. Obtains new SLED/CPS/Sexual Offender Registry checks for selected adoptive family if the reports are older than six (6) months prior to anticipated adoptive placement;

#### Child's Adoption Specialist Adoption Supervisor Family's Adoption Specialist (Supervising Placement)

4. Presents the formal background summary and supporting documentation (medical/birth records, etc.), discusses this with the family, and answers any questions. Adoptive family and adoption staff agree upon how long the family will have to decide if they can meet the needs of this child. If the family expresses any doubts or reservations, suggests that the family discuss their concerns with family members, their doctor, or other person they trust before proceeding;

#### Adoption Specialist (Child's Worker) Adoption Supervisor

5. Informs family of any financial assistance for which the infant is eligible. Determines if family will be requesting an adoption subsidy and, if so, negotiates the amount with the family;

#### Adoption Specialist (Child's Worker)

6. Obtains approval for requested adoption subsidy prior to proceeding with placement, by having the Adoption Subsidy Negotiation Checklist signed by the Deputy State Director for County Operations or his designee;

#### Child's Adoption Specialist Adoption Supervisor Family's Adoption Specialist

(Supervising Placement)

7. If family decides to proceed with placement, explains the DSS 3025, Agreement to Place Child in Adoptive Home, or the DSS 30113, Agreement to Place Child in Pre-Adoptive Home. Explains the purpose and process of the supervisory period;

Adoption Specialist (Child's Worker)

8. Obtains family's signature(s) on the appropriate placement agreement; the DSS 3025 A, Adoption Subsidy Agreement, if applicable; and the DSS 30122, Adoptive Parent(s) Certification Statement;

Adoption Administrator

9. Signs the appropriate placement agreement after the family signs; Adoption Specialist (Child's Worker)

10. Facilitates introduction of child to family; encourages foster parent(s) to discuss child's needs with adoptive parent(s); assesses interaction of child/family, comfort level of child/family, and readiness of adoptive family to take child home;

Adoption Specialist (Child's Worker)

11. Forwards the DSS 3025 A, Adoption Subsidy Agreement, to the Deputy State Director for County Operations or his designee for signature, who signs and forwards to the Special Needs Administrator in State Office;

Adoption Administrator (or Designee)

12. Completes Blue Sheet;

13. Forwards a copy of the signed placement agreement to State Office, along with Blue Sheet;

Adoption Specialist (Child's Worker)

14. Completes DSS 30155, Assessment Analysis/Placement Summary and DSS 30144, Service Agreement Family. Discusses and obtains signatures of adoptive parent(s) on service agreement or, if appropriate, forwards to supervising worker to discuss and obtain signatures;

15. If child is placed with an adoptive family who resides in a county not served by the adoption office from which the child is placed, sends child's record, financial assistance record, State Office record for the adoptive family, and all signed agreements to the adoption office providing post-placement supervision. Notifies Foster Care Review Board of change in venue;

16. Updates case plan, using DSS 30231, Child and Family Assessment Services Plan, and;

17. Updates CAPSS, including adding child to placement and adoption subsidy screens; and

18. Notifies county Medicaid worker regarding eligibility status change. Sends copy of Adoption Subsidy Agreement to Medicaid worker; and

Special Needs Administrator

19. Authorizes and initiates adoption subsidy payment in CAPSS.

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**Referenced Documents**

**Revision Comments**

Item 16, added new item number requiring case plan to be updated on Child and Family Assessment Services Plan

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### 418.03 Placement Process for Children Age One to Three Years

#### Adoption Specialist (Child's Worker)

1. Contacts the selected adoptive family's Adoption Supervisor or the Adoption Administrator with the following:
  - a. Basic information on the child and the child's background;
  - b. Medical history;
  - c. Legal status;
  - d. Suggested presentation/placement date, including tentative visiting schedule;

#### Adoption Specialist (Family's Worker)

2. Contacts the family and shares the information in # 1;
3. Obtains new SLED/CPS/ Sexual Offender Registry reports for selected adoptive family if reports are older than six (6) months prior to anticipated adoptive placement;

#### Child's Adoption Specialist and Supervisor Family's Adoption Specialist (Supervising Worker)

4. Presents the formal background summary and supporting documents (birth and medical records, developmental assessments, etc.), discusses this with the family, and answers any questions. Adoptive family and adoption staff agree upon how long the family will have to decide if this is a child whose needs they can meet. If the family expresses any doubts or reservations, suggests that the family discuss their concerns with family members, their doctor, or other person they trust before proceeding;
5. Informs family of any financial assistance for which the child is eligible. Determines if family will be requesting an adoption subsidy and, if so, negotiates the amount with the family;
6. Obtains approval for requested adoption subsidy prior to proceeding with placement, by having the Adoption Subsidy Negotiation Checklist signed by the Deputy Director for County Operations or his designee;

#### Adoption Specialist (Child's Worker)

7. If the family decides to proceed with adoptive placement, meets family and takes them to the foster home to meet the child and the foster family. May take child and adoptive family for a brief outing;

8. Has second visit at the foster home. This should be a daylong visit, with adoptive family spending time alone with child, as well as visiting in the foster home. Observes the adoptive family's interactions with the child and the child's reactions;

9. After each visit, discusses with adoptive family their feelings about the child and the visits. Explores any doubts the family may have;

10. If family and agency decide to proceed with placement, explains the DSS 3025, Agreement to Place Child in Adoptive Home, or the DSS 30113, Agreement to Place Child in Pre-Adoptive Home. Explains the purpose and process of the supervisory period;

11. Obtains family's signature(s) on the appropriate placement agreement, the, DSS 3025 A, Adoption Subsidy Agreement, if applicable, and the DSS 30122, Adoptive Parent(s) Certification Statement;

12. Accompanies the adoptive family to the foster home for a short visit. Child's belongings are packed, good-byes are said, and the family and child leave;

13. Offers supportive counseling to the foster family after the child and adoptive family have left;

#### Adoption Administrator

14. Signs the appropriate placement agreement after the family has signed;

#### Adoption Specialist (Child's Worker)

15. Forwards the DSS 3025 A, Adoption Subsidy Agreement, to the Deputy State Director for County Operations or his designee for signature, who signs and forwards to the Special Needs Administrator in State Office;

#### Adoption Administrator (or Designee)

16. Completes Blue Sheet;

17. Forwards a copy of the signed placement agreement to State Office, along with Blue Sheet;

#### Adoption Specialist (Child's Worker)

18. Completes DSS 30155, Assessment Analysis/Placement Summary and DSS 30144, Service Agreement Family. Discusses and obtains signatures of adoptive parent(s) on service agreement or, if appropriate, forwards to supervising worker to discuss and obtain signatures;

19. If child is placed with an adoptive family who resides in a county not served by the adoption office from which the child is placed, sends child's record, financial assistance record, State Office record for the adoptive family, and all signed agreements to the adoption office providing post-placement supervision;

20. Updates case plan, using DSS 30231, Child and Family Assessment Services Plan;

21. Updates CAPSS, including adding child to placement and adoption subsidy screens;

22. Notifies county Medicaid worker regarding eligibility status change. Sends copy of Adoption Subsidy Agreement to Medicaid worker; and

Special Needs Administrator

23. Authorizes and initiates adoption subsidy payment in CAPSS.

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**Referenced Documents**

**Revision Comments**

Item 20, new language added to require case plan is updated on Child and Family Assessment Services Plan

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### **418.04 Placement Process for Children Age Three Years and Older**

#### Adoption Specialist (Child's Worker)

1. Contacts the selected adoptive family's Adoption Supervisor or the Adoption Administrator with the following:
  - a. Basic information on the child and the child's background;
  - b. Medical history;
  - c. Legal status;
  - d. Suggested presentation/placement date, including tentative visiting schedule;

#### Adoption Specialist (Family's Worker)

2. Contacts the family and shares the information in # 1;
3. Obtains new SLED/CPS/Sexual Offender Registry checks for selected adoptive family, if they are older than six (6) months prior to anticipated adoptive placement;

#### Child's Adoption Specialist/Supervisor Family's Adoption Specialist/Supervising Worker

4. Presents the formal background summary and supporting documents (birth and medical records, developmental assessments, etc.), discusses this with the family, and answers any questions. Adoptive family and adoption staff agree upon how long the family will have to decide if this is a child whose needs they can meet. If the family expresses any doubts or reservations, suggests that the family discuss their concerns with family members, their doctor, or other person they trust before proceeding;

#### Adoption Specialist (Child's Worker)

5. Informs family of any financial assistance for which the child is eligible. Determines if family will be requesting an adoption subsidy and, if so, negotiates the amount with the family;
6. Obtains approval for requested adoption subsidy prior to proceeding with placement, by having the Adoption Subsidy Negotiation Checklist signed by the Deputy State Director for County Operations or his designee;
7. If family and agency decide to proceed with placement, requests family to prepare scrapbook to be presented to child. Discusses visiting schedule;

### Adoption Specialist (Child's Worker)

8. Meets adoptive family and takes them to the foster or group home. Family will have the opportunity to talk with the child's caregiver(s) or counselors to hear more about the child's needs and habits. Child will be able to share his/her life book with the family. Family may take the child out for part of the day, accompanied by the adoption specialist. Observes the family and child interaction;

9. Meets with family and child separately to discuss their feelings/impressions prior to holding second visit. Second visit may be an overnight visit to the adoptive family's home, if the child is comfortable with this;

10. Meets separately with the family and child to discuss the previous visits. Child has a minimum of two weekend or overnight visits to the adoptive home. During school vacation, child may have a week long visit with the family;

11. Meets separately with family and child to discuss how each is feeling about the placement. If agency and family agree to proceed with placement, schedules additional visits or sets a placement date;

12. If family and agency decide to proceed with placement explains the DSS 3025, Agreement to Place Child in Adoptive Home, or the DSS 30113, Agreement to Place Child in Pre-Adoptive Home. Explains the purpose and process of the supervisory period;

13. Obtains adoptive parent(s) signature(s) on the appropriate placement agreement (see #10 above), the DSS 3025 A, Adoption Subsidy Agreement, if applicable, and the DSS 30122, Adoptive Parent(s) Certification Statement;

14. Accompanies the adoptive family to the foster home or group home. Child's belongings are packed, good-byes are said, and the family and child leave;

15. Offers supportive counseling to the foster family after the child and adoptive family have left;

### Adoption Administrator

16. Signs the appropriate placement agreement after the family signs;

### Adoption Administrator (or Designee)

17. Completes Blue Sheet;

### Adoption Specialist (Child's Worker)

18. Forwards a copy of the signed placement agreement to State Office, along with Blue Sheet;

19. Forwards the Adoption Subsidy Agreement, DSS 3025 A to the Deputy State Director for County Operations or his designee for signature, who signs, returns the original to the area adoption office, and forwards a copy to the Special Needs Administrator in State Office;

20. Completes DSS 30155, Assessment Analysis/Placement Summary and DSS 30144, Service Agreement Family. Discusses and obtains signatures of adoptive parent(s) on service agreement or, if appropriate, forwards to supervising worker to discuss and obtain signatures;

21. If child is placed with an adoptive family who resides in a county not served by the adoption office from which the child is placed, sends child's record, financial assistance record, State Office record for the adoptive family, and all signed agreements to the adoption office providing post-placement supervision;

22. Updates case plan, using DSS 30231, Child and Family Assessment Services Plan;

23. Updates CAPSS, including adding child to placement and adoption subsidy screens;

#### Special Needs Administrator

24. Notifies county Medicaid worker regarding eligibility status change. Sends copy of Adoption Subsidy Agreement to Medicaid worker; and

25. Authorizes and initiates adoption subsidy payment in CAPSS.

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#### **Referenced Documents**

#### **Revision Comments**

Item 22, new language added to require use of Child and Family Assessment Services Plan

#### **418.05 Placement Process - Openness in Adoption**

This procedure provides birth parents and adoptive parents the right to choose varying degrees of openness in the adoption process.

##### Adoption Specialist

1. Counsels with birth parent(s) and/or adoptive parent(s) on openness in adoption;
2. Offers the birth parent(s) the options to:
  - A. Provide input into the selection of a family through the use of non- identifying abstracts.  
However, race, color or national origin (RCNO) of the prospective adoptive parent(s) shall not be provided to the birth parent(s);
  - B. Write non- identifying letters to the child and/or adoptive family through the agency;
  - C. Send non- identifying gifts and pictures through the agency;
  - D. Request letters and pictures from the adoptive family through the agency;
  - E. Meet with the adoptive family, if all parties agree. Identifying information will not be exchanged.
  - F. Other requests not listed above. However, race, color or national origin (RCNO) requests of the birth parent(s) shall not be honored.;
3. Resolves conflicts between birth parents on openness preferences through casework counseling;
4. Assists the birth parent(s) and/or adoptive family to complete the DSS 30100 or DSS 30101, Openness in Adoption Checklist;
5. Explains to the birth parent(s) that their openness choices cannot be guaranteed; and
6. Explains to the birth parent(s) and the adoptive parent(s) that the validity of the final decree of adoption is not affected by an agreement entered into before the adoption between the adoptive parents and biological parents concerning visitation, exchange of information, or other interaction between the child and any other person. Such an agreement does not preserve any parental rights with the biological parents and does not give to them any rights enforceable in the South Carolina courts.

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## Referenced Documents

DSS Form 30100

DSS Form 30101

## Revision Comments

Section 418.05, 2.A. revised to clarify that the abstract may not contain the adoptive families' race, color or national origin. Section 2.C. deleted, so that the birth parent is not permitted to request that child be placed in a family of a specific religious faith. Section 2.F. revised to clarify that birth parent requests for an adoptive family of a specific race, color or national origin shall not be honored. Section 3 revised to replace the word "placement" with "openness".

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### 418.06 Placement Process - Ongoing Contact with Birth Family and/or Other Significant People

#### Adoption Specialist

1. Determines whether there are birth family members, such as siblings or other relatives, or other people significant to the child, with whom it would be in the child's best interest to maintain contact;
2. Counsels with the prospective adoptive family on the importance of maintaining this contact;
3. Stresses to the prospective adoptive family that:
  - a. There is a Reunion Register through which the adoptee and a birth parent and/or sibling may be reunited when the adoptee is at least 21 year of age;
  - b. A birth parent may petition the Family Court to open the adoption record;
  - c. A birth parent or other family member may locate the adoptee through an independent search group or private investigator. In such a case, the agency cannot prevent contact and/or interference;
4. Prepares a written plan prior to implementing the ongoing contact and has all parties sign the plan, including the child if age appropriate;

#### Adoption Administrator

5. Reviews the written plan and signs it; and

## Adoption Specialist

6. Counsels with the birth family member or other significant person on the legal meaning of adoption. Explains that the adoptive family is the child's legal family when the adoption is finalized. If the adoptive family decides to terminate ongoing contact between the child and birth family member or other significant person, they have the right to do so.

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## **Referenced Documents**

## **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **418.07 Placement Process - Canceling Proposed Placement After Visitation Has Begun**

#### Adoption Specialist (Child's Worker)

1. Determines that child and family are inappropriately matched or family and/or child, if age appropriate, declines to proceed with placement;
2. Halts visitation immediately;
3. Contacts family's adoption specialist to discuss the problems in the planned placement;

#### Adoption Specialist (Child's Worker) and Adoption Supervisor

4. Meet with adoptive parent(s) to discuss the cancellation of the planned placement;

#### Adoption Specialist (Child's Worker)

5. Meets with the child and his/her caregiver(s) to discuss the cancellation of the planned placement. Explains to the child the reasons for the cancellation, in keeping with the child's ability to understand, and explores the child's feelings. Reassures the child that s/he is not to blame for the cancellation and that the adoption specialist will continue to search for a permanent family, if adoption is still the plan; and
  6. Documents in the child's and family's records the reasons for the cancellation of the planned placement.
- 

### **Referenced Documents**

### **Revision Comments**

**South Carolina Department of Social Services  
Human Services Policy and Procedure Manual**

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: HSP 14-09**

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**419 Post-Placement Services**

Adoption Specialist (Supervising Placement)

1. Makes first home visit within one week of placement. Discusses the post-placement case plan, DSS 30144, Service Agreement Family, with the family and the child [if twelve (12) years old or older or if otherwise appropriate], and obtains signatures of adoptive parent(s) on the case plan if not previously signed with the child's worker;
2. Visits in the home a minimum of once per month to provide counseling and support to all family members. Conducts face-to-face interviews with the child, adoptive parent(s), and any other adults living in the home. [The worker will interview the child outside the presence of others in the home in order to assess the child's health and safety. If abuse or neglect is suspected, interviews and observes child outside the presence of others in the home;](#)
3. If abuse or neglect is suspected, makes a report orally by telephone or otherwise to Out of Home Abuse and Neglect (OHAN) in State Office;

[Note: If, at any time during a foster care/adoption case, a worker receives an allegation that a child has been subjected to abuse, neglect or exploitation in a foster or adoptive home or institutional setting, the worker shall make a report to the Out of Home Abuse and Neglect Division within 2 hours of the worker's receipt of the allegation.](#)

[Further, if the information involves the sexual abuse of a child, or contains any other allegations where the facts indicating abuse and neglect also appear to indicate a violation of criminal law, the worker shall notify the local law enforcement entity immediately. This notification can be verbally but must also be in writing.](#)

4. Documents monthly contact with the child and family according to [agency guidelines/requirements](#), including the following:
  - a. Child's overall physical and emotional adjustment since being placed, including any significant changes in the child's behavior, health, personality, etc.
  - b. Family's adjustment to the placement, including any significant changes in family relationships, stresses, and concerns regarding the child or the progress

of the placement;

c. Adoption specialist's observations and recommendations;

### Adoption Specialist (Supervising Placement)

5. Counsels with the family on their feelings about the child and the placement. Discusses problems that the family is experiencing or may expect to experience, based on the child's past behavior and/or special needs. Assists the family in resolving problems, either through counseling or referral and linkage to appropriate resources; and

6. Determines, along with the family, when it is time to finalize the adoption and proceeds with this recommendation. If an extension of post-placement is needed or if early finalization seems warranted, the adoption supervisor must concur. If the Department will not be consenting to an adoption by this family, informs family of that fact. If family has any further questions, instructs them to contact an attorney.

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### **Referenced Documents**

DSS Form 30144

[Human Services Manual Section 717](#)

[Human Services Manual Section 721](#)

### **Revision Comments**

[Adding clarifications of reporting requirements of allegations of abuse and neglect for open foster care and adoption program services.](#)

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### 419.01 Post-Placement Services - Extension Beyond Twelve (12) Months

#### Adoption Specialist (Supervising Placement)

1. Recommends that family receive up to six additional months of post-placement services, based on family's and/or child's need for longer adjustment period. **Note:** If adoption complaint has been filed, court approval of the extension is necessary if adoption is not finalized within six (6) months after filing of complaint;
  2. Staffs case with adoption supervisor and/or adoption administrator and jointly decide whether the post-placement period should be extended for up to six months;
  3. Meets with the adoptive parent(s) and child to discuss extending post-placement services. Updates the case plan with the participation of the family and child, if appropriate. Signs the case plan, along with the family and child, if child is twelve (12) years old or older;
  4. At the end of the post-placement period extension, recommends whether family should proceed with adoption finalization;
  5. Staffs case with adoption supervisor and/or adoption administrator and jointly decide whether family should proceed with finalization; and
  6. Discusses recommendation with family and child, if appropriate.
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#### Referenced Documents

#### Revision Comments

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### 420 Disruption

#### Adoption Specialist (Supervising Placement)

1. Meets with the family and child to assess the situation. Provides counseling and offers to assist with obtaining supportive services to enable the family to remain intact;
2. Contacts the adoption specialist who placed the child to keep her/him informed of the situation;
3. Contacts other involved professionals for assistance, as appropriate;
4. Refers family and/or child for needed services and assists with locating available resources and linking family to them;
5. Arranges respite care, if necessary;
6. If disruption occurs, prepares the disruption statement and obtains the adoptive parent(s)' signature(s). Signs disruption statement, along with the adoption administrator/supervisor. Sends one copy to the child's worker (placing worker) and one copy to State Office;
7. Notifies Special Needs Administrator in State Office of the disruption by telephone or email, requesting that adoption subsidy be terminated;

#### State Office Special Needs Administrator

8. Updates CAPSS to terminate adoption subsidy; Adoption Specialist (Supervising Placement)

9. Provides counseling to the adoptive family to help them determine what went wrong with the placement and what type of child they could parent in the future;

#### Adoption Specialist (Family's Worker)

10. Places the family's adoptive home file in pending status for at least ninety (90) days. Returns the State Office adoptive home file to State Office and advises that the family is in pending status;

#### Adoption Specialist (Supervising Placement)

11. Prepares disruption summary for family's record. Sends a copy to the child's worker

(placing worker) and places a copy in the State Office adoptive home file;

Adoption Specialist (Supervising Placement) coordinates with Placing Worker and Foster Care Worker, and/or MTS Worker, as appropriate

12. Arranges for foster care placement for child and facilitates the child's move;

Adoption Specialist (Child's Worker)

13. If foster care worker has case management or adoption no longer appears to be an appropriate permanent plan, arranges post-disruption staffing with the county foster care worker to discuss a permanent plan for the child within ten (10) days of the child re-entering foster care;

14. Counsels with the child on understanding the disruption and reassures the child that s/he is not responsible. Obtains psychological counseling for the child, if needed. If adoption remains the plan, begins preparing the child for another adoptive placement. Initiates recruitment, as appropriate;

15. Updates case plan, using DSS 30231, Child and Family Assessment Services Plan, and;

Adoption Specialist (Family's Worker)

16. Updates family's adoptive home assessment after the pending status has expired. Sends copy of update to State Office for the adoptive home file; and

17. Updates CAPSS.

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## **Referenced Documents**

## **Revision Comments**

Item 15, added new item to require use of Child and Family Assessment Services Plan to update case plan

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **420.01 Removal of Child from Adoptive Home - Adoptive Parents Do Not Agree to Removal**

#### Adoption Specialist and Adoption Supervisor and Adoption Administrator

1. Confer and decide whether a situation exists that warrants removal of the child from the adoptive home. This may be either an abuse/neglect situation or a level of care issue;
2. If removal is warranted and the child has been placed for adoption, decides which of the following removal methods should be used:
  - a. Law enforcement may take emergency protective custody (Section 20-7-610 of the SC Code of Laws); or
  - b. Family Court may issue an ex-parte order removing the child from the adoptive home prior to the actual removal. A court order is necessary even if the agency has custody of the child (see SC Code of Laws, Section 20-7-1738); and

#### Adoption Specialist

3. If law enforcement involvement is needed, calls the appropriate law enforcement agency and accompanies the assigned officer to the adoptive home; or
  4. If a court order is needed, consults with the county DSS attorney and provides the information necessary to present to the court.
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#### **Referenced Documents**

SC Code of Laws

#### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 05-01**

**Effective Date: 11/03/2005**

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### **421 Finalization of the Adoption**

#### Adoption Specialist

1. At time adoption placement agreement is signed, informs adoptive family that their attorney must write to the area adoption office notifying the office of his/her representation in the adoption action, and that the complaint to adopt must be filed within 60 days of signing DSS 3025, Agreement to Place Child in Adoptive Home;

#### Adoption Office Administrative Assistant

2. Sends to the adoptive family a letter giving permission to finalize the adoption and instructions on how to proceed;

#### Adoption Specialist

3. Completes the post-placement report, signs, dates and writes certification number on the post-placement report;

4. Updates the pre-placement report if it is over a year old. Obtains new SLED/CPS checks and a new fire inspection, if over a year old;

5. Signs, dates and writes certification number on DSS 30120, Consent to Adoption by minor child, if the child is over fourteen (14) years of age, unless the court has found that:

- a. The child does not have the mental capacity to consent, or
- b. The best interests of the child are served by not requiring consent;

#### Adoption Administrator

6. Reviews, signs and writes certification number on the post-placement report;

#### Adoption Office Administrative Assistant

7. Prepares the Adoption Placement Certification and Judge's Eyes Only packet containing:

- a. Pre-placement investigation, including update if over six (6) months old. The update must address any changes since the original assessment, including financial, family composition, health, etc;
- b. Child's background summary, including addendum if over six (6) months old;
- c. Post-placement report(s);

- d. Statement of fees;
- e. Original(s) of Relinquishment(s) and witness certifications;
- f. Termination of parental rights order(s);
- g. Affidavit(s) denying paternity;
- h. Agency's consent to adopt;

8. Forwards the packet to the Office of General Counsel;

Office of General Counsel

9. Receives the Complaint for Adoption, prepares the Answer and sends the Answer to the adoptive family's attorney and to the Court for filing;

10. Seals the Judge's Eyes Only packet and mails to appropriate Clerk of Court for filing;

Adoption Specialist

11. Attends the adoption hearing and provides testimony as required;

Adoption Office Administrative Assistant

12. Receives the final decree and the Certificate of Adoption from the adoptive family's attorney. Completes Part I of the Certificate of Adoption and sends it to the Department of Health and Environmental Control (DHEC) for the amended birth certificate;

13. Processes reimbursement for nonrecurring costs upon receiving from the attorney an itemized statement and filed copy of the adoption decree;

14. Notifies the Office of General Counsel, Foster Care Review Board and the county DSS office of child's origin of the date of finalization;

Adoption Specialist/ Adoption Office Administrative Assistant

15. Updates DSS 3052, Adoption Subsidy Agreement, including nonrecurring expenses. Prepares state tax relief letter and mails to family, if appropriate. **Note:** Non-resident families are not eligible for the state tax relief;

Adoption Specialist

16. Completes required paperwork for case closure, including DSS 30231, Child and Family Assessment Services Plan, Evaluation/Closure, and closes case in CAPSS; and

Adoption Office Administrative Assistant

17. Prepares case for microfilming and mails case record to State Office.

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## **Referenced Documents**

### **Revision Comments**

Item 16, new language added to require use of Child and Family Assessment Services Plan to close case

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **422 Adoption Preservation Services**

#### Adoption Specialist

1. Receives request for adoption preservation services from adoptive parent(s). Services are provided to adoptive families who have adopted through DSS or any other source;
2. Meets with the family to conduct a needs assessment, using the Post Legal Assessment Analysis. The needs assessment should include, but is not limited to:
  - a. Date of adoptive placement;
  - b. Agency which placed child for adoption;
  - c. A copy of the background summary on the child;
  - d. Description of the family's problems;
  - e. List of other agencies and/or professionals involved with the child/family;
  - f. List of services that family is requesting;
  - g. List of resources available to or needed by the family;
  - h. Worker's observations, assessment and recommendations;
3. Completes the Adoption Preservation Face Sheet;
4. Develops the Adoption Preservation Service Agreement with the family, within thirty (30) days of case assignment. Signs, along with family and child, if appropriate, the service plan;
5. Provides counseling to family. Assists family in locating and obtaining resources needed to keep family intact.
6. If out of home placement becomes necessary, facilitates staffing with Special Needs Committee (ISEDEC) and assists in locating an appropriate placement;
7. Contacts Managed Treatment Services (MTS) coordinator to develop contract with therapeutic facility;
8. Maintains contact with facility, child and family to assure child's needs are being met. Encourages family's involvement with development of treatment plan at facility. Assures family's involvement in family counseling with goal of child's return to family;

#### Adoption Specialist

9. When services are no longer needed, prepares closing summary; and

10. Updates CAPSS.

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### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **423 Post-Legal Services to Adult Adoptees, Birth Families, and Adoptive Families - Non-identifying Information**

#### Intake Worker

1. Receives call concerning release of non-identifying information from adult adoptees, birth families and adoptive families. Informs client of adoption expense charged by the Department, if applicable;
2. Sends DSS 3056, Application for Post-Legal Services;

#### Post-Legal Administrative Assistant

3. Assigns case to a Post-Legal Administrator upon receipt of completed application;  
and
  4. Contacts the client to schedule an interview or sends the non-identifying information.
- 

#### **Referenced Documents**

DSS Form 3056

#### **Revision Comments**

423.01 Post-Legal Services to Adult Adoptees, Birth Families, and Adoptive Families - Reunion Register

Intake Worker

1. Receives request for registration from adoptee who is at least twenty-one (21) years old, birth parent, or biological sibling. Informs client of expense charged by the Department and right to request, in writing, a waiver of the expense;

Post-Legal Administrative Assistant

2. Sends:

a. DSS 3056, Application for Post-Legal Services;

b. One of the following:

(1) DSS 30112, Adoption Reunion Register Adult Adoptee; or

(2) DSS 30110, Adoption Reunion Register Biological Parent; or

(3) DSS 30111, Adoption Reunion Register Biological Sibling;

3. Enters client on the computerized Reunion Register upon receipt of completed application and notarized affidavit;

4. Processes fee received or, if a waiver was requested, sends to Post Legal Administrator for approval/disapproval;

Post-Legal Administrator

5. Reviews request for fee waiver and approves or disapproves;

Post-Legal Administrative Assistant

6. Forwards the case to a Post Legal Administrator when a match is made on the Reunion Register;

Post-Legal Administrator

7. Notifies the parties that a match has been made;

8. Counsels with the parties on the possible effects of disclosure prior to releasing identifying information;

9. After thirty (30) days from the time counseling is provided, discloses the identifying information. May request a waiver of the waiting period from the agency director, if circumstances warrant and if approved by the Adoption Supervisor;

#### Post-Legal Administrator

10. If DSS does not believe that disclosure is appropriate, applies for a court order to enjoin the disclosure. If applying for such a court order, may delay disclosure for twenty (20) days from the expiration of the thirty (30) day waiting period;

11. Provides post-reunion counseling services, if needed, and/or makes referrals to appropriate professionals

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#### Referenced Documents

DSS Form 3056  
DSS Form 30112  
DSS Form 30110  
DSS Form 30111

#### Revision Comments

#### **424 Application to Adopt**

NOTE: 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. Placements will not be delayed or denied based on the RCNO of the child and/or the prospective adoptive family.

##### Adoption Specialist

1. Responds to all inquiries about adoption;
2. Gives basic information regarding agency adoption, including but not limited to, placement statistics, availability of children, study process, selection process, placement process, and finalization process. Explains to the potential applicant that placement of a child cannot be guaranteed, even after approval as an adoptive resource, and that the waiting time frame depends on the types of children needing placement and the availability of approved families;
3. If applicant is interested in becoming an adoptive parent or both adoptive and foster parent, provides:
  - a. DSS 1572, Application to Adopt
  - b. DSS 2612, Request for Criminal Background Check;
  - c. DSS 30107, Authorization Release of Information State Law Enforcement Division;
  - d. DSS 3072, Consent to Release Information;
  - e. DSS 2419, Adoption Guidelines and Financial Assistance for Adopting Children with Special Needs;
  - f. DSS 2475, Important Information about Reimbursement for Nonrecurring Costs for Parents who are Adopting a Child with Special Needs;
  - g. DSS 2538, Names for Background Check
  - h. Fingerprint cards and instructions;
  - i. DSS Brochure 30234, Multiethnic Placement Act;
4. Receives completed application and signed releases. Checks CAPSS for Central Registry (CPS) investigation. Sends SLED release to DSS Office of Investigation Support Management. Processes fingerprint (FBI) review and checks Sexual Offender Registry;
5. If applicant appears on Central Registry, contacts State Office Child Protective

Services for more information. If SLED, FBI or Sexual Offender Registry report shows a record of applicant, consults with supervisor and/or attorney to determine whether the applicant can continue to be considered as a potential adoptive parent;

6. Responds to applicant as to receipt of application and status; and

7. Updates CAPSS.

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### **Referenced Documents**

DSS Form 1572

DSS Form 2419

DSS Form 2475

DSS Form 2538

DSS Form 2612

DSS Form 30107

DSS Brochure 30234

DSS Form 3072

### **Revision Comments**

NOTE added to stress that RCNO shall not be used to deny an applicant the opportunity to become a foster or adoptive parent or to delay or deny placement.

Section 424.3 revised for clarity.

Section 424, 3.i. revised to provide a MEPA brochure to all applicants.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 424.01 Application to Adopt - DSS Employees

NOTE: 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. Placements will not be delayed or denied based on the RCNO of the child and/or the prospective adoptive family.

Adoption Administrator/Supervisor (where employee resides)

1. Receives application request from employee;
2. Contacts the adoption administrator in adjoining adoption office to request that the adjoining adoption office handle the employee's application, assessment, etc.;

Adoption Specialist (adjoining adoption office)

3. Gives basic information regarding agency adoption, including but not limited to, placement statistics, availability of children, study process, selection process, placement process, and finalization process. Explains to the potential applicant that placement of a child cannot be guaranteed, even after approval as an adoptive resource, and that the waiting time frame depends on the types of children needing placement and the availability of approved families;
4. If applicant is interested in becoming an adoptive parent or both adoptive and foster parent, provides:
  - a. DSS 1572, Application to Adopt
  - b. DSS 2612, Request for Criminal Background Check;
  - c. DSS 30107, Authorization Release of Information State Law Enforcement Division;
  - d. DSS 3072, Consent to Release Information;
  - e. DSS 2419, Adoption Guidelines and Financial Assistance for Adopting Children with Special Needs;
  - f. DSS 2475, Important Information about Reimbursement for Nonrecurring Costs for Parents who are Adopting a Child with Special Needs;
  - g. DSS 2538, Names for Background Check
  - h. Fingerprint cards and instructions;
  - i. DSS Brochure 30234, Multiethnic Placement Act;
5. Receives completed application and signed releases. Checks CAPSS for Central

Registry (CPS) investigation. Sends SLED release to DSS Office of Investigation Support Management. Processes fingerprint (FBI) review and checks Sexual Offender Registry;

6. If applicant appears on Central Registry, contacts State Office Child Protective Services for more information. If SLED, FBI or Sexual Offender Registry report shows a record of applicant, consults with supervisor and/or attorney to determine whether the applicant can continue to be considered as a potential adoptive parent;

7. Responds to applicant as to receipt of application and status; and

Adoption Supervisor (where assessment was completed)

8. When the assessment has been completed, sends the record to the Adoption Administrator for the region where the family resides. Duplicates the record and forwards the copy to State Office; and

Adoption Specialist

9. Updates CAPSS.

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### **Referenced Documents**

DSS Form 1572

DSS Form 2419

DSS Form 2475

DSS Form 2538

DSS Form 2612

DSS Form 30107

DSS Brochure 30234

DSS Form 3072

### **Revision Comments**

NOTE added to stress that RCNO shall not be used to deny an applicant the opportunity to become a foster or adoptive parent or to delay or deny placement.

Section 424.01, 1., 2., 4. revised for clarity.

Section 424.01, 4.i., revised to provide a MEPA brochure to all applicants.

#### **424.02 Reapplication to Adopt**

NOTE: 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. Placements will not be delayed or denied based on the RCNO of the child and/or the prospective adoptive family.

##### Adoption Specialist

1. Forwards DSS 1572, Application to Adopt, and DSS Brochure 30234, Multiethnic Placement Act to the applicant family, including information on any applicable adoption expenses;

##### Adoptive Family

2. May reapply:  
a. After finalization of a public or private adoption;  
b. When a biological child is one year old;

##### Adoption Specialist

3. Requests prior adoption record from State Office, if family adopted through DSS;

4. Reviews Section 424.06 for instructions on procedures for opening a closed record.

5. May request the family to attend the group assessment training, if appropriate;

6. Requests that the applicant(s) complete the following forms and provide the following documents, as applicable and appropriate. Documents which are not time sensitive, such as birth certificates, Social Security cards, etc. may be used from the previous adoptive home file:

- a. DSS 1574, Medical Report Form for Prospective Foster/Adoptive Parent, for each adult living in the home;
- b. DSS 30202, Medical Statement for Child, for all children living in the home, except foster children;
- c. DSS 1573, Financial Information;
- d. Most recent W-2, tax return, or last three (3) months' pay stubs;
- e. Recent photographs of family and home, two (2) of each;
- f. DSS 30107, Authorization Release of Information State Law Enforcement

Division;

- g. DSS 2538, Names for Background Check, if applicable;
- h. DSS 2612 Request for Criminal Background Check;
- i. DSS 1575, Foster/Adoptive Family History Information;
- j. DSS 3008, Child Factors Checklist;
- k. DSS 30101, Openness Checklist for Adoptive Parents;
- l. Social Security card;
- m. Driver's license;
- n. Marriage license/certificate;
- o. Divorce decree, including Complaint for Divorce, or death certificate if marriage was ended through death of a spouse;
- p. Military discharge;
- q. Birth certificate for each household member, excluding foster children;
- r. Two letters of reference from persons who have known the applicant for the last three (3) years;

7. May conduct one joint office interview if appropriate;

8. Schedules at least one home visit with all family members present;

9. Requests fire inspection and sanitation reports on applicant(s)' home, if previous reports are more than one (1) year old;

10. Completes a Sexual Offender Registry check;

11. Completes the Reapplication Summary and submits to supervisor for review;

Adoption Administrator

12. Reviews and approves the assessment. .

Adoption Specialist

13. Updates CAPSS prior to the end of the month;

14. Notifies family of approval. Provides written information on COAC;

15. Duplicates case and forwards to State Office;

Adoption Administrator

16. If family assessment is disapproved, writes letter to family, informing them of reasons for disapproval;

17. If family has applied to be both adoptive and foster family, consults with the county DSS attorney prior to sending denial letter to family. If family has applied only for

adoption, consults with Office of General Counsel prior to sending denial letter to family;

18. Sends letter listing all the reasons for denial to family informing them of their right to appeal the decision. If family has applied to adopt a specified child, informs them that they may petition Family Court to adopt and seek judicial review of the refusal of DSS to consent to their proposed adoption; and

Adoption Specialist

19. Updates CAPPS.

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### **Referenced Documents**

DSS Brochure 30234

DSS Form 1572

DSS Form 1573

DSS Form 1574

DSS Form 1575

DSS Form 2538

DSS Form 2612

DSS Form 3008

DSS Form 30101

DSS Form 30107

DSS Form 30202

### **Revision Comments**

NOTE added to stress that RCNO shall not be used to deny an applicant the opportunity to become a foster or adoptive parent or to delay or deny an adoptive placement.

Section 424.02, 1., revised to include that the MEPA brochure is sent to new applicants.

New number 4. added to prompt adoption specialist to review 424.06 when opening a closed record.

Item 6.changed to reflect revised forms.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

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### 424.03 Application to Adopt - Fingerprinting Reviews of Adoption Applicants

#### Adoption Specialist

1. Advises the applicant that fingerprinting reviews are required for all household members age 18 or older;
2. Provides fingerprint cards to the applicant(s) and to all household members 18 years of age or older;
3. Informs the applicant(s) to take the fingerprint cards to their local law enforcement office or other qualified resource and to have two sets of fingerprints obtained;
4. Receives the completed fingerprint cards from the applicant(s) and household members 18 years of age or older;
5. Submits the fingerprint cards to the Office of Investigation-Investigation Support Management (OI-ISM);

#### Office of Investigation-Investigation Support Management (OI-ISM)

6. Receives and processes request for fingerprint review and sends the fingerprint cards to the South Carolina Law Enforcement Division (SLED), which forwards them to the Federal Bureau of Investigation (FBI);
7. Upon receipt of the fingerprint results, returns them to the adoption office that made the request;

#### Adoption Specialist

8. If the fingerprints were not readable, assists applicant to obtain additional prints.

#### Office of Investigation-Investigation Support Management (OI-ISM)

9. If fingerprints were not readable due to poor fingerprint quality, even though they are the best prints obtainable, and have been rejected by the FBI twice for this reason, requests the FBI to conduct a search by name on the applicant;

10. Sends results of name search to adoption office that made the request; and

#### Adoption Specialist

11. Documents results of fingerprint review or name search in CAPSS.

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## Referenced Documents

## Revision Comments

### CHAPTER 4, Adoption and Birth Parent Services

Revision Number:

Effective Date: 05/14/2013

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#### 424.04 Application to Adopt - Fire Inspections

The Office of the State Fire Marshal is mandated to conduct fire inspections for foster homes. The Department of LLR Office of State Fire Marshal Regulation 8301.3(E) lists the specific inspection requirements for foster homes. These same requirements are used by the Office of the State Marshal when inspections are completed for adoptive homes. To ensure the safety of children placed in adoptive homes, DSS policy requires that a fire inspection be completed on all adoptive homes.

#### Policy

To ensure the safety of children placed in adoptive homes, fire inspections must be conducted on the homes of all potential adoptive families prior to approval. Annual re-inspections are required when the family has an active approved adoptive home file. All violations noted on the fire inspection report must be corrected prior to approval with the exception of any number listed as maximum capacity of children who can reside in the home. DSS policy does not include a limit on the number of children that may be placed in an adoptive home. The adoptive placement must consider the safety, permanency and well-being of the child(ren), must be in the best interests of the child(ren) and the home must have adequate and appropriate bedroom space for each child.

#### Procedures

##### 1. Requesting a Fire Inspection

The Adoption Specialist requests initial and yearly fire inspections through the SC LLR website (<http://www.llr.state.sc.us>).

##### 2. Retrieving the fire inspection report

A copy of the Fire Marshal's report is available on the SC LLR website a few days after the inspections have been completed and will be accessible for 30 days.

##### 3. Violations/Deficiencies

- a. If no deficiencies are noted and/or a re-inspection is not required, the report is filed in the family file and the adoption specialist proceeds with the family assessment.
- b. If deficiencies are noted and a re-inspection is required, the adoption specialist discusses corrections and time frames for completion with the family and follows up with the Fire Marshal.

#### **4. Change in Residence**

When an adoptive family notifies the agency of a change in residence, a new fire inspection is required.

### **Statutes/Regulations**

Department of LLR Office of State Fire Marshal Regulation 8301.3(E)

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### **Referenced Documents**

Department of LLR Office of State Fire Marshal Regulation 8301.3(E)

### **Revision Comments**

Revised to clarify that there is no limitation on the number of children that can be placed in an adoptive home. The adoptive placement must consider the safety, permanency and well-being of the child(ren), must be in the best interests of the child(ren) and the home must have adequate and appropriate bedroom space for each child.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 425 Adoptive Home Assessment - Approval

NOTE: 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.

#### Adoption Specialist

1. Contacts family after receipt of favorable SLED, CPS and Sexual Offender Registry reports to invite them to group assessment sessions;
2. Upon receipt of completed application, sends four (4) requests for references, DSS 1571, Reference Letter for Adoptive Applicant to people provided by the applicant(s). References must have known the applicant(s) at least three (3) years and must not be relatives of the applicant(s). Makes personal contact with at least two of the references;
3. Ensures that fingerprint reports are received prior to approval of assessment;
4. Begins assessment process through the group study (group process is waived only in rare situations and only with adoption administrator's approval);
5. Requires that the applicant(s) complete the following forms and provide the following documents, as applicable and appropriate:
  - a. DSS 1574, Adult Physical Examination for each adult living in the home;
  - b. DSS 30102, Health Status Report, for all children living in the home, except foster children;
  - c. DSS 1573, Financial Information;
  - d. Most recent W-2, tax return, or last three (3) months pay stubs;
  - e. Recent photographs of family and home, two (2) of each;
  - f. DSS 30107, State Law Enforcement Division/Child Protective Service release;
  - g. DSS 2612, Request for Criminal Background Check;
  - h. DSS 1575, Foster/Adoptive Family History Information;
  - i. DSS 3008, Child Factors Checklist;
  - j. DSS 30101, Openness Checklist for Adoptive Parents;
  - k. Social Security card;
  - l. Driver's license;
  - m. Marriage license/certificate;
  - n. Divorce decree, including Complaint for Divorce, or death certificate if marriage was ended through death of a spouse;

- o. Military discharge;
- p. Birth certificate for each household member, excluding foster children;
- q. Three references;

6. Makes a minimum of two (2) home visits. If there is more than one applicant, interviews the applicants separately and together and interviews any children living in the home. Has telephone contact with adult children living out of the home. Assesses applicant(s)' ability to parent, capability of coping with special needs, and motivation to adopt;

7. Requests fire inspection report on applicant(s)' home;

8. Requests health inspection report in writing from the local health department/DHEC;

9. Compiles materials and writes adoptive home assessment using the Foster/Adoptive Family Assessment Summary/Pre-Placement Investigation;

10. Submits completed home assessment to supervisor for review;

#### Adoption Supervisor

11. Reviews adoptive home assessment. Ensures that the home assessment does not address the race, color or national origin of the child the prospective adoptive family is willing to accept. If more information is needed, asks the adoption specialist to discuss additional issues with the family, as needed. Submits the completed home assessment to adoption administrator for approval;

#### Adoption Administrator

12. Reviews adoptive home assessment, asks for additional information/clarification, if needed. Approves home assessment, if appropriate;

#### Adoption Specialist

13. If the family has also applied to be a foster family, licenses the family in accordance with agency procedures (see Chapter 9, Family Preservation and Child Welfare Services Manual). Sends a copy of case material to the county DSS licensing supervisor, for maintenance in the county office;

14. Duplicates case and forwards the copy to State Office;

15. Provides written notification to family of approval and placement in state files for consideration for adoptive placement. Provides family with information on COAC (Council on Adoptable Children); and

16. Updates CAPSS.

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### **Referenced Documents**

DSS Form 1571  
DSS Form 1574  
DSS Form 30102  
DSS Form 1573  
DSS Form 30107  
DSS Form 2612  
DSS Form 1575  
DSS Form 3008  
DSS Form 30101

### **Revision Comments**

NOTE added to stress that RCNO shall not be used to deny a person the opportunity to become a foster or adoptive parent.

Section 425, 11. revised to add that the Adoption Supervisor ensures that the home assessment does not address the race, color or national origin of the child the prospective family is willing to accept.

Item 5., H. Name of the 1575 changed to reflect the revised form.

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 09-03**

**Effective Date: 05/14/2009**

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### **425.01 Adoptive Home Assessment - Denial**

NOTE: SCDSS shall not consider the race, color or national origin (RCNO) of the child or prospective adoptive family in making adoptive placement decisions, or to 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 adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

#### Adoption Administrator

1. Denies approval of application, based on specific denial criteria;
2. If family has applied to be both adoptive and foster family, consults with the county DSS attorney prior to sending denial letter to family. If family has applied only for adoption, consults with the Office of General Counsel prior to sending denial letter to family;
3. Sends to applicant(s) denial letter listing all reasons for denial, which contains notification of the right to appeal the decision. If family has applied to adopt a specific child, informs them that they may petition Family Court to adopt and seek judicial review of the refusal of DSS to consent to their proposed adoption; and

#### Adoption Specialist

4. Updates CAPSS.
- 

### **Referenced Documents**

#### **Revision Comments**

NOTE added to stress that RCNO shall not be used in making placement decisions or in assessing potential adoptive families.

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## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 09-03**

**Effective Date: 05/14/2009**

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## 425.02 Adoptive Home Assessment - Updates

Adoption Specialist

1. Contacts family to schedule interviews every six (6) months;
2. Reviews family's current situation:
  - a. Changes in family composition;
  - b. . Preferences in types of children, including a review of DSS 3008, Child Factors Checklist;
  - c. Acceptance of legal risk and openness;
  - d. Change in address and/or household composition;
  - e. Is any member of the household a paramour of the adoptive parent? "Paramour" refers to a person with whom the adoptive parent has a sexual relationship and who is not the adoptive parent's spouse.
  - f. School changes;
  - g. Health;
  - h. Employment;
  - i. Financial circumstances, including current income;
  - j. Other changes in family circumstances;
  - k. Status of latest fire and health inspections;
  - l. Status of and date(s) of last criminal history record check, Central Registry check, and fingerprint (FBI) review on all household members age eighteen (18) years and older, Sex Offender Registry check on all household members regardless of age;
3. If the home assessment contains a transracial portion, rewrites the assessment without regard to race, color or national origin (RCNO), or redacts the information concerning RCNO.
4. Prepares update summary and submits to adoption supervisor; and

Adoption Administrator or Designee

5. Ensures that the assessment is rewritten without regard to RCNO or that the RCNO information is redacted.
6. Reviews update summary, signs, and forwards a copy to State Office for the adoptive home record; and

Adoption Specialist

7. Updates CAPSS if necessary.
-

**Referenced Documents**

DSS Form 3008

**Revision Comments**

Section 425.02, 3., 5. revised to require that adoptive home assessments do not have transracial portions and that the Adoption Administrator or designee ensures this at each six month update.

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **425.03 Approved Adoptive Home Record - Pending Status**

#### Adoption Specialist

1. Reviews the approved adoptive home record to determine whether it should be placed in pending status, using the following criteria:
  - a. Serious emotional or physical illness of one of the adults or their children;
  - b. Pregnancy.
  - c. Loss of a child;
  - d. Separation or divorce of spouses;
  - e. Change in family composition;
  - f. Other circumstances which warrant a temporary suspension in considering applicant(s) for adoptive placement;
2. Determines with the applicant(s) the length of time the adoptive home record should remain in pending status, but not to exceed six (6) months without the adoption administrator's concurrence;
3. Submits a brief summary on the reasons for pending status to the adoption supervisor;

#### Adoption Supervisor

4. Reviews summary, signs, and forwards a copy to State Office for the adoptive home record;

#### Adoption Specialist

5. Updates CAPSS; and
  6. Reviews the reasons for pending status in six (6) months or less.
- 

### **Referenced Documents**

### **Revision Comments**



#### **425.04 Approved Adoptive Home Record - Closure**

##### Adoption Specialist

1. Decides to close an approved, waiting adoptive home file due to one of the following circumstances:
  - a. Family requests that case be closed;
  - b. Family fails to respond to agency phone calls and/or letters, and contact is lost with the family;
  - c. The family is no longer suitable for adoptive placement;
2. If the adoptive home assessment is being transferred to an attorney or child placing agency for possible adoptive placement, requests the family to pay a fee of \$25;
3. Upon receipt of the fee and written request and release of information from the client, sends the adoptive home assessment to the attorney or agency;
4. Notifies State Office of the closure, so that the State Office adoptive home files can be updated; and.
5. Updates CAPSS

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#### **Referenced Documents**

#### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **425.05 Adoptive Home Assessment - Providing Copy to Adoptive Parent**

#### Adoption Specialist

1. Upon written request from adoptive parent, provides a copy of the completed adoptive home assessment. This may be an approved adoptive home assessment or a denial. No fee is charged.

---

#### **Referenced Documents**

#### **Revision Comments**

**425.06 Adoptive Home Assessment - Re-opening a Closed Record**

Adoption Specialist

1. Upon request of the adoptive parent(s) or receipt of a new application, pulls the closed record;
2. Affixes to the front of the record Form 2535, Notice, instructing that information in the family assessment regarding race, color or national origin (RCNO) shall be disregarded;
3. Makes a decision as to whether a new adoptive home assessment is needed or whether an update will suffice;
4. Proceeds as required for a reapplication or update, depending on the length of time the case has been closed, changes in the family, etc.;
5. Within fifteen (15) days of the record being reopened, ensures that the adoptive home assessment has been redacted or rewritten with regard to RCNO, as appropriate, and has been placed into the adoptive home record;
6. When the adoptive home assessment has been redacted or rewritten and no references to RCNO remain, removes the notice from the front of the record, places it in the open files, and forwards a copy to State Office if the family wishes to be considered as an adoptive resource for all waiting children (as opposed to applying for a specific child); and
7. Updates CAPSS.

---

**Referenced Documents**

DSS 2535

**Revision Comments**

Section 425.06 added as a new section that specifies procedures for reopening a closed adoptive home record.

## **426 Foster Parent Adoption**

NOTE: SCDSS shall not deny a person the opportunity to become an adoptive parent because of the family's or the child's race, color or national origin (RCNO). Neither the race, color or national origin of the child or prospective adoptive family shall be among the selection factors, except in rare cases, outlined in Section 413 or Section 413.01 of the Human Services Policy and Procedure manual, that a licensed professional's individualized assessment finds that RCNO should be among the many factors considered with regard to determining a placement. In any such case, DSS 2534, Licensed Professional's Statement, must be completed and filed in the child's record. Culture shall not be used as a proxy for RCNO. Families willing to adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

### Adoption Specialist

1. Within sixty (60) days of child's referral for adoption services, discusses the following issues with the foster family:
  - a. The differences in foster care and adoption in terms of agency involvement, financial support, legal meaning of adoption, etc.;
  - b. The need to achieve permanence through adoption as expeditiously as possible;
  - c. The adoptive home assessment process;
  - d. The need for positive involvement from the foster family if the decision is made to move the child to another home; and
  - e. Any other issue that is specific to the child and foster family;

NOTE: THE FOLLOWING PROCEDURES APPLY TO ASSESSMENT OF FOSTER FAMILIES WHO WERE NOT ASSESSED UNDER THE FOSTER/ADOPTIVE FAMILY ASSESSMENT/PRE-PLACEMENT INVESTIGATION PROCESS INITIATED IN OCTOBER 2003.

2. Requests that the applicant(s) complete the following forms and provide the following documents. Documents which are not time sensitive, such as birth certificates, Social Security cards, etc. may be used from the foster home file. Medicals and financial information that is less than one (1) year old may be used if the foster parent adoptive applicant indicates there have been no changes:
  - a. DSS 1574, Adult Physical Examination for Adoptive Applicants, for each adult living in the home;
  - b. DSS 30102, Health Status Report, for all children living in the home, except foster children;

- c. DSS 1573, Financial Information;
- d. Most recent W-2, tax return, or last three (3) months pay stubs;
- e. Recent photographs of family and home, two (2) of each;
- f. DSS 30107, State Law Enforcement Division/Child Protective Service release;
- g. DSS 2612, Request for Criminal Background Check;
- h. DSS 1575, Foster/Adoptive Family History Information;
- i. DSS 3008, Child Factors Checklist;
- j. DSS 30101, Openness Checklist for Adoptive Parents;
- k. Social Security card;
- l. Drivers license;
- m. Marriage license/certificate;
- n. Divorce decree, including Complaint for Divorce, or death certificate if marriage was ended through death of a spouse;
- o. Military discharge;
- p. Birth certificate for each household member, excluding foster children;
- q. Four (4) letters of reference from persons who have known the applicant(s) for the last three years; and

3. Reviews the foster family's licensing home study and most recent re-evaluation;

4. Completes adoptive home assessment, according to guidelines for all adoptive families, using the Foster/Adoptive Family Assessment Summary/Pre-Placement Investigation;

5. Submits completed home assessment to adoption supervisor;

#### Adoption Supervisor

6. Reviews adoptive home assessment and approves, if appropriate. If approved, proceeds according to "Family Assessment - Approval";

7. If denied, proceeds according to "Family Assessment - Denial";

#### Adoption Administrator

8. If denied, notifies the county director of the decision not to approve the foster family for adoption; and

#### Adoption Specialist

9. Updates CAPSS.

---

### **Referenced Documents**

DSS Form 1574

DSS Form 30102  
DSS Form 1573  
DSS Form 30107  
DSS Form 2612  
DSS Form 1575  
DSS Form 3008  
DSS Form 30101

**Revision Comments**

NOTE added to stress that RCNO shall not be used in making placement decisions or in assessing potential adoptive families.

Item 2., H. Name of 1575 changed to reflect revised form.

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **427 Foster Care Review Board - Child has Plan of Adoption and Foster Care has Case Call Management**

#### **Adoption Specialist**

1. Receives notice of Foster Care Review Board. Prepares a written report outlining the progress toward plan of adoption, including face to face contacts and specific recruitment efforts, if applicable. Attends Foster Care Review Board and presents written report or forwards report to foster care worker with a copy to the Foster Care Review Board Coordinator.

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#### **Referenced Documents**

#### **Revision Comments**

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

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### 427.01 Foster Care Review Board - Child has Plan of Adoption and Adoption has Case Management

#### Adoption Specialist

1. Three weeks prior to Foster Care Review Board meeting, sends DSS 3098, Notice of Meeting of the Foster Care Review Board to:

- a. Birth parent(s), if child is not free for adoption. **Note:** Contacts the Foster Care Review Board Coordinator to ensure that birth parent(s) and adoptive parent(s) are not invited at the same time. If necessary, requests that there be two separate review hearings so that birth and adoptive parent(s) do not meet;
- b. Foster parent(s), if applicable;
- c. Adoptive parent(s), if applicable;
- d. Child ten (10) years of age and older, unless not in the best interest of the child;
- e. Guardian-ad-litem, if appointed for a current court action;
- f. Mental Health Counselor, if applicable;
- g. Other involved parties or professionals who may have information regarding the child's permanent plan;

2. Advises the foster or adoptive parent(s) to complete and submit the DSS 3035, Adoptive Child Progress Report/Foster Child Progress Report, three (3) days prior to the scheduled review, if they are unable to attend the meeting. The report must be submitted to the Office of the Governor, Division of Foster Care Review;

3. Mails Foster Care Review Board packet to Foster Care Review Board coordinator within two (2) weeks of the scheduled review, including:

- a. Letters of invitation;
- b. Service Agreement/Case Evaluation;
- c. Court orders;
- d. Psychological evaluation received since last review;
- e. DSS Form 1597 (A), Initial Foster Case Review Summary, or 1597 (B), Foster Care Review Summary Update ;
- f. Reports from service providers;
- g. Copy of permanency planning packet;
- h. Filed permanency planning complaint, if applicable;

4. Attends and presents case information to Foster Care Review Board;

#### Adoption Specialist

5. Notifies Foster Care Review Board of a child placed into agency custody directly through the Adoption program. This notice must be made no later than four (4) months after the child is voluntarily placed or relinquished, so that the review can be scheduled within six (6) months of the date of entry into foster care. If adoption has not been finalized prior to six (6) months of the child's entry, the case must be reviewed.; and

6. Updates CAPSS.

7. Reviews the Foster Care Review Board recommendation and sends a letter of nonconcurrency, if the worker and supervisor disagree with the board's recommendation on the permanent plan;

Adoption Administrator

8. Responds to the Foster Care Review Board's Areas of Concern;

Adoption Specialist

9. Notifies the Foster Care Review Board when the child's adoption has been finalized; and

10. Updates CAPSS.

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**Referenced Documents**

DSS Form 3098  
DSS Form 3035  
DSS Form 1597 A  
DSS Form 1597 B

**Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **428 Judicial Review - Child in Foster Care with Plan of Adoption - Foster Care has Case Management**

#### Adoption Specialist

1. Forwards a written summary to the foster care worker upon request; and
  2. Participates in the permanency planning hearing at the request of the foster care worker and/or the county DSS attorney.
- 

#### **Referenced Documents**

#### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

---

### **428.01 Judicial Review - Adoption has Case Management**

#### Adoption Specialist

1. Arranges for permanency planning /judicial review hearing annually, or more frequently if required by court order;
2. Completes permanency planning packet and submits to supervisor for review two (2) months prior to the date hearing is due, following the format required by the county attorney;

#### Adoption Supervisor

3. Reviews permanency planning packet and forwards to the county attorney.

#### Adoption Specialist

4. Attends hearing and presents information as requested by the court;
  5. Obtains copy of permanency planning order; and
  6. Updates CAPSS.
- 

### **Referenced Documents**

### **Revision Comments**

## **429 Medical Consent**

Whenever a child is placed in DSS custody, either by court order or voluntary placement, DSS has the authority to make decisions concerning ordinary medical care and emergency care. Whenever a child needs a medical procedure other than ordinary routine medical care, a review of the court order should be made to determine if DSS has been granted the authority to consent to such care. Even if such authority has been granted, priority should always be given to allowing parents to consent to any procedure if they are available to do so **(unless parental rights have been relinquished or terminated)**.

Health care providers do not need consent to provide emergency care to a patient. When the delay involved in obtaining the consent of the appropriate DSS official or parent would present a serious risk to the health of the patient, emergency care should be provided.

Authority to make decisions concerning major surgery or other high risk procedures remains with the parents (parental rights not relinquished or terminated) **unless** a court order gives DSS that authority. If a child is medically fragile or the Department is aware that the parents of the child cannot be located, the Department should obtain the court's authority to consent to major medical procedures as soon as possible to prevent any delays in obtaining medical care for the child.

DSS has authority to make all medical decisions for the child when **parental rights have been terminated or the parents have relinquished parental rights**. For other cases, DSS must be granted authority per court order to make medical decisions; however, the agency will not exert that court ordered authority on non-TPR cases if the parents are available and are willing to give their consents.

**When DSS has authority to make medical decisions** for a child, that authority is allocated as follows:

1. The **State Director or his/her designee** must make a decision for the following types of procedures:

- a. **Major surgery**: includes, but is not limited to, any surgical procedure that requires two (2) or more days of in-patient hospitalization;
- b. **Withholding or withdrawal** of life-sustaining procedures: includes order not to resuscitate (DNR)

2. **County Directors/MTS Regional Directors/Area Adoption Administrators** must make the decision for other procedures, as follows:

- a. **Minor surgery**: includes, but is not limited to, insertion of ear tubes,

- circumcision, and insertion of shunts and related tubing. Generally, any outpatient surgical procedure will fall into this category;
- b. **Invasive diagnostic procedures**: includes, but is not limited to, upper GI, colonoscopy, barium enema;
  - c. Use of **general anesthesia**.

3. A **designee** (DSS employee) of the County Director, MTS Regional Director or Area Adoption Administrator may make the decision for other minor medical procedures.

Examples include, but are not limited to:

- a. **Noninvasive diagnostic procedures**, such as x-ray;
- b. Procedures involving only a **negligible bodily invasion**, such as injection or withdrawal of blood;
- c. **Maintenance** of shunts or tubes.

4. Staffings as needed regarding consent for medical procedures may include but not be limited to: County Director, MTS Director or MTS Regional Director, Area Adoption Administrator and/or designee; Guardian Ad Litem; parent(s), foster parent(s); supervisor and worker. Following the staffing, the county attorney (as necessary) may be consulted to resolve any legal questions or concerns.

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## Referenced Documents

## Revision Comments

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

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### **429.01 Medical Consent - Parental Rights Have Not Been Terminated Or Relinquished and Agency Does Not Have Court Authority To Consent to Major Medical/Surgical Treatment**

#### Adoption Specialist

1. Coordinates routine medical care as needed, and involves parents/guardian/caregivers, as appropriate;
2. In an emergency, attempts to notify the parent that the child needs emergency medical care;

#### Adoption Administrator or Designee

3. Gives consent for emergency medical care in the absence of parental consent. Treatment should not be delayed if the approval process presents a serious risk to the child's health;

#### Adoption Specialist

4. Reviews relevant court orders as necessary. Informs the parent(s)/guardian of the need for the medical procedure, assists the parent(s)/guardian in completing the consent paperwork,; and

NOTE: IF THE URGENCY OF THE CHILD'S MEDICAL CONDITION DOES NOT ALLOW FOR LOCATING THE PARENT(S)/GUARDIAN, EITHER THE ATTENDING PHYSICIAN OR DESIGNATED DSS OFFICIAL MAY AUTHORIZE EMERGENCY TREATMENT.

5. If the parent/guardian is not available, their whereabouts are unknown, or they refuse to consent, coordinates and conducts a staffing to determine if there is a need to petition a court for authority to consent to the requested procedure:
  - a. Includes in the staffing the County Director, Adoption Administrator or designee, guardian ad litem, supervisor, foster/adoptive parents and agency worker as appropriate;
  - b. Submits an emergency petition to the Family Court;
  - c. Follows up as needed to expeditiously obtain a revised court order;
  - d. Documents efforts to contact/involve the parent(s)/guardian.

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## Referenced Documents

## Revision Comments

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

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### **429.02 Medical Consent - Parental Rights Have Been Terminated or Relinquished or Agency Has Court Authority to Consent to Major Medical/Surgical Treatment**

#### Adoption Administrator or Designee

1. Reviews the court order(s), as necessary;
2. Consents to medical care involving non-invasive diagnostic procedures such as x-ray; procedures involving only a negligible bodily invasion, such as injection or withdrawal of blood; maintenance on shunts or tubes;

#### Adoption Administrator

3. Consents to medical procedures involving minor surgery (i.e., insertion of ear tubes, shunts and related tubing), circumcision, outpatient surgical procedures, invasive diagnostic procedures (i.e., upper GI, colonoscopy, barium enema), use of general anesthesia for above procedures;

#### State Director

4. Consents to medical care for major surgery requiring two or more days of in-patient hospitalization or the withholding or withdrawal of life-sustaining procedures. This includes orders not to resuscitate (DNR orders);

#### Adoption Specialist

5. For procedures requiring the County Director's or Adoption Administrator's approval, prepares a summary for review, including the following information:
  - a. A court order granting the agency the authority to consent to the treatment, a court order that terminates parental rights, or executed relinquishment;
  - b. Name and telephone number of the doctor;
  - c. Nature of the proposed medical procedure (in plain English), whether it will be performed on an inpatient or outpatient basis, whether anesthesia is general or localized;
  - d. Significant risks presented by the procedure;
  - e. Why the doctor believes the procedure is needed and the anticipated results of the procedure;
  - f. If the child has been in foster care four (4) months or longer, whether the foster parents feel the procedure should be performed and, if not, why; and
  - g. Physician/hospital consent forms, if applicable;
  - h. Cover sheet, "Requesting Medical Consent from the County Director, MTS

Director, MTS Regional Director or Adoptions Administrator;"

6. In order to facilitate the State Director's approval:
  - a. Makes the request as soon as possible and well in advance of the date of the procedure;
  - b. Contacts by phone a representative at the State Office (Division of Human Services) to give advance notice that faxed documents are being sent for State Director's approval;
  - c. Faxes request for approval, along with the information compiled, to the Assistant Director of Foster Care and Adoption;

#### State Office Staff

7. Prepares a packet that includes:
  - a. Copy of the court order that gives DSS the authority to consent for medical treatment, c court order that terminates parental rights, or executed relinquishment(s);
  - b. Medical documentation of the child's condition;
  - c. Physician's/hospital's required forms;
  - d. Detailed summary of the case, including a history of parental involvement;
  - e. Cover sheet, "Requesting Medical Consent from the State Director"; and

#### Adoption Specialist

8. Ensures that the medical provider receives the consent documentation in a timely manner, or notifies provider if consent is not given. Files all documentation in the case record.

NOTE: EVEN THOUGH THE AGENCY MAY HAVE BEEN GRANTED AUTHORITY TO APPROVE THE PROCEDURE OR PARENTAL RIGHTS HAVE BEEN TERMINATED OR RELINQUISHED, THE AGENCY SHOULD CONSIDER ON A CASE BY CASE BASIS, FROM A HUMANITARIAN PERSPECTIVE RATHER THAN A LEGAL ONE, WHAT MEASURES SHOULD BE TAKEN TO INVOLVE OR INFORM THE PARENTS OF THE DECISION TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING PROCEDURES OR APPROVAL OF A DNR ORDER.

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#### **Referenced Documents**

#### **Revision Comments**

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## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

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### **429.03 Medical Consent - Medically Fragile Children**

When a medically fragile child initially enters the agency's custody, consideration should be given to obtaining legal authority to consent to all medical treatments at the earliest court hearing. The agency continues to support and encourage parental involvement when consent is needed for a medical procedure. However, when a child needs repeated medical treatments and the parent/guardian is not available or is not willing to consent to recommended medical treatments, the agency should obtain court authority to consent to major medical procedures to prevent delays in obtaining medical care for the child.

#### Adoption Specialist

1. Confers with the parent/guardian and determines their willingness to cooperate and consent to recommended medical treatment;
  2. If necessary, staffs the case to determine if court intervention is needed for major surgery or high risk procedures; and
  3. Follows agency approval procedures when a child needs medical treatment.
- 

#### **Referenced Documents**

#### **Revision Comments**

#### **429.04 Medical Consent - Voluntary Placement**

For children placed through voluntary placement, the agency has the authority to consent to emergency and routine medical care. When the parent/guardian's whereabouts are unknown, the agency should obtain the court's authority in order to be able to consent to major medical procedures.

##### Adoption Specialist

1. Coordinates routine medical care as needed, and involves parents/guardian/caregivers, as appropriate;
2. In an emergency, attempts to notify the parent that the child needs emergency medical care;

##### Adoption Administrator or Designee

3. Gives consent for emergency medical care. Treatment should not be delayed if the approval process presents a serious risk to the child's health;

##### Adoption Specialist

4. Reviews relevant court orders as necessary. Informs the parent(s)/guardian of the need for the medical procedure, assists the parent(s)/guardian in completing the consent paperwork; and
  5. If the parent/guardian is not available, their whereabouts are unknown, or they refuse to consent, coordinates and conducts a staffing to determine if court intervention is needed for removal of custody with authorization to consent or for court authorization to consent pursuant to S.C. Code 20-7-652:
    - a. Includes in the staffing the County Director, Adoption Administrator or designee, guardian ad litem, supervisor, foster/adoptive parents and agency worker as appropriate;
    - b. Submits an emergency petition to the Family Court;
    - c. Follows up as needed to expeditiously obtain a revised court order;
    - d. Documents efforts to contact/involve the parent(s)/guardian.
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## **Referenced Documents**

SC Code of Laws

## **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

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### **430 Interstate Compact on Adoption - South Carolina: The Receiving State**

#### State Office ICPC

1. Receives request for an adoptive home assessment and transfers request to the adoption office which serves the family's county of residence;

#### Adoption Supervisor

2. Assigns case and establishes time frame for completion;

#### Adoption Specialist

3. Contacts the family to discuss the assessment process. Obtains completed adoption application and permission for SLED/CPS checks and keeps in record;

4. Processes SLED/CPS checks;

5. Completes adoptive home assessment using DSS 30142, Family Assessment Summary/Pre-Placement Investigation;

6. If child was placed in the home prior to the adoptive home assessment being done, completes a quarterly report for the sending state and submits to State Office ICPC while working with the family to complete the adoptive home assessment;

#### Adoption Supervisor/Administrator

7. Reviews the adoptive home assessment and approves or disapproves it;

#### Adoption Specialist

8. Forwards an approved adoptive home assessment, in triplicate, to State Office to the ICPC Deputy for Adoption;

9. If the adoptive home assessment is not approved, consults with the Office of General Counsel on the basis for denial. Notifies, in writing, the ICPC Deputy for Adoption of the disapproval. Includes the specific reasons for the denial in this letter;

10. If the adoptive home assessment is approved and when the adoptive placement is made, provides post-placement services as required by the sending state;

11. Completes quarterly supervisory reports to sending state;

Adoption Supervisor

12. Reviews quarterly supervisory reports to sending state, signs and forwards, in triplicate, to the ICPC Deputy for Adoption;

Adoption Specialist

13. Recommends family proceed/not proceed with finalization of the adoption;

ICPC Deputy for Adoption

11. Sends a letter to the family's attorney stating that ICPC regulations have been fulfilled;

Adoption Specialist

12. If recommending that family proceed with adoption finalization, in coordination with sending state, provides information for court process as required by the state in which the adoption is being finalized;

13. If decision is made not to finalize, notifies sending state, discuss alternatives and determine if disruption is necessary. Facilitate return of child to sending state or implement agreed upon plan;

14. Sends the final decree to the ICPC Deputy for Adoption, then closes the case; and

15. Updates CAPSS.

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**Referenced Documents**

DSS Form 30142

**Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **430.01 Interstate Compact on Adoption - South Carolina: The Receiving State - Post-Placement Supervision Request Only, Family Assessment Completed by Licensed Private Agency**

#### State Office ICPC

1. Sends the completed family assessment and background information on the child to the adoption office which serves the family's county of residence;
2. Receives request for post-placement supervision and forwards request to the adoption office which serves the family's county of residence;

#### Adoption Administrator

3. Reviews the family assessment. Notifies State Office ICPC of approval of family assessment or, if concerns exist, contacts the private agency which completed the family assessment and asks that the concerns be addressed;
4. Notifies State Office ICPC if concerns exist and again when concerns have been addressed; and

#### State Office ICPC

5. Gives approval to receiving state via ICPC 100 A when notified by adoption administrator that family assessment has been approved or, if concerns have been identified, when they have been resolved.
- 

## **Referenced Documents**

## **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **430.02 Interstate Compact on Adoption - South Carolina: The Sending State**

#### Adoption Specialist/Supervisor

1. Forwards, in triplicate, to the ICPC Deputy for Adoption:
  - a. Background summary on the child;
  - b. School reports;
  - c. Psychological, if appropriate;
  - d. Birth report on the child;
  - e. Clearance of Indian ancestry, if appropriate;
  - f. IV-E eligibility determination/eligibility for adoption subsidy;
  - g. Birth certificate;
  - h. Any special needs the child has;
  - i. Reason for the out-of-state placement;
  - j. Legal documents;
  - k. Court order awarding custody to the Department;
  - l. Copy of approved adoptive home study on selected family if it has been completed;
  - m. Completed ICPC - 100A;

#### Receiving State

2. Approves/disapproves the requested placement;

#### Adoption Specialist

3. If approved, prepares child for placement. Arranges for introduction of child and family, pre-placement visitation and placement;
4. Provides the post-placement reports, upon request;
5. Informs the adoption office of the state's requirements for legalization of the adoption. The adoptive family must have completed criminal record history and child protective service background checks, and the results must meet the requirements for approval as an adoptive home under South Carolina law;
6. Provides necessary documentation to finalize the adoption. Required documentation may vary, depending on where the adoption is finalized;
7. Requests copy of final adoption decree and amended birth certificate; and

8. Closes case after receiving final adoption decree;

9. Updates CAPSS.

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### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **430.03 Interstate Compact on Adoption - Requesting Post Placement Services From Another State**

#### Adoption Specialist

1. Forwards, in triplicate, a complete background summary on the child and a copy of the adoptive family's home assessment to the ICPC Deputy for Adoption;
2. Completes the ICPC - 100A in triplicate, and forwards to the ICPC Deputy for Adoption, noting the state in which the adoption will be legalized and the length of post-placement supervision requested. Requests that receiving state make monthly face to face contacts, as required by South Carolina law and document request in case record and on ICPC - 100A;

#### Adoption Administrator

3. Notifies the ICPC Deputy for Adoption of the date the child and family moved to the receiving state by completing and forwarding the ICPC - 100B to State Office;

#### ICPC Deputy for Adoption

4. Forwards to the Adoption Specialist/Supervisor the post-placement reports; and

#### Adoption Specialist

5. Closes the case after the final decree of adoption has been received; and
6. Updates CAPSS.

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### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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### **431 Court Ordered Adoptive Home Studies**

#### Adoption Supervisor

1. Assigns the case upon receipt of the certified court order or as requested by the DSS attorney;

#### Adoption Specialist

2. Makes appointment with family. Informs family of and collects the adoption expense charged by the Department;

3. Updates CAPSS;

4. Conducts the pre-placement investigation and prepares written report;

#### Adoption Supervisor

5. Reviews pre-placement investigation reports and files reports with the court;

6. Notifies DSS attorney if the study cannot be completed as ordered. Attorney will then advise;

7. Provides post-placement supervision, as ordered by the court; and

8. Closes the case when the final decree of adoption is obtained. Updates CAPSS.

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### **Referenced Documents**

### **Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

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### **432 Adoption Expenses - Waiving or Reducing**

#### Adoption Specialist

1. Notifies applicant/adoptive family of the adoption expense for the service requested, if the child is a non-special needs child, and of their right to request a waiver or reduction of the expense charged by the Department;

#### Adoptive Family/Applicant

2. Requests, in writing, that adoption expense charged by the Department be waived or reduced due to specific circumstances;

#### Adoption Specialist

3. Prepares brief summary, specifying the hardship the family is experiencing;

#### Adoption Administrator/Supervisor

4. Reviews summary and forwards to Director of Adoptions or his designee;

#### Director of Adoptions or His Designee

5. Reviews summary and notifies adoption administrator of the decision regarding waiver or reduction of the adoption expense charged by the Department; and

#### Adoption Specialist

6. Informs applicant/adoptive family, in writing of the decision on the request for waiver or reduction of the expense charged by the Department and their right to appeal the decision.

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### **Referenced Documents**

### **Revision Comments**

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

**433 Adoptive Placement Checklist**

AH Name: \_\_\_\_\_ CAPSS Provider ID:  
\_\_\_\_\_

Old AH Number (if Applicable): \_\_\_\_\_

Are provider's address and payee name correct in CAPSS? \_\_\_\_\_

Child's Name: \_\_\_\_\_ CAPSS Person ID:

\_\_\_\_\_ CAPSS Person ID:

\_\_\_\_\_ CAPSS Person ID:

**Legal**

Legal Status, Legal Documents/NA /NA

\_\_\_\_\_ TPR Order \_\_\_\_\_ Date entered Foster Care: \_\_\_\_\_

\_\_\_\_\_ 2 Relinquishments \_\_\_\_\_ EPC date: \_\_\_\_\_

\_\_\_\_\_ 1 Relinquishment \_\_\_\_\_ Exparte date: \_\_\_\_\_

\_\_\_\_\_ Other (list) \_\_\_\_\_ Voluntary Placement date: \_\_\_\_\_

\_\_\_\_\_ Removal Complaint date: \_\_\_\_\_

\_\_\_\_\_ Merits Order date: \_\_\_\_\_

\_\_\_\_\_ Subsequent Orders and Dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Birth Certificates

\_\_\_\_\_ Child \_\_\_\_\_ Adoptive Mother \_\_\_\_\_ Adoptive Father

\_\_\_\_\_ Background Summary (addendum if over 6 months old)

\_\_\_\_\_ Preplacement Investigation (addendum if over six months old)

\_\_\_\_\_ Statement of Fees

\_\_\_\_\_ Date of last Judicial Review/Permanency Planning hearing \_\_\_\_\_

\_\_\_\_\_ Fire inspection (current within one year of placement)

\_\_\_\_\_ DHEC (health and safety) inspection

\_\_\_\_\_ Fingerprint results

\_\_\_\_\_ CPS results (current within six months prior to placement and within one year after placement prior to finalization)

\_\_\_\_ SLED results (current within six months prior to placement and within one year after placement prior to finalization)

**Financial Assistance** (Adoption Assistance, Supplemental Benefits, Medical Subsidy)/NA

\_\_\_\_ Face Sheet

\_\_\_\_ Adoption Subsidy Negotiation Checklist

\_\_\_\_ Supporting documentation to verify Special Needs (should be marked clearly in record for copying)

\_\_\_\_ Copy of Social Security Card

\_\_\_\_ Nonrecurring costs (pay attorney directly \_\_\_\_ or reimburse family \_\_\_\_)

**Determination of Adoption Subsidy Eligibility (IV-E or Supplemental Benefits)/NA**

\_\_\_\_ Adoption Subsidy Negotiation Checklist

\_\_\_\_ Determination of IV-E Adoption Assistance Eligibility and attachments

\_\_\_\_ CIS

\_\_\_\_ Current statement from bookkeeper

\_\_\_\_ Payment printout from CAPSS

\_\_\_\_ Proof of SSI, if applicable

\_\_\_\_ DSS 3081, 30149, IV-E Checklist from CAPSS

\_\_\_\_ 3050 A (if IV-E eligible – will be dated when adoption complaint filed)

\_\_\_\_ 1903 noting change in status due to adoptive placement

**CAPSS/NA**

\_\_\_\_ Complete adoption subsidy eligibility checklist in CAPSS

\_\_\_\_ Add placement with adoptive family and end foster care placement (Foster Care service line – placement tab) (ICPC – create provider and AH)

\_\_\_\_ Complete adoption subsidy approval on same screen. Check no board pay for adoption subsidy.

\_\_\_\_ Update Child Tracking (Adoption service line)

\_\_\_\_ Close recruitment

\_\_\_\_ If child receives SSI, SSA, VA benefits, check the person record in CAPSS to make sure the amount is accurate – make corrections if necessary)

\_\_\_\_ Check the following for accuracy (Foster Care service line – Legal tab)

\_\_\_\_ TPR for each parent

\_\_\_\_ Permanency Planning – must be current

\_\_\_\_ Foster Care Review Board – must be current (If adoption has case management, make necessary corrections. If not, make correction when case management is transferred)

\_\_\_\_ Indicate placement and change of status for adoptive home, if family lives in your region. If not, ask adoption specialist in family's region to make this change.

## Correspondence/NA

- \_\_\_ Letter to Eddie
- \_\_\_ Medicaid worker (old and new county, if applicable)
- \_\_\_ FCRB Change of Venue? \_\_\_\_\_ yes/no
- \_\_\_ Foster care worker, if applicable
- \_\_\_ Letter to supervising worker/region
- \_\_\_ *Seedlings* form/notice of placement/change/hold
- \_\_\_ Closure of State Office recruitment/SEEUS
- \_\_\_ Expenses letter (if applicable)
- \_\_\_ Letter to State Office terminating accelerated board
- \_\_\_ Letter for family to take to attorney

## Miscellaneous/NA

- \_\_\_ Adoptive Parent Certification Statement
- \_\_\_ Child's Consent to Adopt (14 years or older)
- \_\_\_ Post Placement Report (when adoption complaint is filed)
- \_\_\_ Notification to adoption office licensing worker to close foster home (for foster/adopt placement)
- \_\_\_ Lifebook

Marital status of birth mother at time of child's birth \_\_\_\_\_ (*If birth mother was married at time of child's birth, her husband is the child's legal father, and his rights must be disposed of*)

Birth mother's year of birth \_\_\_\_\_

Birth father's year of birth \_\_\_\_\_

Adoptive placement the result of recruitment \_\_\_\_\_ yes/no If yes, source

\_\_\_\_\_

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## Referenced Documents

- DSS Form 3091
- DSS Form 30149
- DSS Form 3050 A
- DSS Form 1903

## Revision Comments

## **434 Background Summary Outline**

Adoptive Family:

Child for Adoption:

- Name:
- Date of Birth:
- Race:

### **I. Physical**

A. Physical Description (eyes, hair, complexion, height, weight, personality)

B. Physical Development

- Current functioning (Is child on target developmentally for age?)
- Fine and gross motor development
- If developmentally delayed, in what areas and to what extent? (include developmental assessment). What is prognosis and recommended treatment?

C. Medical/Birth Records

#### Birth

- Prenatal alcohol, tobacco, drug exposure
- Birth weight, length, head/chest circumference
- APGAR scores
- Complications during pregnancy
- Type of delivery (normal? vaginal/cesarean delivery?)
- Complications during/after delivery
- Summary of hospital stay (include anything out of the ordinary, treatment and outcome)
- To who discharged? Date of discharge?

#### Other Medical (Do not list appointments)

- Summarize other medical records, hospitalizations
- Regular medical care since placement in foster care
- Vision (vision test, glasses, normal vision)
- Hearing (include results of testing, if any)
- Dental (Has child had regular dental care, orthodontist? Does child need dental work?)
- DHEC (EPSDT appointments)
- WIC records

## II. Emotional

### A. Attachment

- Child's attachment to caretaker, birth parent, grandparent, siblings
- Child's level of acceptance of/desire for the adoption plan
- What is child's understanding of the meaning of adoption?
- Child's loyalty to birth family (Has child dealt with this loss? How do you know?)
- Goodbye visit (Did one occur? If so, what happened during the visit? What did the birthparent(s) say? How did the child react after the visit?)
- If siblings are to be placed into separate homes, why?
- Describe sibling relationship and need for continued contact, or specify why none is needed.
- Describe visitation with birth family during foster care placement (frequency & quality), and date of last visit.
- Child's ability to recognize and express feelings (open expression, avoidance, or acting out?). Are feelings expressed appropriately when child is angry, sad, etc?
- How child responds to affection, ability to give and receive affection (words, hugs, and kisses)
- Child's feelings about and ability to relate to male/female caretakers
- Any issues that may affect child's ability to bond to both sexes
- Child's general attitude (positive, negative, etc.)
- Child's ability to recognize feelings of others

### B. Self-Esteem

- Child's feelings about self (does child see him/herself as deserving?)
- How child handles change, including moves in foster care. Describe how child handled change in the past and how you expect child to handle adoptive placement.
- Child's ability to have fun
- Child's ability to describe things he/she has done successfully. Does child seem to get satisfaction from a job well done?
- Child's success in school. Is child generally successful?
- How do others (teachers, caretakers, foster parents) describe the child in terms of success?
- Is child interested in pursuing activities in which he/she can succeed?

### C. Grief and Loss Issues

- Child's understanding of reasons for foster care placement and why he/she cannot return
  - to birth family
- Child's acceptance of adoption as the plan
- Child's understanding/concept of family
- Child's level of acceptance/acknowledgement of the various stages of grief

### III. Social

#### A. Peer Relationships

- How child relates to peers (include positive and negative aspects). Does child relate better to older or younger children than to peers?
- How child handles conflict with peers
- Child's relationship to other children in the home, how they interact
- Does child receive gratification from relationships with other children?
- Does child have a best friend or close friends? Is it easy for child to form friendships?
- Child's understanding of what it means to be a friend. Child's ability to reciprocate a friend's attention or emotional closeness
- Loyalty to friends
- Is child a follower or a leader? Is he/she easily influenced by peers negatively/positively?
- Child's ability to say no when he/she knows something is wrong and he/she should not be involved

#### B. Adult Relationships

- Child's relationships to parental figures
- Child's relationships to other adults (teachers, neighbors, friends of foster family, coaches, etc.)
- Child's trust level of adults
- Child's understanding of the parental role
- Child's concept of his/her role in the family

#### C. Affection

- Child's attitude to affection. Does child demand it or shy away? What type of affection does child prefer?
- Does the child easily give and receive affection?
- Does the affection have depth?

#### D. Responsibility

- Degree of child's acceptance of chores and his/her responsibility for them. Does child perform without reminders, without complaint, without expecting anything in return? Does child see chores as part of his/her role in the family?
- Does child accept responsibility for his/her actions (right or wrong)?

#### E. Social

- Involvement in extra curricular activities, sports, clubs, church, etc.
- How important are these activities to child? How does child perform?
- Is child generally an introvert or extrovert?
- How does child handle stress?
- Child's understanding of sexual development/level of sexual education (if age appropriate)?
- Holidays/family traditions. Are there special ways of celebration that are

important to the child, special stories, moments from the past that are significant to the child?

#### F. Control Issues

- Child's ability to control own behavior. Does he/she need external controls?
- Does child need to be in control in all situations?
- Child's awareness of consequences for actions?
- Is child's attention span appropriate? If not, describe problem.

#### IV. Cognitive Development

- IQ – full scale, verbal, performance
- Psychological testing, dates, diagnoses, recommendations
- Child's ability to think logically
- Can child think ahead?
- Child's ability to understand cause and effect, especially regarding own actions
- Child's understanding of sense of time
- Child's ability to think abstractly
- Is child able to apply what he/she has learned/experiences to new situations, especially so that he can repeat appropriate actions or avoid negative actions?

#### V. Moral Development

- Child's understanding of rules as a part of fairness
- Does child express guilt/remorse for breaking rules/laws? If yes, how is it expressed?
- Does child accept responsibility for misdeeds or blame others?
- Child's understanding of right and wrong

#### VI. Spiritual Development

- Child's previous church attendance, including frequency
- Child's religious affiliation/preference
- Importance of church attendance to child
- Child's specific beliefs that would affect his/her ability to integrate into a family (attitudes toward alcohol/tobacco use, etc.)

#### VII. Discipline

- How does child respond to authority?
- What type of discipline does the child respond to?
- What type of discipline does not work with child? What type should be avoided?
- Does child escalate a reasonable request into a battle?
- Child's ability to control behaviors when he wants to do so?

#### VIII. Behaviors

- List the specific problem behaviors the child has had in the past as well as current behaviors.
- Which behaviors are survival behaviors and have persisted over a period of time? These will be hardest to change.
- Connect the child's behavior to his/her past, life experiences, moves in foster care, etc., as a means of explaining and helping the adoptive family understand the reasons for the behavior.
- Does the child think the problem behavior needs to change?

- What has been done to correct the problem behavior on the part of the child, caretaker, therapist, etc.?
- If the child has any of the following behaviors, address them in the background summary (not an inclusive list - add others as necessary)
  - Ø Bedtime problems: fear of the dark, nightmares, other fears
  - Ø Destruction of property (child's or others')
  - Ø Bedwetting, soiling (day or night)
  - Ø Lying
  - Ø Stealing
  - Ø Specific fears/phobias
  - Ø Sexual problems: sexual acting out, sexually active, public masturbation, abuse of others, provocative
  - Ø Fighting, physically aggressive with children or adults
  - Ø Fire setting
  - Ø Harmful to self, others, animals
  - Ø Hard/soft drug use, alcohol, tobacco use
  - Ø Eating disorder

#### IX. Academic Performance

- Grade level in school. Is child on target for chronological age?
- School testing: types of tests, results and recommendations
- Type of school placement: mainstream, LD, EMH, resource, etc.
- IEP dates, results and recommendations. Include current and past IEPs.
- Special school services needed other than those already mentioned
- Child's easy/difficult subjects in school
- Child's classroom behavior with peers, teachers. List any problem behaviors.
- Homework/school assignments: how much assistance and monitoring is required?

#### X. Therapeutic Interventions

- Type of therapeutic services child receives or has received in the past: therapeutic foster home, psychological counseling, physical/occupational/speech therapies, etc.
- Reason for therapeutic services, date began, treatment recommendations, goals, progress toward goals, frequency of service, recommendations for continued treatment, prognosis for improvement
- Child's specific diagnoses, current and past
- Medication currently prescribed, dosage, frequency, and effectiveness. Include previous medication prescribed for specific diagnoses, with dates.

#### XI. Routine Functioning

- Personal hygiene, ability to manage with/without supervision
- Sleeping habits: night light, door open/closed, alone or share room
- Eating habits: food likes/dislikes, favorites, table manners, etc.
- Talents: music, art, drama, singing, crafts, etc.
- Other interests/hobbies/sports

#### XII. Foster Care History

- Previous DSS involvement with birth family prior to child entering foster care
- Previous CPS reports, results of the investigations, findings, CPS treatment

- records, services to the birth family while child remained in the home, efforts to prevent the removal of the child from the home
- Child's entry into foster care, date, reason, specific circumstances surrounding the removal from the home. Include initial entry and all re-entries into foster care.
  - Efforts made by the birth parents (all parents) to work on the treatment plan for the return of the child
  - Visitation between child, siblings, birth parents, and other relatives, if applicable, after placement into foster care. Include frequency and impact on the child.
  - List in chronological order all foster care placements. Include dates, type of placement, reason child was moved, and child's reaction, if significant.
  - Termination of Parental Rights/Relinquishment. Include date(s) and child's reaction to being told that TPR /relinquishment had been completed.
  - Good-bye visit with birth parents/other significant people: describe the event, date, who attended, what birth parent said/did, how child responded, emotional impact on child, closure/lack of closure for child.

### XIII. Family History

#### A. Maternal

##### Birth Mother

1. Physical description
2. Race
3. Educational level
4. Occupation
5. Health, including drug/alcohol/tobacco usage
6. Marital status, previous marriages
7. Relationship with the child's birth father, including how they met/became involved, whether they still have a relationship, history of domestic violence, if any
7. Personality traits and interests
8. Degree of interaction with child
9. Reason for releasing the child, if applicable
10. Birth mother's relationship with her parents, her childhood experiences, why she was not able to parent child. Was she ever in foster care?
11. Has birth mother always lived in SC, or has she lived in other states? If so, what were the circumstances surrounding the moves?

##### Maternal Grandmother

1. Physical description
2. Race
3. Educational level
4. Occupation
5. Health, including drug/alcohol/tobacco use
6. Marital status
7. Personality traits and interests

##### Maternal Grandfather

1. Physical description
2. Race
3. Educational level
4. Occupation
5. Health, including drug/alcohol/tobacco use
6. Marital status
7. Personality traits and interests

Maternal Aunts/Uncles

1. Physical description
2. Race
3. Educational level
4. Occupation
5. Health, including drug/alcohol/tobacco use
6. Marital status
7. Personality traits and interests

B. Paternal

Birth Father

- Physical description
- Race
- Educational level
- Occupation
- Health, including drug/alcohol/tobacco usage
- Marital status, previous marriages
- Personality traits and interests
- Knowledge of child and attitude toward child and birth mother
- Degree of interaction with child
- Reason for releasing the child, if applicable
- Birth father's relationship with his parents, his childhood experiences, why he was not able to parent child. Was he ever in foster care?
- Has birth father always lived in SC, or has he lived in other states? If so, what were the circumstances surrounding the moves?

Paternal Grandmother, Grandfather, Aunts, Uncles

(Same information as for maternal relatives)

C. Siblings of Child (include if child has been adopted or is living with birth parents, extended relatives, etc., and include half/step siblings, as well as full birth siblings)

- Physical description
- Race
- Health, including drug/alcohol/tobacco usage
- Personality traits and interests
- Describe any specific emotional, behavioral, physical, mental, or medical problems of siblings.

XIV. Legal Status (include birth mother, named birth father(s), John Doe and legal father, as applicable)

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## Referenced Documents

## Revision Comments

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 09-03**

**Effective Date: 05/14/2009**

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**435 Comprehensive Child Adoption Assessment**

NOTE: SCDSS shall not consider the race, color or national origin (RCNO) of the child or prospective adoptive family in making adoptive placement decisions, unless there is an individualized assessment with a specific finding that it is in the particular child's best interests to be with a family of a certain RCNO. Culture shall not be used as a proxy for RCNO.

Child's Name: Case #:

Date of Birth:

**I. Child's History**

A. Date Entered Foster Care:

B. Reason Child Entered Foster Care:

C. Siblings in Placement: \_\_\_ Yes \_\_\_ No  
Names and DOB:

D. Current Foster Care Placement Provider:

Type of Placement:

\_\_\_ Therapeutic (Mentor, HSA, etc.) \_\_\_ ISCEDC \_\_\_ Regular Foster Home  
\_\_\_ Treatment Foster Care \_\_\_ Group Care \_\_\_ Hospitalization

Does this placement receive an accelerated board rate? \_\_\_ Yes \_\_\_ No

E. History of Placements

Name of Provider Type of Provider Date Placed Date Removed Reason

**II. Describe the child's identifiable problems/needs and how long they have existed (Attach supporting documentation).**

A. Medical

Diagnosis Yes/No Treatment/Medications Service Providers

- Arthritis
- Blindness
- Cancer
- Cerebral Palsy
- Crippling Disorder
- Cystic Fibrosis
- Deafness
- Down Syndrome
- Fetal Alcohol Effect
- Fetal Alcohol Syndrome
- Heart Defects
- Kidney Disease
- Multiple Sclerosis
- Muscular Dystrophy
- Orthopedic Problems
- Paralysis
- Prenatal Substance Exposure
- Sickle Cell Anemia
- Other:
- Other:
- Other:

B. Educational

School Attending: Current Grade:

Contact Person:

Type of School Placement:

- Mainstream
- EMH
- EH
- LD
- Resource
- Othe

C. Emotional/Psychological

Diagnosis Yes/ No Treatment/Medications Service Providers

ADD

ADHD  
Adjustment Disorders  
Antisocial Personality  
Autism  
Bipolar  
Conduct Disorder  
Delusional  
Depression  
Eating Disorder  
Gender Identity Disorder  
Learning Disorder  
Mental Retardation  
Obsessive/Compulsive Disorder  
Oppositional/Defiant Disorder  
Post Traumatic Stress Disorder  
Panic/Anxiety Disorder  
Prenatal Substance Exposure  
Cocaine  
Alcohol  
Marijuana  
Other:  
Reactive Attachment Disorder  
Schizophrenia  
Separation Anxiety Disorder  
Sleep Disorder  
Substance Abuse

Other Areas of Concern:

Has a psychological evaluation been completed on child? \_\_\_\_ Yes \_\_\_\_ No  
If yes, list evaluator, date of evaluation, and attach a copy:

D. Social/Behavioral

Diagnosis Yes/ No Treatment/Medications Service Providers

Accident Prone  
Cheating  
Clings to Adults  
Cruel to Animals  
Deliberately Harms Self  
Depression  
Destructive to Property/Others  
Enuresis  
Encopresis

Fear of Animals or Places  
Gets into Many Fights  
Hoarding/Gorging Food  
Hyperactive  
Impulsive  
Lying  
Nightmares  
Obscene Language  
Runs Away  
Sets Fires  
Sexual Activity  
Masturbation  
Lewd Comments  
Inappropriate Touching of Others  
Abuses Other Children  
Smoking  
Speech/Problems  
Stealing  
Suicide Attempts  
Suicidal Ideation  
Temper Tantrums  
Withdrawal  
Other:  
Other:

Has child had any criminal involvement? \_\_\_\_ Yes \_\_\_\_ No  
If yes, list charges/convictions:

Probation/Parole Status:

Contact Person/Telephone Number:

E. Developmental

Diagnosis Yes/ No Treatment/Medications Service Providers

Speech/Language Delay  
Gross Motor Delay  
Fine Motor Delay  
Social Delay  
Sensory Integration Disorder  
Other:

### **III. Attachment Issues/Significant Relationships**

A. Is child currently visiting with birth family? \_\_\_\_ Yes \_\_\_\_ No

If yes, specify person and relationship:

Frequency of visits:

Child's attitude toward birth parents:

Child's attitude toward siblings:

B. Attachment to Current Foster Care Provider

Is this a potential adoptive resource? \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

C. Relative Placement

Was placement with any relative assessed? \_\_\_\_ Yes \_\_\_\_ No

If yes, list the name of the relative and the relationship to the child:

Were any home studies completed for relatives? \_\_\_\_ Yes \_\_\_\_ No

If yes, list the relative and the result of the home study:

D. Child's Attitude About Adoption

## VI. Other Involved Parties/Agencies/Professionals

Name Agency Date of Contact Phone Number

## VII. Dates of Contacts with Child

A. Face to Face:

B. Other:

## VIII. Recommendation

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\_\_\_\_\_  
Caseworker's Signature Date

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\_\_\_\_\_  
Supervisor's Signature Date

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\_\_\_\_\_  
Administrator's Signature Date

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## Referenced Documents

**Revision Comments**

NOTE added to clarify that race, color or national origin shall not be used in the selection or adoptive placement processes, and that culture shall not be used as a proxy for race, color or national origin.

### **436 Separation of Siblings - Issues to Consider**

- What are each child's special needs? What services are required to meet them? What are the extra demands on the child's caretaker?
- Have the children lived together in foster care? If yes, how long? If not, why? What efforts were made to prevent separation? What efforts were made to reunite the children? What kind of visitation has been scheduled between the siblings to maintain the sibling bond?
- What have you observed to be the relationship between the children? How attached are they to each other? Do they talk about each other? If negative interactions are observed between the siblings, how do they differ from normal sibling rivalry? How has the role of each child in the birth family affected the relationships between the siblings?
- Have the children been in therapy? How long and how consistent has the therapy been? What are the issues addressed, the therapy goals and what progress has been made? Do the children see the same therapist? If not, what attempt has been made to get the therapists together with involved agency staff to discuss the needs of the children and the long-term effects of permanent separation? If the child's/children's problems could be stabilized, could the children be placed together?
- What is the level of success of the child's/children's current placements? If successful, what are the qualities/abilities of the current caretaker(s) that contribute to the success? If the children have been successfully placed together in the past, what were the qualities/abilities of the caretaker(s) that contributed to the success? With the right kind of family, could these children be placed together?
- If the children disrupted from a placement where they were placed together, was the disruption due to the children's needs/behaviors, or was the placement resource not an appropriate match to the children's needs?
- What is each child's ability to attach and to form new attachments?
- Does each child indicate a desire to be placed with siblings? If not, why? What are each child's age, maturity level and ability to understand his/her decision?
- Are families available who will take a sibling group? If not, how long will it take to locate an appropriate family?

- How receptive to adoption is each child?
  - What is each child's attachment to and desire to remain in current placement, including each child's willingness to move from current provider and accept placement in another family?
  - Has a sibling bond assessment been done?
- 

## **Referenced Documents**

## **Revision Comments**

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 09-03**

**Effective Date: 05/14/2009**

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**437 Foster/Adoptive Family Assessment Summary/Pre-Placement Investigation Outline**

NOTE: 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 and/or adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

**SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES**

**FOSTER/ADOPTIVE FAMILY ASSESSMENT  
SUMMARY/PRE-PLACEMENT INVESTIGATION**

\*\*\*\*\*

**I. FAMILY COMPOSITION**

Name	Relationship to Applicant	Date of Birth	Driver's License Number	Employment/School

**II. RESIDENTIAL ADDRESS:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**DIRECTIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



A. Mother

B. Father

IX. MEDICAL/MENTAL HEALTH HISTORY

X. FINANCIAL

XI. RELIGIOUS AFFILIATION

XII. DISCIPLINE

XIII. CHILD CARE ARRANGEMENTS

XIV. HOME AND COMMUNITY

XV. OTHER HOUSEHOLD MEMBERS (Include whether any household member is a paramour of the adoptive parent.)

XVI. TRAINING

XVII. REFERENCES

XVIII. LAW ENFORCEMENT (SLED) CHECKS/ FINGERPRINTING/ CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT CHECK/ SEX OFFENDER REGISTRY CHECK

XIX. WORKING WITH THE CHILD/AGENCY/BIOLOGICAL FAMILY

XX. FAMILY PREFERENCE IN CHILD

XXI. RECOMMENDATION

XXII. SIGNATURES

\_\_\_\_\_  
Worker Supervisor

Certificate # \_\_\_\_\_ Certificate # \_\_\_\_\_ or NA

Date: \_\_\_\_\_ Date: \_\_\_\_\_

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**Referenced Documents**

**Revision Comments**

NOTE added to stress that RCNO shall not be used in making placement decisions or in assessing potential adoptive families.

Section 437, III deleted to remove physical descriptions of adoptive parents. Non-physically descriptive factors are included in other sections.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 437.01 Foster/Adoptive Family Assessment Summary/Pre-Placement Investigation Instructions

NOTE: 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 and/or adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

I. Family Composition For purposes of licensing, interviewing and assessing, an individual who spends significant amounts of time in an applicant's household can be considered a household member. Include non-custodial children who visit and anyone who routinely spends evenings or weekends.

#### II. Address

Residential Address: Physical location of the home.

Mailing Address: (self explanatory)

Directions: (self explanatory)

Phone Numbers: (self explanatory)

III. Contacts During Assessment Minimum of 2 home visits (minimum of 1 family interview and 1 interview per individual). Document interviews with adult household members and children over age 6. May also interview adult children of applicant.

#### IV. Motivation to Foster and/or Adopt

A. Why has the family chosen to extend family through fostering and/or adopting?

B. How long has the family been thinking about their decision?

C. What made them decide to apply now?

D. What does the family believe they have to offer a child? Do they want to "save" the child? Do they expect the child to be appreciative of their efforts? Do their own children need a playmate? Are they lonely or want someone to take care of them?

E. What does the family believe will be the hardest and easiest thing which they will have to deal with as a foster and/or adoptive parent?

F. What changes does the family believe they will be making in their family, household and schedule to accommodate a child?

G. If there is a fertility problem, what are the family's feelings and resolution of the issues?

H. Are both parents equally motivated to foster and/or adopt?

I. Describe the extended family support, especially for single parents.

J. If single parent, who will be the other sex role model?

V. Family History: Answer separately for both mother and father (if applicable)

- A. When and where born?
- B. Describe their family composition. Birth order.
- C. Describe the relationship applicant's parents had with each other, with applicant, with other children in the home when growing up.
- D. If applicant's parents are still living, describe their current relationship with the applicant and with other siblings.
- E. Describe the current relationship between the applicant, siblings and other relatives.
- F. How many years were applicant's parents married? Had either of them had a previous marriage? Number?
- G. What responsibilities and chores did applicant have around the house as a child? Did he/she ever work part time? If yes, what was it?
- H. How were problems solved between parents and as a family?
- I. What happened when applicant's parents disagreed?
- J. How were applicants disciplined by their parents? How does applicant feel about this type of discipline?
- K. Education/work history of applicant's parents.
- L. Health history of applicant's parents and siblings. Indicate causes of death, if applicable.
- M. Did applicant's parents and siblings have any substance abuse/mental health issues?
- N. Was applicant or siblings the victim of any child abuse/neglect?

VI. Children/Parenting Experiences

- A. How many children were born to each applicant? Provide names and birth dates. Any health problems or special needs?
- B. What is the current situation, accomplishments of adult children?
- C. What is current relationship with adult children? Are they supportive of the parent's decision to foster/adopt children? Any evidence of estranged relationships?
- D. How many children has the applicant adopted or fostered in the past? Do these children currently live with them? How did they incorporate each child into the home? Which types of children were most easily incorporated? Which were the most challenging?
- E. How did children change their marriage?
- F. Does the applicant have other experiences with children that relate to parenting?
- G. Were any biological children ever in foster care, adopted, or lived with relatives? If yes, describe circumstances in detail.
- H. If they have a child who is not an adult not living with them, where is he/she living? Describe the reasons he/she is living elsewhere (if not an adult). Do the applicants financially support the child? Does he/she visit? How often? In the

applicant's home? Do the applicants visit the child? How often?

I. For each of the children currently in the home:

1. What are some of their accomplishments?
2. What grade do they attend? Overall, how are they doing in school?
3. What age did applicant find the most satisfying? The most difficult?
4. How does applicant describe each child's personality?
5. What special interests and/or talent does each child have?
6. Describe each child's behavior. Are there concerns about child's behavior?
7. What does each parent enjoy most about each child? Least?
8. What are the applicant's expectations of each child?
9. What is the applicant's involvement with each child's educational and recreational activities? Do the parents (one or both) attend school conferences, ball games, etc.?
10. What is the child's attitude about another child coming into the home to live?

J. How do the children relate to parents and interact with one another in their home? Does one dominate? Is there sibling rivalry? How do they argue? How are disputes settled?

K. Does the family have any plans for increasing the size of their family through birth or adoption through another source including a private adoption agency? Are they licensed through a private agency?

## VII. Marital History/Relationship

A. How would applicants describe their marital relationship? Any separations/trial separations? Any marital counseling? Any history of domestic violence?

B. How many years have they been married? (Obtain copy of marriage license.)

C. When and how did they meet? Length of courtship?

D. Has either been married before? If so, when and for what reasons did the marriage end? (Obtain copies of divorce petitions and divorce decrees.) How is this marriage different from previous ones?

E. If applicant is a single parent, has he/she previously experienced or is he/she currently involved in a long-term relationship with a "significant other"? If yes, describe the nature of the relationship and, if ended, the reasons for its end. What role would the "significant other" play in the home? (Determine if the "significant other" should be considered a household member.)

## VIII. Family Relationships/Functioning/Coping Ability

A. How are decisions made within the family?

B. What is important to the parents as individuals and a couple?

C. How do they resolve disagreements or problems in the home? What happens when they disagree?

D. How are household responsibilities/duties assigned and/or divided?

E. How do they deal with stress?

F. What losses have parents experienced in their lifetime (e.g. loss due to the death of a parent, sibling, spouse, child, or other relative or due to divorce of parents or spouse)?

G. Where does the family usually go on vacation? Do vacation plans include children? Will foster/adoptive children be included in these plans?

H. Does the family have pets? If yes, what kind? Is the pet important to the whole family or to a particular member? What arrangements can be made if the pet presents a problem for the foster or adoptive child? Is pet routinely seen by a veterinarian? (Review DHEC inspection regarding rabies vaccinations.)

I. What hobbies/activities does each family member enjoy doing? What kinds of hobbies/activities are they involved in at this time? To what social groups do family members belong? What activities do they enjoy as a family? How often do these groups meet or activities occur?

J. What does each family member identify as his/her:

1. Strengths
2. Limitations
3. Successes
4. Failures

#### IX. Work and Educational History (to be provided for each applicant)

A. Are applicants currently employed outside the home? If yes, what is the current occupation? How long have they had the job? Does their employment ever take them out of town and/or require overnight trips? If so, how often? What are their working hours?

B. What other occupation and/or employment have they had? Reasons for leaving each previous employment. Has applicant ever been fired? If so, why?

C. What do they like most and least about working outside the home, or inside the home, if applicable?

D. Have either ever served in the military? If yes, when? Were they honorably discharged? Date of discharge? (Obtain copy of discharge papers.)

E. What educational experiences have they had --educational level obtained, GED, attended technical school or college, or other employment training? If college graduate, what was their major? Include names of schools and colleges and courses of study. Any future educational plans?

#### X. Medical/Mental Health History (to be provided by/on each applicant and household member)

A. Has applicant or household member ever had any serious illness?

B. Has applicant or another household member ever been hospitalized? If yes, when, for what?

C. Has applicant or another member of the household ever been treated for any emotional, mental health or addiction problems? If yes, by whom? When? Where? For what problems? Is applicant or other household member currently receiving treatment for the problem? Is medication prescribed? Review criminal

records checks for any DUI offenses as a possible indicator of substance abuse. Worker will instruct applicant to complete the necessary authorization forms from their various medical/mental health providers to authorize those providers to disclose the protected health information to DSS in order to evaluate the applicant's fitness and suitability.

D. Information received from therapist or physician regarding the applicant's ability to become a resource parent or regarding the impact of any other household member's presence in the home.

E. Give dates and results of medicals on all household members, including height and weight. (Medical reports on file in case record.)

#### XI. Financial

A. What is the family's monthly gross income? What is the "take-home" pay? (verification required) Financial forms will need to be completed.

B. Is family receiving TANF or Food Stamps?

C. What are the monthly expenses?

D. Do they pay child support for any children not living with them? How much? Is it current? If not, how much arrearage?

E. Who is responsible for budgeting and managing the family's money?

F. Does the family have savings and other assets?

G. Can the family provide for the child without being dependent on board payments or subsidies? What financial assistance do they expect to receive for a child?

H. Has any family member ever been convicted of writing bad checks? Has any property ever been repossessed? Ever filed for bankruptcy?

I. Will family's medical insurance cover an adopted child? What are the family's plans to include the child in their will? Who will care for child in case of parent's death? Has this been discussed with this individual? What was their reaction? Include information obtained after contacting this person.

#### XII. Religious Affiliation

A. What role does religion play in the family's life?

B. Does the family attend church? What is the religious denomination? Does the entire family attend?

C. In what church related activities do they participate? How often?

D. If a child is placed with the family and either child or birth parent requests that the child attend a different religious denomination, how would the family handle it?

E. If an older child preferred not to attend church, how would the family handle it?

#### XIII. Discipline

A. What forms of discipline do they use? If corporal punishment is used, are they willing to terminate the use of corporal punishment, and knowledgeable of and

receptive to the use of other methods of discipline?

B. Do applicants fully understand the agency's policy prohibiting the use of corporal punishment?

C. Do parents agree on how to discipline? If no, how are these issues settled?

D. Do the parents exhibit the ability to understand/recognize disruptive behaviors placed children may display and appropriately respond to that behavior? (How would you handle ---?)

E. Do discipline practices reflect realistic expectations, flexibility, and tolerance?

F. How would applicants discipline a foster or an adopted child?

XIV. Child Care Arrangements: include informal or unlicensed persons if they are providing care on a routine basis (Central Registry and Sexual Offender checks required).

A. Child care provider used: type, name, address, and telephone number.

B. Frequency/reason used.

C. Results of interviews with any and all child care providers and full time baby-sitters. Results of Central Registry and Sexual Offender checks on any non-licensed providers.

D. Baby-sitters (non-routine) used: name, address, in baby-sitter's home or applicant's home, frequency, reason.

XV. Home and Community

A. Physical description of the house, yard, neighborhood and surrounding area. Describe the number of rooms in the house.

B. Does the family own or rent their home?

C. How long have they lived at their current address? How many times has the family moved? Reasons for the moves.

D. Is home a subsidized housing unit? If so, will an increase in family size create a problem?

E. Is residence in a high crime area? (Verified by law enforcement.)

F. Describe the sleeping arrangements and storage space for the children.

Describe the sleeping arrangements for the other household members. Would small children be within calling distance of the parents? Are sleeping arrangement consistent with standards of care?

G. Is there a swimming pool? Is it secured? What is the plan for supervision?

H. Are firearms locked in a storage container? If applicant has firearms and ammunition, where are they stored and secured?

I. What schools would a child attend?

J. What recreational facilities are in or near the neighborhood?

K. Accessibility of other community resources, e.g. medical, special school placements.

L. How would the children be transported to and from school and other activities/appointments? Is transportation consistent with public safety laws, e.g. car seats?

M. Would the family be able to transport the child to the school he/she attended before removal?

N. Give dates and results of both DHEC inspection (including lead inspection) and fire inspection. Document correction of any cited deficiencies or recommendations.

#### XVI. Other Household Members

A. Other than applicant, and applicant's children, is there anyone else living in the household or who stays overnight in the home on a repeated basis? If yes, provide name, age, and occupation. Is any member of the household a paramour of the adoptive parent?

B. How long have they lived in applicant's house? Is this a temporary or permanent arrangement? If temporary, how long will they be in the household?

C. What were the circumstances leading to their residing with the family?

D. Describe how they participate with applicant's family. Do they contribute to the household income?

E. What household responsibilities does he/she assume in the home? Amount of time spent in the home.

F. What has been the individual's involvement with children?

G. What does the individual think about the applicant's fostering and/or adopting?

H. What changes does the individual anticipate that the addition of another child will make in the family?

I. Will the individual be involved in child care? How?

J. Education/Work history

K. Medical history, current medical status.

L. Any previous mental health or addiction history?

M. Results of background checks (SLED, SO, CR. Fingerprinting).

#### XVII. Training (information should be obtained from the trainers)

A. Have applicants received the required number of training hours? Did the Applicant(s) participate in group or individual training?

B. How did the applicant(s) participate in training?

C. Did they demonstrate a basic understanding of the foster care and adoption programs and its goals?

D. Did applicants exhibit in training the ability to be self analytical and make changes in their behavior and lifestyle to meet the needs of the child?

E. Was training received by any other parent figure (e.g. grandmother) who will be parenting the foster child?

#### XVIII. References (three non-relatives who have known applicants for last 3 years)

What were references opinions of the applicant's ability to foster and/or adopt children? Are they aware of any personal problems the family may be

experiencing?

XIX. Law Enforcement (SLED) Check/ Fingerprinting/Central Registry of Child Abuse and Neglect Check/Sex Offender Registry Check (on all household members age 18 and older)

- A. What were the dates/results of each inquiry for each required household member?
- B. If a report reflected convictions that do not automatically bar placement under 20-7-1642, describe and give details regarding the charges, outcomes, treatments lifestyle changes, etc. along with the resulting recommendation administrative authority regarding licensure/approval.
- C. Adoptive home denials need to be discussed with the Office of General Counsel. Foster home denials need to be discussed with the County Attorney.
- D. For a pardon of crimes listed in Section 20-7-1642, the agency may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine if the applicant is suitable.

XX. Working With the Child/Agency/Biological Family

- A. What problems do they think they will have in keeping information about a child confidential? (Must inform applicant of agency's policy regarding confidentiality and indicate in assessment that this was done.)
- B. Do they think they will have any difficulty not pressing the child for information about his/her past?
- C. How do they think they will react to information voluntarily provided to them by the child about his/her past life, e.g. if the information is bizarre, graphic, violent, sexually explicit? (Must inform applicant of the need to share such information with child's worker and indicate in assessment that this was done.)
- D. How do they think they will be able to handle:
  - 1. Contact between the child and the agency's worker, including required visits in the home, and unannounced visits (if appropriate)?
  - 2. Contact between the child and any other professional who may be working with a child, including the GAL?
  - 3. Sharing the child with his/her biological siblings and other family members (when appropriate)?
- E. How do they feel about:
  - 1. Meeting with the biological parents to obtain/share information regarding the child (if appropriate)?
  - 2. Jointly attending medical appointments, educational conferences, etc. with the biological parents (if appropriate)?
  - 3. Actively participating (if appropriate) in meetings/staffings that include agency staff, biological parents, community members, and other support systems for the purpose of providing input regarding the needs of the child/family?
  - 4. Attending or at a minimum providing a written report for Foster Care

#### Review Board?

- F. Does the applicant understand that a child has two sets of parents? Can they objectively discuss this with a foster or adopted child?
- G. How does the family feel about the temporary nature of foster care and "letting a child go"?
- H. How does the family view their role as "non-blood" parents? Does the family understand the nature and purpose of adoption and/or foster care?
- I. Do parents understand that being a foster parent does not guarantee the adoption of a child?
- J. What is their attitude toward biological parents who have voluntarily placed or released their children or who have had their children removed from their care?
- K. How will medical emergencies be handled? Does the applicant understand the responsibility to inform the agency immediately of medical problems, injuries, crisis incidents?
- L. Do they understand that the authority to make decisions concerning major surgery and other high risk procedures remains with the biological parents unless parental rights have been terminated or a court has given that authority to DSS? If DSS has that authority, then DSS must consent.

#### XXI. Family Preference in Child (include information from Child Factor Checklist)

- A. Is family applying for a specific child and do not want to be considered for other children?
- B. For how many children would the family like to be licensed/approved?
- C. What age range are they interested in? Do they understand how the age of a child placed may affect the family dynamics, e.g. oldest biological child no longer the oldest, or the youngest no longer the baby, and losing that role in the family?
- D. What are the handicaps, behavior, maltreatment background, family background, medical problems, emotional problems which a family can or cannot accept? (Use Child Factor Checklist)
- E. What is the family's understanding and acceptance of openness between birth parents/siblings and children? Describe the type of openness which the family could accept.
- F. What is the family's understanding of children's normal behavior? What about implications of parenting children with certain problems?
- G. If parents initially expressed an interest in younger children but now want older children, explain.
- H. How much notice will the family require prior to placement?
- I. What is the applicant's understanding and acceptance of legal risk?
- J. Would the family agree to be licensed as foster parents for a specific child whose permanent plan is TPR/Adoption?
- K. Willingness to maintain contact between the adopted child and his biological family and/or siblings.
- L. Understanding of the adoptive child's need to know about their past and potential for searching out birth parents in the future.

## XXII. Recommendation

A. Address family's overall motivation and understanding of the purpose of foster care and/or adoptions and their ability to provide quality foster care or adoptive services. Discuss family's willingness to share information. Identify the family's strengths and weaknesses. Assess the family's understanding of developmental needs and skills of children and an understanding of the dynamics of child abuse and neglect. (If family is being assessed/licensed for a specific child, analyze if this family has sufficient resources, preparation, and overall capacity to protect, nurture, and provide for the child on a daily basis, short or long term.) Describe the type of agency support that may be needed.

B. Recommend approval or denial. If making an approval, make recommendation of the type child(ren) for whom this family could provide care, and behaviors that can and cannot be accepted, number of children, sex, and age range. If they want a special needs child, what makes family suitable? (Homes should not routinely be licensed for "birth-18" but for the specific age child as determined by the assessment process. If making a denial, explain reasons and how this was discussed with family and the family's reaction.

## XXIV. Signatures (self explanatory)

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### Referenced Documents

### Revision Comments

NOTE added to stress that RCNO shall not be used in making placement decisions or in assessing potential adoptive families.

Section 437.01, III. deleted so that physical description of adoptive parents are not recorded.

Section XXII, H. deleted so that applicants are not asked about their ability to handle a transracial placement. This section is now XXI.

## CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 09-03

Effective Date: 05/14/2009

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### 438 Reapplication Summary Outline

NOTE: 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 and/or adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

#### 1. Cover Page

Adoptive Applicants

Applicant Applicant

Name:

Address:

Place of Birth:

Children in the Home

Child Child Child Child

Name:

DOB:

Relationship:

Birth/Adopted:

Others in the Home

Name(s)/Relationship:

Description of the Home

Acceptance Factors

(Include special needs, age, legal risk, number of siblings)

#### 2. Current Situation

Include employment, work hours, child care arrangements, marital status, health of each family member, current finances and income, church or community involvement, housing situation, space available, and sleeping arrangements for additional children. Is any member of the household a paramour of the adoptive parent?

Address any situation that was a concern in the original home study.

Address changes in family composition, including significant death and/or loss.

Include results of current SLED/CPS/FBI checks.

### **3. Marriage**

Describe how adoption has impacted the family and marital relationship. Have roles within the family changed? If so, how? Describe the acceptance of adopted children by extended family members.

### **4. Parenting Experience**

Address the previous adoption. Describe in detail how the family has adjusted to parenting, the special needs of the child(ren), the services the family is utilizing, and discipline methods. How is the family addressing adoption issues with the adopted child(ren) and the rest of the family? Talk to each child in the home and describe their feelings about adoption, the decision to adopt again, and how well they understand adoption. List each child's interests and activities. Include school names, grades, and the child's performance in school, academically and socially. Describe each child's personality so adoption specialists can evaluate the type of child who will best fit into the existing family.

### **5. Family Preferences**

What type of child does this family want to adopt? List special needs and ages that family will accept. Address legal risk, openness, daycare plans, and readiness to adopt. Address what preparation the family will need to make before placement. How will the family handle jealousy between the child and previously adopted children? Why does the family want to adopt again?

### **6. References**

Contact two (2) references who have known the applicant(s) for the past three years and who were not used as references during the initial application/approval.

### **7. Summary/Recommendations**

Give a summary of family, their motivation to adopt, and the type child they want to adopt. List family strengths and any concerns. Give your recommendation regarding the family's approval.

Submitted by

---

Certified Investigator Date

---

## **Referenced Documents**

### **Revision Comments**

NOTE added to stress that RCNO shall not be used in making placement decisions or in assessing potential adoptive families.

Section 438, 1. revised to delete physical description of each adoptive applicant and to remove race from the acceptance factors.

**South Carolina Department of Social Services  
Human Services Policy and Procedure Manual**

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: HSP 14-06**

**Effective Date: 07/17/2014**

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**439 Guidelines for Denial of Adoptive Family Approval**

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

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#### Referenced Documents

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

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 09-03**

**Effective Date: 05/14/2009**

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### **440 Adoption Expenses**

NOTE: SCDSS shall not consider the race, color or national origin (RCNO) of the child or prospective adoptive family in making adoption subsidy decisions. Culture shall not be used as a proxy for RCNO. Families willing to adopt children of a different RCNO shall not be subjected to differential treatment, including extra scrutiny.

The legislation that merged the South Carolina Children's Bureau and the South Carolina Department of Social Services, Section 20-7-2340, provided that: (1) The Department shall establish charges for certain adoption and related services, (2) Any charges should be based on an income scale with no family denied services because of an inability to pay, (3) No charges could be made for the placement of special needs children and (4) 75% of any monies collected must be used to pay medical and maternity expenses of Birth Parent Services clients who have no other means of paying those expenses. All expenses for families whose income is below the SSBG eligibility level are automatically waived. Expenses for other families may be waived or reduced under extenuating circumstances, upon approval by the Director of Adoption. The following adoption expenses were established pursuant to this legislation:

#### **Application**

Applicants for infants and preschool children \$25.00

Applicants for interstate services \$50.00

Applicants for intercountry services \$75.00

#### **Home Study**

Group preparation \$175.00

Individual preparation (by permission) \$300.00

#### **Post-Placement Services**

##### **Family Income Charge**

Less than \$13,000 None

\$13,000 – 14,999 \$200.00

\$15,000 – 16,999 \$300.00

\$17,000 – 19,999 \$400.00

\$20,000 – 22,999 \$500.00

\$23,000 – 25,999 \$600.00

\$26,000 – 28,999 \$700.00

\$29,000 – 31,999 \$800.00

\$32,000 – 34,999 \$900.00

\$35,000 – 37,999 \$1000.00

\$38,000 – 40,999 \$1,150.00  
\$41,000 – 43,999 \$1,250.00  
\$44,000 – 46,999 \$1,350.00  
\$47,000- 49,999 \$1,450.00  
\$50,000 – 51,999 \$1,550.00  
\$52,000 – 53,999 \$1,650.00  
\$54,000 and above \$1,750.00

### **Other Adoption Services**

Certain adoption expenses were approved prior to the March 16, 1988 effective date for the expenses outlined above. The Department charges independent Certified Investigators \$15.00 for adoption investigation certification; \$15.00 for certification to take relinquishments and consents; \$20.00 for dual certification; and \$15.00 for recertification, dual or single.

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### **Referenced Documents**

### **Revision Comments**

NOTE added to stress that RCNO shall not be used in making adoption subsidy decisions.

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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**441 Medical Consent Cover Letter Requesting Consent from the County Director, MTS Director, MTS Regional Director or Adoptions Administrator**

Requesting Medical Consent from the  
County Director, MTS Director, MTS  
Regional Director or Adoptions  
Administrator

DATE: \_\_\_\_\_ URGENT RESPONSE NEEDED

TO: County Director, MTS Director, MTS Regional Director, or Adoptions Administrator

FROM: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

RE: Medical consent for \_\_\_\_\_, DOB \_\_\_\_\_

Projected date for medical treatment: \_\_\_\_\_

Physician's name: \_\_\_\_\_ Phone number: \_\_\_\_\_

\_\_\_\_\_

Checklist of necessary information:

\_\_\_\_\_ 1. Court order that grants the agency the authority to consent for this treatment, a court order that terminates parental rights, or executed relinquishments.

\_\_\_\_\_ 2. Nature of the proposed medical procedure (in plain English); whether it will be performed on an inpatient or outpatient basis; whether general or localized anesthesia will be used.

\_\_\_\_\_ 3. Significant risks presented by the procedure.

\_\_\_\_\_ 4. Why the doctor believes the procedure is needed, and the anticipated result of the procedure.

\_\_\_\_\_ 5. If the child has been in foster care four (4) months or longer with the same foster parents, whether the foster parents feel the procedure should be performed and, if not, why.

\_\_\_\_\_ 6. Physician's/hospital's consent forms (if applicable).

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### **Referenced Documents**

### **Revision Comments**

**CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number: 03-03**

**Effective Date: 11/18/2003**

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**441.01 Medical Consent Cover Letter Requesting Medical Consent from the State Director**

Requesting Medical Consent from the State Director

DATE: \_\_\_\_\_ **URGENT RESPONSE NEEDED**

TO: Division of Human Services, State Office

FROM: \_\_\_\_\_ Phone:

\_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Area Adoption Office

RE: Medical consent for \_\_\_\_\_, DOB \_\_\_\_\_

Projected date for medical treatment: \_\_\_\_\_

Physician's name: \_\_\_\_\_ Phone number:

\_\_\_\_\_

Checklist of necessary information:

\_\_\_\_\_ 1. Court order that grants the agency the authority to consent for this treatment, a court order that terminates parental rights, or executed relinquishments.

\_\_\_\_\_ 2. Nature of the proposed medical procedure (in plain English); whether it will be performed on an inpatient or outpatient basis; whether general or localized anesthesia will be used.

\_\_\_\_\_ 3. Significant risks presented by the procedure.

\_\_\_\_\_ 4. Why the doctor believes the procedure is needed, and the anticipated result of the procedure.

\_\_\_\_\_ 5. If the child has been in foster care four (4) months or longer with the same foster parents, whether the foster parents feel the procedure should be performed and, if not, why.

\_\_\_\_\_ 6. Physician's/hospital's consent forms (if applicable).

**NOTE: CONTACT BY PHONE A REPRESENTATIVE AT THE STATE OFFICE (DIVISION OF HUMAN SERVICES) TO GIVE ADVANCE NOTICE THAT FAXED DOCUMENTS ARE BEING SENT FOR THE APPROVAL OF THE STATE DIRECTOR.**

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**Referenced Documents**

**Revision Comments**

## **CHAPTER 4, Adoption and Birth Parent Services**

**Revision Number:**

**Effective Date: 07/19/2012**

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### **442 Adoption Assistance**

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### **Section 442 Adoption Assistance**

The purpose of this section is to assist the worker in evaluating the prospective adoptive child's special needs and the availability of funds to assist the adoptive family in meeting those needs. This section defines the various types of adoption assistance, the duration

of eligibility, and the administrative appeal process should an adoptive parent contest the agency's decision of the adoption assistance.

### **Departmental Values**

Children, who may legally not return to their biological parents or relatives, deserve to be placed in adoptive families who will provide for their care until adulthood and beyond. Adoption assistance is a financial funding to assist in meeting the special needs of the child placed for adoption who was in the custody of DSS at the time of the adoptive placement. If the child is not in DSS custody, but is eligible for IVE funds, such as previously receiving adoption subsidy in another adoptive placement or who receives SSI, they are also eligible for Adoption IVE Assistance. The agency believes more children can be placed in safe and permanent adoptive homes with financial adoptive assistance to meet their special needs.

### **What Children and Youth are Affected**

All children who are in the custody of DSS and assessed as meeting one of the special needs definitions, will be eligible to receive adoption assistance, Medicaid, and Non-Recurring Assistance, to assist with the cost of their adoption. For those children who are not in DSS custody, the adoptive parent must apply prior to the adoption and provide proof of special needs and IVE eligibility prior to the finalization of the adoption. Eligibility for children who are not in DSS custody will be determined on a case by case basis.

### **Operational Impact**

Financial Adoption Assistance increases the number of children who can be placed adoptively with families who might have been deterred from adopting a special needs child due to financial issues. The increase in the number of children being adopted will result in fewer children in the foster care system without benefit of a permanent family.

### **INTRODUCTION**

The primary goal of the Title IV-E and State Adoption Benefits Program is to provide financial support to families who adopt special needs children from the public child welfare system. These are children who otherwise would grow up in state foster care system. Adoption Assistance is available to adoptive families when specific eligibility criteria of the child's entry into foster care are met and continue to be met at the time of the adoptive placement. The eligibility for Adoption Assistance is not based upon a means test for the adoptive family.

## **Special Needs Definitions by state statute:**

### **SECTION 63-9-1750. Eligibility criteria.**

In order for a child to be eligible for supplemental benefits the department shall determine that the child legally is free for adoption, the child has been placed for adoption by the department, and one of the following provisions applies to the child:

- (1) is a special needs child pursuant to Section 63-9-30;
- (2) is at high risk of developing a physical, mental, or emotional disability;
- (3) is one for whom other factors, as determined by the department, interfere with the child's ability to be placed for adoption;
- (4) has established significant emotional ties with prospective adoptive parents while in their care as a foster child, and it is considered by the agency to be in the best interest of the child to be adopted by the foster parents.

### **SECTION 63-9-1760 Eligible children**

A child meeting criteria specified in Section 63-9-1750 for whom the department believes supplemental benefits are necessary to improve opportunities for adoption is eligible for the program. The agency shall document that reasonable efforts have been made to place the child in adoption without supplemental benefits through the use of adoption resource exchanges, recruitment, and referral to appropriate specialized adoption agencies.

Definition by State Regulations: 114-4380. Supplemental Benefits for Adoption and Medical Assistance

Statutory Authority: Code Sections 64-9-1700 through 63-9-1810 and Sections 63-9-2000 et. seq. Definitions.

Special Needs Child: A legally free child for whom reasonable but unsuccessful efforts have been made to place without subsidy except where it would be against the best interest of the child because of significant emotional ties with foster parents and the child meets one or more of the following criteria:

- (a) A white child ten years old or older;
- (b) A black or mixed race child six years old or older;
- (c) A physically, mentally or emotionally handicapped child or a child at risk for physical, mental or emotional handicaps due to a condition existing before adoption;
- (d) A member of a white sibling group of three or more children, one of whom is at least six years of age, or a sibling group of four or more white children of any age;
- (e) A member of a black or mixed race sibling group of two or more children, one of whom is at least six years of age, or a sibling group of three or more black or mixed race children of any age;
- (f) A member of a sibling group that includes a special needs child.

### **Federal SSA definition:**

- 1) The State must determine that the child cannot or should not be returned to the home of his or her parents (section 473 (c)(1) of the Act); and
- 2) The State must determine that there exists a specific factor or condition because of

which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing title IV-E adoption assistance or title XIX medical assistance. Such a factor or condition may include (but is not limited to) ethnic background, age or membership in a minority or sibling group, the presence of a medical condition, or physical, mental or emotional disabilities. For example, in some States ethnic background alone may inhibit the ability of a child to be adopted, while in other States a combination of factors, such as minority status and age, may be factors. It is important to note that in each case the State must conclude that, because of a specified factor or factors, the particular child cannot be placed with adoptive parents without providing assistance; and

3) Finally, the State must determine that in each case a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made. Such an effort might include the use of adoption exchanges, referral to appropriate specialized adoption agencies, or other such activities. The only exception to this requirement is when it would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child. The exception also extends to other circumstances that are not in the child's best interest, as well as adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives.

The State must document in each child's case record the specific factor(s) that make the child difficult to place and describe the efforts to place the child for adoption without providing assistance. In an effort to find an appropriate adoptive home for a child, and meet the requirement that a reasonable, but unsuccessful, efforts should be made to place the child without adoption assistance.

## **ADOPTION ASSISTANCE GLOSSARY OF TERMS/DEFINITIONS**

### **ADMINISTRATIVE (FAIR) HEARING**

SC Regulation 114-110

The fair hearing process is an official state action required by Federal and State laws and regulations in accordance with the Fourteenth Amendment to the United States Constitution. The process allows an individual to contest an adverse action taken by the Department and to have his or her objections to the adverse action heard by an impartial hearing officer or committee.

**ADOPTION** per SC Statue 63-9-30(2)

“Adoption” means the judicial act of creating the relationship of parent and child where it did not exist previously.

### **PUBLIC AGENCY Adoption**

Adoption of a child who is in the legal custody of the South Carolina Department of Social Services (DSS) or through the Interstate Compact from a public agency in another state.

### **Private Agency Adoption**

Adoption of a child through a private agency licensed by the State of South Carolina to place children for adoption or through the Interstate Compact from a licensed private agency in another state.

## **INDEPENDENT ADOPTION**

An independent adoption is the adoption of a child, in which the child is not the responsibility of a public or private adoption agency.

## **ADOPTION ASSISTANCE AGREEMENT (FORM # 3052)**

An adoption assistance agreement is a written agreement binding all parties, between the state agency, other relevant agencies, and the prospective adoptive parents.

## **ADOPTION FINALIZATION**

In response to a petition for adoption, a proceeding held in Family Court to make final the termination of a child's biological parents rights and to create a parent child relationship where none previously existed.

## **ADOPTION FINAL DECREE**

The Court Order issued following the adoption final hearing. The Decree establishes the legal relationship of parent child and allows for the amendment of the birth certificate to change the child's parents and the name of the child when requested.

## **ADOPTIVE PLACEMENT**

For a Title IV-E or Title IV-B eligible child with special needs who is in the permanent custody of DSS, the child is an adoptive placement when physically placed in the home of the adoptive parent(s) and the Placement Agreement (Form 3025) has been signed by all required parties.

## **APPLICABLE CHILD**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (110-351) revised the eligibility criteria for Title IV-E Adoption Assistance. A child for whom the revised criteria apply is defined as an "applicable child." Applicable children are not required to meet previous AFDC requirements at the time of removal from their home in order to qualify for Title IV-E Adoption Assistance. This revised eligibility criteria will be phased in over a period of time. Applicable children meet certain criteria, according to age, length of time in foster care, and placement in the same adoptive home with siblings. These criteria are more fully described in the sections labeled as Applicable Child.

## **BASIC FOSTER CARE BOARD RATE**

SC Regulation 114.550(2) Board Payments--These are monthly funds appropriated for daily care and maintenance for eligible children in foster care.

## **DEFERRED ADOPTION ASSISTANCE**

If a child does not meet the definition of a child with special needs prior to adoptive placement, but is at risk of developing such special needs due to the child's genetic history or trauma prior to entering foster care, an adoption assistance agreement may be signed with the adoptive parent(s) for a zero dollar amount of assistance. If a medical, physical, or mental condition develops at a later date which could be related to the risk determined prior to the adoption, adoption assistance may be instated at the time the agency determines these conditions meet the special needs criteria. The payment may begin and is based upon the child's previous eligibility for foster care board payment at the time of the adoptive placement.

## **DISRUPTION**

The removal of a child(ren) from an adoptive placement after the signing of the placement agreement but before legal finalization, generally at the request of the adoptive family, but by mutual agreement with the agency.

## **DURATION OF BENEFITS**

Duration of benefits is the length of time that a child remains eligible to receive Adoption Assistance benefits.

## **FOSTER PARENT ADOPTION**

SC Regulations 114.550 (J) Adoption of Foster Children by Foster Parents

(1) Foster parents may apply to adopt a foster child.

(2) Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:

(a) The child has been in the same foster home for a consecutive six months period of time or more; and

(b) The child is legally free for adoption; and

(c) Placement for adoption with the foster family is deemed to be in the best interest of the child by SCDSS or the child placing agency.

## **INTERSTATE ADOPTION**

The placement of a child who is a resident of the State of South Carolina into an family in another state for the purpose of adoption, or the placement of a child who is a resident of another state in South Carolina for the purpose of adoption.

## **MEANS TEST**

An investigation of a person's financial resources, made to determine whether that person is eligible for various types of Public Assistance. A means test is not allowed when determining eligibility for Adoption Assistance or the Adoption Assistance rate.

## **MEDICAID**

Medicaid is the medical benefits which are available for all children receiving Adoption Assistance in SC or in another state who have signed the (ICAMA), Interstate Compact for Medicaid Agreement.

## **NON-APPLICABLE CHILD**

Refers to child who does not meet the criteria for the "Applicable Child", but who must meet all AFDC requirements (as in effect July 1, 1996) related to Title IV-E Adoption Assistance eligibility. Also, see "Applicable Child".

## **NON-RECURRING ADOPTION ASSISTANCE**

Reasonable and necessary adoption fees, court costs, attorney fees which are directly related to the adoption of a special needs child, which are not incurred in violation of state or federal laws, and which have not been reimbursed from other sources or funds. Fees are not reimbursed until after finalization of the adoption.

## **PARENTAL RIGHTS**

Parental rights are the legal rights, duties, obligations, of a parent to a child.

## **PETITION TO TERMINATE PARENTAL RIGHTS**

A written complaint which is filed in family court which sets forth the grounds to sever a parent- child relationship.

## **SSI (SUPPLEMENTAL SECURITY INCOME)**

Supplemental Security Income is a monthly benefit for children who are disabled or who have functional limitations as determined by the Social Security Administration.

## **SPECIALIZED FOSTER CARE BOARD RATE**

Based upon the child's documented significant special needs and extra care requirements, the agency may authorize a higher rate for reimbursement to a foster family for the daily care rate.

## **STATUS CHANGE**

Any changes in the situation of an adoptive family, which must be reported to the Adoption Assistance Coordinator, as required by the Adoption Assistance Agreement.

## **TITLE IV-E FUNDING**

A combination of Federal and State funds which are available when specific criteria are met at the time the child enters foster care and which are re-evaluated prior to the adoption.

## **STATE ADOPTION SUBSIDY**

SC DSS Regulation 114-4380 Supplemental Benefits for Adoption

Supplemental Benefits: State funded payments for the care and support of an adopted child.

## **CATEGORIES OF ADOPTION ASSISTANCE**

There are four categories of Adoption Assistance benefits available to assist in meeting the special needs of the child who is in an adoptive placement.

### **1. Monthly (Ongoing) Adoption Assistance or Adoption Subsidy:**

- a) Children who are determined eligible for ongoing Adoption Assistance qualify for a monthly financial benefit. The amount of assistance may not exceed the foster care board rate the child would have received in a family foster home immediately prior to the adoptive placement.
- b) Monthly Adoption Assistance benefits are not considered to be a board rate, rather they are designed to assist in meeting the cost of providing for a child who has been determined to meet special needs criteria by the state of South Carolina.
- c) The monthly Adoption Assistance subsidy may be either Title IV-E or State funded depending on the IV-E criteria of eligibility of the child.

### **2. Medicaid**

A child who is a recipient of monthly Title IV-E Adoption Assistance or State funded Adoption Subsidy is also eligible to receive medical benefits through Medicaid. The exception would be the child who has personal income, such as SSA or a trust fund, which makes the child ineligible for Medicaid per Medicaid Policy of the state of the child's adoptive family's residence. See ICMA guidelines. (Add Link)

### **3. Non-recurring Adoption Assistance:**

- a) Non-Recurring Adoption expenses are considered by federal regulations as: "reasonable and necessary adoption fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs and which are not incurred in violation of state or federal laws."
- b) This may include the following expenses:
  - 1) The cost for travel/lodging and food during pre-placement visitation, based on the current state rates. Receipts/documentation

must accompany the request for payment.

2) The cost of health assessments for the adoptive parents required for the adoption assessment. Receipts/documentation must accompany the request for payment.

3) Legal/court fees (Invoice/documentation must accompany the request for payment).

c) Any adoption (excluding step-parent or birth parent adoptions) that meets the Federal and State criteria for special needs is eligible to receive Non-recurring Adoption Assistance. A determination of special needs is to be made by the Social Services State Adoption Subsidy Coordinator and an application/agreement signed prior to finalization of the adoption in order for non-recurring adoption assistance to be approved.

Note: Payments may not exceed \$1,500.00 per child. Payments are made after the adoption is finalized and a final decree is filed in family court and a copy provided to the agency.

#### **4. Supplemental Benefit for Medical Assistance (SBMA)**

Supplemental Benefits for Medical Assistance (SBMA) may be provided by DSS for a specific condition(s) the child has or is at risk of developing, which are funded with state dollars. These funds may only be used if Medicaid and/ or private insurance will not cover the cost of the special service need. The family is to utilize all other services such as BabyNet, Individualized Educational Programs, or other community resources prior to requesting the use of these funds. Prior approval of services or medical items is required if the item's cost is over \$500.

These funds may not be used for experimental or alternative treatment services, lost or broken appliances (IE: Glasses, hearing aids, etc.), procedures which are solely cosmetic, routine medical or dental care or accidental injuries (see copy of form 3052 for additional limitations in the use of said funds).

#### **ELIGIBILITY FOR ADOPTION ASSISTANCE**

##### **Requirement:**

Eligibility for all types of Adoption Assistance is directly related to the child meeting Special Needs Criteria and the Adoption Assistance Agreement being negotiated, signed, and dated by all parties prior to the finalization of the adoption.

The availability of Adoption Assistance shall be discussed with anyone expressing interest in adopting a child(ren) with special needs.

#### **Adoption Assistance IVE Funding**

##### **Title IV-E Adoption Assistance**

The Title IV-E adoption subsidy program has four specific requirements that must be met prior to claiming Federal reimbursement. These requirements include:

1. **Special Needs Criteria Being Met** – The State/Tribe must determine that the child is a child with special needs in accordance with the criteria established in the Social Security Act. The Special Needs criteria for Adoption Assistance are met when:

- a) The State/Tribe has determined, pursuant to established criteria, that the child cannot or should not return to the home of his or her parents, and
- b) The State/Tribe has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties/bonds with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX, and
- c) The State/Tribe has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX;

With the passage of the Fostering Connections to Success Act of 2008 states and tribes are required to have two sets of eligibility criteria for IVE Adoption Assistance. One set of criteria applies to a child who is considered an “Applicable Child”. The other criteria are for a child who is considered a “non-applicable child”.

**2. Applicable Child Versus Non Applicable:** The “applicable child” is a child who meets the criteria of the “Applicable Child” in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) and other required IV-E criteria listed below:

Applicable Child / Age - The State must apply the “applicable child” eligibility requirements to anyone who is an “applicable child” based on his or her age if the child has attained the applicable age, as indicated in section 473(e)(1)(B) of the Social Security Act, any time before the end of the Federal fiscal year during which the adoption assistance agreement is entered into. The applicable age for a child begins at 12 years old in Federal Fiscal Year (FFY) 2012 and decreases by two years for each fiscal year until a child of any age meets the applicable age requirements in October 1, 2017.

See Chart below for further clarification:

Federal Fiscal Year (October 1st to September 30th)	Age of Applicable Child (Attained at Any Point During the Federal Fiscal Year)
2010	16
2011	14
2012	12
2013	10
2014	8

2015	6
2016	4
2017	2
2018 or thereafter	any age

**Applicable Child /Time in Foster Care and Siblings**

As of FFY 2010, the law also defines an “applicable child” to include: (1) a child who has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months at the time the financial assistance agreement is signed; or (2) a child who is a sibling of an applicable child, for the fiscal year, by virtue of age or time in foster care and is placed in the same adoption arrangement as his/her sibling.

**Eligibility Criteria for the Applicable Child:**

The “Applicable Child”, in addition to meeting Special Needs Criteria, must also meet one of the following four eligibility requirements (a, b, or c) for IV-E Adoption Assistance payments to be made:

A. Child meets specific requirements at the initiation of adoption proceedings:

The child, at the time of the initiation of adoption proceedings, was in the care of a public or private licensed child placement agency or Tribal agency pursuant to:

- 1.) An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child’s welfare to remain in the home; OR
- 2.) A voluntary placement agreement or voluntary relinquishment. Thus, for an “applicable child”, there does not have to be a title IV-E payment made under a voluntary placement agreement.

B. Child meets all medical or disability requirements of SSI:

- 1.) Child meets all medical or disability requirements of Title XVI with respect to eligibility for SSI benefits.
- 2.) An “applicable child” does not have to meet the needs-based requirements for SSI.
- 3.) Child of a minor parent: the child was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from home pursuant to either:
  - a) an involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child’s welfare to remain in the home; or
  - b) voluntary placement agreement or voluntary relinquishment.

C. Child was eligible in a prior adoption: the child was adopted and was determined eligible for title IV-E adoption assistance in a prior adoption (or would have been found eligible had the Adoption and Safe Families Act of 1997 been in effect at the time of

the previous adoption), and is available for adoption because the prior adoption has been dissolved, (rights of the adoptive parents have been terminated), or the child's adoptive parents have died. In such an instance, the child may retain eligibility for adoption assistance payments in a subsequent adoption. The State/Tribe only needs to determine that the child is still a child with special needs for the child to be eligible for adoption assistance. All other requirements in section 473(a) through (c) of the Social Security Act, the background check requirements in section 471(a)(20)(A) and (B) of the Act and 45 CFR 1356.30(b) and (c), the adoption assistance agreement requirements as defined in section 475(3) of the Act and regulation in 45 CFR 1356.40 and 1356.41 (to the extent that they are not superseded by the law) apply equally to both an applicable and a non-applicable child.

**Eligibility for the Non-Applicable Child:**

The "non-applicable child" is a child who does not meet the criteria for the "applicable child".

In addition to meeting the definition of special needs, the "non-applicable child" must meet the following to be eligible for IV-E Adoption Assistance payments.

1. Child was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement and IV-E foster board payment was made on the child's behalf during the VP period as is provided under Federal Code section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child, and
2. Received AFDC in that relative's home under the State plan approved under section 402 of the Act (as in effect July, 1996), or would have received AFDC under such plan had application been made ,in or for the month the voluntary placement agreement was entered into, or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child as described in section 473(a)(A)(i); or
3. The child had been living with a relative, specified in section 406(a) of the Act, within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination which indicated it was contrary to the child's welfare to remain in the home as referred to in section 473(a)(2)(A)(i),or would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made.
4. A voluntary relinquishment of a child to an agency does not, in and of itself, allow for the child to be IV-E eligible. The state must petition the court within six months of the child living with a specified relative to obtain a judicial determination to the effect that remaining in the home would be contrary to the child's welfare. Thus the child's eligibility is treated as a judicial determination rather than a voluntary relinquishment for adoption

assistance eligibility purposes. Per section ACFY –CB-PA01-01.

5. The child meets all the requirements of title XVI of the Act with respect to eligibility for Supplemental Security Income (SSI) benefits.

6. Is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).

7. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:

The child meets the requirements of section 473(a)(2)(A)(i)(II) above ; and

\* is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and

\* is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and

\* fails to meet the requirements of section 473(a)(2)(A)(i) but will meet requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.

### **3. Other Requirements for IV-E Adoption Assistance**

National Criminal Background Checks through Fingerprints (FBI)

FBI background checks and child abuse/neglect history must be conducted on all prospective adoptive parents and all other adults living in the adoptive home. These must be checked in all states in which the prospective adoptive parent or other adults living in the adoptive home have resided in the last five years. Title IV-E adoption assistance may not be claimed if the prospective adopted parent has a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography) or for a crime involving violence (including rape, sexual assault, or homicide, but not including other assault and battery). In addition, title IV-E adoption assistance may not be claimed if the prospective adoptive parent has been convicted of the following felonies within the past five years: physical assault, battery or a drug-related offense.

### **4. Title IV-E Adoption Assistance Citizenship Requirement**

No payment may be made to parents with respect to any applicable child that:

a. Is not a citizen or resident of the United States; and

b. Was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

c. A child that is not a citizen or resident of the U.S. and was adopted outside of the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure

and the child is subsequently placed into foster care.

## **Determination of IVE eligibility for Adoption Assistance**

### **Requirement**

All initial Monthly Adoption Assistance Application/Agreement packages shall contain specific required documentation, and shall be maintained in the child's adoption case record, as well as, a copy in the State Adoption IVE Coordinator's file.

The following items will be provided by the adoption specialist to the Adoption Assistance IVE Coordinator for approval of IVE eligibility prior to the signing of the adoptive placement agreement (form 3025) or financial assistance agreement (form 3052):

1. Application for IVE Eligibility forms 2548 Applicable Child or form 2547 Non Applicable child
2. Copy of the documentation that establishes the child's special needs:
  - a) Medical
  - b) Psychological
  - c) Statement regarding the child's status as being part of a sibling group, age or sibling of a child being placed with the sibling who has special needs
  - d) Description of the risk of psychological or medical factors due to the known or unknown biological parent
3. Documentation of the child's legal status
  - a) TPR complaint that has been filed
  - b) TPR order signed by the Judge
  - c) Death Certificate
  - d) Relinquishment
4. Statement as to efforts to place child without adoption assistance
5. If the child is receiving SSI, a copy of the approval letter from SSA or copy of a check, IEVS/SDX screen showing SSI approval
6. Documentation as to the child's entry into foster care
  - a) Copy of the court order of the most recent removal from the home
  - b) If removal was through a voluntary placement, a copy of the agreement Form 1512
  - c) Documentation that the child received IVE foster care board payment during the voluntary removal period
  - d) Copy of a court order within 180 days of the voluntary placement agreement stating it was contrary to the child's welfare to remain in the home
  - e) Copy of a relinquishment for adoption form 3093
7. Documentation that the child received or was eligible to receive AFDC within six months prior to the child's entry into foster care
  - a) CIS printout
  - b) AFDC budget worksheet foster care

- c) Pay stubs
  - d) Wage statements
  - e) CHIP printout
  - f) CAPPs dictation showing factor such as absent parent and/or AFDC eligibility in Foster Care, Funding Eligibility Screens
  - g) Wage information from SSA or tax documents showing parents income
8. Documentation that the child was a child of a youth or minor parent in foster care and receiving IVE
9. Background Checks of the potential adoptive parent
- a) SLED
  - b) FBI – Fingerprint through the National Information Data base
  - c) Central Registry
  - d) Sex Offender Registry
10. Copy of the Child's Birth Certificate
- State Adoption Assistance IVE Coordinator will review documentation and determine eligibility for IVE financial assistance. The coordinator will provide approval to the Adoption Specialist prior to signing the Adoptive Placement Agreement and Financial Assistance Agreement.

#### **Title IV-B/State-Funded Adoption Subsidy**

All of the following eligibility requirements must be met in order for IV-B/State-Funded Adoption Assistance to be approved:

1. Must be a child in the custody of DSS and who is legally free for adoption when being placed in adoptive family, and determined to be ineligible for Title IV-E funding.
2. The child must meet the Federal and State Special Needs Criteria and Requirements as described in SC Children's Code: section 63-9-1750 and SC Regulations 114.4380(b)
3. The adoptive placement must be approved in accordance with State policy/guidelines.
4. Efforts to place the child without a state subsidy assistance have not been successful.
5. Other requirements for IV-B Adoption Subsidy:
  - a) National Criminal Information Data (NCID)
  - b) Background checks of child abuse and neglect registry checks, sex offender register and SLED reports must be conducted on adoptive parents and other adults over the age of 18 who live in the residence, with results meeting federal requirements
  - c) Sex Offender Registry

#### **MEDICAID See section 114.4380 of SC Regulations ( LINK)**

1. Eligibility for Adoption Assistance or Adoption Subsidy would give the child adopted from the SCDSS custody eligibility for Medicaid without consideration of the adoptive family's income
2. A child who is residing in South Carolina and receiving Adoption Assistance and Medicaid from another state is eligible to receive a South Carolina Medicaid card, which

is in compliance with the Interstate Compact on Adoption and Medical Assistance (ICAMA). [LINK](#)

## **NON-RECURRING ADOPTION ASSISTANCE**

Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents. The state's determined amount will not exceed \$1,500.

Eligibility for Non-Recurring Adoption Assistance is based on the following factors:

1. The child must be determined by the State/Tribal agency to be a child with special needs, utilizing the Special Needs Criteria as defined previously.
2. A child does not have to be Title IV-E eligible to receive benefits under this program.
3. Children who have been approved for monthly Adoption Assistance will qualify for non-recurring funds also. The Adoption Assistance Agreement (Form 3052) serves as the agreement for monthly AND non-recurring benefits. This Agreement must be completed /signed by all required parties prior to the finalization of the adoption.
4. Children who are not approved for monthly Adoption Assistance or for whom only non-recurring Adoption Assistance is being sought must have a completed /signed form 30125 (Non-Recurring Only) Agreement in place prior to the finalization of the adoption.
5. Children from foreign countries are not eligible under this program unless they meet the federal and state criteria for special needs. This must be determined prior to the finalization of the adoption.
  - a) If the adoption is finalized in the foreign country, the family will need to fax documentation of special needs and verification that the child is free for adoption to the Adoption Subsidy Coordinator prior to finalization.
  - b) The special needs determination must be in place prior to finalization.
6. Step Parent and birth parent adoptions do not meet the criteria for reimbursement of non-recurring expenses.

## **NEGOTIATING THE MONTHLY ADOPTION ASSISTANCE AGREEMENT**

### **Requirement**

Once an adoptive family has been selected for a child, the adoptive family must be advised of the child's special needs and the availability of adoption financial assistance to assist with meeting those special needs. The amount of the Adoption Assistance shall be negotiated with the adopting parents based upon the child's special needs and the family's resources. Per Federal Regulations, the circumstances of the adopting parents must be considered in conjunction with the needs of the child when negotiating the adoption assistance agreement. Negotiation of a subsidy begins at \$0 regardless of the current rate of foster care board the child is receiving. However, the amount of the adoption subsidy/ assistance may not exceed the amount the child would have received in foster care board payment.

### **Procedures**

1. Prior to the signing of the Adoption Assistance agreement, Adoption Specialist and the adopting family must discuss the current and future needs of the child, and the

resources that are available to meet the child's needs.

2. Adoption Assistance benefits should not be confused with a foster care board rate. The agency representative should explain that adoption assistance benefits are based on the current and projected future levels of functioning of the child and are designed to assist in meeting the cost of providing for the special needs of the child (not covered by Medicaid) that would otherwise have prevented the child from being adopted.

3. With the understanding that the amount of Adoption Assistance rate may not exceed the family foster home board rate, the child would have received in foster care, the rate must be negotiated with the adoptive family. The adoptive parent(s) must be asked if they require Adoption Assistance in the adoption of the child(ren). If the parent(s) indicate a need for Adoption Assistance, the rate can then be discussed.

4. The use of a means test is prohibited when determining eligibility for Adoption Assistance and when negotiating the Adoption Assistance rate. Adoption Assistance is not based upon a standard schedule of itemized needs and countable income. Instead, the amount of the Adoption Assistance payment is determined through the discussion and negotiation process between the adoptive parents and a representative of the State agency based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the parents' resources to cover the ordinary and special needs of the child projected over an extended period of time and should cover anticipated needs (Adoption Policy Manual, section 442.01).

a) Review the resources and forms of support that are specifically designated for and available to the child, such as Retirement, Inheritance, Survivors, Disability Insurance (RSDI) or Veterans Administration (VA) benefits. These resources may be considered in combination with other factors when negotiation occurs. Any child who has funds in a trust account is potentially eligible to receive these funds once the adoption has finalized. Once finalization occurs, the adopting parent(s) shall be notified, in writing, about the availability of these funds in the child's account, and how to access them.

b) Review with the family their budget and the potential impact of incorporating the child into the household. Help determine what portion of the cost of the child's needs the family can meet.

c) Adoption Specialist completes Form 2549 Negotiation Checklist, following the negotiation with the family and forwards to his/ her supervisor and Area Administrator for their review and signatures. The form is then forwarded to the Adoption Program Director and IVE Subsidy Coordinator. A copy is maintained in the Child's Adoption file and the Financial Assistance Record.

5. Community resources should be explored with the family, such as Mental Health Services, Educational Services, Public Health Services, etc. These services may be available to assist the adoptive family with a wide variety of needs related to their adopted child.

6. If a child is receiving SSI while in the custody of the agency, the adoptive family cannot receive two federally funded payments at one time. SCDSS, adoption specialist, notifies the family the child is receiving SSI and the state is utilizing said funds to reimburse the state for the child's board payment and will continue to do so until such time the adoption is finalized. The adoptive family will receive the negotiated amount of subsidy as State funded subsidy until the child's adoption is finalized. Once the adoption is finalized the SSA will determine the child's continued eligibility for SSI based upon the

adoptive family's income. If the family is ineligible for SSI based upon their income, the family will then begin receiving IVE adoption assistance. The Adoptive Family is advised to contact the Adoption Subsidy Coordinator should they be determined eligible to continue to receive SSI on behalf of the child.

NOTE: The Adoption Specialist is to notify Social Security Administration when the adoption is finalized, as well as, the county bookkeeper that should additional checks be received on behalf of the child following the adoption finalization, the checks should be returned to the Social Security Administration, since the agency no longer has custody of the child.

7. All prospective adoptive parents must be informed of their potential eligibility for the Federal Adoption Tax Credit by the State/Tribal Agency. Section 23 of the Internal Revenue Code of 1986 (26U.S.C.23) (section 471(1)(33)of the Act).

## **REVIEWING AND SIGNING THE ADOPTION ASSISTANCE AGREEMENT**

### **Requirement**

The adoption assistance agreement is a written agreement binding all parties, between the State agency, other relevant agencies, and the prospective adoptive parents. This agreement must be entered into by the prospective adoptive parents and the State/Tribal agency prior to finalization of the adoption. The agreement must, at a minimum, specify the amount of the Adoption Assistance payments and any other services or assistance to be provided, and list the reasons for the termination of the agreement if needed. The Adoption Assistance Agreement must be fully executed prior to any Adoption Assistance payments being made.

1. For the adoptive placement of children in the permanent custody of DSS, such as foster parent adoptive placements, the signing of the Adoption Placement Agreement (Form 3025) will be coordinated with the approval of the Adoption Assistance Agreement (Form 3052).

2. After the signing of the Placement Agreement (Form 3025) for children in the permanent custody of DSS, the Adoption Assistance Agreement (Form 3052), must be reviewed and signed in the presence of the adopting family. The Adoption Assistance Agreement must be signed by all parties including the Adoption Program Director prior to the finalization of the adoption.

3. A copy of the Adoption Assistance Agreement (Form 3052) must be provided to the adoptive family. However, all required signatures, including the Adoption Program Director/Designee, must be obtained on the Adoption Assistance Agreement, prior to forwarding a copy to the adoptive parent.

4. All required parties must sign and date the Adoption Assistance Agreement to indicate agreement with the assigned benefits prior to Adoption Assistance payments beginning.

5. Each Section of the Adoption Assistance application must be reviewed and discussed with the adopting family. If the adopting family lives in another state and a face-to-face contact is not possible, the agreement must be negotiated through the mail or by telephone contact. In some situations, Interstate Compact on the Placement of Children (ICPC) may assist in the negotiation. Particular sections of the Agreement that should be covered include:

- a) The negotiated Adoption Assistance rate.

- b) Non-recurring Adoption Assistance funds and limits
  - c) The family's eligibility for Medicaid and their choice to utilize Medicaid alone or in conjunction with other insurance.
  - d) Duration of benefits:
    - 1) Discuss the effective date and the termination date of the Agreement.
    - 2) The requirement that the family notify the county or state agency whenever there is a change in status which may affect the child's continued eligibility for Adoption Assistance.
    - 3) Discussion with the adoptive parent(s) about the potential eligibility of the child to receive Adoption Assistance benefits past age 18 (see eligibility factors on the agreement )
  - e) Protection of Adoption Assistance benefits, despite a family relocation to another state.
  - f) Conditions under which the rate may be decreased or increased:
 

After the Adoption Assistance Agreement is signed, changes in the monthly payment only occur with the concurrence of the adoptive family. Depending upon the needs of the child, a mutual agreement may be made to decrease or increase the Adoption Assistance rate of the child. Any request for an increase in the Adoption Assistance rate must be forwarded to the state Adoption Subsidy Coordinator and contain current and specific information regarding the changes in the needs of the child, to include current professional evaluation(s) specifically related to the special need(s) of the child, a statement from a professional who works with the child regarding the focus and frequency of treatment and the child's prognosis, a narrative regarding the effect upon the family that the change in the level of needs has had, and the efforts the family has made to meet those needs utilizing family/community resources. As stated previously, the rate assigned may not exceed the foster home board rate the child last received or would have received if in foster care.
  - g) Description of the Fair Hearing process
  - h) Conditions under which the agreement may be terminated;
    - 1) Upon the conclusion of the terms of this agreement.
    - 2) Upon the adoptive parent(s)'s written request

The adoptive parents shall inform DSS of the occurrence of any of the following events:

    - (i) Upon the child's death
    - (ii) Upon cessation of the adoptive parent's legal responsibility for support of the child
    - (iii) Upon the determination that the child is no longer receiving support from the adoptive parents.
6. The adoptive parent must be given information about the Federal Income Tax Credit for special needs children at this time by the State/Tribal agency.

7. The Adoption Assistance payments may be paid directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts so determined through an Adoption Assistance Agreement. The Adoption Assistance Agreement must be signed prior to the finalization of the adoption. Adoption Assistance payments may be made only to adoptive parents who have entered into an Adoption Assistance agreement with the State/Tribe. This should be made clear to the adoptive parent(s) at the time of signing, if not earlier. Upon the death of an adoptive parent, Adoption Assistance may be transferred to another person who was not party to the original Adoption Assistance Agreement upon receipt of the perspective payee providing the agency with a copy of the legal documents making the person legally the guardian or custodian of the child. In the event of a divorce, the divorce decree must identify who has legal custody of the child to change the payee to only one parent. Otherwise, the payments will continue to be addressed to the adoptive parent who entered into the agreement with the agency.

8. The adoptive assistance payment remains in effect regardless of the State of the residence of the adoptive parents. If the adoptive family lives in another state, SC will make the adoption assistance payments as per the agreed upon amount in the Adoption Assistance Agreement (3052). The family will be advised by the adoption specialist, to notify the agency of any address changes as per the Adoption Assistance Agreement (3052) and any needs for assistance with Medicaid in the new state. Interstate Compact Adoption Medical Assistance (ICAMA) forms will be completed by the Adoption Subsidy Coordinator or designee.

9. The Adoption Specialist explains to the adoptive family that the adoptive assistance agreement contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State while the agreement is in effect. Should the adoptive family move to another state prior to the finalization the adoption specialist will complete the necessary Interstate Compact on the Placement of Children (ICPC) packet. See section ICPC section of the manual.

10. If a needed service is agreed upon in the Adoption Assistance Agreement and the family moves to another state and the new States' Medicaid does not cover the specific service need, the State/Tribe making the original adoption assistance payment remains financially responsible for providing the comparable specified service(s). The adoptive family is urged to seek services and to notify DSS in SC when assistance for referrals is needed in the new state. DSS will make contacts with the Adoption Services Agencies within the new state of residence to assist in locating needed services and to ensure referrals for services are made for the child and family.

11. The Adoption Specialist advises an adoptive family that for the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in effect under section 473(a)(2)(whether or not adoption assistance payments are being made) the child is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/1996) in the State in which such child resides. Any child of such eligible child will be eligible for such services.

**APPROVING THE MONTHLY ADOPTION ASSISTANCE PACKAGE /  
INITIATING BENEFITS  
Requirement**

When a child is being approved for Adoption Assistance, the Adoption Specialist must have the adoptive family sign the Adoption Assistance Agreement (Form 3052) and forward the form to the Adoption Program Director for signature. The form is then forwarded to the IVE Adoption Assistance Coordinator for verification of the eligibility, and then forwarded to the Adoption Subsidy Coordinator for the payment to be entered into the CAPSS system.

The foster care board payment must be terminated in CAPSS and the placement changed in order for the payment to be authorized. This step is completed by the adoption specialist and supervisor at the time of the adoptive placement agreement and adoption subsidy agreement being signed.

1. The Adoption Assistance Agreement must be submitted to the Director/Designee for review and approval.
2. The Adoption Director/Designee will review the Adoption Assistance Agreement, signing the Adoption Assistance Agreement (Form 3052) when satisfied with the accuracy and completeness.
3. The Adoption Assistance Agreement will be forwarded to the Adoption Eligibility Coordinator for verification and then to the Adoption Subsidy Coordinator to authorize the financial payment in CAPSS. In order to authorize said payment the Adoption Specialist or Supervisor must have made the necessary placement change and terminated the foster care board payment for the child.
4. A copy of the Adoption Assistance Agreement (form 3052) will be provided to the adoptive family. A copy will be maintained in the child's adoption file as well as in the state office financial assistance file.

## **DURATION OF BENEFITS – FEDERAL AND STATE POLICY**

### **Requirement**

Monthly benefits are available through the end of the child's 18th birth month, unless the State determines that the adoptive parents are no longer legally or financially responsible for support of the child.

1. Adoption assistance benefits may terminate at any time with the concurrence of the adoptive parents and/or under the following circumstances:
  - a) Adoptive parents are no longer legally responsible for the support of the child. This may be due to parental rights being terminated (TPR), the child becoming an emancipated minor, marrying, or enlisting in the military.
  - b) The agency has determined the adoptive parent is no longer providing support to the child. Payments for out-of-home placement, family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs are considered forms of support.
  - c) Child has attained age 18 (or the age of 21 years if the State has determined that the child has a mental or physical disability which would warrant continuation of the assistance.)
  - d) There are circumstances, based on the Requirement above, where Adoption

Assistance may be terminated prior to a child turning age 18. Whenever possible, DSS should seek to have a mutual agreement with the adoptive parents regarding the continuation or termination of Adoption Assistance:

Termination may be warranted in other circumstances and these other situations will be determined on a case by case basis. The following situations will require evaluation of the adoption assistance payment:

1. Disruption of Adoptive Placement prior to finalization. DSS may decide that the placement and adoption assistance should be terminated by mutual agreement with the family OR with the court's permission to remove a child from the adoptive placement when it is no longer in the best interest of the child to remain, or through an Emergency Protective Custody by Law Enforcement in the event of a report of child abuse.
2. Child enters foster care from the adoptive home following adoption finalization. There must be a determination as to whether the family will be working with DSS on a reunification plan to have the child returned to the home. If the plan is not reunification, there should be an effort to gain a mutual agreement to terminate adoption assistance. If the plans are reunification, efforts should be made to encourage financial and other support by the parent(s) toward the child and the foster care placement expenses (this may include a child's placement in a state-funded child caring institution). The Case Manager shall negotiate with the adoptive parent(s) to reduce their Adoption Assistance rate in order to support the child's out-of-home placement. If support is not provided by the adoptive parent(s) and this lack of support is documented, the Case Manager shall meet with the adoptive parent(s) to discuss their motivation to reunify with the child and to gain mutual agreement to continue or terminate Adoption Assistance.

**NOTE:** When a child comes into foster care from the adoptive placement, the adoptive family should not be referred to Child Support, as that would automatically constitute "financial responsibility", and Adoption Assistance would not be able to be terminated for the reason of "lack of support". The Case Manager must notify the county attorney that the family should not be referred to Child Support Enforcement.

If a child reunifies with adoptive family after being in foster care and Adoption Assistance benefits were not terminated, they should continue as before the foster care placement. If they were terminated while the child was in foster care, they may be re-started when the child returns to the adoptive home (if under age 18), using the same Adoption Assistance Agreement that was previously signed.

1. If a child is placed in a Department of Juvenile Justice (DJJ) facility or any other inpatient treatment program on a temporary basis, the family may continue to receive Adoption Assistance payments if the adoptive parents remain legally responsible to provided support for the child. If the adoptive parents are no longer legally responsible for the support of the child, Adoption Assistance payments shall terminate. Each case must be discussed on an individual basis with the State Adoption Subsidy Coordinator. Funds shall be terminated if the family is not providing any support for the child.
2. The adoptive parent(s) must notify the Department when the adopted child is no longer living in the home (living with a relative, etc.), so that an evaluation of their support and legal responsibility for the child can be made. The adoption subsidy coordinator will work with the family to obtain a mutual agreement regarding the continuation or termination of benefits.

Note: The Case Manager must notify State Adoption Subsidy Coordinator in writing when the adoption assistance subsidy is to be terminated. The family must be notified of their right to a Fair Hearing.

## **DURATION OF BENEFITS – AFTER AGE 18**

### **Requirement**

Termination of Adoption Assistance benefits will occur when a child turns age 18 unless the child meets the IV-E and State of South Carolina's criteria to continue benefits past age 18. If the criteria and requirements are met, the child may receive Adoption Assistance up to age 21.

**BASIC REQUIREMENT:** Only children who were placed for adoption while in the custody of DSS are eligible for benefits beyond age 18.

If the funding source is Title IV-E, the monthly adoption subsidy and/or Medicaid coverage ends at age eighteen, unless the child is determined by the State to have a mental or physical disability which would warrant continuation of the assistance. Adoptive parent(s) must submit written documentation to DSS of the reason for extending IV-E monthly adoption assistance beyond age 18. DSS will determine if such submitted documentation is sufficient to warrant continued financial assistance.

If the funding source for the monthly adoption subsidy payment is state funded supplemental benefits, the financial assistance/coverage ends at age eighteen, unless the child is in school full-time (at least 12 hours per semester or as defined by the school of attendance). Adoptive parent(s) must provide proof of such status from the school. The adoptive parent(s)' statement regarding school status is not sufficient. If the youth is not a full-time student but has a medical and/or physical handicap which prevents the youth from attending school full-time and warrants continuation of the financial assistance/coverage, financial assistance/coverage may continue through the appropriate DSS approved funding source.

Financial Assistance/Coverage ends at age 21 regardless of handicap or school status, or funding source for the program.

### **Required Verification**

The adoptive parent(s) must provide documentation on an annual basis of the child's full-time enrollment and attendance in school. Documentation from the school must be on official letterhead with signatures of school personnel, and must be verified by the Adoption Subsidy Coordinator. Copies must be maintained in the assistance case file maintained by the Adoption Subsidy Coordinator.

Termination of Adoption Assistance will occur when one of the following occurs (whichever occurs first):

- The child graduates from high school
- The child drops out of school past their 18 birthday
- The child is not enrolled full-time in school, technical or college or there is a lack of verification of such
- The child graduates from college or technical school.

- The child turns age 21.

Required Verification for 18 year old or older who continues in Tech or College:

- The adoptive parent(s) must provide documentation that the child graduating from High School in May or June has applied for College or Technical School by July 31st.
- The adoptive parent(s) must provide official documentation that the child graduating from High School in May or June has been accepted and enrolled full-time in a College or Technical School by September 15th (at least 12 hours).
- The adoptive parent(s) must provide documentation on a quarterly basis of the child's full time enrollment and attendance in /College or Technical School. Documentation from the school must be on official letterhead with signatures of appropriate personnel, and must be verified by the Subsidy Coordinator. Copies must be maintained in the adoption assistance case file.

Note: Once the termination of Adoption Assistance has occurred for a child over the age of 18, it can only be reinstated by the Adoption Subsidy Coordinator, after a review of the case.

## **NON-RECURRING ADOPTION ASSISTANCE**

### **Requirement**

Payments will be made for non-recurring Adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs. This payment is made directly through the State/Tribal agency in amounts determined through an agreement with the adoptive parents.

Each eligible child may receive reimbursement for expenses related to the finalization of the adoption. Reimbursement in SC has been set at a maximum of \$1500.00 per child, and can only be paid after the adoption has finalized. Any adoption (excluding step-parent or birth parent adoptions) that meets the Federal and State criteria for special needs is eligible to receive Non-recurring Adoption Assistance.

### **Procedures**

Non-Recurring Adoption Expenses are considered by federal regulation as: "reasonable and necessary adoption fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs and which are not incurred in violation of state or federal laws."

This may include the following expenses:

1. The cost for travel/lodging and food during pre-placement visitation based on the current state rates. Receipts/invoices/documentation must accompany the request for payment.
2. The cost of physical examinations for the adoptive parents required for the adoption assessment (medicals for other family members or for updates are not included). Receipts/invoices/documentation must accompany the request for payment.
3. Legal/court fees. Receipts/invoices/documentation must accompany the request for payment.

Any costs relating to the court termination or voluntary relinquishment of parental rights on the birth parents are not reimbursable under this program.

Eligibility for Non-Recurring Adoption Assistance is based on the following factors:

1. The child must be determined special needs by the Adoption Subsidy Coordinator as defined in Section 473 of the SSA.
2. Children from foreign countries are not eligible under this program unless they meet the state's definition of special needs. This must be determined prior to the finalization of the adoption.
  - a) If the adoption is finalized in the foreign country, the family will need to fax documentation of special needs and verification that the child is free for adoption to the Adoption Subsidy Coordinator, Prior to finalization.
  - b) The special needs determination must be in place prior to finalization.
3. Step Parent adoptions do not meet the criteria for reimbursement for non-recurring expenses
4. A child does not have to be Title IV-E eligible to receive benefits under this program.

The Non-recurring adoption assistance application sent to the Adoption Subsidy Coordinator must include:

1. Request and required documentation of the child's special needs (must be submitted to Adoption Subsidy Coordinator prior to the finalization of the adoption).
2. Statement that the Petition for Termination of Parental Rights has been filed, Voluntary Relinquishments completed, or TPR has occurred.
3. The date of finalization must be written on the Form 3052. When submitted, Form 403 must also indicate the date of finalization and the amount reimbursed.
4. Reimbursement will be made only after the adoption is finalized.

The following must be maintained in the Adoption Assistance Case Record for Non-recurring Adoption Assistance:

1. Special Needs determination
2. Adoption Assistance Application, Form 30125 or Non-Recurring Adoption Assistance Application, Form 3025 signed by the agency representative and the adopting parents(s) prior to finalization.
3. A narrative (background summary) which includes a description of the child's special needs, birth date, race; and efforts to place without assistance.
4. For children receiving Non-Recurring Adoption Assistance only, the Adoption Assistance record must include verification that the child is legally free for adoption. (TPR or Voluntary Surrender documents);
5. Date and copy of the final decree which is signed and filed with the court;
6. Receipts for expenditures;
7. Copy of Form3052 which must be completed in its entirety.

## **APPROVING THE NON-RECURRING ADOPTION ASSISTANCE APPLICATION PACKAGE / INITIATING PAYMENTS**

### **Requirement**

The Adoptive Family, Family's private attorney or the family's Private Agency shall submit the Non-Recurring Expenses Application Package to the Adoption Subsidy Coordinator.

## **Procedures**

1. The Coordinator will review the application package and supporting documentation and approve or deny the request.
2. The Adoption Subsidy Coordinator will notify the family of the decision and send them their copy of the Form 3052.
3. The Family will provide the accounting staff with a copy of the Form 3052 and all supporting documentation.
4. The payment may be made to either the provider or the parent directly. (Both require invoices/ documentation of expenses paid) and the completion of the W9 form.
5. Payment will not be made until proof of finalization is obtained by the family in the form of a Final Adoption Decree which has been signed and filed with the Family Court.

## **Supplemental Benefit for Medical Assistance (SBMA)**

### **Guidelines and procedures for payment:**

Program Description – SBMA is a program funded entirely with state funds. It is available to families adopting children who have or are at risk of having, based on the child's biological family history, physical, mental and/or emotional handicaps. It may supplement, but does not replace, private health insurance, Medicaid, Baby Net, Individualized Education Program or other resources available to the family. The family will access these sources first, before requesting SBMA funds. DSS may require documentation of prior filing and/or denial.

SBMA cannot be used for the following:

- Experimental or "alternative" treatment services, medication, nutritional supplements;
- Treatment related equipment, treatment service, or medication which is not in accordance with generally accepted standards of medical practice or FDA approved;
- Lost or broken appliances, such as eye glasses, etc.;
- Procedures solely or primarily for cosmetic purposes;
- Routine medical/dental exams and procedures;
- Expenses related to accidental injuries;
- Treatment/services related to learning which are provided by the public school system, such as speech therapy, evaluations, educational testing, etc.;
- Expenses related to home schooling;
- Tutoring, education camps, summer camps of any type, including those that are "therapeutic" in nature;
- Private school tuition;
- Ordinary school aids such as books or writing devices;
- Activities such as piano lessons, horseback riding, ballet, etc. even if said activity is "therapeutic";
- Computers, calculators, etc.;
- Repairs to the home, automobile, etc. related to the child's actions;
- Day care, baby sitters, after school care;
- Orthodontics (braces, retainers, crowns, implants, etc.);
- Travel expenses related to receiving medical care;
- Inpatient and residential psychiatric treatment services are not covered by SBMA.

The adoptive parent(s) further understand and agree that this list is not exhaustive. DSS may decline to approve requests for expenditures for items other than those listed above.

SBMA funds do not carry over from one authorization year to the next. Depending on appropriations, SBMA funds renew each year on the child's anniversary date which is the date of this agreement. The adoptive parent(s)'s request for SBMA payments must be submitted to DSS in writing. DSS will notify the adoptive parent(s) if further documentation is required. DSS will determine whether the payments are allowable and the amount allowable. DSS may disapprove the payment if sufficient funds are not available for the program or if the child's funding level for the year has been reached. Respite care may be approved or reimbursed up to \$500 of the annual SBMA amount authorized for a child. It is not an amount separate and apart from the total amount authorized for the child's authorization year. Respite is designed as a break for the adoptive parent(s) in order to enable her/him to cope with the stresses of caring for a child with special needs. Funds will not be approved or reimbursed in order to provide a vacation, summer camp, educational conference, etc., for either an adoptive child or family. Requests for approval or reimbursement of respite care for adoptees 18 years old or over must include a written explanation of why respite is needed for that particular adoptee.

#### **Procedures:**

1. If the family needs to utilize the SBMA funding for a service prior to the finalization of the adoption, the adoption specialist will assure the service request is within the guidelines listed. Should there be any question the adoption specialist would contact the Adoption Subsidy Coordinator prior to authorization of the service.
2. The adoption specialist will provide to the family the form # 30129 (LINK) for payment. The payment may be made directly to the provider of the service by use of the billing form being submitted to procurement through the Adoption Subsidy Coordinator.
3. Once the family has finalized the adoption and is not working with a local post legal worker, the adoptive family will work directly with the Adoption Subsidy Unit in authorization of any funds through the SBMA.

#### **MEDICAID – GENERAL INFORMATION**

##### **Requirement**

Any child who is eligible for and receives Title IV-E Adoption Assistance is eligible to receive Medicaid (Title XIX).

A Child eligible for State funded Title IV-B Adoption Assistance is eligible to receive State funded Medicaid benefits (Title XIX).

##### **Procedures**

1. The family's Case Manager will discuss the availability of Medicaid benefits and the eligibility requirements for this benefit with the family.
2. All children will continue to receive Medicaid through foster care until the adoption is finalized. The Adoption Specialist should provide the Medicaid Division with a copy of the form 3052 at the time of the Adoptive Placement.

3. The family must be informed that the Medicaid card will be in the birth name of the child until finalization. When the adoption is finalized, the Adoptive family will notify the Medicaid Division of the finalization and apply for a Medicaid card in the child's legal name. The Family will be asked to provide the Medicaid Division with a copy of the Adoption Decree and the amended birth certificate.

4. The Adoption Specialist is responsible for completion of the redetermination of Medicaid prior to the adoption finalization. A copy of the redetermination application will be maintained in the child's file.

If a family is moving to another state or the child is placed in another state for the purpose of adoption the adoption specialist must notify Medicaid to terminate the SC Medicaid so the family or the agency can apply for the Medicaid in the state of Residence.

The Adoption Subsidy Coordinator will assist the ICPC Administrator in making the referral for Medicaid to the Compact Administrator in the new state of residence. [LINK to ICAMA](#)

## **ADMINISTRATIVE (FAIR) HEARINGS**

### **Requirement**

An Adoption Assistance Agreement for both Federal and State funded adoption assistance must be signed and in effect at the time of or prior to the finalization of the adoption. If any adoptive family feels they were wrongly denied benefits, they may request an administrative (fair) hearing. Procedures for an administrative (fair) hearing are outlined in the SC DSS Regulations 114.100-114.190 ([Link](#))

### **Procedures**

The adoptive family may ask for a fair hearing if:

1. The Department denies a request for Adoption Assistance
2. The Department fails to notify or advise adoptive parent of the availability of adoption subsidies for a child with special needs
3. The parent believes the Department erroneously determines that a child is ineligible for adoption subsidies

Appeal Process:

1. A request for a hearing must be made in writing to the Office of Administrative Hearings (OAH) within thirty (30) days of receipt of notification of the Department's decision to deny such an application or termination of the approval.
2. The OAH shall schedule a hearing to be held no sooner than thirty (30) days and no later than ninety (90) days after the receipt of the request for the hearing.
3. The final decision of the hearing shall be issued within thirty days (30) of the date of the conclusion of the hearing through certified mail to the adoptive parent and to the respondent.

### **References**

1. State Statue Title 63 Chapter 9;
2. SC DSS Regulations 114

3. ACYF- CB-PA 01-01 Adoption Assistance

4. Social Security Act Section 403, 431(b), 471(a) (18), 471(A)(20)(A) and 473 and 474  
ACYF –CB-PA 10-11 Guidance for Foster Connections and Increasing Adoptions

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### **Referenced Documents**

### **Revision Comments**

Detailed IV-E Eligibility guidelines added